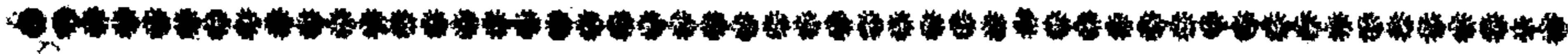


ANNO QUINQUAGESIMO SECUNDO

GEORGI III. REGIS.



Cap. 131.

An Act for inclosing Lands in the Parish of *Asthal*,
in the County of *Oxford*. [20th May 1812.]

WHEREAS there are in the Parish of *Astall* or *Asthal*, in the County of *Oxford*, and in *Easthall*, *Asthal Lingley*, and *Astall Leigh*, or *Astally*, in the same Parish and County, divers Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste Grounds, and other Commonable Lands and Places, containing together by Estimation One thousand and five hundred Acres, or thereabouts: And whereas the Provost of the College Royal of the Blessed *Mary of Eton*, near unto *Windsor* in the County of *Bucks*, commonly called *The King's College of our Blessed Lady of Eton*, nigh or by *Windsor* in the said County of *Bucks*, and the Fellows of the same College are seised of the Improprate Rectory or Parsonage of *Astall* or *Asthal* aforesaid, and in Right thereof are, together with their Lessees *Robert Bateman*, *John Leake*, and *Samuel Druce*, as Trustee for *Edward Towerzey* and *Frances* his Wife, entitled to certain Glebe Lands within the said Open Fields and Meadows, and claim to be entitled to all the Great and Small Tythes arising from such of the said Lands within the said Rectory as are subject and liable to the Payment of Tythes; but the said Rectory Improprate pays, by long Usage, a certain annual Payment to the Vicar of *Astall*, otherwise *Asthal* aforesaid, as after mentioned: And whereas the same Provost and Fellows are seised of the Perpetual Advowson and Right of Patronage of, in, and to the Vicarage of the Parish Church of *Astall* or *Asthal* aforesaid; and *Thomas Cripps* Clerk, is the present Vicar thereof, and as such receives an annual Stipend of Twenty-three Pounds Six Shillings and Eight-pence, payable by the said Provost and Fellows, or their Lessees: And whereas the Right Honourable *John Freeman* Lord *Redefdale*, or *Thynne Howe Gwynne* Esquire, claims to be Lord of the Manors

[*Loc. & Per.*]

of *Easthall*, otherwise *Astall* or *Asthal* aforesaid; and also of *Asthall Lingley*, and *Astall Leigh*, otherwise *Astally*; and the Provost and Scholars of The Queen's College in the University of *Oxford* claim to be Lords of the Manor of *Asthall Lingley* or *Astall Leigh* aforesaid; and the said *John Leake*, and *Edward Towerzey* and *Frances* his Wife, or their Trustees, claim also to be Lords of the Manor of *Easthall* or *Astall* otherwise *Asthal*, with the Appurtenances in *Easthall*, *Asthall Lingley*, and *Astall Leigh* otherwise *Astally* aforesaid: And whereas the said Provost and Scholars of The Queen's College in the University of *Oxford*, and *John Nutt*, their Lessee, *Diana Frances Gorges*, *Arabella Gorges*, the said *John Freeman* Lord *Redesdale*, or *Tbynne Howe Gwynne* Esquire, and the said *Robert Bateman*, *John Leake*, *Edward Towerzey* and *Frances* his Wife, and others, are Owners and Proprietors of the Residue of the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and discharged from Tythes, and they or some of them are entitled to certain Rights of Common and Pasturage for their Sheep and Cattle, in and over the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste Grounds, and other Commonable Lands and Places: And whereas an Act was passed in the Forty-first Year of the

41 G. 3. 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*: And whereas the Lands of the several Proprietors in the said Open and Common Fields lie intermixed and dispersed in small Parcels; and the same, as well as the said Commonable Lands and Waste Grounds, in their present State, 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 amongst them in specific Shares, according to their respective Rights and Interests therein, and their several Allotments inclosed; and if Compensation were made in Manner herein-after mentioned for Tythes payable in respect of all the Lands intended to be affected by this Act; 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 *Thomas Eagle* the elder of *Allestley*, in the County of *Warwick*, and *Henry Clark* of *Shipston-upon-Stour*, in the County of *Worcester*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and directing the Inclosure of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste Grounds, and other Commonable Lands and Places, and for carrying this Act into Execution, subject to the Rules, Orders, and Regulations in this Act contained; and also subject to the Rules, Orders, and Directions contained in the said recited Act (except in such Parts as are by this Act varied or altered).

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 shall be elected in Manner following,

In the room of every such Commissioner so dying, declining, or refusing to act, or becoming incapable of acting; (that is to say,) if the said *Thomas Eagle* shall die, decline, or refuse to act, or become incapable of acting, it shall be lawful for the said Provost and Fellows of *Eton* College, and their Successors, by Writing under their Hands, or under their Common Seal, to appoint a Commissioner, (not interested in the said Inclosure,) in the room of the said *Thomas Eagle*, and so from Time to Time as often as any Commissioner so to be appointed by the said Provost and Fellows, shall die, decline, or refuse to act, or become incapable of acting; and in case the said *Henry Clark* 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 Parish,) of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be divided and inclosed, (except the said Provost and Fellows and their Successors,) who shall be present at a public Meeting to be held for that Purpose in pursuance of a Notice in Writing under the Hand of the surviving Commissioner, or under the Hand of the Clerk or Clerks to the said Commissioners, to be affixed upon the principal outer Door of the Parish Church of *Astall* or *Asthal* aforesaid, or by Advertisement to be inserted in the *Oxford* Newspapers, or One of them, at least Ten Days before such Meeting, and which Notice such surviving Commissioner is hereby required to give to appoint a Commissioner (not interested in the said Inclosure) in the room of the said *Henry Clark*, 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 Fourteen Days next after the Death of any such Commissioner, or within Fourteen Days after it shall be known that any Commissioner has declined or refused to act, or become incapable of acting, (a public Meeting having been called or ordered for the Purpose of such Appointment,) 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 Fourteen 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 in case the said *Thomas Eagle* or *Henry Clark*, or any Commissioner to be appointed by virtue of this Act, shall neglect to act in the Execution of this and the said recited Act for the Space of Seven 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 any Six 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 an absolute Refusal on the Part of such Commissioner to act within the Intent and Meaning of this Act.

