



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 25.

An Act for inclosing certain Lands in the Hamlets of *Chadlington West, Chadlington East, and Chilson*, in the Parish of *Charlbury*, in the County of *Oxford*.

[4th April 1811.]

WHEREAS there are in the Hamlets of *Chadlington West, Chadlington East, and Chilson*, in the Parish of *Charlbury*, in the County of *Oxford*, divers Open Fields, Common Pastures, Common Meadows, Down, and other Commonable Lands and Waste Grounds, containing together by Estimation Three thousand eight hundred Acres or thereabouts: And whereas Sir *Edwin Bayntun Sandys* Baronet, is Lord of the Manor of *Chadlington West*: And whereas *Abram Tyzack Rawlinson* Esquire, is Lord of the Manor of *Chadlington East*: And whereas *Diana Frances Gorges*, is Lady of the Manor of *Chilson*: And whereas the President and Scholars of *Saint John Baptist* College in the University of *Oxford*, are seised of the Improprate Rectory or Parsonage of *Chadlington*, comprising the said Hamlets (amongst others) of *Chadlington East, Chadlington West, and Chilson*; and the said Sir *Edwin Bayntun Sandys* is the Lessee of the said Rectory or Parsonage: And whereas the said President and Scholars are seised of the perpetual Advowson and Right of Patronage of and in the Vicarage of the Parish Church of *Charlbury* aforesaid; and the Reverend *John Cobb* Doctor in Divinity, is the Vicar endowed of the said Church of *Charlbury*, to which the said Hamlets of *Chadlington West, Chadlington East, and Chilson* (amongst others) are appurtenant, and as such entitled to a Portion of the Tythes arising within the said Hamlets: And whereas the Principal and Scholars of the *King's Hall, and College of Brazen Nose*, in the said University of *Oxford*, and

Proprietors of Tythes.

Proprietors of the Small Tythes.

Proprietors.

[Loc. & Per.]

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the said Sir *Edwin Bayntun Sandys* and *Richard Taylor*, their Lessees, and the said Sir *Edwin Bayntun Sandys*, *Abram Tyzack Rawlinson*, *Robert Smith*, *Robert Pratt*, *Jonah Smith*, *John Bolter*, *Richard Taylor*, and others, are seized and possessed of the Residue of the Lands and Grounds by this Act directed to be divided, allotted, inclosed, or discharged from Tythes, and are, or some of them are, entitled to certain Rights of Common of Pasturage for their Sheep and Cattle in and over the same: 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 Advantage of the Inclosure.* several Facts usually required on the passing of such Acts: And whereas the Lands of the several Proprietors in the said Open Fields lie intermixed and dispersed in small Parcels, and the same, as well as the said Commonable Lands and Waste Grounds, in their present Situation, are incapable of any considerable Improvement; and it would be for the Benefit and Advantage of the several Persons interested therein if the same were divided and allotted unto and amongst the several Proprietors thereof according to their respective Properties and Rights therein, and if Compensation were made, in Manner herein-after mentioned, for the Tythes payable in respect of all Lands within the said Hamlets; but such Purposes 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 *John Davis* of *Bloxam*, in the County of *Oxford*, Gentleman, and *Thomas Wyatt* of *Wargrave*, in the County of *Berks*, Gentleman, and their Successors to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed, Commissioners for valuing, dividing, allotting, and inclosing the said Open Fields, Common Pastures, Common Meadows, Down, and other Commonable Lands and Waste Grounds, according to such of the Rules, Orders, and Directions in the said recited Act contained as are not hereby varied or altered, and according to the Rules, Orders, and Directions herein-after expressed and contained, and for otherwise putting this Act in Execution.

Commissioners.

Appointment of new Commissioners.

II. And be it further enacted, That if any Commissioner appointed by this Act, or who shall have been elected and appointed in Manner herein-after mentioned, shall, before the Execution of all the Powers and Authorities hereby in him vested, die, decline, or refuse to act, or become incapable of acting, a new Commissioner in the room of every such Commissioner so dying, declining, or refusing to act, or becoming incapable of acting, shall be elected in Manner following; (that is to say), if the said *John Davis* shall die, decline, or refuse to act, or become incapable of acting, it shall be lawful for the Majority in Value (such Value to be ascertained by the Land Tax Assessment of the said Hamlets) of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be divided and inclosed, or their Agents or Attornies (except the said President and Scholars of *Saint John Baptist* College, and the Vicar of *Charlbury* for the Time being) who shall be present at a publick Meeting to be held for that Purpose in the Chapelry Church of *Chadlington* aforesaid, in pursuance of a Notice in Writing under the Hand of the surviving Commissioner, or under the Hand of his Clerk, to be affixed upon the principal

principal outer Door of the said Chapelry Church, or by Advertisement to be inserted in *Jackson's Oxford Journal*, or in some other Newspaper printed and circulated in the County of *Oxford*, at least Fourteen Days before such Meeting, to appoint a Commissioner (not interested in the said Inclosure) in the room of the said *John Davis*, and so from Time to Time as often as any Commissioner so to be appointed by such last-mentioned Proprietors shall die, decline, or refuse to act, or become incapable of acting; and in case the said *Thomas Wyatt* shall die, decline, or refuse to act, or become incapable of acting, it shall be lawful for the said President and Scholars of *Saint John Baptist College*, and the Vicar of *Charlbury* for the Time being, by their Agents or Attornies, by Writing under their Hands, to appoint a Commissioner (not interested in the said Inclosure) in the room of the said *Thomas Wyatt*, and so from Time to Time as often as any Commissioner so to be appointed as last aforesaid shall die, decline, or refuse to act, or become incapable of acting; and that in case the said respective Parties, or any of them, shall make Default in appointing any such new Commissioner, within Thirty Days next after the Death of any such Commissioner, or within Thirty Days after it shall be known that any Commissioner has declined or refused to act, or become incapable of acting, then the surviving or remaining Commissioner shall and he is hereby authorized and required, from Time to Time, by Writing under his Hand, within Ten Days next after the Expiration of the said Thirty Days allowed to the respective Parties for appointing such new Commissioner, to appoint a Commissioner (not interested in the said Inclosure) in the room of every Commissioner so dying, declining, or refusing to act, or becoming incapable of acting as aforesaid; and every such Commissioner, to be appointed as herein directed, shall have the like Power and Authority to act in the Execution of the said recited Act and this Act, as the Commissioner in whose room he shall be appointed was vested with by virtue of this Act.

