ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 150.

An Act for incloſing Lands in the Hamlet and Chapelry of *Wheatley*, in the Pariſh of *Cuddeſdon*, in the County of *Oxford*. [3d *June* 1809.]

WHEREAS there are within the Hamlet and Chapelry of *Wheatley*, in the Pariſh of *Cuddeſdon*, in the County of *Oxford*, ſeveral Open and Common Fields, Common Paſtures, Commons and Waſte Grounds, and alſo Sixty Acres of Land or thereabouts adjoining the ſame, and being Part and Parcel of the Commonable Lands thereof, commonly called *The Cow Common*, and which was formerly allotted by a Decree in His Majeſty's Court of Exchequer for the Uſe of the Freeholders and Landholders in *Wheatley* aforeſaid, in lieu of their Rights and Intereſts in and over a certain Foreſt called *Shotover* in the ſaid County of *Oxford*: And whereas *William Henry Aſhurſt* Eſquire, as Heir at Law of Sir *William Henry Aſhurſt* Knight, deceaſed, the Truſtee named in the Will of Sir *John Whalley Smythe Gardiner* Baronet, deceaſed, is Lord of the Manor of *Wheatley* aforeſaid: And whereas *Gilbert Jackſon*, Doctor in Divinity, as Impropriator, is entitled to certain Glebe Lands lying in the ſaid Common Fields, and alſo to all the Great Tythes ariſing, growing, and payable within *Wheatley* aforeſaid, except the Tythes of Hay and Graſs: And whereas the Right Reverend the Lord Biſhop of *Oxford* for the Time being is ſeiſed of or entitled to the Rectory of *Cuddeſdon* in the ſaid County of *Oxford*, with the Chapelry of *Wheatley* aforeſaid annexed,

and in Right of the ſaid Rectory to the Tythes of Hay and Graſs, and to all the Vicarial or Small Tythes ariſing, renewing, or happening within *Wheatley* aforeſaid: And whereas Sir *James Whalley Smythe Gardiner* Baronet, the Warden and the College of the Souls of all faithful People deceaſed of *Oxford*, and *William Davis* their Leſſee, the Principal and Scholars of the *King's* Hall and College of *Brazen-noſe* in *Oxford*, and *Thomas Harper*, *James Harper*, and *Suſanna Williams*, their Leſſees, *William Juggins*, and divers other Perſons, are ſeiſed and poſſeſſed of or otherwiſe intereſted in the ſaid Open and Common Fields, Common Paſtures, Commons and Waſte Grounds lying within *Wheatley* aforeſaid, and the ſaid Commonable Lands adjoining the ſame: And whereas an Act 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 ſaid Lands and Grounds of the ſeveral Proprietors of the ſaid Open Fields and Common Paſtures lie intermixed and diſperſed in ſmall Pieces or Parcels, and are inconveniently ſituated, and as well as the ſaid Commons and Waſte Grounds and Commonable Lands, in their preſent Situation are incapable of any conſiderable Improvement, and it would be advantageous to the ſeveral Perſons intereſted therein if the ſame were divided, allotted, and incloſed: but as ſuch Diviſion, 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 *Richard Davis* of the *Grove*, in the Pariſh of *Aſton Rowant*, in the County of *Oxford*, and *John Davis* of *Bloxham*, in the ſame County, Gentlemen, 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 and Common Fields, Common Paſtures, Commons and Waſte Grounds in *Wheatley* aforeſaid, and Commonable Land adjoining the ſame, according to the Rules, Orders, Proviſions, and Directions in the ſaid recited Act contained (except ſo far as they are hereby varied or altered) and according to ſuch other Rules, Orders, Proviſions, and Directions as are herein-after expreſſed and contained, and for otherwiſe putting this Act in Execution.

Appointment of an Umpire.

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 *William Buſhnell* of *Aſton Tirrold*, in the County of *Berks*, Gentleman, ſhall be and he is hereby appointed 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 the ſaid *William Buſhnell*, whoſe Judgement and Determination therein ſhall be deemed and taken to be the Judgement and Determination of the ſaid Commiſſioners.

Umpire to take an Oath.

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

recited Act, until he shall have taken and subscribed an Oath in the Form or to the Effect following, (that is to say);

The 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 Forty-ninth Year of the Reign of King *George* the Third, intituled, [*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 the said Commissioners or either of them are and is 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.

For appointing new Commissioners or Umpire.

IV. And be it further enacted, That when and so often as either of the said Commissioners, or the said Umpire herein-before named or to be appointed in Manner herein-after mentioned, shall die or refuse to act, or become incapable of acting as a Commissioner or Commissioners, or Umpire, 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 Division or Allotment and Inclosure, or any Part thereof, shall and may be nominated, elected, and appointed in Manner following; (that is to say), if the said *Richard Davis* shall die, refuse to act, or become incapable of acting as aforesaid, it shall be lawful for the said Sir *James Whalley Smythe Gardiner*, his Heirs or Assigns, by Writing under his or their Hand or Hands, to nominate and appoint some other fit Person, not interested in the said Division, Allotment or Inclosure, to be a Commissioner in the room or stead of the said *Richard Davis*, and so from Time to Time as often as any Commissioner to be appointed by the said Sir *James Whalley Smythe Gardiner*, his Heirs or Assigns, shall die, refuse to act, or become incapable of acting; and if the said *John Davis* shall die, refuse to act, or become incapable of acting as aforesaid, it shall be lawful for the major Part in Value of the Proprietors of the said Lands and Grounds (except the said Sir *James Whalley Smythe Gardiner* and his Heirs and Assigns), or to or for the respective Attornies or Agents of such Proprietors who shall be present at a public Meeting or respective public Meetings to be holden for that Purpose in the Chapel at *Wheatley* aforesaid, in pursuance of public Notice to be given in one or more of the weekly Newspapers published at *Oxford*, and by Writing to be affixed to the principal outer Door of the Chapel at *Wheatley* aforesaid, Twenty-one Days at least before every such Meeting (which Notice the other Commissioner, or the Clerk who shall have been chosen and appointed by the said Commissioners, are and is hereby authorized and required forthwith to give), by Writing under their Hands, to elect and appoint another Commissioner in the room and stead of the said *John Davis* so dying, refusing to act, or become incapable of acting, and so from Time to Time as often as any Commissioner or Commissioners to be appointed by the said Proprietors shall die, refuse to act, or become incapable of acting; and if the said *William Bushnell*, or any Umpire to be

