



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.



## Cap. 85.

An Act for inclosing Lands in the Parish of *Gar-*  
*sington* in the County of *Oxford*.

[14th May 1811.]

**W**HEREAS there are within the Parish of *Garlington*, in th<sup>e</sup> County of *Oxford*, divers Open and Common Fields, Common Meadows, Common Pastures, and Commonable Lands and Waste Grounds: And whereas the Reverend *John Drake*, Doctor of Laws, and *Ann Drake Tyrwhitt Drake*, Widow, are the Lord and Lady of a Manor in the said Parish of *Garlington*, and *William Plumer*, Esquire, is Lord of a Manor in the said Parish of *Garlington*: And whereas the President, Fellows and Scholars of the College of the *Holy and undivided Trinity*, in the University of *Oxford*, of the Foundation of *Sir Thomas Pope*, Knight, deceased, are Patrons of the Rectory of *Garlington* aforesaid; and the Reverend *Thomas Lee*, Doctor in Divinity, is Rector of the said Parish of *Garlington*, and as such is entitled to all the Rectorial Tythes arising within the said Parish, and certain Glebe Lands therein: And whereas the Right Honourable *George Earl of Macclesfield*, the said *John Drake*, and *Ann Drake Tyrwhitt Drake*, *William Plumer*, the Dean and Chapter of the Cathedral Church of *Christ in Oxford*; the Principal and Scholars of the *King's Hall and College of Brazen-nose*, in the said University; the President and Scholars of *Saint Mary Magdalen* College in the said University; the Rector and Scholars of *Exeter* College, in the said University; the Warden, Fellows and Scholars of *Wadham* College, in the said University; the Provost and Scholars of the *Queen's* College in

[*Loc. & Per.*]

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the

the said University; the President and Scholars of *Saint John Baptist College* in the said University; the Mayor, Bailiffs, and Commonalty of the City of *Oxford*, in the County of *Oxford*; *Thomas Aldworth*, and *William Aldworth*, and others, are seized of or entitled to the Residue of the said Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands, and Waste Grounds: And whereas the Lands of the respective Proprietors of the said Open and Common Fields, Common Meadows, and Common Pastures, lie very much intermixed, and dispersed in small Parcels, so as to render the Cultivation thereof very inconvenient, and the same in their present State, are incapable of any considerable Improvement, and if the same, together with the said other Commonable Lands and Waste Grounds, were divided, and specific Parts thereof allotted unto and amongst the several Persons interested therein, according to their several and respective Rights and Interests, and such Allotments inclosed, they might be much improved, and rendered of a greater Value; but such Division, Allotment, and Inclosure, cannot be effected without the Aid and Authority of Parliament: 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 required on the passing of such Acts*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Richard Davis*, of *Lewknor*, in the County of *Oxford*, and *William Phelps*, of *Puckrup*, in the County of *Gloucester*, Gentlemen, and their Successors to be nominated and elected in Manner herein-after mentioned, shall be and are hereby appointed Commissioners for the valuing, dividing, setting out, allotting and inclosing the Open and Common Fields, Common Meadows, Common Pastures, and Commonable Lands and Waste Grounds within the said Parish of *Garlington*, and for carrying the same into Execution, subject to the Powers, Regulations, and Provisions of the said recited Act, except in such Cases where the same are repugnant to or varied by this Act.

Commissioners appointed.

Appointment of an Umpire.

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

Umpire to take an Oath.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as an Umpire in the Execution of this or the said recited.

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

‘ I Do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute and perform the several Trusts, Powers and Authorities vested and reposed in me as an Umpire, by virtue of an Act passed in the Fifty-first Year of the Reign of King *George* the Third, intituled, *An Act for inclosing Lands in the Parish of Garfington, in the County of Oxford*, according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

‘ So help me GOD.’

Which Oath the said Commissioners are hereby authorized and required to administer to such Umpire; and the said Oath so taken and subscribed by the said Umpire shall be annexed to and inrolled with the Award of the said Commissioners, and a Copy of the Inrolment thereof shall be admitted as legal Evidence.