III. And be it further enacted, That the said Commissioners shall give or cause Notice to be given in the Paper called *Jackson's Oxford Journal*, or some other Paper printed and circulated in the County of *Oxford*, and in the Chapelry Church of *Chadlington* aforesaid, upon some *Sunday* immediately after Divine Service, of the Time and Place of their First and every other Meeting for putting this Act and the said recited Act in Execution, Ten Days at least before the Time appointed for holding such Meeting (Meetings by Adjournment only excepted); and the said Commissioners shall and may adjourn their Meetings from Time to Time as they shall see Occasion, for the further Execution of this Act: Provided always, that if at any Meeting appointed to be holden by the said Commissioners, it shall happen that no more than One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time and Place as he shall think most convenient, not exceeding Twenty-one Days from the Time of such Adjournment, giving Notice at the Time of making such Adjournment of the Time and Place to which such Meeting shall be adjourned, to the absent Commissioner: Provided always, that all the Meetings of the said Commissioners shall be held at some convenient Place within the said Hamlets, or within Eight Miles of the Boundaries of the Parish of *Charlbury*.

Commissioners to give Notice of their Meetings.

Other Notices how to be given.

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners in pursuance of the said recited Act and this Act, shall be so made and given by Advertisement to be inserted in *Jackson's Oxford Journal*, or in some other Newspaper printed and circulated in the County of *Oxford*.

Commissioners to appoint a Clerk.

V. And be it further enacted, That the Commissioners for the Time being shall have Power, and they are hereby authorized to appoint a Clerk to assist them in the Execution of this Act and the said recited Act, and such Clerk from Time to Time to remove and another to appoint, as to them shall seem meet.

Allowance to the Commissioners.

VI. And be it further enacted, That each and every of the said Commissioners shall be allowed the Sum of Three Pounds and Three Shillings *per* Day and no more, for his and their Trouble and Expences for each and every Day he and they shall necessarily attend in the Execution of the Powers of this and the said recited Act (Days of travelling to and from his and their Place of Abode included); and at all the Meetings to be holden in pursuance of this Act or the said recited Act, each Commissioner shall out of such Allowance pay and defray his own Expences; and that the Proprietors, their Attornies or Agents, shall pay their own Expences at any Meetings to be held in pursuance of this Act.

Commissioner neglecting to act for a certain Time, to be deemed a Refusal to act.

VII. And be it further enacted, That in case the said *John Davis* and *Thomas Wyatt*, or any Commissioner to be appointed by virtue of this Act, shall neglect to act in the Execution of the said recited Act and this Act, for the Space of Twenty-eight Days after Notice in Writing shall have been given to him or them, or left at his or their last or usual Place or Places of Abode, signed by the said *Sir Edwin Bayntun Sandys*, *Abram Tyzack Rawlinson*, and *Robert Pratt*, or any Three or more of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and inclosed, then and in every such Case such Neglect shall be deemed and taken to be a Refusal to act, within the Intent and Meaning of this Act.

Appointment of Surveyors.

VIII. And be it further enacted, That *Stephen Godson* of *Hooknorton*, in the County of *Oxford*, and *Henry Clarke* of *Shipston-upon-Stower*, in the County of *Worcester*, Land Surveyors, shall be the Surveyors for the Purposes of this Act; and in case of the Death of either of them the said *Stephen Godson* or *Henry Clarke*, or of their Incapacity, or neglecting or declining to act, then and in either of the said Cases, the said Commissioners shall and may appoint such other Person or Persons as they shall think proper to be the Surveyors for the Purposes aforesaid.

Umpire to be appointed.

IX. And be it further enacted, That after the said Commissioners shall have taken and subscribed such Oath as they are required to take, and before they proceed to any other Business touching the Execution of this Act, they shall and they are hereby authorized and required to appoint some other Person (not interested in the said Division and Inclosure) to be an Umpire between them; and in case such Person or any other Person to be appointed as Umpire as herein-after mentioned, shall die or refuse to act, or shall become incapable of acting as such, the said Commissioners shall and they are hereby required forthwith to appoint another Person (not

(not interested in the said Division and Inclosure) to be an Umpire in his Stead, and that whenever the said Commissioners shall differ or disagree in Opinion touching any Matter or Thing to be by them done or performed in pursuance of this or the said recited Act, then and in every such Case the Matter in Question shall be determined by the Umpire so to be appointed as aforesaid, whose Determination therein shall be deemed and acted upon as the Determination of the said Commissioners.

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

Umpire to be sworn.

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

Oath.

‘ So help me GOD.’

Which Oath it shall be lawful for the said Commissioners, or either of them, to administer, and the said Oath so taken and subscribed by such Umpire, shall be annexed to and inrolled with the said Award of the said Commissioners, and a Copy of the Inrolment thereof shall be admitted as legal Evidence.

XI. Provided always, and be it further enacted, That nothing in the said recited Act or this Act contained shall extend to require the said Commissioners, or any Surveyor appointed or to be appointed by virtue of this Act, to make or cause to be made any Survey, Admeasurement, or Plan, of any of the ancient inclosed Lands or Grounds within either of the said Hamlets or Parish, unless the said Commissioners shall deem such Survey, Admeasurement, or Plan, necessary or expedient for the Purposes of the said recited Act or of this Act.

Surveys of old inclosed Lands not to be made unless specially directed by the Commissioners.

XII. Provided also, and be it further enacted, That in all Cases where any Map or Survey shall be produced to the said Commissioners, which shall appear to be incorrect, or shall not be satisfactory to the said Commissioners, or in case any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, claiming any Allotment or Allotments in and upon the Lands and Grounds by this Act directed to be divided and inclosed, shall neglect or refuse to produce to the said Commissioners, within Twenty-eight Days next after Notice to him, her, or them, for that Purpose given, sufficient and satisfactory Maps, Surveys, or Admeasurements of his, her, or their respective ancient inclosed Lands, in respect whereof he, she, or they, shall claim to be entitled to any Allotment or Allotments under this Act and the said recited Act, then and in either of such Cases it shall be lawful for the said Commissioners, and they are hereby required to make and take, or cause to be made and taken, by their said Surveyor, Maps, Surveys, or Admeasurements, of all such ancient inclosed Lands, whereof no satisfactory Maps, Surveys, or Admeasurements, shall be

Surveys of old Inclosures to be made at the Expence of the Parties who fail to produce satisfactory Plans to the Commissioners.

