

**IN THE MATTER OF A REQUEST TO WEST BERKSHIRE DISTRICT COUNCIL AS COMMONS
REGISTRATION AUTHORITY TO MAKE A PROPOSAL UNDER THE COMMONS ACT 2006 TO
DE-REGISTER COMMON LAND KNOWN AS “THE CHILDREN’S CENTRE, LOWER WAY,
THATCHAM”**

SUBMISSIONS OF WEST BERKSHIRE DISTRICT COUNCIL

AS LANDOWNER

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IN THE MATTER OF A REQUEST TO WEST BERKSHIRE DISTRICT COUNCIL AS COMMONS REGISTRATION AUTHORITY TO MAKE A PROPOSAL UNDER THE COMMONS ACT 2006 TO DE-REGISTER COMMON LAND KNOWN AS “THE CHILDREN’S CENTRE, LOWER WAY, THATCHAM”

REQUEST TO MAKE A PROPOSAL TO DE-REGISTER COMMON LAND

1. This is a formal request to West Berkshire District Council as commons registration authority (the “CRA”) to make a proposal to de-register land which is currently registered as common land. The request is made by West Berkshire District Council (“the Council”) as the registered freehold proprietor of the land under title number BK326407 being land on the north side of Lower Way Thatcham [**Appendix 1**]. This land is otherwise known as “*The Children’s Centre, Lower Way, Thatcham.*” It is an unusual feature of the land that it developed with buildings: however no part of this request relies on or is affected by that fact and as such it is not necessary to go into further detail on that issue. Hereinafter the relevant land will simply be referred to as “the land.”
2. The land is registered as a common land under the Commons Registration Act 1965 (“CRA 1965”). That registration was provisionally made on 21st June 1968 pursuant to an application made by the Thatcham Parish Council [**Appendix 2**]. The registration, being undisputed, became final on 1 October 1970. The relevant “register unit” is “*C.L 87.*” Importantly, there are no registered rights of common over the land. The relevant parts of the commons register are reproduced at **Appendix 3**.

LEGISLATIVE FRAMEWORK

The Commons Registration Act 1965

3. The CRA 1965 was the first attempt to record the many various commons, rights of common and village greens that had customarily existed over vast swathes of England and Wales. Each commons registration authority began to keep a commons register under s.1 of the 1965 Act. Registration in any of the sections of the register pursuant to the 1965 Act was originally “*provisional*” and subject to objections which had to be made within specified periods. These periods expired on 31 July 1972. There were provisions made to hear disputes or, in the absence of a dispute, to finally register the land or rights. In the

case of a rejection of the application, the commons register would record that the registration had become “void”: see s.4 of the 1965 Act.

4. The definition of “common land” under s.22(1) of the Commons Registration Act 1965 was land a) subject to rights of common whether those rights are exercisable at all times or only during limited periods; or b) waste land of a manor not subject to rights of common. The commons register was split up into different sections, including a “land” section and a “rights” section. Applications could be made to register land as common land, but applications could also be made to register a right of common (e.g. a right to graze sheep) and it would be implicit in such an application that it was being asserted that the land (over which the claimed right had been exercised) was common land.

Commons Act 2006, Schedule 2, Paragraph 7 (land wrongly registered)

5. The Commons Act 2006, Schedule 2, paragraph 2 provides as follows:

“7 Other land wrongly registered as common land

(1) If a commons registration authority is satisfied that any land registered as common land is land to which this paragraph applies, the authority shall, subject to this paragraph, remove the land from its register of common land.

(2) This paragraph applies to land where—

(a) the land was provisionally registered as common land under section 4 of the 1965 Act;

(b) the provisional registration of the land as common land was not referred to a Commons Commissioner under section 5 of the 1965 Act;

(c) the provisional registration became final; and

(d) immediately before its provisional registration the land was not any of the following—

(i) land subject to rights of common;

(ii) waste land of a manor;

(iii) a town or village green within the meaning of the 1965 Act as originally enacted;

or

(iv) land of a description specified in section 11 of the Inclosure Act 1845 (c. 118).

(3) A commons registration authority may only remove land under subparagraph (1) acting on–

(a) the application of any person made before such date as regulations may specify; or

(b) a proposal made and published by the authority before such date as regulations may specify.”

6. By paragraph 18 of the Commons Registration (England) Regulations 2014/3038 it is provided that:

“(1) Before taking any other steps under this Part in relation to a proposal, a registration authority must prepare a statement in writing describing the proposal and explaining the justification for it.

(2) An original registration authority may not proceed with a proposal under Schedule 2 to the 2006 Act unless it has complied with paragraph (1), and paragraphs (2) to (5) of regulation 22, on or before 31st December 2020, and a 2014 registration authority may not proceed with such a proposal unless it has similarly complied on or before 15th March 2027.”

7. The guidance published by the Government on <https://www.gov.uk/guidance/commons-registrations-authorities-applications-and-proposals#make-proposals> summarises: “A proposal is an application that a commons registration authority makes to itself.”

SUBMISSIONS

8. Submissions are now made with regard to the requirements of the Commons Act 2006, Schedule 2, paragraph 2.

“the land was provisionally registered as common land under section 4 of the 1965 Act”

9. As above, this occurred on 21st June 1968.

“the provisional registration of the land as common land was not referred to a Commons Commissioner under section 5 of the 1965 Act”

10. In 1973 the Commons Commissioners convened a hearing to *determine the ownership* of part of the land. It was recorded in the decision dated March 1973 [**Appendix 4**] that Mr Rowe, the Deputy Clerk, gave the following unchallenged evidence:

“The land is now flat grass land, used for grazing. Up to 1962 it was a pit-waste land the Council filled it in and it is now let rent free to bring it up to reasonable agricultural land. It may be reason of it situation be of value for other purposes. There are houses on the west and north; the large piece of land on the waste is part of an old pitt about 6 feet below road level and owned by the Church Commissioners.”

11. It is suggested that referral to the Commons Commissioners just on the basis on determining ownership does not prevent de-registration here. Section 5 CRA 1965 (in its original form) was entitled “*Notification of, and objections to, registration.*” See **Appendix 5** for the full text. Plainly, a reading of its terms reveals that it is not concerned with referrals to the Commissioners about the ownership of common land. It is concerned only with objections to the registration of common land and rights of common.

Immediately before its provisional registration the land was not “subject to rights of common”

12. On a review of all the papers that the Council is aware of there is no evidence that the land was subject to rights of common immediately before 21st June 1968. For example, there is no registration of such rights nor any attempt to register such rights.

Immediately before its provisional registration the land was not “waste land of a manor”

13. In **AG v Hanmer (1858) 31 LTS 379** waste land was held to be that land which is “*uncultivated*” and “*unoccupied.*” In addition to this, in **Box Parish Council v Lacy [1980] Ch 109** the Court of Appeal applied, in the context of registration under the 1965 Act, a definition of “*waste of the manor*” which meant that the land must be “*still held of the manor.*” The evidence does not support the land still being held of a manor prior to provisional registration.

14. There is a reference, in the application form itself to a Thatcham Inclosure [A]ward 1852, although it is not explained. In Statutory Declaration dated July 1972 Brian Tetford **[Appendix 6]**, the clerk of Newbury Rural District Council, it is recorded that the Inclosure Award of 1852 *“vested in the Surveyors of the Highways of the Borough Tithing in the said Parish of Thatcham and their successors for ever and by virtue of Section 25 and 67 of the Local Government Act 1894 the said land became vested in Newbury Rural District Council.”* It is further set out that *“the Council have received the rents and profits from the said land until the year 1963 and since that date the Council have let the land rent free...”* The reader is told that the land comprises the site of an old quarry. No doubt that it why the land is referred to as the *“Gravel Pit”* in the application for registration and the commons register.
15. Accordingly, it is submitted by the Council with respect to the above that the land was neither uncultivated nor unoccupied prior to its provisional registration. It must be assumed that the land was let out as claimed and that would entail exclusive possession being granted and asserted.
16. Furthermore, it is further submitted that the inclusion of waste land in a tenancy of any sort (as *per* the evidence in this case) is *“sufficient to destroy waste status.”* See the case cited by Gadsden on Commons and Green (Current Edn) at [3-53] **[Appendix 7]**. This applies here as well given the evidence of letting by the Council.

Immediately before its provisional registration the land was not a “town or village green within the meaning of the 1965 Act as originally enacted”

17. The relevant s. 22(1) of that 1965 Act (in its original form) can, as a matter of convenience, be read so as to provide for three classes of green, where it defines such greens as:

“... land which been allotted by or under any Act for the exercise or recreation of the inhabitants of any locality [class a] or on which the inhabitants of any locality have a customary right to indulge in lawful sports and pastimes [class b] or on which the inhabitants of any locality have indulged in such sports and pastimes as of right for not less than 20 years. [class c]”

As to class a, the Council is not aware of any Act which allotted the development site for recreation and neither is there any other evidence that the land fell within in class b or c.

Indeed, such use of the land for recreation would be inconsistent with its past use as quarry and thereafter for grazing.

Immediately before its provisional registration the land was “not subject to be inclosed under the Inclosure Act 1845 Section 11”

18. Section 11 of the Inclosure Act 1845 (“the IA 1845”) provides, in typically verbose Victorian language, as follows:

“11. Descriptions of land subject to be inclosed under this Act.

All such lands as are herein-after mentioned, (that is to say,) all lands subject to any rights of common whatsoever, and whether such rights may be exercised or enjoyed at all times, or may be exercised or enjoyed only during limited times, seasons, or periods, or be subject to any suspension or restriction whatsoever in respect of the time of the enjoyment thereof; all gated and stinted pastures in which the property of the soil or of some part thereof is in the owners of the cattle gates or other gates or stints, or any of them; and also all gated and stinted pastures in which no part of the property of the soil is in the owners of the cattle gates or other gates or stints, or any of them; all land held, occupied, or used in common, either at all times or during any time or season, or periodically, and either for all purposes or for any limited purpose, and whether the separate parcels of the several owners of the soil shall or shall not be known by metes or bounds or otherwise distinguishable; all land in which the property or right of or to the vesture or herbage, or any part thereof, during the whole or any part of the year, or the property or right of or to the wood or underwood growing and to grow thereon, is separated from the property of the soil; and all lot meadows and other lands the occupation or enjoyment of the separate lots or parcels of which is subject to interchange among the respective owners in any known course of rotation or otherwise, shall be land subject to be inclosed under this Act.”

19. In Gadsden on Commons and Greens 2nd Ed at [1-31] [Appendix 8] the authors try and make sense of this and describe this section as follows:

“As might be expected, the categories of land correspond to those described already as existing under the common law. The first relates to common land as generally understood whilst making it clear that the Act applies to the land whether the rights

are exercisable at all times of the year or part of the year only. The second and third categories are those described now as regulated and stinted pastures. The fourth is clearly intended to bring into scope all common fields which are held, used or occupied in common for all or part of the year whether the individual ownerships are divided or not. The final category makes certain that lot meadows and any analogous land are included, although generally this type of land would fall into category four. The fifth category of land described may also overlap the fourth where the land is used in common but additionally will apply where a sole right of vesture, herbage or underwood is held by one person to the exclusion of the owner of the soil. Vesture is a right to take all the herbage on land including the underwood and herbage is the right to cut grass as well as graze it. A sole owner of vesture of herbage will be unusual today. A right to wood and underwood is a similar right related only to trees large and small and is thought to now obsolete.”

In Commons and Greens, the Modern Law (2nd Edition) Angela Sydenham defines a “stinted pasture” as “*The land over which sole profits of pasture are exercised, the owner of the soil having no residual grazing rights.*” **[Appendix 9]**

20. It is submitted that the Thatcham Inclosure Award 1852 **[Appendix 10]** does not fall within the definition of s.11 Inclosure Act 1845. It did not purport to grant any rights of common, stinted pastures or other rights identified by the extract recited above from Gadsden. Again, the simple letting out of the land by the Council for grazing and its prior use as a quarry tends to be destructive of any notion that the land ever fell within the required categories. As such, the exercise of concluding that s.11 of the Inclosure Act 1845 does not apply is an easy one.

CONCLUSION

21. For all of the reasons above the Council suggest that it is appropriate for the CRA to make a proposal to de-register the land as common land. It is plainly in the public interest for such a clear error to be corrected and all the more pressing since, as above, the land is covered by buildings.

22. The Council ask that the CRA exercise its power to make a proposal within 30 days of receipt of this request. The written statement of reasons for making a proposal as

required by paragraph 18 of the Commons Registration (England) Regulations 2014/3038 can, it is suggested, be this document

23. Officers of the Council are prepared to assist officers of the CRA with any query they may have although it is noted that there is a need for transparency of decision-making. This request document does identify the steps that must be taken under the Commons Registration (England) Regulations 2014/3038 once a proposal is made but if any assistance is required with this then the Council is happy to assist.

Paul Wilmshurst

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Lincoln's Inn

London

WC2A 3SW

19th June 2020

**IN THE MATTER OF A REQUEST TO WEST BERKSHIRE DISTRICT COUNCIL AS COMMONS
REGISTRATION AUTHORITY TO MAKE A PROPOSAL UNDER THE COMMONS ACT 2006 TO DE-
REGISTER COMMON LAND KNOWN AS “THE CHILDREN’S CENTRE, LOWER WAY, THATCHAM”**

REQUEST TO MAKE A PROPOSAL TO DE-REGISTER COMMON LAND

APPENDIX 1

Official Copy Title Plan - BK326407

Official Copy Register – BK326407

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number BK326407

Edition date 12.08.2009

This official copy shows the entries on the register of title on 08 JAN 2019 at 11:56:55.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 08 Jan 2019.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Gloucester Office.

