



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 128.

An Act for inclosing Lands in the Parish of *Watlington*, in the County of *Oxford*.

[18th June 1808.]

WHEREAS there are within the Parish of *Watlington*, in the County of *Oxford*, several Open and Common Fields, Common Meadows, Common Pastures, and Open Down, Common, and Waste Lands: And whereas the Right Honourable George Earl of *Macclesfield*, John Henry Tilson Esquire, Henry Hulton Esquire, John Fane Esquire, and others, are Lords of the Manor of *Watlington*; and the said John Henry Tilson is seised of the Rectory or Parsonage Impropriate of *Watlington* aforesaid, and in Right thereof is entitled to certain Great Tythes arising, growing, and payable within the said Parish of *Watlington below the Hill*, and also to the Great Tythes of certain Lands in the Liberty of *Greenfield*, in the said Parish of *Watlington above the Hill*; and is also Patron of the Vicarage of *Watlington*: And whereas the Reverend Phineas Pett Doctor in Divinity, claims to be entitled to the Great Tythes of certain Lands in *Watlington* aforesaid *below the Hill*, as the Rector of *Newington*, with the Chapelry of *Britwell Prior* thereunto annexed; and the Reverend Andrew Price claims to be entitled to the Great Tythes of certain other Lands in *Watlington* aforesaid *below the Hill*, as Rector of *Britwell Salome* in the said County: And whereas Thomas Stonor Esquire is Lord of the Manor of *Stonor*, *Pishill*, *Bix*, and *Warmscomb*, and as such is entitled to the Soil of, or Part of the Soil of

[*Loc. & Per.*]

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certain

certain Commons in the said Parish of *Watlington*, known by the Names of *North End Common*, *Christmas Common*, *Greenfield Green*, and *Seamer Green*, intended to be hereby inclosed : And whereas *Thomas Weld* Esquire is Lord of the Manor of *Minigrove*, otherwise *Megrove*, in the said County of *Oxford*, and as such is entitled to the Soil of a certain large Tract of Common or Waste Ground called *Minigrove*, Part of which said Manor, and of the said Common or Waste Ground, is within the said Parish of *Watlington*, and intended to be hereby inclosed ; and the said *Thomas Weld* also claims to be entitled to other Interests in, over, and upon the said Common or Waste Ground within the said Parish : And whereas the said *Henry Hulton* is Lord of the Manors of *Watcomb* and *Ingham*, in the said Parish of *Watlington* : And whereas *Thomas Williams* Clerk is Vicar of the Vicarage and Parish Church of *Watlington* aforesaid, and as such is entitled to certain Glebe Lands, and certain Tythes of Hay and Grass, and Small Tythes yearly arising, renewing, and increasing within the said Parish of *Watlington*, and also to a Composition or Payment in Money issuing and payable out of the said Rectory or Parsonage Improprite, for Eleven Quarters of Wheat, Eleven Quarters of Barley, Three Quarters of Oats, Twenty Days Thresh of Wheat Straw, and Eight Days Thresh of Barley Straw : And whereas the said *George Earl of Macclesfield*, *John Henry Tilson*, *Henry Hulton*, and divers other Persons, are Owners or Proprietors of, and interested in, the Residue of the said Open and Common Fields, Common Meadows, Common Pastures, Open Down, Common and Waste Lands : And whereas an Act was passed in the Forty-first Year of His present Majesty's Reign, intituled, *An Act for consolidating in One Act, certain Provisions usually inserted in Acts of Inclosure ; and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts* : And whereas the said several Open and Common Fields within the said Parish are contiguous to and intermixed with each other, and the respective Property of the several Owners and Occupiers lie intermixed and dispersed in small Parcels, and are inconveniently situated for Occupation, and in their present State incapable of any considerable Improvement ; and it would be very advantageous and beneficial to the several Persons interested therein, and in the said Open Down, Common and Waste Lands, if the same were divided and inclosed, and specific Shares thereof allotted to the several Proprietors thereof, according to their respective Estates, Rights, and Interests therein ; but such Division, Allotment, and Inclosure cannot be made 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 *Richard Davis* of *The Grove*, in the Parish of *Aston Rowant*, in the County of *Oxford*, *John Trumper* of *Harefield*, in the County of *Middlesex*, and *William Busbnell* of *Aston Tirrold*, in the County of *Berks*, Gentlemen, and their Successors, to be elected in the Manner hereinafter mentioned, shall be, and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Open and Common Fields, Common Meadows, Common Pastures, Open Down, Common and Waste Lands, and for carrying this Act into Execution, subject to the Powers, Regulations, and Directions herein-after contained, and subject to such of the Powers, Regulations, Restrictions, and Provisions contained

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Commis-
sioners.

tained in the said recited Act, as are not varied or altered by, or repugnant to any of the said Clauses, Provisions, or Regulations in this Act contained, and that all Matters and Things authorized or directed to be done and executed by or before the said Commissioners, for effecting the Purposes aforesaid, may be done and executed by or before any Two of them; and the same when so done shall be as valid and effectual as if done and executed by or before all the said Commissioners.

All Acts may be done by Two Commissioners.

