



ANNO SEXTO & SEPTIMO

# GULIELMI IV. REGIS.

\*\*\*\*\*

## Cap. 16.

An Act for dividing, allotting, and laying in Severalty  
Lands in the Parishes of *Marsh Baldon* and *Toot  
Baldon* in the County of *Oxford*.

[4th July 1836.]

**W**HEREAS there are in the Parishes of *Marsh Baldon* and *Toot  
Baldon*, comprising the Hamlets or Places of *Saint Laurence  
Baldon* otherwise *Bishops Baldon* and *Little Baldon* in the  
County of *Oxford*, divers Open and Common Fields, and other Com-  
monable and Waste Lands and Lot Meadows: And whereas Sir *Henry  
Willoughby* Baronet claims to be Lord of the Manor of *Marsh Baldon*,  
and as such to be entitled to the Right of Soil of the Waste Lands within  
the said Parish of *Marsh Baldon*, and the Provost and Scholars of *Queen's  
College* in the University of *Oxford* claim to be Lords of the Manors of  
*Toot Baldon* and *Saint Laurence Baldon*, and as such to be entitled to the  
Right of Soil of the Waste Lands within the said Parish of *Toot Baldon*:  
And whereas the said Sir *Henry Willoughby* is Patron of the Rectory of  
*Marsh Baldon* aforesaid, and the Reverend *Hugh Pollard Willoughby* is  
Rector of the said Rectory, and as such entitled to certain Glebe Lands  
and to certain Tithes of some of the said Lands within that Parish; and  
the said Sir *Henry Willoughby* is entitled to certain Tithes of some of the  
said Lands in the same Parish, and he is also entitled to the Great and  
Small Tithes of all the said Lands in the Parish of *Toot Baldon*: And  
whereas the said Sir *Henry Willoughby*, the Provost and Scholars of the  
*Queen's College*, and others, are Owners and Proprietors of all other the  
[Private.] Lands,

41G.3.c.109. Lands, open and inclosed, within the said Parishes: And whereas an Act was passed in the Forty-first Year of the Reign of His Majesty King George the Third, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas an Act was passed in the First and Second Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England*: And whereas the Lands in the said Open and Common Fields lie intermixed and dispersed in small Parcels so as to render the Cultivation thereof inconvenient, and it would be advantageous to the Proprietors thereof if the said Parishes were separated, and the said Open and Common Fields and other Commonable and Waste Lands and Lot Meadows were divided, allotted, and laid in Severalty unto and amongst the said several Proprietors according to their respective Rights and Interests therein, and Exchanges made between them, and if all the Lands and Grounds, as well open as inclosed, within the said Parishes, were exonerated from Tithes; but such beneficial 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 James Tatham* of *Bedford Place, Russell Square*, in the County of *Middlesex*, Gentleman, and his Successor to be nominated and appointed in manner herein-after mentioned, shall be and he is hereby appointed the Commissioner for dividing, allotting, and laying in Severalty the said Open and Common Fields, and other Commonable and Waste Lands and Lot Meadows, and for carrying this Act into execution, subject to the Regulations and Provisions of the said recited Acts, except where the same are hereby varied or altered.

1 & 2 G. 4.  
c. 23.

Commis-  
sioner ap-  
pointed.

Appoint-  
ment of new  
Commis-  
sioner in case  
of Death.

II. And be it further enacted, That in case the said *Thomas James Tatham*, or any Commissioner to be appointed as herein-after mentioned, shall, before the Powers and Authorities hereby vested in him have been fully executed, die, decline, or through Sickness or any other Cause become incapable or neglect or refuse to act for the Space of Three Calendar Months when Occasion shall require his Attendance for carrying this and the said recited Acts into execution, then and in every such Case it shall be lawful for Five Sixth Parts in Value (to be ascertained by the then last Land Tax Assessments for the said Parishes) of the Proprietors of the Lands hereby directed to be divided and allotted, who in their proper Persons, or by their respective Agents duly authorized, shall attend at a Meeting to be holden for that Purpose, of which Meeting Twenty-one Days previous Notice at least shall be given by Advertisement in the Newspaper called *Jackson's Oxford Journal*, or in some other Newspaper printed or circulated in the said County of *Oxford*, and also by Writing to be affixed upon the principal outer Doors of the Parish Churches of *Marsh Baldon* and *Toot Baldon* aforesaid on some *Sunday*, Twenty-one Days at least before every such Meeting, (which Notice any One or more of the said Proprietors are hereby authorized and required forthwith to give by Writing under his, her, or their Hand or Hands,) from Time to Time to nominate and appoint some fit and proper Person not interested

in the said Division and Allotment to be a Commissioner in the Room of he Commissioner so dying, declining, becoming incapable, or neglecting or refusing to act; but in case the Proprietors to the Value aforesaid shall not at such Meeting agree upon the Person to be so appointed, then and in every such Case it shall be lawful for the Chairman of the General Quarter Sessions of the Peace for the County of *Oxford* for the Time being, and he is hereby authorized and required, within Twenty-one Days next after a Request in Writing by or on behalf of any One or more of the said Proprietors so to do shall have been delivered to him or left at his usual Place of Abode, by any Writing under his Hand to nominate and appoint some fit and proper Person not interested in the said Division and Allotment to be a Commissioner in the Room of the Commissioner so dying, declining, becoming incapable, or neglecting or refusing to act as aforesaid; and every such new Commissioner shall be invested with and have the same Powers and Authorities for carrying this Act and the said recited Acts into execution as if he had been originally appointed in and by this Act.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act and the said recited Acts, except for the Purpose of signing and giving Notice of his first Sitting for the Purposes of this Act, until he shall have made and subscribed the Declaration following; (that is to say,)

Commis-  
sioner to  
make a De-  
claration.

‘ I *A. B.* do solemnly and sincerely declare, That I will faithfully, im-  
‘ partially, and honestly, according to the best of my Skill and Ability,  
‘ execute and perform the several Trusts, Powers, and Authorities vested  
‘ and reposed in me as a Commissioner by virtue of an Act passed in the  
‘ Sixth Year of the Reign of King *William* the Fourth, intituled [*here set*  
‘ *forth the Title of this Act*], according to Equity and good Conscience,  
‘ and without Partiality, Favour or Affection, Prejudice or Malice, to  
‘ any Person or Persons whomsoever; and I make this solemn Declara-  
‘ tion conscientiously, and by virtue of the Provisions of an Act made  
‘ and passed in the Fifth and Sixth Year of the Reign of His Majesty  
‘ King *William* the Fourth, intituled [*here set forth the Title of the Act.*]

Form of  
Declaration.

Which Declaration it shall be lawful for any One Justice of the Peace acting for the said County of *Oxford* to take and receive and he is hereby required to take and receive the same; and the said Declaration so made and subscribed, and also the Appointment of every new Commissioner, shall be annexed to and deposited with the Award to be made in pursuance of this and the said first-recited Act.

IV. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be given of the Time and Place of his first and every other Sitting for the Execution of this and the said recited Acts by affixing such Notice upon the principal outer Doors of the Parish Churches of *Marsh Baldon* and *Toot Baldon* aforesaid on some *Sunday* Morning before Divine Service, and causing the same to be inserted in the said Newspaper called *Jackson's Oxford Journal*, or in some other Newspaper printed and circulated in the said County of *Oxford*, Ten Days at least before every such Sitting (Sittings by Adjournment only excepted, and which Adjournment the said Commissioner is hereby empowered to make): Provided always, that every such Sitting of the said Commis-

Notice of  
Sittings.

sioner

In Absence of Commissioners the Clerk may adjourn.

sioner shall be held at some convenient Place within One of the said Parishes of *Marsh Baldon* and *Toot Baldon*, or within Eight Miles from the Boundaries thereof; and if the said Commissioner shall not attend at any such Sitting, then it shall be lawful for his Clerk to adjourn such Sitting, and appoint the same to be held at the same or any other convenient Place (within the Limits aforesaid) on any future Day not exceeding Twenty-one Days from the Day of Adjournment, and shall give Eight Days Notice thereof to the said Commissioner.

Other Notices.

V. And be it further enacted, That all other Notices necessary to be given by the said Commissioner shall be given by affixing the same upon the said principal outer Doors of the said Parish Churches of *Marsh Baldon* and *Toot Baldon* on some *Sunday Morning*, or by Advertisement to be inserted in the Newspaper as aforesaid.

Existing Surveys, Maps, and Plans may be used.

VI. And be it further enacted, That in case any Person or Persons having in his, her, or their Custody any actual Surveys, Maps, or Plans of any of the Lands and Grounds within the said Parishes or either of them, shall deliver such Surveys, Maps, and Plans to the said Commissioner at such Time as he may appoint for that Purpose, it shall be lawful for the said Commissioner to inquire into the Authenticity and Accuracy thereof on the Oath or solemn Affirmation, as well of the Person or Persons producing and delivering such Surveys, Maps, and Plans respectively, as of such Person or Persons as he shall think fit (which Oath or Affirmation the said Commissioner is hereby authorized to administer), or by such other Means as he shall think proper; and in case the said Commissioner shall be satisfied that the same are authentic and accurate, and will answer the Purpose of new Surveys, Maps, or Plans, then the said Commissioner is hereby authorized to make use of the same as far as the same shall be available for the Purpose of carrying this Act and the said recited Acts into execution, and also out of the Monies to be raised for the general Purposes of this Act to make unto the Owner or Owners of such Surveys, Maps, and Plans, or to the Person or Persons producing the same respectively, a just and fair Allowance for such Surveys, Maps, and Plans.

Appointment of Surveyor and Allowance to him.

VII. And be it further enacted, That it shall be lawful for the said Commissioner to appoint some fit and proper Person to be the Surveyor for the Purposes of this Act and the said recited Acts, and such Surveyor from Time to Time to remove, and another to appoint in his Room, as to the said Commissioner shall seem proper; and it shall be lawful for the said Commissioner to allow such Surveyor any Sum not exceeding One Shilling and Sixpence *per Acre*, as the said Commissioner shall judge reasonable, for making the Survey, Admeasurement, Maps, and Plans, and for taking up the Properties and Common Rights, and for other Business usually transacted by a Surveyor, exclusively of his Attendance upon the said Commissioner and other Services during the Progress of the Division and Allotment, and such further Sum, not exceeding Two Pounds Two Shillings *per Day*, as the said Commissioner shall judge reasonable, for the Surveyor's Attendance upon the Commissioner and for other Services not herein-before mentioned; and the Sums allowed by the said Commissioner shall be in full Satisfaction for the Time and Trouble, and for all travelling and other Expences of every Description

Description of such Surveyor in and about the Execution of this and the said recited Acts.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as such Surveyor until he shall have made and subscribed the Declaration following ; (that is to say,) Surveyor to make a Declaration.