Commissioner not attending for a certain Time, deemed to have refused to act.

IV. And

Appointment
of Umpire.

IV. 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 are hereby authorized and required to appoint some other Person, (not interested in the said Division and Inclosure,) to be an Umpire in case of any Difference in Opinion between them in the Execution of this or the said recited Act; 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 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.

Umpire to be
sworn.

V. 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,)

“ I do swear, That I will faithfully, impartially, and honestly,
 “ according to the best of my Skill and Judgment, execute and perform
 “ the several Powers and Authorities vested and reposed in me as an Um-
 “ pire, by virtue of an Act passed in the Fifty-second 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 Affec-
 “ tion, Prejudice, or Partiality to any Person or Persons whomsoever.
 “ So help me God.”

Meetings of
Commission-
ers.

VI. And be it further enacted, That the said Commissioners shall and they are hereby required to insert in the *Oxford* Newspapers, or One of them, and to cause Notice in Writing to be affixed on the principal Door of the Parish Church of *Astall* or *Asthal* aforesaid, upon some *Sunday*, of the Time and Place of their First and every subsequent Meeting, Sitting, or Attendance for the Exercise of the Powers and Execution of the Trusts hereby or by the said recited Act vested in them, Ten Days at least before the Time of holding every such Meeting, Sitting, or Attendance (Meetings by Adjournment only excepted): Provided always, that if only One Commissioner shall attend at the Time and Place appointed for any such Meeting, it shall be lawful for such Commissioner to adjourn such Meeting to a future Day, not exceeding Fourteen Days from the Day on which such Meeting was appointed to have been held, giving Notice thereof to the absent Commissioner; and all the Meetings of the said Commissioners shall be holden within the aforesaid Parish of *Astall* or *Asthal*, or within Eight Miles of the Boundary of the said Parish; provided also, and in case it shall happen that neither of the said Commissioners shall be present at the Time and Place appointed for any Meeting as aforesaid, it shall be lawful for the Clerk or Clerks to the said Commissioners then present, to adjourn such Meeting to a future Day, not exceeding Fourteen Days from the Day

OR

on which such Meeting was appointed to have been held, giving Notice thereof in Writing to the said Commissioners.

VII. And be it further enacted, That the said Proprietors, their Attornies or Agents, shall bear and 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. Proprietors to pay their own Expences.

VIII. And be it further enacted, That if any of the Parties interested in the said Division or Inclosure shall die before the Execution of the Award of the said Commissioners, the Powers and Authorities hereby given to the said Commissioners shall not thereby be determined or suspended; but the said Commissioners shall and may proceed to execute the Powers and Authorities given to them by this Act in such Manner as they might have done in case such Parties had not died; and that the Share or Shares of the Person or Persons so dying shall be allotted to the Person or Persons who by Descent, Will, or otherwise, shall be entitled to the same; and he, she, or they shall accept and fence the Lands and Grounds to be allotted to him, her, or them, according to the Directions of this Act and the said recited Act, and shall in every other Respect be subject to the Powers therein contained, and to such Rules, Orders, and Directions as shall be contained in the Award of the said Commissioners. Death of Parties not to suspend the Execution of the Act.

IX. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division or 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 Lands and Grounds hereby directed to be divided, allotted, and inclosed, which ought to be allowed to them, or any of them, upon the said Division, or between any Persons touching any Road or Way to be set out by virtue of this or the said recited Act, it shall be lawful for the said Commissioners or Umpire to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners or Umpire to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever. For determining Differences.

X. 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 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 such Person or Persons, 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.

XI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing or Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties Commissioners may award Costs.

[Loc. & Per.]

in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be 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 or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Parties may
try their
Rights at
Law.

XII. 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 Soil of the said Commons and Waste Grounds, or of any Rights of Common or other Interests or Rights, in, over, or upon the Lands and Grounds hereby directed to be divided and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire, at the then next or the following Assizes to be holden for the County of *Oxford*, first giving Fourteen Days Notice of such his, her, or their Intention to the said Commissioners, or their Clerks, 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 or Actions to be brought in some or One of His Majesty's Courts of Law at *Westminster*, upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Four 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, and 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 shall differ about the same,) and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or Trials 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 or Umpire 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 the Right of Soil of the said Common and Waste Lands, or of any Right of Common, or other Rights or Interests in, over, and upon the Lands and Grounds hereby directed to be divided,

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.

XIII. 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 Action, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Actions not to abate on Death of Parties.

XIV. 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 such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerks to the 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 such Clerks, and they are hereby required to cause Notice in Writing to be served on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, who are required thereupon to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Actions may be brought notwithstanding Death of Parties.

XV. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons in or to any Lands, Tenements, or Hereditaments, for or in respect of which any Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act; but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits.

Suits respecting Titles not to impede the Execution of the Act.

XVI. And be it further enacted, That *Edward Webb* of *Stow on the Wold*, in the County of *Gloucester*, Land Surveyor, shall be Surveyor in the Execution of this and the said recited Act; and in case of his Death, Incapacity, Neglect, or Refusal to act, then and in either of the said Cases the said Commissioners shall appoint such other Person (not interested in the said Division and Inclosure), as they shall think proper, to be Surveyor for the Purposes aforesaid: Provided always, that the said *Edward Webb*, or such other Person so to be appointed Surveyor as aforesaid, before he shall proceed to act as such Surveyor, shall take and subscribe the Oath following; (that is to say,)

Appointment of Surveyor.

Surveyor to be sworn

‘ I do swear, That I will faithfully, impartially, and honestly do, execute, and perform the several Duties incumbent on me as Surveyor, under and by virtue of an Act, passed in the Fifty-second Year of the Reign of King *George* the Third, intituled [here set forth the Title of this Act], according to the best of my Skill and Judgment, and 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 it shall be lawful for the said Commissioners to administer, and they are hereby required to administer the same at their First Meeting; and the said Oath so taken and subscribed by such Surveyor 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.