appointed

appointed as herein-after mentioned, ſhall die, refuſe, or become incapable to act, then and every ſuch Caſe a new Umpire, not intereſted in the ſaid Diviſion or Allotment and Incloſure, ſhall and may be choſen in the ſtead of every Umpire ſo dying, refuſing, or becoming incapacitated, by a Majority in Value of the Proprietors of the ſaid Lands and Grounds, who by themſelves, or their reſpective Attornies or Agents, ſhall be preſent at any Meeting to be appointed for that Purpoſe in Manner aforeſaid, not excepting the ſaid Sir *James Whalley Smythe Gardiner*, his Heirs or Aſſigns; and in caſe the Perſon or Perſons reſpectively herein-before enabled to appoint a Commiſſioner or Commiſſioners, or Umpire as aforeſaid, ſhall refuſe or neglect to appoint ſuch Commiſſioner or Commiſſioners, or Umpire, in the place or ſtead of any other Commiſſioner or Umpire who ſhall die, refuſe to act, or become incapable of acting as aforeſaid, for the Space of Twenty-eight Days next after any ſuch Vacancy ſhall happen, then and in every ſuch Caſe, and as often as the Caſe ſhall happen, the ſaid Commiſſioners, or the ſurviving or remaining Commiſſioners, as the Caſe may be, ſhall and may by Writing under their or his Hands or Hand nominate and appoint another Commiſſioner or Umpire, not intereſted in the ſaid Diviſion or Allotment and Incloſure, in the room and ſtead of every Commiſſioner or Umpire ſo dying, refuſing to act, 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 by virtue of this Act.

Surveyor.

V. And be it further enacted, That *Robert Fiſher Gills*, of *Fareham* in the County of *Hants*, Land Surveyor, ſhall be and he is hereby appointed the Surveyor for executing the ſeveral Powers veſted in him by the ſaid recited Act and this Act, and ſhall be ſubject to the Controul and Directions of the ſaid Commiſſioners; and in caſe of his Death, Incapacity, or declining to act, then and in either of ſuch Caſes the ſaid Commiſſioners ſhall and may appoint ſuch other Perſon as they ſhall think proper to be their Surveyor.

Fees to Commiſſioners, &c.

VI. And be it further enacted, That the Commiſſioners and Umpire who ſhall act in the Execution of the Powers and Authorities hereby veſted in them, 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 to and from their Houſes included); and that at all their Meetings the ſaid Commiſſioners and Umpire ſhall defray their own Expences, except the Money they ſhall pay to Servants, and for the Uſe of the Room or Rooms in which ſuch Meetings ſhall be held.

Notice of Meetings.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to cauſe Notice to be given in Writing under their Hands, to be advertiſed in the aforeſaid Newſpaper or Newſpapers, and to be affixed on One of the principal outer Doors of the Chapel at *Wheatley* aforeſaid, of the Time and Place of the Firſt and other Meetings of the ſaid Commiſſioners for executing the Powers hereby veſted in them, at leaſt Twenty-one Days before any ſuch Meeting (Meetings by Adjournment only excepted), and that all Meetings for executing the Powers of this

this Act shall be held at some convenient Place in *Wheatley* aforesaid, or within Six Miles of the Chapel thereof; and in case at any such appointed or adjourned Meeting only One of the said Commissioners shall attend, such Commissioner may adjourn the same in such Manner and to such Place within the said Six Miles as he shall think proper and convenient, not exceeding Twenty-one Days after such Meeting, and the said Commissioner making such Adjournment is hereby required to give Notice thereof in Writing to the absent Commissioner; and in case no one of the said Commissioners shall be present at any such Meeting, then it shall be lawful for their Clerk to adjourn any such Meeting, and appoint the same to be held at the same or any other Place on any future Day, not exceeding Fourteen Days from the Day of Adjournment, and shall give timely Notice thereof to the Commissioners.

Other Notices how to be given.

VIII. Provided always, and be it 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 affixed up on One of the principal outer Doors of the said Chapel of *Wheatley*, or by Advertisement in the said Newspaper or Newspapers published at *Oxford* aforesaid.

Commissioners to settle Disputes,

but not to determine Titles.

IX. 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 Division, Allotment, and Inclosure, touching or concerning the Right to the Soil of the said Commons and Waste Grounds, or any Part or Parts thereof, or touching or concerning the respective Shares, Rights, and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioners and they are hereby authorized and required with all convenient Speed to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Power to assess Costs.

X. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby required and authorized by Warrant under their Hands and Seals 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 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.

Allowing Parties to try their Rights at Law.