A: Property Register

This register describes the land and estate comprised in the title.

WEST BERKSHIRE

- 1 (06.01.1995) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land on the north side of Lower Way, Thatcham.
- 2 (06.01.1995) The land tinted pink on the title plan has the benefit of the rights granted by a Deed dated 11 July 1994 made between (1) Trencherwood Homes (South Eastern) Limited (2) Newbury District Council and (3) Midland Bank PLC.

-NOTE: Original filed.

- 3 (06.01.1995) The land tinted yellow on the title plan has the benefit of the following rights granted by but is subject to the following rights reserved by the Transfer dated 23 December 1994 referred to in the Charges Register:-

"THE Property is transferred together with the rights set out in the First Schedule

THERE are excepted and reserved out of the Property for the benefit of the Retained Land the rights set out in the Second Schedule

THE FIRST SCHEDULE

The Appurtenant Rights

Full right and liberty for the Purchaser its servants and workmen and others authorised by them to pass and repass at all times and for all purposes with or without vehicles and equipment over and along the land coloured brown on the attached plan being the adoptable roads and ways on the Vendor's Retained Land until such time as the same shall be taken over and become maintainable at the public expense and until such time to contribute to the maintenance thereof according to user

THE SECOND SCHEDULE

The Reserved Rights

The right for the Vendor in fee simple as appurtenant to the ownership

A: Property Register continued

or occupation of the Retained Land at all times and for all purposes to use the pipes sewers cables and other service media now in under above or on the Property or any part of it together with the right to enter on the Property for the purpose of inspecting maintaining repairing and replacing all such pipes sewers cables and other service media."

NOTE 1: The Retained Land referred to adjoins the eastern boundary of the land in this title

NOTE 2: The land coloured brown referred to is reproduced on the title plan.

- 4 (07.03.2008) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (06.01.1995) PROPRIETOR: WEST BERKSHIRE DISTRICT COUNCIL of Council Offices, Market Street, Newbury, Berks RG14 5LD and of DX30825, Newbury.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (06.01.1995) Wayleave Consent dated 21 October 1975 made by Newbury District Council relates to the erection, maintenance, repair, renewal, inspection and removal of electric lines and works.

-NOTE: Copy filed.

- 2 (06.01.1995) Wayleave Consent undated under the hand of Michael John Harris relates to the erection, maintenance, repair, renewal, inspection and removal of electric lines and works.

-NOTE: Copy filed.

- 3 (06.01.1995) The land tinted pink on the title plan is subject to the rights granted by a Deed dated 31 May 1994 made between (1) Newbury District Council and (2) Trencherwood Homes (South Eastern) Limited.

The said Deed also contains restrictive covenants by the grantor.

-NOTE: Original filed.

- 4 A Transfer of the land tinted yellow on the title plan and other land dated 3 December 1993 made between (1) The Oxford Diocesan Board of Finance (Transferor) and (2) Trencherwood Homes (South Eastern) Limited (Transferee) contains the following covenants:-

"The Transferee to the intent and so as to bind the Property (so far as practicable) into whosoever hands the same may come and for the benefit and protection of the adjoining land neighbouring lands now belonging to the Transferor and each and every part thereof shown edged green on the annexed plan ("the Retained Land") hereby for itself and its successors in title covenants with the Transferor to observe and perform the stipulations set out in the Third Schedule hereto

THIRD SCHEDULE

Restrictive Covenants

1. That neither the Property nor any part thereof nor any existing or future building thereon or on any part thereof shall at any time hereafter be used as or for a place of amusement hotel tavern inn or

C: Charges Register continued

public house nor shall any spirituous or fermented liquors at any time be sold in or upon the Property or any part thereof and that no act deed matter or thing shall at any time be done suffered or permitted in or upon the Property or any part thereof which may be or become a nuisance annoyance or disturbance to the Transferor or its tenants or to the Incumbent for the time being of the benefice of Thatcham or his successors or which may tend to depreciate or lessen the value of the adjoining and neighbouring property belonging to the Transferor

2. Not to use the Property nor any part thereof except as a residential estate together with any other use incidental thereto

3. That no act deed matter or thing shall at any time be done suffered or permitted in or upon the Property or any part thereof which may be or become a nuisance annoyance or disturbance to the Minister for the time being conducting or the congregation attending divine service in the Parish Church of St. Mary Thatcham or the churchyard surrounding the same."

NOTE: The Retained Land referred to lies to the east of the land in this title.

5 The land tinted yellow on the title plan is subject to the following rights reserved by the Transfer dated 3 December 1993 referred to above:-

"EXCEPT AND RESERVING to the Transferor for the benefit of the Retained Land (as hereinafter defined) the rights set out in the Second Schedule hereto

SECOND SCHEDULE

Exceptions and Reservations

1. The right for the Transferor and all persons authorised by the Transferor (in common with all other persons having a similar right):-

1.1 at all times and for all reasonable purposes in connection with the use of the Retained Land until adoption to pass with or without vehicles along all roads verges and footpaths now or hereafter constructed with the Property which are intended to become highways maintainable at public expense ("the Estate Roads) and similar rights over any part of the Property lying between the Estate Roads and the Retained Land in any reasonable position or positions

1.2 to connect up to and to use all main foul and surface water sewers now or hereafter constructed within the Property which are intended to become sewers maintainable at the public expense ("the Estate Sewers") for the passage of water and sewage PROVIDED THAT any such connection shall be

1.2.1 in such position as the Transferee may reasonably determine and

1.2.2 made causing the minimum of damage any such damage to be put right forthwith

1.3 to use all drains channels sewers (excluding the Estate Sewers) pipes wires cables watercourses gutters and other conducting media whatsoever (and any structures incidental to the user thereof) now or hereafter constructed ("the Service Installations") comprised in the Property for the passage of water sewage gas electricity and other services

1.4 to enter upon the Property (other than the site of any electricity sub-station or similar installation) at all reasonable times (and at any time in an emergency) so far as may be necessary for the purposes of inspecting maintaining repairing and renewing the Estate Roads the Estate Sewers and the Service Installations comprised in the Property and similar rights so far as the same may be required by any Statutory Authorities or Service Supply Companies in connection with the supply of services usually provided or maintained by them PROVIDED that in exercising such right of entry the Transferor shall cause the minimum of damage and forthwith shall put right such damage as may be caused

C: Charges Register continued

2. Any rights of light or air which would prejudicially affect the use by the Transferor of the Retained Land for building or any other purpose are hereby expressly excepted from the effect of the Transfer and it is hereby declared that the Transferee shall not become entitled to any such rights for the benefit of the Property."

6 (06.01.1995) A Transfer of the land tinted yellow on the title plan dated 23 December 1994 made between (1) Trencherwood Homes (South Eastern) Limited (Vendor) and (2) Newbury District Council (Purchaser) contains the following covenants:-

"THE Purchaser so as to bind the whole and every part of the Property covenants with the Vendor for the benefit of the whole and every part of the Retained Land as set out in the Third Schedule

THE THIRD SCHEDULE

The Restrictive Covenant

- (1) Not to use the Property or any part thereof except as an open space
- (2) Not to erect any buildings or other constructions on the Property."

NOTE: The Retained Land referred to adjoins the eastern boundary of the land in this title.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 08 January 2019 shows the state of this title plan on 08 January 2019 at 11:56:55. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by the HM Land Registry, Gloucester Office .

HM Land Registry

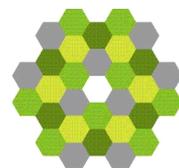
Official copy of title plan

Title number **BK326407**

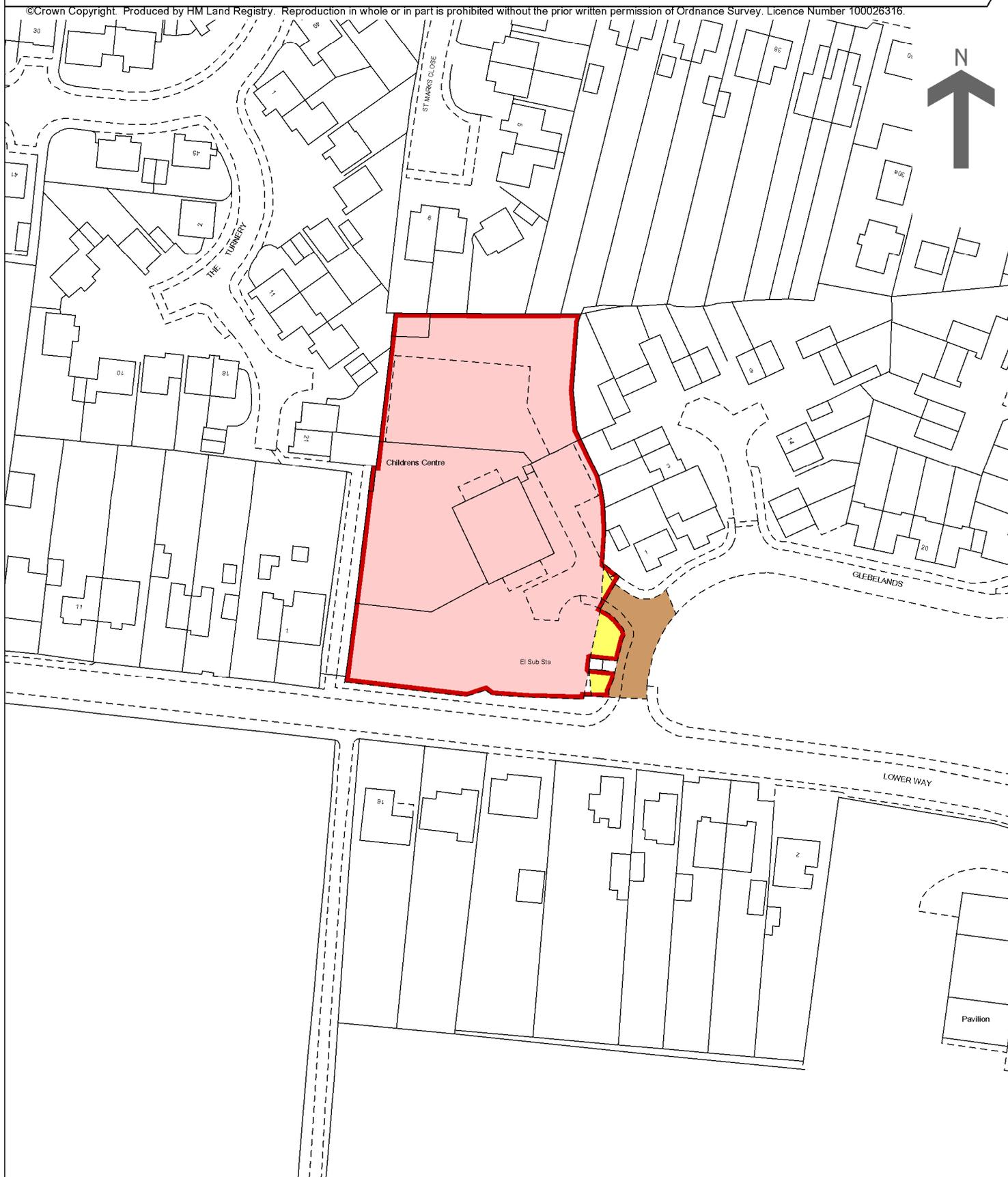
Ordnance Survey map reference **SU5167SW**

Scale **1:1250**

Administrative area **West Berkshire**



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REQUEST TO MAKE A PROPOSAL TO DE-REGISTER COMMON LAND

APPENDIX 2

Commons Registration Act 1965 Application – 21.6.68

Register of COMMON LAND

LAND SECTION—Sheet No. 1

See Overleaf
for Notes

No. and date of entry	Description of the land, reference to the register map, registration particulars etc.
1. 21st June 1968.	<p>The land called gravel pit, lower way, Thatcham, Berks, as marked with a green verge line inside the boundary on sheet 12 of the register map and distinguished by the number of this register unit. Registered pursuant to application No. 328 made 1st March 1968 by Thatcham Parish Council.</p> <p><i>(Registration Provisional)</i></p>
2 2ND. OCT. 1970.	<p>(See entry No. 2 below)</p> <p>The registration at entry No. 1 above, being undisputed, became final on 1st October 1970.</p>

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REQUEST TO MAKE A PROPOSAL TO DE-REGISTER COMMON LAND

APPENDIX 3

Registration of common land – Form 3 – Rights

Registration of common land – Form 4 – Ownership

CL87 Notes

The land called Gravel Pit, Lower Way, Thatcham in the parish of Thatcham, Berks as marked on sheet 56NW (application No 328 by Thatcham Parish Council).

Undisputed - became final on 1st October, 1970.

No notes on land section.

Land not subject to any rights of common.

Part of the land registered under the Land Registration Acts 1925 and 1971 under BK 110945.

The remainder subject to ownership registration by Newbury Rural District Council following direction (No 33) dated 5th June 1973 by the Commons Commissioner. (decision letter dated 29/3/73) (hearing held 21/3/73) (ref 2/U/79)

Land comprises of 1.121 acres.

*Children Centre
HQ on the corner
land - leased
from Newbury
DE
They wish to build new
residence and
my advice will
not be for sale
approved.
4/15/76*

CL 87

The land called Gravel Pit, Lower Way Thatcham in the parish of Thatcham, Berkshire as marked on sheet 56NW (application No. 328 by Thatcham Parish Council).

No notes on land section

Land not subject to any rights o common.

Part of the land registered under the Land Registration Acts 1925 and 1971 under BK. 110945. The remainder subject to ownership registration by Newbury Rural District Council following the Direction (no33) dated 5th June 1973 by the Commons Commissioner. (decision letter dated 29/3/73) (hearing held 21/3/73) (ref. 2/U/79)

Land comprises of 1.121 acres

Children's Centre building on the corner land- leased from Newbury District Council. They wish to build a new premises and my advice will be to ask for DOE approval.