Respecting
Encroach-
ments.

XVII. And be it further enacted, That all Encroachments which at any Time within Twenty Years last past have been made upon the said Open Fields, Common Meadows, Common Pastures, Commons, Waste Grounds, and other Commonable Lands and Places hereby directed to be divided, allotted, and inclosed, shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments, or the Extent thereof, such Dispute shall be investigated and determined by the said Commissioners or Umpire.

Power to
shorten Boun-
dary Fences.

XVIII. And be it further enacted, That in order to shorten the Boundary Fences between the said Parish of *Astall* or *Asthal*, and adjoining Parish or Parishes, it shall and may be lawful to and 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, or Owners of the Soil, and under the Hands of the major Part in Value, (such major Part to be ascertained by the Land Tax Assessment as aforesaid,) of the Land Owners in any Parish or Parishes interested in any Commons or Waste Grounds adjoining to *Astall* or *Asthal* aforesaid, and also under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which such Fence or Fences are intended to be made, to set out and ascertain the Boundary Fences to be made between the said Commons and Waste Grounds, and the Lands adjoining to the Lands and Grounds hereby intended to be divided and allotted, in such Manner as they shall judge proper for the Purposes aforesaid; and after such Boundary shall be set out and ascertained 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 order and direct in and by their Award, and shall be for ever thereafter deemed and taken to be the Boundaries between the said Parish of *Astall* or *Asthal* and such adjoining Parish or Parishes, any Law, Usage, or Custom to the contrary notwithstanding.

For stopping
up and alter-
ing Roads.

XIX. 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 acting in and for the said County of *Oxford*, and not interested in the Repairs of such Roads as after mentioned, or in the said intended Division and Inclosure (in Manner and subject to Appeal as in the said

recited Act is mentioned), to stop up and discontinue any of the public Roads or Ways in, through, over, or on the Sides of any of the old inclosed Lands or other Lands within the said Parish and Hamlets, or any of them, which shall be deemed useless or 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 Roads as shall be stopped up or discontinued, and not leading through any of such old inclosed Lands, shall be deemed Part of the Lands hereby directed to be divided, allotted, and inclosed, and shall be allotted to such of the Proprietors of the adjoining Lands as the said Commissioners shall think fit.

XX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered to enlarge, widen, deepen, scour, cleanse, change, and divert all or any of the ancient Reservoirs of Water, Brooks, Drains, Ditches, Tunnels, Streams, Springs, 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 Parish or Hamlets, or in any adjoining Parish, with the Consent of the Proprietors of the same Inclosures in such adjoining Parish, as to the said Commissioners shall seem proper and necessary, (the said Commissioners directing reasonable Compensation and Satisfaction to be made to all and every Person and Persons who shall sustain any Damage or Injury thereby,) of such Breadth and Depth, and direct and order the said Brooks, Streams, Springs, and Watercourses to be conveyed in such Courses, and through such Lands as the said Commissioners shall think proper, for the Purpose of draining any Land, or supplying any other Land with Water, and any other necessary Purposes; and the said Commissioners shall 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, Streams, Springs, Watercourses, Tunnels, Water-gates, Banks, and Bridges shall be made and thereafter repaired, cleansed, scoured, and maintained: Provided always, that no Streams, Springs, Brooks, or Watercourses shall be diverted or turned without the Consent in Writing of the Owner or Owners of the Lands from which such Streams, Springs, Brooks, or Watercourses shall be diverted, and of the Owner or Owners of the Lands into which any such Streams, Springs, Brooks, or Watercourses shall be turned.

Respecting
Water-
courses.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby required (if they shall think it necessary, but not otherwise), before they make any other Allotment of the said Open Fields, Common Meadows, Common Pastures, Commons, Waste Grounds, and other commonable Lands and Places hereby directed to be divided and inclosed, to set out and allot such Parts or Parcels of the said Commonable Lands and Waste Grounds within the said Parish and Hamlets, or either of them, not exceeding Five Acres, as they shall judge proper as and for public Stone, Gravel, and Sand-pits, with convenient Roads and Ways to and from the same, to be used in common by the respective Proprietors of Lands and Estates, and their Tenants, as well for their own respective necessary Uses within the said Parish and Hamlets, as for making and repairing the public and private Roads and Ways within the same; and

Allotment for
Stone, Gra-
vel, and Sand-
Pits.

[Loc. & Per.]

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such

such Allotment or Allotments shall be vested in the Surveyor or Surveyors of the Highways of the said Parish and Hamlets for the Time being, in Trust, for the Purposes aforesaid, and be by him or them from Time to Time let, subject to the Right of taking Stone, Gravel, and Sand therefrom for the Purposes aforesaid, and the Rents and Profits thereof received and applied towards the Repairs of the public Roads and Highways within the said Parish and Hamlets, and shall be inclosed and fenced in such Manner as the said Commissioners shall in and by their Award order and direct.

Allotment for
Glebe and
Right of
Common.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the said Provost and Fellows of *Eton* College, and their Successors, and their Lessees respectively, in Severalty, and to the said Vicar of *Astall* or *Asthal*, such Plot or Plots 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 Provost and Fellows, and their Lessees, and the said Vicar respectively, in, over, or upon the Lands and Grounds hereby directed to be divided and inclosed.

Allotment
in lieu of
Tythes.

XXIII. 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 for the same Provost and Fellows, and their Successors, Impropriators of the Rectorial Tythes, and their Lessees respectively, in Severalty, for and in lieu of 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, liable to the Payment of Tythes both Great and Small, and out of all the Messuages, Tenements, Gardens, Orchards, Woodlands, and other inclosed Lands, and all other Lands held in Severalty within the Parish of *Astall* or *Asthal* aforesaid, liable to the Payment of Tythes both Great and Small, such Plots or Parcels of the Lands and Grounds hereby directed to be divided, allotted, 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 Residue of the Arable and Tillage Lands, Open and Inclosed, liable to the Payment of Tythes both Great and Small, and to One Eighth Part of all the Residue of the Meadow and Pasture Grounds and Woodlands, Open and Inclosed, liable to the Payment of Tythes both Great and Small; and in those Cases where Tythes are only partially due and payable, such Plots and Parcels of the Lands and Grounds hereby directed to be divided and inclosed, as in the Judgement of the said Commissioners shall be a full Equivalent, Compensation, and Satisfaction for such partial Tythes as are due and payable, and for all Moduses or other Dues in lieu of Tythes, and which said Plots or Parcels of Land so to be set out, allotted, and awarded, shall be in full Satisfaction for and Discharge of all the Tythes 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, Woodlands, and other inclosed Lands hereby directed to be discharged from Tythes within the said Parish of *Astall* or *Asthal*; and of all other Ecclesiastical Payments and Dues whatsoever, except Mortuaries, *Easter Offerings*, and Surplice Fees.

