ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 154.

An Act for incloſing *Goring Common* or *Goring Heath*, and certain Waſte Lands in the Pariſh of *Goring*, in the County of *Oxford*. [3d *June* 1809.]

WHEREAS the Common or Heath called *Goring Common* or *Goring Heath*, with other Waſtes and Waſte Land in the Pariſh of *Goring*, conſiſts of One thouſand one hundred Acres of Land, or thereabouts, and is ſituate, lying, and being, in an uncultivated State, in the Pariſh of *Goring*, in the County of *Oxford*: And whereas *John Bunce*, *Henry Harding*, and *William Morland*, Eſquires, as Truſtees of the Almſhouſe and Eſtate at *Goring* aforeſaid, deviſed by the Will of *Henry Alnut* Eſquire, are Lords of the Manor of *Goring*, and as ſuch are entitled to the Right of the Soil of ſuch Part of the ſaid Common Heaths, Waſtes, and Waſte Grounds as is not ſituate within the Manors of the *Priory* and *Ilvington*, otherwiſe *Elvendon*, or claimed to be in the Manor of *Gatehampton*, in the ſaid Pariſh, and as ſuch they are alſo entitled to the Furze, young Trees, Timber, Underwood, and other Produce growing and being thereon, which are of great Value: And whereas *Philip Lybbe Powys* Eſquire, is Lord of the Manors called the *Priory* and *Ilvington*, otherwiſe *Elvendon*, within the Pariſh of *Goring* aforeſaid, and as ſuch is entitled to the Right of the Soil of ſuch Part of the Common or Heath, Waſtes, and Waſte Grounds aforeſaid, as are ſituate within the ſaid laſt-mentioned Manors, and to the Furze, young Trees, Timber, Underwood, and other Produce growing and being thereon, which are alſo of conſiderable Value: And

And whereas *Ann Warwick* Widow claims that there is, within the ſaid Pariſh of *Goring*, a Manor called *Gatehampton Manor*, and that ſhe is the Lady thereof, and as ſuch is entitled to the Right of the Soil of ſuch Part of the Common or Heath, Waſtes, and Waſte Grounds aforeſaid, as are ſituate within the ſaid laſt-mentioned Manor, and to the Furze and young Trees, Timber, Underwood, and other Produce growing and being thereon: And whereas the ſaid *Philip Lybbe Powys* is entitled to the Tythes, both Great and Small, ariſing from his Farm and Land in the ſaid Pariſh, called *Haw Farm*, and to Right of Common upon the ſaid Common and Heath Land in reſpect thereof: And whereas *Robert Sherſon* Eſquire, and others, are Owners of certain Portions of Tythes ariſing from certain Farms and Lands in the ſaid Pariſh: And whereas *John Nicholls* Eſquire is Owner of the Rectory Impropriate of *Goring* aforeſaid, and as ſuch is entitled to the Reſidue of all Tythes, both Great and Small, ariſing or renewing, or which may ariſe or renew, in, upon, from, or out of the ſaid Common Heath, Waſtes, and Waſte Ground in reſpect thereof: And whereas the ſaid *John Bunce*, *Henry Harding*, and *William Morland*, as Truſtees as aforeſaid, and the ſaid *Philip Lybbe Powys*, *John Nicholls*, and divers other Perſons, are ſeiſed of, intereſted in, or otherwiſe entitled unto, the Rights of Common in, upon, and over the ſaid Common Heath, Waſtes, and Waſte Ground: And whereas an Act was paſſed in the Forty-firſt Year of the Reign
41 G. 3. c. 109. of His preſent Majeſty, intituled, *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas it would be very advantageous to the Publick, and alſo to the Lords and Lady of the ſaid Manors, and to the ſaid *John Nicholls*, and the ſeveral other Perſons intereſted in the ſaid Common or Heath, Waſtes, and Waſte Ground, that ſuch Common or Heath and Waſte Ground ſhould be divided and incloſed, and ſpecific Allotments made to them reſpectively, according to their ſeveral and reſpective Rights and Intereſts therein; and that the Whole of ſuch Common or Heath, and Waſte Ground ſhould be allotted and incloſed free and diſcharged from all Tythes and Tenths whatſoever, as well Great as Small, and, to effect that Object, that a certain Quantity of Land (Part of the ſaid Common or Heath, and Waſte Ground) ſhould be allotted to the ſaid *John Nicholls*, and *Philip Lybbe Powis*, *Robert Sherſon*, and others, as a Commutation for and inſtead of ſuch their reſpective Tythes: But ſuch Object cannot be obtained 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,
Commiſſioners. and by the Authority of the ſame, That *John Davis* of *Bloxham*, in the County of *Oxford*, Gentleman, and *William Buſhnell* of *Aſton Tirrold*, in the County of *Berks*, Gentleman, and their Succeſſors, to be appointed in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for the Purpoſe of valuing, dividing, allotting, laying in Severalty, and incloſing the ſaid Common or Heath called *Goring Heath*, and other Waſtes and Waſte Grounds, in the ſaid Pariſh of *Goring*, and for putting this Act into Execution, ſubject to the Rules, Orders, and Directions herein-after contained, and alſo ſubject to the Rules, Orders, and Directions contained in the ſaid recited Act, ſo far as the ſame are not varied or altered by this Act.

II. Provided

For Appointment of an Umpire.

II. Provided always, and be it further enacted, That if the ſaid Commiſſioners, or their Succeſſors to be appointed as herein-after is mentioned, ſhall diſagree in Opinion touching or concerning any Matter or Thing to be done and performed by them in the Execution of this or the ſaid recited Act, then and in every ſuch Caſe it ſhall and may be lawful for the ſaid Commiſſioners, and their Succeſſors, and they are hereby directed and required, with all convenient Speed after ſuch Diſagreement or Difference of Opinion ſhall happen, to nominate and appoint ſome Third Perſon, (not intereſted in the Premiſes), and refer the Matter thereof to him as an Umpire for ſettling and determining ſuch Diſagreement or Difference of Opinion, and the Determination of ſuch Umpire in the Premiſes ſhall be binding and concluſive unto and upon all Parties, ſo far as the Determination of the ſaid Commiſſioners is made binding and concluſive by virtue of the ſaid recited Act or this Act; and all Acts, Matters, and Things authorized or neceſſary to be done in the Execution of this or the ſaid recited Act, may, in caſe of ſuch Diſagreement or Difference of Opinion, be done and performed by any One of them the ſaid Commiſſioners, or their Succeſſors jointly with ſuch Umpire, and the ſame ſhall be as valid and effectual to all Intents and Purpoſes, as if the ſame Acts, Matters, and Things had been done and executed by both of them the ſaid Commiſſioners or their Succeſſors.

Umpire to take an Oath.

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

Oath.