IV. And be it further enacted, That when and so often as either of the said Commissioners, or any Umpire, to be appointed as herein mentioned, shall die, or refuse, or become incapable to act as a Commissioner or Commissioners, or Umpire respectively, for the Purposes of this or the said recited Act, then and in every such Case a new Commissioner or Commissioners, or Umpire, not being in any Manner interested in the said Allotment and Inclosure, shall and may be nominated, elected, and appointed in Manner following; (that is to say), if the said *Richard Davis* shall die, or refuse, or become incapable to act as aforesaid, it shall be lawful for the said *John Drake*, *Ann Drake Tyrwhitt Drake*, and *William Plumer*, and the Owners of their Estates within the said Parish of *Garfington* respectively for the Time being, within Twenty-eight Days from the Time of such Death, Refusal, or Incapacity, to nominate and appoint another Commissioner in the Room of the said *Richard Davis*; and in case the said *William Phelps* shall die, or refuse, or become incapable to act as aforesaid, it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment) of the Proprietors or Persons interested in the said Lands and Grounds intended to be divided and inclosed, (except the said *John Drake*, *Ann Drake Tyrwhitt Drake*, and *William Plumer*, and the Owners of their Estates as aforesaid), by any Writing under their Hands within Twenty-eight Days next after such Death, Refusal, or Incapacity as last aforesaid, to nominate and appoint a proper Person, not interested in the said Lands and Grounds hereby intended to be divided and inclosed, to be a Commissioner in the Room of the said *William Phelps*; and as often as any Person or Persons so to be nominated and appointed a Commissioner or Commissioners, shall die, or refuse, or become incapable to act, the Owners and Proprietors, or Persons aforesaid, shall respectively in like Manner appoint another Commissioner or other Commissioners in his or their Room, according to the Regulation herein-before mentioned; and if any Umpire to be appointed, as herein-before mentioned, shall die, or refuse, or become incapable to act, then and in every such Case a new Umpire, not interested in the said Allotment and Inclosure, shall and may be chosen in the Stead of every Umpire so dying, refusing, or becoming incapacitated, by the Commissioners who shall then or next afterwards be acting.

Appoint-  
ment of new  
Commission-  
ers and  
Umpire.

acting in the Execution of this Act; but if the respective Owners and Proprietors, or Persons aforesaid shall refuse or neglect to make such Appointment or Appointments as aforesaid, within the respective Times aforesaid, then and so often as the case shall happen, the surviving or remaining Commissioner shall within Twenty-eight Days after the Expiration of the respective Times herein-before allowed for appointing a Commissioner or Commissioners in case of any Vacancy, or as soon after as Occasion may require, by Writing under his Hand, appoint another Commissioner, not interested in the said Division and Inclosure, in the Room of every such Commissioner so dying, refusing, or becoming incapable to act as aforesaid; and every such Commissioner and Umpire so to be appointed as aforesaid, shall have the same Powers and Authorities for putting this Act and the said recited Act into Execution, in all Respects whatsoever, as any Commissioner or Umpire had or was invested with by virtue of this Act: Provided always, that the Power hereby given to the surviving or remaining Commissioner to appoint a new Commissioner in the Event of any Vacancy not being filled up by the respective Owners and Proprietors, or Persons aforesaid hereby respectively authorized to fill up the same, shall not invalidate or vitiate the Power so hereby given to the respective Owners and Proprietors, or Persons aforesaid, until the aforesaid Power shall be actually executed by the said surviving or remaining Commissioner.

Commissioners or Umpire's Non-attendance to be deemed a Refusal to act.

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

Power to appoint a Clerk.

VI And be it further enacted, That the said Commissioners shall, with the Consent of the major Part in Value (such Value to be ascertained by the Property Tax Assessment for the said Parish of *Garfington*, for the Year ending the Sixth Day of *April* One thousand eight hundred and eleven,) of

of the Proprietors and Persons interested in the Lands and Grounds hereby intended to be divided, allotted, and inclosed, or their respective Agents, to be present at the First Meeting of the said Commissioners, shall appoint a Clerk or Clerks to assist them in the Execution of this and the said recited Act, and shall or may, with the like Consent, remove such Clerk or Clerks, and appoint another or others in his or their Room, as to them shall seem meet; and in case of the Death or Refusal, Neglect or Incapacity to act, of any such Clerk or Clerks, then and in such Cases the said Commissioners shall and may, with the like Consent, appoint any other Person or Persons they may think proper, to be their Clerk or Clerks.

VII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a publick Notice to be given in the Newspaper called *Jackson's Oxford Journal*, or in some other Newspaper circulated within the said County of *Oxford*, and also in Writing, to be affixed on the principal Outer Door of the Parish Church of *Garlington* aforesaid, of the Time and Place of the First Meeting of the said Commissioners for executing the Powers vested in them by this and the said recited Act, at least Eight Days before such Meeting, and also cause Eight Days Notice at the least to be given in Writing, to be affixed on the principal Outer Door of the aforesaid Church, of every subsequent Meeting for the like Purposes (Meetings by Adjournment only excepted); and all the Meetings of the said Commissioners shall be held at some convenient Place within the said Parish of *Garlington*, or within Eight Miles of the Boundary of the said Parish: Provided always, that if at any Meeting to be held as aforesaid, it shall happen that only One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time within the Space of Twenty-one Days from the Day of Adjournment, and to such Place within the said Parish of *Garlington*, or within Eight Miles thereof, as he shall think most convenient, and shall give Notice thereof to the absent Commissioner; and in case no one of the said Commissioners shall be present at any such Meeting, then it shall be lawful for their Clerk to adjourn any such Meeting, and appoint the same to be held at the same or any other Place within the said Parish, or within Eight Miles of the Boundary of the said Parish, on any future Day not exceeding Twenty-one Days from the Day of Adjournment, and shall give timely Notice thereof to the Commissioners.

