



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 120.

An Act for inclosing Lands in the Parish of *Stoke Talmage*, in the County of *Oxford*.

[21st May 1811.]

WHEREAS there are within the Parish of *Stoke Talmage*, in the County of *Oxford*, certain Open and Common Fields, and other Commonable and Waste Lands, containing together Four hundred and twenty Acres, or thereabouts: And whereas the Right Honourable *George Earl of Macclesfield* is Lord of the Manor of *Stoke Talmage* aforesaid, with its Members and Appurtenances, and as such claims to be interested in the Soil of the Commons and Waste Lands within the said Manor and Parish; and the said *George Earl of Macclesfield* is entitled to the Perpetual Advowson, Right of Patronage, and Presentation of, in, and to the Rectory of *Stoke Talmage* aforesaid; and the Reverend *Thomas Fane* is Rector of the said Rectory and Parish Church of *Stoke Talmage*, and in right thereof is entitled to certain Glebe Lands, and all the Great and Small Tythes yearly arising and renewing within the said Parish: And whereas the said *George Earl of Macclesfield*, and others, are the Owners and Proprietors of and interested in the Residue of the said Open and Common Fields, and other Commonable and Waste Lands: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually*
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required on the passing of such Acts: And whereas the said Open and Common Fields, and other Commonable and Waste Lands, are in their present State incapable of any considerable Improvement, and it would be advantageous to the several Proprietors thereof if the same were divided and inclosed, and specific Parts thereof allotted to and amongst the Proprietors, according to their respective Rights and Interests therein; but 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 *William Bushnell*, of *Aston Tirrold* in the County of *Berks*, Gentleman, shall be and he is hereby appointed a Commissioner for setting out, dividing, allotting and inclosing the said Open and Common Fields, and other Commonable and Waste Lands within the Parish of *Stoke Talmage* aforesaid, and for carrying this Act into Execution, subject to the Powers, Regulations and Provisions in the said recited Act contained, or such of them as are not varied or altered by or repugnant to any of the Clauses or Provisions of this Act.

Appointment
of new
Commission-
ers.

II. And be it further enacted, That if the said *William Bushnell* shall die, refuse, or become incapable to act before the Execution of the Award to be made by him, it shall be lawful for the said *George Earl of Macclesfield*, and his Heirs and Assigns, and the said *Thomas Fane*, and his Successors, Rectors as aforesaid, by any Writing under their Hands to appoint a Commissioner (not interested in the said Division and Inclosure) in the Room of the said *William Bushnell*, and so from Time to Time as often as the said Commissioner to be appointed by the said *George Earl of Macclesfield*, or his Heirs or Assigns, and the said *Thomas Fane*, and his Successors, Rectors as aforesaid, shall die, refuse, or become incapable to act; and every Commissioner, so to be appointed as last aforesaid shall have the like Power and Authority as the Commissioner in whose Place he shall be appointed is vested with by virtue of this and the said recited Act.

Notice of
Meetings.

III. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice in Writing of the Time and Place of his First and every other Sitting for the Execution of this Act, to be inserted in *Jackson's Oxford Journal*, or in some other Newspaper circulated within the said County of *Oxford*, Ten Days at least before every such Sitting (Sittings by Adjournment only excepted); and all Sittings shall be held by such Commissioner within the said Parish of *Stoke Talmage*, or within Eight Miles of the Boundary thereof.

Other No-
tices how to
be given.

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made or given by the said Commissioner shall be made and given by Advertisement in the said *Oxford Journal*, or some other Newspaper circulated in the said County of *Oxford*.

Shortening
Boundary
Fences.