'I *A. B.* do ſwear, (*or*, being One of the People called *Quakers*, do ſolemnly affirm), That I will faithfully, honeſtly, and impartially, according to the beſt of my Skill and Ability, execute and perform the Powers and Authorities repoſed in me as a Commiſſioner, or Umpire, (*as the Caſe may be*), by virtue of an Act, paſſed in the Forty-ninth Year of the Reign of King *George* the Third, intituled, *An Act* [*here ſet forth 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 or Affirmation it ſhall be lawful for either of the ſaid Commiſſioners to adminiſter, and he is hereby required to adminiſter the ſame; and ſuch Oath or Affirmation, when ſo taken and ſubſcribed by ſuch Commiſſioners and Umpire, ſhall be annexed to and enrolled with the Award of the ſaid Commiſſioners.

New Commiſſioners to be choſen on Death or Refuſal to act.

IV. And be it further enacted, That in caſe the ſaid *John Davis*, or any Commiſſioner to be appointed in his Stead as herein-after mentioned, ſhall die, refuſe to act, or become incapable of acting as a Commiſſioner for the Purpoſes of this Act, before the Powers and Authorities hereby veſted in him or them ſhall be fully performed, then it ſhall be lawful for the ſaid *John Bunce*, *Henry Harding*, and *William Merland*, as Truſtees as aforeſaid, their Succeſſors or Aſſigns, from Time to Time, by Writing under their or his Hands or Hand, to nominate and appoint ſome other proper Perſon to be a Commiſſioner in the Place or Stead of the ſaid *John Davis*, or ſuch Commiſſioner to be appointed in his Stead as aforeſaid; and in caſe

caſe the ſaid *William Buſhnell*, or any Commiſſioner to be appointed in his Stead as herein-after mentioned, ſhall die, refuſe to act, or become incapable of acting as a Commiſſioner for the Purpoſes of this Act, before the Powers and Authorities hereby veſted in him or them ſhall be fully performed, then it ſhall be lawful, ſo often as the ſame ſhall happen, for the ſaid *Philip Lybbe Powys*, or his Heirs, and the Majority in Value of the other Proprietors or Perſons intereſted in the ſaid Common Heath, Waſtes, and Waſte Ground intended by this Act to be divided, allotted, and incloſed, excluſive of the ſaid Truſtees, or to and for their known Agents or Attornies, who ſhall be preſent at a publick Meeting to be held for that Purpoſe at ſome convenient Place within the Diſtance herein-after mentioned, in the ſaid County of *Berks* or *Oxford*, in purſuance of publick Notice to be given in the *Reading Mercury*, and by Writing, ſigned by the Clerk or Clerks to the ſaid Commiſſioners, by their Order, to be affixed on the principal Outer Door of the Pariſh Church of *Goring* aforeſaid, and the Almſhouſe Chapel there, Ten Days at leaſt before ſuch Meeting, by Writing under the Hands of the ſaid *Philip Lybbe Powys*, and the Majority in Value of ſuch other Proprietors, excluſive of the ſaid Truſtees as aforeſaid, to appoint One other Commiſſioner in the Room of the ſaid *William Buſhnell*, or of ſuch other Commiſſioner to be appointed in his Stead as aforeſaid; and in Default of Appointment of ſuch new Commiſſioner or Commiſſioners in Manner aforeſaid for the Space of Thirty Days after every ſuch Vacancy ſhall happen, it ſhall be lawful for the ſurviving or remaining Commiſſioner, and he is hereby required, by Writing under his Hand, to appoint One Commiſſioner in the Room or Stead of ſuch Commiſſioner ſo dying, or refuſing to act, or becoming incapable of acting as aforeſaid; and that ſuch ſeveral Writings, appointing ſuch new Commiſſioner or Commiſſioners (if any) ſhall be annexed to and enrolled with the Award to be made by the ſaid Commiſſioners; and every ſuch new Commiſſioner ſhall have the ſame Powers and Authorities by virtue of this Act as the Commiſſioner in whoſe Room he ſhall ſucceed had or would have been inveſted with in caſe ſuch Death, Refuſal, or Incapacity to act had not taken place.

Commiſſioners to appoint a Clerk or Clerks.

V. And be it further enacted, That the ſaid Commiſſioners ſhall appoint a Clerk or Clerks to aſſiſt them in the Execution of this and the ſaid recited Act, and have hereby Power to remove ſuch Clerk or Clerks, and another or others to appoint in his or their Room, as to them ſhall ſeem meet.

Allowance to Commiſſioners.

VI. And be it further enacted, That the ſaid Commiſſioners ſhall be paid the Sum of Three Pounds and Three Shillings each, and no more, for each Day they ſhall be employed therein (Days of Travelling from and to their Homes included), the ſame to be in full Satisfaction for all the Trouble and Expences which they reſpectively ſhall be put to in executing the Powers and Authorities hereby veſted in them; and every Proprietor and other Perſon intereſted in the Execution of this Act, and their Solicitors and Agents, who ſhall attend any Meeting to be held by the ſaid Commiſſioners in purſuance of this Act, ſhall bear and pay his and their own Expences of ſuch Attendance.

Surveyor.

VII. And be it further enacted, That *William Church*, of *Abingdon*, in the County of *Berks*, Land Surveyor, ſhall be and he is hereby appointed

Surveyor to the ſaid Commiſſioners for making ſuch Survey, Admeaſurement, or Plan, and reducing the ſame into Writing, and ſpecifying and ſetting forth ſuch Particulars as are in that Behalf directed under or by virtue of the ſaid recited Act, or any other Particulars which the ſaid Commiſſioners may direct or require; and in caſe the ſaid *William Church* ſhall die, refuſe, or neglect to act, or be or become incapable of acting, the ſaid Commiſſioners ſhall, and they are hereby required and authorized forthwith to elect and appoint another Surveyor in his Stead, and ſo from Time to Time as often as the Surveyor for the Time being ſhall die, refuſe, or neglect to act, or be or become incapable of acting; and no Perſon ſhall act as ſuch Surveyor until he ſhall have taken and ſubſcribed the Oath or Affirmation required by this Act to be taken and ſubſcribed by the Commiſſioners, ſubſtituting "Surveyor" for that of "Commiſſioner;" which Oath or Affirmation the ſaid Commiſſioners, or either of them, are hereby authorized and required to adminiſter; and the ſaid Oath or Affirmation, ſo taken and ſubſcribed by ſuch Surveyor or Surveyors, ſhall be annexed to and enrolled with the Award of the ſaid Commiſſioners.

Commiſſioners to give Notice of Meetings.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to give public Notice by Writing under their Hands, to be affixed on the principal outer Doors of the Pariſh Church of *Goring*, and Chapel of the Alms-houſe there, upon ſome *Sunday* immediately preceding Divine Service, and alſo by Advertiſement in ſome Weekly Newſpaper, circulated within the ſaid County of *Oxford*, of the Time and Place of their Firſt and every other Meeting for executing the Powers and Authorities hereby veſted in them, Ten Days at the leaſt before any ſuch Meeting ſhall be held (Meetings by Adjournment only excepted); and that the ſaid Commiſſioners ſhall and may from Time to Time adjourn ſuch Meetings to ſuch Time and Place as they ſhall think proper for the further Execution of this Act; and that if at any Meeting appointed to be held by the ſaid Commiſſioners it ſhall happen that only One of them ſhall attend ſuch Meeting, ſuch One Commiſſioner may adjourn ſuch Meeting; and if no Commiſſioner ſhall attend, it ſhall be lawful for the Clerk or Clerks to the ſaid Commiſſioners in like Manner to adjourn ſuch Meeting to ſuch Time or Place as ſuch Commiſſioner or Clerk reſpectively ſhall think moſt convenient, cauſing Notice of ſuch Adjournment to be given to the abſent Commiſſioners or Commiſſioner: Provided always, that all the Meetings for executing the Powers of this and the ſaid recited Act ſhall be held within Eight Miles of the ſaid Pariſh of *Goring*.

