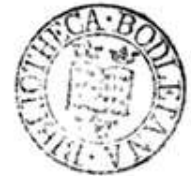


Wheatley enclosure act

[https://books.google.co.uk/books?id=zj0JAAAAQAAJ&pg=PA2&lpg=PA2&dq=%22james+whalley+smythe+gardiner%22+wheatley&source=bl&ots=zAqcLCX\\_kk&sig=bxQS9vvJqZcpICYw6YR\\_82AAELA&hl=en&sa=X&ved=0ahUKEwjC073E1ZPaAhUmBcAKHbd8BQ4Q6AEIMDAC#v=onepage&q=%22james%20whalley%20smythe%20gardiner%22%20wheatley&f=false](https://books.google.co.uk/books?id=zj0JAAAAQAAJ&pg=PA2&lpg=PA2&dq=%22james+whalley+smythe+gardiner%22+wheatley&source=bl&ots=zAqcLCX_kk&sig=bxQS9vvJqZcpICYw6YR_82AAELA&hl=en&sa=X&ved=0ahUKEwjC073E1ZPaAhUmBcAKHbd8BQ4Q6AEIMDAC#v=onepage&q=%22james%20whalley%20smythe%20gardiner%22%20wheatley&f=false)

AN  
A C T  
FOR



Inclosing Lands in the Hamlet and Chapelry  
of *Wheatley*, in the Parish of *Cuddesdon*, in the  
County of *Oxford*.

**W**HEREAS there are within the Hamlet and Chapelry Preamble,  
of *Wheatley*, in the Parish of *Cuddesdon* in the County  
of *Oxford*, several Open and Common Fields, Common  
Pastures, Commons and Waste Grounds, and also Sixty  
Acres of Land or thereabouts adjoining the same, and being Part  
and Parcel of the Commonable Lands thereof, commonly called  
the *Cow Common*, and which was formerly allotted by a Decree  
in His Majesty's Court of Exchequer for the Use of the Freehold-  
ers and Landholders in *Wheatley* aforesaid, in lieu of their Rights  
and Interests in and over a certain Forest called *Shotover* in the  
said County of *Oxford* :

And whereas *William Henry Ashurst* Esquire, as Heir at Law of Sir Lord of the  
*William Henry Ashurst* Knight, deceased, the Trustee named in the Manor.  
Will of Sir *John Whalley Smythe Gardiner* Baronet, deceased, is  
Lord of the Manor of *Wheatley* aforesaid :

And whereas *Gilbert Jackson*, Doctor in Divinity, as Impropiator, Impropr-  
is entitled to certain Glebe Lands lying in the said Common Fields, ator.  
188. A and

and also to all the Great Tythes arising, growing, and payable within *Wheatley* aforefaid, except the Tythes of Hay and Grafs :

Vicarial  
Tythes.

And whereas the Right Reverend the Lord Bifhod of *Oxford* for the Time being is feifed of or entitled to the Rectory of *Cuddefdon* in the faid County of *Oxford*, with the Chapelry of *Wheatley* aforefaid annexed, and in Right of the faid Rectory to the Tythes of Hay and Grafs, and to all the Vicarial or Small Tythes arising, renewing, or happening within *Wheatley* aforefaid :

Other Pro-  
prietors.

And whereas Sir *James Whalley Smythe Gardiner* Baronet, the Warden and the College of the Souls of all faithful People deceafed of *Oxford*, and *William Davis* their Lefsee, the Principal and Scholars of the *King's Hall* and College of *Brazen-nofe* in *Oxford*, and *Thomas Harper*, *James Harper*, and *Sufanna Williams*, their Lefsees, *William Juggins*, and divers other Perfons, are feifed and poffeffed of or otherwise interefted in the faid Open and Common Fields, Common Pastures, Commons and Wafte Grounds lying within *Wheatley* aforefaid, and the faid Commonable Land adjoining the fame :

And whereas an Act, paffed in the Forty-first Year of the Reign of His prefent Majesty King *GEORGE* the Third, intituled, "An Act for consolidating in One Act certain Provisions ufually inferted in Acts of Inclofure, and for facilitating the Mode of proving the feveral Facts ufually required on the paffing of fuch Acts :

And whereas the faid Lands and Grounds of the feveral Proprietors of the faid Open Fields and Common Pastures lie intermixed and difperfed in fmall Pieces or Parcels, and are inconveniently fituated, and as well as the faid Commons and Wafte Grounds and Commonable Lands, in their prefent Situation are incapable of any confiderable Improvement, and it would be advantageous to the feveral Perfons interefted therein if the fame were divided, allotted, and inclofed: BUT as fuch Division, Allotment, and Inclofure cannot be effeuated 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 prefent Parliament

Parliament assembled, and by the Authority of the same, That *Richard Davis*, of the Grove in the Parish of Aston Rowant in the County of Oxford, and *John Davis*, of Bloxham in the same County, Gentlemen, and their Successors to be nominated and appointed in manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for valuing, dividing, allotting, and inclosing the said Open and Common Fields, Common Pastures, Commons and Waste Grounds in *Wheatley* aforesaid, and Commonable Land adjoining the same, according to the Rules, Orders, Provisions, and Directions in the said recited Act contained (except so far as they are hereby varied or altered) and according to such other Rules, Orders, Provisions, and Directions as are hereinafter expressed and contained, and for otherwise putting this Act in execution.

AND, for obviating the Delays and Inconveniences which might arise by any Difference of Opinion between the said Commissioners touching any of the Matters and Things to be done in pursuance of this Act; BE it further Enacted, That *William Bushnell*, of Aston Tirrold in the County of Berks, Gentleman, shall be and he is hereby appointed to act as an Umpire concerning the Premises; and in case of any such Difference of Opinion between the said Commissioners as aforesaid, the same shall be referred to and determined by the said *William Bushnell*, whose Judgment and Determination therein shall be deemed and taken to be the Judgment and Determination of the said Commissioners.