NOTE: This section contains the registration of every right of common registered under the Act as exercisable over the whole or any part of the land described in the land section of this register unit.

Registration authority
Berkshire County Council

Register unit No. C.R. 87.

Edition No.

Register of COMMON LAND

RIGHTS SECTION—Sheet No.

See Overleaf
for Notes

1 No. and date of entry	2 No. and date of application	3 Name and address of every applicant for registration, and the capacity in which he applied	4 Particulars of the right of common, and of the land over which it is exercisable	5 Particulars of the land (if any) to which the right is attached
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Register of COMMON LAND

OWNERSHIP SECTION—Sheet No.

NOTE: This section contains the registration of every person registered under the Act as owner of any of the land described in the land section of this register unit. It does not contain any registration in respect of land of which the freehold is registered under the Land Registration Acts 1925 and 1936, but the absence from this section of a registration in respect of any land described in the land section does not necessarily indicate that the freehold of that land is registered under those Acts.

Registration authority
Debate County Council

Register unit No. C.I. 87

Edition No.

See Overleaf for Notes

1 No. and date of entry	2 No. and date of application	3 Name and Address of person registered as owner	4 Particulars of the land to which the registration applies
1 20th June. 1973		Newbury Rural District Council	Part of the land known as the Grass Pit, Lower Way, Thatcham, Newbury Rural District being the land comprised in the Land Section of this Register Unit which said part is the part of the said land not registered under the Land Registration Acts 1925 to 1971 freehold under title No BK 110945 and of which said part no person is registered under Section 4 of the Commons Registration Act 1965 as the owner.
<p>REGISTERED PURSUANT TO DIRECTION (NO. 33) DATED 5TH JUNE 1973, OF THE COMMONS COMMISSIONERS (ACTS 2(1)(79) UNDER THE PROVISIONS OF SECTION 8(2) OF THE COMMONS REGISTRATION ACT, 1965.</p>			

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REGISTRATION AUTHORITY TO MAKE A PROPOSAL UNDER THE COMMONS ACT 2006 TO DE-
REGISTER COMMON LAND KNOWN AS “THE CHILDREN’S CENTRE, LOWER WAY, THATCHAM”**

REQUEST TO MAKE A PROPOSAL TO DE-REGISTER COMMON LAND

APPENDIX 4

Letter from Commons Commissioners – 13.4.1973

Letter 5.4.1991



The Office of the Commons Commissioners
Watergate House, 15 York Buildings
Adelphi, London
WC2N 6LB

Telephone 01-839 7196 ext

The Clerk,
Berkshire County Council
Shirehall,
Reading, RG1 3EY

Date

13 April 1973

Dear Sir

Commons Registration Act 1965

Reference No. 2/U/79

The Gravel Pit, Thatcham

Register Unit No. C.L.87

I enclose a copy of the decision of the Commons Commissioner in this matter.

Any application to the Commissioner for the statement of a case must be made in writing addressed to me at this office, and must state the point of law in question.

Since you may not, in law, be a 'person aggrieved', you are recommended to take legal advice if you contemplate requiring the Commissioner to state a case.

If you were entitled to be heard at the hearing of this matter, but did not attend the hearing, the Commissioner may, on an application made by you within 10 days from the date of this letter, re-open the hearing and set aside his decision on such terms as he thinks fit, if he is satisfied that you had sufficient reason for your absence.

Yours faithfully,

B. Fletcher

Clerk of the Commons Commissioners.



COMMONS REGISTRATION ACT 1965

Reference No 2/U/79

In the Matter of the Gravel Pit,
Thatcham, Newbury R.D., Berkshire

DECISION

This reference relates to the question of the ownership of part of land known as the Gravel Pit, Lower Way, Thatcham, Newbury Rural District being the land comprised in the Land Section of Register Unit No CL.87 in the Register of Common Land maintained by the Berkshire County Council. The said part is the land which forms part of that comprised in this Register Unit, which is not registered under the Land Registration Acts 1925 to 1971 freehold under Title No BK 110945 and of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Newbury Rural District Council in a letter dated 2 January 1973 claimed to be the freehold owner of the land in question and no other person claimed to be the owner or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Reading on 21 March 1973. The hearing was attended by Newbury Rural District Council who were represented by Mr J A Rowe their Deputy Clerk.

Mr Rowe produced a statutory declaration made 7 July 1972 by Mr B J Thetford clerk of the Council, who had then held that position for 4 years. He said that by the Thatcham Inclosure Award dated 6 November 1852 the land was vested in the Surveyor of the Highways of the Borough Tithing in the Parish of Thatcham and their successors, that by virtue of sections 25 and 67 of the Local Government Act 1894 it became vested in the Council, that the records of the Council's lands show that the Council have received the rents and profits up to 1963 and since then it had been let rent free and that the Council had been in full and undisturbed possession and enjoyment without any adverse claim during the period he had been clerk and previously thereto according to the said records.

Mr Rowe in his oral evidence said:- He had been Deputy Clerk for the last 4 years. The land is now flat grass land, used for grazing. Up to 1962 it was a pit - waste land the Council filled it in and it is now let rent free to bring it back to reasonable agricultural land. It may by reason of its situation be of value for other purposes. There are houses on the west and north; the large piece of land on the east is part of an old pit about 6 feet below road level and owned by the Church Commissioners. The part registered under the Land Registration Acts is very small when compared with the rest.

On the evidence outlined above, I conclude that the Council is in possession of this land and that it is practically certain that their possession will never be disturbed. Possession in such circumstances being equivalent to ownership, I am therefore satisfied (notwithstanding that the Award was not produced or relied on) that the Council is the owner of the land, and I shall accordingly direct the Berkshire County Council, as registration authority under section 8(2) of the Act of 1965, to register Newbury Rural District Council as the owner of the part of the land comprised in this Register Unit and not registered under the Land Registration Acts.



I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this

29th

day of

March

1973

a. a. Boden Fuller

Commons Commissioner

ENV PTM

Mr P Moate
Direct Dial 233122

5 April, 1991

Dear Sir

COMMON LAND, LOWER WAY, THATCHAM

I thank you for your letter of 7 March and apologise for the delay in replying. I enclose an application form for a search of the Register of Common Land. Please return it to me duly completed together with the necessary plans and fee so that a search can be made as requested.

As well as the usual need to obtain planning permission for development it is also necessary in certain circumstances to seek the consent of the Secretary of State under Section 194 of the Law of Property Act 1925 before buildings can be erected on common land. The rights that existed in 1926 are relevant in determining whether Section 194 applies to a particular common.

At a hearing before the Commons Commissioner to establish ownership of CL87, held on 29 March 1973 a Statutory Declaration by Mr B J Thetford, Clerk to the then Newbury Rural District Council, was produced. Mr Thetford declared that by the Thatcham Inclosure Award dated 6 November 1852 the land was vested in the Surveyor of the Highways of the Borough Tithing in the Parish of Thatcham and their successors, that by virtue of Sections 25 and 67 of the Local Government Act 1894 it became vested in the Council, that the records of the Council's lands showed that the Council had received the rents and profits up to 1963 and since then it had been let rent free and the Council had been in full and undisturbed possession and enjoyment without any adverse claim during the period he had been Clerk (4 years) and previously thereto according to the said records.

Mr Rowe, who was Deputy Clerk of Newbury Rural District Council, was present and said the land was now flat grass land, used for grazing. Up to 1962 it was a pit-waste land; the Council filled it in and it was let rent free to bring it back to reasonable agricultural land. It may by reason of its situation be of value for other purposes. There were houses

/cont'd

**IN THE MATTER OF A REQUEST TO WEST BERKSHIRE DISTRICT COUNCIL AS COMMONS
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APPENDIX 5

Commons Registration Act 1965 (Section 5 Notification of, and objections to, registration)

Commons Registration Act 1965 c. 64

s. 5 Notification of, and objections to, registration.



Version 1 of 3

2 January 1967 - 30 September 2008

Subjects

Real property

Keywords

Commons; Land registration; Notification; Objections

5.— Notification of, and objections to, registration.

- (1) A registration authority shall give such notices and take such other steps as may be prescribed for informing the public of any registration made by it under [section 4](#) of this Act, of the times and places where copies of the relevant entries in the register may be inspected and of the period during which and the manner in which objection to the registration may be made to the authority.
- (2) The period during which objections to any registration under [section 4](#) of this Act may be made shall be such period, ending not less than two years after the date of the registration, as may be prescribed.
- (3) Where any land or rights over land are registered under [section 4](#) of this Act but no person is so registered as the owner of the land the registration authority may, if it thinks fit, make an objection to the registration notwithstanding that it has no interest in the land.
- (4) Where an objection to a registration under [section 4](#) of this Act is made, the registration authority shall note the objection on the register and shall give such notice as may be prescribed to the person (if any) on whose application the registration was made and to any person whose application is noted under [section 4\(4\)](#) of this Act.
- (5) Where a person to whom notice has been given under subsection (4) of this section so requests or where the registration was made otherwise than on the application of any person, the registration authority may, if it thinks fit, cancel or modify a registration to which objection is made under this section.
- (6) Where such an objection is made, then, unless the objection is withdrawn or the registration cancelled before the end of such period as may be prescribed, the registration authority shall refer the matter to a Commons Commissioner.
- (7) An objection to the registration of any land as common land or as a town or village green shall be treated for the purposes of this Act as being also an objection to any registration (whenever made) under [section 4](#) of this Act of any rights over the land.
- (8) A registration authority shall take such steps as may be prescribed for informing the public of any objection which they have noted on the register under this section and of the times and places where copies of the relevant entries in the register may be inspected.
- (9) Where regulations under this Act require copies of any entries in a register to be sent by the registration authority to another local authority they may require that other authority to make the copies available for inspection in such manner as may be prescribed.

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APPENDIX 6

Statutory Declaration of Brian Thetford – July 1972

I, BRIAN JOHN THETFORD Clerk of Newbury Rural District Council
HEREBY SOLEMNLY AND SINCERELY DECLARE as follows:-

1. I am the Clerk of Newbury Rural District Council and have held that position for over four years.-

2. I have in my possession the records of the land in the Parish of Thatcham in the County of Berks belonging to the Newbury Rural District Council.-

3. By the Thatcham Inclosure Award dated the 6th day of November 1852 the land described in the Schedule hereto was vested in the Surveyors of the Highways of the Borough Tithing in the said Parish of Thatcham and their successors for ever and by virtue of Sections 25 and 67 of the Local Government Act 1894 the said land became vested in Newbury Rural District Council.-

4. The said records of the Council's lands in the Parish of Thatcham show that the Council have received the rents and profits from the said land up until the year 1963 and since that date the Council have let the said land rent free. The said Council have been in full and undisturbed possession and enjoyment of the said land since it became vested in them and in receipt of the rents and profits thereof without any adverse claim during the whole of the time that I have been Clerk to the Council as aforesaid and during the period previously thereto according to the said records.-

5. I am able to make this Declaration from the knowledge which I have acquired of the properties and land of the Newbury Rural District Council during the period for which I have held the appointment as Clerk

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.-

SCHEDULE

1.121 acres of land situate in the Parish of Thatcham in the County of Berks and having a frontage to Lower Way Thatcham aforesaid as the same is shown for the purpose of identification

edged red on the attached plan which said land comprises the
site of an old quarry.--

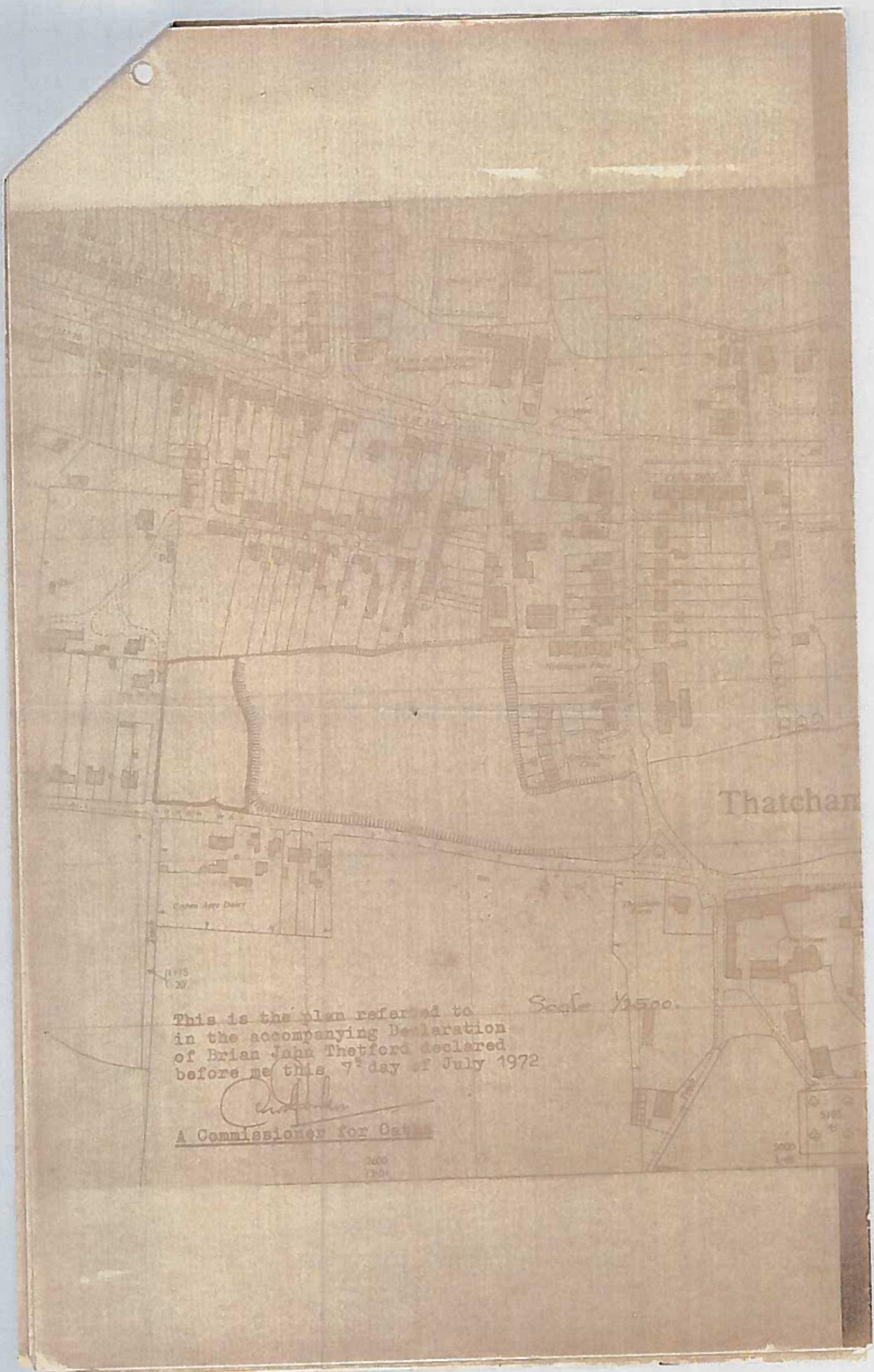
DECLARED at NEWBURY in the
County of BERKS this 7th
day of July 1972.--

[Handwritten signature]

Before me,

[Handwritten signature]

A Commissioner for Oaths.



