ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 140.

An Act for incloſing Lands within the Manor and Pariſh of *Culham*, in the County of *Oxford*.

[24th *May* 1810.]

WHEREAS there are within the Manor and Pariſh of *Culham*, in the County of *Oxford*, divers Open Fields, Meadows, and Waſte Lands, containing in the Whole One thouſand one hundred and ſixty Acres, or thereabouts: And whereas Sir *Cecil Biſhopp* Baronet, is Lord of the Manor of *Culham* aforeſaid, and as ſuch entitled to the Right of Soil of all Waſte Lands within the ſaid Manor, and the Right Reverend the Lord Biſhop of *Oxford*, in Right of his See, is ſeiſed of the Impropriate Rectory of *Culham* aforeſaid, and *John Phillips* Eſquire, is Leſſee of the ſaid Rectory, and in Right thereof is entitled to certain Rectorial Glebe Lands within the ſaid Open Fields and Meadows, and to all the Great Tythes ariſing from ſuch of the Lands within the ſaid Manor and Pariſh as are ſubject and liable to the Payment of Tythes in Kind; and the ſaid Lord Biſhop, in Right of his ſaid See, is alſo Patron of the Vicarage of *Culham* aforeſaid, and the Reverent *Robert Wintle* Clerk, is the Vicar thereof, and as ſuch entitled to certain Vicarial Glebe Lands within the ſaid Open Fields and Meadows, and to all the Vicarial and Small Tythes ariſing from ſuch of the Lands within the ſaid Manor and Pariſh as are ſubject and liable to the Payment of Tythes in Kind as aforeſaid; and the ſaid Sir *Cecil Biſhopp* is entitled to all the Reſidue of the ſaid Open Fields and Meadows: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating*

the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts: And whereas the aforeſaid Rectorial and Vicarial Glebe Lands lie intermixed and diſperſed in ſmall Parcels amongſt the Lands of the ſaid Sir *Cecil Biſhopp*, and are inconveniently ſituated for Occupation, and it would be advantageous to all the Parties intereſted if the ſaid Open Fields, Meadows, and Waſte Lands were exonerated from the Payment of Tythes, and allotted to the Parties intereſted therein, according to their reſpective Rights and Intereſts, and the Property of each incloſed apart from the others; but as ſuch Exoneration, Allotment, and Incloſure cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Thomas Hopcraft*, of *Crowton*, in the County of *Northampton*, Gentleman, and *John Davis*, of *Bloxham*, in the County of *Oxford*, Gentleman, and their Succeſſors, to be nominated and appointed in Manner herein-after mentioned, ſhall be, and they are hereby appointed Commiſſioners for valuing, dividing, allotting, and incloſing the ſaid Open Fields, Meadows, and Waſte Lands, and for carrying this Act into Execution, ſubject to the Powers, Regulations, and Proviſions of the ſaid recited Act, or ſuch of them as are not repugnant to or varied by this Act.

Commiſſioners.

II. And, for obviating the Delays and Inconveniences which might ariſe by any Difference of Opinion between the ſaid Commiſſioners, touching any of the Matters and Things to be done in purſuance of this Act; be it further enacted, That the ſaid *Thomas Hopcraft* and *John Davis*, or the Commiſſioners who ſhall carry this Act into Execution, ſhall, at their Firſt Meeting to be held in purſuance of this Act, before they ſhall proceed to act in the Execution thereof, otherwiſe than by taking the Oath in that Behalf preſcribed, nominate and appoint, by Writing under their Hands, ſome fit and proper diſintereſted Perſon to act as an Umpire concerning the Premiſes; and in caſe of any ſuch Difference of Opinion between the ſaid Commiſſioners as aforeſaid, the ſame ſhall be referred to and determined by ſuch Umpire, whoſe Judgement and Determination therein ſhall be deemed and taken to be the Judgement and Determination of the ſaid Commiſſioners.

Appointment of an Umpire.

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

Umpire to take an Oath.

Oath.

'I DO ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute and perform the ſeveral Truſts, Powers, and Authorities veſted and repoſed in me as an Umpire, by virtue of an Act paſſed in the Fifteth Year of the Reign of King *George* the Third, intituled, *An Act*, &c. [*here inſert the Title of this Act*] according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality to any Perſon or Perſons whomſoever. So help me GOD.'

Which Oath the ſaid Commiſſioners are hereby authorized and required to adminiſter to ſuch Umpire, and the ſaid Oath, ſo taken and ſubſcribed

by the ſaid Umpire, ſhall be annexed to and enrolled with the Award of the ſaid Commiſſioners, and a Copy of the Enrolment thereof ſhall be admitted as legal Evidence.

Appointment of new Commiſſioners and Umpire.