Provided always, and be it further Enacted, That no Person shall be capable of acting as an Umpire in the execution of this or the said recited Act, until he shall have taken and subscribed an Oath in the Form or to the Effect following (that is to say);

“ I do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as an Umpire, by Virtue of an Act passed in the Forty-ninth Year of the Reign of King GEORGE the Third, intituled [*Here set forth the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality to any Person or Persons whomsoever.

“ So help me GOD.”

Which

Which Oath the said Commissioners or either of them are and is hereby authorized and required to administer to such Umpire, and the said Oath, so taken and subscribed by the said Umpire, shall be annexed to and enrolled with the Award of the said Commissioners, and a Copy of the Enrolment thereof shall be admitted as legal Evidence.

Appoint-  
ment of new  
Commis-  
sioners and  
Umpire.

And be it further Enacted, That when and so often as either of the said Commissioners, or the said Umpire hereinbefore named or to be appointed in manner hereinafter mentioned, shall die or refuse to act, or become incapable of acting as a Commissioner or Commissioners, or Umpire, for the Purposes of this or the said recited Act, then and in every such Case a new Commissioner or Commissioners, or Umpire, not being in any Manner interested in the said Division or Allotment and Inclosure, or any Part thereof, shall and may be nominated, elected, and appointed in manner following; (that is to say) if the said *Richard Davis* shall die, refuse to act, or become incapable of acting as aforesaid, it shall be lawful for the said Sir *James Whalley Smythe Gardiner*, his Heirs or Assigns, by Writing under his or their Hand or Hands, to nominate and appoint some other fit Person, not interested in the said Division, Allotment, or Inclosure, to be a Commissioner in the room or stead of the said *Richard Davis*, and so from Time to Time as often as any Commissioner to be appointed by the said Sir *James Whalley Smythe Gardiner*, his Heirs or Assigns, shall die, refuse to act, or become incapable of acting; and if the said *John Davis* shall die, refuse to act, or become incapable of acting as aforesaid, it shall be lawful for the major Part in Value of the Proprietors of the said Lands and Grounds (except the said Sir *James Whalley Smythe Gardiner* and his Heirs and Assigns) or to or for the respective Attornies or Agents of such Proprietors who shall be present at a public Meeting or respective public Meetings to be holden for that Purpose in the Chapel at *Wheatley* aforesaid, in pursuance of public Notice to be given in one or more of the weekly News-papers published at *Oxford*, and by Writing to be affixed to the principal outer Door of the Chapel at *Wheatley* aforesaid Twenty-one Days at least before every such Meeting (which Notice the other Commissioner, or the Clerk who shall have been chosen and appointed by the said Commissioners, are and is hereby authorized and required forthwith to give), by Writing under their Hands, to elect and appoint another Commissioner in the room and stead of the said *John Davis* so dying, refusing to act, or become incapable of acting, and so from  
Time

Time to Time as often as any Commissioner or Commissioners to be appointed by the said Proprietors shall die, refuse to act, or become incapable of acting; and if the said *William Bushnell*, or any Umpire to be appointed as hereinafter mentioned, shall die, refuse, or become incapable to act, then and in every such Case a new Umpire, not interested in the said Division or Allotment and Inclosure, shall and may be chosen in the stead of every Umpire so dying, refusing, or becoming incapacitated, by a Majority in Value of the Proprietors of the said Lands and Grounds, who by themselves, or their respective Attornies or Agents, shall be present at any Meeting to be appointed for that Purpose in manner aforesaid, not excepting the said *Sir James Whalley Smythe Gardiner*, his Heirs or Assigns; and in case the Person or Persons respectively hereinbefore enabled to appoint a Commissioner or Commissioners, or Umpire as aforesaid, shall refuse or neglect to appoint such Commissioner or Commissioners, or Umpire, in the place or stead of any other Commissioner or Umpire who shall die, refuse to act, or become incapable of acting as aforesaid, for the space of Twenty-eight Days next after any such Vacancy shall happen, then and in every such Case, and as often as the Case shall happen, the said Commissioners, or the surviving or remaining Commissioners, as the Case may be, shall and may by Writing under their or his Hands or Hand nominate and appoint another Commissioner or Umpire, not interested in the said Division or Allotment and Inclosure, in the room and stead of every Commissioner or Umpire so dying, refusing to act, or becoming incapable of acting, whose Place shall not be filled up by the Person or Persons respectively enabled to appoint as aforesaid; and every such new Commissioner and Umpire so to be appointed shall have the same Powers and Authorities for putting this Act and the said recited Act into execution, in all Respects whatsoever, as any Commissioner or Umpire had or was invested with by virtue of this Act.

And be it further Enacted, That *Robert Fisher Gills*, of Fareham in the County of Hants, Land Surveyor, shall be and he is hereby appointed the Surveyor for executing the several Powers vested in him by the said recited Act and this Act, and shall be subject to the Controul and Directions of the said Commissioners; and in case of his Death, Incapacity, or declining to act, then and in either of such Cases the said Commissioners shall and may appoint such other Person as they shall think proper to be their Surveyor.

Fees to Com-  
missioners,  
&c.

And be it further Enacted, That the Commissioners and Umpire<sup>s</sup> who shall act in the execution of the Powers and Authorities hereby vested in them, shall be paid the Sum of Three Pounds and Three Shillings each, and no more, for each Day they shall be employed therein (Days of travelling to and from their Houses included); and that at all their Meetings the said Commissioners and Umpire shall defray their own Expences, except the Money they shall pay to Servants, and for the Use of the Room or Rooms in which such Meetings shall be held.

Notice of  
Meetings.