This is the plan referred to
in the accompanying Declaration
of Brian John Thetford declared
before me this 7th day of July 1972

Scale 1/500.

[Signature]
A Commissioner for Oaths

300
1301

300
1301

**IN THE MATTER OF A REQUEST TO WEST BERKSHIRE DISTRICT COUNCIL AS COMMONS
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APPENDIX 7

Gadsden on Commons and Greens (Current Edn) pages 3 -53

**GADSDEN
ON
COMMONS AND GREENS**

definition. The Commissioner went on to consider whether the land was also occupied and took the view, however, that:

“... to the extent to which the rents paid under the agreements are greater than the rents which could have been obtained for the farms without any right to graze on Arden Moor, the owner is in receipt of money from the Moor and is thereby enjoying benefit from it. The owner is using the land by taking in the sheep of other people to graze on it, it being immaterial that the owners of the sheep are also tenants of other land belonging to the same owner. In my view such a use of land is sufficient to make it occupied and thus to take it out of the category of ‘waste lands’.”

Tenanted and leased land

The Commissioners have consistently held that where land is let or leased the land cannot be waste land of a manor. Thus, land let since 1897, although remaining unenclosed, must have been converted to demesne land. In such circumstances it could not be construed as being waste land.³⁰⁷ Further, land leased for a term of years is demesne,³⁰⁸ and the inclusion of land in a tenancy agreement without actual occupation is sufficient to destroy waste status.³⁰⁹ In contradistinction, the existence of a sporting tenancy over a waste is not only consistent with its character as parcel of the manor but also may be supportive of such status.³¹⁰

3-53

Rights attached to leases, tenancies and licences were excluded from registration under the CRA 1965. Thus the tenant's interest in a lease was not capable of being registered, but the landlord's interest was probably capable of being registered. Similarly rights of sole pasture if let or licensed are not capable of being registered by the tenant or licensee. A similar position applies under the 2006 Act. However, it must be noted that severance has been restricted since the enactment of section 9, but severance is permitted in specifically defined cases such as an authorised—temporary severance by letting or leasing of a right of common by virtue of Schedule 1, paragraph 2, to the 2006 Act.³¹¹

Protected land

There is no compelling reason why land which is regulated under the Metropolitan Commons Acts 1866 to 1878, the Commons Act 1876 or a local Act should

3-54

³⁰⁷ *Re Hardown Hill, Whitechurch, Canonorum and Chideock, Dorset (No.1)*, *Re* (1974) 10/D/45-55.

³⁰⁸ *Re land to the north of Pipers Green, Brockley Hill, Stanmore, Greater London* (1974) 59/D/7.

³⁰⁹ *Re Waste Land, Carperby, N Yorks.* (1977) 268/D/96; contra *Re Twm Barlwm Common, Risca and Rogerstone* (1986) 273/D/106-7, per Chief Commissioner Langdon Davies: letting of land is a relevant but not conclusive consideration; a tenancy gives a right to occupy; “occupation” a question of fact (sed quaere whether receipt of rent by the lord is not an indication that the land is of demesne status).

³¹⁰ *Re Burton Heath; Bellord v Colyer* (unreported 12 May 1983) per Nourse J.

³¹¹ See 3-118 below.

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APPENDIX 8

Gadsden on Commons and Greens (2nd Ed) pages 1-31

“commons” are defined in previous statutes, although usually by reference to lands described for the purposes of inclosure in another Act. In modern statutes there seems to have been a tendency to rely on the definition contained in the CRA 1965. That definition, however, had its own obscurities. This part of the chapter considers in outline first the various definitions which are currently available. The Acts of Parliament are then noted where there is no definition as such but which throw light on the classes of land concerned either by a physical description or by reference to the rights exercisable over the land.

Earlier commons legislation

In the earlier statutes definitions of common land were unknown and the land affected is described by its physical nature or the use to which it is put. In the Commons Act 1285 (now repealed), which was concerned with the lord's right to remove land from common land status by the process known as improvement,¹³² reference was made only to wastes, woods and pastures. The Inclosure Act 1773 (still in force) is concerned with “the better cultivation, improvement and regulation of the Common Arable Fields, Wastes and Commons of Pasture”. In the absence of definitions, however, it is left to the description of rights to qualify the various provisions. 1-30

19th century commons legislation

The description of “land subject to be inclosed” described in section 11 of the Inclosure Act 1845, i.e. the land eligible for inclusion in an inclosure award, most nearly approximates to the land described in the present work as the “common lands”.¹³³ The categories are: 1-31

“... all lands subject to any rights of common whatsoever, and whether such rights may be exercised or enjoyed at all times, or may be exercised or enjoyed only during limited times, seasons, or periods, or be subject to any suspension or restriction whatsoever in respect of the time of enjoyment thereof; ...

all gated and stinted pastures in which the property of the soil or some part thereof is in the owners of the cattle gates or other gates or stints, or any of them; ...

and also all gated and stinted pastures in which no part of the property of the soil is in the owners of the cattle gates or other gates or stints, or any of them; ...

all land held, occupied, or used in common, either at all times or during any time or season, or periodically, and either for all purposes or for any limited purpose, and whether the separate parcels of the several owners of

¹³² Repealed by the 2006 Act s.50, Sch.6, Pt 3, and see below 5-40.

¹³³ NB the exception of waste land of a manor not subject to rights of common. This is wholly exceptional, being a form of unincumbered freehold land which was included as a statutory form of common land: see the CRA 1965 s.22(1), now repealed by the 2006 Act s.49, Sch.6, Pt 1.

the soil shall or shall not be known by metes or bounds or otherwise distinguishable; . . .

all land in which the property or right of or to the vesture or herbage, or any part thereof, during the whole or any part of the year, or the property or right of or to the wood or underwood growing and to grow thereon, is separated from the property of the soil; . . .

and all lot meadows and other lands the occupation or enjoyment of the separate lots or parcels of which is subject to interchange among the respective owners in any known course of rotation or otherwise, shall be land subject to be inclosed under this Act".

As might be expected, the categories of land correspond to those described already as existing under the common law. The first relates to common land as generally understood whilst making it clear that the Act applies to the land whether the rights are exercisable at all times of the year or part of the year only. The second and third categories are those described now as regulated and stinted pastures. The fourth is clearly intended to bring into scope all common fields which are held, used or occupied in common for all or part of the year whether the individual ownerships are divided or not. The final category makes certain that lot meadows and any analogous lands are included, although generally this type of land would also fall into category four. The fifth category of land described may also overlap the fourth where the land is used in common but additionally will apply where a sole right of vesture, herbage or underwood is held by one person to the exclusion of the owner of the soil. Vesture¹³⁴ is a right to take all the herbage on land including the underwood and herbage¹³⁵ is the right to cut grass as well as graze it. A sole owner of vesture or herbage will be unusual today. A right to wood and underwood is a similar right related only to trees large and small and is thought to be now obsolete.

In later 19th century statutes these definitions tended to be by reference to land subject to be inclosed under the Inclosure Acts. This seems to indicate that all the categories of land included were seen at that time as at least being part of the common lands. The CRA 1965 definition was an exception.¹³⁶

1-32 Metropolitan Commons Acts 1866 to 1898: Section 3 of the Metropolitan Commons Act 1866 defined a "common" to mean any land subject to rights of common. This was clearly found to be inadequate and by section 2 of the Metropolitan Commons Amendment Act 1869 the words "and any land subject to be included under the provisions of the Inclosure Act 1845" were added. The word "included" almost certainly must be a mistake in substitution for "inclosed" if for no other reason than that *any* land could be included in an inclosure award whether subject to be inclosed or not.¹³⁷

¹³⁴ cf. 2-51.

¹³⁵ cf. 2-53.

¹³⁶ CRA 1965 s.22(1), now repealed by the 2006 Act s.49, Sch.6, Pt 1, and see 3-40 and 3-46.

¹³⁷ Inclosure Act 1845 s.86; Inclosure Act 1848 s.1.

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APPENDIX 9

Commons and Greens, the Modern Law (2nd Ed) - Definitions

Commons and Greens

The Modern Law

Second Edition

Angela Sydenham

 lime legal

Chapter 3

RIGHTS OF COMMON

3.1 Definitions

3.1.1 Definition of Right of Common

A right of common is a form of profit à prendre. This has been defined as “the right to take something off another person’s land”.¹ The right must be capable of ownership. It must be part of the land, or minerals or crops or wild animals on the land. The common law definition of a right of common is such a right where the surplus belongs to the owner of the soil. The interest must be held for an equivalent of a fee simple in possession.² The Commons Act 2006 gives the following definition:

“right of common includes a cattlegate or beastgate (by whatever name known) and a right of sole or several vesture or herbage or of sole or several pasture, but does not include a right held for a term of years or from year to year”.³

Rights of common were defined in similar terms in the Commons Registration Act 1965.⁴

The definition is wider than the common law definition, as it includes rights where there is no residuary interest in the owner of the soil. Beastgate and cattlegate are terms used in different parts of the country to describe the right to graze a fixed number of animals on the common. It may be that the owners of the rights have the exclusive right to graze the land, the owner of the soil having no residual rights, or the owners of the rights may be grazing the land because they are also owners of the soil.

The right of sole vesture extends to the enjoyment of the corn, grass, underwood and sweepage (ie all that came under the sweep of the scythe). Pasturage is the right to take grass by the mouths of cattle. Herbage probably includes the right to cut the grass. Sole and several means that the owner of the soil has no interest in the right. The right may be held by one or more persons. It should be noted that sole rights which are not rights of vesture, herbage or pasture, although they are profits à prendre, are not rights of common and are not registrable under the

¹ *Alfred F. Beckett Ltd v Lyons* [1967] Ch 449 at 482.

² Before 1926, a right of common could exist as a customary right annexed to a copyhold estate. Copyholders could not acquire rights by prescription as they could not hold a freehold estate.

³ Section 61(1).

⁴ Section 22(1).

Commons Act 2006. Nor were they registrable under the Commons Registration Act 1965.

3.1.2 Appendant or Appurtenant

A right of common appendant was a common law incident which attached to the grant of arable land before the Statute of Quia Emptores 1290.⁵ It gave certain freehold tenants the right to use the manorial waste for horses and oxen which were needed to plough, and cows and sheep to manure, the arable land. The right could not be severed from the land to which it was appendant. A right appurtenant is annexed to land, but an appurtenant right of pasture could, before 28 June 2005, be severed from the land, provided the right of common was for a fixed number of animals. The grazing right, unlike a right appendant, is not just for cattle, sheep, horses and oxen. It has been held to exist in respect of donkeys, swine, goats and sheep. An appurtenant right may be annexed to any type of land including buildings, and the subject matter is not limited to grazing. There may, for instance, be a right to take peat for the benefit of a particular house. The other main difference between rights appendant and appurtenant was that, where the owner of an appendant right bought part of the common over which the right was exercised, he lost a proportionate part of the right because of the unity of ownership. On the other hand, where the owner of an appurtenant right bought part of the common, the whole of his right was extinguished.⁶

These distinctions are no longer relevant. The Commons Act 2006 provides that no registered common rights may be severed except in very limited circumstances.⁷ In addition, variation, apportionment and extinguishment can only take place in accordance with the Act.⁸

3.1.3 In Gross

There are rights of common which are not annexed to land. Sole rights are generally held in gross.⁹ In *Anderson v Bostock*,¹⁰ it was held that an exclusive

⁵ This statute abolished sub-infeudation, ie the lord of the manor could no longer carve out new freehold estates from his own interest. He could transfer only his own freehold estate, or part of it, to another, or grant lesser interests.

⁶ *Tyrringham's Case* (1854) 76 ER 973.

⁷ Commons Act 2006, s 9.

⁸ Once the sections are in force in the particular area. At the time of writing, these sections are in force only in the registration areas in England of the registration authorities specified in Commons Registration (England) Regulations 2014, SI 2014/3038, Sch 1 – that is, the original pioneer areas and Cumbria and North Yorkshire.