One Commiſſioner may adjourn.

Other Notices, how to be given.

IX. And be it further enacted, That all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioners ſhall be ſo made and given by Writing, to be ſigned by their Clerk or Clerks, by their Order, and affixed on the principal outer Door of the Pariſh Church of *Goring*, and Alms-houſe Chapel there, and by Advertiſements in the *Reading Mercury* or *Oxford Journal*.

Commiſſioners to ſettle Differences.

X. 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 intended Diviſion, Allotment, and Incloſure, touching or concerning their reſpective Rights and Intereſts which they or any of them ſhall have or claim to have of and in the ſame, or touching or concerning any Matter or Thing relating to the ſaid intended Diviſion, Allotment, and Incloſure,

Inclosure, it shall be lawful for the said Commissioners and they are hereby authorized and required, by Examination of Witnesses upon Oath, or upon View, or other satisfactory Evidence, to hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title of any Person or Persons, Bodies Politic, Corporate, or Collegiate, to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners to settle Costs.

XI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Difference or Dispute, or of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or of the said herein-before recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any such Determination shall be made, by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, against whom any such Determination as aforesaid shall be made, or whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be liable and ordered to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized or required, by Warrant or Warrants under their Hands, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting thereout the Costs and Charges attending such Distress and Sale.

Power to try Rights in Issue at Law, or in Equity.

XII. Provided also, and be it further enacted, That in case the said *Ann Warwick*, or those claiming under her, shall be dissatisfied with the Award of the said Commissioners or Umpire, touching the said Manor of *Gatehampton*, or in case any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, interested in the said Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning any Claim or Claims of any Right of Common, or any other Right or Interest in, over, or upon the Common Heath, Wastes, or Waste Ground hereby directed to be divided, allotted, and inclosed, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said *Ann Warwick*, and such Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to proceed to a Trial at Law, or in Equity, of the Matter so determined by the said Commissioners or Umpire, if at Law at the then next Assizes to be holden for the said County of *Oxford*, if the same shall not take place within Three Calendar Months after such Determination, but if the said next Assizes shall happen within Three Calendar Months after such Determination, then at the next or following Assizes after the Expiration of such Three Calendar Months to be holden for the said County; and if by a Suit in Equity, the

the Suit to be commenced within Four Calendar Months after such Determination; and for that Purpose the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be so dissatisfied with the Determination of the said Commissioners or Umpire, if they shall choose to proceed at Law, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Three Calendar Months after such Determination of the said Commissioners or Umpire, or if such Person or Persons shall choose to proceed in Equity, then he, she, or they shall cause a Bill in Equity to be filed within Four Calendar Months after such Determination of the Commissioners or Umpire, and in either Case shall also, within Forty-two Days after such Determination, give Notice in Writing to the said Commissioners or Umpire, of his, her, or their being so dissatisfied; and the Defendant or Defendants in such Action or Actions at Law, Suit or Suits in Equity, shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, and file Common Bail, or enter an Appearance (as the Case may require), 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 such Action or Actions shall be commenced (in case the Parties shall differ about the same); and the Verdict or Verdicts, Decree or Decrees which shall be given in such Action or Actions, Suit or Suits, shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body and Bodies Politic, Corporate, and Collegiate, unless the Court wherein such Action or Actions, Suit or Suits, shall be brought, shall set aside such Verdict or Verdicts, Decree or Decrees, and order a new Trial or Hearing to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts, Decree or Decrees 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, Decree or Decrees: Provided always, that the Determination of the said Commissioners or Umpire touching such Claim or Claims, which shall not be objected to, or being objected to the Parties or Party objecting not causing such Action or Actions at Law, or Suit or Suits in Equity, to be brought and proceeded in as aforesaid, shall be final and conclusive on all Parties.

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

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination shall have been made, and against whom any such Action or Actions, Suit or Suits, might have been brought if living, shall die before any such Action or Actions, Suit or Suits, shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, Suit or Suits, it shall be lawful for the Person or Persons, Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions, Suit or Suits, 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 or Clerks to the said Commissioners with Process for commencing such Action or Actions, Suit or Suits, in the same Manner as the Party or Parties might have been served therewith if living; and it shall

shall thereupon 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, Suit or Suits, in the Name or Names of the Person or Persons so dead, in like 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, Suit or Suits.

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

XIV. 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 of such Parties (except in Cases of Encroachments made within the Period of Twenty Years); but in case the said Commissioners shall be of Opinion again st the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law or Equity.

And if Parties die, Proceedings not to abate.

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

None of the present Roads to be shut up until others be set out.

XVI. Provided also, and be it further enacted, That none of the present Roads in, over, or upon the said Common Heath, Wastes, and Waste Ground hereby directed to be divided and allotted, shall be shut up and discontinued until the said Commissioners shall have caused the public Roads to be set out in Manner directed by the said recited Act.

Certain Encroachments to be deemed Part of the Lands to be divided.

XVII. And be it further enacted, That all Encroachments which, by the Inclosure or Fencing of any of the said Common Heath, Wastes, and Waste Ground shall have been made at any Time within Twenty Years before the passing of this Act shall be deemed Part thereof, and shall be divided and allotted accordingly; but any such Inclosure which may have been made for the Space of Twenty Years and upwards, although originally Encroachments, shall be deemed and considered as old Inclosures, and not subject to the Powers and Operations of this Act; and in case any Dispute shall arise touching any such Encroachment or Encroachments, or the Extent thereof, such Dispute shall be finally determined by the said Commissioners.

Allotment for Sand or Gravel Pits, &c.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to set out, allot, and award, out of the said Common Heath, Wastes, and Waste Ground so intended to be divided, allotted, and inclosed as aforesaid, One or more Plot or Plots within the said Parish of *Goring*, not exceeding in the Whole Two Acres, as and for public Sand or Gravel-Pits, public Chalk, Marle, Clay or Mortar-Pits, with convenient Ways thereto, to be used for the Repair of the public and private Roads directed to be made within the said Parish, and to award and direct to whom the Herbage of such Allotments shall belong.