IV. And be it further enacted, That when and ſo often as either of the ſaid Commiſſioners, or any Umpire to be appointed as herein mentioned, ſhall die, or refuſe or become incapable to act as a Commiſſioner or Commiſſioners, or Umpire reſpectively, for the Purpoſes of this or the ſaid recited Act, then and in every ſuch Caſe a new Commiſſioner or Commiſſioners, or Umpire not being in any Manner intereſted in the ſaid Allotment and Incloſure, ſhall and may be nominated, elected, and appointed in Manner following, that is to ſay, if the ſaid *Thomas Hopcraft* ſhall die, or refuſe or become incapable to act as aforeſaid, it ſhall be lawful for the ſaid Sir *Cecil Biſhopp*, or the Perſon or Perſons for the Time being entitled to his Eſtate within the ſaid Manor and Pariſh, by Writing under his or their Hand or Hands, to nominate and appoint ſome other fit Perſon not intereſted in the ſaid Allotment and Incloſure, to be a Commiſſioner in the Room or Stead of the ſaid *Thomas Hopcraft*, and ſo from Time to Time, as often as any Commiſſioner to be appointed by the ſaid Sir *Cecil Biſhopp*, or ſuch Perſon or Perſons as laſt aforeſaid, ſhall die, or refuſe or become incapable to act; and if the ſaid *John Davis* ſhall die, or refuſe or become incapable to act as aforeſaid, it ſhall be lawful for the Lord Biſhop of *Oxford*, and his Leſſee or Leſſees of the ſaid Impropriate Rectory, and the Vicar of the Vicarage of *Culham* aforeſaid for the Time being, by Writing under their Hands, to elect and appoint another Commiſſioner in the Room or Stead of the ſaid *John Davis*, and ſo from Time to Time, as often as any Commiſſioner or Commiſſioners to be appointed by the ſaid Lord Biſhop, and his Leſſee or Leſſees, and the ſaid Vicar, ſhall die, or refuſe or become incapable to act; and if any Umpire to be appointed as herein-before mentioned ſhall die, or refuſe or become incapable of acting, then and in every ſuch Caſe a new Umpire, not intereſted in the ſaid Allotment and Incloſure, ſhall and may be choſen in the Stead of every Umpire ſo dying, refuſing, or becoming incapacitated, by the Commiſſioners who ſhall then or next afterwards be acting in the Execution of this Act; and in caſe the Perſon or Perſons reſpectively herein-before enabled to appoint a Commiſſioner or Commiſſioners as aforeſaid, ſhall refuſe or neglect to appoint ſuch Commiſſioner in the Room or Stead of any other Commiſſioner who ſhall die, or refuſe or become incapable of acting as aforeſaid, for the Space of Twenty-eight Days after any ſuch Vacancy ſhall be made known to them reſpectively, then and in every ſuch Caſe, and as often as the Caſe ſhall happen, the ſurviving or remaining Commiſſioner ſhall and may, by Writing under his Hand, nominate and appoint another Commiſſioner, not intereſted in the ſaid Allotment and Incloſure, in the Room and Stead of every Commiſſioner ſo dying, or refuſing or becoming incapable of acting, whoſe Place ſhall not be filled up by the Perſon or Perſons reſpectively enabled to appoint as aforeſaid; and every ſuch new Commiſſioner and Umpire ſo to be appointed ſhall have the ſame Powers and Authorities for putting this Act and the ſaid recited Act into Execution, in all Reſpects whatſoever, as any Commiſſioner or Umpire had or was inveſted with, or was intended to have or be inveſted with by virtue of this Act: Provided always, that the Power hereby given to the ſurviving or remaining Commiſſioner to appoint a new Commiſſioner in the Event of any Vacancy not being filled up by the

other

other Persons hereby respectively authorized to fill up the same, shall not invalidate or vitiate the Power so hereby given to such other Person or Persons, until the aforesaid Power shall be actually executed by the said surviving or remaining Commissioner.

Commissioners or Umpires Non-attendance to be deemed a Refusal to act.

V. Provided also, and be it further enacted, That if any of the said Commissioners shall refuse or neglect to attend at the First or Second Meeting appointed to be holden for putting this Act in Execution, and duly qualify himself by taking the Oath in that Behalf prescribed, or if any one of the said Commissioners shall at any Time after the said First or Second Meeting wilfully absent himself from any Two succeeding Meetings appointed to be holden as aforesaid (such Meetings being known to him by his being present at the Appointment thereof, or Notice thereof in Writing having been Eight Days previously given or left at his usual Place of Abode by the Clerk to the said Commissioners, and such Commissioner not being prevented by Sickness or other reasonable Cause, to be allowed by the other Commissioner, from attending at such subsequent appointed Meetings), or if any Commissioner hereafter to be elected and appointed in Manner aforesaid shall not attend and qualify himself at the First or Second Meeting after his Election, to be appointed by the surviving or remaining Commissioner for putting this Act in Execution or shall thereafter absent himself in Manner aforesaid, (having first known of such Meeting, or after such Notice and without such Cause as herein-before mentioned;) and in like Manner if any Umpire, to be elected and appointed as aforesaid, shall refuse or neglect to attend at any Two succeeding Meetings to be appointed by the said Commissioners, at which his Presence shall be required by them (Eight Days Notice in Writing of the Time and Place of holding such Meetings having been given him or left at his usual Place of Abode, and he not being prevented by Sickness or other reasonable Cause to be allowed by the said Commissioners), every such Absence or Non-attendance shall be deemed and taken to be a Refusal to act.

Appointment of Surveyor.

VI. And be it further enacted, That the Survey, Admeasurement, and Plan to be made in pursuance of this Act, shall be made by *Thomas Hopcraft* the younger, of *Crowton*, in the County of *Northampton*, Land Surveyor, or by such other Person or Persons as the said Commissioners shall direct: Provided always, that it shall be lawful for the said Commissioners to adopt and make use of any Survey, Admeasurement, and Plan already made of the Lands, Grounds, and Hereditaments hereby directed to be inclosed or exonerated from Tythes, or any Part thereof, as authorised by the said recited Act.

Notice of Meetings.

VII. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice in Writing of the Time and Place of their first and every other Meeting for the Execution of this Act, to be inserted in *Jackson's Oxford Journal* or in some other Newspaper circulated within the said County of *Oxford*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners, only one of them shall attend, the one so attending may adjourn such Meeting to such Time and Place within the said Parish of *Culham*, or within Eight Miles of the Boundary of the said Parish, as shall be by him deemed most convenient.

VIII. Provided

Other Notices.

VIII. Provided always, and be it further enacted, That all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioners, ſhall be made and given by Advertiſements in the ſaid *Jackſon's Oxford Journal*, or ſome other Newſpaper circulated in the ſaid County of *Oxford*,

Commiſſioners Quality to be open to Inſpection.

IX. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall, at ſome convenient Time after the ſeveral Allotments hereinafter directed to be made ſhall have been ſet out, and before the ſame ſhall be confirmed, cauſe the Valuation and Appraiſement to be made by them by virtue of this and the ſaid recited Act to be reduced into Writing, and ſigned by them, which ſhall and may be inſpected by all Perſons intereſted therein at all and every of the ſubſequent Meetings of the ſaid Commiſſioners, without Fee or Reward, and any Perſon or Perſons ſo intereſted ſhall be entitled to a Copy of ſuch Valuation and Appraiſement, or any Part or Parts thereof, paying for the ſame at a reaſonable Price, to be aſcertained by the ſaid Commiſſioners.

Encroachments within Twenty Years to be deemed Part of Waſte.

X. And be it further enacted, That all Encroachments which at any Time within Twenty Years now laſt paſt ſhall have been made upon the Lands hereby directed to be allotted, ſhall be deemed Part thereof, and ſhall be divided and allotted accordingly; and in caſe any Diſpute or Difference ſhall ariſe touching any ſuch Encroachments, or the Extent thereof, ſuch Diſpute or Difference ſhall be finally determined by the ſaid Commiſſioners.

Power to ſhorten Boundary Fences.