⁹ Some inclosure awards may have allotted sole rights as appurtenant to land. See *Gadsden on Commons and Greens* (Sweet and Maxwell), para 2.09.

¹⁰ [1976] Ch 312.

right of grazing could not be an appurtenant right. Appurtenant rights have to be related to the needs or use of the dominant tenement.

Since 28 June 2005, it has not been possible, except in limited specified circumstances, to convert appurtenant rights into rights in gross. However, all existing registered rights in gross will continue.

3.1.4 *Pur Cause de Vicinage*

This is a right which allows the commoners of one common to let their cattle¹¹ stray onto a contiguous common. It is ancillary to a right of common appendant, appurtenant or in gross, and it can exist only in connection with a common of pasturage. The right must have existed since time immemorial or for a period which raises that presumption (eg in living memory). The cattle must have been originally turned out on the home common which must be capable of feeding that number of animals. The total enclosure of one common would terminate the arrangement. There are several statutory provisions which prevent such enclosure.

3.2 Subject Matter of Rights of Common

3.2.1 Introduction

The main classification of rights of common by subject matter is set out below. However, rights of common are not limited to these categories. The validity of any right depends on it being entered in the registers of common land or town or village greens (TVGs) held by the registration authorities.¹² For rights other than pasture, it may be necessary to look behind the registers to discover the nature and extent of the right. Sole rights, other than sole rights of vesture, herbage and pasture,¹³ are not rights of common.

3.2.2 Common of Pasture

As has been explained above, a right of pasture can be appendant, appurtenant or in gross. A common of pasture was limited either to a fixed number of animals or according to the principle of levancy and couchancy (ie the number of animals which could be over-wintered on the in-by farm; literally, the number of animals which could stand up and lie down). The Commons Registration Act 1965¹⁴ required all grazing rights to be registered for a fixed number of animals, including those which were formerly measured by levancy and couchancy.

¹¹ Cattle, in the context of rights of common of pasture, is not limited to bovine animals. See *Halsbury's Laws of England* (5th edition, 2009 reissue), Vol 13, para 436, note 1.

¹² Commons Act 2006, ss 6, 18.

¹³ See definition of rights of common: *ibid*, s 61(1).

¹⁴ Section 15.

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APPENDIX 10

Thattham Inclosure Award 1852

Go all to whom these Presents shall come

I Thomas Edward Washbourne of Greater London Sheriff in the City of Southwark in the County of Middlesex Sheriff and Justice

WHEREAS by a Provisional Order under the Seal of the Justices Commissioners for England and Wales dated the thirty first day of July in the second eight hundred and forty eight by the necessary consent given to such Order and by the second Provisional Order Act 1848 the Enclosure of The Meads The Great Old Field or Meads, Meads, Old Ash Common, Ashwood Green, Meadows Heath, Goose Green, Whites Green, The Pleating Green and other small pieces of waste land situate in the Parishes of Bricklayers Honour and Parsonage Moleham Borough, Moleham Mead and Cottages in the Parish of Moleham in the County of Berks has been duly authorized under the provisions of the Acts for the Enclosure Exchange and Improvement of Lands

AND WHEREAS the said Thomas Edward Washbourne have been appointed the Valuer in the matter of the said Enclosure and having made the Valuation required by the said Act have duly sold all my copyhold lands as directed by the said Act and the said Enclosure Commissioners my report in writing in the matter of the said Enclosure with a Map to be made and all other reports completed with the provisions of the said Act

AND WHEREAS the said Enclosure Commissioners have by an Order under their Seal by virtue of the power vested in them in that behalf by the said Act decided that the lands in respect of which allotments are to be made shall not be conveyed or shown in the said Map

AND WHEREAS the said Enclosure Commissioners have upon my last report in writing that the value of the respective allotments of James Cartwright Edward Fuller John Goddard John Gyles the Mayor of Moleham William Lawrence Thomas Marshall Thomas Stone John Paradise William Topham William Thomas James Thomas the Trustees Richard Trowler Henry Tull John Warburton and Joseph Warrell persons interested in the lands to be inclosed in case such allotments should be made would not reach five pounds with the consent of such persons the purchase of the former lands in them by the said Act by an Order under their Seal shall have taken place the day of March in the second eight hundred and forty eight and the said Valuer do direct to such persons in lieu of such allotments such sum of money as I should deem equivalent in value to such allotments which would have been made to them respectively in respect of their right and interest in the said lands

AND WHEREAS all such objections as have been made to my said Report having been heard and all such inquiries having been made in relation thereto as the said Enclosure Commissioners have thought fit the said Enclosure Commissioners have authorized and directed me to cause to be drawn up and engrossed in parchment my Award with the title of such Enclosure

AND WHEREAS Richard Aske of Bricklayers Honour the person interested in a certain Old Pleating Enclosure numbered 1878 on the Map heretofore mentioned and William Jenkins of Moleham the person interested in that part of a certain Old Pleating Enclosure in the said Map numbered 1880 and also the person interested in that part of a certain Old Pleating Enclosure in the said Map numbered 1881 and also the person interested in that part of a certain Old Pleating Enclosure in the said Map numbered 1882 have respectively given their assent in writing to the same being considered allottable and parcel of the land to be inclosed

Now Know Ye

that in pursuance of the provisions of the said Act and by virtue of the power and authority in me vested by the said Thomas Edward Washbourne the Valuer as aforesaid do make and declare this to be my Award in the matter of the said Enclosure and to this my Award I have annexed the Map referred to by my said Report

And first I declare that the said Old Enclosures numbered 1878 and 1880 on the said Map shall be considered as allottable and parcel of the land to be inclosed

And further declare that I have despatched and Appointed

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The public Roads and Ways in the said parish hereafter particularly mentioned that is to say

A public Carriage Road and Highway commencing near the corner of a field belonging to John James Esq^r and adjoining Cold Ash Common to the eastern boundary adjoining Churchy Parish

A public bridle Road commencing at the head leading from Thatcham to Cold Ash Common at the southeastern corner of a field belonging to William Mount Esquire and extending along the same into the said Road from Thatcham to Cold Ash Common

A public Footpath commencing at the head leading from Thatcham to Cold Ash Common near the school and leading through fields belonging to William Mount Esquire and John Robert Esquire into the said Road

A public footpath commencing at the head leading from Thatcham to Cold Ash Common near a cottage and garden belonging to John Paradise and passing through fields belonging to John Robert Esquire William Mount Esquire and John Frederic Winterbottom Esquire into the Road leading from the Railway Road towards Cold Ash Common and Ashmore Green

A public Carriage Road and Highway commencing at a gap in the public Road leading from Cold Ash Common to the Town Woods and leading along Cold Ash Common to a Road in Bucklebury Parish which extends along a part of Bucklebury parish towards the Marlston Farm Inn

A public footpath commencing at the Church belonging to Miss Kemarck near the east and western fields till it joins the public Road leading from Thatcham to the Rectory at the Parish Green

A public footpath commencing near the 15th Stone on the London and South Road leading through certain fields belonging to Colthrop Farm along the Bucklebury Road and terminating at a field called the Lower Hay Field belonging to William Mount Esquire

A public footpath commencing at a field belonging to Richard Whittle near Ashmore Green and leading into Cold Ash Common near cottages and gardens belonging to William Mount

And I do hereby declare that I have set out and appointed and do hereby set out and appoint the following public Carriage roads or Highways that is to say
One public carriage road or Highway of the width of twenty feet to be called Redshot Hill Road commencing at a point marked a on the said Map and extending thence in a northerly and then in a westerly direction to and terminating at a point marked b

One other public Carriage Road or Highway of the width of twenty feet to be called Jersey Road commencing at a point marked d on the said Map and extending thence in a westerly direction along Cold Ash Common to and terminating at a point marked c on the said Map

One other public Carriage Road or Highway of the width of twenty feet to be called Ashmore Green Road commencing at a point marked f on the said Map and extending thence in a westerly direction along Cold Ash Common to and terminating at a point marked e on the said Map

One other public Carriage Road or Highway of the width of twenty feet to be called Ashmore Green Road commencing at a point marked f on the said Map and extending thence in a westerly direction along Cold Ash Common to and terminating at a point marked g on the said Map

One other public Carriage Road or Highway of the width of twenty feet to be called Cold Ash Lower Road commencing at a point marked h on the said Map and extending thence in an easterly then in a northerly and then in a westerly direction through Cold Ash Common to and terminating at a point marked i on the said Map

And one other public Carriage Road or Highway of the width of twenty feet to be called Thatcham New Road commencing at a point marked k on the said Map and extending in an easterly direction through a field belonging to William Paradise and George Green to and terminating at a point marked l on the said Map

And I do hereby declare that I have set out and appointed and do hereby set out and appoint the following private Carriage and Recreations Road that is to say

One private carriage and Occupation Road numbered 1 on the said map of the width of Twelve feet commencing at a point marked M on the said map and extending thence in an Easterly direction through allotment numbered 2 on the said map to a point marked N on the said map which said Road is set out for the use of the Owner and Occupier for the time being of the Old Endowee said allotment 2 and with which the said Road leads a communication.

And I direct and appoint that the said private carriage and Occupation Road shall forever hereafter be maintained and repaired by the Owner and Proprietor of the allotment numbered 2 on the said map from the commencement of the said Road to the North East corner of the said allotment numbered 2 then by the Owner and Proprietor of the Old Endowee adjoining the said Road as far as the said Road extends alongside the same and from thence to the termination of the said Road by the Owner and Proprietor of the allotment numbered 4 on the said map.

One other private carriage and Occupation Road numbered 11 on the said map of the width of Twelve feet commencing at a point marked O on the said map and extending thence in an Easterly and a North Easterly direction through the allotment numbered 10 on the said map to a point marked P on the said map which said Road is set out for the use of the Owner and Occupier for the time being of the allotment numbered 10 and the Old Endowee numbered 115 and 117 on the said map.

And I direct and appoint that the said private carriage and Occupation Road shall forever hereafter be maintained and repaired by the Owner and Proprietor of the said allotment numbered 10 and the said Old Endowee in equal shares and proportions.

One other private carriage and Occupation Road numbered 111 on the said map of the width of Twelve feet commencing at a point marked Q on the said map and extending thence in a Northwesterly direction through the allotment numbered 10 on the said map to a point marked R on the said map which said Road is set out for the use of the Owner and Occupier for the time being of the Old Endowee numbered 122 and with which the said Road leads a communication.

And I direct and appoint that the said private carriage and Occupation Road shall forever hereafter be maintained and repaired by the Owner and Proprietor of the said Old Endowee.

One other private carriage and Occupation Road numbered 119 on the said map of the width of Twelve feet commencing at a point marked S on the said map and extending thence in a Northwesterly direction through the allotment numbered 20 on the said map to a point marked T on the said map which said Road is set out for the use of the Owner and Occupier of the Old Endowee numbered 134 on the said map.

And I direct and appoint that the said private carriage and Occupation Road shall forever hereafter be maintained and repaired by the Owner and Proprietor of the said Old Endowee.

One other private carriage and Occupation Road numbered V on the said map of the width of Twelve feet commencing at a point marked S on the said map and extending thence in a Northwesterly direction through the allotment numbered 20 on the said map to a point marked X on the said map which said Road is set out for the use of the Owner and Occupier of the Old Endowee herein said with which the said Road leads a communication.

And I direct and appoint that the said private carriage and Occupation Road shall forever hereafter be maintained and repaired by the Owner and Proprietor of the said Old Endowee as far as the said Road abuts upon the same respectively.

One other private carriage and Occupation Road numbered VI on the

The said Map of the parish of Twelve feet commencing at a point marked V on the said Map and extending thence in a westerly direction through the allotment numbered 29 on the said Map to and terminating at a point marked VI on the said Map which said Road is set out for the use of the Curves and Occupier for the time being of the allotment numbered 29 on the said Map.

And I direct and appoint that the said private Carriage and Occupation Road shall for ever hereafter be maintained and repaired by the Curves and Proprietors of the said allotment numbered 29 on the said Map.

One other private Carriage and Occupation Road numbered VII on the said Map of the parish of Twelve feet commencing at a point marked X on the said Map and extending thence in a north easterly direction through the allotment numbered 20 on the said Map to and terminating at a point marked J on the said Map which said Road is set out for the use of the Curves and Occupier for the time being of the Old Enclosure numbered 538 on the said Map.

And I direct and appoint that the said private and Occupation Road shall for ever hereafter be maintained and repaired by the Curves and Proprietors of the same Old Enclosure.

One other private Carriage and Occupation Road numbered VIII on the said Map of the parish of Twelve feet commencing at a point marked K on the said Map and extending thence in an easterly and northerly direction to and terminating at a point marked B on the said Map which said Road is set out for the use of the Curves and Occupiers for the time being of the Old Enclosures numbered 568, 515 and 517 on the said Map.

And I direct and appoint that the said Private Carriage and Occupation Road shall for ever hereafter be maintained and repaired by the Curves and Proprietors of the same Old Enclosures in equal shares and proportions.

One other private Carriage and Occupation Road numbered IX on the said Map of the parish of Twelve feet commencing at a point marked C on the said Map and extending thence in a northerly direction through the back side of the allotment numbered 67 to and terminating at a point marked D on the said Map which said Road is set out for the use of the Curves and Occupier for the time being of the Old Enclosure numbered (619) land with which the said Road leads to communicate.

And I direct and appoint that the said private Carriage and Occupation Road shall for ever hereafter be maintained and repaired by the Curves and Proprietors of the said Old Enclosure.

One other private Carriage and Occupation Road numbered X on the said Map of the parish of Twelve feet commencing at a point marked E on the said Map and extending thence in a westerly direction through the allotment numbered 30 on the said Map to and terminating at a point marked F on the said Map which said Road is set out for the use of the Curves and Occupier for the time being of the Old Enclosure numbered 585 on the said Map.