XIX. And

Allotments to the Truſtees as Lords of the Manor of Goring for Right of Soil.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award unto and for the ſaid *John Bunce*, *Henry Harding*, and *William Morland*, as Truſtees as aforeſaid, their Heirs, Succeſſors, or Aſſigns, as Lords of the Manor of *Goring*, for and in lieu of their Right to the Soil of ſuch Part of the ſaid Common and Heath and Waſte Ground, as is ſituate within the ſaid Manor, and not in the ſaid Manors of the *Priory* and *Ilvington*, otherwiſe *Elvendon* or *Gatehampton* (over and beſides their Right and Benefit in or to the growing or planting young Trees, Timber, Underwood, Furze, and Fern thereon), ſuch Parcel or Parcels of the ſaid Common or Heath, and Waſte Ground by this Act intended to be divided, allotted, and incloſed, as in the Judgement of the ſaid Commiſſioners (Quantity, Quality, Situation, and Convenience conſidered) ſhall be equal in Value to One Sixteenth Part of all the ſaid Common or Heath and Waſte Ground ſo intended to be divided, allotted, and incloſed, lying within the ſaid Manor of *Goring*, and not in the ſaid Manors of the Priory or *Ilvington*, otherwiſe *Elvendon*, or *Gatehampton*; and ſhall alſo ſet out, allot, and award unto and for the ſame Truſtees, for and in lieu of their Right to the planting or growing of young Trees, Timber, Underwood, Furze and Fern, in, upon, and from the ſaid Common Heath and Waſte Ground within the ſaid Manor (and not in the ſaid other Manors), ſuch further Parcel or Parcels of the ſaid Common or Heath and Waſte Grounds, as in the Judgement of the ſaid Commiſſioners ſhall be equal in Value to One Fifth Part of the Reſidue of the ſaid Common or Heath and Waſte Ground, ſo intended to be divided, allotted, and incloſed, as ſhall not be ſituate within the ſaid Manor of the *Priory* or *Ilvington*, otherwiſe *Elvendon* or *Gatehampton*.

Allotment to the Lord of the Manors of the Priory and Ilvington.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award, unto and for the ſaid *Philip Lybbe Powys*, or his Heirs as Lords of the ſaid Manors of the *Priory* and *Ilvington* otherwiſe *Elvendon*, for and in lieu of his Right to the Soil of ſuch Part of the ſaid Common Heath and Waſte Ground as is within the ſaid Manors of the *Priory* and *Ilvington* otherwiſe *Elvendon*, or either of them, (over and beſides his Right and Benefit in or to the growing or planting the Young Trees, Timber, Underwood, Furze, or Fern thereon), ſuch Parcel or Parcels of the Common or Heath and Waſte Ground hereby intended to be divided, allotted, and incloſed, as in the Judgement of the ſaid Commiſſioners (Quantity, Quality, Situation, and Convenience conſidered), ſhall be equal in Value to One Sixteenth Part of all the ſaid Common Heath and Waſte Ground within the ſaid reſpective Manors of the *Priory* and *Ilvington* otherwiſe *Elvendon* aforeſaid reſpectively; and ſhall alſo allot and award unto the ſaid *Philip Lybbe Powys*, and his Heirs, as Lord of the ſaid Manors of the *Priory* and *Ilvington* otherwiſe *Elvendon*, in lieu of ſuch his Right and Benefit in or to the growing or planting the young Trees, Timber, Underwood, Furze, and Fern thereon, ſuch further Parcel or Parcels of the ſaid Lands and Grounds hereby intended to be divided, allotted, and incloſed, as in the Judgement of the ſaid *John Davis* only, if living, or in caſe of his Death, as in the Judgement of his Succeſſors, and the ſaid *William Buſhnell* and his Succeſſors, to be appointed as herein-before mentioned, ſhall be a reaſonable Compenſation and full Satisfaction for ſuch laſt-mentioned Right and Bene-

fit, having Conſideration and Reference to the comparative Situation and Advantages of the ſaid Manors of *Goring* and *Gatehampton*, and the young Trees, Timber, Underwood, Furze, and Fern planted or growing and being thereon; and the ſaid Manors of the ſaid *Philip Lybbe Powys*, and the young Trees, Timber, Underwood, Furze, and Fern planted or growing or being thereon, and ſuch Allotment or Allotments ſo to be made to the ſaid *Philip Lybbe Powys*, ſhall include and comprehend the Land or Grove on his ſaid Manor called the *Little Oaks*.

Allotment to the Lady of the Manor of Gatehampton.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required, in caſe it ſhall appear to them there be ſuch Manor of *Gatehampton*, and that any Part of the ſaid Common Heath and Waſte Land be therein, to ſet out, allot, and award unto and for the Lord or Lady of the ſaid Manor of *Gatehampton* for the Time being, for and in lieu of his or her Right to the Soil of ſuch Part of the ſaid Common Heath and Waſte Lands as is within the ſaid Manor of *Gatehampton* (over and beſides any Right and Benefit in or to be growing or planting the young Trees, Timber, Underwood, Furze, or Fern thereon), ſuch Parcel or Parcels of the Common or Heath and Waſte Grounds hereby intended to be divided, allotted, and incloſed, as in the Judgement of the ſaid Commiſſioners (Quantity, Quality, Situation, and Convenience conſidered), ſhall be equal in Value to One Sixteenth Part of all the ſaid Common Heath and Waſte Lands within the ſaid Manor of *Gatehampton*; and ſhall alſo allot and award unto the ſaid Lord or Lady of the ſaid Manor of *Gatehampton*, in lieu of ſuch his or her Right and Benefit in or to the growing or planting the young Trees, Timber, Underwood, Furze, and Fern thereon, ſuch further Parcel or Parcels of the ſaid Lands and Grounds hereby intended to be divided, allotted, and incloſed, as in the Judgement of the ſaid Commiſſioners ſhall be a reaſonable Compenſation and full Satisfaction for ſuch laſt-mentioned Right and Benefit, having Regard to the comparative Situation and Advantages of all the ſaid Manors of *Goring*, and the *Priory* and *Ilvington* otherwiſe *Elvendon*, and the young Trees, Timber, Underwood, Furze, and Fern planted or growing and being thereon.

Allotment to the Poor for Fuel, &c.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out, allot, and award unto the ſaid *John Bunce*, *Henry Harding*, and *William Morland*, as Truſtees of the ſaid Alms-houſe in the Will of the ſaid *Henry Alnut* Eſquire, and their Succeſſors the Truſtees in the ſaid Will, for the Time being, for ever, and the ſaid *Philip Lybbe Powys*, his Heirs and Aſſigns, and to the Curate, Churchwardens, and Overſeers of the Poor of the Pariſh of *Goring* aforeſaid, and their Succeſſors for the Time being, in One or more Allotment or Allotments, ſuch Part or Parts of the ſaid Common Heath and Waſte Ground in the ſaid Pariſh of *Goring*, as to them ſhall appear the moſt proper, not exceeding Twenty Acres, for the Purpoſe of producing a Supply of Fuel for the poor Inhabitants of the ſaid Pariſh of *Goring*, and which ſaid Allotment or Allotments, when ſet out and allotted, ſhall be veſted in the ſaid Truſtees and their Succeſſors for the Time being, and in the ſaid Curate, Churchwardens, and Overſeers of the Poor of the Pariſh of *Goring* aforeſaid for the Time being for ever, in Truſt for the Benefit of ſuch poor Inhabitants in *Goring* aforeſaid who ſhall not have received any ſpecific