XXIV. And whereas the said Provost and Fellows of *Eton* College have proposed that the annual Income of Twenty-three Pounds Six Shillings and Eight-pence herein-before mentioned, accruing and payable to the Vicar of *Astall* or *Asthal* aforesaid, out of and from the said Improprate Rectory, shall be augmented and increased, or varied by an Allotment of Land equivalent in Value to the said annual Payment of Twenty-three Pounds Six Shillings and Eight-pence, and to the further yearly Sum of Ten Pounds; be it therefore further enacted, That the said Commissioners in making the Allotments, Partition, and Division by this Act directed to and between the said Provost and Fellows and their Lessees, for and in lieu of the Tythes herein-before mentioned, shall from and out of the said Allotments set out, divide, allot, and award unto and for the said Vicar, and his Successors Vicars for the Time being, such an Allotment or Allotments, or Proportion of Land, as shall in the Judgement of the said Commissioners, (Quantity, Quality, and Situation considered,) be equivalent to the full Value of the Sum of Thirty-three Pounds Six Shillings and Eight-pence *per Annum*; and which said Allotment shall on the Expiration of the present existing Term of the Leases granted of the said Improprate Rectory by the said Provost and Fellows to the said *Robert Bateman*, *John Leake*, and *Samuel Druce*, be accepted and taken by the said Vicar, and his Successors Vicars for the Time being, for and in lieu of the said annual Payment of Twenty-three Pounds Six Shillings and Eight-pence, and of the said additional annual Sum of Ten Pounds, and which said annual Payments shall thereupon, and not before, cease and be no longer paid or payable to the said Vicar or his Successors from or out of the said Tythes of the said Improprate Rectory: Provided always, that nothing in this Act contained shall prejudice, lessen, or defeat the Right or Title of the said Vicar of *Astall* or *Asthal* for the Time being to any Mortuaries, *Easter Offerings*, or Surplice Fees arising or becoming due to him within the said Parish and Hamlets, or either of them, or any other Right or Interest whatsoever belonging or appurtenant to the said Vicarage, over and above the Allotment hereby made upon Account thereof; and such Right or Interest, (if any there be,) to extend only to the Lands hereby allotted for Tythes to the said Provost and Fellows, and their Lessees, and not further or otherwise, or to any other Messuages, Lands, or Hereditaments within the said Parish and Hamlets, and the Allotments nevertheless hereby directed to be made to the said Vicar, being so allotted in Right of the said Vicarage, and in or towards Satisfaction of all the Rights thereto belonging; and provided also, that nothing in this Act contained, nor the said Allotment or Allotments so to be set out and allotted to and for the said Vicar and his Successors, shall prejudice or affect the Rights or Interests of the said Provost and Fellows, and their Lessees, or any of them, in or to the said Improprate Tythes of the said Rectory of *Astall* otherwise *Asthal* aforesaid, during the now Residue of the present existing Terms granted by the same Provost and Fellows therein respectively.

Allotment to
Vicar in lieu
of Pension.

XXV. And be it further enacted, That the said Commissioners shall set out and allot unto and for the Lord or Lords, or Lady or Ladies of the Manor or Manors within the said Parish and Hamlets, such Parts and Parcels of the Commons and Waste Lands hereby directed to be allotted, divided, and inclosed, as in the Judgement of the said Commissioners shall be equivalent to and a full Compensation and Satisfaction for his, her, and their

Allotment for
Right of Soil.

their Rights and Interests in and to the Soil of the said Commons and Waste Lands.

Commissioners to fix the Composition for Tythes till Allotment set out.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby required to ascertain and fix the Composition for the Rectorial Tythes to be paid or payable to the said Provost and Fellows of *Eton* College, and their Lessees respectively, or any of them, or to any Person or Persons claiming under them from *Michaelmas* One thousand eight hundred and eleven, 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 and Premises tytheable, to pay such Sum or Sums of Money to the said Provost and Fellows, and their said Lessees or Assigns, or to any of them entitled thereto, as in the Judgement of the said Commissioners shall be a just and fair Equivalent for such Great and Small Tythes.

Payment to be made by Persons not having Open Field Land sufficient to compensate for Tythes.

XXVII. And be it further enacted, That in case there are any Homesteads, Gardens, Orchards, ancient Inclosures, or Woodlands within the said Parish and Hamlets, or either of them, subject or liable to the Payment of Tythes, and which are intended to be commuted for by this Act, and the respective Owners and Proprietors thereof shall not have, or purchase, or be otherwise entitled to a sufficient Quantity of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, to make Compensation for the Tythes of such Homesteads, Gardens, Orchards, ancient Inclosures or Woodlands, in such Proportions as are herein-before directed, 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 said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for the Tythes issuing or payable out of such Homesteads, Gardens, Orchards, ancient Inclosures, or Woodlands, respectively, or for such Parts thereof for which a Compensation in Land cannot be made by the Proprietors thereof as aforesaid, which Sum and 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 Lands may be set out for discharging from Tythes such Homesteads, Gardens, Orchards, ancient Inclosures or Woodlands; 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 Meadows, Common Pastures, Commons, Waste Grounds, and other Commonable Lands, 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 Meadows, Common Pastures, Waste Grounds and other Commonable Lands, shall not be Tenants in Fee Simple,

Simple, then such Shares and 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 as by the said recited Act is authorized or directed to be applied and disposed of.