Notice to be given of Commissioners Meetings.

VIII. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners shall be so made and given by Advertisement in the said Newspaper, or in some other Newspaper circulated in the said County of *Oxford*, or by affixing the same on the principal Outer Door of the said Parish Church of *Garlington* aforesaid.

Other Notices how to be given.

IX. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Lands and Grounds, touching or concerning any Right or Interest therein, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, or Inclosure, it shall be lawful for the said Commissioners to hear and determine such Disputes and Differences: Provided always, that nothing in this Act contained shall authorize the said Com-

Commissioners to determine Disputes;

but not to determine any Title.

missioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners may assess Costs.

X. Provided always, and be it further enacted, That the said Commissioners shall, and they are hereby empowered and required, upon Request made to them, to assess such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the other Party or Parties in such Dispute and Difference; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, 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 or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of such 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 of such Distress and Sale.

Persons dissatisfied with Determination of Commissioners, may try their Rights at Law.

XI. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politick or Corporate, interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners or Umpire touching or concerning any Claim or Claims, or Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire, at the then next or at the following Assizes to be holden for the said County of *Oxford*; and for that Purpose the Person or Persons, Body or Bodies Politick or Corporate, who shall be dissatisfied with the Determination of the said Commissioners or Umpire, shall cause an Action or Actions to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politick or Corporate, in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioners or Umpire shall be so made; and the Defendant or Defendants in such Action or Actions 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 properly tried and determined, (such Issue or Issues to be settled by the proper Officers of the Court wherein such Action or Actions shall be commenced, if the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in the said Action or Actions shall be final and conclusive upon all and every Person and Persons, Body and Bodies Politick and Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had, which it shall be lawful for the Court to do, as is usual in other Cases; and after any Verdict or Verdicts shall have been obtained and not set aside by the Court, the said Commissioners or Umpire shall and they are hereby required to conform thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial: Provided always, that

the Determination of the said Commissioners or Umpire touching such Claim or Claims, Rights or Interests, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties: Provided also, that no Difference or Suit touching the Matters aforesaid, shall impede or delay the Commissioners or Umpire in the Execution of the Powers vested in them by this Act; but the Division, Allotment, and Inclosure hereby directed to be made, shall be proceeded in notwithstanding such Differences or Suits: Provided also, that if any of the Parties in any Action 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.

Suits not to impede Division.

Death of Parties not to abate Proceedings.

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

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

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

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

XIV. 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, allotted, and inclosed, and the Lands and Grounds in any Parish or Parishes adjoining thereto, or to make the same Boundary Fences regular, it shall be lawful for the said Commissioners (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

Power to shorten Boundary Fences.

be

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 they 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 Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundary between the said Parish of *Garfington* and such adjoining Parish or Parishes respectively, any Law, Usage, or Custom to the contrary notwithstanding.

Power to set  
out, &c.  
Roads across  
old Inclosures.

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

Allotment for  
Stone and  
Gravel Pits.

XVI. And be it further enacted, That the said Commissioners shall and they are hereby required, before any Allotment or Allotments shall be made in pursuance of this Act, to set out and allot unto the respective Surveyors of the Highways of the Parish of *Garfington* aforesaid, and their respective Successors for the Time being, out of, from, and upon any of the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, One or more Plot or Plots, Allotment or Allotments of Ground in the said Parish, for the Purpose of getting Stone, Sand, Gravel, and other Materials for the Repairs of the several publick and private Roads and Ways within the said Parish of *Garfington* aforesaid, as they the said Commissioners shall think necessary and proper for that Purpose, which said Allotment or Allotments shall be fenced in and inclosed, and the Fences thereof for ever maintained and supported, in such Manner and by such Person or Persons in the said Parish as the said Commissioners shall order or direct; which said Allotments respectively shall and may be annually set out at Rack Rent by the said Surveyors respectively, subject to such digging of Materials for the Reparation of the said Roads respectively, for the best Rents that can be gotten for the same, which said Rents shall be applied to the Repairs of the several Roads in the said Parish of *Garfington* for ever.

Allotment to  
the Lords of  
the Manor for  
the Rights of  
Soil.

XVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required in the next Place to set out, allot, and award unto and between the Lord and Lady or Lords and Ladies of  
the



the several Manors in the said Parish of *Garlington* respectively, such Part or Parts of the said Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands, and Waste Grounds, and in such Shares and Proportions, as by the said Commissioners shall be deemed and adjudged to be a fair Equivalent and Compensation for their respective Rights and Interests in and to the Soil of the Commons and Waste Grounds within the said Parish of *Garlington*.