And be it further Enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given in Writing under their Hands, to be advertised in the aforesaid News-paper or News-papers, and to be affixed on One of the principal outer Doors of the Chapel of *Wheatley* aforesaid, of the Time and Place of the First and other Meetings of the said Commissioners for executing the Powers hereby vested in them, at least Twenty-one Days before any such Meeting (Meetings by Adjournment only excepted), and that all Meetings for executing the Powers of this Act shall be held at some convenient Place in *Wheatley* aforesaid, or within Six Miles of the Chapel thereof; and in case at any such appointed or adjourned Meeting only One of the said Commissioners shall attend, such Commissioner may adjourn the same in such Manner and to such Place within the said Six Miles as he shall think proper and convenient, not exceeding Twenty-one Days after such Meeting, and the said Commissioner making such Adjournment is hereby required to give Notice thereof in Writing to the absent Commissioner; and in case no one of the said Commissioners shall be present at any such Meeting, then it shall be lawful for their Clerk to adjourn any such Meeting, and appoint the same to be held at the same or any other Place on any future Day, not exceeding Fourteen Days from the Day of Adjournment, and shall give timely Notice thereof to the Commissioners.

Other No-  
tices how to  
be given.

Provided always, and be it Enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners shall be so made and given by Writing affixed upon One of the principal outer Doors of the said Chapel of *Wheatley*, or by Advertisements in the said News-paper or News-papers published at *Oxford* aforesaid.

Commission-  
ers to set-  
tle Disputes,

And be it further Enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested

terested in the said Division, Allotment, and Inclosure, touching or concerning the Right to the Soil of the said Commons and Waste Grounds, or any Part or Parts thereof, or touching or concerning the respective Shares, Rights, and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioners and they are hereby authorized and required with all convenient speed to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

but not to determine Titles.

And be it further Enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in every such Case it shall be lawful for the said Commissioners and they are hereby required and authorized, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to assess Costs.

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

Allowing Parties to try their Rights at Law.

it

it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire at the then next or the following Assizes to be holden for the said County of *Oxford*, and for that Purpose the Person or Persons, who shall be dissatisfied with the Determination of the said Commissioners or Umpire, shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Six Calendar Months next after such Determination of the said Commissioners or Umpire; and the Defendant or Defendants in such Action or Actions shall and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims and the Right or Rights thereby insisted on may be tried and determined, such Issue or Issues to be settled with the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the said Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials; provided also, that the Determination of the said Commissioners or Umpire touching such Claim or Claims to or Right or Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final, binding, and conclusive upon all Parties; provided also, that no Difference or Suit touching the Matters aforesaid, shall impede or delay the Commissioners in the execution of the Powers vested in them by this Act, but the Division, Allotment, and Inclosure hereby directed to be made shall be proceeded in notwithstanding such Differences or Suits; provided also, that if any of the Parties in any Action 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.

Inclosure not  
to be im-  
peded by  
Suits.

Action not to  
abate by  
Death of the  
Parties.

And



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 hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioners with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall therein also 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.

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

Provided also, and be it further Enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, except in Cases of Encroachments; but in case the said Commissioners shall be of Opinion against the Rights of the Person or Persons so in possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due course of Law.

Persons in possession not to be molested without due course of Law.

Provided also, and be it further Enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, except in Cases of Encroachments; but in case the said Commissioners shall be of Opinion against the Rights of the Person or Persons so in possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due course of Law.

Persons in possession not to be molested without due course of Law.

And be it further Enacted, That in the meantime, and until such Division and Allotment shall be made as aforesaid, all the Pasture, Tillage, and other Lands hereby intended to be divided, allotted, and inclosed, shall be stocked with such Cattle, and sown by the respective Owners or Occupiers thereof with such Sorts of Corn, Grain, Grass, and other Seeds, and shall be kept, ordered, and continued in such course of Management, Tith, and Husbandry, as the said Commissioners shall by any Writing or Writings under their Hands in that Behalf, to be affixed on the principal outer Door of the Chapel of *Wheatley* aforesaid, order, direct, and appoint, any Usage or Custom of stocking, tilling, or sowing to the contrary notwithstanding; and if any Person or Persons shall sow or manage any of the said Tillage Lands contrary to the Order of

Course of Husbandry.

the said Commissioners, he, she, or they shall forfeit and pay any Sum not exceeding Five Pounds an Acre for every Acre so tilled, sown, or managed, and so in proportion for a less Quantity than an Acre thereof, to be recovered by any Person or Persons who shall inform and prosecute for the same in manner prescribed by the said recited Act touching the Recovery of Penalties and Forfeitures, together with reasonable Costs.

Rights of  
Common to  
be extin-  
guished, &c.

And be it further Enacted, That it shall be lawful for the said Commissioners at any Time hereafter, when and so often as they in their Judgment shall think fit, by Notice for that Purpose under their Hands, to be affixed on the principal outer Door of the Chapel of *Wheatley* aforesaid, to suspend or totally extinguish all or any Part of the Rights of Common over the Lands and Grounds hereby intended to be divided, allotted, and inclosed; and from and after such Notice given, all such Rights of Common over the said Lands and Grounds, as by such Notice shall be directed or declared to be suspended or extinguished, shall cease and be suspended for such Time, or extinguished in such Manner as the Commissioners shall in and by such Notice direct; and if after such Suspension or Extinguishment of any such Rights of Common, any of the said Owners or Occupiers shall turn or permit his, her, or their Cattle or Sheep to depasture or feed on any of the Lands and Grounds so discharged and freed from Right of Common, then and as often as the Case shall so happen it shall be lawful for any other of the said Owners or Occupiers to distrain all or any such Cattle or Sheep being upon any such Lands or Grounds contrary to such Notice, and to impound and keep the same impounded until the Person or Persons so offending shall pay to the Person or Persons distraining a Sum not exceeding Ten Shillings for each Head of Cattle, and Five Shillings for each Sheep so distrained; and in case the same, together with all Costs and Charges, shall not be paid before the next Meeting of the said Commissioners after such impounding, the said Commissioners are hereby authorized and empowered, upon Proof of such Offence or Offences having been committed, and Non-payment of the Penalty or Penalties incurred, to cause the Cattle or Sheep so distrained, or such of them as they shall think necessary, 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.

Stopping up  
old Roads.