XI. And be it further enacted, That in order to ſhorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted, and the adjoining Pariſhes, it ſhall be lawful for the ſaid Commiſſioners, with the Conſent in Writing under the Hands of the Lords or Ladies of the Manor or Manors, and of the Majority in Value (to be aſcertained by the Aſſeſſment to the Poor Rate) of the Land Owners intereſted in any Commons or Waſte Grounds adjoining to the ſaid Pariſh of *Culham*, and alſo under the Hand of any Owner of any adjoining Land upon which any ſuch Fence ſhall be intended to be made, to ſet out, aſcertain, and determine the Boundary Fences to be made between the Lands by this Act directed to be divided and allotted, and the Lands adjoining thereto, as they ſhall judge proper for the Purpoſes aforeſaid; and after ſuch Boundary Fences ſhall be ſo ſet out, aſcertained, and determined, the ſame ſhall be fenced by ſuch Perſons in ſuch Manner and at ſuch Times as the ſaid Commiſſioners ſhall direct, and ſhall for ever thereafter be deemed and taken to be the Boundary between the ſaid Pariſh of *Culham* and ſuch adjoining Pariſh or Pariſhes, any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Commiſſioners to ſettle Diſputes.

XII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid Open Fields, Meadows, and Lands, touching or concerning any Right or Intereſt therein, or any other Matter or Thing relating to the Diviſion or Allotment thereof, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required to examine into, hear, and determine the ſame.

And may award Costs.

XIII. And be it further enacted, That in case the said Commissioners shall, upon the hearing and determining of any such Dispute or Difference, see cause to award any Costs, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made by the other Party or Parties in such Dispute or Difference; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Parties may try Rights at Law by feigned Issue.

XIV. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Allotment, shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning any Claim, Right, or Interest in, over, or upon the Lands and Grounds hereby directed to be allotted and exonerated from Tythes, or any Part thereof, it shall and may be lawful to and for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire at the then next or the following Assizes to be holden for the said County of *Oxford*, and for that Purpose the Person or Persons so dissatisfied shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners or Umpire; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same), and the Verdict or Verdicts which shall be given in such Action or Actions shall be final and conclusive upon all and every Person and Persons whomsoever, Body and Bodies Politic, Corporate, or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do in case the said Court shall think proper; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall, and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials.

Determination of Commissioners to be final.

XV. Provided always, and be it further enacted, That in case the Determination of the said Commissioners or Umpire touching any Claim or Claims

Claims of any Rights of Common, or other Rights or Interests in, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and exonerated from Tythes, or any Part thereof, shall not be objected to, or being objected to, such Action or Actions at Law shall not be brought and proceeded in within the Time and in the Manner herein-before for that Purpose mentioned, such Determination shall be final, binding, and conclusive upon all Parties: Provided also, that nothing in this Act contained shall authorize the said Commissioners or Umpire to determine the Title to any Messuages, Cottages, Tythes, Lands, or Hereditaments whatsoever.

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

XVI. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title, Right, or Interest of any Person or Persons in or to any Messuages, Cottages, Lands, Tenements, or Hereditaments hereby directed to be allotted or exonerated from Tythes, or any Part thereof, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act; but the said Allotment and Exoneration shall be proceeded in, notwithstanding such Suit or Suits, and the Allotment or Allotments in Dispute may be had and taken by the Person or Persons who upon the Determination of such Suit or Suits shall become entitled to the same.

Death of Parties not to abate Actions.

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

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

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

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

XIX. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties, contrary to the Possession of any such Parties (except in Cases of Encroachment made within the Period of Twenty Years;) but in case the said Commissioners shall be of Opinion against

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

Power to ſet out Roads acroſs old Incloſures with Conſent of the Owners.

XX. And be it further enacted, That in ſetting out and appointing the ſeveral Carriage Roads and Highways in purſuance of this Act, the ſaid Commiſſioners ſhall, and they are hereby authorized and empowered, if they ſhall think it neceſſary or proper, to continue ſuch Carriage Roads and Highways, or any of them, through or over any of the old incloſed Lands or Grounds within the ſaid Pariſh of *Culham*, and alſo to divert, turn, or ſtop up any of the old Carriage Roads or Highways paſſing or leading through or over any ſuch old incloſed Lands or Grounds: Provided, that no ſuch Road or Highway be ſo ſet out or appointed, or diverted, turned, or ſtopped up reſpectively, without the Conſent of the Owners of the reſpective old incloſed Lands or Grounds through or over which ſuch Road or Highway doth or is intended to paſs, ſuch Conſent to be teſtified by ſome Writing under the Hands of ſuch Owners reſpectively, nor without the Concurrence and Order of Two Juſtices of the Peace acting for the ſaid County of *Oxford*, and ſuch Order ſo to be made by ſuch Juſtices ſhall be ſubject to an Appeal in Manner directed by the ſaid recited Act.

Allotment for Road Materials.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall, in the firſt Place, if they ſhall judge it expedient, but not otherwiſe, ſet out and allot unto the Surveyors of the Highways within the ſaid Pariſh of *Culham* for the Time being for ever, ſuch Part of the Lands and Grounds hereby directed to be allotted, as the ſaid Commiſſioners ſhall judge neneceſſary as and for Watering Places for Cattle, and as and for Public Gravel and Stone Pits; and the ſame Allotment or Allotments, when ſet out, ſhall for ever thereafter be uſed by the Surveyors of the Highways, and by the Proprietors of Lands and Tenements within the ſaid Pariſh of *Culham*, and their Tenants for the Time being, in ſuch Manner, and under ſuch Rules and Regulations as the ſaid Commiſſioners ſhall by their Award direct or appoint.

Allotment to the Lord of the Manor for Waſte.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out and allot unto and for the Lord of the Manor aforeſaid, ſuch Part of the Commons and Waſte Lands within the ſaid Manor and Pariſh, as in the Judgement of the ſaid Commiſſioners ſhall be equivalent to and a full Compenſation and Satisfaction for his Rights and Intereſts in and to the Soil of the ſaid Commons and Waſte Lands.

Allotments for Glebe.

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next place, aſſign, ſet out, and allot unto and for the Lord Biſhop of *Oxford*, and his Leſſee or Leſſees of the ſaid Impropriate Rectory, and the Vicar of the Vicarage of *Culham* aforeſaid reſpectively, ſuch Plot or Plots, Part of the ſaid Lands and Grounds hereby directed to be allotted, as ſhall in their Judgement be a full Equivalent and Compenſation for the ſeveral and reſpective Glebe Lands in, over, and upon the Lands and Grounds hereby directed to be allotted.