XVIII. 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 *Thomas Lee* and his Successors, such Plot or Plots of the said Lands and Grounds by this Act intended to be divided, allotted and inclosed, as shall in the Judgement of the said Commissioners be a full Equivalent and Compensation for the Glebe Lands and Right of Common belonging to the said *Thomas Lee* and his Successors, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, and which Plot or Plots shall be inclosed and fenced on the Outside thereof, and such Fences shall be maintained and kept in Repair for the Term of Seven Years, by or at the Expence of the other Proprietors, in such Manner, Shares and Proportions as the said Commissioners shall by their Award, or by any Writing under their Hands, direct or appoint; and from and after the Expiration of the said Term of Seven Years such Part of the said Fences as shall be allotted to the said Rector of *Garlington*, shall be maintained and preserved by and at the Expence of the said Rector and his Successors for ever.

Allotment for  
Glebe Lands.

XIX. And be it further enacted, That the said Commissioners shall and are hereby authorized and required to set out, allot, and award all the Residue and Remainder of the Lands and Grounds hereby directed to be divided, allotted and inclosed, unto and amongst the several Owners and Proprietors thereof, and Persons interested therein, in such Quantities, Shares and Proportions as the said Commissioners shall adjudge and determine to be a just Compensation and Satisfaction for their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests therein.

Allotments of  
the Residue  
amongst the  
several Pro-  
prietors.

XX. And be it further enacted, That the Allotments to be made by virtue of this or the said recited Act shall be inclosed and fenced in such Manner by the several Persons to or for whom the same shall be set out, (except herein otherwise directed), and in such Shares and Proportions, and at and before such Time or Times, as the said Commissioners by their Award or any Writing under their Hands, shall order or direct, and the same Fences shall afterwards be repaired, preserved, and maintained by such Proprietors, respectively.

Fences and  
Allotments.

XXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Commissioners to divide or allot any of the Closes or inclosed Grounds within the said Parish of *Garlington*, which now are, or usually have been commonable at certain Times, or any of the Lands or Grounds belonging to the said Warden, Fellows and Scholars of *Wadham College*, which already lie together, and sufficiently convenient for Occupation, other than to the Proprietor or Proprietors of the said Closes, Lands, and Grounds respectively, without his, her, or their Consent in Writing for

Commission-  
ers not to  
allot certain  
Grounds  
without Con-  
sent.

that Purpose first had and obtained, (except such Part thereof as may be necessary to be deducted or taken therefrom for the Rights of Common belonging to other Proprietors therein, in case such first mentioned Proprietors have not other commonable Property sufficient to discharge such Rights).

Exchanges  
how to be  
made.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Garstington*, in lieu of and Exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Township, Hamlet, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees or Attornies of, or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself, (such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively); and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent (testified as aforesaid) of the Patron thereof, and of the Bishop of the Diocese in which the Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

Allotments  
to be of the  
same Tenure  
as Lands in  
respect of  
which the  
same shall be  
allotted.

XXIII. And be it further enacted, That the several Lands, Tenements, and Hereditaments, which shall be allotted by virtue of this Act, shall from and immediately after the Execution of the Award of the said Commissioners, be held under and subject to such and the like Tenures, Rents, Customs, and Services, as the Lands, Tenements, and Hereditaments in respect of or for which such Allotments shall be respectively made, are now held under and subject to.

New Allot-  
ments to re-  
main to the  
same Uses.

XXIV. And be it further enacted, That the several Lands, Tenements, and Hereditaments which shall be allotted or exchanged as aforesaid by virtue of this Act shall, immediately after the Execution of the Award by the said Commissioners, be, remain, and enure, and the several Persons to whom the same shall be respectively allotted and awarded shall from thenceforth stand and be seised and possessed thereof to such and the same Uses, Estates, Trusts, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases, (except at Rack Rent), Charges and Incumbrances, as the several and respective Lands, Tenements, and Hereditaments, in lieu whereof such

Allotments and Exchanges shall be respectively made as aforesaid, are now held under or subject to, or liable to be charged with, or affected by, or might or could have been held under or subject to, or liable to be charged with, or affected by, in case this Act had not been made.