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produced

produced to them as aforesaid; and the Costs and Expences of such Surveys, Maps, or Admeasurements, shall be borne and defrayed by the respective Owners of such ancient inclosed Lands, except the President and Scholars of *Saint John Baptist* College, and their Lessee or Lessees in respect of the said Rectory or Parsonage, and the Vicar of *Charlbury* in respect of the said Vicarage, and be paid by them within Twenty-eight Days next after Demand thereof made; and in Default of such Payment within the Time aforesaid, the said Commissioners shall and they are hereby required to rate, charge and assess the Owners of such ancient inclosed Lands with the Amount thereof, and the same shall be thereby effectually charged on such ancient inclosed Lands, and shall be recoverable in such and the like Manner as the Costs, Charges, and Expences of obtaining this Act, and carrying the same into Execution, can or may be levied or recovered.

Commissioners to settle Disputes, &c.

XIII. 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 Inclosure, touching or concerning the respective Shares and Proportions, Rights and Interests, which any of them shall have or claim to have of and in the same, it shall be lawful for the said Commissioners 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, Lands, Tenements, or Hereditaments whatsoever.

Power to assess Costs.

XIV. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, or 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 them, 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, or 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 such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Allowing Parties to try their Rights by an Issue at Law.

XV. Provided always, and be it further enacted, That in case any Person or Persons interested, or claiming to be interested, in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners or Umpire touching or concerning any Claim or Claims to the Right of the Soil of the said Commons and Waste Grounds, or of any Rights of Common, or other Interests in, over, or upon the Lands and Grounds hereby directed to be divided and inclosed, or any Part thereof, it shall and may be lawful to and for the

Person.

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 First or Second Assizes to be holden for the 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 Two Calendar Months next after such Determination of the said Commissioners or Umpire; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they, is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties 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 thereon, which it shall be lawful for the Court to do as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners or Umpire, touching such Claim or Claims to such Common Rights or other Rights or Interests, in, over, or upon the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be 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 and conclusive upon all Parties.

XVI. 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.

If any of the Parties die the Proceedings not to abate.

XVII. 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 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 thereupon 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 as if such Person

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

or

or Persons had been actually living ; and the Right of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

XVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners or Umpire to determine any Right between any Parties contrary to the Possession of any of such Parties, except in Cases of Encroachments made within the Period of Twenty Years as herein-after mentioned ; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

Actions not to impede Proceedings of Commissioners.

XIX. Provided always, and be it enacted, That no such Difference, Suit, Action, or Proceeding as aforesaid, nor any Difference, Suit, Action, or Proceeding, touching or concerning the Title to any Lands, Tenements, or Hereditaments, shall in anywise delay or impede the said Commissioners in the Execution of the Powers vested in them by the said recited Act and this Act, but the Division and Inclosure hereby directed to be made shall be proceeded in notwithstanding such Differences, Suits, Actions, or Proceedings.

Commissioners to direct the Course of Husbandry.

XX. And be it further enacted, That the said Commissioners shall and are hereby required, as soon after the passing of this Act as they shall think necessary, by some Writing under their Hands, to be affixed on One of the principal Doors of the Church of *Chadlington* aforesaid, to order and direct the Course of Husbandry that shall be used in, over, and upon the said Open Fields, Common Pastures, Common Meadows, Down, and other Commonable Lands and Waste Grounds hereby directed to be divided and inclosed, until the Time when they shall have completed the respective Allotments thereof, as well with respect to the ploughing, sowing, fallowing, tilling, and laying down thereof, as to the stocking and depasturing thereof, and by the same, or any other Writing or Writings under their Hands, to be affixed in Manner aforesaid, to make such Orders, Rules, and Regulations as to them shall seem expedient, to restrain or prevent the Farmers and Occupiers within the said Hamlets of *Chadlington West, Chadlington East, and Chilson*, from ploughing or tilling any Seeds, Saintfoin, Meadow, Pasture, or fresh Ground, or from committing any Waste upon or doing any Injury to any Part of the said Lands or Grounds hereby directed to be divided and inclosed ; and in the mean Time, and until the Allotments thereof shall be set out by virtue of this Act, all which Rules, Orders, and Regulations of the said Commissioners shall be binding and conclusive upon all the said Farmers and Occupiers, and all other Persons interested therein, and the said Commissioners shall set and impose such Penalties and Forfeitures not exceeding Five Pounds for each Offence, on every Person and Persons not conforming to such Rules, Orders, and Regulations, as they shall think necessary, which Penalties and Forfeitures shall be paid to such Person or Persons, and for such Uses and Purposes as the said Commissioners shall by any Writing or Writings under their Hands, or by their Award, direct or appoint ; and the said Commissioners are hereby authorized and required by Warrant or Warrants under their Hands directed to any Person or Persons whomsoever, to cause the said Penalties and Forfeitures to be levied by Distress and Sale
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of the Goods and Chattels of such Offender or Offenders, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels.

XXI. And be it further enacted, That the said Commissioners shall and may enlarge, widen, scour, cleanse, and divert all or any of the ancient Reservoirs of Water, Brooks, Drains, Ditches, Tunnels, Watercourses, Water Gates, Banks and Bridges, as well in, through, and over the Lands and Grounds hereby directed to be divided and inclosed, as also in, over, and through any ancient Inclosures in the said Hamlets as to them shall seem proper and necessary, they the said Commissioners making reasonable Compensation or Satisfaction to all and every Person and Persons who may sustain any Damage thereby, of such Breadth and Depth, and in such Directions as the said Commissioners shall think proper; and the said Commissioners shall and may, and they are hereby required in and by their said Award, to order and direct to whom and at whose Expence, and at what Time and in what Manner the said Reservoirs, Brooks, Ditches, Drains, Watercourses, Tunnels, Water Gates, Banks and Bridges, shall be made and hereafter repaired, cleansed, scoured, and maintained: Provided always, that no Stream, Brook, or Watercourse, shall be diverted or turned without the Consent in Writing of the Owner or Owners of the ancient Inclosures from which any such Stream or Brook shall be diverted, or into whose Land any such Stream or Brook shall be turned.