‘ I *A. B.* do solemnly and sincerely declare, That I will faithfully, honestly, and impartially, according to the best of my Skill and Knowledge, execute and perform the several Duties incumbent upon me as Surveyor by virtue of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Partiality, Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever ; and I make this solemn Declaration conscientiously, and by virtue of the Provisions of an Act made and passed in the Fifth and Sixth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of the Act*]. Form of Surveyor's Declaration.

Which Declaration the Commissioner for the Time being, or any Justice of the Peace for the said County of *Oxford*, is hereby empowered and required to take and receive ; and the said Declaration so made and subscribed shall be annexed to and deposited with the Award of the said Commissioner.

IX. And be it further enacted, That it shall be lawful for the said Commissioner to appoint some fit and proper Person to be his Clerk to assist him in the Execution of the Powers and Authorities of this Act and the said recited Acts, and such Clerk from Time to Time to remove, and another to appoint in his Room, as to the said Commissioner shall seem proper. Commissioner may appoint a Clerk.

X. And be it further enacted, That the said Commissioner and his Clerk respectively shall be allowed and paid the Sum of Three Pounds and Three Shillings each, and no more, by the Day, when actually attending or employed in the Execution of this Act, or necessarily travelling to or from any Sitting for the Purposes of this Act, during the first Three Years next after the passing of this Act, and after the Expiration of the said Three Years until the Powers and Provisions of this Act shall be fully executed and performed the Sum of Two Pounds Two Shillings, and no more, by the Day, when actually attending or employed or travelling as aforesaid, in full Satisfaction for his Trouble and Expences in carrying this Act into execution ; and that as well the said Commissioner and his Clerk as the said Surveyor and the Proprietors and others who shall attend any Sittings of the said Commissioner to be held in pursuance of this Act shall in all Cases defray their own Expences, save and except the Expences for the Use of the Room in which the Sittings shall be holden for carrying this and the said recited Acts into execution. Commissioner and Clerk's Allowance.

XI. And for regulating the Duration of all Sittings for the Purposes of this Act, be it further enacted, That a Day shall be deemed to consist of Eight Hours in all Sittings between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* ; and For regulating the Duration of Sittings.

[*Private.*]

5 d

that

that any Sitting for the Purposes of this Act of less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged as only Half a Day, and the said Commissioner and his Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or Clerk in which shall be entered the several Days of their Sittings, and at what Hour the said Commissioner and his Clerk respectively came to and left such Sitting; and such Book shall be signed by the Commissioner or his Clerk at the Termination of each Sitting, and shall be open to the Inspection of all Parties interested in the said Inclosure, their Agents or Attornies, during any of the Sittings in pursuance of this Act, and all such Parties shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided also, that it shall not be lawful for the said Commissioner to retain or to pay himself or his Clerk, out of any Monies to be received for the Purposes of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioner and Clerk respectively beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award herein-after directed to be made, or in case the Accounts of the said Commissioner also herein-after directed to be made and stated shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Death of the said Commissioner or his Clerk previous to the Execution of the said Award, the Commissioner for the Time being shall, after the Expiration of the Period allowed for Appeal against the said Accounts, pay to the Executors or Administrators of the deceased Commissioner or Clerk such Sum of Money as shall appear due to him.

Commis-  
sioner may  
settle Dis-  
putes, but  
not deter-  
mine Titles,  
nor any  
Right con-  
trary to Pos-  
session.

XII. 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 Open and Common Fields, and other Commonable and Waste Lands and Lot Meadows, touching or concerning any Right or Rights, Claim or Claims, in, over, or upon the same, or touching or concerning any other Matter or Thing relative to the said Division or Allotment, it shall be lawful for the said Commissioner and he is hereby authorized and required, as well by Examination of Witnesses upon Oath (which Oath the said Commissioner is hereby empowered to administer) as upon any other proper and sufficient Inquiry and Evidence, to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Encroachments and Inclosures herein-after mentioned); but in case the said Commissioner shall be of opinion against the Right of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up or recovered from such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, by Ejectment or other due Course of Law.

Power to  
assess Costs.

XIII. And be it further enacted, That if the said Commissioner shall, upon the Hearing and Determination of any Claim or Claims, Objection

or Objections, to be delivered to him in pursuance of this or the said recited Acts, or, upon the Hearing or Determination of any Dispute or Difference as aforesaid, see Cause to award any Costs, it shall be lawful for the said Commissioner and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall have been made by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall have been thereby disallowed or over-ruled, or against whom the said Commissioner shall have made any Determination as aforesaid; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, liable to pay such Costs and Charges, shall neglect or refuse to pay the same or any Part thereof on Demand, then and in such Case the same shall and may be recovered by Action at Law in any of His Majesty's Courts of Record at *Westminster*, or in the Manner directed or authorized by the said first-recited Act with respect to Expences to be paid in proportion by the Proprietors of Lands and Grounds to whom any Allotments shall be made.

XIV. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested in the said Division or Allotment, shall be dissatisfied with the Determination of the said Commissioner touching or concerning any Claim or Claims; or any Right or Interest in, over, or upon the Lands hereby directed to be divided and allotted, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioner at the First or Second Assizes after such Determination to be holden for the said County of *Oxford*, and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be so dissatisfied with the Determination of the said Commissioner, shall cause an Action or Actions to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioner shall have been notified in Writing to the Party or Parties interested; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to appoint 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, Right, or Interest may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced in case the Parties or their Attornies differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive on all the Parties thereto, unless the Court in which such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had therein (which it shall be lawful for the said Court to do); and after such Verdict or Verdicts obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and allow or disallow the Claim or Claims, Right, or Interest thereby determined, according to the Event of such Trial or Trials.

Allowing  
Parties to try  
their Rights  
at Law.

XV. Pro-

Determina-  
tion of Com-  
missioner  
not over-  
ruled to be  
final.

XV. Provided always, and be it further enacted, That the Determination of the said Commissioner touching any Claim, Right, or Interest in, over, or upon the Lands hereby directed to be divided and allotted, or any other Matter or Thing relative to the said Division or Allotment which shall not be over-ruled by the Event of any such Trial as aforesaid, shall be binding, final, and conclusive upon all Parties.

Proceedings  
not to abate  
by Deaths of  
Parties.

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

In case of  
Deaths of  
Parties be-  
fore Actions  
brought.

XVII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living; and to serve the Clerk to the said Commissioner with Process for commencing such Action or Actions, in the same Manner as the Person or Persons so dying 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 Parties shall be equally bound and concluded by the Event of such Action or Actions: Provided also, that no Suit or Action touching the Matters aforesaid shall impede or delay the Commissioner in the Execution of the Powers vested in him by this or the said recited Acts, but the Division and Allotment hereby directed to be made shall be proceeded in notwithstanding any such Suit or Action.

Actions not  
to suspend  
the Execu-  
tion of Act.

Deaths of  
Parties not  
to suspend  
Execution  
of Act.

XVIII. And be it further enacted, That if any of the Parties interested in the said Division or Allotment shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioner shall not be thereby determined or suspended, but the said Commissioner shall and may proceed to execute the Powers given to him by this Act and the said recited Acts in such Manner as he might have done in case such Parties had not died; and the Share or Shares of the Person or Persons so dying shall be allotted and awarded to the Person or Persons who by Descent, Will, or otherwise shall become entitled to the same, and shall be accepted by him, her, or them, according to the Directions of this Act and the said recited Acts, and he, she, or they shall be liable to the Charges and Expences and other Conditions of this Act and the said recited Acts.

Encroach-  
ments.

XIX. And be it further enacted, That all Encroachments or Inclosures taken or made from or on any Part of the said Lands hereby directed to be



be divided and allotted within Twenty Years next before the passing of this Act, and all other Encroachments or Inclosures at any Time taken or made from or on any Part of the said Lands for which any annual Rent, or other Money Payment or Acknowledgment, shall have been assessed or made within Twenty Years next before the passing of this Act, shall be deemed Part and Parcel of the Lands by this Act directed to be divided and allotted; and in case any Dispute shall arise touching any such Encroachments or Inclosures, or the Extent or Duration thereof, such Dispute shall be settled and determined by the said Commissioner: Provided always, that in every Case where all or any Part of such Encroachments as aforesaid shall not be allotted to the Party or Parties who, either by themselves, himself, or herself, or their, his, or her Tenant or Tenants, shall be in Possession thereof, then such Party or Parties shall be at liberty within such Time, and subject to such Regulations and Restrictions as the said Commissioner shall appoint by Writing under his Hand, to remove the Buildings (if any) standing thereon, or the Materials thereof, and to take the same for his, her, or their own Use.

XX. And be it further enacted, That in the meantime, and until such Division and Allotment as is hereby directed shall have been made of the Lands to be divided and allotted, all such Lands shall be stocked with such Cattle and at such Times and in such Manner only, and the Tillage Lands shall be sown and planted by the respective Owners or Occupiers thereof, or by such other Person as the said Commissioner shall appoint, and with such Sorts, Quantities, and Qualities of Grass, Turnips, and other Seeds, and shall be kept, ordered, and continued in such Course of Husbandry and Tillage as the said Commissioner shall by Writing under his Hand in that Behalf direct, any Usage or Custom to the contrary notwithstanding; and the Charges and Expences of such ploughing, sowing, planting, fallowing, and Tillage, and also the Value (to be ascertained by the said Commissioner) of any Crop or Crops of Corn or Turnips, or of any Clover or other Layer of artificial Grass growing or being upon any of the Lands to be divided and allotted or exchanged by virtue of this or the said recited Acts, shall be paid by the respective Parties who shall receive the Benefit thereof, or by such of the Proprietors of the said Lands, and at such Times, in such Manner, and in such Proportions as the said Commissioner shall by any Writing or Writings under his Hand direct or appoint; and on Nonpayment thereof, or of any Part thereof, the same shall be levied and recovered in the same Manner as the Costs which may be awarded by the said Commissioner upon the Determination of any Claim are herein-before directed to be recovered; and that no Meadow or Pasture, Part of the Lands hereby directed to be divided and allotted, and not in Tillage at the Time of passing this Act, shall, without the Consent in Writing of the said Commissioner, be ploughed, broken up, or converted into Tillage before the Allotments thereof are made; and every Owner or Occupier of any such Land or Ground who shall refuse or neglect to comply with any such Direction of the said Commissioner, or who shall plough, break up, or convert into Tillage any such Meadow or Pasture as aforesaid, without the Consent in Writing of the said Commissioner, shall forfeit and pay any Sum not exceeding Twenty Pounds, to be determined by the said Commissioner, for every Acre of such Land or Ground with respect to which such Refusal or Neglect shall happen, and any Sum not exceeding Twenty Pounds, to

Course of  
Husbandry.