XXVIII. Provided always, and be it further enacted, That it shall and may be lawful for all and every the Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, and also 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 Wood-grounds in the said Parish or Hamlets, not having any or a sufficient Quantity of Lands or Grounds hereby directed to be divided, allotted, and inclosed, to discharge his, her, or their old Inclosures from Tythes, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, or any other Contingency, or otherwise interested as aforesaid, to charge such Messuages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands or Wood-grounds, or any Lands to be taken in Exchange for the same, 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 or to be payable for the Discharge of the Tythes thereof, and also with any further or additional Sum or Sums of Money, not exceeding 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 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 Wood-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, 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 Wood-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 express Trust to be surrendered or re-assigned when such Sum or Sums of Money thereby to be secured, with the Interest thereof, 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 Mes-

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

suages, Cottages, Homesteads, Gardens, Orchards, or inclosed Lands or Wood-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 Mortgage, Surrender, Lease, or Demise, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law; and that no Mortgagee or Mortgagees advancing or lending Monies upon such Security or Securities shall be liable to or answerable for the Application or Misapplication of the Monies so advanced or lent.

Compensation for Tythes to be fairly and impartially made.

XXIX. And be it further enacted, That all Allotments of Land, or yearly or other Rents, or Sums of Money which shall be set out or allotted by the said Commissioners as a Compensation for Tythes, Moduses, or other Dues in lieu of Tythes, shall be fairly and impartially proportioned and divided by the said Commissioners between the several and respective Persons, Bodies Politic, Corporate, or Collegiate, entitled to the said Tythes, Moduses, or other Dues in lieu of Tythes, according and conformable to their several and respective Rights and Interests therein.

Allotments of Residue.

XXX. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot all the Residue and Remainder of the Lands and Grounds by virtue of this Act to be divided, allotted, and inclosed, unto and amongst the several and respective Persons, Bodies Politic and Corporate, who at the Time of making such Allotments shall be entitled to any Estate, Property, Common Right, or Interest therein, in Proportion and according to their several and respective Rights and Interests, and in such Quantities, Shares, and Proportions, as the said Commissioners shall judge and deem to be a full Compensation for the several and respective Lands, Grounds, Rights, Proportions, and Interests of each of the said Proprietors.

Fences need not be made against Free-boards.

XXXI. And be it further enacted, That in all Cases where any of the Lands and Grounds by this Act directed to be allotted, divided, and inclosed, shall adjoin to any Free-board 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 Free-board or Parcel of Land, such Piece or Parcel of the Lands or Grounds hereby directed to be divided and allotted, as shall in their Judgment be equal in Value to such Free-board or Parcel of Land as aforesaid; and the Fences adjoining to such Free-board or Parcel of Land, and now belonging to any adjoining Parish, Township, or Place, shall for ever thereafter be maintained and supported by and at the Expence of the Owner or Owners of such Free-board 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 Parish, Township, or Place to which the said Free-board or Parcel of Land, in lieu of which it shall be allotted as aforesaid, belongs.

XXXII. And

XXXII. And be it further enacted, That the several distinct Allotments of Land which shall be set out and awarded unto and for the said Provost and Fellows of *Eton* College, and their Successors, Impropiators as aforesaid, and their Lessees, in lieu of their respective Tythes, Glebe Land and Common Rights thereto belonging, and unto and for the said Vicar, shall be inclosed and fenced on the outward Boundaries thereof respectively, with Ditches and Hawthorn Quicksets, properly planted, and sufficiently guarded on both Sides, or with Stone Walls, and all necessary Gates and Stiles, such Ditches to be Four Feet wide upon the Level Surface of the Ground, and Two Feet deep, and the Wall Mounds Four and a Half Feet high, and to be made and erected by and at the Expence of the other Proprietors, or Person or Persons whose Lands are subject to the Payment of Tythes, in such Shares and Proportions, and at such Time and Times as the said Commissioners shall by their Award order or direct; and the said Commissioners are hereby authorized and required to assess such Expences upon the several Persons so chargeable with the Payment thereof, and the same Expences, when so assessed, shall and may be recovered by the same Ways and Means as the general Expences of obtaining and carrying this Act into Execution are provided for and made recoverable, and that such Fences shall thereafter be maintained, supported, and preserved during the Term of Seven Years from and after the planting of the said Quicksets, or erecting the said Stone Walls, 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 Fences shall be maintained, supported and preserved by or at the Expence of the said Provost and Fellows, their Successors and Lessees, and the said Vicar respectively; and that all the other Allotments to be made in pursuance of this Act shall be inclosed and fenced by and at the Expence of the respective Persons to whom the same shall be allotted, within such Time and in such Manner as the said Commissioners by any Writing under their Hands, or by their Award, shall order and direct; and such Fences shall for ever afterwards be supported, maintained, and kept in good Repair by such Person and Persons as the said Commissioners shall in like Manner direct: Provided always, that convenient Gaps and Openings shall be left in the Fences to the several Allotments to be made by virtue of this Act, for the Space of Three Calendar Months next after 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.

Tythe Allotments to be ring-fenced, &c.

XXXIII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and award the several Allotments to and for the several and respective Leaseholders and Copyholders within the aforesaid Manor or Manors, who will not accept and take, as hereinafter mentioned, Annuities or yearly Rent Charges for and in lieu of their respective Estates and Interests, as near and convenient as can or may be to the other Allotments to be awarded and set out to and for the Person or Persons entitled to the Reversion or Reversions expectant upon the Determination of the said Leasehold or Copyhold Estates, so as the Interests of the respective Leaseholders and Copyholders be not prejudiced thereby.

Allotments to certain Leaseholders and Copyholders.

XXXIV. And

Allotments
on Account
of Interests
that have been
or may be
fold.

XXXIV. 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 and Common Fields, Common Meadows, Common Pastures, Commons, Waste Grounds, and other Commonable Lands hereby directed to be divided and inclosed, 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, her, or their Heirs or Assigns, for or in respect of such Right, Interest, or 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 him, her, or them as aforesaid, in the same Manner to all Intents and Purposes, as the Vendor or Vendors in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made; and that the Vendee or Purchaser shall in all Cases be empowered to claim for the Situation of such Allotment or Allotments, in Preference to the Vendor or Vendors, and the Commissioners are hereby required to receive and attend to such Claim accordingly.