V. And be it further enacted, That in order to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided

divided and allotted, and the Lands and Grounds in any adjoining Parishes, or to make the same Boundary Fences regular, it shall be lawful for the said Commissioner (with the Consent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors in which the Lands are situate, and of the Owner or Owners of the said Land upon which any Fence or Fences shall or may be intended to be made) to set out the Boundary between the Lands and Grounds by this Act directed to be divided, allotted and inclosed, and the Lands and Grounds in any adjoining Parish or Parishes, in such Manner as he shall think proper for the Purpose aforesaid; and after such Boundary shall be so set out as aforesaid, the same shall be fenced by such Person or Persons, in such Manner, and at such Time or Times as the said Commissioner shall direct, and shall for ever thereafter be deemed and taken to be the Boundary between the said Parish of *Stoke Talmage* and such adjoining Parish or Parishes respectively, any Law, Usage or Custom to the contrary notwithstanding.

VI. 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 and Allotments, or touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, it shall be lawful for the said Commissioner to examine into, hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title of any Person or Persons, or Bodies Politic, Corporate or Collegiate, to any Messuages, Lands or Hereditaments whatsoever.

Commissioners to settle Disputes.

VII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any of such Parties (except in respect of Encroachments) but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereon, until the Possession shall have been given up by such Person or Persons or recovered from such Person or Persons by Ejectment or other due Course of Law.

Person in Possession not to be removed but by due Course of Law.

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

Power to assess Costs.

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ing or refusing to pay the same, rendering the Overplus (if any), on 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.

IX. Provided always, and be it further enacted, That in case any Person or Persons interested in the said intended Division and Inclosure shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim or Claims of any Right or Interest in, over or upon the said Open Fields and Waste Lands hereby intended to be divided 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, at the then next or the ensuing Assizes to be holden for the County of *Oxford*, first giving Fourteen Days Notice to the Parties interested of their Intention so to do; and for that Purpose, the Person or Persons who shall be so dissatisfied with the Determination of the said Commissioner shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Twelve Calendar Months next after such Determination, 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 of one or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive upon all and every Person or 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 in other Cases; and after such Verdict or Verdicts shall have been obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioner touching such Claim or Claims which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in within such Time as aforesaid, shall be final and conclusive upon all Parties.

If Parties die, Proceedings not to abate.

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

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

XI. 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 hereinbefore limited for

for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, who might have brought such Action 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 Commissioner with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereon 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.

XII. And be it further enacted, That the said Commissioner shall assign, set out and allot unto and for the Lord of the Manor aforesaid, such Part of the Waste Lands and Grounds by this Act intended to be divided and inclosed as in the Judgment of the said Commissioner shall contain and be equal to One-sixteenth Part in Value of all the said Waste Lands and Grounds, in lieu of and Satisfaction for his Right and Interest in and to the Soil of the same.

Allotments to
the Lord of
the Manor.

XIII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and empowered to set out and allot to and for the said *Thomas Fane* and his Successors, Rectors as aforesaid, for the Time being, such Part or Parts of the antient inclosed Lands belonging to the said *George Earl of Macclesfield*, and also such Part of the Lands and Grounds by this Act intended to be divided; allotted and inclosed, (as may be agreed on between the said *George Earl of Macclesfield* and the said *Thomas Fane*;) as shall, together with the Corn Rent hereinafter directed to be secured to the said Rector and his Successors, be in the Judgment of the said Commissioner an Equivalent and Compensation in Part to the said *Thomas Fane* and his Successors, for the Glebe Lands and Right of Common belonging to the Rectory of *Stoke Talmage* aforesaid; and the Order of the Commissioner thereupon shall be binding, final and conclusive.

Allotments to
the Rector for
Glebe.

XIV. And be it further enacted, That the said Commissioner shall set out, allot and award the Residue and Remainder of the Lands and Grounds hereby directed to be divided, allotted and inclosed unto and amongst the several Owners or Persons interested therein, in such Quantities, Shares and Proportions, and in such Manner respectively, as he shall determine to be a just Compensation and Satisfaction for, and equal in Value to, their respective Rights and Interests therein: and the Order of the Commissioner thereupon shall be binding, final and conclusive.

Allotments of
the Residue.

XV. And be it further enacted, That all and singular the Open Common Fields and other Lands which shall be allotted and inclosed by virtue of this Act, shall, immediately after such Allotments are made, be held and be subject to such and the same Tenures, Customs, He-

Tenure of
Allotments.