Power to enlarge Watercourses, &c.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners, with the Concurrence and Order of Two Justices of the Peace in and for the County of *Oxford*, not interested in the said Division and Inclosure, subject to Appeal as in the said recited Act is mentioned, to stop up and discontinue any of the publick or private Roads or Ways within the said Hamlets which shall be deemed unnecessary, and to widen, turn, or alter any of such Roads or Ways as shall be deemed proper to be widened, turned, or altered; and all such publick Roads as shall be stopped up or discontinued, shall be deemed Part of the Lands hereby directed to be divided, allotted, and inclosed, and shall be allotted to such of the said Proprietors of the adjoining Lands as the said Commissioners shall think fit.

Commissioners may alter or stop up Roads.

XXIII. And be it further enacted, That in case any publick Carriage Roads or Highways to be set out under the Powers and Provisions of this Act or the said recited Act, shall be set out and continued in any Situation or Direction where the said Parish of *Charlbury* is divided from any adjoining Parish or Place, and where there now is or usually hath been a publick Road or Meer Way, and such adjoining Parish or Place hath hitherto been charged or liable to be charged with One-half Part of the Repairs and Support of the said Road or Meer Way, then and in such Case the said Commissioners shall, and they are hereby authorized and required to set out so many Feet only, or so much Land, from and out of the Lands hereby directed to be divided and inclosed, as

Roads dividing Parishes to be made up in the Whole Forty Feet broad.

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will enlarge the Breadth of such Road or Meer Way to Forty Feet at the least.

Stone Pits.

XXIV. And be it further enacted, That the said Commissioners shall if they judge proper, but not otherwise, before they make any other Allotments of the said Open Fields, Common Pastures, Common Meadows, Down, and other Commonable Lands and Waste Grounds within the said several Hamlets, set out and allot unto and for such Persons, their Heirs and Assigns, as they shall think fit to nominate, such Parts or Parcels of the said Open Fields, Common Pastures, Common Meadows, Down, and other Commonable Lands and Waste Grounds within the said Hamlets, or either of them, not exceeding Five Acres, as they shall judge proper as and for publick Stone, Gravel, and Sand Pits, with convenient Roads and Ways to and from the same respectively, in Trust for the Proprietors and Tenants of Land for the Time being in the said several Hamlets, to be used in common by such Proprietors and Tenants, as well for their own respective necessary Uses within the said Hamlets, as for making and repairing the publick and private Roads and Ways within the same; and the same Allotment or Allotments shall and may from Time to Time be let, subject to the Right of taking Stone, Gravel, and Sand therefrom, and the Rents and Profits thereof applied towards the Repairs of the publick Roads and Ways within the said several Hamlets, and shall be inclosed and fenced in such Manner, and by such Persons as the said Commissioners shall in and by their Award direct.

Allotment for Glebe and Right of Common.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto, and for the said President and Scholars of *Saint John Baptist College* and their Successors, and their Lessee or Lessees of the said Impropriate Rectory, and the Vicar of *Charlbury* aforesaid respectively, such Parcel or Quantity of the Lands and Grounds hereby directed to be divided and inclosed, as shall, in the Judgement of the said Commissioners, be a full Compensation and Satisfaction for the uninclosed Glebe Lands and Right of Common belonging to the said President and Scholars, and their Lessee or Lessees, and the said Vicar of *Charlbury* respectively, in, over, or upon the Lands and Grounds hereby directed to be divided and inclosed.

Allotment for Rectorial and Vicarial Tythes.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot unto and for the said President and Scholars of *Saint John Baptist College* and their Successors, and their Lessee or Lessees, and the said *John Cobb* and his Successors, Vicars as aforesaid, such Plots or Parcels of the Lands and Grounds hereby directed to be divided and inclosed as shall in the Judgement of the said Commissioners, (Quantity, Quality, and Situation considered) be equal in Value to One-fifth Part of all the Arable or Tillage Land, including the Sward, Balks, and Hades intermixed therewith; One-seventh Part of the Piece of Land in the Hamlet of *Chadlington West*, called *The Down*, and of the Piece of Land in the Hamlet of *Chadlington East*, called *The Common Pen*; and to One-ninth Part of the Meadows, Pastures, Woods, and all the Remainder of the Lands and Grounds, open and inclosed within the said Hamlets of *Chadlington East*, *Chadling-*

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ton West, and *Chilson*, (after deducting the Land or Ground set out for Roads, Ways, and the Allotment for the said Glebe Land), which shall be in full Satisfaction for and Discharge of all the Tythes, both Great and Small, yearly issuing, arising, and renewing from and out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and out of all the Messuages, Tenements, Gardens, Orchards, and other inclosed and several Lands within the said Hamlets, and all other Ecclesiastical Payments and Dues whatsoever, (except Mortuaries, Easter Offerings, and Surplice Fees); which said several Allotments to the said President and Scholars and their Successors, and their Lessee or Lessees, in lieu of the Glebe Lands and Right of Common, and in lieu of the Rectorial Tythes of the said Hamlets of *Chadlington West* and *Chadlington East*, shall be set out adjoining each other, and as near to the Rectorial or Vicarial Buildings as may be, the Commissioners in making the same taking into Consideration the general Convenience of the other Proprietors.

XXVII. Provided always, and be it further enacted, That when and as soon as conveniently may be after the said Allotment or Allotments shall have been so set out for the said President and Scholars of *Saint John Baptist College*, their Lessee or Lessees, as Impropiators as aforesaid, and the said Vicar of *Charlbury*, for and in lieu of their Great and Small Tythes, the said Commissioners shall and they are hereby required to subdivide, assign, and allot such Allotment or Allotments unto and between the said Impropiators and Vicar, in Proportion to their respective Rights and Interests in the said Tythes.

Subdivision
to be made
between
Rector and
Vicar.

XXVIII. And be it further enacted, That the said Commissioners shall and are hereby required to ascertain and fix the Composition for the Rectorial and Vicarial Tythes to be paid to the said President and Scholars of *Saint John Baptist College*, and their Lessee or Lessees; and the said *John Cobb* and his Successors, Vicars as aforesaid, from *Michaelmas* One thousand eight hundred and ten, to the Time of setting out and confirming the Allotments, and the Times for Payment of such Composition; and by Writing under their Hands to order and direct the Owners or Occupiers of Lands to pay such Sum or Sums of Money to the said President and Scholars, and their said Lessees, and to the said *John Cobb* and his Successors, Vicars as aforesaid, as in the Judgement of the said Commissioners shall be a just and fair Equivalent for such Great and Small Tythes.