Allotment for Tythes.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required, in the next Place, to ſet out, allot, apportion, and award, unto, for, and between the Lord Biſhop of *Oxford*, and his Leſſee or Leſſees, and to the Vicar of the Vicarage of *Culham* aforeſaid, in Severalty, ſuch Part or Parts of the Lands and Grounds hereby directed to be allotted, as ſhall in their Judgement (Quantity, Quality, and Situation conſidered) be equal in Value to One Fifth Part of all the Arable or Tillage Land, and the Baulks or Hades intermixed therewith, and One Ninth Part of all the Remainder of the Lands and Grounds within the ſaid Manor and Pariſh of *Culham*, intended to be affected hereby, which are ſubject and liable to the Payment of Tythes in Kind, to the ſaid Lord Biſhop, or his Leſſee or Leſſees, and the ſaid Vicar reſpectively, and which ſhall remain after the ſeveral Public and Private Roads, the Allotments (if any) to the Surveyors of the Highways, and the ſaid Allotments for Glebe, ſhall be taken and deducted; which laſt mentioned Allotment or Allotments ſhall be in lieu and bar of and a full Compenſation and Satisfaction for all Tythes, both Great and Small, and all Payments in lieu of Tythes, and all other Eccleſiaſtical Dues whatſoever (Mortuaries, Eaſter Offerings, and Surplice Fees excepted) ariſing, growing, renewing, increaſing, happening, or becoming payable, or to ariſe, grow, renew, increaſe, happen, or become payable within, from, or in reſpect of all and every of the Lands and Grounds, Meſſuages, Cottages, Gardens, Orchards, and Hereditaments intended to be affected hereby; and which Allotment or Allotments ſo to be made for Tythes as aforeſaid, ſhall be divided, apportioned, and allotted by the ſaid Commiſſioners to and between the ſaid Vicar and the ſaid Lord Biſhop of *Oxford*, and his Leſſee or Leſſees of the ſaid Impropriate Rectory, in ſuch Proportions reſpectively as the ſaid Commiſſioners ſhall judge to be equal to their reſpective Intereſts therein: Provided always, that nothing in this or the ſaid recited Act contained ſhall extend or be conſtrued to extend to any of the old incloſed Lands or Grounds, or to any Meſſuages, Cottages, or Homeſteads within the ſaid Manor and Pariſh, not belonging to the ſaid Lord Biſhop, or his Leſſee or Leſſees, or the ſaid Vicar, or to the ſaid Sir *Cecil Biſſhopp*, or to the Copyholders or Leaſeholders for Life or Lives, or Years determinable on a Life or Lives, under him the ſaid Sir *Cecil Biſſhopp*, except ſo far as reſpects Exchanges and the Expences thereof.

Allotment to the Vicar.

XXV. And whereas the ſaid Lord Biſhop, and his Leſſee of the ſaid Impropriate Rectory, have immemorially paid to the ſaid Vicar and his Predeceſſors, by and out of the ſaid Rectory, the yearly Penſion or Sum of Ten Pounds, which it would be deſirable both to the ſaid Lord Biſhop and his Leſſee, and to the ſaid Vicar and his Succeſſors, to commute by a fair and adequate Equivalent in Land; be it therefore further enacted, That the ſaid Commiſſioners, in making their Allotment, Partition, and Diviſion herein-before directed to and between the ſaid Lord Biſhop, and his Leſſee of the ſaid Impropriate Rectory, and the ſaid Vicar ſhall alſo ſet out and allot unto and for the ſaid Vicar and his Succeſſors, from and out of the ſaid Allotment of Land herein-before directed to be made to and for the ſaid Lord Biſhop, and his Leſſee of the ſaid Impropriate Rectory, for and in lieu of the Tythes herein-before mentioned, ſuch further Allotment or Quantity of Land as in the Judgement of the ſaid Commiſſioners ſhall be of the full Value of Ten Pounds *per Annum*, to be accepted and enjoyed by the ſaid Vicar and his Succeſſors for and in lieu of ſuch

Penſion or yearly Sum, which ſhall thereupon, or at ſuch Time as the ſaid Commiſſioners ſhall direct, ceaſe to be paid and payable to the ſaid Vicar from and out of the ſaid Impropriate Rectory.

Tythes payable till Award made, or Commiſſioners otherwiſe direct.

XXVI. Provided always, and be it further enacted, That until the Execution of the Award to be made by the ſaid Commiſſioners, or until ſuch other previous Time as the ſaid Commiſſioners ſhall, by Writing under their Hands direct or appoint, the ſaid Lord Biſhop, or his Leſſee or Leſſees of the ſaid Impropriate Rectory, and the ſaid Vicar reſpectively for the Time being, ſhall be entitled to, and ſhall have, receive, enjoy, and recover all their ſeveral and reſpective Tythes, in the ſame Manner as if this Act had not been made, or Money in lieu thereof, to be aſcertained by the ſaid Commiſſioners.

Allotment of Reſidue.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required, after the making ſuch Allotments as aforeſaid, to ſet out, allot, and award all the Reſidue and Remainder of the Open Fields, Meadows, and Waſte Lands within the Manor and Pariſh of *Culham* aforeſaid, unto and amongſt the ſeveral and reſpective Owners and Proprietors thereof, and Perſons intereſted therein, in ſuch Quantities, Shares, and Proportions as the ſaid Commiſſioners ſhall judge and determine to be a juſt Compenſation and Satisfaction for their ſeveral and reſpective Lands, Grounds, Rights of Common, and other Rights and Intereſts therein.

Power to divide and allot ancient Incloſures.

XXVIII. And be it further enacted, That, ſubject to the Reſtriction aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, by and with the Conſent of the reſpective Owners of old incloſed Lands, Grounds, or Hereditaments lying within the ſaid Pariſh of *Culham*, to order and direct the ſame, or ſuch Part or Parts thereof as the Owners thereof reſpectively ſhall conſent and deſire to be taken up and conſidered and allotted as Part and Parcel of the Lands hereby directed to be divided and incloſed, which ſhall be done accordingly, and thereupon ſuch Allowances ſhall be made to the reſpective Owners thereof, on account of the beneficial Circumſtances and Situation of the Property as the ſaid Commiſſioners ſhall adjudge to be juſt and reaſonable; and the ſaid Commiſſioners ſhall, and they are hereby required to ſet out, allot, and award unto and for the reſpective Owners of ſuch old incloſed Lands, Grounds, and Hereditaments in lieu thereof, ſo much and ſuch Plot or Plots of Land, Part of the Lands and Grounds hereby directed to be allotted or incloſed, as they the ſaid Commiſſioners (Quantity, Quality, and Situation conſidered) ſhall think reaſonable and juſt, ſubject to the Rules, Orders, and Directions herein contained; Provided, that no Perſon or Perſons ſhall be compelled to accept or take any old Incloſure as or in Part of an Allotment, without his, her, or their Conſent in Writing.