XI. Provided always, and be it further enacted, That in caſe any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire touching or concerning any Claim or Claims of the Right to the Soil of the ſaid Commons and Grounds, or of any Rights of Common, or other Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law of the Matter ſo determined by the ſaid 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, who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners or Umpire, ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Six 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 with the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame; and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive upon all and every Perſon and Perſons whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts and order a new Trial to be had therein, which it ſhall be lawful for the ſaid Court to do, as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in conformity thereto, and allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials: Provided alſo, that the Determination of the ſaid Commiſſioners or Umpire touching ſuch Claim or Claims to or Right or Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, which ſhall not be objected to, or being objected to the Party or Parties objecting not cauſing ſuch Action or Actions at Law to be brought and proceeded in as aforeſaid, ſhall be final, binding, and concluſive upon all Parties: Provided alſo, that no Difference or Suit touching the Matters aforeſaid, ſhall impede or delay the Commiſſioners in the Execution of the Powers veſted in them by this Act, but the Diviſion, Allotment, and Incloſure hereby directed to be made ſhall be proceeded in notwithſtanding ſuch Differences or Suits: Provided alſo, that if any of the Parties in any Action or Actions to be brought in purſuance of this Act ſhall die pending the ſame, ſuch Action or Actions ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened.

Incloſure not to be impeded by Suits.

Actions not to abate by Death of the Parties.

In caſe of Deaths of Parties before Action brought, the ſame to be carried on

XII. 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 Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk to 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.

and defended in their Names.

XIII. 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 Encroachments; but in case the said Commissioners shall be of Opinion against the Rights 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.

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

XIV. And be it further enacted, That in the mean Time, and until such Diyision and Allotment shall be made as aforesaid, all the Pasture, Tillage and other Lands hereby intended to be divided, allotted, and inclosed, shall be stocked with such Cattle, and sown by the respective Owners or Occupiers thereof with such Sorts of Corn, Grain, Grass, and other Seeds, and shall be kept, ordered, and continued in such Course of Management, Tilth, and Husbandry, as the said Commissioners shall by any Writing or Writings under their Hands in that Behalf, to be affixed on the principal outer Door of the Chapel of *Wheatley* aforesaid, order, direct, and appoint, any Usage or Custom of stocking, tilling, or sowing to the contrary notwithstanding; and if any Person or Persons shall sow or manage any of the said Tillage Lands contrary to the Order of the said Commissioners, he, she, or they shall forfeit and pay any Sum not exceeding Five Pounds an Acre for every Acre so tilled, sown, or managed, and so in Proportion for a less Quantity than an Acre thereof, to be recovered by any Person or Persons who shall inform and prosecute for the same in Manner prescribed by the said recited Act touching the Recovery of Penalties and Forfeitures, together wtth reasonable Costs.

Course of Husbandry.

XV. And be it further enacted, That it shall be lawful for the said Commissioners at any Time hereafter, when and so often as they in their Judgement shall think fit, by Notice for that Purpose under their Hands to be affixed on the principal outer Door of the Chapel of *Wheatley* aforesaid, to suspend or totally extinguish all or any Part of the Rights of Common over the Lands and Grounds hereby intended to be divided, allotted, and inclosed; and from and after such Notice given, all such Rights of Common over the said Lands and Grounds, as by such Notice shall be directed or declared to be suspended or extinguished, shall cease and be suspended for such Time, or extinguished in such Manner as the Commissioners

Rights of Common to be extinguished, &c.

sioners shall in and by such Notice direct; and if after such Suspension or Extinguishment of any such Rights of Common, any of the said Owners or Occupiers shall turn or permit his, her, or their Cattle or Sheep to depasture or feed on any of the Lands and Grounds so discharged and freed from Right of Common, then and as often as the Case shall so happen it shall be lawful for any other of the said Owners or Occupiers to distrain all or any such Cattle or Sheep being upon any such Lands or Grounds contrary to such Notice, and to impound and keep the same impounded until the Person or Persons so offending shall pay to the Person or Persons distraining a Sum not exceeding Ten Shillings for each Head of Cattle, and Five Shillings for each Sheep so distrained; and in case the same, together with all Costs and Charges, shall not be paid before the next Meeting of the said Commissioners after such impounding, the said Commissioners are hereby authorized and empowered, upon Proof of such Offence or Offences having been committed, and Non-payment of the Penalty or Penalties incurred, to cause the Cattle or Sheep so distrained, or such of them as they shall think necessary, to be sold for raising and paying the Penalty or Penalties so incurred as aforesaid, together with the Costs and Charges attending every such Distress and Sale, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Cattle or Sheep.

Stopping up old Roads.

XVI. And be it further enacted, That the said Commissioners shall and may turn or abate and stop up any ancient Carriage Road or Way, Roads or Ways, or any private Footway or Path, Footways or Paths in, through, upon, or over any of the inclosed Lands or Grounds within *Wheatley* aforesaid, where they shall judge it requisite or expedient, whereof such Notice shall be given of a Day to be appointed by them to receive Objections as is in the said recited Act directed and required in the Case of setting out Roads, and observing the Directions of the said recited Act as to the obtaining the Concurrence and Order of Two Justices of the Peace previous thereto, and subject to an Appeal to the Quarter Sessions in such Manner and under such Regulations as in the said recited Act is mentioned.

Power to sell Estates separate from the Property giving the Right.

XVII. And be it further enacted, That it shall and may be lawful for any Person or Persons having any Estate or Estates within *Wheatley* aforesaid, at any Time after the passing of this Act, to sell and dispose of his, her, or their respective Estates, Rights of Common, or other Rights or Interests in or upon any of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed separate and apart from the Property in Right of which such Person or Persons is, are, or shall be respectively entitled to such Rights of Common or other Rights or Interests as aforesaid.

Grass Lands not to be ploughed.