Allotment

Allotment under or in pursuance of this Act; and the same Allotment, so to be made for the Benefit of the Poor, shall be fenced by or by the Orders and Directions of the said Commissioners, and the Expences of such fencing shall be paid out of the Money to be raised by Sale of Land as herein-after mentioned, and the said Allotment shall be under and subject to such Rules, Orders, Regulations, and Restrictions, as they the said Trustees or their Successors, and the said *Philip Lybbe Powys*, his Heirs and Assigns, and the said Curate, Churchwardens, and Overseers for the Time being, or the major Part of them, shall think proper and just, or shall from Time to Time establish, vary, or alter, and that it shall not be lawful for any Person whomsoever from and after the setting out the said Allotment or Allotments last aforesaid, to cut, dig, pare, get, or carry away any Turf, Soil, Sod, Furze, or Fuel in, upon, or from the same, or any Part thereof, without the Licence and Consent in Writing of the said Curate, Churchwardens, and Overseers, or the major Part of them, under their Hands first had and obtained, (which they the said Curate, Churchwardens, and Overseers, or the major Part of them, are hereby empowered to grant, under such Regulations and Restrictions as they shall think proper to insert therein); and if any Person shall, after the setting out the said Allotment or Allotments as aforesaid, cut, dig, pare, get, or carry away any Turf, Soil, Sod, Furze, or Fuel, in, upon, or from the same or any Part thereof, without such Licence as aforesaid, or having obtained such Licence shall act in any Manner contrary thereto, or to the Rules, Orders, Regulations, and Restrictions established by the said Trustees, or the major Part of them, every such Person being convicted thereof (either by his, her, or their own Confession, or upon the Oath of One or more credible Witness or Witnesses), before any Justice of the Peace for the County of *Oxford* (not being interested therein), and which Oath such Justice is hereby authorized to administer, and to summon the Person complained of, and also to summon before him and examine any Witness or Witnesses relative to the said Complaint), shall for every such Offence forfeit and pay any such Sum of Money as the said Justice shall order and direct, not exceeding the Sum of Five Pounds; and it shall be lawful for such Justice, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause the said Penalty to be raised and levied by Distress and Sale of the Goods and Chattels of the Person or Persons offending, (Demand thereof having been first made), rendering the Overplus (if any), after deducting the Charges of such Distress and Sale, to the Owner of such Goods and Chattels when required, and such Penalty, when paid or levied, shall be applied by the said Curate, Churchwardens, and Overseers, or the major Part of them, to and for the Use and Benefit of the said poor Inhabitants of *Goring* aforesaid, in such Manner as they shall deem proper; and in case sufficient Distress shall not be found, and such Penalty not forthwith be paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the common Gaol or House of Correction of the said County of *Oxford*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalty, and all reasonable Charges, shall be sooner paid and satisfied.

Penalty for cutting Turf without Licence.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto

Allotment of Land for Tithes.

unto and for the ſaid *John Nicholls* and *Philip Lybbe Powys*, *Robert Sherſon*, and others reſpectively, in lieu of all Great and Small Tithes yearly iſſuing, ariſing, or renewing, or which at any Time hereafter otherwiſe might or ſhould yearly iſſue, ariſe, or renew out of, for, or in reſpect of all or any Part of the ſaid Common Heath and Waſte Ground hereby intended to be divided, allotted, and incloſed, and for and in lieu of all Moduſes, and all Payments and Compoſitions in lieu of ſuch Tithes (if any), ſuch Plot or Plots, or Allotments of the ſaid Common Heath and Waſte Ground by this Act intended to be divided, allotted, and incloſed, as in the Judgement of the ſaid Commiſſioners (Quantity, Quality, Situation and Convenience conſidered), ſhall be, in the Whole, equal in Value to One Ninth Part of the ſaid Common Heath, Waſtes, and Waſte Ground hereby directed to be divided, allotted, and incloſed, the ſame to be ſubdivided between them the ſaid *John Nicholls*, *Philip Lybbe Powys*, *Robert Sherſon* and others, by the ſaid Commiſſioners according to their reſpective Intereſts in the ſame, and awarded accordingly; and the ſame Allotment or Allotments ſhall and are hereby declared to be in full Satisfaction and Diſcharge of and for the ſaid Tithes yearly iſſuing, ariſing, or renewing, or which otherwiſe would yearly iſſue, ariſe, renew, or increaſe from and out of the ſaid Common Heath, Waſtes, and Waſte Ground hereby directed to be divided, allotted, and incloſed; and the ſaid Allotment or Allotments of Land, ſo to be ſet out and awarded as laſt aforeſaid, is and are to be wholly fenced at the Coſts and Expences of the Parties to whom the ſame is ſo awarded, and not out of the general Fund, or at the Coſts and Charges of the Truſtees or other Perſons intereſted in the ſaid Incloſure.

Allotments in lieu of the Tithes of ancient Incloſures in Goring,

XXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners and they are hereby authorized and required to ſet out, allot, and award unto and for the ſaid *John Nicholls* as aforeſaid, from the Allotment intended to be made to the ſaid *John Bunce*, *Henry Harding*, and *William Morland*, Truſtees as aforeſaid (over and above and excluſive of the ſeveral Allotments or Allotment herein-before directed to be made to him the ſaid *John Nicholls*), ſuch further Allotment and Quantity of the Common Heath and Waſte Ground hereby directed to be divided and incloſed for and in lieu of all Tithes, as well Great as Small, iſſuing, ariſing, renewing, or increaſing out of, upon, or from any of the Meſſuages, Tenements, Gardens, Orchards, Farms, Lands, and Premiſes, (being old Incloſures), of and belonging to the ſaid Truſtees in the Pariſh of *Goring* aforeſaid, and alſo for or in lieu of any Right or Contingency of Right to any Tithes, either Great or Small, which now do or at any Time hereafter may or might ariſe from all or any of the incloſed Woods, Coppices, or Plantations belonging to the ſaid Truſtees, ſituate upon or adjoining the ſaid Common Heath, Waſtes, and Waſte Ground, as the ſaid Commiſſioners ſhall think and adjudge to be a full Compenſation for ſuch Tithes, if any ſhall appear to the ſaid Commiſſioners to be or hereafter might be (in caſe the ſaid Woodlands were converted into Tillage or Paſture), juſtly iſſuing and payable out of or for ſuch incloſed Woods, Coppices, or Plantations as aforeſaid: Provided always, that the ſaid Allotment or Allotments ſo to be made and ſet out to the ſaid *John Nicholls* for his Tithes as herein-before mentioned, is or are to be wholly fenced at the Coſts and Expences of him the ſaid *John Nicholls*, and not at the Coſts and Charges of the ſaid Truſtees, or other Perſons intereſted in the ſaid Incloſure.

XXV. And

Lands set out for Great and Small Tithes, &c. to be settled to the same Uses.

XXV. And be it further enacted, That the Lands and Grounds so to be set out, allotted, and awarded to the said *John Nicholls* for and in lieu of all Tithes, as well Great as Small, issuing, arising, renewing, or increasing out of, upon, or from any of the Messuages, Tenements, Gardens, Orchards, Farms, Lands, and Premises (being old Inclosures) of and belonging to the said Trustees in the Parish of *Goring* aforesaid, and also for and in lieu of any Right or Contingency of Right to any Tithes, either Great or Small, which now do or at any Time hereafter may or might arise from all or any of the inclosed Woods, Coppices, or Plantations belonging to the said Trustees, situate upon or adjoining the said Common Heath and Waste Ground as aforesaid, shall be limited, settled, and assured to, for, and upon such and the same Estates, Uses, Trusts, Limitations, Intents, and Purposes, as such Great and Small Tithes respectively shall stand limited, settled, and assured, and be subject and liable to at the Time of making such Allotments respectively.