For allowing
Exchanges.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Messuages, Lands, Tenements, or Hereditaments within the said Parish of *Asthal* or *Asthal*, and in *Eastall*, *Asthal Lingley*, and *Asthal Leigh*, or *Asthal* aforesaid, or any or either of them, in lieu of and in Exchange for any other Messuages, Lands, Tenements, or Hereditaments, within the aforesaid Parish, Hamlets, or Places, any or either of them, or within any adjoining Parish, Hamlet, Chapelry, Manor, Township, 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 Politic, 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 by Copy of Court Roll for any Life or Lives, or for Years determinable on any Life or Lives, and with the Consent of the Guardians, Trustees, Feoffees for charitable and other Uses, Husbands, Committees, or Attornies of or acting for any such Owner or Owners 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 or Bodies Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange or Exchanges so to be made shall be good, valid, and effectual in 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

Tenements, or Hereditaments so to be exchanged shall be situate; and provided that no such Exchanges shall be made of any Lands, Tenements, or Hereditaments belonging to or held under the said Provost and Scholars of *Queen's College* aforesaid, without the Consent of the said Provost and Scholars, testified in Writing under their Common Seal:

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

For Payment
of Expences
of Ex-
changes.

XXXVII. And be it further enacted, That all and every the Allotment and Allotments to be made by virtue of this Act in and upon the several Lands and Grounds so to be allotted and awarded upon the said Division and Inclosure, and the several Messuages, Lands, Tenements, or Hereditaments which shall be given or taken in Exchange in pursuance of this Act or the said recited Act, shall, immediately after such Allotments and Exchanges are made as aforesaid, and the Award of the said Commissioners executed, be, remain, and enure to the several Persons to whom the same shall be respectively allotted or given, or taken in Exchange as aforesaid, who 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 Covenants, Uses, Wills, Settlements, Limitations, Powers, Remainders, Leases, (except Leases at Rack Rent,) Charges, and Incumbrances, as the several and respective Messuages, Lands, Tenements, or Hereditaments, in lieu of which such Allotments or Exchanges shall be respectively made or taken as aforesaid, are now held, or would have been subject to, charged with, or affected by, in case this Act had not been made, any Custom or Usage to the contrary notwithstanding.

Lands allot-
ted and ex-
changed to
remain to
same Uses.

XXXVIII. And be it further enacted, That the Lands and Grounds which shall be allotted to any of the said Proprietors, in respect of any Lands and Grounds or other Rights in or upon the Lands and Grounds hereby intended to be divided and inclosed, shall be held by the same Tenures, Customs, Rents, and Services, as the Lands and Grounds, Tenements and Hereditaments, or other Rights, in respect whereof such Allotments shall be made are now held.

Allotments to
be made of
the same Te-
nure as former
Property.

XXXIX. And be it further enacted, That from and after the Twentieth Day of *September* next ensuing the passing of this Act, or at such other Time, either before or after the signing the Award of the said Commissioners, as they the said Commissioners shall appoint, all Leases, Demises, and 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, or discharged from Tythes, and of all or any of the Common Rights upon or Tythes issuing or arising 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 to be given or taken in Exchange in pursuance of this Act, shall cease and be void as to the Premises comprised in such Leases, De-

For vacating
Leases at
Rack Rent.

[*Loc. & Per.*]

31. N.

misés,

mises, and Agreements respectively, and the respective Lessees or Tenants, and their Assigns, claiming under or by virtue of such Leases, Demises, or Agreements, such Claims to be made on or before the Time of vacating such Leases or Agreements, shall have and receive of and from their respective Lessors or Landlords, such Satisfaction as the said Commissioners shall ascertain to be a reasonable Compensation and Satisfaction 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 and Premises, but shall conform, as near as may be, to the Terms or 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 Compensation 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; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons to whom the said Commissioners shall award or direct the same to be paid, within Twenty Days after Demand made by the Person or Persons entitled to receive the same, it shall be lawful for the said Commissioners, and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and carrying this Act into Execution may be raised and recovered, or by an Action of Debt or on the Case, in any of His Majesty's Courts of Record in *Westminster*: Provided always, that if there shall be any Lease or Leases of Lands, Part of which shall lie in the said Parish and Hamlets, or either of them, and Part in any adjoining Township, Parish, or Place, all and every such Lease or Leases at Rack Rent now subsisting shall be vacated; but where such Lands shall have been 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.

Compensation for Crops.

XL. And be it further enacted, That the said Commissioners shall, and they are hereby empowered by Writing or Writings under their Hands, to ascertain, order, direct, and appoint 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, and not have been stocked or eaten off, or which during the *Summer* of the Year One thousand eight hundred and twelve, shall have lain fallow, or 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 for that Purpose, then the said Commissioners shall, by Warrant or Warrants under their Hands, cause the same to be levied by Distress and Sale of the
Goods

Goods and Chattels of the Person or Persons required to make such Recompence, and refusing so to do, together with the Costs and Charges of every such Distress and Sale, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels.

XLI. And be it further enacted, That the said Commissioners shall, and they are hereby required, as soon after passing this Act as they shall think necessary, by Writing under their Hands, to be affixed on the principal Door of the Parish Church of *Astall* or *Asthal* aforesaid, on some *Sunday* during Divine Service, to order and direct the Course of Husbandry that shall be used in, over, and upon the Arable Lands and Grounds hereby directed to be divided and inclosed, until the Time when they shall have completed their respective Allotments, as well with respect to the ploughing, sowing, fallowing, tilling, and laying down with Grass Seeds, 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 Parish and Hamlets 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 until the Allotments thereof shall be set out by virtue of this Act; and also in and by their Award to order and direct the Course of Husbandry that shall be used in, over, and upon the Allotment or Allotments to be set out as herein-before mentioned to the said Vicar of *Astall* or *Asthal* aforesaid, in lieu of the Annual Payments aforesaid, for and during the Residue of the now existing Term of the said Leases, granted by the said Provost and Fellows to their before-mentioned Lessees, and during which Term the said Allotment or Allotments is or are to be in the Occupation of the said Provost and Fellows, or their Lessees; 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 so to be made as aforesaid; which Penalties and Forfeitures shall be paid to such Person or Persons, and for such Uses and Purposes as the said Commissioners shall by their Award direct or appoint, and shall be recovered by the same Ways and Means as are given for the Recovery of the general Expences of passing and executing the Powers of this Act.