XVIII. And be it further enacted, That no Pastures or Grass Lands, Part of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, shall from and after the passing of this Act, and before the staking out of the Allotments to be made in pursuance of this Act, be ploughed, broke up, or converted into Tillage or Garden Ground; and that every Proprietor, Occupier, or Tenant who shall so plough, break up, or convert into Tillage or Garden Ground any such Pasture or Grass Land, shall forfeit and pay for every Acre of such Pasture or Grass Land

so

ſo ploughed, broke up, or converted into Tillage or Garden Ground any Sum not exceeding Ten Pounds, and ſo in Proportion for a greater or leſs Quantity than an Acre, to be recovered by any Perſon or Perſons who ſhall inform and proſecute for the ſame, in Manner preſcribed by the ſaid recited Act touching the Recovery of Penalties and Forfeitures, together with reaſonable Coſts.

Satisfaction for Crops.

XIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to ſettle and aſcertain what Recompence ſhall be made or paid to the reſpective Occupiers, whether Owners or not, of any of the ſaid Open Arable Lands, for the Value of any Crop or Crops, or for any Clover or other Layer of artificial Graſs growing on any of the ſaid Lands or Grounds to be divided, allotted, incloſed, or exchanged in purſuance of or by virtue of this or the ſaid recited Act, or for any Tillage, Manure, or Preparation for a Crop or Crops on any of the ſaid Lands and Grounds reſpectively allotted, on which ſuch Crop or Crops, or Layer of artificial Graſs ſhall be growing, or wherein ſuch Tillage, Manure, or Preparation ſhall be made or laid as aforeſaid, and by Writing or Writings under their Hands in that Behalf to order the Payment of ſuch Recompence and Satisfaction to be made as they ſhall deem reaſonable, by the Perſon or Perſons who ſhall have the Benefit of ſuch Crop or Crops or Layer of artificial Graſs, or ſuch Tillage, Manure, or Preparation; and in caſe ſuch Perſon or Perſons ſhall neglect or refuſe to pay or make ſuch Recompence or Satisfaction 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 or make ſuch Recompence or Satisfaction 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 Recompence and Satisfaction, 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, received, 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 to whom it ſhall belong as aforeſaid, rendering the Overplus (if any) on Demand to the Owner or Proprietor, Occupier or Occupiers, or ſuch other Perſon or Perſons as the Caſe may be.

Allotments for Materials to repair Roads, &c.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall and may and they are hereby required, before any other Allotment is made in purſuance of this Act, to ſet out and appoint one or more Piece or Pieces, Parcel or Parcels of Land or Ground, Part or Parts of the Lands and Grounds hereby intended to be divided, allotted, and incloſed

in *Wheatley* aforesaid, in such convenient Place or Places as they shall think proper, for getting Stone, Gravel, or other Materials for repairing the Roads and Highways within *Wheatley* aforesaid, and for the Use of the Proprietors and Owners of Estates within *Wheatley* aforesaid, according to their respective Rights and Privileges (if any such they have); and such Parcels of Land shall be vested in the Surveyor or Surveyors of Highways of *Wheatley* aforesaid, for the Time being, upon Trust and for the Purposes in the said recited Act and in this Act mentioned.

Allotment to the Lord of the Manor for the Right of Soil.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required in the next Place to set out, allot, and award unto the Lord of the Manor of *Wheatley* aforesaid, for and in lieu of his Right to the Soil of all Waste Lands within the said Manor, such Parts, Share, and Proportion of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, as in the Judgement of the Commissioners making the same (Quantity, Quality, and Situation considered) shall be deemed a full Recompence and Satisfaction of and for all the Right of Soil which such Lord now hath or might or of Right ought to have had in such Waste Lands, if this Act had not been made.

Allotments to be made for Glebe and Common Rights.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and appoint unto and for the said *Gilbert Jackson*, his Heirs and Assigns, in lieu of his Glebe Lands within *Wheatley* aforesaid and Right of Common to him belonging, such Plot or Plots, Parcels or Quantities of the Lands and Grounds by this Act intended to be divided, allotted, and inclosed as shall in the Judgement of the said Commissioners be a full Equivalent and Compensation to the said *Gilbert Jackson*, his Heirs and Assigns, for such Glebe Lands and Right of Common.

Allotments in lieu of Great and Small Tythes.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to set out and allot unto and for the said *Gilbert Jackson*, his Heirs and Assigns, as Impropriator as aforesaid, and the said Lord Bishop of *Oxford* and his Successors, for and in lieu of their several and respective impropriate and Vicarial Tythes herein-before mentioned, yearly issuing, arising, or renewing out of all and every the tytheable Parts of the said Open and Common Fields, Common Pastures, Commons, and Waste Grounds, and Commonable Land hereby directed to be divided, allotted, and inclosed, and for and in lieu of the Tythes of such Homesteads, Gardens, Orchards, and other ancient inclosed Lands and Grounds within *Wheatley* aforesaid, as are subject to Tythes, such Plot or Plots, Parcel or Parcels of the said Open and Common Fields, Common Pastures, Commons, or Waste Grounds, and Commonable Land, as (Quantity, Quality, and Situation considered) shall contain or be equal in Value to One-fifth Part of the Arable Lands (including the Sward, Balks, and Heads of and intermixed with the said Arable Lands), and to One-ninth Part of all Meadow, Pasture, or Greensward Ground within or adjoining to *Wheatley* aforesaid, which are subject to the Payment of Tythes (after deducting the Land or Ground set out for the Roads, and the Allotments herein-before directed to be set out as aforesaid); all which Plots or Allotments shall be in full Satisfaction and discharge of and for the said several and respective Great and

Small Tythes iſſuing, ariſing, and renewing from and out of the ſaid Open and Common Fields, Common Paſtures, Commons, and Waſte Grounds, and Commonable Land, and out of the ſaid Homeſteads, Gardens, Orchards, and other ancient incloſed Lands and Grounds within *Wheatley* aforeſaid (Mortuaries, *Eaſter* Offerings, and Surplice Fees only excepted).