[Private.]

5 e

be

be determined as aforesaid, for every Acre of such Meadow or Pasture which shall be ploughed, broken up, or converted into Tillage, and so in proportion in each Case for a greater or less Quantity than an Acre; which Sum in any such Case shall be recovered as aforesaid.

Rights of  
Commons to  
be extin-  
guished.

XXI. And be it further enacted, That it shall be lawful for the said Commissioner, at any Time when he in his Judgment shall think it convenient and proper, by Notice for that Purpose under his Hand to be affixed on the principal outer Doors of the Churches of *Marsh Baldon* and *Toot Baldon* aforesaid on some *Sunday* Morning before Divine Service, to order the Rights of Common in, upon, and over the Lands hereby directed to be divided and allotted, or any of them, to be extinguished either in the whole or in part, or the Exercise thereof to be suspended, and from and after the Time or Times to be mentioned in or appointed by any such Notice all such Rights of Common as shall thereby be directed to be extinguished, or the Exercise thereof suspended, shall be extinguished or the Exercise thereof suspended according to and as shall be expressed in and directed by such Notice; and if during such Suspension or after such Extinguishment of such Rights of Common any of the Proprietors or Occupiers, or Claimants of Pasturage or Common Rights, shall permit his, her, or their Cattle or Sheep to go, depasture, or feed on any of the Lands over which such Rights of Common shall be suspended or extinguished, then it shall be lawful for any other of the said Proprietors or Occupiers to distrain such Cattle or Sheep being upon such Lands contrary to such Notice, and to impound the same until such Party or Parties so offending shall pay to the Party or Parties so distraining any Sum not exceeding Ten Shillings for each Head of Cattle and Five Shillings for each Sheep so distrained, to be determined by the said Commissioner; and in case the same, together with all Costs and Charges, to be determined as aforesaid, shall not be paid within a reasonable Time to be fixed by him, the said Commissioner is hereby authorized and empowered, upon Proof of such Offence or Offences having been committed, and Nonpayment of the Penalty or Penalties incurred, to cause the Cattle or Sheep so distrained, or such of them as he shall think fit, or other the Goods and Chattels of the Party or Parties so offending (which the said Commissioner may distrain in case of any Rescue or Pound Breach), to be sold for raising and paying the Penalty or Penalties so incurred as aforesaid, together with the Costs and Charges attending every such Distress and Sale, rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Cattle or Sheep.

Roads may  
be set out  
over old In-  
closures, and  
old Roads  
diverted or  
stopped up,  
&c.

XXII. And be it further enacted, That in setting out and appointing the several Roads and Ways in pursuance of this Act or the said recited Acts the said Commissioner shall and he is hereby authorized and empowered, if he shall think it necessary, to continue such Roads and Ways, or any of them, through or over any of the ancient inclosed Lands or Grounds within the said Parishes, and also to widen, divert, turn, alter, or stop up any Roads or Ways whatsoever passing or leading through or over any of the ancient inclosed Lands or Grounds, or any other Part or Parts of the said Parishes; provided that no such Road or Way be set out or appointed, or widened, diverted, turned, altered, or stopped up respectively, without the Consent of the Owners of the respective ancient inclosed Lands or Grounds through or over which such Road or  
Way

Way doth or is intended to pass, (such Consent to be testified by some Writing under the Hand of such Owners respectively,) or, in the Case of the said Provost and Scholars of *Queen's College*, under the Hand of their Bursar for the Time being, or without the Concurrence and Order of Two Justices of the Peace acting for the said County of *Oxford*, and such Order to be made by such Justices shall be subject to an Appeal in manner herein-after mentioned.

XXIII. Provided always, and be it further enacted, That before any public Carriage Road, Highway, Bridle Road, or Footway shall be discontinued, stopped up, diverted, or altered by the said Commissioner, the said Commissioner shall cause to be affixed at each End of the said Highway so proposed to be discontinued, stopped up, diverted, or altered a Notice to the Effect that such public Carriage Road, Highway, Bridle Road, or Footway is intended to be discontinued, stopped up, diverted, or altered (as the Case may be) by the Commissioner acting under or by virtue of this Act, and the said Commissioner shall cause the same Notice to be inserted in some one Newspaper published or generally circulated in the said County of *Oxford* for Four successive Weeks, and shall also cause a like Notice to be affixed on the principal outer Doors of the Churches of the said Parishes of *Marsh Baldon* and *Toot Baldon* on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so affixed and published as aforesaid the said public Carriage Road, Highway, Bridle Road, or Footway shall be and shall be deemed to be discontinued, stopped up, diverted, or altered (as the Case may be), subject however to such Appeal to the Court of General Quarter Sessions for the County of *Oxford* as is herein-after mentioned.

Proceedings previously to diverting and stopping up Highways.

XXIV. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he will be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footway should be discontinued, stopped up, diverted, or altered, to make his Complaint thereof by Appeal to the Justices of the Peace of the said Quarter Sessions, upon giving to the said Commissioner or his Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Persons who may think themselves aggrieved if such Highway should be ordered to be stopped up or diverted may appeal.

XXV. And be it further enacted, That in case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining whether the public Highway so intended to be discontinued, stopped up, diverted, or altered, or whether the said Party appealing would be injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that the public Highway so discontinued, stopped up, diverted, or altered is wholly unnecessary, and may beneficially to the Public be discontinued, altered, or diverted, and that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Ses-

In case of Appeal, Jury at Sessions to determine whether old Highways shall be discontinued.

sions

sions shall dismiss such Appeal; and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said Commissioner, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said first-recited Act passed in the Forty-first Year of the Reign of His Majesty King *George* the Third; but if the said Jury shall return a Verdict that the Highway so discontinued or stopped up is not unnecessary, or that the Highway so diverted or altered could not beneficially to the Public be so diverted or altered, or that the Party appealing would be injured or aggrieved by the said Highway being discontinued, stopped up, diverted, or altered, as the Case may be, the said Court of Quarter Sessions shall allow such Appeal, and shall make an Order for restoring the said Highway so discontinued, stopped up, diverted, or altered by the Order of the said Commissioner, to its original State, or to be diverted or altered in such Manner as the said Court shall think fit and convenient; and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party or Parties giving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting such Appeal, and such Costs and Expences shall be paid by the said Commissioner, and shall be raised by the said Commissioner in such and the same Manner as he is hereby directed or empowered to raise the Money necessary for discharging the Costs, Charges, and Expences of this Act.

Commis-  
sioner may  
make Drains,  
&c.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioner to cause any Ditches, Drains, or Watercourses within the said Lands to be cleansed, opened, scoured, widened, deepened, or enlarged, and to stop up and discontinue any such Ditches, Drains, or Watercourses, and also to cause any new Ditches, Drains, or Watercourses to be made within the said Lands, and to make such Order for maintaining such Ditches, Drains, or Watercourses as he shall think proper, provided that no Ditch, Drain, or Watercourse shall be diverted or turned from its present Course in, through, or over any inclosed Land, without the Consent in Writing of the Owner or Owners of the Land from, through, or over which any such Ditch, Drain, or Watercourse shall be directed or turned or carried, such Consent on the Part of the said Provost and Scholars of *Queen's College* to be sufficient if under the Hand of the Bursar for the Time being.

If Persons  
sell their  
Rights before  
the Execu-  
tion of the  
Award, the  
Commis-  
sioner to  
award to the  
Purchasers.

XXVII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall sell his, her, or their Right, Interest, or Property in, over, or upon the said Lands hereby directed to be divided and allotted, or any Part thereof, to any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, then and in every such Case it shall be lawful for the said Commissioner and he is hereby authorized and required, upon Request in Writing under the Hand or Hands of the Vendor or Vendors respectively, attested by One or more credible Witness or Witnesses, to be delivered to the said Commissioner at least One Calendar Month before Notice shall be given by him of the Time appointed for executing his Award, to make an Allotment or Allotments of Land unto the Purchaser or Purchasers respectively, and to his, her, or their respective Heirs, Successors, Executors, Administrators, and Assigns, for or in respect of such Right or

Rights, Interest or Interests, and Property so sold as aforesaid ; and every such Purchaser, and his, her, and their Heirs, Successors, Executors, Administrators, or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so 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 of right ought to have held and enjoyed the same in case such Sale had not been made, but subject nevertheless to all Incumbrances affecting the same, and to the Charges of the said Division and Allotment.

XXVIII. And be it further enacted, That the said Commissioner shall, in the first place, set out and allot unto the Lord of the Manor of *Marsh Baldon* aforesaid so much and such Part of the Lands hereby directed to be divided and allotted, situate in the Parish of *Marsh Baldon* aforesaid, as in the Judgment of the said Commissioner shall contain or be equal to One Sixteenth Part in Value of all the Commons and Waste Grounds within the said Manor of *Marsh Baldon* (save and except *Marsh Baldon Green*) in full Recompence and Compensation for his Rights and Interests in and to the Soil of the same, and the said Commissioner shall also set out and allot unto the Lords of the Manor of *Toot Baldon* and *Saint Lawrence Baldon* aforesaid so much and such Part of the Lands hereby directed to be divided and allotted, situate in the Manors of *Toot Baldon* and *Saint Lawrence Baldon* aforesaid, as in the Judgment of the said Commissioner shall contain or be equal to One Sixteenth Part in Value of all the Commons and Waste Grounds within the said Manors of *Toot Baldon* and *Saint Lawrence Baldon*, in full Recompence and Compensation for their Rights and Interests in and to the Soil of the same, and which Allotments to the Lords of the said Manors to be over and above and exclusive of such Shares, Proportions, and Allotments of the said Commons and Waste Grounds as such Lords shall be entitled to in respect of their Commonable Messuages, Lands, Tenements, and Hereditaments within the said Manors respectively.

Allotments  
to the Lords  
of the Ma-  
nors.