And be it further Enacted, That the said Commissioners shall and may turn or abate and stop up any ancient Carriage Road or Way,  
188. Roads

Roads or Ways, or any private Footway or Path, Footways or Paths in, through, upon, or over any of the inclosed Lands or Grounds within *Wheatley* aforesaid, where they shall judge it requisite or expedient, whereof such Notice shall be given of a Day to be appointed by them to receive Objections as is in the said recited Act directed and required in the Case of setting out Roads, and observing the Directions of the said recited Act as to the obtaining the Concurrence and Order of Two Justices of the Peace previous thereto, and subject to an Appeal to the Quarter Sessions in such Manner and under such Regulations as in the said recited Act is mentioned.

And be it further Enacted, That it shall and may be lawful for any Person or Persons having any Estate or Estates within *Wheatley* aforesaid, at any Time after the passing of this Act, to sell and dispose of his, her, or their respective Estates, Rights of Common, or other Rights or Interests in or upon any of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed separate and apart from the Property in Right of which such Person or Persons is, are, or shall be respectively entitled to such Rights of Common or other Rights or Interests as aforesaid.

Power to sell Estates separate from the Property giving the Right.

And be it further Enacted, That no Pastures or Grass Lands, Part of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, shall from and after the passing of this Act, and before the staking out of the Allotments to be made in pursuance of this Act, be ploughed, broke up, or converted into Tillage or Garden Ground; and that every Proprietor, Occupier, or Tenant who shall so plough, break up, or convert into Tillage or Garden Ground any such Pasture or Grass Land, shall forfeit and pay for every Acre of such Pasture or Grass Land so ploughed, broke up, or converted into Tillage or Garden Ground any Sum not exceeding Ten Pounds, and so in proportion for a greater or less Quantity than an Acre, to be recovered by any Person or Persons who shall inform and prosecute for the same, in manner prescribed by the said recited Act touching the Recovery of Penalties and Forfeitures, together with reasonable Costs.

Grass Lands not to be ploughed.

And be it further Enacted, That it shall be lawful for the said Commissioners and they are hereby required to settle and ascertain what Recompence shall be made or paid to the respective Occupiers, whether Owners or not, of any of the said Open Arable Lands, for the Value of any Crop or Crops, or for any Clover or other Layer of artificial Grass growing on any of the said Lands or Grounds to be divided, allotted, inclosed, or exchanged in pursuance of or by virtue

Satisfaction for Crops.

virtue of this or the said recited Act, or for any Tillage, Manure, or Preparation for a Crop or Crops on any of the said Lands and Grounds respectively allotted on which such Crop or Crops or Layer of artificial Grass shall be growing, or wherein such Tillage, Manure, or Preparation shall be made or laid as aforesaid, and by Writing or Writings under their Hands in that Behalf to order the Payment of such Recompence and Satisfaction to be made as they shall deem reasonable by the Person or Persons who shall have the Benefit of such Crop or Crops or Layer of artificial Grass, or such Tillage, Manure, or Preparation; and in case such Person or Persons shall neglect or refuse to pay or make such Recompence or Satisfaction accordingly within the space of Fourteen Days after the same shall have been ordered and demanded, then it shall be lawful for the said Commissioners and they are hereby required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay or make such Recompence or Satisfaction as aforesaid, rendering the Overplus (if any) upon Demand to such Person or Persons respectively, after deducting the Costs and Charges of taking and making every such Distress and Sale; and in case such Distress cannot be taken as aforesaid, it shall be lawful for the said Commissioners, or any Person authorized by them for that Purpose, to enter into and upon such Lands as aforesaid, or any Part thereof respectively, and receive the Rents, Issues, and Profits thereof respectively, until thereby and therewith or otherwise the full Amount of such Recompence and Satisfaction, and all Costs, Charges, and Expences occasioned by or attending such Entry upon and receiving the Rents and Profits of the same Premises, shall be respectively fully paid and satisfied; which Sum or Sums of Money so to be levied, received, or raised shall, after discharging such Costs, Charges, and Expences as aforesaid, be applied in making such Recompence and Satisfaction to the Person or Persons to whom it shall belong as aforesaid, rendering the Overplus (if any) on Demand to the Owner or Proprietor, Occupier or Occupiers, or such other Person or Persons as the Case may be.

Allotments  
for Materials  
to repair  
Roads, &c,

And be it further Enacted, That the said Commissioners shall and may and they are hereby required, before any other Allotment is made in pursuance of this Act, to set out and appoint one or more Piece or Pieces, Parcel or Parcels of Land or Ground, Part or Parts of the Lands and Grounds hereby intended to be divided, allotted, and inclosed in *Wheatley* aforesaid, in such convenient Place or Places as they shall think proper, for getting Stone, Gravel, or other

other Materials for repairing the Roads and Highways within *Wheatley* aforefaid, and for the Ufe of the Proprietors and Owners of Eftates within *Wheatley* aforefaid, according to their refpective Rights and Privileges (if any fuch they have); and fuch Parcels of Land fhall be vefted in the Surveyor or Surveyors of Highways of *Wheatley* aforefaid for the Time being upon Truft, and for the Purpofes in the faid recited Aét and in this Aét mentioned.

And be it further Enacted, That the faid Commissioners fhall and they are hereby authorized and required in the next place to fet out, allot, and award unto the Lord of the Manor of *Wheatley* aforefaid, for and in lieu of his Right to the Soil of all Wafte Lands within the faid Manor, fuch Parts, Share, and Proportion of the Lands and Grounds hereby intended to be divided, allotted, and inclofed, as in the Judgment of the Commissioners making the fame (Quantity, Quality, and Situation confidered) fhall be deemed a full Recompence and Satisfaction of and for all the Right of Soil which fuch Lord now hath or might or of right ought to have had in fuch Wafte Lands if this Aét had not been made.

Allotment to the Lord of the Manor for the Right of Soil.