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riots, Rents and Services, as the same Messuages, Lands, Tenements and Hereditaments, in respect whereof such allotted Lands shall be made are now subject to.

Allotments to Lord Macclesfield, of the Lands set out to the Rector for Tythes or Payment of a yearly Rent.

XVI. And be it further enacted, That the said Commissioner, in consideration of the yearly Rent or Sum to be made payable as hereinafter is mentioned, shall allot and award to the said *George Earl of Macclesfield*, his Heirs and Assigns for ever, instead of the said Rector, all and every Portion and Portions of the said Lands and Grounds hereby directed to be divided and inclosed, which shall be assigned and set out to the said *Thomas Fane*, as a Compensation for the Remainder of the said Glebe Lands, and of the Tythes and other Payments in lieu of Tythes arising within the said Parish (except the Tythes of certain ancient inclosed Lands and Grounds called *Stoke Grange*, within the said Parish of *Stoke Talmage*; also except the Tythes of other ancient Inclosures in the same Parish belonging to the Right Honourable *Charles Spencer*, commonly called Lord *Charles Spencer*, and except Mortuaries, *Easter Offerings* and *Surplice Fees*) in Consideration whereof such yearly Rent or Sum as the Lands set out in lieu of the Remainder of the said Glebe Lands and Tythes, and awarded to the said *George Earl of Macclesfield* instead of to the said Rector shall be fairly worth, to be let by the Year, or other Sum as shall be payable in lieu thereof, in consequence of the Directions for a Variation of the same hereinafter contained, (free from all Parochial Rates and other Deductions whatsoever) shall be payable to the said *Thomas Fane*, and his Successors Rectors of the said Parish of *Stoke Talmage* for the Time being for ever, and which yearly Rent and Sum, or such other Sum as shall be payable in consequence of the Directions for a Variation in the same hereinafter contained, shall be in full Satisfaction of and Compensation for the Remainder of the said Glebe Lands, and also for all the Tythes both Great and Small, and other Payments whatsoever in lieu of Tythes, for or in respect of all the Messuages, Lands, Tenements and Hereditaments within the said Parish of *Stoke Talmage* (except the said Tythes of the said ancient inclosed Lands and Grounds before mentioned, and except Mortuaries, *Easter Offerings* and *Surplice Fees* as aforesaid).

Rents to be chargeable on certain Lands of Lord Macclesfield.

XVII. And, for effectually securing the Payment of the yearly Rent or Sum hereby made payable; be it further enacted, That the said Commissioner shall set out so much and such Part of the Allotments to be made to the said *George Earl of Macclesfield*, as shall in his Judgment be equal in Value to the said Allotment or Allotments to be awarded to the said *George Earl of Macclesfield* instead of the said Rector, which said Allotment herein last before directed to be made, together with the said Allotment or Allotments so to be awarded to the said *George Earl of Macclesfield* instead of to the said Rector, shall be and is hereby for ever charged and chargeable with the said yearly Rent hereby made payable, which shall be issuing out of the same, and shall be paid to the said *Thomas Fane* and his Successors at the Rectorial House of the said Rectory; by the said *George Earl of Macclesfield*, and the Owners and Proprietors for the Time being of the said several Allotments so made chargeable therewith, and their several Heirs and Assigns for ever, by equal Half-yearly Payments, on such Days in the Year, and to

to commence at such Time, as the said Commissioner shall in and by his Award direct and appoint; and the said Rector and his Successors shall, and may have, and exercise the same Powers and Remedies over and upon such Allotments so charged therewith, for recovering the yearly Rent or Sum which shall be payable as aforesaid, as and when the same or any Part thereof shall be in arrear, as are by Law given and provided for the Recovery of Rent Service, or other Rent in arrear; and that upon the Death, Cession, Resignation or Removal of the present and every future Rector of the said Parish, his Executors or Administrators, shall be entitled unto and receive so much and such Part thereof as shall be in proportion to the Number of Days elapsed to the Day of his Death, Cession, Resignation or Removal from the then last preceding Day of Payment; and a Plan of the Lands so charged shall be made out and signed by the said Commissioner, and enrolled with the Award to be made by him.