XXV. And be it further enacted, That in case the Proprietor or Proprietors of any Lands, Tenements, or Hereditaments by this or the said recited Act authorized to be allotted or exchanged, shall hold their respective Lands, Tenements, or Hereditaments for different Estates, or by different Tenures, or subject to different Trusts, Charges, or Incumbrances, the said Commissioners shall ascertain and distinguish the Lands, Tenements or Hereditaments so held, and shall also set out and distinguish the different Allotments, Tenements, or Hereditaments to be accepted and taken as an Equivalent in respect of each of them so circumstanced; and the said Commissioners shall and they are hereby authorized and empowered to set forth and declare in and by their said Award, in right of what Lands, Tenements, or Hereditaments in particular such Allotments shall have been respectively made, and therein also separately describe and ascertain the Situation and Boundaries of every such Allotment; and if for want of Information, or from any other Cause, the said Commissioners shall have omitted in their Award to distinguish and ascertain the Allotments in respect of Lands, Tenements, or Hereditaments so circumstanced, and within Twelve Calendar Months after the making of such Award, Request shall be made to the said Commissioners, by any Person or Persons interested, by Writing under his, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners shall and they are hereby authorized to do every Thing necessary for supplying such Omission; and so far as that Purpose shall require, to examine Witnesses, and in every other respect to proceed and act as if their Award had not been made; and having obtained what they shall think sufficient Information, they are hereby also authorized, by any Deed under their Hands and Seals to make distinct and separate Allotments in respect of the Lands, Tenements, or Hereditaments so circumstanced, in the same Manner as they might have done in their Award; and every such separate Instrument shall be inrolled in the same Place, and Evidence thereof given in the same Manner as by the said recited Act or this Act, or either of them, are or is directed concerning the said Award; and all reasonable Expences which shall be incurred in or about such separate Instrument or Instruments as aforesaid, shall be payable by the Person or Persons who shall have so requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators; and every such separate Instrument shall, from and immediately after the due Execution thereof by the said Commissioners, have the same Effect to all Intents and Purposes, as if the Contents or Substance thereof had been inserted and contained in their said Award; and the same shall, after such Inrolment as aforesaid, be delivered to the Person or Persons upon whose Request any such Omission shall have been so supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question shall in the Opinion of the said Commissioners most properly belong.

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

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

XXVI. And

Leases at  
Rack Rent,  
including  
any Com-  
mon Right,  
to be void.

XXVI. And be it further enacted, That all Leases, Demises, or Agreements at Rack Rent now subsisting, for any Term or Terms of Years, or from Year to Year, or at Will, of or for all or any Part or Parts of the Lands and Grounds intended to be divided and allotted, or exchanged by virtue of this Act or the said recited Act, within the said Parish of *Garfington*, and of all or any of the Common Rights upon the said Lands and Grounds, or any of them, and of all Messuages, Cottages, Lands, Tenements, and Hereditaments in the Parish of *Garfington* aforesaid, held therewith, or included in such Leases, Demises, or Agreements, shall at such Time or Times respectively as the said Commissioners shall appoint, by any Writing under their Hands, cease and be void, and the respective Lessees or Tenants thereof shall thereupon be entitled to demand and receive of and from the respective Landlords, Owners, or Proprietors of the same Premises, such Allowance or Satisfaction in Money, and at such Time or Times, as such Commissioners shall ascertain, order, and direct (in case the Parties cannot agree upon the same), as reasonable to be paid to such Lessees or Tenants, on Account thereof, or as an Equivalent for the same; and such Lessees or Tenants respectively shall upon the Determination of every such Lease or Agreement be liable to pay the respective Landlords, Owners, and Proprietors of the same Premises, such Rents, or Sums of Money, up to the Time of vacating such Leases or Agreements respectively, for the Use and Occupation thereof, as the said Commissioners shall in like Manner ascertain, order, and direct (in case the Parties cannot agree upon the same), as reasonable and proper in that Behalf: Provided always, that in ascertaining and setting the Sum or Sums of Money to be paid by or to such Lessee or Lessees as aforesaid, the said Commissioners shall have due Regard to the several Covenants and Stipulations of the Lease or Leases, Agreement or Agreements to be vacated, and shall make such Addition thereto, or Abatement therefrom, as they shall judge to be just, in case any of such Covenants or Stipulations shall not have been fulfilled.

Persons selling  
their  
Rights be-  
fore the Exe-  
cution of the  
Award Com-  
missioners to  
allot to the  
Purchasers.

XXVII. Provided always, and be it further enacted, That if any Person or Persons, at any Time before the said Commissioners shall have executed their Award, shall sell his, her, or their Right, Interest, or Property in, over, or upon the said Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands, and Waste Grounds, or any Part thereof, to any other Person or Persons, then and in every such Case it shall be lawful for the said Commissioners and they are hereby required, upon the Request in Writing under the Hand or Hands of the said Vendor or Vendors respectively, to make an Allotment or Allotments of Land unto the Purchaser or Purchasers respectively, and to his, her, or their respective Heirs, Executors, Administrators and Assigns, for and in respect of such Right or Rights, Interest or Interests, and Property so sold as aforesaid, and every such Purchaser, and his or her Heirs or Executors, Administrators or Assigns, shall and may from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them respectively as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor or Vendors in every such Sale, might, could, or ought of Right to have had or enjoyed the same, in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor or Vendors respectively at the Time of making the said Award as aforesaid, but subject nevertheless to all Incumbrances affecting

affecting the same, and to the Charges and Expences of the said Division, Allotment, and Inclosure.