And be it further Enacted, That the faid Commissioners fhall and they are hereby authorized and required to fet out, allot, and appoint unto and for the faid *Gilbert Jackson*, his Heirs and Affigns, in lieu of his Glebe Lands within *Wheatley* aforefaid and Right of Common to him belonging, fuch Plot or Plots, Parcels or Quantities of the Lands and Grounds by this Aét intended to be divided, allotted, and inclofed as fhall in the Judgment of the faid Commissioners be a full Equivalent and Compenfation to the faid *Gilbert Jackson*, his Heirs and Affigns, for fuch Glebe Lands and Right of Common.

Allotments to be made for Glebe and Common Rights.

And be it further Enacted, That the faid Commissioners fhall and they are hereby authorized and empowered to fet out and allot unto and for the faid *Gilbert Jackson*, his Heirs and Affigns, as Impropricator as aforefaid, and the faid Lord Bishop of *Oxford* and his Succelfors, for and in lieu of their feveral and refpective impropriate and vicarial Tythes hereinbefore mentioned, yearly iffuing, arifing, or renewing out of all and every the tytheable Parts of the faid Open and Common Fields, Common Paftures, Commons, and Wafte Grounds, and Commonable Land hereby directed to be divided, allotted, and inclofed, and for and in lieu of the Tythes of fuch Homesteads, Gardens, Orchards, and other ancient inclofed Lands and Grounds within *Wheatley* aforefaid, as are sub-

Allotments in lieu of Great and Small Tythes.

ject to Tythes, such Plot or Plots, Parcel or Parcels of the said Open and Common Fields, Common Pastures, Commons, or Waste Grounds, and Commonable Land, as (Quantity, Quality, and Situation considered) shall contain or be equal in Value to One-fifth Part of the Arable Lands (including the Sward, Balks, and Heads of and intermixed with the said Arable Lands) and to One-ninth Part of all Meadow, Pasture, or Greensward Ground within or adjoining to *Wheatley* aforesaid, which are subject to the Payment of Tythes (after deducting the Land or Ground set out for the Roads, and the Allotments hereinbefore directed to be set out as aforesaid); all which Plots or Allotments shall be in full Satisfaction and Discharge of and for the said several and respective Great and Small Tythes issuing, arising, and renewing from and out of the said Open and Common Fields, Common Pastures, Commons, and Waste Grounds, and Commonable Land, and out of the said Homesteads, Gardens, Orchards, and other ancient inclosed Lands and Grounds within *Wheatley* aforesaid (Mortuaries, Easter Offerings, and Surplice Fees only excepted).

Subdivision  
to be made.

Provided always, and be it further Enacted, That when and as soon as conveniently may be after the said Plot or Plots, Allotment or Allotments shall have been so set out and allotted to and for the said *Gilbert Jackson*, his Heirs and Assigns, and the said Lord Bishop of *Oxford* and his Successors as aforesaid, for and in lieu of their several Great and Small Tythes respectively, as hereinbefore mentioned, they the said Commissioners shall and they are hereby required to subdivide, assign, and allot the said Plots or Allotments last mentioned unto and between the said *Gilbert Jackson*, his Heirs and Assigns, and the said Lord Bishop of *Oxford* and his Successors as aforesaid, in proportion to their several and respective Rights and Interests in the Tythes in lieu whereof the said Plots or Allotments are hereby before directed to be awarded and made, and in proportion to the Value of such Great and Small Tythes respectively.

Allotments  
set out for  
Tythes, to be  
settled to the  
same Uses.

And be it further Enacted, That the Lands and Grounds so to be set out, allotted, and awarded for and in lieu of and as a Compensation and Satisfaction for such Great and Small Tythes respectively as aforesaid shall be limited, settled, and assured to, for, and upon such and the same Estates, Uses, Limitations, Intents, and Purposes as such Great and Small Tythes respectively shall stand limited, settled, and assured, and be subject and liable to at the Time of making such Allotments respectively.

And be it further Enacted and Declared, That all such of the said Lands and Grounds as shall have been tilled or ploughed at any Time within Twenty Years last, shall for the Purposes of this Act be deemed and be taken to be Arable Land. Declaring what shall be Arable Lands.

And be it further Enacted, That in case there are any other Homesteads, Gardens, Orchards, or ancient Inclosures within *Wheatley* aforefaid, which are tytheable as aforefaid, the respective Proprietors whereof shall not be entitled to Lands or Property in the Lands or Grounds so directed to be divided and inclosed as aforefaid, equal to the Value of One-fifth Part of such Homesteads, Gardens, Orchards, or ancient Inclosures as are Arable, and of One-ninth Part of the Residue thereof, the said Commissioners are hereby authorized and empowered to set out for the said *Gilbert Jackson*, his Heirs and Assigns, as Impropiator as aforefaid, and the said Lord Bishop of *Oxford* and his Successors, such Parcel or Parcels of the said Lands and Grounds hereby directed to be divided and inclosed, as shall be equal to One-fifth Part of such Homesteads, Gardens, Orchards, or ancient Inclosures as are Arable, and to One-ninth Part of the Residue thereof; and the said Proprietors of such Homesteads, Gardens, Orchards, or ancient Inclosures, shall pay or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum and Sums of Money as the said Commissioners shall deem and adjudge to be a full Recompence and Satisfaction for the Land hereinbefore directed to be set out and allotted, in lieu of the Tythes of such Homesteads, Gardens, Orchards, or ancient Inclosures respectively; which Sum or Sums of Money shall be applied towards or in part Discharge and Satisfaction of the Charges and Expences incident to or attending the obtaining and passing of this Act and carrying the same into execution; and in case any Person or Persons liable to pay such Sum and Sums of Money as aforefaid, shall neglect or refuse to pay the same within the Time to be limited by the said Commissioners for Payment thereof, to such Person or Persons as they shall appoint to receive the same, then and in such Case the said Sum and Sums of Money shall be raised, levied, and recovered, together with the Costs and Charges of raising, levying, and recovering the same, in such and the same Manner as the other Expences of this Act are to be raised, levied, and recovered: Provided always, that in case any Surplus shall remain after such Charges and Expences shall have been paid as aforefaid, then such Surplus shall be divided and apportioned between the several Persons interested in the said   
Lands Proprietors not having Open Field Land to compensate for Tythes to pay the Value thereof towards Expences.