Exchanges may be made.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot, and award any Lands, Tenements, or Hereditaments whatſoever, within the Manor and Pariſh of *Culham* aforeſaid, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatſoever, within the ſame Manor and Pariſh, or within any adjoining Pariſh or Place; provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners,

and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politick, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courteſy of *England*, or for Years determinable on a Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees, for charitable or other Uſes, Huſbands, Committees or Attornies, of or acting for any ſuch Owners or Proprietors as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunaticks, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing, under the Common Seal of the Body Politick, Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every Exchange and Exchanges ſo to be made, ſhall be good, valid and effectual in the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements or Hereditaments, held in Right of any Church, Chapel, or any Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid, of the Patron thereof, and of the Biſhop of the Dioceſe in which the Lands, Tenements or Hereditaments ſo to be exchanged ſhall lie and be ſituate.

New Allotments to remain to the ſame Uſes.

XXX. And be it further enacted, That the ſeveral Lands and Grounds ſo to be allotted and awarded upon the ſaid Diviſion, Allotment, and Incloſure, to the ſeveral Perſons intereſted, in purſuance of this or the ſaid recited Act, ſhall immediately after the making of ſuch Allotments, be, remain and enure, and the ſeveral Perſons to whom the ſame ſhall be ſo reſpectively allotted and awarded, ſhall from thenceforth ſtand and be ſeiſed and poſſeſſed thereof to ſuch and the ſame Uſes, Eſtates, Truſts, and Purpoſes, and ſubject to ſuch and the ſame Wills, Settlements, Limitations, Powers, Remainders, Leaſes, (except at Rack Rent), Charges, and Incumbrances, as the ſeveral and reſpective Meſſuages, Lands, Tenements, old Incloſures, new Allotments, or other Hereditaments, in lieu whereof ſuch Allotments ſhall be reſpectively made as aforeſaid, are now held under or ſubject to, or liable to be charged with or affected by, or might or could have been held under, or ſubject to or liable to be charged with, or affected by, in caſe this Act had not been made.

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

XXXI. And be it further enacted, That in caſe the Proprietor or Proprietors of any Lands or other Hereditaments by this or the ſaid recited Act authorized to be allotted, exchanged or exonerated from Tythes, ſhall hold their reſpective Lands or Hereditaments for different Eſtates, or by different Tenures, or ſubject to different Truſts, Charges, or Incumbrances, the ſaid Commiſſioners ſhall aſcertain and diſtinguiſh the Lands or other Hereditaments ſo held, and ſhall alſo ſet out and diſtinguiſh the different Allotments or other Hereditaments to be accepted and taken as an Equivalent in reſpect of each of them ſo circumſtanced; and the ſaid Commiſſioners ſhall, and they are hereby authorized and empowered to ſet forth and declare in and by their ſaid Award in Right of what Lands or Hereditaments in particular ſuch Allotments ſhall have been reſpectively made, and therein alſo ſeparately deſcribe and aſcertain the Situation and

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

and Boundaries of every ſuch Allotment; and if for want of Information, or from any other Cauſe, the ſaid Commiſſioners ſhall have omitted in their Award to diſtinguiſh and aſcertain the Allotments in reſpect of Lands or other Hereditaments ſo circumſtanced, and within Twelve Calendar Months, after the making of ſuch Award, Requeſt ſhall be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted, by Writing under his, her, or their Hand or Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument, then and in every ſuch Caſe, the ſaid Commiſſioners ſhall, and they are hereby authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion, and ſo far as that Purpoſe ſhall require, to examine Witneſſes, and in every other reſpect to proceed and act as if their Award had not been made; and having obtained what they ſhall think ſufficient Information, they are hereby alſo authorized, by any Deed under their Hands and Seals, to make diſtinct and ſeveral Allotments in reſpect of the Lands and Hereditaments ſo circumſtanced, in the ſame Manner as they might have done in their Award, and every ſuch ſeparate Inſtrument ſhall be enrolled in the ſame Place, and Evidence thereof given in the ſame Manner as by the ſaid recited Act or this Act, or either of them, are or is directed concerning the ſaid Award; and all reaſonable Expences which ſhall be incurred in or about ſuch ſeparate Inſtrument or Inſtruments as aforeſaid, ſhall be payable by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioners to make and execute the ſame, or by his, her or their Heirs, Executors, or Adminiſtrators; and every ſuch ſeparate Inſtrument ſhall, from and immediately after the due Execution thereof by the ſaid Commiſſioners, have the ſame Effect to all Intents and Purpoſes as if the Contents or Subſtance thereof had been inſerted and contained in their ſaid Award; and the ſame ſhall, after ſuch Enrolment as aforeſaid be delivered to the Perſon or Perſons upon whoſe Requeſt any ſuch Omiſſion ſhall have been ſo ſupplied, or to the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings concerning the Title to the Premiſes in Queſtion, ſhall in the Opinion of the ſaid Commiſſioners moſt properly belong.

Vacating Leaſes at Rack Rent.