XXVIII. And be it further enacted, That if any Person or Persons interested in any Allotment or Compensation to be made, or Exchange to take Place, pursuant to this or the said recited Act, shall die before the same is perfected, the Powers and Authorities contained in this or the said recited Act shall not be determined or suspended, but the Share or Shares in the Premises of the Person or Persons so dying shall be allotted or assigned to or for the Use of the Person or Persons who by Descent, Will, or otherwise, would have been entitled to the same in case such Allotment, Compensation, or Exchange had been completed previous to the Death of such Person or Persons; and the Person or Persons to whom such Share or Shares shall be so allotted, or assigned, shall be liable to the Charges, Expences, Conditions, and Contingencies of this Act; and it shall be lawful for the said Commissioners to execute all the Powers and Authorities hereby given in such Manner as they might have done if no such Death had happened.

Death of Parties not to prevent the Execution of this Act.

XXIX. And be it further enacted, That from and after the passing of this Act, until the Execution of the Award of the said Commissioners, all the Lands and Grounds hereby directed to be divided, allotted, and inclosed, shall be subject and liable to such Directions and Regulations as the said Commissioners shall from Time to Time by Writing under their Hands appoint, as well with regard to the stocking, as to the ploughing, folding, tilling, sowing, and laying down the same; and it shall and may be lawful to and for the said Commissioners to order and direct such Sum or Sums of Money, as well in respect thereof as for any Seeds Crop, Tillage, Manure, or Preparation for a Crop or Crops on any of the said Lands or Grounds, to be paid by any Person or Persons interested therein, or his, her or their Tenant or Tenants, and to such Person or Persons as they the said Commissioners shall think reasonable and direct; and in case any Person or Persons who shall be directed to pay any Sum or Sums of Money on any of the Accounts aforesaid, shall neglect or refuse to pay the same accordingly, within the Space of Fourteen Days after the same shall have been ordered and demanded, then it shall be lawful for the said Commissioners and they are hereby required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay such Sum or Sums of Money as aforesaid, rendering the Overplus (if any) upon Demand, to such Person or Persons respectively, after deducting the Costs and Charges of taking and making every such Distress and Sale; and in case such Distress cannot be taken as aforesaid, it shall be lawful for the said Commissioners, or any Person authorized by them for that Purpose, to enter into and upon such Lands or Grounds as aforesaid, or any Part thereof respectively, and receive the Rents, Issues, and Profits thereof respectively, until thereby and therewith, or otherwise, the full Amount of such Sum or Sums of Money as aforesaid, and all Costs, Charges, and Expences occasioned by or attending such Entry upon and receiving the Rents and Profits of the same Premises, shall be respectively fully paid and satisfied; which Sum or Sums of Money so to be levied, recovered, or raised, shall, after discharging such Costs, Charges, and Expences as

Commissioners to direct the Course of Husbandry.

aforesaid, be applied in making such Recompence and Satisfaction to the Person or Persons entitled thereto as aforesaid.

Commissioners to extinguish or suspend Rights of Common, &c.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, at such Time hereafter as they in their Judgment shall think convenient and necessary, by Notice for that Purpose to be given in the Manner before mentioned, to suspend or totally extinguish all or any Part of the Rights of Common in and over the Commonable Lands and Grounds within the said Parish of *Garfington*; and from and after the Time to be prescribed in the said Notice all such Rights of Common over the said Lands and Grounds as by such Notice or Notices shall be directed or declared to be suspended or extinguished, shall be suspended for such Time, or be utterly and for ever extinguished, as the said Commissioners shall in and by such Notice or Notices direct; and if any of the said Owners or Occupiers, during such Suspense, or after such Extinguishment of the said Rights of Common, shall permit his, her, or their Cattle to go, depasture, or feed upon any of the Lands or Grounds, the Rights of Common over and upon which shall be so suspended or extinguished, it shall and may be lawful to and for any of the other of the said Owners or Occupiers to distrain and impound the Cattle being upon the said Lands or Grounds contrary to the aforesaid Order or Notice, until the Person or Persons so offending shall pay unto the Person or Persons distraining the said Cattle any Sum not exceeding Ten Shillings for each Head of Cattle so distrained and impounded, to be determined by the said Commissioners at their next Meeting; and in case the same shall not be paid within such Time as the said Commissioners shall direct, then the said Commissioners shall and they are hereby authorized and empowered, upon Proof of the said Offence or Offences having been committed, and the Non-payment of the Penalty imposed thereon, to cause the Cattle so distrained, or such Part thereof as they shall think necessary, or other Goods and Chattels of the Person or Persons so offending, to be sold for raising and paying the Penalty aforesaid, together with the Costs and Charges attending the Distress and Sale, rendering the Overplus (if any) upon Demand to the Owner or Owners of the said Cattle.

No Lambs, &c. to be kept in the new Inclosures for Seven Years.

XXXI. And be it further enacted, That no Sheep or Lambs shall be kept in any of the Allotments to be made by virtue of this Act, during the Space of Seven Years next after the Execution of the Award of the said Commissioners, unless the Person or Persons so keeping the same shall first at his, her, or their own Expence make and maintain a Fence sufficient to guard the young Quickset Fences upon any adjoining Allotment from being cropped or injured in any Manner by such Sheep or Lambs.