XXIX. And be it further enacted, That the said Commissioner shall and he is hereby required, in the next place, to set out and allot such Plots or Pieces of the Lands and Grounds hereby directed to be divided and allotted as he shall think proper in each of the said Parishes of *Marsh Baldon* and *Toot Baldon* for the Purposes of getting Stone, Gravel, and other Materials for making and repairing the several public and private Roads and Highways within the said Parishes respectively set out under this or the said recited Acts, and such Plots or Pieces of Land or Ground shall be vested in the Surveyor or Surveyors of the Highways of the said Parishes respectively for the Time being in Trust for the Purposes aforesaid : Provided nevertheless, that when and so soon as such Plots or Pieces of Land shall be exhausted of the Materials available for the Purposes of the said Roads the said Surveyors for the Time being shall and they are hereby required thereupon forthwith to sell and convey the same to the Owner or Owners of the adjoining Lands or Grounds for the Time being at a Price to be ascertained and determined, in case of Difference, by Two competent and indifferent Persons, one to be appointed by the said Surveyors (and which they are hereby required to do within One Calendar Month next after Notice in Writing given to them by or on behalf of the Owner or Owners of the said adjoining Lands and Grounds,)

Allotment  
for Stone and  
Gravel Pits.

[Private.]

5 f

and

and the other by such Owner or Owners; and in case such Two Persons cannot agree upon the Price to be so paid as aforesaid, then the same shall be ascertained and determined by a Third competent and indifferent Person to be by them appointed before they enter on their Valuation; but in case such Owner or Owners shall neglect or refuse to purchase the said Plots or Pieces of Land at the Price so to be ascertained as aforesaid, then the said Surveyor for the Time being shall and may sell and convey the same to any other Person or Persons whomsoever, and the Sum and Sums of Money to be received for any such Purchase shall be entered in the said Surveyors Books of Account, and be by them applied for the Purposes of the said Roads, and the Expence attendant upon any such Valuation as aforesaid shall be paid by the Vendors and Purchasers in equal Moieties.

Mr. Atherley  
to settle the  
Corn Rent to  
be paid to  
the Rector of  
Marsh  
Baldon.

XXX. And whereas a Portion of the Glebe Lands of *Marsh Baldon* is dispersed over the Common Fields of the Parishes of *Marsh Baldon* and *Toot Baldon*, and some of the Lands in the Parish of *Marsh Baldon* yield Great and Small Tithes to the Rector of *Marsh Baldon*, and some of the Lands in the same Parish yield Small Tithes to the said Rector: And whereas it is expedient to commute the said Portion of the Glebe Lands and also the said Tithes for a Rent-charge on the Principle of a Corn Rent to be charged exclusively on the Lands and Grounds of the said Sir *Henry Willoughby* in the Parish of *Marsh Baldon*, in exoneration of the Lands and Grounds of all other Proprietors in the said Parish; be it therefore enacted, That *Edmond Gibson Atherley* Esquire, of *Gray's Inn*, Barrister at Law, be and he is hereby authorized and empowered to declare by an Award under his Hand and Seal, within Six Calendar Months after the passing of this Act, (and which Award shall be final and conclusive on all Parties,) the annual Amount of Rent-charge on the Principle of a Corn Rent to be paid to the Rector of *Marsh Baldon* and his Successors for ever in lieu of all Tithes, Compositions, and Moduses issuing and payable from or in respect of all and every the Lands and Grounds in the Parish of *Marsh Baldon*, and also in lieu of that Portion of the Glebe Lands of the said Rector of *Marsh Baldon* which lies dispersed over the Common Fields of the Parishes of *Marsh Baldon* and *Toot Baldon*, and also in lieu of all Common Rights belonging thereto, and to all other the Glebe Lands of the said Rector of *Marsh Baldon*.

Corn Rent to  
be charged  
on the Lands  
and Grounds  
of Sir H. Wil-  
loughby.

XXXI. And be it further enacted, That the said Rent-charge shall be and the same is hereby charged on the Lands and Grounds of the said Sir *Henry Willoughby*, situate in the Parish of *Marsh Baldon*, in exoneration of the Lands and Grounds of all other Proprietors of Lands and Hereditaments in the said Parish of *Marsh Baldon*.

Mr. Atherley  
to decide  
whether  
certain Lands  
are subject  
to Tithes.

XXXII. And whereas the said Rector of *Marsh Baldon* claims Tithes out of certain Lands of the said Sir *Henry Willoughby* in the Parish of *Marsh Baldon* which the said Sir *Henry Willoughby* alleges are Tithe-free; be it further enacted, That the said *Edmond Gibson Atherley* be and he is hereby authorized and empowered to determine and decide whether the said Lands and Grounds or any of them are subject to the Payment of any and what Tithes to the Rector of *Marsh Baldon*, or to the Payment of any and what Composition or Modus in lieu thereof; and in case the said *Edmond Gibson Atherley* shall determine and decide that the said Lands

and Grounds, or some of them, are subject to Tithes to the Rector of *Marsh Baldon*, or to some Modus or to some Composition in Land, Houses, or Money in lieu thereof, the said *Edmond Gibson Atherley*, in estimating the Amount of the Rent-charge so to be given and awarded to the Rector of *Marsh Baldon* as aforesaid, shall take such Tithes, Modus, or Composition in Money into consideration, and shall in respect thereof make such Addition to the said Rent-charge as he shall deem reasonable and proper; but should such Composition consist in the whole or in part of Land or Houses, or both, then the said *Edmond Gibson Atherley* may by his said Award confirm such Composition, and otherwise act in relation thereto as he may deem reasonable.

XXXIII. Provided always, and be it further enacted, That in case any Person or Persons interested in the Award of the said *Edmond Gibson Atherley* shall be dissatisfied with the Determination of the said *Edmond Gibson Atherley* touching any Right to any Lands, Houses, Tithes, Compositions, or Moduses, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of any such Right concerning which he, she, or they shall be so dissatisfied at the first Assizes to be holden for the County of *Oxford* after the Expiration of Two Calendar Months next after the Award of the said *Edmond Gibson Atherley* shall be deposited with the Clerk of the Peace as herein-after mentioned, and for that Purpose the Person or Persons who shall be so dissatisfied with the Determination of the said *Edmond Gibson Atherley* shall have all and the like Powers, Privileges, and Facilities for carrying on every such Trial as are granted by this Act to those Parties who are dissatisfied with the Determinations of the said Commissioner, and who by this Act are allowed to try their Rights at Law, except where the contrary is provided for by this Act: Provided always, that the Award of the said *Edmond Gibson Atherley*, so far as the same shall not be over-ruled or affected by the Event of any such Trial as aforesaid, shall be binding, final, and conclusive on all Parties; and so far as the same shall be over-ruled or affected by the Event of any such Trial the said *Edmond Gibson Atherley* shall make a supplementary Award in conformity with the Decision in such Trial or Trials at Law, and such supplementary Award shall be made under the Hand and Seal of the said *Edmond Gibson Atherley* within the Space of One Calendar Month after any such Decision shall be made and given; and every such supplementary Award shall be deposited, within the Space of Ten Days after the making thereof, with the Clerk of the Peace for the County of *Oxford*, in the same Manner as is herein-after directed with respect to the original Award of the said *Edmond Gibson Atherley*.

Allowing Parties to try their Rights at Law who are dissatisfied with the Determination of Mr. Atherley.

XXXIV. And be it further enacted, That it shall be lawful for the said *Edmond Gibson Atherley* by his said Award to divide and apportion the said Rent-charge into so many Parts or Portions as he shall think fit, and to charge each such Part or Portion on a separate and distinct Part of the Lands and Grounds of the said *Sir Henry Willoughby* in the said Parish of *Marsh Baldon*, in order and to the Intent that each such separate and distinct Part of the said Lands and Grounds may be subject only to that Part or Portion of the said Rent-charge which shall be so charged thereon, and to no further or greater Part thereof.

Apportionment of Corn Rent.

XXXV. And

Fixing Payment and Mode of Recovery of the Corn Rent when in arrear.

XXXV. And be it further enacted, That the said Rent-charge shall be paid and payable by even and equal half-yearly Payments, that is to say, on the Sixth Day of *April* and the Eleventh Day of *October* for ever, free and clear of and from all Rates, Dues, and Assessments whatsoever, except Land Tax, the first Payment thereof, or a proportionate Part thereof, to commence on such of the said Days as the said *Edmond Gibson Atherley* shall by his said Award direct; and when and so often as the Rector of the said Parish of *Marsh Baldon* shall, by Death or otherwise, cease to be Rector of the said Parish, his Executors or Administrators, or he himself, if living, shall have or be entitled to a proportionate Part of the said Rent-charge in respect of such Portion of the current Half Year as shall have elapsed at the Time he shall so cease to be the Rector of the said Parish of *Marsh Baldon*; and when and so often as the said Rent-charge or any Part thereof, or such proportionate Part as aforesaid, or any Part thereof, shall be behind and unpaid by the Space of Three Calendar Months next after the same shall become due and payable to the Rector for the Time being of the said Parish of *Marsh Baldon*, his Executors or Administrators, shall have such and the like Powers and Remedies for recovering the same, together with all Expences incident to the Recovery thereof, as by the Common Law or Statute are given to Landlords for the Recovery of Rent when in arrear, but nevertheless no Part of the Lands or Grounds to be charged with the said Rent-charge shall be subject or liable to the Payment of any further or greater Part thereof than such Part or Portion thereof as by the said Award shall be so fixed or charged thereon as aforesaid.

For Revision of Corn Rent.

XXXVI. And be it further enacted, That at the Expiration of Seven Years from the passing of this Act, and in like Manner at the Expiration of any other Period of Seven Years, but not at any intervening Period, the said Rector of *Marsh Baldon* and his Successors, or the said *Sir Henry Willoughby*, his Heirs or Assigns, Owners and Proprietors for the Time being of the Lands and Grounds to be charged with the said Rent-charge, may make Application in Writing for a Revision of the Amount of the said Rent-charge at the first Quarter Sessions for the County of *Oxford* after the Expiration of any such Period of Seven Years; and the Justices in Quarter Sessions assembled, or the major Part of them, may order and direct the Amount of the said Rent-charge to be increased or diminished on the several Lands and Grounds of the said *Sir Henry Willoughby* in the Parish of *Marsh Baldon* accordingly, as the Average Prices of Wheat and Barley in the Market of the City of *Oxford* have increased or diminished during the preceding Period of Seven Years, and according to the Apportionment of the Rent-charge on the several Lands and Grounds of the said *Sir Henry Willoughby* by the said *Edmond Gibson Atherley*; and every Rent-charge so to be settled by the said Justices or the major Part of them shall continue until a new Revision of the said Rent-charge shall have been made in manner aforesaid; and the said Justices in Sessions assembled may ascertain the Average Money Prices of Wheat and Barley during the preceding Seven Years in the Manner they may think best, and may order all Expences of any such Revision to be paid by the Party or Parties interested in such Revision in such Proportions as they may think fit.