XXXII. And be it further enacted, That all and every ſubſiſting Leaſe and Leaſes at Rack Rent, upon the making or renewing of which no Fine or Fines hath or have been paid of any of the Lands or Grounds to be allotted or exonerated from Tythes by virtue of this Act, or the Tythes thereof, or any Part thereof, either alone or jointly with any other Lands, Tenements, Tythes, or Hereditaments, and all ſubſiſting Agreements for any Time or Term therein, as to the Whole of the Tenements compriſed in ſuch Leaſe or Leaſes, Agreement or Agreements, ſhall, on ſuch Day as the ſaid Commiſſioners ſhall by Writing under their Hands for that Purpoſe limit or appoint, ceaſe, determine and be utterly void; and the reſpective Leſſees or Tenants thereof ſhall thereupon be entitled to demand and receive of and from the reſpective Landlords, Owners, or Proprietors of the ſame Premiſes, ſuch Allowance or Satisfaction in Money, and at ſuch Time or Times, as ſuch Commiſſioners ſhall aſcertain, order and direct, as reaſonable to be paid to ſuch Leſſees or Tenants on account thereof, or as an Equivalent for the ſame, and ſuch Leſſees or Tenants reſpectively, ſhall upon the Determination of every ſuch Leaſe or Agreement be liable to pay the reſpective Landlords, Owners and Proprietors of the ſame Premiſes, ſuch Rents or Sums of Money up to the Time of

of vacating such Leases or Agreements respectively, for the Use and Occupation thereof, as the said Commissioners shall in like Manner ascertain, order and direct as reasonable and proper in that Behalf; provided always, that in ascertaining and settling the Sum or Sums of Money to be paid by or to such Lessee or Lessees as aforesaid, the said Commissioners shall have due Regard to the several Covenants and Stipulations of the Lease or Leases, Agreement or Agreements to be vacated, and shall make such Addition thereto, or Abatement therefrom, as they shall judge to be just, in case any of such Covenants or Stipulations shall not have been fulfilled.

No Turves to be cut without Consent of the Commissioners.

XXXIII. And be it further enacted, That if any Person or Persons shall after the passing of this Act, cut, dig, pare, or carry away any Turves, Furze or Fuel, in, upon, or from the said Waste Lands, or any Part thereof, without or contrary to the Licence of the said Commissioners first had and obtained in Writing for that Purpose, (which Licence the said Commissioners are hereby empowered to grant, under such Orders, Rules, Regulations and Restrictions as they shall think just and proper to be inserted therein), then and in every such Case, the said Commissioners, upon due Proof made before them upon Oath, (which Oath any One of the said Commissioners is hereby authorized to administer), shall and they are hereby required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money, not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending in the Premises, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall be so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards the Payment of the Costs and Charges of obtaining and executing this Act.

Commissioners to direct the Course of Husbandry.

XXXIV. And be it further enacted, That from and after the passing of this Act, until the Execution of the Award of the said Commissioners, all the open Fields hereby directed to be divided and allotted, shall be subject and liable to such Directions and Regulations as the said Commissioners shall from Time to Time by Writing under their Hands appoint, as well with regard to the stocking as to the ploughing, folding, tilling, sowing and laying down the same; and it shall and may be lawful to and for the said Commissioners to order and direct such Sum or Sums of Money, as well in respect thereof as for any Seeds, Crop, Tillage, Manure or Preparation for a Crop or Crops on any of the Lands or Grounds hereby directed to be allotted, to be paid by any Person or Persons interested therein, or his, her, or their Tenant or Tenants, and to such Person or Persons as they the said Commissioners shall think reasonable and direct; and in case any Person or Persons who shall be directed to pay any Sum or Sums of Money on any of the Accounts aforesaid, shall neglect or refuse to pay the same accordingly, within the Space of Fourteen Days after the same shall have been ordered and demanded, then it shall be lawful for the said Commissioners and they are hereby required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause the same to be levied by

Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting to pay ſuch Sum or Sums of Money as aforeſaid, rendering the Overplus (if any) upon Demand, to ſuch Perſon or Perſons reſpectively, after deducting the Coſts and Charges of taking and making every ſuch Diſtreſs and Sale; and in caſe ſuch Diſtreſs cannot be taken as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, or any Perſon authorized by them for that Purpoſe, to enter into and upon ſuch Lands as aforeſaid, or any Part thereof reſpectively, and receive the Rents, Iſſues, and Profits thereof reſpectively, until thereby and therewith, or otherwiſe the full Amount of ſuch Sum or Sums of Money as aforeſaid, and all Coſts, Charges and Expences occaſioned by or attending ſuch Entry upon and receiving the Rents and Profits of the ſame Premiſes ſhall be reſpectively fully paid and ſatisfied; which Sum or Sums of Money ſo to be levied, recovered or raiſed ſhall, after diſcharging ſuch Coſts, Charges and Expences as aforeſaid, be applied in making ſuch Recompence and Satisfaction to the Perſon or Perſons entitled thereto as aforeſaid.

Power to turn Watercourſes in old Incloſures.

XXXV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered to direct, order and award all or any Part of the Streams, Springs, and Watercourſes, within the Manor and Pariſh of *Culham* aforeſaid, or which divide or run between the ſaid Pariſh, and any adjoining Pariſh or Liberty, to be conveyed and turned in ſuch Courſe and through ſuch Part or Parts of the Lands and Grounds hereby directed to be allotted, as they ſhall think moſt beneficial and convenient for watering the new Allotments which ſhall be made in purſuance hereof, and for ſtraightening Boundaries as herein-before directed; provided always, that no ſuch Stream, Spring, or Watercourſe, ſhall be diverted or turned without the Conſent of the Perſon or Perſons to or from whoſe Lands the ſame ſhall be ſo diverted or turned.

No Sheep, &c. to be kept in new Allotments within a limited Time.

XXXVI. And be it further enacted, That no Cattle, Sheep, or Lambs ſhall be kept in any of the Allotments to be made by virtue of this Act, out of the ſaid Open Fields, Meadows, and Waſte Lands, or in or by the Side of any of the Roads to be ſet out in purſuance of this or the ſaid recited Act, during the Space of Seven Years next after the Execution of the ſaid Award, unleſs the Perſon or Perſons keeping the ſame ſhall firſt at his, her, or their own Expence, make and conſtantly maintain a Fence ſufficient to guard the young Quick Fences, if any adjoining ſuch Allotments or Roads, from being cropped, hurt, or damaged by ſuch Cattle, Sheep or Lambs, whether ſuch Quick Fences be planted or ſet by the Owners or Occupiers of ſuch Allotments as aforeſaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto.

Perſons advancing Money to be repaid with Intereſt.

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

XXXVIII. And

Allotments to Surveyors of the Highways and for Glebe and Tythes to be ring-fenced.