Subdiviſion to be made.

XXIV. Provided always, and be it further enacted, That when and as ſoon as conveniently may be after the ſaid Plot or Plots, Allotment or Allotments ſhall have been ſo ſet out and allotted to and for the ſaid *Gilbert Jackſon*, his Heirs and Aſſigns, and the ſaid Lord Biſhop of *Oxford* and his Succeſſors as aforeſaid, for and in lieu of their ſeveral Great and Small Tythes reſpectively as herein-before mentioned, they the ſaid Commiſſioners ſhall and they are hereby required to ſubdivide, aſſign, and allot the ſaid Plots or Allotments laſt mentioned unto and between the ſaid *Gilbert Jackſon*, his Heirs and Aſſigns, and the ſaid Lord Biſhop of *Oxford* and his Succeſſors as aforeſaid, in proportion to their ſeveral and reſpective Rights and Intereſts in the Tythes in lieu whereof the ſaid Plots or Allotments are hereby before directed to be awarded and made, and in proportion to the Value of ſuch Great and Small Tythes reſpectively.

Allotments ſet out for Tythes, 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 for and in lieu of and as a Compenſation and Satisfaction for ſuch Great and Small Tythes reſpectively as aforeſaid ſhall be limited, ſettled, and aſſured to, for, and upon ſuch and the ſame Eſtates, Uſes, Limitations, Intents, and Purpoſes as ſuch Great and Small Tythes reſpectively ſhall ſtand limited, ſettled, and aſſured, and be ſubject and liable to at the Time of making ſuch Allotments reſpectively.

Declaring what ſhall be Arable Lands.

XXVI. And be it further enacted and declared, That all ſuch of the ſaid Lands and Grounds as ſhall have been tilled or ploughed at any Time within Twenty Years laſt, ſhall for the Purpoſes of this Act be deemed and be taken to be Arable Land.

Proprietors not having Open Field Land to compenſate for Tythes to pay the Value thereof towards Expences.

XXVII. And be it further enacted, That in caſe there are any other Homeſteads, Gardens, Orchards, or ancient Incloſures within *Wheatley* aforeſaid, which are tytheable as aforeſaid, the reſpective Proprietors whereof ſhall not be entitled to Lands or Property in the Lands or Grounds ſo directed to be divided and incloſed as aforeſaid, equal to the Value of One-fifth Part of ſuch Homeſteads, Gardens, Orchards, or ancient Incloſures as are Arable, and of One-ninth Part of the Reſidue thereof, the ſaid Commiſſioners are hereby authorized and empowered to ſet out for the ſaid *Gilbert Jackſon*, his Heirs and Aſſigns, as Impropriator as aforeſaid, and the ſaid Lord Biſhop of *Oxford* and his Succeſſors, ſuch Parcel or Parcels of the ſaid Lands and Grounds hereby directed to be divided and incloſed, as ſhall be equal to One-fifth Part of ſuch Homeſteads, Gardens, Orchards, or ancient Incloſures as are Arable, and to One-ninth Part of the Reſidue thereof; and the ſaid Proprietors of ſuch Homeſteads, Gardens, Orchards, or ancient Incloſures, ſhall pay or cauſe to be paid unto ſuch Perſon or Perſons, and at ſuch Time or Times as the ſaid Commiſſioners ſhall direct or appoint, ſuch Sum and Sums of Money

Money as the ſaid Commiſſioners ſhall deem and adjudge to be a full Recompence and Satisfaction for the Land herein-before directed to be ſet out and allotted, in lieu of the Tythes of ſuch Homeſteads, Gardens, Orchards, or ancient Incloſures reſpectively; which Sum or Sums of Money ſhall be applied towards or in part Diſcharge and Satisfaction of the Charges and Expences incident to or attending the obtaining and paſſing of this Act and carrying the ſame into Execution; and in caſe any Perſon or Perſons liable to pay ſuch Sum and Sums of Money as aforeſaid, ſhall neglect or refuſe to pay the ſame within the Time to be limited by the ſaid Commiſſioners for Payment thereof, to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, then and in ſuch Caſe the ſaid Sum and Sums of Money ſhall be raiſed, levied, and recovered, together with the Coſts and Charges of raiſing, levying, and recovering the ſame, in ſuch and the ſame Manner as the other Expences of this Act are to be raiſed, levied, and recovered: Provided always, that in caſe any Surplus ſhall remain after ſuch Charges and Expences ſhall have been paid as aforeſaid, then ſuch Surplus ſhall be divided and apportioned between the ſeveral Perſons intereſted in the ſaid Lands and Grounds, in ſuch Shares as ſhall be in proportion to their reſpective Property therein, in caſe they ſhall be ſeiſed of their Lands in Fee Simple; and the Shares of ſuch other Proprietors in the ſaid Lands ſhall be applied and diſpoſed of in Manner directed by the ſaid recited Act in Caſes where any Money is directed to be paid for the Purchaſe or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes.

Tythes to be paid to ſuch Time as Commiſſioners ſhall appoint.

XXVIII. And be it further enacted, That the ſaid *Gilbert Jackſon*, his Heirs and Aſſigns, and the ſaid Lord Biſhop of *Oxford* and his Succeſſors, until ſuch Award as is herein-after mentioned ſhall be made and executed by the ſaid Commiſſioners, ſhall reſpectively have and receive of and from the Occupiers of the Lands and Hereditaments within *Wheatley* aforeſaid, now chargeable to them reſpectively with the Payment of any Tythes, a full, rateable, and proportionable Share of all ſuch Tythe as ſhall be then ariſing or growing due, down to ſuch Time as the ſaid Commiſſioners ſhall direct and appoint, or the full Value thereof in Money, which Money the ſaid Commiſſioners are hereby directed to ſettle and aſcertain: Provided always, and it is hereby declared, that when and ſo ſoon as ſuch Tythes, or the Value thereof in Money, ſhall ceaſe to be due and payable, the ſaid Lord Biſhop of *Oxford* and his Succeſſors ſhall be exonerated and diſcharged from the Claim or Cuſtom of keeping a Bull at *Wheatley* aforeſaid.