For directing
the Course of
Husbandry.

XLII. And be it further enacted, That no Person or Persons shall, at any Time within the Space of Seven Years next after the passing of this Act, turn or put, or cause to be turned or put, any Cattle, Sheep, or Swine, in or upon any of the Roads, Ways, or Lanes within the said Parish or Hamlets, where the Fences shall be guarded on each Side thereof according to the Directions of the said Commissioners.

Cattle, &c.
not to be de-
pastured on
the Roads.

XLIII. 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,

For rectifying
Omissions.

Tenures, and where from the Want of necessary Information or from any other Cause, the said Commissioners shall in their Award have omitted to distinguish and ascertain the Lands or other Hereditaments so holden for such Estates and by different Tenures, and to set out and award several distinct Allotments for such respective Lands or other Hereditaments, as herein-before is required; and if within Twelve Calendar Months after the making of the said Award, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his or their Hand or Hands, to have such Omission supplied and rectified 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 and rectifying such Omission, and for that Purpose are hereby required 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 Information they shall think sufficient, the said Commissioners are hereby also authorized, by Deed under their Hands and Seals, to distinguish and ascertain the Difference of such Estates and Tenures accordingly, and to make distinct and several Allotments of the Lands and Hereditaments so as aforesaid allotted and awarded, 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 inrolled and deposited with the said Award, and Evidence thereof shall be given in the same Manner as by this Act and the said recited Act or either of them is directed concerning the said Award; and all reasonable Expences incurred in and 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 and rectified, or the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title of the Premises in question, shall in the Opinion of the Commissioners most properly belong, at the Expence of the Person or Persons requiring the same.

Expences of
the Act how
to be paid.

XLIV. And be it further enacted, That all the Costs, Charges, and Expences of the said Commissioners and their Umpire, (if required to act,) and of the Clerks to the said Commissioners, and all other incidental Expences attending the obtaining and passing this Act, and 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 Homesteads, Gardens, Orchards, Old Inclosures, and other the Premises, which the said Commissioners may think necessary, and of preparing and inrolling the Award of the said Commissioners, and all other Charges and Expences of 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 and Grounds hereby directed to be divided and inclosed, and Homesteads, Gardens, Orchards, Old Inclosures, and Woodlands exonerated from Tythes by virtue of this Act, and also Lifeholders and Leaseholders under beneficial Leases,

Leases, which are not to be made void by this Act, (other than and except the said Provost and Fellows of *Eton College* and their Successors, Impropriators as aforesaid, and their Lessees, the said Vicar, in respect of their Allotments for Tythes, Glebe Lands, and annual Stipend aforesaid, and the said Provost and Scholars of *Queen's College in Oxford* aforesaid, in respect to their Estates granted out upon beneficial Leases; also save and except such Proprietors who may have Allotments in lieu of their Tythe-free Lands, if any, as far as they would have been liable under the aforesaid Provisions of this Act, to the Charges and Expences of exonerating their said Lands from Tythes, had they been liable thereto,) in such Shares and Proportions and at such Time or Times as the said Commissioners shall by any Rate or Rates to be made by them for that Purpose, order, direct, or appoint; and the several Sums of Money thereby rated shall be paid by such Person and Persons and at such Place as the said Commissioners shall in and by their Award, or any Writing under their Hands, to be by them signed either before or at the Execution thereof, award, order, direct, or appoint, and in case of Nonpayment thereof, the same shall be recoverable and recovered according to and under the Direction of the said recited Act.

XLV. And whereas several Persons are seised or possessed of divers Parts of the Lands and Grounds hereby directed to be divided and inclosed, under Leases for Lives, or Years determinable on Life or Lives, and by Copy of Court Roll for Life or Lives, according to the Custom of the said Manor or Manors or one of them, or otherwise; and some of such Leaseholders or Copyholders may not be willing to burthen themselves with the Trouble and Expence of inclosing the Lands and Grounds to be allotted to them in lieu of their Leasehold or Copyhold Premises, but may choose to accept and take Annuities or Yearly Sums of Money instead of such Allotments; be it therefore further enacted, That if any of the Lessees under such Leases for Lives, or Years determinable on a Life or Lives, or any Copyholder for Life or Lives, except the Lessee or Lessees of the said Provost and Scholars of *Queen's College in Oxford* aforesaid, shall choose to surrender their respective Leasehold or Copyhold Premises to the Person or Persons immediately entitled to the Reversion thereof, expectant on the Deaths of the Persons upon whose Lives such Leasehold or Copyhold Premises shall be respectively depending, and to accept of Annuities or Yearly Sums of Money in lieu of their Rights and Interests in such respective Leasehold or Copyhold Premises, then and in every such Case, and as often as any such Surrender shall be made, it shall be lawful for the Person or Persons respectively entitled to such Reversion, and he and they is and are hereby authorized and empowered to grant, limit, and appoint, unto the Person and Persons making such Surrender and Surrenders respectively, such Annuities or Yearly Rent Charges as shall, upon a fair and just Calculation, be deemed equal in Value to the Yearly Produce of the Leasehold or Copyhold Premises for which the same is or are granted, after the Land Tax or Chief or Quit Rent shall have been deducted, such Annuities or Yearly Rent Charges to be charged and chargeable upon, and to be issuing and payable out of the Leasehold or Copyhold Premises respectively, in lieu whereof the same is or are granted, or out of the Lands of the Person or Persons granting the same, and to be payable by Quarterly Payments during the Continuance of the Lives or Life upon

Lessees may sell their Interests, &c.

[Loc. & Per.]

31 O

which

which such Leaseholds or Copyholds shall be then respectively held; and such Annuities or Yearly Rent Charges so to be granted as aforesaid, shall be ascertained and specified by the said Commissioners in their said Award to be made in pursuance of this Act; and in every of the said Grants there shall be contained a Clause or Power of Distress, in case the Annuity or Yearly Rent Charge thereby secured or made payable be not paid to the Grantee or Grantees thereof within Twenty-one Days next after any or either of the said Days or Times therein to be mentioned for Payment thereof.