XXXVII. And



XXXVII. And be it further enacted, That the Rent-charge to be specified in and by the Award of the said *Edmond Gibson Atherley* shall be deemed and taken to be made according to the Average Price of Wheat and Barley for the Term of Seven Years next preceding the passing of this Act, as the same shall be ascertained by Reference to the *London Gazette*, or by such other Means as the said *Edmond Gibson Atherley* shall think proper; and that the said Rent-charge shall be declared in the said Award to be of the Value of such Number of Bushels and Decimal Parts of a Bushel of Wheat and Barley as the said Rent-charge would have purchased at the Average Prices aforesaid, in case one Half Part of the said Rent-charge had been invested in the Purchase of Wheat, and the other Half Part thereof in the Purchase of Barley.

Converting the Corn Rent into Bushels of Wheat and Barley.

XXXVIII. And be it further enacted, That the said *Edmond Gibson Atherley* shall and may and he is hereby authorized and empowered to examine any Person or Persons on Oath (which Oath he is hereby empowered to administer) touching or in anywise concerning any of the Matters or Things hereby submitted to his Award or Determination, and to appoint any Person he may think proper to assist him in ascertaining the Value of the said Glebe Lands and of the Tithes in the said Parish of *Marsh Baldon* which are due and payable to the Rector of the said Parish.

Power to examine on Oath, and to appoint a Valuer.

XXXIX. And be it further enacted, That in case the said *Edmond Gibson Atherley* shall die, or neglect or refuse to act or become incapable of acting in the Matters hereby submitted to him, it shall be lawful for the Bishop of the Diocese of *Oxford* by Writing under his Hand and Seal, on an Application in Writing by the Rector for the Time being of the said Parish of *Marsh Baldon* or by the said *Sir Henry Willoughby*, his Heirs and Assigns, Owners and Proprietors of Lands and Grounds to be charged with the said Rent-charge, to nominate and appoint some other fit and proper Person to act in the Place of the said *Edmond Gibson Atherley*, and so from Time to Time as often as Occasion shall require, and every Successor so to be appointed to the said *Edmond Gibson Atherley* as aforesaid shall have the like Powers and Authorities as are hereby given to the said *Edmond Gibson Atherley*: Provided nevertheless, that such Successor or Successors so nominated and appointed as aforesaid shall make his or their Award within a Time to be fixed by the Bishop of the Diocese of *Oxford*, and that in this Act no Powers given to the said *Edmond Gibson Atherley*, or his Successor or Successors, shall be taken or construed to impede the Progress of the Commissioner in carrying into effect the Provisions of this Act.

Appointment of Successor or Successors to Mr. Atherley.

XL. And whereas a Cottage and a Garden called *Bettridges*, and certain Grass Ground called *Buzzards*, adjoin the Rectory House of the Parish of *Marsh Baldon*, and it is expedient to increase the Quantity of Glebe Land adjoining to the Rectory House: And whereas there is a Cottage and Garden called *Freemans*, and a Grass Ground, at some Distance from the said Rectory House, and adjoining the Farm of *Sir Henry Willoughby*, now in the Occupation of *Richard Lowe*, and it is intended to make Exchanges of the said Cottages and Grounds; be it further enacted, That the said *Edmond Gibson Atherley* shall by his said Award allot the said Grass Ground called *Buzzards*, and the said Cottage and

Exchange between Sir H. Willoughby and the Rector.

[Private.]

5 g

Garden

Garden called *Bettridges*, to the Rector of the Parish of *Marsh Baldon* and his Successors for ever, and shall by his said Award allot to the said Sir *Henry Willoughby*, his Heirs and Assigns, the said Cottage and Garden called *Freemans*, and the Grass Ground adjoining the Farm of the said Sir *Henry Willoughby*, now in the Occupation of *Richard Lowe*, and the said *Edmond Gibson Atherley* shall adjust the Balance of such Exchange (if any) by specifying in his said Award the Equivalent to be given, either by increasing or diminishing, as the Case may require, the Amount of the Rent-charge to be paid under the Provisions of this Act to the Rector of *Marsh Baldon* and his Successors.

Allotment  
to Sir Henry  
Willoughby  
in lieu of  
Glebe.

XLI. And be it further enacted, That the said Commissioner shall and he is hereby required to set out and to allot to the said Sir *Henry Willoughby* such Part or Parts of the Lands hereby directed to be divided and allotted, situate in the said Parish of *Marsh Baldon*, as shall in the Judgment of the said Commissioner be a full Equivalent and Compensation for the Glebe Lands appertaining to the Rectory of *Marsh Baldon*, lying dispersed in the Common Fields of the Parishes of *Marsh* and *Toot Baldon*, and for the Rights of Common appertaining to the Glebe Lands of the said Rectory in, over, and upon the same Lands hereby directed to be divided and allotted.

Allotment  
to Sir Henry  
Willoughby  
in lieu of  
Tithes.

XLII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out and allot unto and for the said Sir *Henry Willoughby*, in lieu of all Tithes yearly issuing, arising, or renewing, as well out of all and every the Lands and Grounds hereby directed to be divided and allotted, as out of the Homesteads, Gardens, Orchards, and other ancient Inclosures within the said Parishes of *Marsh Baldon* and *Toot Baldon*, except the Lands and Grounds of the said Sir *Henry Willoughby* and the Glebe Lands of the Rectory of *Marsh Baldon*, such Plot or Plots, Parcel or Parcels of the said Lands hereby directed to be divided and allotted as, Quantity, Quality, and Situation considered, will contain or be equal to One Fifth Part in Value of the said Lands and Grounds, Homesteads, Gardens, Orchards, and other ancient Inclosures which are Arable, (after deducting the Roads and the Land to be set out for the Surveyors of the Highways,) and to One Eighth Part in Value of all the Residue of the said Lands and Grounds, Homesteads, Gardens, Orchards, and other ancient Inclosures, and which said Plot or Plots, Allotment or Allotments, shall be taken and deducted from and out of the respective Shares of the said Lands and Grounds hereby directed to be divided and allotted belonging to the several Parties whose Commonable and other Lands shall be exonerated from the said Tithes, or from or out of the Lands to be allotted to them respectively in lieu of their Rights in the Lands hereby directed to be divided and allotted, and shall be in full Satisfaction and Discharge and in lieu of the Tithes arising, issuing, and renewing, as well from and out of the said Lands and Grounds hereby directed to be divided and allotted, as out of the said Homesteads, Gardens, Orchards, and ancient Inclosures within the said Parishes of *Marsh Baldon* and *Toot Baldon*, other than and except the Lands and Grounds of the said Sir *Henry Willoughby* and the Glebe Lands of the Rectory of *Marsh Baldon*, and save and except *Easter Offerings*, *Mortuaries*, and *Surplice Fees* which shall remain due and payable, in the same Manner as before the passing of this Act.

XLIII. And

XLIII. And be it further enacted, That until the said Allotments in lieu of Tithes shall have been set out, and Possession thereof authorized to be taken, or until such previous Time as the said Commissioner shall by Writing under his Hand direct or appoint, the said Sir *Henry Willoughby* and the said Rector of *Marsh Baldon* shall be respectively entitled to, and shall have, receive, and enjoy, all and singular the Tithes, Compositions, or other Payments in lieu thereof, as they respectively might or could have done in case this Act had not been passed; and in case such Tithes, Compositions, or other Payments shall cease or be extinguished, as herein-after mentioned, before the End of the current Year, it shall be lawful for the said Commissioner to apportion the same between the said Sir *Henry Willoughby* and the said Rector of *Marsh Baldon* respectively and the Tenants or Occupiers of the Lands and Hereditaments in the said Parishes of *Marsh Baldon* and *Toot Baldon* respectively, and to declare what Sum or Sums of Money shall be paid to the said Sir *Henry Willoughby* and the said Rector respectively for any fractional Part of a Year which may have elapsed before such Tithes, Compositions, or other Payments shall cease or be extinguished; and that from and after such Time as the said Commissioner shall appoint all Tithes, as well of the Lands and Hereditaments of the said Sir *Henry Willoughby* as of all other Lands and Hereditaments in the said Parishes of *Marsh Baldon* and *Toot Baldon*, shall cease to be payable and be extinguished for ever.

Tithes to continue for a certain Time, and then to be extinguished

XLIV. And be it further enacted, That in case any of the Proprietors of any Homesteads, Gardens, Orchards, and other ancient Inclosures, or of any of the Encroachments or Inclosures herein-before mentioned, within the said Parishes of *Marsh Baldon* and *Toot Baldon*, or either of them, which are subject to the Payment of Tithes, shall not be entitled to Lands or Common Rights in the Lands by this Act directed to be divided and allotted sufficient to make such Compensation for the Tithes thereof as aforesaid, then and in every such Case Compensation shall be made for such Deficiency by and out of the Property in the said Lands hereby directed to be divided and allotted, belonging to the said other Proprietors, in such Manner as the said Commissioner shall appoint; and the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be entitled to or possessed of any such Homesteads, Gardens, Orchards, and other ancient Inclosures as aforesaid, shall pay or cause to be paid to such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioner shall think equivalent and a full Satisfaction and Compensation for the Tithes of the said Homesteads, Gardens, Orchards, and other ancient Inclosures, or of the said Encroachments or Inclosures herein-before mentioned; which Sum or Sums of Money shall be applied towards the Payment of the Costs, Charges, and Expences of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, from whose Allotment or Allotments Lands shall have been taken or deducted, as a Compensation or Satisfaction for the said Tithes; and in case of Nonpayment thereof, or of any Part thereof, the same shall and may be levied and recovered in the same Manner as the Costs which may be awarded by the said Commissioner upon the Determination of any Claims are herein-before directed to be recovered; and in case any Surplus shall remain after Payment of such

Owners of Homesteads and Inclosures not having Common Field Land to pay Money.