Commissioners
to fix the
Composition
for Tythes,
till Allot-
ment set out.

XXIX. And be it further enacted, That in case there are any Homesteads or other ancient Inclosures in the said Hamlets subject or liable to the Payment of Tythes, and which are directed to be commuted for by this Act, the respective Proprietors whereof shall not happen to be entitled to any or a sufficient Allotment to make Compensation for the Tythes thereof, such Proprietors shall respectively 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 as the Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for the Tythes issuing or payable out of such Homesteads or other ancient Inclosures respectively, or for such Parts thereof for which a Compensation

Proprietors
of old inclosed
Lands who
have not open
Field Land
sufficient to
make Com-
pensation for
Tythes, to
pay the Value
in Money to
the Persons
whose Lands

shall be taken
for that Pur-
pose.

in Land cannot be made by the Proprietors thereof as aforesaid; which Sum or Sums of Money shall and may be raised, levied, and recovered in like Manner as the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution, are directed to be raised, levied, and recovered, and shall and may be applied in Payment of such Parts and Proportions of the Expences of obtaining and executing this Act, as ought to be paid by the respective Persons whose Land may be set out, for discharging from Tythes such Homesteads, or other ancient Inclosures; and that in case such last-mentioned Sum or Sums of Money shall be more than sufficient to pay and discharge the said respective Proportions of the Costs, Charges, and Expences of obtaining this Act, and of carrying the same into Execution, the Residue and Remainder of such Sum and Sums of Money shall be divided amongst and paid to the several Proprietors of the Open Fields, Common Pastures, Common Meadows, Down, and other Commonable Lands and Waste Grounds, whose Lands have been taken and appropriated for the Purpose of discharging such last-mentioned old inclosed Lands from Tythes, in such Proportions as they shall be respectively entitled thereto; and if any of such last-mentioned Proprietors of the said Open Fields, Common Pastures, Common Meadows, Down, and other Commonable Lands and Waste Grounds, shall not be Tenants in Fee Simple, then such Shares or Proportions of such Surplus Money shall be applied and disposed of in the same Manner as any Sum of Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses, is by the said recited Act authorized or directed to be applied and disposed of.

Fences of
Glebe and
Tythe Allot-
ments.

XXX. And be it further enacted, That the Lands which shall be set out and allotted unto and for the said President and Scholars of *Saint John Baptist* College and their Successors, and their Lessee or Lessees, and the said *John Cobb* and his Successors, Vicars as aforesaid, in lieu of their respective Tythes and Glebe Land, and Common Right thereto belonging, shall be inclosed and fenced on the outward Boundaries thereof with Ditches and Quickset Hedges, and sufficiently guarded on both Sides, or with Stone Walls, and all necessary Gates and Stiles, as shall be directed by the said Commissioners, by or at the Expence of the other Proprietors, whose Lands are subject to the Payment of Tythes, in such Manner, and in such Shares and Proportions, and at such Time and Times as the said Commissioners shall by their Award order or direct; and that the Fences shall thereafter be maintained, supported, and preserved during the Term of Seven Years, by or at the Expence of the said other Proprietors, in such Manner, and in such Shares and Proportions as the said Commissioners shall also by their Award order or direct; and from and after the Expiration of the said Term of Seven Years, the same shall be maintained, supported, and preserved by or at the Expence of the said President and Scholars of *Saint John Baptist* College, their Successors and Lessee or Lessees, and the said *John Cobb* and his Successors, Vicars as aforesaid respectively, for ever.

XXXI. And

XXXI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to assign, allot, and award unto and for the said Sir *Edwin Bayntun Sandys*, or the Lord of the Manor of *Chadlington West* for the Time being, such Parcel or Quantity of Ground as they shall adjudge to be a fair Equivalent and Compensation for his Right to the Soil of such of the Waste or other Grounds within the said Open Fields, Common Pastures, Common Meadows, and other Commonable Lands as lie within the said Manor of *Chadlington West*. Allotment to the Lord of the Manor of Chadlington West.

XXXII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to assign, allot, and award unto and for the said *Abram Tyzack Rawlinson*, or the Lord of the Manor of *Chadlington East* for the Time being, such Parcel or Quantity of Ground as they shall adjudge to be a fair Equivalent and Compensation for his Right to the Soil of such of the Waste or other Grounds within the said Open Fields, Common Pastures, Common Meadows, and other Commonable Lands, as lie within the said Manor of *Chadlington East*. Allotment to the Lord of the Manor of Chadlington East.

XXXIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to assign, allot, and award unto and for the said *Diana Frances Gorges*, or the Lord or Lady of the Manor of *Chilson* for the Time being, such Parcel or Quantity of Ground of the said Open Fields, Common Pastures, Common Meadows, and other Commonable Lands and Waste Grounds, as they shall adjudge to be a fair Equivalent and Compensation for her or his Right to the Soil of such of the said Commonable Lands and Wastes as lie within the said Manor of *Chilson*. Allotment to the Lady of the Manor of Chilson.

XXXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, divide, and allot all the Residue and Remainder of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, unto and amongst the several Proprietors thereof and Persons interested therein, in Proportion and according to their several and respective Lands, Grounds, Rights of Common, and other Rights and Interest in, to, and over the same. Allotment of the Residue.

XXXV. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past have been made upon the said Open Fields, Common Pastures, Common Meadows, Down, and other Commonable Lands and Waste Grounds, shall be deemed Part thereof, and shall be divided and allotted accordingly. Encroachments within Twenty Years Part of the Waste.

XXXVI. Provided always, and be it further enacted, That it shall and may be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds in either of the said Hamlets, not having a sufficient Quantity of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, to discharge his, her, or their old Inclosures from Tythes, being under Coverture, Minors, Lunaticks beyond the Seas, or under any other Disability, or for any of the Owners or Proprietors, being Tenants in Tail, or for

[Loc. & Per.]

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Life

Tenants for Life, &c. of old Inclosures, empowered to charge their Estates with Money paid for discharging the same from Tythe.

Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested as aforesaid, to charge such Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds, with such Sum or Sums of Money as the said Commissioners shall by their Award, or any other Writing under their Hands previous thereto, declare to have been paid for the Discharge of the Tythes thereof, and also with any further or additional Sum or Sums of Money, not exceeding in any Case Five Pounds an Acre for every Acre of Land discharged from Tythes as aforesaid, which the said Commissioners shall direct to be paid by them as their respective Shares of the Charges and Expences incident to and attending the obtaining of this Act, and carrying the same into Execution, and to grant, mortgage, surrender, lease, or demise, or otherwise subject such Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds, unto such Person or Persons as shall advance and lend such Sum and Sums of Money respectively, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years; or in case any Person in Possession, who shall be charged with a Sum or Sums of Money as aforesaid, shall choose to advance, pay, or discharge the same, that it shall be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, surrender, lease, demise, or otherwise subject the said Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands or Grounds, to such Person or Persons respectively paying or discharging the same, and to his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, to and for the Payment of such Sums of Money as aforesaid, with Interest for the same, to commence on the Termination of his, her, or their Right in the Premises, so that every such Grant, Mortgage, Surrender, Lease, or Demise, be made with a Proviso or Condition to cease and be void, or with an exprefs Trust to be surrendered or re-assigned when such Sum or Sums of Money thereby to be secured shall have been fully paid and satisfied; and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming entitled to any such Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands and Grounds, shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced; and that every such Grant, Mortgage, Surrender, Lease, or Demise, shall be good, valid, and effectual in the Law, for the Purposes thereby intended.

Leases to be void.

XXXVII. And be it further enacted, That from and immediately after the Feast of *Saint Michael* the Archangel next ensuing the passing of this Act, all Leases, Demises, or other Agreements at Rack or extended Rent subsisting, of all or any of the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and of all or any of the Common Rights upon or Tythes issuing out of or coming from the said Lands and Grounds, or any of them, alone or with any Homestead or Homesteads, old Inclosures or other Lands, Tythes, Commons, or Hereditaments, shall cease and be void as to the Premises comprized in such Leases, Demises, and Agreements respectively, and their respective Lessees or Tenants, and their Assigns, claiming under or by virtue of such Leases, Demises, or Agreements, shall have and receive of their respective Lessors or Landlords, such

such Satisfaction as the said Commissioners shall ascertain as reasonable to be paid or allowed to such Lessees or Tenants respectively, or to their respective Assigns in that Behalf; and such Lessees or Tenants, or any of their Assigns, shall not, after the passing of this Act, commit any Waste, Spoil, or Destruction upon or to their respective Lands or Premises, but shall conform so far as may be to the Terms and Conditions of their respective Leases, Demises, and Agreements, with respect to leaving their Straw, Dung, and Manure in their Yards or elsewhere, on the Determination of their said Leases, Demises, and Agreements respectively, for the Benefit of their said Lessors or Landlords; and the said Lessors or Landlords shall respectively be entitled to such Rent or Rents, and Privileges, up to the Time of vacating such Leases, Demises, or Agreements respectively, and to such Compensations for any such Waste, Spoil, or Destruction as aforesaid, or for any such Straw, Dung, or Manure as aforesaid, which shall be carried off contrary to the Directions aforesaid, as the said Commissioners shall appoint to be paid or given to them by such Lessees or Tenants respectively or their respective Assigns: Provided always, that if there shall be any Lease or Leases, Part of which shall lie in *Chadlington West*, *Chadlington East*, and *Chilson*, or either of them, and Part in any adjoining Township, Parish, or Place, all and every such Lease or Leases upon Rack Rent now subsisting may and shall be vacated; but where any Lands shall be taken in Exchange, which Lands shall be under Lease, and wholly situate in an adjoining Township, Parish, or Place, the Lease of such last-mentioned Lands shall not be vacated.

XXXVIII. And be it further enacted, That the said Commissioners shall and they are hereby empowered, by Writing or Writings under their Hands, to ascertain and order what Recompence in Money shall be paid, and by whom, to any Occupier or Occupiers of any of the Arable Lands by this Act directed to be divided, allotted, and inclosed, which shall be left planted with Clover or other Grass Seeds, Saintfoin, or Turnips, or shall during the Summer of the Year One thousand eight hundred and eleven, have lain fallow, or have been folded or dunged for the Profit and Advantage which any Person or Persons to whom the said Lands so planted, fallowed, folded, or dunged, shall be allotted, will obtain thereby; and if such Recompence shall not be paid at the Time appointed by the said Commissioners, then the said Commissioners may and shall, by Warrant or Warrants under their Hands, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons required to make such Recompence as aforesaid, together with the Costs and Charges of every such Distress and Sale, rendering the Overplus (if any) upon Demand, to the Owners of such Goods and Chattels.

Recompence
for Seeds
sown and left.

XXXIX. And be it further enacted, That the said Lessee or Lessees of the said President and Scholars of *Saint John Baptist College*, shall, and is and are hereby required to bear, pay, and discharge all the Costs, Charges, and Expences, which shall be directed by the said Commissioners for subdividing the Lands and Grounds which shall be allotted to the said President and Scholars.

Expences of
Subdivision
Fences of the
Rectorial
Allotment to
be paid by
Lessee.

XL: Provided

Lifeholds.

XL. And be it further enacted, That the said Commissioners shall and they are hereby required to award, set out, and appoint the several Allotments to and for the several and respective Tenants holding any Messuages, Lands, Tenements, or Hereditaments, under the said Sir *Edwin Bayntun Sandys*, for Life or Lives absolute, or for any Term or Number of Years determinable upon any Life or Lives, as near and convenient as can or may be to the other Allotments to be awarded and set out for the said Sir *Edwin Bayntun Sandys*, so as the Interests of the respective Tenants be not prejudiced thereby; and that the Boundary Fences belonging to the said Leasehold Allotments shall be erected and made, and for ever thereafter repaired and preserved, and the Costs, Charges, and Expences of obtaining and carrying this and the said recited Act into Execution, respecting the said Lifehold Lands, Tenements, and Hereditaments, shall be borne and paid, by the said Sir *Edwin Bayntun Sandys*.

Lands to be taken for the Expences of inclosing the Lifeholds.