XVIII. And, for settling the Manner of varying the Amount of the said yearly Rent or Sum according to the Value of Corn; be it further enacted, That the said Commissioner shall and he is hereby directed and required to ascertain from or by Means of the *London Gazette*, the average Price of a *Winchester* Bushel of Wheat in the County of *Oxford*, for the Term of Fourteen Years next preceding the passing of this Act, and shall in and by the Award to be made by him set forth such Average Price, and what Quantity of Wheat at that Price, the said yearly Rent or Sum at which the Land set out in lieu of Tythes, and awarded to the said *George Earl of Macclesfield*, instead of to the said Rector, was fairly worth to be let by the Year at the Time of making the said Award, would purchase; and that it shall be lawful, as well for the said Rector and his Successors, as the said *George Earl of Macclesfield*, and the Owners and Proprietors of the said Allotment or Allotments so charged with the Payment of the said yearly Rent or Sum, at their respective proper Expence, by Writing under their respective Hands, to apply to the First Quarter Sessions of the Peace to be held in and for the said County of *Oxford* in the Week after the Close of the Feast of *Easter*, next after the Expiration of Fourteen Years after the making of the said Award, having given Notice of the intended Application in the *London Gazette*, and also in some Newspaper usually circulated in the said County of *Oxford*, so long as any shall be published, on the First Day of Publication in the Month of *January* next preceding, to have Two Persons named and appointed by the Justices then and there assembled to be, together with a third Person, to be named and chosen by such Two Persons, Referees for enquiring into and ascertaining by, or from, or by Means of the *London Gazette*, (so long as the Returns of the average Price of Corn or Grain shall be published therein, and in case of no such Publication then by such Ways or Means as they shall think equitable or proper,) the average Price of a *Winchester* Bushel of good marketable Wheat within the said County of *Oxford*, for the Fourteen Years then last past, which said Three Referees, or the major Part of them, shall, by their Report, to be made and delivered to the Court of Quarter Sessions to be held in the First Week after the Feast of *Saint Thomas the Martyr* then next ensuing, set forth such average Price; and in case it shall

For settling
the Amount
of the Rent.

shall by such Report appear that such average Price of a Bushel of Wheat is more or less than the average Price set forth in the said Award, by the Value of Three pence or upwards, the yearly Rent or Sum payable for the preceding Fourteen Years shall be diminished or increased in proportion, and the exact Amount of the yearly Rent or Sum to which the same shall be so increased or diminished shall be declared by the Order of the said Court, and the same shall from the Half-yearly Day of Payment preceding such Order remain and continue issuing and payable as aforesaid out of the same Allotments charged by the said Award with the First yearly Rent or Sum to the Amount to which the same shall be so declared, until the same shall at the End of Fourteen Years be again varied by such Application, and in such Manner as hereinbefore mentioned, and so from Time to Time at the End of every Term of Fourteen Years for ever: Provided always, that nothing in this Act or the said recited Act contained, except for effecting Exchanges, and raising, levying and paying the Expences thereof, shall extend to or affect or be construed to extend to or affect any of the Lands, Grounds or Hereditaments, called *Stoke Grange*, or any of the Lands, Grounds or Hereditaments of the said Lord *Charles Spencer*, or any Part thereof, except the Owners or Proprietors thereof in Possession for the Time being shall jointly with the said *George Earl of Macclesfield*, and the Rector of the Rectory and Church of *Stoke Talmage* aforesaid for the Time being, signify their desire in Writing under their Hands, that such Lands, Grounds and Hereditaments shall be included in the Operation of this Act, such Writing to be addressed to and delivered to the said Commissioner at some Meeting to be held by him within Five Calendar Months after the passing of this Act, which Desire and Writing, if so delivered, shall be annexed to and inrolled with the Award to be made by the said Commissioner.

This Act not to extend to the Lands called Stoke, except in certain Cases.

Owners dividing Estates to apportion Corn Rents.