Expences

Expences as aforesaid such Surplus shall be paid, applied, and disposed of unto, between, or among such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate respectively, from whom such Deduction of Land shall have been so made or taken as aforesaid, in such Shares as shall be in proportion to their respective Rights and Interests, and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of any others or other of them of and in such Surplus shall be paid and applied in manner herein-after directed.

Allotments  
to Trustees  
of the Poor.

XLV. And whereas the Poor residing within the Parishes of *Marsh Baldon* and *Toot Baldon* have for a long Period of Time used or exercised the Liberty of cutting Furze and other Fuel growing within and upon certain Parts of the said Commonable Land hereby directed to be divided and allotted, and the said Proprietors being desirous that some Provision shall be made for the said poor People in satisfaction of the Privileges so enjoyed by them as aforesaid; be it therefore further enacted, That the said Commissioner shall and he is hereby required to assign, set out, and allot unto the Churchwardens and Overseers of the Poor for the Time being of the said Parishes of *Marsh Baldon* and *Toot Baldon* respectively such Plot or Plots of Land, Part of the Lands and Grounds hereby directed to be divided and allotted, as in the Judgment of the said Commissioner shall be equivalent to and a full Compensation and Satisfaction for such Rights or Liberties so exercised by the said Poor as aforesaid; and such Plot or Plots of Land shall, on the Execution of the Award of the said Commissioner, be vested in the said Churchwardens and Overseers for the Time being for ever as Trustees for the Poor of the said Parishes of *Marsh Baldon* and *Toot Baldon*, and the said Trustees or the major Part of them are hereby empowered and required from Time to Time, as they in their Discretion shall think proper, either to permit the said Plot or Plots of Land, or any Part thereof, to be occupied and enjoyed by the Poor of the said Parishes or any of them at a nominal Rent or Rents, and under such Regulations in all respects as the said Trustees or the major Part of them shall think proper, or to let or set the same or any Part thereof from Year to Year, or otherwise by Writing under their Hands to lease and demise the Whole or such Part or Parts of the same Plot or Plots as they shall think proper to any Person or Persons whomsoever for any Term or Number of Years not exceeding Seven Years, so that on every such Letting and in every such Lease there shall be reserved and made payable to the said Trustees for the Time being or the major Part of them, by Two equal half-yearly Payments, the most improved yearly Rent or Rents that can be reasonably obtained for the same, without taking any Income, Fine, Premium, or Foregift in consideration of such Letting, or of granting such Lease or Leases, and that on every such Letting and in every such Lease respectively the usual Stipulations or Covenants be entered into and Security given for the Performance of the same, if the said Trustees or the major Part of them shall think proper to require it; and the Rents and Profits arising from the said Plot or Plots shall from Time to Time be laid out in purchasing Fuel, which shall be distributed among the Poor of the said Parishes of *Marsh Baldon* and *Toot Baldon* in such Proportions and Quantities, at such Times in every Year, and according to such Rules and Orders as the said Trustees for the Time being or the major Part of them shall

appoint and prescribe for that Purpose, and not otherwise: Provided always, that it shall be lawful for each or any of the Trustees for the Time being to act in the Execution of the Trusts hereby reposed in them by his Agent or Proxy, such Agent or Proxy being appointed by Writing under the Hand of the Person for whom he shall act, and producing such his Appointment if required at the Time of his acting by virtue thereof: Provided also, that the said Plots to be so allotted to the said Trustees for the Poor shall be set out in such Situations as that in the Judgment of the said Commissioner the same may be conveniently occupied and cultivated by the industrious Poor of the said Parishes of *Marsh Baldon* and *Toot Baldon*, who shall accordingly be by the said Trustees preferred to all others as Occupiers thereof if and so long as they shall respectively comply with the Terms of letting the same.

XLVI. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, allot, and award all the Residue and Remainder of the Lands hereby directed to be divided and allotted unto and amongst all and every the Proprietors of and Persons, Bodies Politic, Corporate, or Collegiate, having Rights or Interests in, over, or upon the said Lands or any Part thereof, (except those for which any Allotment or Compensation is hereby directed to be made as aforesaid,) in such Parts, Shares, and Proportions, and in such Places, as the said Commissioner shall adjudge and determine to be proportionate to the Value thereof, and a just Compensation and Satisfaction for their several and respective Shares, Rights of Common, or other Rights or Interests in, over, or upon the said Lands or any Part thereof.

Allotment of Residue.

XLVII. And be it further enacted, That all Open Fields, Meadows, and Pastures where the whole or greater Part of the Lands lie within the said Parishes or either of them, and all Inclosures containing the Property of Two or more Persons within One Fence, and also all Inclosures containing the Property of One Person only, if the same be held by or under different Tenures or Interests, and all Homesteads, Cottages, Gardens, Orchards, old Inclosures, and other Lands and Grounds within the said Parishes or either of them, with the Consent in Writing of the respective Persons seised or in Possession thereof in their own Rights, either in Fee Simple, Fee Tail, or for Life or Lives, or for Years absolute, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors of any such Homesteads, Gardens, Orchards, and old Inclosures holden for Years determinable as aforesaid, but not otherwise, or with the Consent of the Trustee or Trustees for charitable or other Purposes, or of the major Part of such Trustees, or with the Consent in Writing of the Husbands, Guardians, Feoffees, Committees, Attornies, or known Agents of any Person seised or possessed in their own Right as aforesaid who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability of acting for themselves, shall in like Manner be deemed and considered to be Land to be divided and allotted under this Act: Provided always, that the Green called *Marsh Baldon Green* shall not be deemed Part and Parcel of the Lands by this Act directed to be divided and allotted, except such Part or Parts thereof as the said Commissioner shall in his Judgment deem necessary for the general Convenience of the Proprietors of and other Persons interested in the Lands and Grounds hereby directed to be divided and

Lands liable to be allotted.

Marsh Baldon Green not to be allotted except partially.

[Private.]

5 h

allotted,

allotted, which shall and may be divided, allotted, and laid in Severalty accordingly.

In allotting or exchanging old Inclosures, the Commissioner to consider the Situation, &c. in estimating the Value.

XLVIII. And be it further enacted, That the said Commissioner shall and he is hereby further required, in estimating the Value of the several Homesteads, Cottages, and old Inclosures which may be allotted under or by virtue of this Act or the said first-recited Act, or which may be exchanged under or by virtue of the Provision herein-after for that Purpose contained, to consider the Situation of such Homesteads, Cottages, and Inclosures with reference to the Homesteads, Lands, and Grounds of the Party or Parties to whom the same shall be allotted in Exchange or otherwise, and also to consider all other Circumstances which may render such Homesteads, Cottages, and Inclosures, Lands or Grounds respectively, of particular Value or Benefit to the Party or Parties to whom the same shall be so allotted, or to the Party or Parties giving up the same for the Purpose of the said Allotment, and the said Commissioner shall and he is hereby required to make Compensation to him or them accordingly.

Commissioner to make Rules and Regulations for stocking and managing Marsh Baldon Green.

XLIX. And be it further enacted, That the said Commissioner shall and he is hereby required in and by his said Award to prescribe and lay down such Rules and Regulations as he in his Judgment shall deem fit and proper for the stocking and otherwise managing such Portion of the said Green called *Marsh Baldon Green* as shall not be so divided, allotted, and laid in Severalty as aforesaid, and by whom the same may from Time to Time be stocked or otherwise managed, and such Rules and Regulations when so prescribed and laid down shall be binding and conclusive upon all Persons whomsoever, who shall be subject and liable to all such Fines and Forfeitures for the Infringement or Breach thereof as the said Commissioner shall in and by his said Award direct and appoint, and such Fines and Forfeitures shall and may be levied and recovered in the same Manner as the Costs which may be awarded by the said Commissioner upon the Determination of any Claim are herein-before directed to be recovered.

Allotments for Glebe and Tithes to be ring-fenced.

L. And be it further enacted, That all and every the Parts and Parcels of Lands which in pursuance of this Act shall be allotted for Glebe and Tithes shall be inclosed with such outer or Ring Fences in such Manner and for such Time as the said Commissioner shall in and by his said Award or any other Writing under his Hand direct or appoint, and such outer or Ring Fences shall be made and raised at the Expence of the Proprietors in such Shares and Proportions as the said Commissioner shall direct; and when and so soon as the same shall have been made and raised according to the Directions of the said Commissioner, the same shall for ever thereafter be maintained at the Expence of the said Sir *Henry Willoughby*, his Heirs and Assigns.

Act not to compel other fencing.

LI. And be it further enacted, That nothing in this or the said first-recited Act contained shall extend, or be construed, deemed, or taken to extend, to compel the inclosing, mounding, and fencing of any of the said Lands hereby directed to be divided and allotted, other than and except the said Allotments for Glebe and Tithes, (the ring-fencing whereof is herein-

herein-before directed,) and also other than and except such Part or Parts of the said Lands as the said Commissioner shall order and direct to be inclosed, mounded, and fenced, and which shall accordingly be inclosed, mounded, and fenced by and at the Expence of such Persons and at such Times and in such Manner as the said Commissioner shall direct and appoint; but as it may happen that some of the said Proprietors may be desirous of fencing their Allotment or Allotments, the said Commissioner is hereby authorized and required to lay down and prescribe in his Award, or any Writing under his Hand previous to such Award, such Rules and Regulations as he may think fit or necessary to be observed by any Proprietor or Proprietors in inclosing and fencing, and in maintaining and preserving the Fences of any such Allotment or Allotments when the same shall be done, and such Rules and Regulations shall be observed by and at all Times thereafter be binding upon the said Proprietors or other Persons, or Bodies Politic, Corporate, or Collegiate, interested in such Allotment or Allotments; and all such Inclosures and Fences, when made and put up, shall be deemed to be made and put up under the Authority and for the Purposes of this Act and the said first-recited Act.