Lands and Grounds in such Shares as shall be in proportion to their respective Property therein, in case they shall be seized of their Lands in Fee Simple; and the Shares of such other Proprietors in the said Lands shall be applied and disposed of in manner directed by the said recited Act in Cases where any Money is directed to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Tythes to be paid to such Time as Commissioners shall appoint.

And be it further Enacted, That the said *Gilbert Jackson* his Heirs and Assigns, and the said Lord Bishop of *Oxford* and his Successors, until such Award as is hereinafter mentioned shall be made and executed by the said Commissioners, shall respectively have and receive of and from the Occupiers of the Lands and Hereditaments within *Wheatley* aforesaid, now chargeable to them respectively with the Payment of any Tythes, a full, rateable, and proportionable Share of all such Tythe as shall be then arising or growing due down to such Time as the said Commissioners shall direct and appoint, or the full Value thereof in Money, which Money the said Commissioners are hereby directed to settle and ascertain: Provided always and it is hereby declared, that when and so soon as such Tythes, or the Value thereof in Money, shall cease to be due and payable, the said Lord Bishop of *Oxford* and his Successors shall be exonerated and discharged from the Claim or Custom of keeping a Bull at *Wheatley* aforesaid.

The Bishop not to keep a Bull.

For placing the Tythe Allotments.

And be it further Enacted, That the Allotment or Allotments to be set out, allotted, and awarded unto and for the said *Gilbert Jackson* his Heirs and Assigns, as Impropiator as aforesaid, by virtue and in pursuance of this Act, shall be near or adjoining to the Farm-house and Homestead of the said *Gilbert Jackson* at *Wheatley* aforesaid; and that the Allotment or Allotments to be set out, allotted, and awarded unto and for the said Lord Bishop of *Oxford* and his Successors as aforesaid, shall adjoin or lie as near as conveniently may be to *Cuddefdon* aforesaid.

Allotments to the other Proprietors.

And be it further Enacted, That the said Commissioners shall and they are hereby authorized and required in the next place to set out, divide, and allot the Remainder of all the said Open and Common Fields, Common Pastures, Commons, and Waste Grounds hereby intended to be divided, allotted, and inclosed, unto and amongst the several Persons, Bodies Politic or Corporate, Owners, Proprietors, and Persons interested therein, in such Quantities,  
Shares,



Shares, and Proportions, and in such Places as by the said Commissioners shall be adjudged and determined to be a fair, just, and reasonable Satisfaction and Compensation for their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests whatsoever in, to, and over the same.

Provided always, and be it further Enacted by the Authority aforesaid, That nothing in this Act or the said recited Act contained shall extend or be construed to extend to give the said Commissioners or any of them Power to divide, allot, or inclose any Part of a certain Piece or Parcel of Land containing Twenty Acres or thereabouts, commonly called the *Cottagers Common*, and which was formerly allotted by the said Decree in His Majesty's Court of Exchequer for the Use of the Cottagers and poor Inhabitants of *Wheatley* aforesaid, in lieu of their Rights and Interests in and over the said Forest called *Shotover* in the County of *Oxford*.

Commissioners not to allot the Cottagers Common.

And be it further Enacted, That when and so soon as the said Commissioners shall have ascertained the respective Shares, Rights, and Interests of the said Proprietors in the Lands and Grounds to be inclosed by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, they the said Commissioners shall give Notice in manner aforesaid of some convenient Time and Place when and where all Proprietors and Persons interested may peruse a Schedule of such intended Allotments, and a Map or Plan whereon the same shall be set out and delineated, and may have and receive a Copy of such Schedule so far as the same relates to such Proprietors respectively; and in regard that some Persons may upon Perusal of the said Schedule and Inspection of such Map or Plan be dissatisfied with their intended Allotments, the said Commissioners shall give Notice of One Meeting at the least to be held by them for receiving Complaints and Objections against such intended Allotments; and for hearing and determining all such Complaints and Objections, and their Determination in the Premises being reduced into Writing and signed by them, shall be binding and conclusive upon all Parties.

Objections to Allotments to be determined by Commissioners.

And be it further Enacted, That the Parcel or Parcels of Land which shall or may be set out and allotted for Road Materials, the several Allotments for Glebe Lands and Common Rights to the said Impropiator belonging, and the several Allotments to be set out and allotted by virtue of this Act to and for the re-

Fencing the Allotments for Materials and the Glebe and Tythe Allotments.

pective Tythe Proprietors in lieu of their Tythes, shall be inclosed round with Quickset Hedges and Ditches, and substantial Posts and Rails on each Side thereof, or other proper Mounds or Fences, according to the Custom of the Country, with good and substantial Gates and Stiles in the said Fences where necessary, and the same shall be thereafter supported and maintained for the Term of Seven Years, or until the Quicksets shall have become sufficient Fences of themselves, by or at the Expence of all or such of the other Proprietors of Lands and Grounds within *Wheatley* aforesaid, in such Manner and in such Shares and Proportions as the said Commissioners shall by any Writing under their Hands or by their Award order and direct; and such Proportions of the said Fences as the said Commissioners shall order and direct, shall be for ever thereafter maintained and kept in Repair by the said respective Tythe Owners as the said Commissioners shall likewise by their Award order and direct; and the Fences of the Lands and Grounds to be set out for Road Materials shall afterwards be supported and maintained for ever by such Person or Persons as the said Commissioners shall direct or appoint; and the said several other Allotments for the said Lands and Grounds, after the Division thereof, shall within Six Calendar Months, to be computed from the execution of the said Award, be inclosed, hedged, ditched, and fenced at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, in such Manner, Shares, and Proportions as the said Commissioners shall in and by their said Award order and direct: Provided always, that convenient Gaps and Openings shall be left in all the Fences to be made by virtue of this Act for the space of Six Calendar Months next ensuing the execution of the said Award, for the Passage of Cattle, Carts, and Carriages in and through the same, unless the said Commissioners shall by their Award or other Instrument in Writing under their Hands order that the same be sooner tenced in and made up.