XIX. And whereas it may be necessary and convenient for some One or more of the said Owners and Proprietors of Lands, subject to the said yearly Tythe Compensations or Corn Rents, to sell and dispose of his, her or their said Estate or Estates, or some Part thereof in Parcels, or to make some Partition thereof, and others may be devised by Will, and upon a Division, if any, of the said Estate or Estates in Manner aforesaid, it may be necessary and convenient to the Owner or Owners thereof for the Time being, to divide and apportion the said yearly Tythe Compensations or Corn Rents; be it therefore further enacted, That it shall be lawful for the Owner or Owners of each and every Estate for the Time being, subject to the said Corn or Tythe Rents, upon a Division of the same Estate or Estates, either by Sale or otherwise, to apportion and charge each and every Part of the Estate so divided, with a due and fair Proportion of the said yearly Tythe Compensations or Corn Rents, so to be ascertained and set forth by the said Commissioner; provided that in every such Division, due regard be had to the Quantity of Acres, and the Rate by the Acre ascertained by the said Commissioner, upon the whole or any Part of such Estate, and that each and every Division may be made to bear a fair and just Proportion of the said yearly Tythe Compensations or Corn Rents, or Sums of Money so ascertained by the said Commissioner, or as near

as may be: and as the Power of recovering the Arrears of the said yearly Tythe Compensations or Corn Rents, or Sums of Money as hereinbefore mentioned, extended to the whole of each and every Estate, the said Power shall continue and remain the same until a Division of the Estate and Apportionment of the said yearly Tythe Compensations or Corn Rents, or Sums of Money, shall be made known to the Rector and his Successors respectively for the Time being, by a written Notice thereof, signed by all the Parties interested therein, fully describing and specifying the Lands and Grounds so divided, and the Abuttals and Boundaries thereof; and after such Notice, his and their Power of Distress and Recovery of Rents so apportioned and being in Arrear, shall be upon each and every Division so made, in the like Manner as it is in and by this Act directed upon the whole of such Estates so divided as aforesaid.

XX. And, in order to prevent any Difficulty to the said Rector and his Successors respectively, by the Division of any Estate by Sale or otherwise, to facilitate the future regulating of the said yearly Tythe Compensations or Corn Rents, or Sums of Money; be it further enacted, That the said Commissioner shall and he is hereby required to make, or cause to be made, Duplicates of a complete separate Schedule or Description of each and every such Allotment, Pieces or Parcels of Ground, or ancient inclosed Land in the said Parish of *Stoke Talmage*, with the Abuttals and Boundaries thereof, and also with the Name of the Owner thereof, charged with such yearly Tythe Compensations or Corn Rents, the exact Measure in Acres, Roods and Perches, the yearly Tythe Compensations, or Corn Rents, or Sums of Money issuing out of each respectively, and the Quantity of Wheat in Bushels and decimal Parts of a Bushel, which is to govern each of the said future yearly Tythe Compensations or Corn Rents, or Sums of Money payable to the said Rector, and the Rate by the Acre by which the said yearly Tythe or Corn Rents shall be charged as aforesaid, and such other Requisites as shall be judged proper or necessary by the said Commissioner, to render every Matter respecting the said yearly Tythe Compensations or Corn Rents, or Sums of Money, clear and plain in future; which said Schedules or Descriptions shall be respectively signed by the said Commissioner, and One Part thereof shall be deposited in the Office of the Clerk of the Peace of the said County of *Oxford*, and another Part thereof annexed to the Award hereinafter mentioned.

Schedule of Property, with the Names of the Owners, to be made by Commissioner.

XXI. Provided always, and be it further enacted, That until the Execution of the Award to be made by the said Commissioner, or until such other previous Time as the said Commissioner shall by Writing under his Hand direct or appoint, the Rector of the Rectory of *Stoke Talmage* aforesaid for the Time being shall be entitled to and shall receive, enjoy, and recover all his Tythes in the same Manner as if this Act had not been made.

Tythes when to cease.