And I direct and appoint that the said private Carriage and Occupation Road shall for ever hereafter be maintained and repaired by the Curves and Proprietors for the time being of the same Old Enclosure.

One other private Carriage and Occupation Road numbered XI on the said Map of the parish of Twelve feet commencing at a point marked G on the said Map and extending thence in a northerly direction through the allotment numbered 30 on the said Map to and terminating at a point marked H on the said Map which said Road is set out for the use of the Curves and Occupier for the time being of the Old Enclosure numbered 586 to and with which the said Road leads to communicate.

And I direct and appoint that the said private Carriage and Occupation Road shall for ever hereafter be maintained and repaired by the Curves and Proprietors of the said Old Enclosure.

Person intended	Sum of money in pence			Lands on which of certain claims allowed and allotments of a sum of money made			
	l	s	d	Description	l	s	d
Barium Richard Trustee of	1	7	5	Rights of Common appurtenant to Old Inlosures numbered on the 25th Appurtenment 1176	1	8	31
Ingle Henry	2	6		Rights of Common appurtenant to Old Inlosures numbered on the 25th Appurtenment 1152		2	4
Winbolt John	7	9		Rights of Common appurtenant to Old Inlosures numbered on the 25th Appurtenment 1157 & 1170	3	8	10
Winbolt John	2	8		Rights of Common appurtenant to Old Inlosures numbered on the 25th Appurtenment 1166 1169 1168			25
Winbolt Joseph	7	1		Rights of Common appurtenant to Old Inlosures numbered on the 25th Appurtenment 1172 1173	1	8	26

This is a copy of the original which is now in the possession of the Clerk of the Peace for the County of Berkshire. It is a copy of the original which is now in the possession of the Clerk of the Peace for the County of Berkshire.

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And I further set out allot and award the said Rent Charge of some pounds payable out of the Alotment for the Labouring poor and amongst the several persons and in the proportions hereinafter mentioned that is to say

- Unto Charlotte Maria Fremont £ 1 0
- " William Thoms Esquire £ 1 16
- " George Will Esquire £ 1 4

And I the said Thomas Edward Washburne do hereby order direct and appoint that good and sufficient fences for enclosing the several allotments herebefore described if not already done and made shall be raised set up and made respectively within the space of one year from the completion by the said Inlosures Commissioners of this my Award by the several persons therein specified some being of the said several Alotments on the sides hereinafter in that likely presented on which sides respectively a mark is drawn Thus I the said Thomas Edward Washburne have to this my Award added have under the direction of the said Inlosure Commissioners for England and Wales caused to be drawn up and engrossed on parchment set my hand this sixth day of November in the year of our Lord one thousand eight hundred and forty five

In Testimony

T. E. Washburne

In Witness and Testimony

myself John Underwood Inlosure Commissioner for Berkshire and the same have caused to be drawn up and engrossed on parchment set my hand this sixth day of November in the year of our Lord one thousand eight hundred and forty five

Persons interested	Sum of money being advanced		Funds in respect of which claims allowed and amounts of a sum of money made	Description	A	P	Shillings	
	£	s						d
Hayes John		3	1	Rights of Common appurtenant to Old Inclosures numbered on the 1st Inclosure Act 1850			27	Bookold
Hemmitt Surveyors	2	14	7	Rights of Common appurtenant to Old Inclosures numbered on the 1st Inclosure Act 1850	5	2	7	
Lawrence William		5	6	Rights of Common appurtenant to Old Inclosures numbered on the 1st Inclosure Act 1850			11	
Marshall Thomas		14	7	Rights of Common appurtenant to Old Inclosures numbered on the 1st Inclosure Act 1850			1	2
Palmer Thomas		15	8	Rights of Common appurtenant to Old Inclosures numbered on the 1st Inclosure Act 1850	1	1	14	
Paradise John		7	6	Rights of Common appurtenant to Old Inclosures numbered on the 1st Inclosure Act 1850			1	30
Padbury William		14	4	Rights of Common appurtenant to Old Inclosures numbered on the 1st Inclosure Act 1850			1	1
Plummer William			10	Rights of Common appurtenant to Old Inclosures numbered on the 1st Inclosure Act 1850			0	
Prout James		6	5	Rights of Common appurtenant to Old Inclosures numbered on the 1st Inclosure Act 1850			1	30

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Persons interested	Allotments			Sums of money made and disbursed by virtue of allotment	Sums in respect of which claims allowed and allotments made				
	Lot No	Contd	Acres		Description	Contd	Sum		
Walter George <i>(inter alia)</i>	16	11	20	Against the allotments made on 17 and 20 and against the public roads	Rights of Common appurtenant to Old Enclosures numbered on the 1st Appointments 215, 217, 220, 293, 296, 299, 303, 300, 321, 322, 303, 304, 305, 308, 307, 308, 309, 310, 311, 312, 313, 314, 162, 211, 212, 217, 185, 186, 187, 188, 153, 157, 157, 155, 156, 159, 166	339	1	24	Feehold
	33	3	20	South Eastern side	Common Field Land 1848, 1862, 1878	4	0	29	
		20	10						
	179	1	25	Eastern and Western sides					
	182	2	3	South Eastern side					
The Master and Fellows of Pembroke College Oxford and George White their Exors	11	1	22	North Western and Western sides	Rights of Common appurtenant to Old Enclosures numbered on the 1st Appointments 211, 216, 219	17	7	7	Feehold subject to tax for 21 years
<p>And payment of said Charges hereinafter awarded</p> <p>And I further declare that I have in pursuance of the said Order of the said Commissioners dated the twentieth day of March one thousand eight hundred and fifty one awarded and do hereby allot and award the sums of money hereinafter set forth in lieu of allotments</p>									
Persons interested	Sums of money in lieu of allotments			Description	Sums in respect of which claims allowed and allotments of a sum of money made				
	£	s	d		Contd	Sum	Sum		
Colburn James		10	0	Rights of Common appurtenant to Old Enclosures numbered on the 1st Appointments 207, 208, 209	1			Feehold	
Fidler Edward		19	9	Rights of Common appurtenant to Old Enclosures numbered on the 1st Appointments 211, 216	1		26		
Spencer John		4	2	Rights of Common appurtenant to Old Enclosures numbered on the 1st Appointments 2241			39		

Person interested	Mileage		Towns to which and by means of which	Towns in respect of which claims allowed and settlements made	Description	Extent	Notes
	No. of Maps	Extent a s l					
Hindclutton John Frederick Hindclutton James Edward and Hindclutton Richard Jenssen	177	2 30	Northern and Western sides		Common Field Land 1892 1820 1860 1810	2 14	Booths
Hindclutton John Frederick	74	1 3 3/4	Southwestern and Northwestern sides		Rights of Common appurtenant to the enclosures numbered on the Title Appointment 622 623 625 626 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645	152 2 32	
	175	1 1 32	Southern and Western sides		Common Commons in the Moor and gravel 22		
	176	2 39	Northern and Western sides		Common Field Land 1811	3 8	
Walter Michael	58	1	Southwestern and Northwestern sides		Rights of Common appurtenant to the enclosures numbered on the Title Appointment 476	20	
	176	1 30	Southern and Western sides		Two two Commons in the Moor and gravel 21		
Walter Michael	160	1 30	Northern and Western sides		Two Commons in the Moor and gravel 20		
Woodbridge Thomas	183	3	Southwestern and Northwestern sides		Rights of Common appurtenant to the enclosures numbered on the Title Appointment 477 478	1 14	
Hollin Sarah	45	12	Southwestern and Northwestern sides		Rights of Common appurtenant to the enclosures numbered on the Title Appointment 500 501 502 503 504	4 1 16	
	79	10	Southwestern and Northwestern sides				
		23					

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Parties interested	Extent		Description	Extent		Remarks
	a	b		a	b	
Mrs. Joseph Cotterell	41	2	Southwestern and Southwestern sides			Rights of Common appurtenant to Old Inclaves numbered on the 26th Appurtenance 371 372 373
Mrs. Joseph Ashmore Green	101	10	Western side			Rights of Common appurtenant to Old Inclaves numbered on the 26th Appurtenance 102 102 102 102 102 102 447 100 129 120 120
Mrs. John and Mary Henry as purchasers from Shirley Francis	27	19	Northwestern and Western sides			Rights of Common appurtenant to Old Inclaves numbered on the 26th Appurtenance 502 502 503 504
Thomas John	24	2	Northwestern Northwestern and Northwestern sides			Rights of Common appurtenant to Old Inclaves numbered on the 26th Appurtenance and 371
Mitcham Vicar and Churchwardens	174	2	Western and Western sides			For two commons in the Street and Green Park
John Richard as purchaser from William Richard	150	1 1 12	Northwestern and Northwestern sides			Rights of Common appurtenant to Old Inclaves numbered on the 26th Appurtenance 910 911 912 1291 1292 1293 1500 1297 1298 part of 1299
Thomas Robert	150	2 26	Western and Western sides			For two commons in the Street and Green Park
John Richard	185	67 1 27	Against the Northwestern side 182 183 186 and on the Eastern side against the Northwestern side 188			Common Field Land 1259 1261 1266 1272 1275 1277 1280 1281 1282 1286 1292 1299 1264 1274 1271 1291 1286 1247 1210 1212 1210 1216 1217 1218 1221 1225 1227 1229 1231 1233 1234 1243 1257 1252 1254
John Richard	192	2	Eastern and Western sides			1270 Old Inclosure

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Persons interested	Holds		Kings to be made and maintained by	Sands in respect of which claims allowed and attachment made	Description	Colours		Notes
	No. of	Extent				a	p	
	of	in	of					
	plots	sq. ft.	attachment					
George William Jeffries	60	2	Northeastern and southwestern sides		Rights of Common appurtenant to Old Enclosures numbered on the Title Appointment 2		26	Subold
Shoud Edward	165	1 1/4	Eastern and southwestern sides		Rights of Common appurtenant to Old Enclosures numbered on the Title Appointment 677 678 79	24	2 20	
Henry Dale and Shoud Edward Doves of Edward Shoud	171	1 1/2	Eastern and Western sides		For two Commons in the Moor and Gravel 71			
Chalte John as purchaser from Shoud Edward	167	2	Northern and Eastern sides		For one Common in the Moor and Gravel 72			
William Harris and William Deacon Clerics of Shoud Richard	149	2 29	Northern and Eastern sides		For two Commons in the Moor and Gravel 71			
Shude Thomas	81	1	Northern and southwestern sides		Rights of Common appurtenant to Old Enclosures numbered on the Title Appointment 617		14	
Sevin Robert	126	1 22	Northern and southwestern sides		Rights of Common appurtenant to Old Enclosures numbered on the Title Appointment 661 662 663 679 720 721 722 1101 1102 1142 1102 1144 1145 1146 1147 1148 1149 1150	48	26	
Chalte John as purchaser from Sevin Robert	65	2 1/2	Northern and southwestern sides					
Sevin Robert	166	1 2 0	Northern and Eastern sides		For one Common in the Moor and Gravel 71			
Sevin Robert	166	2 0	Northern side		Common Field Land 1030		2 14	
Robert Sevin and John Adams Clerics of Sevin Richard	168	1 22	Northern and Eastern sides		For one Common in the Moor and Gravel 71			
Shaw Richard	38	2	Northern and southwestern sides		Rights of Common appurtenant to Old Enclosures numbered on the Title Appointment 510 511 512 513		2 39	

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Persons interested	Acreage		Fence to be made and maintained by name of allotment	Particulars in respect of which claims allowed and alterations made	Acreage	Tenure
	Plot	Acres				
Devereux James	17	17	Northern and Southeastern sides	Rights of Common appurtenant to Old Inclosure numbered on the Fish Appointments 526 527 528	9 2 36	Freehold
Plant Mary	27	2	Southwestern and Southeastern sides	Rights of Common appurtenant to Old Inclosure numbered on the Fish Appointments 535	0 0 36	"
Pauling George	20	1	Southwestern and Southeastern sides	Rights of Common appurtenant to Old Inclosure numbered on the Fish Appointments part of division 6	0 0 17	"
Quetch George	16	5	North western Southwestern and Southeastern sides	Rights of Common appurtenant to Old Inclosure numbered on the Fish Appointments 525	0 2 0	"
Quarungton William	111	10	Northern and Southeastern sides	Rights of Common appurtenant to Old Inclosure numbered on the Fish Appointments 509 510 511	3 2 14	"
Wagers George	50	6	Against the Public and Private Roads	Rights of Common appurtenant to Old Inclosure numbered on the Fish Appointments 520 521 522 523 524 525	1 2 0	"
	50	14	North Western and South Eastern sides	Rights of Common appurtenant to Old Inclosure numbered on the Fish Appointments 526 527 528 529 530 531 532	1 2 0	"
		20				
Reading Iron Council	109	11	Northern and Southeastern sides	Rights of Common appurtenant to Old Inclosure numbered on the Fish Appointments 504	3 2 5	"
Chalk John as purchaser from Satchell John	64	4	Southwestern and Southeastern sides	Rights of Common appurtenant to Old Inclosure numbered on the Fish Appointments 291 292 293	0 2 1	"
	114	20	Northern and Western sides	See two commons in the Act and Grant 187		"