For placing the Tythe Allotments.

XXIX. And be it further enacted, That the Allotment or Allotments to be ſet out, allotted, and awarded unto and for the ſaid *Gilbert Jackſon*, his Heirs and Aſſigns, as Impropriator as aforeſaid, by virtue and in purſuance of this Act, ſhall be near or adjoining to the Farm-houſe and Homeſtall of the ſaid *Gilbert Jackſon* at *Wheatley* aforeſaid; and that the Allotment or Allotments to be ſet out, allotted, and awarded unto and for the ſaid Lord Biſhop of *Oxford* and his Succeſſors as aforeſaid, ſhall adjoin or lie as near as conveniently may be to *Cuddeſdon* aforeſaid.

XXX. And

Allotments to the other Proprietors.

XXX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required in the next Place to set out, divide, and allot the Remainder of all the said Open and Common Fields, Common Pastures, Commons, and Waste Grounds hereby intended to be divided, allotted, and inclosed, unto and amongst the several Persons, Bodies Politick or Corporate, Owners, Proprietors, and Persons interested therein, in such Quantities, Shares, and Proportions, and in such Places as by the said Commissioners shall be adjudged and determined to be a fair, just, and reasonable Satisfaction and Compensation for their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests whatsoever in, to, and over the same.

Commissioners not to allot the Cottagers Common.

XXXI. Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act or the said recited Act contained shall extend or be construed to extend to give the said Commissioners or any of them Power to divide, allot, or inclose any Part of a certain Piece or Parcel of Land, containing Twenty Acres or thereabouts, commonly called *The Cottagers Common*, and which was formerly allotted by the said Decree in His Majesty's Court of Exchequer for the Use of the Cottagers and poor Inhabitants of *Wheatley* aforesaid, in lieu of their Rights and Interests in and over the said Forest called *Shotover*, in the County of *Oxford*.

Objections to Allotments to be determined by Commissioners.

XXXII. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Shares, Rights, and Interests of the said Proprietors in the Lands and Grounds to be inclosed by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, they the said Commissioners shall give Notice in manner aforesaid of some convenient Time and Place when and where all Proprietors and Persons interested may peruse a Schedule of such intended Allotments, and a Map or Plan whereon the same shall be set out and delineated, and may have and receive a Copy of such Schedule so far as the same relates to such Proprietors respectively; and in regard that some Persons may upon Perusal of the said Schedule and Inspection of such Map or Plan be dissatisfied with their intended Allotments, the said Commissioners shall give Notice of One Meeting at the least to be held by them for receiving Complaints and Objections against such intended Allotments, and for hearing and determining all such Complaints and Objections, and their Determination in the Premises being reduced into Writing and signed by them, shall be binding and conclusive upon all Parties.

Fencing the Allotments for Materials and the Glebe and Tythe Allotments.

XXXIII. And be it further enacted, That the Parcel or Parcels of Land which shall or may be set out and allotted for Road Materials, the several Allotments for Glebe Lands and Common Rights to the said Impropriator belonging, and the several Allotments to be set out and allotted by virtue of this Act to and for the respective Tythe Proprietors in lieu of their Tythes, shall be inclosed round with Quickset 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 and Grounds within *Wheatley* aforeſaid, in ſuch Manner and in ſuch 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 order and direct, ſhall be for ever thereafter maintained and kept in Repair by the ſaid reſpective Tythe Owners as the ſaid Commiſſioners ſhall likewiſe by their Award order and direct; and the Fences of the Lands and Grounds to be ſet out for Road Materials ſhall afterwards be ſupported and maintained for ever by ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall direct or appoint; and the ſaid ſeveral other Allotments for the ſaid Lands and Grounds, after the Diviſion thereof, ſhall within Six Calendar Months, to be computed from the Execution of the ſaid Award, be incloſed, hedged, ditched, and fenced at the proper Coſts and Charges of the reſpective Perſons to whom the ſame ſhall be reſpectively allotted, in ſuch Manner, Shares, and Proportions as the ſaid Commiſſioners ſhall in and by their ſaid Award order and direct: Provided always, that convenient Gaps and Openings ſhall be left in all the Fences to be made by virtue of this Act for the Space of Six Calendar Months next enſuing the Execution of the ſaid Award, for the Paſſage of Cattle, Carts, and Carriages in and through the ſame, unleſs the ſaid Commiſſioners ſhall by their Award or other Inſtrument in Writing under their Hands order that the ſame be ſooner fenced in and made up.

Exchanges may be made.

XXXIV. 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 *Wheatley* aforeſaid, in lieu of and Exchange for any other Lands, Tenements, and Hereditaments whatſoever within *Wheatley* or the Pariſh of *Cuddeſton* aforeſaid, 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 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, Feme Coverts, 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 Politick, 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 any Eccleſiaſtical Benefice, without the Conſent, teſtified

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.

Expences of Exchanges how to be paid.

XXXV. Provided always, and be it further enacted, That all Coſts, Charges, and Expences attending the making and completing the Exchanges, Diviſions, and Partitions, ſhall be paid, borne, and defrayed 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 at Rack Rent to be void.