Power to Commissioners to enlarge Water-courses, &c.

XXXII. And be it further enacted, That the said Commissioners shall and may enlarge, widen, divert, turn, scour, and cleanse any of the Brooks, Drains, Ditches, Watercourses, Tunnels, and Bridges in the said Parish of *Garfington*, and set out such new Ditches, Drains, Watercourses, Tunnels, 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 Parish, as to them shall seem proper and necessary, (they the said Commissioners making such Satisfaction to the Proprietors of such ancient Inclosures for the

the Damage done thereby, as they in their Discretion shall think reasonable), 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 directed, in and by their said Award, to order by whom, and at whose Expence, and at what Time and in what Manner the said 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 or Brook of Water 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 which any such Stream or Brook shall be turned.

XXXIII. And be it further enacted, That each of the said Commissioners and Umpire who shall act in the Execution of the Powers and Authorities vested in them by this Act, shall be paid the Sum of Three Pounds and Three Shillings for every Day he shall so act, or travel for the Purpose of acting, or be returning Home from acting, in full Satisfaction for the Trouble and Expence which he shall be put unto in the Execution of the said Powers and Authorities; and that the same, together with all Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and the Costs and Charges of surveying, measuring, planning, dividing, valuing, and allotting the Lands and Grounds so intended to be divided, allotted, and inclosed, and of ring-fencing the several Allotments for Materials for Roads, and for the Rector of *Garlington*, in lieu of his Glebe Land and Rights of Common, and the Expence of preparing, executing, and inrolling the Award of the said Commissioners, and other necessary Charges and Expences of the said Commissioners, their Clerk and Assistants, and all other necessary Expences about and concerning the Premises, either before or after the Execution of the said Award, shall from Time to Time be borne, paid, and defrayed by and at the Expence of all the said Proprietors or other Persons interested in general, (except the Rector of *Garlington*, and the Surveyors of the Roads), by a proportionate Rate or Rates, in such Shares and Proportions, and to be paid to such Person or Persons, and at such Time or Times, and in such Manner, as the said Commissioners shall at any Time or Times by any Writing or Writings under their Hands, previous to making their Award, or by their Award order, direct, or appoint; so as the said Commissioners in apportioning the Shares of such Expences amongst the said Proprietors respectively of the said Lands and Grounds, shall have due Regard to the Improvement and Advantage which shall or may be derived from the said Division and Inclosure, in respect to any Estate which may already lie together and be conveniently situated for Occupation; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall refuse or neglect to pay his or her Share or Proportion thereof within the Time to be appointed as aforesaid, or at any Time after upon Demand, the same shall and may be levied and recovered in the Manner directed by the said recited Act: Provided always, that the Rates, Shares, and Proportions of all the said Costs, Charges, and Expences to be paid for or in respect of the Leasehold Estates held under the said Rector and Scholars of *Exeter* College, and also the Expences of ring-fencing the new Allotments to be made for such Estates, or any Part thereof, by virtue of this Act, shall be paid, borne and defrayed by

Commissioners Allow-  
ance, and for  
paying Ex-  
pences of  
passing and  
executing  
the Act.

and

and between the said Rector and Scholars and their Successors, and their said Lessees, in such Proportions as the said Commissioners shall adjudge and determine to be equal to their respective Interests in the said Leasehold Estates.

Proprietors,  
&c. to pay  
their own  
Expences.

XXXIV. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making and completing any Exchanges or Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct; and that the several Proprietors, their Attornies, or Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act.

Expences of  
the Dean  
and Chapter  
of Christ  
Church, &c.  
to be paid  
by their  
Lessees.

XXXV. And be it further enacted, That the several Persons holding beneficial Leases under the said Dean and Chapter of *Christ Church*, the said Provost and Scholars of the *Queen's College*, the President and Scholars of *Saint Mary Magdalen College*, and the said Principal and Scholars of the *King's Hall* and College of *Brazen-nose*, shall and are hereby required to bear, pay, and discharge all the Costs, Charges, and Expences which shall be incurred in obtaining, passing, and executing this Act, which shall be payable in respect of the Lands and Grounds, Right of Common, and other Hereditaments belonging to the said Dean and Chapter, and the several Colleges aforesaid, and now held by their said Lessees respectively; and also to make and erect all such Fences, and at such Times, and in such Manner, as shall be directed by the said Commissioners, for dividing and inclosing all such Lands and Grounds as shall be allotted to the said Dean and Chapter, and the several Colleges aforesaid, or their said Lessees respectively.

Proprietors  
or others ad-  
vancing Mo-  
ney towards  
defraying  
Expences of  
obtaining  
this Act to  
be paid first  
with In-  
terest.