XLI. Provided always, and be it further enacted, That the said Commissioners shall and may, and they are hereby required to deduct from the respective Allotments to be made for such Tenants for Life, so much thereof as shall in the Judgement of the said Commissioners be equal in Value to his, her, or their Proportion of the Expences of making such Boundary Fences, and of the Expences of passing this Act, and carrying the same and the said recited Act into Execution, and to allot, assign, and award the same in Fee Simple to the said Sir *Edwin Bayntun Sandys*, which said last-mentioned several Pieces or Parcels of Land so to be allotted, assigned, and awarded, the said Sir *Edwin Bayntun Sandys* is hereby required to lease and demise unto such of the said several and respective Lifehold Tenants as shall request the same by Writing under his, her, or their Hands, at such yearly Rent or Rents as the said Commissioners in their Judgement shall fix and put upon the same Allotments respectively, to hold to such Lifehold Tenants respectively for the same Life or Lives, or for the Remainder of any Term or Terms determinable on any such Life or Lives, as such Lifehold Tenants respectively shall or may hold the remaining Part or Parts of the said Leasehold Lands, Tenements, Hereditaments, and Premises, at the Time of executing the Award of the said Commissioners.

Freeboards.

XLII. And be it further enacted, That in all Cases where any of the Lands or Grounds by this Act directed to be allotted, divided, and inclosed, shall adjoin on any Freeboard, or Parcel of Land left on the Outside of the Fences of any adjoining Parish, Township, or Place, which shall run into any of the Lands hereby directed to be divided and inclosed, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required to set out and allot unto the Owner or Owners of such Freeboard or Parcel of Land, such Piece or Parcel of the Lands or Grounds hereby directed to be divided and allotted as shall in their Judgement be equal in Value to such Freeboard or Parcel of Land as aforesaid, and the Fences adjoining to such Freeboard or Parcel of Land, and now belonging to any adjoining Parish, Township, or Place, shall for ever hereafter be maintained and supported by and at the Expence of the Owner or Owners of such Freeboard or Parcel of Land respectively; and that the Allotment or Allotments so to be set out as aforesaid in lieu thereof, shall be deemed and taken to be Part and Parcel of the

the Parish, Township, or Place, to which the said Freeboard or Parcel of Land, in lieu of which it shall be so allotted as aforesaid, now belongs.

XLIII. And be it further enacted, That if any Person hath sold or shall, at any Time before the Execution of the Award of the said Commissioners, sell his, her, or their Interest, Right, Title, or Property in, over, and upon the said Open Fields, Common Pasture, Common Meadows, Down, and other Commonable Lands and Waste Grounds, or any Part thereof, to any Person or Persons whomsoever, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, with the Consent in Writing of such Vendor or Vendors respectively, to make an Allotment or Allotments of the Land unto the Vendee or Purchaser in such Sale, or to his or her Heirs or Assigns, for or in respect of such Right, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, and his or their Heirs and Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to her, him, or them as aforesaid, in the same Manner to all Intents and Purposes as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made.

Allotments
to be made to
Purchasers.

XLIV. And be it further enacted, That convenient Gaps and Openings shall be left in the new Fences and Inclosures, for the Space of Six Calendar Months next ensuing the Execution of the said Award, for the Passage of Persons, Cattle, Carts, and Carriages, unless the said Commissioners shall order or direct the contrary, and then for such Time only as they shall order and direct; and that all the Ditches of the Boundary Fences shall be Four Feet Wide upon the level Surface of the Ground, and Two Feet deep, and the Wall Mounds Four Feet and a Half High.

Openings to
be left, and
Boundary
Fences to be
of certain
Extent.

XLV. And be it further enacted, That no Person or Persons shall depasture or keep any Sheep or Lambs in any Part of the Fields, Lands, and Grounds hereby directed to be divided, allotted, and inclosed, during the Space of Five Years next after the Date and Execution of the said Award, unless the Persons respectively so depasturing or keeping Sheep or Lambs shall, at their own Expence, effectually guard and fence the Quickset Mounds growing upon the respective Lands where such Sheep shall be depastured or kept, and upon the Lands adjoining thereto, to prevent any Damage or Injury being done thereby to the Fences.

Penalty for
depasturing
Sheep, &c.

XLVI. And be it further enacted, That the several Lands and Grounds so to be allotted and awarded upon the said Division and Inclosure to the several Persons concerned, and the several Messuages, Lands, Tenements, old Inclosures, new Allotments, and other Hereditaments, which shall be exchanged in pursuance of this Act or the said recited Act immediately after such Allotments and Exchanges are made as aforesaid, shall be, remain, and enure to the several Persons to whom the same shall be respectively allotted or given in Exchange as aforesaid, who shall from thenceforth

Allotments,
&c. to re-
main to the
same Uses.

forth stand and be seised and possessed thereof to such and the same Uses, Estates, Trusts, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases, (except Leases at Rack Rent,) Charges, and Incumbrances, as the several and respective Messuages, Lands, Tenements, old Inclosures, or other Hereditaments, in lieu of which such Allotments or exchanged Premises shall be respectively made or taken as aforesaid, are now held under, subject to or liable to be charged with or affected by, or might or would have been held under, or subject to or liable to have been charged with or affected by, in case this Act had not been made.

When Commissioners shall not have made distinct Allotments for Lands holden by different Titles, they may declare the same by Deed after making their Award.

XLVII. And be it further enacted, That when the Proprietor or Proprietors of any Lands or other Hereditaments, which shall be divided, allotted, or exchanged by virtue of this or the said recited Act, shall hold his, her, or their Lands and Hereditaments for different Estates or by different Tenures, and where, from the Want of the necessary Information before the said Commissioners, or from any other Cause, their Award shall have omitted the distinguishing and ascertaining of the Lands or other Hereditaments holden for each of such Estates and by different Tenures, and the setting out and awarding of several distinct Allotments for such respective Lands or other Hereditaments as herein-before is required, 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, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument, 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 their Award had not been made; and when they shall have obtained what they shall think sufficient Information, they are hereby also authorized by any Deed under their Hands and Seals to distinguish and ascertain the Difference of such Estates and Tenures respectively, and accordingly to make distinct and several Allotments in the same Manner as is hereby required, where such Discrimination shall be contained in the said Award; and every such separate Instrument shall be annexed to and enrolled and deposited with the said Award, and Evidence thereof shall be given in the same Manner as by the said recited Act and this Act, or either of them, is directed concerning the said Award; and all reasonable Expences incurred in or about such separate Instrument as aforesaid shall be payable by the Person or Persons who shall have so requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators; and every such separate Instrument shall, from and immediately after the due Execution thereof by the said Commissioners, have the same Effect to all Intents and Purposes, as if the Contents thereof had been inserted and contained in their said Award; and a Duplicate of the same shall be delivered to the Person or Persons upon whose Request any such Omission shall have been supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question shall, in the Opinion of the said Commissioners, most properly belong.