Exchanges  
may be  
made.

And be it further Enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within *Wheatley* aforesaid, in lieu of and exchange for any other Lands, Tenements, and Hereditaments whatsoever within *Wheatley*, or the Parish of *Cuddeston* aforesaid, or within any adjoining Parish, Township, Hamlet, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so ex-

changed, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Feme Coverts, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively, and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in right of any Church, Chapel, or any Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which the Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

Provided always, and be it further Enacted, That all Costs, Charges, and Expences attending the making and completing the Exchanges, Divisions, and Partitions shall be paid, borne, and defrayed by the several Persons making such Exchanges, Divisions, or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Expences of Exchanges by whom to be paid.

Provided always, and be it further Enacted, That all Costs, Charges, and Expences attending the making and completing the Exchanges, Divisions, and Partitions shall be paid, borne, and defrayed by the several Persons making such Exchanges, Divisions, or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Expences of Exchanges by whom to be paid.

And be it further Enacted, That all and every the Lease and Leases at Rack Rent subsisting of all or any Part of the Lands, Grounds, or Hereditaments intended to be inclosed or discharged of Tythes or of the Tythes thereof, or of any Part thereof either alone or jointly with any other Tenements, Tythes, or Hereditaments, and all other Agreements at Rack Rent for any Term or Time therein, shall as to the Whole of such Tenements comprised in such Lease or Leases or Agreements affected by this Act, at such Time and Times as the said Commissioners shall direct and appoint, cease, determine, and be utterly void, and the respective Lessees or Tenants thereof shall have and receive of the respective Owners and Proprietors of such Lands, Tenements, Tythes, and Hereditaments, such Satisfaction as the said Commissioners shall ascertain as reasonable to be paid or allowed to such Lessee

Leases at Rack Rent to be void.

or Lessees, Tenant or Tenants in that Behalf, and the respective Lessors or Landlords shall be entitled to such Rent or Rents and Privileges up to the Time of vacating such Leases or Agreements respectively, as the said Commissioners shall direct or appoint to be paid to or given them by such Lessees or Tenants respectively, for or with respect to such Lands, Grounds, Tythes, or Hereditaments: Provided always, that if there shall be any Lease of Lands Part of which shall lie in *Wheatley* aforesaid, and Part in any adjoining Parish or Place, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated; but where any Lands shall have been taken in exchange which Land shall be under Lease and wholly situate in an adjoining Parish or Place, the Lease of such last-mentioned Land shall not be vacated.

Not to vacate  
beneficial  
Leases from  
Bodies Politic or Corporate.

Provided also, and be it further Enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease or Leases from any Bodies Politic or Corporate, or Persons whomsoever, of any Lands, Tenements, Tythes, or Hereditaments in *Wheatley* aforesaid to any Person or Persons whomsoever, but the Person or Persons entitled to such beneficial Lease or Leases shall and may hold and enjoy his, her, and their several and respective Allotments of such Lands, Tenements, Tythes, or Hereditaments for his, her, and their several and respective Terms, and under the same Rents and Covenants as is or are specified in his, her, or their respective Leases, to him, her, or them respectively from the same Bodies Politic or Corporate or other Persons.

Persons selling Rights before the execution of the Award Commissioners to allot to the Purchasers.

Provided always, and be it further Enacted, That if any Person or Persons hath or have sold, or contracted or agreed to sell, or shall at any Time before the said Commissioners shall have executed their Award sell or contract or agree to sell his, her, or their Right or Interest or Property in, over, or upon the said Open and Common Fields, Common Pastures, Commons, and Waste Grounds, or any Part thereof, to any other Person or Persons, then and in every such Case it shall be lawful for the said Commissioners and they are hereby required to make an Allotment or Allotments of Land unto the Vendee or Vendees, Purchaser or Purchasers in such Sales, Contracts, or Agreements respectively, and to his, her, or their respective Heirs, Executors, Administrators, and Assigns, for and in respect of such Right or Rights, Interest or Interests, and Property so sold and contracted and agreed to be sold as aforesaid: and every such Vendee and Purchaser, and his and her Heirs, Executors, Administrators and Assigns, shall and

and may, from and after the execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them respectively as aforesaid, in the same Manner to all Intents and Purposes as the Vendor or Vendors in every such Sale, Contract or Agreement, might, could, or of right ought to have held and enjoyed the same in case such Sale, Contract, or Agreement had not been made, or such Right, Interest, or Property had been vested in such Vendor or Vendors respectively at the Time of making the said Award as aforesaid, but subject nevertheless to all Incumbrances affecting the same, and to the Charges and Expences of the said Division, Allotment, and Inclosure, and also to the Tythes due or to become due in respect of the same.

And be it further Enacted, That the Charges and Expences incident to and attending the obtaining and passing of this Act, and of the surveying, dividing, and allotting the Lands and Grounds hereby authorized to be divided and allotted, and the preparing and enrolling of the Award or Instrument of the said Commissioners, and all other Writings and Instruments to be executed by the said Commissioners in pursuance of this Act, and of fencing the said Allotments for Materials, Glebe, and Tythes, and all other the necessary Expences in, about, and concerning the execution of this Act, which are not herein otherwise directed to be borne, payed, and defrayed, shall from Time to Time be born, paid, and defrayed by the several Proprietors (except the said *Gilbert Jackson*, his Heirs and Assigns, and the said Lord Bishop of *Oxford* and his Successors as aforesaid, in respect of their Glebe and Tythes as aforesaid) to whom the Lands and Grounds directed to be divided and inclosed shall be allotted, and by such Person or Persons who shall be entitled to or possessed of such of the present Homesteads, Orchards, Gardens, inclosed Lands and Grounds, as are not possessed of any Lands or Grounds within the said Open and Common Fields, Common Pastures, Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, out of which any Allotment or Allotments can be made in lieu of Tythes in the Manner before directed, or to whom the Lands or Tenements so exchanged shall belong, in proportion to their respective Property and Interests, to be settled and determined from Time to Time by the said Commissioners in such Manner, and to be paid and payable to such Person or Persons, and at such Days and Times as the said Commissioners in and by any Writing or Writings under their Hands, or by the said Award, shall from Time to Time order and direct; and if such Costs and Charges shall not be paid within the Time or Times by the said Commissioners to be appointed for

Expences  
of the A&.