XXXVI. Provided always, and be it further enacted, That all the Money which shall be advanced by any Person or Persons for the Purpose of defraying the Expences of applying for and obtaining this Act, or for carrying the same into Execution, shall be repaid, with lawful Interest, to such Person or Persons, Body or Bodies Politic or Corporate, advancing or paying the same, out of the first Monies to be raised for defraying the Expences of obtaining and executing this Act.

Power to  
borrow Mo-  
ney.

XXXVII. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of any Lands or Grounds to be allotted or exchanged by virtue of this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, and for any of the said Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or any other Contingency, or otherwise interested in the said Lands and Grounds, (except the Rector of *Garstington*, and except the several and respective beneficial Leaseholders under the said Dean and Chapter of *Christ Church*, and the several Colleges in the said University of *Oxford* herein-before mentioned, so as to affect the said Dean and Chapter, or any of the said Colleges), to charge such Allotment or exchanged Lands and Premises with such Sum or Sums of Money as the said Commissioners shall by their Award, or by Writing under their Hands, either before or after the Execution of such

Award,



Award, adjudge necessary to pay and defray the said respective Shares of the Charges and Expences incident to and attending the obtaining this Act and carrying the same into Execution, and of charging the said Lands as aforesaid, so that the same shall not exceed Five Pounds for every Acre of such Allotments or exchanged Lands; and to grant, mortgage, surrender, lease, or demise, or otherwise subject the Lands, Tenements, and Hereditaments, so to be charged, unto such Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years; or in case any Person in Possession who shall or may be liable to and charged with a Share of the Expences as aforesaid, or be enabled by this Act to charge such Lands and Grounds with the same, shall choose to advance, pay, and discharge such Sum or Sums of Money, then it shall be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, surrender, lease, demise, or otherwise subject the said Lands, Tenements, and Hereditaments to such Person or Persons respectively paying and discharging the same, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, to and for the Payment of such Sum and Sums of Money so advanced, paid, and discharged by him, her, or them, with 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 express Trust to be surrendered or re-assigned when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied; and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed of or entitled to any such Lands, Tenements, or Hereditaments, 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 Charge, Grant, Mortgage, Surrender, Lease, or Demise, shall be good, valid, and effectual in the Law.

XXXVIII. And be it further enacted, That once in every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof), the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act, and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the County of *Oxford* (not interested in the said Division, Allotment, or 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 Commissioners; and that 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.

Commissioners to account.

XXXIX. 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 the Parish Church of *Garfington* aforesaid.

Award to be deposited.

Persons ag-  
grieved may  
appeal to the  
Quarter Ses-  
sions.

XL. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, then and in every such Case, (except where the Orders and Determinations of the said Commissioners or Umpire are directed to be final and conclusive, and except in such Cases where an Issue at Law shall be tried as herein-before directed), he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be holden in and for the said County of *Oxford*, within Three Calendar Months next after such cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned, Ten Days Notice of such Appeal, and of the Matter thereof; and the Justices (not being interested in the Premises) at the said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Orders therein, and to award such Costs and Damages as to them in their Discretion shall seem reasonable; and by their 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) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; which 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, and without Foundation, then the said Justices shall award such Costs to be paid by the Appellant as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

For saving  
Manorial  
Rights.

XLI. Provided always, and it is hereby further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lords of the said Manors of *Garlington*, or of any Manor or Lordship, or reputed Manor or Lordship, within the Jurisdiction or Limits whereof the said Lands or Grounds hereby directed to be divided, allotted, and inclosed, on any Part or Parts thereof, are situate, lying, and being of, in, or to the Seignories, Royalties, or other Manorial Rights of or belonging to the said Manor or Manors, but that the said Lords for the Time being shall and may at all Times hereafter hold and enjoy all Courts Leet, Courts Baron, or Customary Courts, or other Courts, Rents, Chief Rents, Quit Rents, and other Rents, Services, Rights, Royalties, Perquisites, and Profits of Courts, Reversions, and all other Jurisdictions and Privileges to the said Manor or Manors incident, appendant, or appertaining, (save only their Right of Soil in the Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands, and Waste Grounds of the said Manor or Manors, or the Inheritance in the Waste Lands), in as full, ample, and beneficial Manner, to all Intents and Purposes whatsoever, as they could, ought, or might have held and enjoyed the same before the passing of this Act, in case the same had never been made.

General  
Saving.

XLII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors,

Executors, and Administrators, (other than and except the Person or Persons to whom or to whose Use or Benefit any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant to be barred, destroyed, and extinguished, and all Persons respectively claiming under them, or in Remainder after them), all such Estate, Right, Title, and Interest as they, every or any of them, had or enjoyed, or could or ought to have had or enjoyed, of, in, to, or out of the Lands or Grounds hereby directed to be divided, allotted, and inclosed, before the passing of this Act, or would or ought to have had and enjoyed in case this Act had not been passed.

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

Act may be given in Evidence when printed by the King's Printer.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1811.