XXII. And be it further enacted, That the Costs, Charges and Expences of inclosing the Allotment or Allotments which shall be made

Expences of this Act.

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to the Rector of the Rectory and Parish Church of *Stoke Talmage* aforesaid, in right of the said Rectory, and all the Costs, Charges and Expences incident to and attending the obtaining and passing this Act, and of surveying, admeasuring, planning, valuing, dividing and allotting the Lands, Grounds and Premises to be divided and allotted in pursuance of this Act and the said recited Act, and of preparing and inrolling the Award of the said Commissioner, and of the Copies thereof, and all the Charges and Expences of the said Commissioner, his Clerk, Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioner in and about the Premises, either before or after the Execution of the said Award, and all the Expences of forming, completing and repairing the public Carriage Roads and Highways to be set out and appointed by the said Commissioner, and all other Expences of carrying this Act into Execution, shall be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act, and by the Person or Persons who, within the Time and Manner hereinbefore limited, shall signify his or their Intention of coming under the Operations of this Act, in respect of the Tythes of the said Old Inclosures of *Stoke Grange*, and other Old Inclosures of the said Lord *Charles Spencer* (save and except the Rector of the said Parish of *Stoke Talmage*, for or in respect of any Allotment or Allotments which shall be made to him in right of the said Rectory) which said Costs, Charges and Expences, together with the Proportions thereof, to be paid by the Person or Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioner, and shall be paid at such Time and Place, and to such Person or Persons, as the said Commissioner shall appoint: Provided always, that the said Proprietors, their Attornies and Agents shall pay their own Expences when they or any of them shall attend the said Commissioner on any Business relating to the Execution of the said Act.

For making
Exchanges.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot and award any Lands, Tenements, Rents, Tythes, and Hereditaments whatsoever, within the said Parish of *Stoke Talmage*, in lieu of and in exchange for any other Lands, Tenements, Tythes or Hereditaments whatsoever, within the said Parish, or within any adjoining Parish, Hamlet, Manor, Township or Place; provided that all such Exchanges be ascertained, specified and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any 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 Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics or under
any

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 Exchange and Exchanges so to be made, shall be good, valid and effectual in Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchanges 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 such Lands, Tenements or Hereditaments so to be exchanged, shall lie or be situated.

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

Costs of Exchanges to be borne by the Parties making them.

XXV. And be it further enacted, That all and every subsisting Lease and Leases at Rack Rent, upon the making or renewing of which no Fine or Fines hath or have been paid, of any of the Lands or Grounds to be divided, allotted and inclosed by virtue of this Act, or the Tythes thereof, or any Part thereof, or of the Tythes of any ancient inclosed Lands and Grounds within the said Parish of *Stoke Talmage*, either alone or jointly with any other Lands, Tenements, Tythes, or Hereditaments; and all subsisting Agreements for any Time or Term therein as to the whole of the Tenements comprized in such Lease or Leases, Agreement or Agreements, shall on such Day as the said Commissioner shall by Writing under his Hand for that purpose limit or appoint, cease, determine, and be utterly void; and the respective Lessees or Tenants thereof shall thereupon be entitled to demand and receive of and from the respective Landlords, Owners or Proprietors of the same Premises, such Allowance or Satisfaction in Money, and at such Time or Times as such Commissioner shall ascertain, order, and direct as reasonable to be paid to such Lessees or Tenants on account thereof, or as an equivalent for the same; and such Lessees or Tenants respectively shall, upon the Determination of every such Lease or Agreement, be liable to pay to the respective Landlords, Owners and Proprietors of the same Premises, such Rents or Sums of Money up to the Time of vacating such Leases or Agreements respectively for the Use and Occupation thereof, as the said Commissioner shall in like Manner ascertain, order, and direct as reasonable and proper in that behalf: Provided always, that where any Land under Lease wholly situate in an adjoining Parish or Liberty shall be taken in exchange, the Lease thereof shall not be vacated: Provided also, that in ascertaining and settling the Sum or Sums of Money to be paid by or to such Lessee or Lessees as aforesaid, the said Commissioner shall have due regard to the several Covenants and Stipulations of the Lease or Leases, Agreement or Agreements to be vacated, and shall make such Addition thereto or Abatement therefrom as he shall judge to be just, in case any of such Covenants or Stipulations shall not have been fulfilled.