XLVIII, And

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Messuages, Buildings, Lands, Tenements, Hereditaments, new Allotments or old Inclosures, within either of the said Hamlets of *Chadlington West*, *Chadlington East*, and *Chilson*, or the Parish of *Charlbury*, in lieu of and in Exchange for any other Messuages, Buildings, Lands, Tenements, Hereditaments, new Allotments or old Inclosures, within the said Hamlets of *Chadlington West*, *Chadlington East*, and *Chilson*, or Parish of *Charlbury*, or within any adjoining Parish, Hamlet, or Place; provided that all the said Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners of the Lands, Tenements, Hereditaments, and Premises which shall be so exchanged, whether such Owner or Owners shall be a Body or Bodies Politick, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or in Fee Tail General or Special, or for Life, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, and with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, (such Consent to be testified in Writing under the Common Seal of the Body Politick, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively); and all and every Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or 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 be situate.

Exchanges may be made.

XLIX. And be it further enacted, That all Costs, Charges, and Expences attending the making of any Exchange or Partition to be made by virtue of this Act or the said recited Act, shall be paid, borne, and defrayed by the several Persons making such Exchange or Partition in such Shares or Proportions, at such Time or Times, and to such Person or Persons as the said Commissioners shall by any Writing or Writings under their Hands direct or appoint.

Costs of Exchange or Partition.

L. And be it further enacted, That all the Costs, Charges, and Expences of the said Commissioners, and of the Clerk to the said Commissioners, and of obtaining and passing this Act, and of valuing, surveying, planning, measuring, dividing, and allotting the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and of valuing, surveying, planning, and measuring any old Inclosures, and other Premises, which the Commissioners may think necessary, and of preparing and enrolling the Award of the Commissioners, and all other Charges and Expences in carrying this Act into Execution, shall be paid, borne, and defrayed by the several Owners and Proprietors of, and Persons interested in, the said Lands, Grounds, and Hereditaments, in such Shares and Proportions

General Expences.

tions (except the said President and Scholars of *Saint John Baptist College*, and their Lessee or Lessees, of the said Rectory or Parsonage, and the said *John Cobb* and his Successors, Vicars of *Charlbury* aforesaid,) at such Time or Times, and to such Person or Persons as the said Commissioners shall, either before or after the Execution of the said Award, by any Writing or Writings under their Hands order, direct, or appoint.

Persons advancing Money to be repaid with Interest.

LI. And be it further enacted, That if any of the Proprietors, or any other Person or Persons shall advance and lend any Money for defraying the Expences of applying for and obtaining this Act, or carrying the same into Execution, every such Person and Persons shall be repaid the Money so advanced, with lawful Interest for the same, out of the first Money which shall be raised by virtue of this Act.

Appointment of Auditor.

LII. And be it further enacted, That *John Mackness* of *Garlington* in the County of *Oxford* Esquire, Barrister at Law, shall be and he is hereby appointed Auditor of the Accounts of the said Commissioners; and in case of his Death or Refusal to act, then some other fit and proper Person, not interested in the Premises, shall be appointed Auditor for that Purpose by the Majority in value of the Proprietors liable to the Payment of the Expences of obtaining and executing this Act, who shall be assembled at a Meeting to be called for the express Purpose of appointing an Auditor, as often as Occasion shall require; and the Accounts of the said Commissioners, containing a true Statement of all Sums by them received and expended, or due to them for their own Trouble and Expences, shall at least Once in every Year from the passing of this Act, until such Account shall be finally allowed, together with the Vouchers relating to the same, be examined by the said Auditor, and the Balance by him stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by the said Auditor for the Time being as aforesaid.

Award to be deposited.

LIII. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act, shall be deposited in a Box, and kept in the Parish Church of *Chadlington*.

Appeal.

LIV. 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 or the said recited Act, then and in every such Case, except where the Orders, Determinations, and Proceedings of the said Commissioners or Umpire are by this or the said recited Act declared to be binding, final, and conclusive, and except in such Cases where an Issue at Law shall be tried as is herein-before mentioned, he, she, or they may appeal to any General Quarter Sessions of the Peace to be holden in and for the said County of *Oxford*, within Four Calendar Months next after the Cause of Complaint shall have arisen, and the Justices at such General Quarter Sessions are hereby authorized and required to hear and determine the Matter of such Appeal, and to make such

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) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all 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.

LV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to affect the Forest of *Whichwood*, or any Lands, Tenements, Tythes, or Hereditaments within the said Forest, notwithstanding any Part or Parts thereof is or may be within the said Hamlets of *Chadlington East*, *Chadlington West*, or *Chilson*, or either of them.

Act not to extend to the Forest of Whichwood.

LVI. And be it further enacted, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of them the said Sir *Edwin Bayntun Sandys*, *Abram Tyzack Rawlinson*, *Diana Frances Gorges*, or either of them, or of any other Person or Persons who shall respectively for the Time being be Lord or Lords, Lady or Ladies, of any Manor or Lordship, or reputed Manor or Lordship, within the Jurisdiction or Limits whereof the said Open Fields, Common Pastures, Common Meadows, Down, and other Commonable Lands and Waste Grounds, hereby directed to be divided and inclosed, or any Part thereof respectively, are comprized of, in, or to the Seigniorship or Royalties incident and belonging to such Manor or Lordship, or in any of them respectively; but that such Lord or Lords, Lady or Ladies for the Time being, shall and may at all Times hereafter hold and enjoy the same, and all Rights and Services, Courts, Perquisites and Profits of Courts, Franchises, Privileges, Waifs, Estrays, and all other Royalties, Rights, and Appurtenances to such Manor or Lordship incident or belonging, (other than those which are expressly declared to be barred, destroyed, and extinguished by this Act,) in as full, ample, extensive, and beneficial a Manner, as they respectively could or might have held and enjoyed the same in case this Act had not been made.

Saving to Lords of the Manors.

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

General Saving.

Copy Act
printed by
the King's
Printer to be
Evidence.

LVIII. 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.