XXXVI. And be it further enacted, That all and every the Leaſe and Leaſes at Rack Rent ſubſiſting of all or any Part of the Lands, Grounds, or Hereditaments intended to be incloſed or diſcharged of Tythes or of the Tythes thereof, or of any Part thereof, either alone or jointly with any other Tenements, Tythes, or Hereditaments, and all other Agreements at Rack Rent for any Term or Time therein, ſhall as to the Whole of ſuch Tenements compriſed in ſuch Leaſe or Leaſes, or Agreements affected by this Act, at ſuch Time and Times as the ſaid Commiſſioners ſhall direct and appoint, ceaſe, determine, and be utterly void, and the reſpective Leſſees or Tenants thereof ſhall have and receive of the reſpective Owners and Proprietors of ſuch Lands, Tenements, Tythes, and Hereditaments, ſuch Satisfaction as the ſaid Commiſſioners ſhall aſcertain as reaſonable to be paid or allowed to ſuch Leſſee or Leſſees, Tenant or Tenants in that Behalf, and the reſpective Leſſors or Landlords ſhall be entitled to ſuch Rent or Rents and Privileges up to the Time of vacating ſuch Leaſes or Agreements reſpectively, as the ſaid Commiſſioners ſhall direct or appoint to be paid to or given them by ſuch Leſſees or Tenants reſpectively, for or with reſpect to ſuch Lands, Grounds, Tythes, or Hereditaments: Provided always, that if there ſhall be any Leaſe of Lands Part of which ſhall lie in *Wheatley* aforeſaid, and Part in any adjoining Pariſh or Place, all and every ſuch Leaſe or Leaſes upon Rack Rent now ſubſiſting may be vacated; but where any Lands ſhall have been taken in exchange which Land ſhall be under Leaſe and wholly ſituate in an adjoining Pariſh or Place, the Leaſe of ſuch laſt-mentioned Land ſhall not be vacated.

Not to vacate beneficial Leaſes from Bodies Politick or Corporate.

XXXVII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to ſet aſide or make void any beneficial Leaſe or Leaſes from any Bodies Politick or Corporate, or Perſons whomſoever, of any Lands, Tenements, Tythes, or Hereditaments in *Wheatley* aforeſaid to any Perſon or Perſons whomſoever, but the Perſon or Perſons entitled to ſuch beneficial Leaſe or Leaſes ſhall and may hold and enjoy his, her, and their ſeveral and reſpective Allotments of ſuch Lands, Tenements, Tythes, or Hereditaments for his, her, and their ſeveral and reſpective Terms, and under the ſame Rents and Covenants as is or are ſpecified in his, her, or their reſpective Leaſes to him, her, or them reſpectively from the ſame Bodies Politick or Corporate or other Perſons.

Perſons ſelling Rights before the Execution of the Award,

XXXVIII. Provided always, and be it further enacted, That if any Perſon or Perſons hath or have ſold, or contracted or agreed to ſell, or ſhall at any Time before the ſaid Commiſſioners ſhall have executed their

Commiſſioners to allot to the Purchaſers.

their Award, ſell or contract or agree to ſell his, her, or their Right or Intereſt or Property in, over, or upon the ſaid Open and Common Fields, Common Paſtures, Commons, and Waſte Grounds, or any Part thereof, to any other Perſon or Perſons, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners and they are hereby required to make an Allotment or Allotments of Land unto the Vendee or Vendees, Purchaſer or Purchaſers in ſuch Sales, Contracts, or Agreements reſpectively, and to his, her, or their reſpective Heirs, Executors, Adminiſtrators, and Aſſigns, for and in reſpect of ſuch Right or Rights, Intereſt or Intereſts, and Property ſo ſold and contracted and agreed to be ſold as aforeſaid; and every ſuch Vendee and Purchaſer, and his and her Heirs, Executors, Adminiſtrators and Aſſigns, ſhall and may, from and after the Execution of the ſaid Award, hold and enjoy the Land ſo to be allotted to him, her, or them reſpectively as aforeſaid, in the ſame Manner to all Intents and Purpoſes as the Vendor or Vendors in every ſuch Sale, Contract or Agreement, might, could, or of right ought to have held and enjoyed the ſame in caſe ſuch Sale, Contract, or Agreement had not been made, or ſuch Right, Intereſt, or Property had been veſted in ſuch Vendor or Vendors reſpectively at the Time of making the ſaid Award as aforeſaid, but ſubject nevertheleſs to all Incumbrances affecting the ſame, and to the Charges and Expences of the ſaid Diviſion, Allotment, and Incloſure, and alſo to the Tythes due or to become due in reſpect of the ſame.

Expences of the Act.

XXXIX. And be it further enacted, That the Charges and Expences incident to and attending the obtaining and paſſing of this Act, and of the ſurveying, dividing, and allotting the Lands and Grounds hereby authorized to be divided and allotted, and the preparing and enrolling of the Award or Inſtrument of the ſaid Commiſſioners, and all other Writings and Inſtruments to be executed by the ſaid Commiſſioners in purſuance of this Act, and of fencing the ſaid Allotments for Materials, Glebe and Tythes, and all other the neceſſary Expences in, about, and concerning the Execution of this Act, which are not herein otherwiſe directed to be borne, paid, and defrayed, ſhall from Time to Time be borne, paid, and defrayed, by the ſeveral Proprietors (except the ſaid *Gilbert Jackſon*, his Heirs and Aſſigns, and the ſaid Lord Biſhop of *Oxford* and his Succeſſors as aforeſaid, in reſpect of their Glebe and Tythes as aforeſaid) to whom the Lands and Grounds directed to be divided and incloſed ſhall be allotted, and by ſuch Perſon or Perſons who ſhall be entitled to or poſſeſſed of ſuch of the preſent Homeſteads, Orchards, Gardens, incloſed Lands and Grounds, as are not poſſeſſed of any Lands or Grounds within the ſaid Open and Common Fields, Common Paſtures, Commons and Waſte Grounds hereby directed to be divided, allotted, and incloſed, out of which any Allotment or Allotments can be made in lieu of Tythes in the Manner before directed, or to whom the Lands or Tenements ſo exchanged ſhall belong, in proportion to their reſpective Property and Intereſts, to be ſettled and determined from Time to Time by the ſaid Commiſſioners in ſuch Manner, and to be paid and payable to ſuch Perſon or Perſons, and at ſuch Days and Times as the ſaid Commiſſioners in and by any Writing or Writings under their Hands, or by the ſaid Award, ſhall from Time to Time order and direct; and if ſuch Coſts and Charges ſhall not be paid within the Time or Times by the ſaid Commiſſioners to be appointed for Payment thereof, then and in ſuch Caſe the ſame ſhall and may be levied and recovered in the Manner directed by the ſaid recited Act.