XXXVIII. And be it further enacted, That the ſeveral Plots of Ground (if any) which ſhall or may be ſet out and allotted to the Surveyors of the Highways, and the Allotments to be made and ſet out for or in lieu of Glebe Lands and Tythes as aforeſaid, ſhall be incloſed round with Quick-ſet Hedges and Ditches, and ſubſtantial Poſts and Rails on each Side thereof, or other proper Mounds or Fences, according to the Cuſtom of the Country, with good and ſubſtantial Gates and Stiles in the ſaid Fences where neceſſary, and the ſame ſhall be thereafter ſupported and maintained for the Term of Seven Years, or until the Quickſets ſhall have become ſufficient Fences of themſelves, by or at the Expence of all or ſuch of the other Proprietors of Lands, Grounds, and Hereditaments which ſhall be exonerated from Tythes by virtue of this Act, excluſively of the ſaid Lord Biſhop and his Leſſee or Leſſees, and the ſaid Vicar, in ſuch Manner, Shares, and Proportions as the ſaid Commiſſioners ſhall, by any Writing under their Hands, or by their Award order and direct; and ſuch Proportions of the ſaid Fences as the ſaid Commiſſioners ſhall by their Award order and direct ſhall be for ever thereafter maintained and kept in Repair by and at the Expence of the ſaid Lord Biſhop and his Leſſee or Leſſees, and the ſaid Vicar reſpectively for the Time being, and the Fences of the Lands and Grounds to be allotted to the Surveyors of the Highways ſhall afterwards be ſupported and maintained for ever by ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall direct or appoint; and in caſe any Perſon who ſhall be made ſubject and liable by any ſuch Order and Direction of the ſaid Commiſſioners to make or to repair, ſupport, or maintain any ſuch Fence, ſhall neglect or refuſe to make or to repair, ſupport, or maintain the ſame, according to ſuch Direction of the ſaid Commiſſioners, it ſhall be lawful for the Perſon or Perſons intereſted to exhibit a Complaint in Writing againſt ſuch Perſon or Perſons ſo neglecting or refuſing, before any One of His Majeſty's Juſtices of the Peace for the County of *Oxford* (not being intereſted in the Lands and Grounds ſo to be fenced and incloſed as aforeſaid), who ſhall and may ſummon the Parties concerned, enquire into the Nature of the Complaint, and examine all proper Witneſſes upon Oath (which Oath ſuch Juſtice ſhall and may and is hereby authorized to adminiſter), and after ſuch Summons, Enquiry, and Examination, ſhall and may, if he ſhall ſee Cauſe, order, direct, and appoint the Perſon or Perſons exhibiting ſuch Complaint to make and raiſe, or to repair ſuch Fences of the Perſon or Perſons ſo neglecting or refuſing, and when the ſame ſhall be ſo made and raiſed, or repaired, ſuch Juſtice may aſcertain the Coſts and Charges of doing thereof, and alſo ſhall and may, by Warrant under his Hand and Seal directed to the Perſon or Perſons exhibiting ſuch Complaint, cauſe the ſame Coſts and Charges ſo aſcertained (Demand thereof being firſt made before one credible Witneſs) to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the Coſts and Charges of taking and making ſuch Diſtreſs and Sale, or otherwiſe ſhall and may, by Writing under his Hand and Seal, authorize and empower the Perſon or Perſons exhibiting ſuch Complaint to enter into or upon the Premiſes ſo allotted to ſuch Perſon or Perſons refuſing or neglecting to pay as aforeſaid, and to receive and take the Rents and Profits thereof reſpectively, until thereby, therewith or otherwiſe the Charges and Expences of making and maintaining or repairing ſuch Fences of the Perſon or Perſons ſo neglect-

ing or refuſing to pay as aforeſaid, and alſo all Coſts, Charges, and Expences occaſioned by and attending ſuch Entries upon and Perception of the Rents and Profits of the ſaid Premiſes, ſhall reſpectively be fully paid and ſatisfied.

Power to borrow Money on Incloſures.

XXXIX. And be it further enacted, That it ſhall and may be lawful to and for the Huſbands, Guardians, Truſtees, Committees, or Attornies of any of the Owners or Proprietors of any old incloſed Lands and Hereditaments within the ſaid Manor or Pariſh, which ſhall be exonerated from Tythes by virtue of this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or any other Diſability, and for any of the ſaid Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwiſe intereſted as aforeſaid (except the ſaid Lord Biſhop and his Leſſee or Leſſees, and the ſaid Vicar for the Time being), to charge ſuch old Incloſures and Premiſes with ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall by their Award, or by Writing under their Hands, either before or after the Execution of ſuch Award, adjudge neceſſary to pay and defray the Charges and Expences incident to and attending the obtaining this Act and carrying the ſame into Execution, and of charging the ſaid old Incloſures as aforeſaid, ſo that the ſame ſhall not exceed the Sum of Five Pounds for every Acre of ſuch old Incloſures, and to grant, mortgage, ſurrender, leaſe, or demiſe, or otherwiſe ſubject the Lands, Tenements, and Hereditaments ſo to be charged unto ſuch Perſon or Perſons who ſhall advance and lend the ſame reſpectively, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years; or in caſe any Perſon in Poſſeſſion, who ſhall or may be liable to and charged with a Share of the Expences as aforeſaid, or enabled by this Act to charge ſuch old Incloſures with the ſame, ſhall chooſe to advance, pay, and diſcharge ſuch Sum or Sums of Money, then it ſhall be lawful for the ſaid Commiſſioners, by any Deed or Writing under their Hands and Seals, to be atteſted by Two or more credible Witneſſes, in like Manner to grant, mortgage, ſurrender, leaſe, demiſe, or otherwiſe ſubject, the ſaid old Incloſures and Premiſes to ſuch Perſon or Perſons reſpectively paying and diſcharging the ſame, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years, to and for the Payment of ſuch Sum and Sums of Money ſo advanced, paid, and diſcharged by him, her, or them, with lawful Intereſt for the ſame, to commence on the Termination of his, his, her, or their Right and Intereſt in the Premiſes; ſo that every ſuch Grant, Mortgage, Surrender, Leaſe or Demiſe be made, with a Proviſo or Condition to ceaſe or be void, or with an expreſs Truſt to be ſurrendered or reaſſigned, when ſuch Sum or Sums of Money thereby to be ſecured, ſhall be fully paid and ſatisfied, and alſo with a Covenant to pay and keep down the Intereſt, and a Proviſo that no Perſon or Perſons afterwards becoming poſſeſſed of or entitled to any ſuch old Incloſures and Premiſes ſhall be liable to pay any further or larger Arrear of Intereſt than for Twelve Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhall have commenced, and that every ſuch Charge, Grant, Mortgage, Surrender, Leaſe, or Demiſe ſhall be valid and effectual in the Law for the Purpoſes thereby intended.