Sale of Land to defray Expences of the Act.

XXVI. And be it further enacted, That the said Commissioners shall in the next Place, out of the Residue of the said Common Wastes and Waste Ground, mark and set out such Part or Parts thereof as they shall think adequate for the Purpose, and when the same shall be so marked and set out, shall and they are hereby authorized and required to sell the same, by Private Contract or public Auction or Auctions, in the Manner and subject to the Directions and Regulations mentioned and contained in the said recited Act; and the Person or Persons so purchasing the same shall immediately pay, by way of Deposit, into the Hands of the Commissioners, or such Person or Persons as they shall direct or appoint, One Fifth Part of his or their Purchase Money, and pay the Remainder thereof within Three Calendar Months next after, or at such other Times as the said Commissioners shall appoint, and in Default thereof, the Money so deposited shall be forfeited, and shall be applied in carrying this Act into Execution; and the Allotment or Allotments for which the Whole of such Purchase Money shall not have been so paid in, or for which there shall be no Bidding at such Auction, shall be again put up to Sale, and sold in Manner aforesaid, for the best Price or Prices that can be gotten for the same, or be sold by the said Commissioners by Private Contract, for such Sum or Sums as can be had or gotten for the same; and every Allotment for which the full Purchase Money shall be paid shall immediately thereupon be absolutely discharged of and from all Common and other Rights thereon and therein, and be vested in Fee Simple in, and be inclosed and thenceforth held in Severalty by, such Purchaser or Purchasers thereof respectively, as his, her, or their private and absolute Property, and shall be allotted accordingly by the said Commissioners; and the said Purchase Money shall be applied by the said Commissioners in defraying and discharging all the Costs, Charges, and Expences attending the obtaining and passing this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Common Heath, Wastes, and Waste Ground to be divided, allotted, and inclosed by virtue thereof (except the fencing the Tithe Allotments as herein-before mentioned, and also of the said Allotments so to be sold as aforesaid, and all the Charges of the said Commissioners, their Assistants and Servants, and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways to be set out and appointed by the said Commissioners, and all other Expences of carrying this Act into Execution, in such Manner as the said

Commiſſioners ſhall order and direct reſpecting the ſame; and the Overplus of ſuch Purchaſe Money, if any, after defraying ſuch Coſts, Charges, and Expences, ſhall be diſtributed amongſt the ſeveral Perſons intereſted in the ſaid Common Heath, Waſtes, and Waſte Ground, in proportion to their ſeveral Rights and Intereſts therein; and the Shares of ſuch of them as ſhall be Tenants in Fee Simple, ſhall be paid to them reſpectively, and the Shares of ſuch others of the ſaid Proprietors of and in ſuch Surplus Money ſhall be paid into the Bank of *England* in Manner directed by the ſaid recited Act with reſpect to Money thereby directed to be paid for the Purchaſe or Exchange of Lands, Tenements, or Hereditaments, or of any Timber growing thereon, and which Sum of Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes.

Allotment of the Reſidue.

XXVII. And be it further enacted, That after the ſeveral Allotments herein-before directed to be made of the ſaid Common Heath, Waſtes, and Waſte Ground, ſhall have been made and ſet out in the Manner herein-before directed, then the ſaid Commiſſioners ſhall divide, ſet out, allot, and award all the Reſidue and Remainder of the ſaid Common Heath, Waſtes, and Waſte Ground hereby intended to be divided, allotted, and incloſed as aforeſaid, unto and amongſt the ſeveral Proprietors of and Perſons intereſted in the ſaid Common Heath, Waſtes, and Waſte Ground, in ſuch Quantities, Shares, and Proportions, and in ſuch Manner as by the ſaid Commiſſioners ſhall be adjudged and determined to be a juſt and full Compenſation and Satisfaction for and equal to their ſeveral and reſpective Rights and Intereſts of, in, and over the ſame, Quantity, Quality, Convenience, and Situation conſidered.

The Woods and Plantations to be conſidered as old Incloſures.

XXVIII. Provided always, and be it further enacted, That the ſeveral Woods and Plantations belonging to the ſaid *John Bunce*, *Henry Harding*, and *William Morland*, Truſtees as aforeſaid, in the ſaid Pariſh of *Goring*, upon or adjoining the ſaid Heath, and the Wood called the *Common Wood*, and the Plantation of Firs called *Vanderſtegien's Incloſure*, ſhall be deemed, taken, and conſidered by the ſaid Commiſſioners to be old Incloſures, and no Part of the Common Heath, Waſtes, or Waſte Ground by this Act intended to be divided, allotted, and incloſed, any Thing in this or the ſaid recited Act contained to the contrary notwithſtanding; and alſo that the Clumps of Firs belonging to the ſaid *Philip Lybbe Powys*, on his ſaid Manors called the *Priory* and *Ilvington* otherwiſe *Elvendon*, ſhall be deemed, taken, and conſidered by the ſaid Commiſſioners as old Incloſures, and no Part of the Property intended to be divided, allotted, and incloſed by this Act; and the ſaid Commiſſioners are hereby alſo directed to make the Allotment or Allotments to the ſaid Truſtees herein-before ſpecially directed to be made, or which will be allotted and made to them purſuant to this Act, or ſo much and ſuch Part or Parts of the ſaid Allotments as the ſaid Truſtees ſhall requeſt, by Writing under their Hands, commencing from the *Henley Road*, near or contiguous to the ſaid Alms-houſes, and the Chapel, School-houſe, and Buildings belonging thereto; and along up by the ſaid Wood called the *Common Wood*, comprehending the Grove of Oaks called the *Little Oaks*, belonging to the ſaid Truſtees, and ſo as to include the Timber and Wood now belonging to the ſaid Truſtees, and growing in that Situation, upon that Part of the ſaid Common or Heath intended to be divided and allotted; and that the Allotments to the ſeveral other Proprietors

prietors shall be made as near to their respective Estates as may be: Provided also, that the Valuation of any Timber, Wood, or Beech Sapplings or Samplers, which now belong to the Trustees of the said Alms-house, or to the said *Philip Lybbe Powys*, and which may be allotted to any other Person or Persons by the said Commissioners, and which, from its unfit Growth to cut, the said Trustees, or the said *Philip Lybbe Powys*, might consider disadvantageous to the Charity, or to him the said *Philip Lybbe Powys*, at present to cut for Sale, shall be fairly made by the said Commissioners, or under their Direction, according to a Valuation to stand, and be paid for accordingly by the Person or Persons to whom such Allotments are to be made; and the Money arising by such Valuation shall be paid to the said Trustees by the Person or Persons to whom such Allotments and Trees shall be made, and applied by them in the same Manner as the Rents and Profits of the said Trust Estates are now applied; and in case of the Refusal of the Person or Persons who shall be directed to pay the same to the said Trustees or their known Agent, or to the said *Philip Lybbe Powys*, his Heirs or Assigns, on Demand, the said Commissioners, on the Complaint of the said Trustees, or the said *Philip Lybbe Powys*, or any proper Person on their Behalf, are hereby directed and required to levy the same, and any incidental Expences, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay such Valuation, rendering any overplus Money which may arise after such Distress and Sale unto the Person or Persons entitled thereto.