XL. Pro-

This Act not to affect Wills, &c.

XL. Provided always, That nothing in this Act contained shall extend or be construed to extend 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, Debt, or Incumbrance out of, upon or affecting any of the Lands and Grounds to be divided, allotted, or exchanged by virtue of the said recited Act or of this Act, or any Part thereof, but that each and every Proprietor shall stand and be seised of the several Lands and Grounds to be allotted to or exchanged with him or her as aforesaid, to such and the same Uses, and subject to such and the same Wills, Jointures, Rents, and Charges, and no other, as the Lands, Grounds, and Hereditaments whereof such Proprietor was seised or possessed at or immediately before the signing and sealing of the said Award, or for which or in respect whereof such Allotments or Exchanges shall be made would have been subject to, charged with, or affected by, in case this Act had not been made.

Supplemental Instrument may be executed by the Commissioners for supplying Omissions in certain Cases.

XLI. And be it further enacted, That where the Proprietor or Proprietors of any Lands, Grounds, or other Hereditaments which shall be allotted by virtue of this or the said recited Act, shall hold their Lands, Grounds, or Hereditaments by different Tenures, or for different Estates, or under different Titles, the said Commissioners shall, upon the Request of such respective Proprietors in Writing under their Hands, ascertain and distinguish the Lands, Grounds, or other Hereditaments held by each of such Tenures for each of such Estates respectively, and shall accordingly in their Award set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments; and where from the want of necessary Information before the said Commissioners, or from any other Cause, their Award shall omit discriminating, as herein-before is mentioned, such Titles, different Estates and different Tenures, and within Twelve Calendar Months after the making of the said Award Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his or their Hand or Hands, to have such Omission supplied by a separate Instrument or Instruments, then and in every such Case the said Commissioners 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 the Award had not been made; and when they shall have obtained what they think sufficient Information, they are hereby authorized, by any Deed under their Hands and Seals, to ascertain and distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make distinct and several Allotments for the same; and every such separate Instrument, after having been duly executed by the said Commissioners, shall have the same Effect as if it was contained in the said Award, and shall be delivered unto the Person or Persons upon whose Request the said Omission shall have been supplied, or the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question shall in the Opinion of the said Commissioners most properly belong for the Time; and all Expences which shall be reasonably incurred in and about any such Supplementary Instrument as aforesaid, shall be payable by the Persons who shall have so requested the said Commissioners as aforesaid, or by his, her, or their Heirs, Executors, or Administrators.

Sheep not to be kept on new Allotments for a certain Period.

XLII. And be it further enacted, That it shall not be lawful for any Person or Persons, for the Space of Five Years next after the Execution of the said Award, to keep or depasture any Sheep or Lambs in or upon any of the Allotments to be made by virtue of this Act, unless the Person or Persons keeping such Sheep or Lambs shall at his or their own Expence effectually and sufficiently fence off or guard and keep properly fenced off and guarded the Quickset Hedges or other live Fences of the Proprietor or Proprietors whose Allotment or Allotments may adjoin to the Inclosures where such Sheep or Lambs shall be so kept, so as to prevent any Damage being done to such Quickset Hedges.

Interest to be paid for Money advanced.

XLIII. And be it further enacted, That if any of the said Proprietors, or any other Person shall advance any Money for the Purpose of defraying the Expences of obtaining and passing this Act, or for carrying the same into Execution, every such Proprietor and other Person shall be repaid the same with Interest at the Rate of Five Pounds *per Centum per Annum* out of the First Monies that shall be raised for defraying such Expence by virtue of this Act.

Award to be deposited.

XLIV. And be it further enacted, That the Award to be made by the said Commissioners, when enrolled in manner directed by the said recited Act, shall be deposited in a Tin Box, and shall be kept in the Chapel of *Wheatley* aforesaid.

Accounts to be laid before Two Justices.

XLV. And be it further enacted, That Once at least in every Year during the Execution of this Act, (such Year to be computed from the Day of passing thereof), the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all such 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 said County of *Oxford*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Books 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.

Appeal to Quarter Sessions.

XLVI. And be it further enacted, That if any Person or Persons or any Parish, Township, or Precincts, shall think him, her, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, then and in every such Case, (except as to such Claims, Matters, and Things as are herein-before directed or authorized to be tried, settled, or determined by the Verdict of a Jury, or where any of the Clauses or Provisions of the said recited Act or of this Act shall express that the same shall be final and conclusive), he, she, or they may appeal to any General Quarter Sessions of the Peace to be holden for the said County of *Oxford*, within Four Calendar Months next after the Cause of Complaint shall have arisen, such Person or Persons giving Fourteen Days previous Notice to the said Commissioners of his, her, or their Intention to appeal; and the Justices in such General Quarter Sessions are hereby authorized and 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 or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon 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 the Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

General Saving.

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

Act to be printed.

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. 1809.