LII. And be it further enacted, That for the Purpose of shortening and rendering straight the Boundaries between the Lands and Grounds by this Act directed to be divided and allotted situate in the Common Fields of the said Parish of *Marsh Baldon*, and the Lands and Grounds by this Act directed to be divided and allotted situate in the Common Fields of the said Parish of *Toot Baldon*, or between such Allotments and the old inclosed Lands or any of them situate in the said Parishes of *Marsh Baldon* and *Toot Baldon* or either of them, or between any such Allotments or Inclosures and the Lands and Grounds in any adjoining Manor, Parish, or Place, and of separating the said Manors and Parishes of *Marsh Baldon* and *Toot Baldon*, it shall be lawful for the said Commissioner, with the Consent of the Lord or Lords, Lady or Ladies of the Manor or Manors in which the Lands and Grounds in any adjoining Manor, Parish, or Place the Boundaries of which shall be shortened or straightened are respectively situate, and of the Owners of such Lands and Grounds, testified by Writing under their respective Hands or under the Common Seal of any of them being a Corporation Aggregate, to straighten or shorten the same Boundaries or any of them, or any Part or Parts thereof, and to separate the said Manors and Parishes of *Marsh Baldon* and *Toot Baldon*, and to set out, ascertain, and determine such Boundaries as the said Commissioner shall think proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined, the same shall be made, fenced, ditched, or mounded by such Person or Persons in such Manner and at such Time or Times as the said Commissioner shall order and direct, and such Boundaries shall for ever thereafter be deemed and taken to be the Boundaries between the said Parishes of *Marsh Baldon* and *Toot Baldon* respectively, or, as the Case may be, between the said Parishes of *Marsh Baldon* and *Toot Baldon*, or either of them, and such adjoining Manor, Parish, or Place; any Law, Usage, or Custom to the contrary notwithstanding.

For shorten-  
ing Boun-  
daries, and  
separating  
Marsh and  
Toot Baldon.

LIII. And be it further enacted, That when and so soon as the said Commissioner shall have ascertained the respective Rights and Interests of the said Proprietors in the Lands to be divided and allotted by virtue

Sitting for  
inspecting  
Allotments  
and making  
of  
Objections.

of this Act, and also the respective Shares and Proportions by him proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioner shall hold a Sitting at some convenient Time and Place when and where the Proprietors may be informed of such Allotments, and see the same set out and delineated upon a Map or Plan to be produced for their Inspection; and if any of the said Proprietors, upon such Inspection, shall be dissatisfied with the proposed Allotment, the said Commissioner shall, at such Time or Place as aforesaid, or at some other Time and Place to be appointed by him for that Purpose, receive Statements in Writing of the Complaints and Objections of any Proprietor or Proprietors against any such Allotment or Allotments, and shall forthwith, or as soon after as conveniently may be, determine the same, and such Determination shall be binding and conclusive on all Parties interested in such Allotment or Allotments.

Commissioner may make Alterations respecting Allotments or private Roads before Execution of the Award.

LIV. And be it further enacted, That it shall be lawful for the said Commissioner at any Time before executing his Award to make such Alterations in the Allotments and Fences, or in the private Roads which he may have set out and ordered, as he shall think right and expedient; and in case any Proprietor or Proprietors shall be injured by such Alterations on account of any Expence he, she, or they may have incurred, the said Commissioner shall ascertain what Recompence shall be made to him, her, or them, and shall direct by whom and in what Manner such Recompence shall be made, and in default of Payment accordingly the same shall and may be recovered in the same Manner as the Costs which may be awarded by the said Commissioner upon the Determination of any Claim as herein-before directed to be recovered.

Distinct Allotments for Lands held by different Tenures.

LV. And be it further enacted, That in case any Proprietor or Proprietors of any Lands or other Hereditaments hereby or by the said first-recited Act authorized to be divided, allotted, or exchanged, shall hold the respective Lands and Hereditaments by different Tenures, or for, by, or under different Estates or Titles, the said Commissioner shall, on Request in Writing of such Proprietor or Proprietors, ascertain and distinguish the Lands or other Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively, and also shall in his said Award set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments, and therein set forth and declare in right of what Estates in particular such Allotment or Allotments shall have been made, and therein also separately describe and ascertain the Situation of every such Allotment or Allotments.

Supplementary Award may be made by Commissioner in certain Cases.

LVI. And be it further enacted, That where the Proprietor or Proprietors of any Allotment, Land, or other Hereditaments which shall be allotted and divided or exchanged by virtue of this or the said first-recited Act shall hold his or their Lands or Hereditaments by different Tenures, or for, by, or under different Estates or Titles, and where from the Want of necessary Information before the said Commissioner, or from any other Cause, the Award of the said Commissioner shall have omitted to distinguish the Lands or other Hereditaments holden by different Tenures, or for, by, or under different Estates or Titles, or to set out and award several and distinct Allotments for any such respective Lands or other Hereditaments as herein-before is required, it shall be lawful for the said



Commissioner, and he is hereby authorized and required, at any Time, and from Time to Time within Twelve Calendar Months after the Date and Execution of his Award upon Request in Writing to be made by the respective Proprietors or other Persons, Bodies Politic, Corporate, or Collegiate interested, to do all such Acts as shall be necessary for supplying any such Omission, and for that Purpose to examine Witnesses, and proceed as if his Award had not been made, and by any Deed or Instrument under his Hand and Seal to distinguish, ascertain, and set out the Lands and Hereditaments held by different Tenures, or for, by, or under different Estates or Titles respectively, in the same Manner as he is hereby authorized and required to do in Cases where such Lands and Hereditaments are directed to be ascertained, distinguished, and set out by the General Award; and every such separate Instrument shall be deposited in the same Place as the General Award shall be deposited, and Evidence thereof shall be given in the same Manner as by the said recited Acts and this Act, or either of them respectively, is directed, concerning the said General Award of the said Commissioner; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry and separate Instrument as aforesaid shall be paid by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall have requested the said Commissioner to make and execute the same, or by his, her, or their Heirs, Successors, Executors, or Administrators, and on Nonpayment thereof the same shall and may be recovered in the same Manner as the Costs which may be awarded by the said Commissioner upon the Determination of any Claim are herein-before directed to be recovered; and every such separate Instrument as aforesaid shall, from and immediately after the Execution thereof by the said Commissioner, have the same Effect, to all Intents, Constructions, and Purposes, as if the Contents thereof had been inserted in his said Award; and a Duplicate thereof shall be delivered to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, upon whose Request any such Omission shall have been supplied, or to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question shall, in the Opinion of the said Commissioner, most properly belong.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments within the said Parishes of *Marsh Baldon* and *Toot Baldon*, or either of them, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the said Parishes, Townships, or either of them, or any adjoining Parish, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners of the Lands, Tenements, or Hereditaments 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 Curtesy of *England*, or for Years absolute or determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owner or Owners as aforesaid, who at the Time of making such Exchanges respectively shall be Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the  
Power to exchange.  
[Private.]  
Seas,

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, Corporatē, or Collegiate so consenting, and under the Hand or Hands of the other consenting Parties respectively; and all and every such Exchange or Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchanges shall be made of any Lands, Tenements, or Hereditaments held in right of any Church or Chapel or other Ecclesiastical Benefice without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall be situate.

Costs of Exchanges to be paid by the Parties.

LVIII. And be it further enacted, That the Expences attending every Exchange or Partition of the Lands, Tenements, or Hereditaments by this Act authorized to be made shall be borne and defrayed by the respective Parties making such Exchange or Partitions distinct and apart from the other Expences attending the Execution of this Act, in such Manner and in such Shares and Proportions as the said Commissioner shall by his said Award or any other Writing or Writings under his Hand order and direct; and in case of Nonpayment thereof, or of any Part thereof, the same shall and may be recovered in the same Manner as the Costs which may be awarded by the said Commissioner upon the Determination of any Claim are herein-before directed to be recovered.

Application of Compensation when amounting to 200*l*.

LIX. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said recited Act of the Forty-first Year of the Reign of His Majesty *George* the Third or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, or in lieu of the Tithes of any Lands which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall and may be lawful to and for the said Commissioner out of such Sum to defray such Proportion of the Expence of passing this Act, and of carrying the same and the said recited Acts into execution, as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, or out of which such Tithes as aforesaid were payable, or upon him, her, or them respectively, and also the Expence of any Fencing which shall be by the said Commissioner directed to be made by virtue of the Power herein-before given to him for that Purpose; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the

the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Exchequer at Westminster, on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters for the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, and shall when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Party or Parties who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or redeemed, or paid or discharged, or such Part or Parts thereof as shall be necessary, or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the aforementioned Lands, Tenements, or Hereditaments stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be sold for the Purposes aforesaid, the Dividends or Interest or annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

LX. Provided also, and be it further enacted, That in case the Surplus of any such Money shall be less than the Sum of Two hundred Pounds and shall exceed or amount to the Sum of Twenty Pounds, then and in every such Case the same shall, at the Option of the Party or Parties for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Lunacy, Disability, or other Incapacity, with the Approbation of the said Commissioner to be signified in Writing under their respective Hands, to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in the Manner before directed; or otherwise the same shall be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Party or Parties who

If less than  
200*l.* and  
not less than  
20*l.*

who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, and to be approved of by the said Commissioner, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the said Court of Exchequer, but without obtaining or being obliged to obtain any Order of the said Court touching the Application thereof.

Where under  
20l.

LXI. Provided also, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in every such Case the same shall be paid to the Use of the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his, her, or their own Use and Benefit; or in case of Infancy, Lunacy, or other Disability or Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Party or Parties so entitled respectively.

Allotments  
to be of the  
same Tenure  
as the Lands  
in lieu of  
which they  
are allotted.

LXII. And be it further enacted, That all Lands, Tenements, and Hereditaments which shall be allotted or exchanged by virtue of this or the said first-recited Act shall be held under the same Tenures, Rents, Customs, and Services as the Lands and Hereditaments in respect of which such Allotments shall be made, or in lieu of which they shall be exchanged, were respectively held and enjoyed before the passing of this Act, or would have been held and enjoyed in case this Act had not been made.

Leases at  
Rack Rent  
to be void.

LXIII. And be it further enacted, That all and every Leases, Agreements, and Tenancies at Rack Rents now subsisting of all and every or any Part or Parts of the Lands hereby directed to be divided and allotted or exonerated from Tithes, or which shall be exchanged or divided in Partition by virtue of this or the said first-recited Act, and of all Messuages, Cottages, Lands, and Tenements in the said Parishes of *Marsh Baldon* and *Toot Baldon*, or either of them, comprised in such Leases, Agreements, or Tenancies, shall cease and be void at such Time or Times as the said Commissioner shall by Writing under his Hand order and direct, the respective Parties making such reasonable Satisfaction to each other for the Loss which shall be sustained by the Determination of such Leases, Agreements, or Tenancies, and at such Times, as shall be mutually settled and agreed upon between them, or as the said Commissioner, being thereunto requested by either of the Parties, shall by any Writing under his Hand ascertain, order, direct, and appoint; and the said Commissioner, being so requested, is empowered and directed to appoint a reasonable and proportionable Part, according to the Season of the Year, of the Rent reserved in any such Lease, Agreement, or Tenancy, for and in respect of the Time which shall have elapsed between the last Day on which any Payment of the said Rent shall have become due and the Determination of any such Lease, Agreement, or Tenancy, and such Part of the Rent shall be recoverable by such Ways and Means as may by Law be used for the Recovery of Rent in arrear: Provided always, that

if there shall be any Lease of Lands Part of which shall lie in the said Parishes of *Marsh Baldon* and *Toot Baldon*, or either of them, and Part in any adjoining Parish, Township, Hamlet, or Place, all and every such Lease and Leases shall be vacated as aforesaid; but where any Land included in any such Lease, Agreement, or Tenancy shall have been taken in Exchange, which Land shall be under Lease, and wholly situate in an adjoining Parish, Township, and Hamlet or Place, the Lease, Agreement, or Tenancy of such last-mentioned Land shall not be vacated.

LXIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease of any of the said Lands, Grounds, or Hereditaments in the said Parishes of *Marsh Baldon* and *Toot Baldon*, or either of them, but the Person or Persons entitled to such beneficial Lease or Leases shall and may hold and enjoy the several and respective Allotments set out and awarded for or in respect of such Lands, Grounds, or Hereditaments, for his, her, or their several and respective Terms or Estates, and under the same Rents and Covenants as is and are specified in his, her, or their Leases respectively.

Beneficial  
Leases not to  
be vacated.

LXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to revoke, make void, annul, or alter any Settlement, Deed, or Will, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent, Charge, Debt, or Incumbrance whatsoever in, out of, upon, or affecting any of the Lands hereby directed to be divided and allotted, or any Messuages, Lands, Tenements, or Hereditaments which shall be exchanged or divided in Partition as aforesaid in pursuance of this or the said first-recited Act, or any Part or Parts thereof respectively, but that the respective Persons to whom any Lands, Tenements, or Hereditaments shall be allotted or awarded in Exchange or divided in Partition by virtue of this or the said first-recited Act shall thenceforth stand and be seised and possessed thereof respectively to, for, and upon such and the same Uses, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, Tenures, Rents, Services, and Incumbrances, and no other, as the several Lands, Tenements, and Hereditaments, whereof such Person was seised or possessed at or immediately before the Execution of the Award of the said Commissioner, or for which or in respect whereof such Allotments, Exchanges, or Partitions shall be made and awarded, would have been subject or liable to be charged with or affected by in case this Act had not been made, save and except such Leases, Agreements, and Tenancies at Rack Rent as shall become void by virtue of this Act.

Wills and  
Settlements  
not to be  
affected.

LXVI. And be it further enacted, That no Cattle, Sheep, or Lambs shall be kept in any of the Allotments to be made by virtue of this Act where the adjoining Allotment or Allotments shall have been mounded and fenced in pursuance of this Act, or before the passing thereof, if the said Commissioner shall think fit, during the Space of Seven Years next after such Mounds and Fences shall have been made, unless the Party or Parties so keeping the same shall first, at his, her, or their Expence, make and maintain a Fence sufficient to guard the young Fences upon such adjoining Allotment or Allotments from being cropped or injured in any Manner by such Cattle, Sheep, or Lambs.

Cattle not  
to be kept  
in Allot-  
ments with-  
out guarding  
Fences.

[Private.]

5 k—l

LXVII. And

For defray-  
ing Ex-  
pences.

LXVII. And be it further enacted, That the Allowance to the said Commissioner, his Clerk and Surveyor, for the Time being, who shall act in the Execution of the Powers of this and the said recited Acts, and the Expences of obtaining and passing this Act, and of surveying, measuring, planning, valuing, and allotting the Lands hereby directed to be divided and allotted, and the Costs and Charges of preparing and enrolling the Award of the said Commissioner, and of making and setting out the Roads and Drains and Watercourses directed by this or the said recited Acts to be made and set out, and all Costs and Charges that the said Commissioner shall be put unto in respect of any Appeal or Appeals against his Decision, or of any Suit or Suits at Law or in Equity that may be instituted by or against him as Commissioner in the Execution of this or the said recited Acts, and all other Charges and Expences in, about, or concerning the Execution of this Act and the said recited Acts, and either before or after the Execution of the said Award, shall be borne and paid by the respective Proprietors of and Persons, Bodies Politic, Corporate, and Collegiate, interested in the Lands open and inclosed hereby directed to be divided and allotted or exonerated from Tithes, (except the Rector of *Marsh Baldon* and Sir *Henry Willoughby* in respect of the Allotments in lieu of Glebe and Tithes, and except that the Charges and Expences in respect of the Corn Rent to be paid to the Rector of *Marsh Baldon* shall be defrayed by the said Sir *Henry Willoughby*, his Heirs and Assigns,) by a proportionate Rate or Rates in such Shares and Proportions, and to be made to such Person or Persons, at such Time or Times, and in such Manner as the said Commissioner by any Writing or Writings under his Hand shall from Time to Time, either before or in and by his said Award, or after the Execution thereof, order, direct, and appoint; and in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, 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, her, or their Share or Proportion thereof to the Person or Persons and at the respective Time or Times to be appointed as aforesaid, then and in every such Case the same shall and may be recovered, with Interest from the Time when the same ought to have been paid, in the same Manner as the Costs which may be awarded by the said Commissioner upon the Determination of any Claim are herein-before directed to be recovered: Provided always, that the Rates, Shares, and Proportions of all the said Costs, Charges, and Expences to be paid for or in respect of Estates held by any beneficial Lease or Leases shall be paid and borne by the Lessor and Lessees or Persons holding such Leasehold Estates in such Proportion as the said Commissioner shall adjudge and determine: Provided also, that it shall not be lawful for any such Lessees or Lessee, or Persons holding such Leasehold Estates, to charge their Allotments or any Part thereof with any Sum or Sums of Money for the Purpose of defraying any such Costs, Charges, and Expences in any Manner so as to affect the Lessors or Lessor, or their or his Interest.

Proprietors  
and others  
advancing  
Money to be  
first paid.

LXVIII. And be it further enacted, That if any of the said Proprietors or other Persons have advanced or shall advance any Money in discharge of the Fees or other Expences of obtaining this Act, or for carrying into execution the said recited Acts or this Act, the Money so advanced shall be repaid and satisfied by and out of the first Monies which shall be raised and collected in pursuance hereof, with Interest for the same after the Rate

of Five Pounds *per Centum per Annum* from the Time of advancing and paying the same.

LXIX. And be it further enacted, That the Awards to be made by the said Commissioner and by the said *Edmond Gibson Atherley* or his Successor respectively, under the Authority of this Act and the said first-recited Act, together with such Maps and Plans and References thereto as the said Commissioner shall think proper to annex to his Award (which Maps or Plans and Reference shall be deemed Part thereof), shall, within Ten Days after the Execution thereof respectively, be delivered to the Clerk of the Peace for the said County of *Oxford*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Three Pounds Three Shillings, and no more, shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling shall be paid, and no more; and the said Awards shall, from and after the Delivery thereof to the said Clerk of the Peace for the said County, be deemed and taken to be enrolled according to the Directions and within the Meaning of the said first-recited Act; and Copies of the said Awards fairly transcribed in a Book or Books, with such Maps or Plans as aforesaid, shall within the Time aforesaid be deposited in the Parish Church of *Marsh Baldon* aforesaid, and there kept in a Box to be provided for that Purpose; and the said Awards and Copies thereof, and other Copies of the said Awards or Supplement thereto, or any Part or Parts thereof, attested by the said Clerk of the Peace or his Deputy, (for every Folio of which Copy containing Seventy-two Words Four-pence, and no more, shall be paid,) shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Awards to be deposited.

LXX. And be it further enacted, That once in every Three Calendar Months during the Execution of this Act (to be computed from the Day of passing thereof) the said Commissioner shall and he is hereby required to make a true Statement or Account of all Sums of Money by him received and expended or due to him, and shall also in such Account particularly specify the several Items and Articles for which each particular Sum has been disbursed or paid; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before any One or more Justice or Justices of the Peace for the said County of *Oxford* (not interested in the said Division or Allotment) to be by him or them examined and balanced, and such Balance shall be stated in the Book of Accounts to be kept by the Clerk to the said Commissioner; and an Abstract of such Account so examined and balanced shall be from Time to Time published in the Newspaper called *Jackson's Oxford Journal*, or some other Newspaper printed and published in the County of *Oxford*; and no Charge or Item in such Accounts shall be binding upon the Parties concerned or valid in the Law unless the same shall have been duly allowed by such Justice or Justices, and until such Accounts or an Abstract thereof shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal hereinafter contained.

Commissioner's Accounts to be laid before a Justice of the Peace.

LXXI. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself,

Power of Appeal.

or

or themselves aggrieved by any thing done in pursuance of this or the said recited Acts, (except in such Cases where the Orders and Determinations of the said Commissioner are by this or the said first-recited Act directed to be final, binding, and conclusive, and except the Award to be made by the said *Edmond Gibson Atherley*, and except in such Cases where an Issue at Law shall be tried as herein-before mentioned,) then and in every such Case he, she, or they may appeal to any General Quarter Sessions of the Peace to be holden for the said County of *Oxford* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Party or Parties interested at least Fourteen Days Notice in Writing of such his, her, or their Intention to appeal, and of the Matter thereof (except with respect to the Accounts of the said Commissioner, which, notwithstanding the same shall have been examined and balanced and published as aforesaid, may be appealed against at any Time within Six Calendar Months next after the Publication thereof as aforesaid on giving to the said Commissioner such Notice as aforesaid); and the Justices not interested in the Premises in their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages as to them in their Discretion shall seem reasonable, and which Costs and Damages shall and may be recovered in the same Manner as the Costs which may be awarded by the said Commissioner upon the Determination of any Claim are herein-before directed to be recovered; which Determination of the said Justices shall be final and conclusive to and upon all Parties concerned, and shall not be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; and in case any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and shall be recovered in manner aforesaid.

General  
Saving.

LXXII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators, all such Estates, Rights, Titles, or Interests (other than and except such as are hereby meant and intended to be barred, discharged, and extinguished,) as they, every or any of them, could or ought to have had and enjoyed of, in, to, or out of the Lands hereby directed to be divided and allotted in case this Act had not been passed.

Act to be  
printed by  
the King's  
Printers.

LXXIII. 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 SPOTTISWOODE,  
Printers to the King's most Excellent Majesty. 1836.