Commiſſioners Fees and Coſts of Act.

XL. And be it further enacted, That each of the Commiſſioners and Umpire who ſhall act in Execution of the Powers hereby veſted in them and

and their Clerk shall be paid the Sum of Three Guineas for each Day they shall respectively actually attend, or be from home for the Purpose of acting in the Execution of this Act, which shall be in full Satisfaction for the Trouble and Expences which they shall respectively be put to in the Execution of the Powers aforesaid; and each of the said Commissioners, Umpire, and Clerk, shall, at all Meetings, pay his own Expences, except the Monies to be paid for the Use of Rooms, and the said Commissioners shall cause a Minute of each Day's Proceedings to be entered in a Book on the same Day to be signed by them, and the said Sums, together with all the Costs, Charges and Expences incident to and attending the obtaining this Act, and the surveying, measuring, planning, valuing, dividing, and allotting the Lands, Grounds, and Premises to be divided and allotted or exonerated from Tythes by virtue of this Act, and of preparing and inrolling the Award of the said Commissioners, and all Charges and Expences of the said Commissioners, their Clerk, Assistants, and Servants, and other necessary Expences of the Persons to be employed by the said Commissioners in and about the Premises, either before or after the Execution of the said Award, and all Expences of forming, completing, and repairing the public Carriage Roads and Highways to be set out and appointed by the said Commissioners, and of ring-fencing the Allotment or Allotments (if any) to the Surveyors of the Highways; and the several Allotments for or in lieu of Glebe and Tythes, and all other Expences of carrying this Act into Execution shall be borne and defrayed by the said Sir *Cecil Bisshopp*, or the Person or Persons for the Time being entitled to his Estate within the Manor and Parish of *Culham* aforesaid, which said Costs, Charges, and Expences shall be settled and adjusted by the said Commissioners, and shall be paid at such Time and Place, and to such Person or Persons as the said Commissioners shall appoint; and in case any Person hereby made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion, or Shares or Proportions thereof, within the Time or Times to be appointed as aforesaid, or at any Time after upon Demand, the same, with Interest, shall and may be levied and recovered in the Manner directed by the said recited Act, with respect to Monies payable by Persons to whom Allotments are made.

Expences of Exchanges, &c. how to be paid.

XLI. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making and completing any Exchanges and Partitions shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Commissioners to lay Account of their own Fees before Two Justices once a Year.

XLII. And be it further enacted, That once at least in every Year during the Execution of this Act (to be computed from the Day of the passing thereof) the said Commissioners shall, and they are hereby required, to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act, and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before Two or more of His Majesty's Justices of the Peace for the said County of *Oxford*, to be by them examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in

ſuch Accounts ſhall be binding on the Parties concerned or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtices: Provided always, that the ſaid Proprietors, their Attornies and Agents, ſhall pay their own Expences when they or any of them ſhall attend the ſaid Commiſſioners at any of their Meetings to be holden in purſuance of this Act.

Wills, &c. not to be affected.

XLIII. Provided always, That nothing in this Act contained ſhall extend or be conſtrued to extend ſo as to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Meſſuages, Buildings, Lands, or Grounds to be divided, allotted, incloſed, exchanged, or exonerated from Tythes as aforeſaid, or any Part or Parts thereof reſpectively, but that the reſpective Perſons to whom any Lands, Tenements, or Hereditaments ſhall be given or allotted in Exchange by virtue of this Act, ſhall be ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges, Truſts, and Incumbrances, and no other, as the Meſſuages, Buildings, Lands, Tenements, and Hereditaments whereof ſuch Perſons were ſeiſed or poſſeſſed at or immediately before the Execution of the Award to be made by the ſaid Commiſſioners, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, would have been ſubject or liable to or charged with or affected by in caſe this Act had not been made.

Award where to be depoſited.

XLIV. And be it further enacted, That the Award to be made by the ſaid Commiſſioners ſhall, after the ſame ſhall have been inrolled in Manner directed by the ſaid recited Act, be depoſited in a Tin Box, and kept in the Pariſh Church of *Culham* aforeſaid.

Appeal to the Quarter Seſſions.

XLV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this or the ſaid recited Act (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners or Umpire as are herein or by the ſaid recited Act directed to be final or concluſive, and except in ſuch Caſes wherein an Iſſue at Law ſhall be tried as herein mentioned,) then and in every ſuch Caſe he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *Oxford*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners, and to the Party or Parties concerned, Ten Days Notice in Writing of ſuch Appeal, and of the Matter thereof; and the Juſtices (not intereſted in the Premiſes) in their ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale, or ſuch Coſts and Damages ſhall and may be recovered by Action of Debt or otherwiſe, in any of His Majeſty's Courts of Record at *Weſtminſter*; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by *Certiorari*, or any other Writ

or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them in their Diſcretion ſhall ſeem reaſonable, and ſuch Coſts ſhall be levied in Manner aforeſaid.

Saving the Rights of the Lords of Manors.

XLVI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to prejudice, alter, vary, affect, leſſen, abridge, diminiſh, defeat, or determine any of the Rights and Intereſts of the Lord of the ſaid Manor for the Time being, in or to the Seigniories, Royalties, Rights, and Services incident and belonging to the ſaid Manor, but that ſuch Lord of the ſaid Manor for the Time being ſhall and may, from Time to Time, and at all Times hereafter, hold, exerciſe, and enjoy all Rents, Services, Courts, Perquiſites, and Profits of Courts, Mines, Goods, and Chattels of Felons, Fugitives, Felons of themſelves, Deodands, Waifs, Eſtrays, Forfeitures, and all other Royalties, Juriſdictions, Rights, and Pre-eminences whatſoever to the ſaid Manor, or to the Lord thereof for the Time being, incident, appendant, appurtenant, or belonging, or in any wiſe appertaining (except ſuch Rights for which Compenſation ſhall have been made by virtue of this Act,) in as full, large, ample, and beneficial Manner as they heretofore have been held, exerciſed, or enjoyed, or might or could have been held, exerciſed, or enjoyed in caſe this Act had not been made.

General Saving.

XLVII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Right, Title, and Intereſt, ſave and except ſuch as is and are hereby meant and intended to be barred, deſtroyed, and extinguiſhed, as they, every or any of them, could or ought to have had and enjoyed in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, in caſe this Act had not been made.

Evidence Clauſe.

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

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