Payment thereof, then and in such Case the same shall and may be levied and recovered in the Manner directed by the said recited Act :

This Act not  
to affect  
Wills, &c.

Provided always, that nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance out of, upon, or affecting any of the Lands and Grounds to be divided, allotted, or exchanged by virtue of the said recited Act or of this Act, or any Part thereof, but that each and every Proprietor shall stand and be seised of the several Lands and Grounds to be allotted to or exchanged with him or her as aforesaid, to such and the same Uses, and subject to such and the same Wills, Jointures, Rents, and Charges, and no other, as the Lands, Grounds, and Hereditaments whereof such Proprietor was seised or possessed at or immediately before the signing and sealing of the said Award, or for which or in respect whereof such Allotments or Exchanges shall be made would have been subject to, charged with, or affected by in case this Act had not been made.

Supple-  
mental In-  
strument may  
be executed  
by the Com-  
missioners for  
supplying  
Omissions in  
certain Cases.

And be it further Enacted, That where the Proprietor or Proprietors of any Lands, Grounds, or other Hereditaments which shall be allotted by virtue of this or the said recited Act, shall hold their Lands, Grounds, or Hereditaments by different Tenures or for different Estates, or under different Titles, the said Commissioners shall, upon the Request of such respective Proprietors in Writing under their Hands, ascertain and distinguish the Lands, Grounds, or other Hereditaments held by each of such Tenures for each of such Estates respectively, and shall accordingly in their Award set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments; and where from the want of necessary Information before the said Commissioners, or from any other Cause, their Award shall omit discriminating, as hereinbefore is mentioned, such Titles, different Estates and different Tenures, and within Twelve Calendar Months after the making of the said Award Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his or their Hand or Hands, to have such Omission supplied by a separate Instrument or Instruments, then and in every such Case the said Commissioners are hereby authorized to do every thing necessary for supplying such Omission, and so far as that Purpose shall require to examine Witnesses, and in every other Respect to proceed and act as if the Award had not been made; and when they shall have obtained what

they think sufficient Information, they are hereby authorized, by any Deed under their Hands and Seals, to ascertain and distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make distinct and several Allotments for the same; and every such separate Instrument, after having been duly executed by the said Commissioners, shall have the same Effect as if it was contained in the said Award, and shall be delivered unto the Person or Persons upon whose Request the said Omission shall have been supplied, or the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question shall in the Opinion of the said Commissioners most properly belong for the Time; and all Expences which shall be reasonably incurred in and about any such Supplementary Instrument as aforesaid, shall be payable by the Persons who shall have so requested the said Commissioners as aforesaid, or by his, her, or their Heirs, Executors, or Administrators.

And be it further Enacted, That it shall not be lawful for any Person or Persons, for the space of Five Years next after the execution of the said Award, to keep or depasture any Sheep or Lambs in or upon any of the Allotments to be made by virtue of this Act, unless the Person or Persons keeping such Sheep or Lambs shall at his or their own Expence effectually and sufficiently fence off or guard and keep properly fenced off and guarded the Quickset Hedges or other live Fences of the Proprietor or Proprietors whose Allotment or Allotments may adjoin to the Inclosures where such Sheep or Lambs shall be so kept, so as to prevent any Damage being done to such Quickset Hedges.

Sheep not to be kept on new Allotments for a certain Period.

And be it further Enacted, That if any of the said Proprietors, or any other Person, shall advance any Money for the Purpose of defraying the Expences of obtaining and passing this Act, or for carrying the same into execution, every such Proprietor and other Person shall be repaid the same with Interest at the Rate of Five Pounds *per Centum per Annum* out of the First Monies that shall be raised for defraying such Expence by virtue of this Act.

Interest to be paid for Money advanced.

And be it further Enacted, That the Award to be made by the said Commissioners, when enrolled in manner directed by the said recited Act, shall be deposited in a Tin Box, and shall be kept in the Chapel of *Wheatley* aforesaid.

Award to be deposited.

And

Accounts to  
be laid be-  
fore Two  
Justices.

And be it further Enacted, That once at least in every Year during the execution of this Act, such Year to be computed from the Day of passing thereof, the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all such Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the execution of this Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the said County of *Oxford*, to be by them examined and balanced; and such Balance shall be by such Justices stated in the Books of Accounts to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

Appeal.

And be it further Enacted, That if any Person or Persons, or any Parish, Township, or Precincts, shall think him, her, or themselves aggrieved by any thing done in pursuance of this or the said recited Act, then and in every such Case, except as to such Claims, Matters, and Things as are hereinbefore directed or authorized to be tried, settled, or determined by the Verdict of a Jury, or where any of the Clauses or Provisions of the said recited Act or of this Act shall express that the same shall be final and conclusive, 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, such Person or Persons giving Fourteen Days previous Notice to the said Commissioners of his, her, or their Intention to appeal; and the Justices in such General Quarter Sessions are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order therein and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to and upon all the Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.



**Saving always** to the KING's Most Excellent MAJESTY, His Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politic, Corporate or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them or in Remainder after them) all such Right, Title, and Interest as they, every, or any of them could or ought to have had and enjoyed in, to, and out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

General Saving.

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

Act to be printed by King's Printer, and a Copy so printed to be Evidence.