Expences of
fencing Al-
lotments for
Leasehold
Property, &c.

XLVI. Provided always, and be it further enacted, That all and every the Boundary Hedges, Ditches, Mounds, and Fences, and also all the Interior or Subdivision Hedges, Ditches, and Fences which the said Commissioners shall direct to be made in respect of and for inclosing the Lands which shall be allotted in lieu of Lands lying in the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste Grounds, and other Commonable Lands, to any Person or Persons, by virtue of any Lease or Leases, for One or more Life or Lives, or for Years determinable upon One or more Life or Lives, or by virtue of any Copy of Court Roll for Life or Lives, except the Lessee or Lessees of the said Provost and Scholars of *Queen's College in Oxford* aforesaid, who shall not accept of Annuities or Yearly Rent Charges for their Leasehold or Copyhold Property in Manner herein-before mentioned, shall be made and afterwards maintained for the Term of Seven Years, by and at the Costs and Charges of the Person or Persons who for the Time being shall be entitled to the Reversion of the Leasehold or Copyhold Premises immediately expectant on the Determination of the same Leases or Copies of Court Roll; and that the several and respective Lessees and Copyholders of the Premises so holden as aforesaid, do and shall, from and after the Execution of the said Award, Yearly and every Year during the Continuance of his, her, or their respective Estates, Terms, and Interests therein, by virtue of any such Lease or Copy of Court Roll as aforesaid, pay to the Person or Persons respectively entitled to the Reversion of the same Premises for the Time being, such Sum and Sums of Money, and at such Time and Times, in Consideration of and as a full Satisfaction for the Costs and Charges such Reversioner or Reversioners shall respectively be put unto, in making and maintaining such Mounds and Fences as aforesaid, and in obtaining this present Act and executing the Powers thereof, as the said Commissioners shall by their Award, or any other Writing under their Hands, declare and adjudge to be equal to the Yearly Interest of such Costs and Charges, to be computed after the Rate of Five Pounds in the Hundred Pounds by the Year; which said Sum and Sums of Money so to be paid by such Lessees and Copyholders as aforesaid, shall be paid as an Increase of Rent, and shall be recoverable by such and the same Remedies as the several Rents now reserved on the said Leases and Copies of Court Roll are made payable and are now recoverable by Law; and that after the Expiration of the Term of Seven Years, the same Hedges, Ditches, Mounds, and Fences shall be maintained and supported by and at the Expence of the said several and respective Lessees and Copyholders of the Lands so to be inclosed, or their Assigns, during the Continuance of their respective Estates, Terms, and Interests therein, by virtue of such Leases or Copies of Court Roll as aforesaid.

XLVII. And

XLVII. And be it further enacted, That if any of the Proprietors or any other Person or Persons shall advance or lend any Money for defraying the Expences of applying for and obtaining this Act, or carrying the same into Execution, every such Person or Persons shall be repaid the Money so advanced with Interest for the same, after the Rate of Five Pounds *per Centum per Annum*, out of the first Money which shall be raised by virtue of this Act. Interest to be paid on Money advanced.

XLVIII. And be it further enacted, That the Commissioners and Umpire so acting under the Authority of this Act, shall be paid and allowed the Sum of Three Guineas for each Day they shall attend in the Exercise of the several Powers and in the Execution of the Trusts vested in them by this Act, and that they shall bear and pay thereout their own Expences. Allowance to Commissioners.

XLIX. And be it further enacted, That *Samuel Churchill* of *Deddington*, in the said County of *Oxford*, Esquire, shall be and is hereby appointed Auditor of the Accounts of the said Commissioners, and in case of his Death or Refusal or Incapacity to act, then some other fit and proper Person, (not interested in the said Premises,) shall be appointed Auditor for that Purpose by the Majority in Value of the Proprietors, and so from Time to Time as often as Occasion shall require; and the Accounts of the said Commissioners for the Time being, containing a true Statement of all Sums by them received and expended; shall at least once in every Year from the passing of this Act, until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by the Auditor for the Time being, and balanced, and such Balance shall be stated in the Book of Accounts to be kept in the Office of the Clerks of the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in the Law, unless the same shall have been duly allowed by such Auditor. Auditor of the Commissioners Accounts appointed.

L. 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, together with a Plan thereto annexed, be deposited and kept in the Parish Church of *Astall* or *Asthal* aforesaid, under the Care of the Churchwarden or Churchwardens of the said Parish for the Time being; and it shall and may be lawful to and for the several and respective Owners and Proprietors, or their Agents, of Lands and Premises lying within the said Parish, from Time to Time and at all Times to have Access thereto; and the said Churchwardens or Churchwarden for the Time being are hereby required to permit and suffer such Owners or Proprietors, or their Agents, to inspect or take Extracts or Copies therefrom, without being liable or subject to any Charge on Account thereof. Award to be deposited.

LI. 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 the General Quarter Sessions of the Peace to be holden in and for the County of *Oxford* aforesaid, within Four Calendar Months next after the Cause of Complaint Persons aggrieved may appeal to the General Quarter Sessions.

Complaint shall have arisen, such Appellant or Appellants first giving to the said Commissioners or their Clerks, and to the Party or Parties interested therein, Fourteen Days Notice at least in Writing of such Appeal and of the Matter thereof; and the Justices at such General Quarter Sessions are hereby required to hear and determine the Matter of every Appeal, and to make such Order therein, and to 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 upon 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.

Act not to extend to Lands in the Forest of Whichwood.

LII. 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 Parish of *Astall* or *Asthal* aforesaid, or in *Eastball*, *Astball Lingley*, and *Astall Leigh* otherwise *Astally*, or either of them.

General Saving.

LIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Politic, Corporate, and Collegiate, their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest, (other than those meant or intended to be barred or destroyed by this Act,) which he, they, every or any of them had and enjoyed of, in, to, or out of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste Grounds, and other Commonable Lands and Places hereby intended to be divided and inclosed, before the passing of this Act, or would or could or might have had and enjoyed in case the same had not been made.

Act to be printed by the King's Printers.

LIV. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom, and a Copy thereof, so printed by any of them, 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. 1812.