Mode of valuing Alms-house Timber, &c.

XXIX. And be it further enacted, That the several Allotments to be made of the said Lands and Grounds by this Act directed to be divided, allotted, and inclosed, shall within the Space of Twelve Calendar Months next after the signing and sealing the said Award, or such other Time as the said Commissioners shall therein order and direct, be inclosed, hedged, ditched, and fenced, at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, or other Person or Persons interested in the same: Provided always, that in case through Necessity of Situation, or other Accident or Circumstance, it shall happen that One or more of the said Proprietors of the Lands hereby directed to be divided, allotted, and inclosed, shall not have a proportionable Share of the Boundaries, Hedges, Ditches, Mounds, or Fences allotted to him in the said intended Inclosure thereof, it shall be lawful for the said Commissioners to order, ascertain, and appoint, what Sum or Sums of Money such Proprietor or Proprietors shall respectively pay and contribute towards making the Mounds and Fences of the Allotments of such other of the said Proprietors who shall or may have too great a Proportion of Mounding or Fencing allotted to him, her, or them by virtue of this Act, the same to be paid to such Persons and in such Manner as the said Commissioners shall by any Writing under their Hands order, direct, or appoint; and the Money so ordered, directed, or appointed to be paid, shall be raised, levied, and recovered in such and the same Manner as the other Expences of this Act are herein or by the said recited Act ordered and directed to be raised, levied, and recovered; and such Order or Orders of the said Commissioners shall be final, binding, and conclusive on all Parties interested or concerned therein.

Lands to be inclosed at the Expence of the Owners; equalizing the Share of fencing.

XXX. And be it further enacted, That if any Person or Persons, after any Right of Common shall be suspended or extinguished under or by virtue

No Sheep or other Cattle to be depas-

tured after Right of Common is ſuſpended.

tue of the ſaid recited Act, or of this Act, ſhall during ſuch Suſpenſion or Extinguiſhment thereof, ſtock or depaſture with Sheep or other Stock any Part of the ſaid Common Heath, Waſtes, and Waſte Ground on which ſuch Right of Common ſhall be ſo directed to be ſuſpended or extinguiſhed as aforeſaid, it ſhall be lawful for any Proprietor or Proprietors of any of the ſaid Lands and Grounds, or any Perſon or Perſons by the ſaid Commiſſioners to be appointed, from Time to Time to diſtrain all ſuch Cattle, Sheep, and other Stock then being, or depaſturing upon any of the ſaid Common Heath, Waſtes, and Waſte Ground after the ſaid Right of Common ſhall be ſuſpended or extinguiſhed, and the ſame to impound until the Perſon or Perſons offending ſhall have paid to the Perſon or Perſons diſtraining the ſame Five Shillings *per* Head for all Cattle and other Stock ſo diſtrained, except Sheep or Pigs, and One Shilling *per* Head for each and every Sheep or Pig diſtrained; and in caſe the ſame be not paid within Five Days after ſuch Diſtreſs, then the ſaid Commiſſioners or any Juſtice of the Peace for the ſaid County of *Oxford* are and is hereby authorized and required, on Proof upon Oath by One credible Witneſs (which Oath the ſaid Commiſſioners or any of them, or ſuch Juſtice, are and is hereby empowered to adminiſter) of ſuch Offence, and the Non-payment of the Penalty hereby impoſed, and ſo often as the ſame ſhall happen, by Warrant under the Hands and Seals of the ſaid Commiſſioners, or under the Hand and Seal of any ſuch Juſtice, and directed to the Conſtable of the ſaid Pariſh of *Goring*, unleſs ſuch Offender ſhall be the Conſtable of the ſaid Pariſh, and then to One of the High Conſtables of the Hundred of *Langtree* in the County of *Oxford*, who is and are hereby required to execute every ſuch Warrant, and to cauſe ſuch and ſo many of ſuch Cattle, Sheep, Pigs, and other Stock to be ſold as ſhall be ſufficient for raiſing and paying the Penalty aforeſaid, together with the Coſts and Charges attending ſuch Diſtreſs and Sale, rendering the Overplus (if any) to the Owner or Owners of ſuch Cattle or Sheep on Demand; which Warrant, and the Proceedings to be had thereon, ſhall be binding and concluſive on the Parties.

No Cattle to be put into the Roads to be ſet out by this Act.

XXXI. Provided always, and be it further enacted, That if any Perſon ſhall during the Space of Ten Years from the Execution of the ſaid Award, turn or put, or cauſe to be turned or put, any Horſes, Cattle, Sheep, Swine, or Lambs into any of the Roads or Ways to be ſet out by virtue of this Act, which ſhall be fenced on both Sides, or into the Allotment or Allotments to be made for Stone or Gravel Pits, or Quarries, it ſhall be lawful for the Surveyor or Surveyors ſo to be appointed as aforeſaid, or for the Surveyors of the Highways of the ſaid Pariſh of *Goring* for the Time being, or for the Perſon or Perſons whoſe Hedges, Fences, or Grounds ſhall be damaged thereby, to make Complaint thereof upon Oath to any Juſtice of the Peace for the County of *Oxford*, not intereſted in the Matter in queſtion, who is hereby authorized to hear and determine the Matter in a ſummary Way, and for that Purpoſe to ſummon the Party or Parties concerned, and the Witneſſes on both Sides, to appear before him, and on Appearance of ſuch Party or Parties, or upon his, her, or their Neglect or Refuſal to appear, to examine Witneſſes upon Oath, which Oath every Juſtice is hereby empowered to adminiſter, and thereupon, and upon due Proof of ſuch Offence, to condemn the Party or Parties who ſhall be guilty thereof in ſuch Penalty or Penalties, Sum or Sums of Money, from Time to Time, not exceeding at any One Time the Sum of Five Pounds, as ſuch Juſtice ſhall think reaſonable, and thereupon to iſſue a Warrant under his Hand

Hand and Seal, to cauſe ſuch Penalty or Penalties to be levied, in caſe of Non-payment thereof, by Diſtreſs and Sale of the Goods and Chattels of ſuch Offender or Offenders, together with reaſonable Coſts, returning the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels on Demand; which Penalty or Penalties, when recovered, ſhall be paid and applied in ſuch Manner as ſuch Juſtice ſhall direct or appoint, and in caſe of no ſuch Direction or Appointment, then to the Surveyor or Surveyors of the Highways of the Pariſh of *Goring* aforeſaid, to be applied by him or them in repairing the Highways of the ſaid Pariſh.

Exchanges may be made.