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Persons interested	Meters		Times to be made and sustained by owner of allotment	Lands in respect of which claims allowed and allotments made	Description	Extent a x p	Amount
	Row	Extent					
Lawrence John	100	13	Northern and Eastern sides	Rights of common appurtenant to the enclosure numbered on the Title Appointment 384 385 615 616 617	13	17	Rehold
	139	29	Eastern side				
		1	20				
Lay George Higgs & Co	23	4	Northeastern and Southeastern sides	Rights of common appurtenant to the enclosure numbered on the Title Appointment 557	1	23	
	85	2	Northwestern and Southeastern sides	Rights of common appurtenant to the enclosure numbered on the Title Appointment 1170 526	1	17	
Lowlock William	167	31	Eastern and Northern sides	For one common with Moss and gravel pit			
Mary Mary	160	15	Western and Northern sides	For one common with Moss and gravel pit			
Stuart William Esq	95	6	Southern and Southeastern sides	Rights of common appurtenant to the enclosure numbered on the Title Appointment 131 222 226 292 293 294 606 607 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000			
	71	8	Northeastern and Southeastern sides				
	122	26	15		Against allotments 120 and 121 and against the public Road		
	134	2	15		Western side		
	138	3	12		Against the allotments 130 and against the public Road		
	139	3	12		Against the allotments 130 and against the public Road		
	140	3	12		Against the allotments 130 and against the public Road		
	141	3	12		Against the allotments 130 and against the public Road		
	142	3	12		Against the allotments 130 and against the public Road		
	143	3	12		Against the allotments 130 and against the public Road		

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Persons interested	Statement		Sends to road and maintained by order of aldermen	Sends in a part of which claims allowed and allowed	Description	Extent		Amount	
	No. of copy	Extent a. r. s.				roods	p.		
Hearn Edward	131	1 12	Eastern and Western sides and against the public roads		Rights of Common appurtenant to Old Inclosures numbered on the 1st Survey 1066 1067 1068 1071 1072 1073	15	1	16	Freehold
Higgs Eabb	34	6	Southwestern side		Rights of Common appurtenant to Old Inclosures numbered on the 1st Survey 529 534 535 546 547	2	2	27	
Higgs Joshua	36	7	Southwestern side		Rights of Common appurtenant to Old Inclosures numbered on the 1st Survey 548 549 550 548a	1	2	38	
Harris William	133	1	Southwestern and Southwestern side		Rights of Common appurtenant to Old Inclosures numbered on the 1st Survey 267 271 271 272 272 274 282 283	15	2	20	
	152	4 26	Eastern and Eastern sides		For one Common in the Moor and gravel pit				
Jenkins William	98	8	Southwestern and Southwestern side		Rights of Common appurtenant to Old Inclosures numbered on the 1st Survey 1066 1069 1096 1097 1098 1099 1100 665 666 667 1244	8		29	
	150	17	Eastern and Western sides						
		25							
	727	2 10	Eastern side		Part of 1066 Old Inclosure				
	754	1 32	Eastern and Eastern sides		For one Common in the Moor and gravel pit				
Jenkins William purchased of William Higginson	150	1 22	Eastern and Eastern sides		For one Common in the Moor and gravel pit				
Ludley Joseph	740	2 10	Eastern and Eastern sides		For one Common in the Moor and gravel pit				

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Persons interested	Advantages		Sides to be made and maintained by order of allotment	Sums in respect of which claims allowed and allowed	Description	Extent a. s. p.	Tenure	
	When a	Extent						
Tham Joseph as purchaser from Hawcock William	100	1 32	Eastern and Western sides		Rights of Common appurtenant to Old Inclosures numbered on the Fish Appurtenment 119, 296, 296, 296, 297, 297, 299, 300, 300, 300, 300, 300, 301, 302, 303, 304, 304, 304	20	25	Freehold
Flawkins William and Cousins	102	2 2	Western side		For one Common in the Moss and Grand Pit			
Hanbury Rev. John	110	1 7	Northwestern and Southwestern sides		Rights of Common appurtenant to Old Inclosures numbered on the Fish Appurtenment 675, 1276	1	31	
	111	5 27	Western side		For ten Commons and one Horse Common in the Moss and Grand Pit			
	112	1 2 27	Southern and Western sides					
		6 3 14						
Hanbury Wm. Selick and Son of Chatham	116	1 24	North Western and Southwestern sides		Rights of Common appurtenant to Old Inclosures numbered on the Fish Appurtenment 120, 121, 127, 127, 127, 127	7	2	
Hamprey Elizabeth	119	1 30	Northwestern and Southwestern sides and against the Private Lavage Road		Rights of Common appurtenant to Old Inclosures numbered on the Fish Appurtenment 301, 302, 304, 305, 306, 307, 308	20	3 24	
Hunt's Charity	122	1 2 17	Eastern side against allotment number 106 and against the public Roads		Rights of Common appurtenant to Old Inclosures numbered on the Fish Appurtenment 120, 121, 122, 123, 124, 125, 126, 127	65	3 13	
Hunt James	124	1 3	Southwestern and Southwestern sides		Rights of Common appurtenant to Old Inclosures numbered on the Fish Appurtenment 475		1 14	
Holder James	131	1 24	Northwestern and Southwestern sides		Rights of Common appurtenant to Old Inclosures numbered on the Fish Appurtenment 572, 579, 580, 581, 582, 521, 522, 660	51	27	

115
141
143
116

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Persons interested	Extent		Lands to be made and maintained by name of allotment	Lands in respect of which claims allowed and allotment made	Description	Extent a x b	Towns	
	Acres	sq. ft.						
Henrietta Charlotte Mason	10	13 1 30	On all sides except the south Western side against the old enclosure		Rights of Common appurtenant to Veld Inclosures numbered on the Title Appointment			
	68	0 8 9	Northwestern and Southwestern sides		674, 1135, 1263, 1264, 1266, 1267, 1268, 1270			
	722	0 2 69	Western and Eastern sides		1273, 1275, 1279, 1280, 1281, 1282, 1284, 1284 ^{1/2}			
	786	0 0 16	Western and Eastern sides		1285, 1285 ^{1/2} , 1286, 1287, 1288, 1290, 1295, 1183, 1184, 1186, 1187, 1188			
		17 0 33			1189, 1190, 1191, 1192	256	0 9	Brighthelm
	147	1 0 20	Western and Southern sides		Part of Commons in the area and gravel pit			
	778	0 1 3	Western and Southern sides		Common Field Land			
	124	10 3 1	Northwestern side against the allotments numbered		1204, 1208, 1205, 1207, 1208, 1209, 1400			
		49 0 4				49	1 30	
	And signature of Paul Chapman awarded							
George Christiana	142	0 2 11	Western side		In one Common in the area and gravel pit			
Great Western Railway Company	107	0 0 10	Western side		Rights of Common appurtenant to Veld Inclosures numbered on the Title Appointment			
					387, 388, 389, 390, 392, 393, 1283, 1287, 1288, 1290, 1299	10	1 27	
* no purchasers from the proprietors of the Commons in the area	137 ^c	6 3 26			Land in the area	6	3 26	
Graham Robert Fuller	9	3 3 10	South Western and South Eastern sides		Rights of Common appurtenant to Veld Inclosures numbered on the Title Appointment			
					289, 290, 266, 266, 267, 267 ^{1/2} , 268	24	1 23	
Harcourt The Rev ^d Lawson Vernon and The Honorable Caroline Mary	787	6 1 9	Northwestern side		Common Field Land			
					1594, 1597, 1597, 1260, 1594, 1599, 1111	9	0 6	
	788	1 0 0	Northwestern side		Part of Commons			

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Persons interested	Attorneys at Law	Extent of claim	Land to be made and maintained by name of claimant	Particulars	Extent a. s. p.	Sum
Croft, John James (cont.)				192 193 194 197 198 199 199 200 201 202 203 204 205 206 207 208 209 210 211 212 21 22 23 24 25 26 27 28	192 2 22	Trabold
Drinkwater James	(25)	12	Northampton and Northampton sides	Rights of Common appurtenant to the land numbered on the Title Appointment 206 207	4 1 36	
Davis Oliver	(27)	1	Northampton and Northampton sides	Rights of Common appurtenant to the land numbered on the Title Appointment 208	12	
Erskine Daniel	(27)	2	Northampton and Northampton sides	Rights of Common appurtenant to the land numbered on the Title Appointment 212	1 12	
Justice William Justice Thomas Justice Richard the younger	(21)	2 2 2	Northampton and Northampton sides	Rights of Common appurtenant to the land numbered on the Title Appointment 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228	129 5 87	
	(25)	1 2 9	Northampton and Northampton sides	Common Field Land 1269 1270 1271 1272	1 1 19	
Franklin Elizabeth and William	(26)	1	Northampton and Northampton sides	Rights of Common appurtenant to the land numbered on the Title Appointment 211	28	
Fishlock Thomas	(25)	2	Northampton and Northampton sides	Rights of Common appurtenant to the land numbered on the Title Appointment 1280 1281	1 20	
Franklin Thomas	(22)	10	Northampton side against the land numbered on the Title Appointment 212 213 214 215 216 217 218 219 220 221	Rights of Common appurtenant to the land numbered on the Title Appointment 212 213 214 215 216 217 218 219 220 221	2 14	

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Persons interested	Allotments			Tenure to be made and maintained by owner of allotment	Lands in respect of which claims allowed and allotments made	Description	Extent		Tenure
	Area	Extent	Acres				a	r	
Charles John (continued)	166	1	27	Northern and Eastern sides	For six commons with stone and gravel pit				Inclosed
Charles Richard	14	1	24	North Western side	Rights of common appurtenant to Old Inclosure				
	67	2	10	North Eastern side	Inclosure numbered on the Duke's side against the Duke's Appointment 181. 182. 183. 184. 185. 186. 187. 188. 189. 190.				
	82	2	24	On the South side	Inclosure numbered on the Duke's side against the Duke's Appointment 181. 182. 183. 184. 185. 186. 187. 188. 189. 190.				
				On the South Western and Eastern sides	Inclosure numbered on the Duke's side against the Duke's Appointment 181. 182. 183. 184. 185. 186. 187. 188. 189. 190.				
				as the North Western side against Number 89					
		2	1	21			95	2	18
	163	1	3	14	Northern and Eastern sides	For six commons in the Moor and Gravel Pit			
Gollingswood Charles James	777		7	Northern side	Rights of common appurtenant to Old Inclosure numbered on the Duke's side against the Duke's Appointment 184. 185. 189. 190. 194. 195. 199. 207		1	2	8
Carre William	4		2	Northern and Eastern sides	Rights of common appurtenant to Old Inclosure numbered on the Duke's Appointment 9				36
Croft Arthur James	6	50	2	20	Northeastern and South Eastern sides	Rights of common appurtenant to Old Inclosure numbered on the Duke's Appointment 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171.			
	120		3	9	Northern and Eastern sides				
		31	1	29					

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Persons interested	Acrements		Tenure to be made and sustained by conveyance	Funds in respect of which claims allowed and allotments made	Description	Extent	Tenure
	Cont. Acre	Cont. Acre					
Bentley, Maria Maria	36	2	South Western and North Eastern sides	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointments 508 573	1 1 28	Borough	
	45	6	South Eastern and North Eastern sides				
		14					
Brown, Mary	38	2	North Western and North Eastern sides	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointments 1246	1 2		
Dixon, George	48	6	South Western and North Eastern sides	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointments 533 537	1 10		
Dixon, Sarah	52	3	Western and Eastern sides	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointments 534 535	2 2		
Chambers, John Isaac and Jacobus Levin	128	1 27	Western and Eastern sides	For 200 Common in the close and byres etc			
Garke, William	82	2	South Western and North Eastern sides	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointments 517	1 26		
Chapman, Austin	76	20	South Western and North Western sides	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointments 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530	7 3 26		
Capt. The Rev. James Hall Capt. The Rev. Thomas James Capt. Mrs. James Capt. Henry Capt. Henry Capt. John James Capt. Charles	114	29	North Eastern and North Western sides	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointments 294 301 302 303	6 2 5		
Chack, John	75	14	North Western and North Eastern sides	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointments 416 417	2		

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of the respective rights and interests of such several persons shall have been claimed and allowed under the provisions of the said last mentioned Act that is to say

Shall set out all and award unto

Persons interested	Allotments		Distributable and not unallocated	Sums in respect of which claims allowed and allowed	Total		Sum	
	Area	Extent			By name of allotment	a		b
Jenkins William as purchaser from Adams Charles	71	20	North Western and South Western	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointment 205, 206	6	1	3	3000
Adams John and Adams James	72	30	South Eastern side	Rights of Common appurtenant to the Inclosures numbered on the Title Appointment 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126	114	1	7	
Ray John	73	46	both Eastern and South Western	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointment 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300	6	31		
Jenkins William as purchaser from Barfield John	74	10	North Western and South Western	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointment 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000	6	31		
Rayfield John and William Henry	75	20	North Western and South Western	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointment 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300	6	31		
Dr Bridge James Gushby	76	10	South Eastern and South Western	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointment 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000	61	3	32	
Chadwell John as purchaser from Barlett Charles	77	5	North Western and South Western	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointment 1902, 1903	1	1	33	
Blanchard George	78	2	North Western and South Western	Rights of Common appurtenant to Old Inclosures numbered on the Title Appointment 165	1	1	32	

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and Ways within the said Township
And I direct that the fence on the North eastern side of such
allotment shall from time to time be repaired and maintained by and at the expense of the
said Surveyors of the Highways of the said Township and their Successors

And I declare that I have set out and do hereby set out allot and award
unto the Surveyors of the Highways of the Borough of Thatcham and their
Successors for ever All that piece or parcel of Ground numbered 12 on the said Map and containing
by admeasurement One acre

And I direct that such allotment piece or parcel of Ground shall be
appropriated and used as a Public Quarry for supplying Stone and Gravel for the use of the Inhabitants
and repairs of the Roads and Ways within the said Township