Vacating Leases at Rack Rent.

XXVI. And

Leases of
Land wholly
situate in an
adjoining
Parish not to
be vacated.

XXVI. Provided always, and be it further enacted, That if there shall be any Lease of Lands, part of which shall lie in the said Parish of *Stoke Newington*, and part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated, but where any Land shall be taken in Exchange, which Land shall be under Lease and wholly situate in an adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

Wills and
Settlements
not to be af-
fected.

XXVII. Provided always, and be it further enacted, 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, Rent or Incumbrance out of, upon or affecting any of the Messuages, Buildings, Lands or Grounds to be divided, allotted, inclosed or exchanged, or any Part or Parts thereof respectively, but that the respective Persons to whom any Lands or Hereditaments shall be allotted or given in Exchange, shall be seized thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges and Incumbrances and no other, as the Messuages, Buildings, Lands, Grounds and Hereditaments whereof such Person was seized or possessed at or immediately before the Execution of the Award to be made by the said Commissioner, 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.

Commissioner
to lay his
Accounts be-
fore Two
Justices.

XXVIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioner shall and he is hereby required to make a just and true Statement or Account of all Sums of Money by him received and expended, or due to him for his own and his Clerks Trouble or Expences in the Execution of this Act; and such Statement or Account when so made shall be by him laid before Two Justices of the Peace for the said County of *Oxford*, not interested in the said intended Division and Inclosure, 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 Commissioner, 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
the Quarter
Sessions.

XXIX. 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 Act (other than and except such Orders and Determinations of the said Commissioner as are herein directed to be binding, final and conclusive, then, and in every such Case, he, she, or they may appeal to the Quarter Sessions of the Peace which shall be holden for the County of *Oxford* within Four Calendar Months next after the cause of Complaint shall have arisen, on giving to the said Commissioner, and to the Party or Parties concerned, Twenty-one Days' Notice in Writing of such Appeal, and of the Matter thereof, and the Justices (not interested in the Premises) in their said Quarter Sessions

Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) after deducting the reasonable Charges of such Warrant, Distress and Sale, to the Owner or Owners of such Goods and Chattels; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*, or elsewhere, but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or unfounded, then the said Justices shall award reasonable Costs to be paid by the Appellant or Appellants, and to be levied in Manner aforesaid.

XXX. And be it further enacted, That the Award to be made by the said Commissioner shall, after the same shall have been inrolled in Manner directed by the said recited Act, be deposited in the Parish Church of *Stoke Talmage* aforesaid.

Award
where depo-
sited.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, alter, vary, affect, lessen, abridge, diminish, defeat or determine any of the Rights and Interests of the Lord of the said Manor for the Time being in or to the Seigniories, Royalties, Rights and Services incident and belonging to the said Manor, but that such Lord of the said Manor for the Time being shall and may from Time to Time, and at all Times hereafter, exercise and enjoy all Royalties, Jurisdictions, Rights and Pre-eminences whatsoever to the said Manor, or to the Lord thereof for the Time being, incident, appendant, appurtenant, or belonging, or in anywise appertaining (save and except such Right to the Soil of the said Commons and Waste Grounds, and such Rights of Common of Pasture, and other Rights of Common and Interests in, over and upon the said Commons and Waste Grounds for which Satisfaction or Compensation shall have been made by virtue of this Act) in as full, large, ample and beneficial Manner as they heretofore have been held, exercised, and enjoyed, in case this Act had not been made.

Saving to the
Lord of the
Manor.

XXXII. 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 meant and intended to be barred and destroyed by this Act) as they and every of them had and enjoyed, of, in, to or in respect to the Lands and Grounds hereby directed to be divided, allotted and inclosed, in case this Act had not been made.

To be printed
by the King's
Printer.

XXXIII. 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. 1811.