XXXII. 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 ſaid Pariſh of *Goring*, in lieu of and exchange for any other Lands, Tenements, and Hereditaments whatſoever within the ſaid Pariſh, or within any adjoining Pariſh, Townſhip, Hamlet, 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 Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on a Life or Lives, 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, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid, of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which the Lands, Tenements, or Hereditaments ſo to be exchanged ſhall lie and be ſituate.

Expences of Exchanges by whom to be paid.

XXXIII. Provided always, and be it further enacted, That all Coſts, Charges, and Expences attending the making and completing the Exchanges, Diviſions, and Partitions, to be made under or by virtue of this or the ſaid recited Act, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges, Diviſions, or Partitions, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall order and direct.

Leaſes of allotted Lands not vacated by this Act.

XXXIV. And be it further enacted, That the ſeveral Leſſees or Tenants who have in Leaſe any Eſtate or Eſtates, in reſpect of which any ſuch Allotment or Allotments of Common Heath, or Waſte Ground ſhall be made as aforeſaid, ſhall, during the Continuance of their reſpective Leaſes, unleſs it is thereby otherwiſe provided, have, hold, and enjoy the Allotment or ſeveral Allotments of the ſaid Common Heath, Waſtes, and Waſte

Ground that ſhall be allotted and ſet out for and in reſpect of ſuch Eſtates, or as a Right appurtenant to the ſame, upon paying ſuch additional Rent to the Leſſors or Owners thereof as the ſaid Commiſſioners ſhall in and by their ſaid Award, or any other Writing, fix and appoint; and in aſcertaining and fixing ſuch Rent, the ſaid Commiſſioners ſhall take into Conſideration as well the Expence ſuch Leſſors or Owners may be put unto in fencing ſuch Allotments, as alſo the Loſs ſuch Leſſors or Tenants may ſuſtain by being deprived of their Common Rights in reſpect of which the Allotment or Allotments were made.

Allotments and Common Rights may be ſold before the Execution of the Award.

XXXV. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, ſell, demiſe, mortgage, convey, aſſure, and diſpoſe of the ſame, at any Time before the Execution of the Award of the ſaid Commiſſioners, and every ſuch Gift, Grant, Bargain, Sale, Demiſe, Conveyance, and Diſpoſition thereof ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award; and it ſhall alſo be lawful for any of the Owners or Proprietors of any Common Right upon the ſaid Common Heath, Waſtes, and Waſte Ground hereby directed to be divided and incloſed, to ſell and diſpoſe of the ſame, or of the Allotment or Allotments to be made and ſet out in reſpect thereof by virtue of this Act, ſeparately and diſtinctly from the Eſtate in Right of which he or ſhe is or may be entitled to the ſame, in ſuch Manner as he or ſhe might have done at any Time after the Execution of the ſaid Award; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, to award all and every ſuch Allotment and Allotments which ſhall ſo be ſold and diſpoſed of to the Purchaſer or Purchaſers thereof, or other Perſon or Perſons who ſhall be entitled to the ſame by any ſuch Sale or Diſpoſition.

Settlements, &c. not to be affected, nor Wills revoked.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to revoke, make void, annul, or alter any Settlement, Deed, or Will, or to prejudice any Perſon having any Right or Claim of Dower, Jointure, Annuity, Rent Charge, Debt, or Incumbrance whatſoever, in, out of, upon, or affecting any of the Common Heath, Waſtes, or Waſte Ground hereby directed to be divided and allotted, or any Right or Property which ſhall ariſe therefrom in reſpect of Right of Common for which any Allotment ſhall be made, but the Land allotted in reſpect of any ſuch Right ſhall, immediately after ſuch Allotment ſhall be made, be veſted, remain, and enure; and the ſeveral Perſons to whom the ſame ſhall be allotted ſhall thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively to, for, and upon ſuch and the ſame Uſes, Eſtates, Truſts, and Purpoſes reſpectively, and ſubject and liable to ſuch and the ſame Wills, Settlements, Limitations, and Remainders, Conditions, Charges, Tenures, Rents, Services, and Incumbrances, as the ſeveral Lands, Tenements, and Hereditaments, in reſpect whereof ſuch Allotments reſpectively ſhould or would have ſtood limited or ſubject to if this Act had not been made, ſave and except ſuch Rents and Services as ſhall have been compenſated for and extinguiſhed; and ſuch Leaſes and Tenancies at Rack Rent as ſhall become void by virtue of this Act, and ſubject nevertheleſs to all ſuch Mortgages and Sales as ſhall be made by Authority of this Act, or of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty.

XXXVII. And

Money advanced towards paying Expences to be repaid with Interest.

XXXVII. And be it further enacted, That all Monies which shall be advanced by any Person or Persons for the Purpose of defraying the Expences of applying for and obtaining this Act, and also any Monies which may be advanced and paid to the said Commissioner's Surveyor, or otherwise in carrying this Act into Execution, previous to any Money being raised by Sale of Land as herein-before mentioned, shall be repaid to the Person or Persons advancing the same, together with lawful Interest, out of the first Money which shall be raised by such Sale.

Award where to be deposited.

XXXVIII. And be it further enacted, That the Award to be made by the Commissioners, when enrolled in the Manner directed by the said recited Act, shall be deposited in the Parish Church of *Goring* aforesaid.

Commissioners Accounts to be laid before Justices.

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

Persons aggrieved may appeal to the Quarter Sessions.

XL. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, then and in every such Case (except in such Cases where the Orders and Determinations of the said Commissioners are by the said recited Act or this Act directed to be final, binding, and conclusive upon all Parties), he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said County of *Oxford*, within Four Calendar Months next after the Cause of Complaint shall have arisen, and the Justices in their said Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs which shall be awarded by Distress and Sale of the Goods and Chattels of the Party or Parties who shall be ordered to pay the same, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to and upon all Parties concerned, and shall not be removed or removable by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Saving to the Lords of the Manor.

XLI. And be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the present or any future Lords of the said Manors, within the Limits whereof respectively the Common Heath, Wastes, and Waste Ground hereby directed to be

be divided, allotted, and incloſed are computed, of and in, and to the Seignories or Royalties incident or belonging to the ſaid Manor or Manors reſpectively, but that the ſaid Lord or Lords of the ſaid Manor or Manors reſpectively for the Time being ſhall and may from Time to Time and all Times hereafter have, hold, receive, and enjoy all Rents, Services, Courts, and Profits of Courts, and all other Rights, Royalties, and Privileges to the ſaid Manor or Manors reſpectively incident, appendant, and belonging or appertaining (other than thoſe which are meant and intended to be barred by this Act), in as full, large, ample, and beneficial Manner, to all Intents and Purpoſes, as they might or ought to have held and enjoyed the ſame before the paſſing of this Act, or in caſe it had not been made.

General Saving.

XLII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politic and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Eſtate, Right, Title, and Intereſt (other than ſuch as are intended to be barred and deſtroyed by virtue of this Act), as he, they, or any of them had and enjoyed to or out of the ſaid Common Heath, Waſtes, and Waſte Ground hereby intended to be divided, allotted, and incloſed, at any Time before the paſſing of this Act, or could or ought to have had in caſe this Act had not been made.

Evidence Clauſe.

XLIII. 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. 1809.