And I direct that the fence on the South eastern side of such allotment shall
from time to time be repaired and maintained by and at the expense of the said Surveyors of the Highways
of the said Township and their Successors

And I declare that I have set out and do hereby set out allot and award
unto the Surveyors of the Highways of the Borough of Thatcham and their
Successors for ever All that piece or parcel of Ground numbered 12 on the said Map and containing
by admeasurement One acre

And I direct that such allotment piece or parcel of Ground shall be
appropriated and used as a Public Quarry for supplying Stone and Gravel for the use of the Inhabitants
and repairs of the Roads and Ways within the said Township

And I direct that the fence on the South Eastern side of such allotment
shall from time to time be repaired and maintained by and at the expense of the said Surveyors of
the Highways of the said Borough and their Successors

And I declare that I have set out and do hereby set out allot and
award unto the Surveyors of the Highways of the Borough of Thatcham and their
Successors for ever All that piece or parcel of Ground numbered 12 on the
said Map and containing by admeasurement One acre

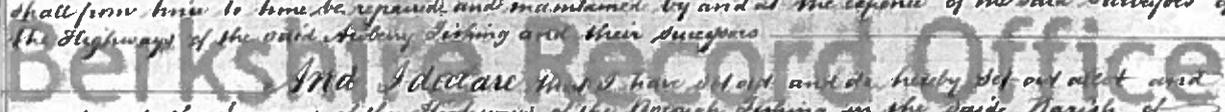
And I direct that such allotment piece or parcel of Ground shall be
appropriated and used as a Public Quarry for supplying Stone and Gravel for the use of the Inhabitants
and repairs of the Roads and Ways within the said Township

And I direct that the fence on the Southern side of such allotment
shall from time to time be repaired and maintained by and at the expense of the said
Surveyors of the Highways of the said Borough and their Successors

And I declare that I have set out and do hereby set out allot and
award unto the Churchwardens and Overseers of the Poor of the said Parish of Thatcham All
that piece or parcel of land numbered on the said Map containing Four acres to be held by
them and their Successors in trust as a place of exercise and recreation for the Inhabitants of the
said Parish and Thatcham

And I direct that the fences on the North Eastern, South Eastern and
South Western sides of such allotment shall from time to time be repaired and maintained by and
at the expense of the Churchwardens and Overseers of the Poor of the said Parish for the term
being

And I have also set out and do hereby set out allot and
award unto the said Churchwardens and Overseers of the Poor All that piece or parcel of land numbered 12 on the
said Map containing Eight acres to be held by them and their Successors in trust as an allotment for the labouring poor
of the said Parish of Thatcham subject annually to and charged with a clear net charge of Four pounds which
said sum does not exceed the net annual value of the said allotment in its present condition And
I declare the same to be of the value of such number of Imperial Shillings and Decimals



And I direct that the said public pond and watering place shall for ever hereafter be maintained and repaired by the Curate and Proprietor for the time being of the said allotment numbered 17 on the said map.

One other public pond or watering place situate on the side of the public Road in the allotment numbered 9 on the said map.

And I direct that the said public pond or watering place and the pipe leading from a spring on the Eastern side of the allotment numbered 9 on the said map into the same shall for ever hereafter be maintained and repaired by the Curate and Proprietor for the time being of the said allotment numbered 9 on the said map.

And I declare that I have set out and appointed and do hereby set out and appoint the following public Watercourse that is to say

One public Watercourse numbered XXI on the said map of the width of fourteen feet commencing at a point marked 7 on the said map and extending thence in an Easternly direction through Wide's Head to and terminating at a point marked 8 on the said map.

And I direct that the expense of clearing maintaining and repairing the said Watercourse and of maintaining and repairing the said private carriage Roads numbered XVI and XVII shall be raised by Rates to be levied on the allotments next hereinafter set forth in the proportions following that is to say

No. of allotments	Proportions of Rates to be levied		
	£	s	d
121	7	18	.
122	0	17	.
123	0	3	.
124	11	3	.
125	1	1	.
126	.	6	.

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One other public Watercourse numbered XXIII on the said map commencing at a point marked 7 on the said map and extending thence in an Easternly direction along the Eastern side of Wide's Head to and terminating at a point marked 8 on the said map.

And I direct that the expense of clearing maintaining and repairing the said Watercourse shall be raised by Rates to be levied on the allotments next hereinafter set forth in the proportions following that is to say

No. of allotment	Proportions of Rates to be levied		
	£	s	d
126	.	12	6
128	7	6	.
129	35	2	6

One other Watercourse numbered XXV commencing at the point marked T5 and ending at the point marked 88 on the said map for the use of the Curate for the time being of an old Chancel numbered 124 on the said map.

And I direct that the expense of clearing maintaining and repairing the said Watercourse shall for ever hereafter be paid by the Curate and Proprietor for the time being of the said old Chancel.

And I declare that I have set out and do hereby set out and allot and award unto the Surveyors of the Highways of Henwick Tithing in the said Parish of Stokenham and their successors for ever all that piece or parcel of ground numbered 10 on the said map and containing by admeasurement one acre.

And I direct that such allotment piece or parcel of ground shall be appropriated and used as a public quarry for supplying stone and gravel for the repairs of the Roads

pounds and eight shillings. All that piece or parcel of land numbered 20 on the said map containing one rood and twenty eight perches of which the fences on the western and eastern sides are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

WITNESSETH William Cogg of bold Ash, cler for the price or sum of seven pounds and nine shillings. All that piece or parcel of land numbered 21 on the said map containing one rood and seventy nine perches of which the fences on the Western Eastern and Northern sides are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

WITNESSETH James Drinkwater of bold Ash, cler for the price or sum of eight pounds and eight shillings. All that piece or parcel of land numbered 22 on the said map containing one rood and fifty seven perches of which the fences on the Eastern and Northern sides are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

WITNESSETH John Drinkwater of bold Ash, cler for the price or sum of two pounds and three shillings. All that piece or parcel of land numbered 23 on the said map containing twenty one perches of which the fences on the Western Eastern and Western sides are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

WITNESSETH Elizabeth Fiddell and William Stanton of Northwell Green, cler for the price or sum of two pounds and seven shillings. All that piece or parcel of land numbered 24 on the said map containing a twelveth part of which the fences on the Southern side are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

WITNESSETH Henry Thomas Harsley of Buxlebury, Clerique, cler for the price or sum of twenty eight pounds and one shilling. All that piece or parcel of land numbered 7 and 12 on the said map containing three acres three roods and thirty six perches of which the fences on the North Western and South Eastern sides of number 7 and on the North Eastern and Southern sides of number 12 are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

WITNESSETH John Higgs of Olham, cler for the price or sum of seven pounds and eleven shillings. All that piece or parcel of land numbered 25 on the said map containing one acre one rood and nine perches of which the fences on the Northern and Eastern sides are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

WITNESSETH John Higgs of Olham, cler for the price or sum of sixty three pounds and thirteen shillings. All that piece or parcel of land numbered 26 and 27 on the said map containing one acre three roods and one perch of which the fences on the North Western North Eastern and South Western sides are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

WITNESSETH James Hollar of bold Ash, cler for the price or sum of three pounds and eleven shillings. All that piece or parcel of land numbered 28 on the said map containing one rood and thirty three perches of which the fences on the North Western and North Eastern sides are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

WITNESSETH James Hunt of Buxlebury, cler for the price or sum of three pounds and seven shillings. All that piece or parcel of land numbered 29 on the said map containing twenty seven perches of which the fences on the South Western and South Eastern sides are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

WITNESSETH Edward Hunt of Northwell, cler for the price or sum of four pounds and seven shillings. All that piece or parcel of land numbered 30 on the said map containing twenty eight perches of which the fences on the Western side are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

WITNESSETH William Johnson of Northwell, cler for the price or sum of eight pounds and two shillings. All that piece or parcel of land numbered 31 on the said map containing one rood and sixteen perches of which the fences on the North Western and North Eastern sides are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

part of an original Vestry of West Leake and Leake in the year 1791 that is to say

Item per bushel	Bushels and decimal parts
Wheat	3.79099
Barley	6.75684
Oats	9.69697

And I direct that the fences on the north Eastern and South Western sides of such allotments shall from time to time be repaired and maintained by and at the expense of the churchwardens and vestry of the first of the said parishes for the term aforesaid.

And I have also set out and do hereby set out allot and allotment unto the said churchwardens the whole piece or parcel of land numbered 70 on the said map containing five acres to be held by them and their successors in trust as a site for church or chapel and parsonage house and other buildings and garden there. And I direct that the expenses on the said allotment and other buildings of such allotment shall from time to time be reimbursed and repaid by and at the expense of the said churchwardens.

And I have also set out and do hereby set out allot and allotment unto the surveyors of the Highways of the Parish of Leamington in the said Parish of Leamington and such surveyors for ever the whole piece or parcel of land numbered 70 on the said map containing five acres.

And I direct that such allotment piece or parcel of land shall be appropriated and used as a public ground for the use of the Highways and a highway.

And I direct that the fences on the north Western and South Western sides of such allotment shall from time to time be maintained and repaired by and at the expense of the surveyors of the Highways of the said Parish in the following proportions to wit the fourth part by the said surveyors the fourth part by the parsonage house and the fourth part by the highway commissioners.

And I the said Thomas Edward Mashbourne do hereby declare I have in pursuance of aforesaid duty given in that behalf and with the approbation of the said Indenture Commissioned with parts of the said Common and Waste Lands as are next hereinafter particularly mentioned for the purpose of raising money to defray the expenses incident to the said Indenture of the several parties with the same has been conveyed in fee by the said Indenture Commissioners to the several persons hereinafter mentioned that is to say

Unto Anne Maria Drury of Old Ash at or for the price or sum of Twenty six pounds and five shillings the whole piece or parcel of land numbered 31 on the said map containing two acres and thirteen poles of which the fences on the North Eastern and South Eastern sides are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

Unto Thomas Brown and Robert Brown of Leamington at or for the price or sum of seven hundred and ninety pounds the whole piece or parcels of land numbered 1 and 2 on the said map containing sixty three acres one rood and thirty four poles of which the fences against the Bore Head and in the South Western and South Eastern sides of the allotment numbered 1 and in the North Western and North Eastern sides of the allotment numbered 2 are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcels of land.

Unto George Brown of Old Ash at or for the price or sum of Two pounds seventeen shillings the whole piece or parcel of land numbered 30 on the said map containing one rood and three poles of which the fences on the Western and Southern sides are to be made and for ever hereafter maintained and repaired by the owner of such piece or parcel of land.

Unto Henry Drury of Leamington at or for the price or sum of

And I direct said Road to set out for the use of the Owners and Occupiers for the line being of the Allotment K and with which the said Road leads or communicates
 One other private Carriage and Occupation Road numbered XVIII on the said Map of the width of Twelve feet commencing at a point marked V on the said Map and extending thence in an easterly direction to and terminating at a point marked VI on the said Map which said Road is set out for the use of the Owners and Occupiers for the line being of the Old Enclosure numbered 390 to and with which the said Road leads or communicates

And I direct and appoint that the said Road numbered XVIII and Occupation Road shall for ever hereafter be maintained and repaired by the Owners and Proprietors of the said Old Enclosure

One other private Carriage and Occupation Road numbered XIX on the said Map of the width of Twelve feet commencing at a point marked Y on the said Map and extending thence in a North easterly direction to and terminating at a point marked Z on the said Map which said Road is set out for the use of the Owners and Occupiers for the line being of the allotments 117 and 118 and the Old Enclosure numbered 465, 466, 467 and with which the said Road leads or communicates

And I direct and appoint that the said private Carriage and Occupation Road shall for ever hereafter be maintained and repaired by the Owners and Proprietors of the said Old Enclosure from the commencement of the said Road to the Southwestern corner of the said allotment numbered 117 and from thence to the end by the Owners and Proprietors of the allotments numbered 117 and 118 in equal shares and proportions

One other private Carriage and Occupation Road numbered XX on the said Map of the width of Twelve feet commencing at a point marked A on the said Map and extending thence in a Southwesterly direction to and terminating at a point marked B on the said Map which said Road is set out for the use of the Owners and Occupiers for the line being of the Old Enclosure numbered 450 to and with which the said Road leads or communicates

And I direct and appoint that the said private Carriage and Occupation Road shall for ever hereafter be maintained and repaired by the Owners and Proprietors of the said Old Enclosure

One other private Carriage and Occupation Road numbered XXI on the said Map of the width of Twelve feet commencing at a point marked C on the said Map and extending thence in a South easterly direction to and terminating at a point marked D on the said Map which said Road is set out for the use of the Owners and Occupiers for the line being of the Old Enclosure numbered 450 to and with which the said Road leads or communicates

And I direct and appoint that the said private Carriage and Occupation Road shall for ever hereafter be maintained and repaired by the Owners and Proprietors of the said Old Enclosure

And I declare that I have set out and appointed and do hereby set out and appoint the following public footways that is to say

One public footway of the width of five feet commencing at a point marked E on the said Map and extending thence in a westerly and Northwesterly direction on the Southern side of the allotments numbered 14 and 15 on the said Map and along the private Carriage Road numbered 11 on the said Map to and terminating at a point marked F on the said Map

One other public footway of the width of five feet commencing at a point marked G on the said Map and extending thence in an easterly direction through the allotment numbered 100 to and terminating at a point marked H on the said Map

And one other public footway of the width of five feet commencing at a point marked I on the said Map and extending thence along the private Carriage Road numbered VIII on the said Map and along the allotment numbered 60 on the said Map to and terminating at a point marked J on the said Map

And I declare that I have set out and appointed and do hereby set out and appoint the following public fountains or watering places that is to say

One public fountain or watering place which is the allotment numbered 14 on the said Map