II. And be it further enacted, That in case the said *Richard Davis*, or any Person to be appointed in his Stead, shall die before the finishing of the said Division, Allotment, and Inclosure, or shall neglect, refuse, or become incapable to act as a Commissioner in the Execution of this Act, then and in such Case it shall be lawful for the said *George Earl of Macclesfield*, and *John Henry Tilson* Esquire, their Heirs or Assigns, by any Writing under their Hands, within Twenty-one Days after such Death, Refusal, or Incapacity to act shall be made known to them, to nominate and appoint a proper Person (not interested in the said Division or Inclosure), to be a Commissioner in the Room and Stead of the said *Richard Davis*, or of such other Person appointed in his Stead, so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case the said *John Trumper*, or any Person to be appointed in his Stead, shall die before the finishing of the said Division, Allotment, and Inclosure, or shall neglect, refuse, or become incapable to act as a Commissioner in the Execution of this Act, then and in such Case it shall be lawful for the said *Henry Hulton*, his Heirs and Assigns, by any Writing under his or their Hand or Hands, within Twenty-one Days after such Death, Refusal, or Incapacity shall be made known to him or them, to nominate and appoint a proper Person (not interested in the said Division and Inclosure), to be a Commissioner in the Room and Stead of the said *John Trumper*, or of such other Person appointed in his Stead, so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case the said *William Bushnell*, or any Person to be appointed in his Stead, shall die before the finishing of such Division, Allotment, and Inclosure, or shall neglect, refuse, or become incapable to act as aforesaid, then and in such Case it shall be lawful for the said *Thomas Williams*, and the other Proprietors of the said Open Field Lands within the said Parish of *Watlington* (exclusive of the said *George Earl of Macclesfield*, *John Henry Tilson*, and *Henry Hulton*, their Heirs and Assigns), in like Manner, and within the like Space of Time, to nominate and appoint some proper and disinterested Person to be a Commissioner in the Room and Stead of the said *William Bushnell*, or of the Person appointed in his Stead, so dying, neglecting, refusing, or becoming incapable as aforesaid: Provided always, That if it shall happen that the Persons herein-before respectively authorized and empowered to appoint such new Commissioners, shall not make any such new Appointment within the Time herein before for that Purpose limited, then and so often as it shall so happen, the surviving or remaining Commissioners or Commissioner from Time to Time shall within Fourteen Days next after the Expiration of such Time allowed for appointing such new or succeeding Commissioner or Commissioners as aforesaid, appoint some other fit and proper Person or Persons to be a Commissioner or Commissioners in the Place and Stead of such Commissioner or Commissioners so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and every new Commissioner so nominated and

Appointment of Commissioner in the Room of *Richard Davis*.

Appointment of Commissioner in the Room of *John Trumper*.

Appointment of Commissioner in the Room of *William Bushnell*.

and appointed under either of the Powers herein-before given shall, from and immediately after his Appointment and taking the Oath prescribed in that Behalf, have such and the like Powers and Authorities for carrying this Act into Execution, to all Intents and Purposes, as if he had been named and appointed a Commissioner in and by this Act.

Appointment
of Commis-
sioners in
Room of such
as refuse to
act.

III. And be it further enacted, That if any of the said Commissioners shall refuse or neglect to attend at the First and Second Meeting appointed to be held for putting this Act into Execution, and duly qualify himself by taking the Oath in that Behalf prescribed (Notice being given to him of such intended Meeting, under the Hand of either of the Commissioners), or if any One of the said Commissioners shall, after the First or Second Meeting, wilfully absent himself from any Two succeeding Meetings appointed to be held as aforesaid, he having first known of such Meetings by his Presence at their Appointment, or Notice thereof in Writing having been given him, or left at his usual Place of Abode by the Clerk to the said Commissioners, and such Commissioner not being prevented by Sickness or other reasonable Cause, to be allowed by the other Commissioners attending at such subsequent appointed Meetings; or if any Commissioner to be elected and appointed in the Manner aforesaid, shall not attend and qualify himself at the First or Second Meeting after his Election, to be appointed by the surviving or remaining Commissioner for putting this Act into Execution, or shall then-after absent himself in Manner aforesaid (having first known or after such Notice), and without such Cause as last herein-before is mentioned, every such Absence or Non-attendance shall be deemed and taken to be a Refusal to act.

Surveyor.

IV. And be it further enacted, That *William Rutt*, of the City of *Oxford*, 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 Control and Directions of the said Commissioners.

Meetings.

V. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, to be inserted in the Newspaper called *Jackson's Oxford Journal*, or in some other Newspaper usually circulated within the said County of *Oxford*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners not more than One of them shall attend, the Commissioner so attending may adjourn such Meeting to such Time and Place, within Eight Miles of *Watlington* aforesaid, as shall be deemed by him most convenient.

Notices.

VI. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be made and given by Advertisement to be inserted in the said Newspaper called *Jackson's Oxford Journal*, or in some other Paper usually circulated in the said County of *Oxford*.

VII. And be it further enacted, That in order to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and any adjoining Parishes, it shall and may be lawful to and for the said Commissioners, with the Consent in Writing, under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors, or Owner or Owners of the Soil, and under the Hands of the major Part in Value (such major Part to be ascertained by the Land Tax Assessments), of the Land Owners in any Parish or Parishes interested in any Commons or Waste Grounds adjoining to the said last mentioned Parish, and also under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which such Fence or Fences are intended to be made, to set out and ascertain the Boundary Fences to be made between the said Commons and Waste Grounds adjoining to the Lands and Grounds hereby intended to be divided and allotted, in such Manner as they shall judge proper for the Purposes aforesaid; and after such Boundary Fences shall be set out and ascertained as aforesaid, the same shall be fenced by such Person or Persons, in such Manner, and at such Time or Times as the said Commissioners shall order and direct in and by their Award, and shall be for ever thereafter deemed and taken to be the Boundaries between the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, and such adjoining Parish or Parishes; any Law, Usage, or Custom to the contrary notwithstanding.

Power to
shorten Bound-
ary Fences.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested in the said Division, Allotment, and Inclosure, touching or concerning any other Right, Matter, or Thing relating to the same, it shall be lawful for the said Commissioners to examine into, hear, and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Tenements, Lands, or Hereditaments whatsoever.

For settling
Differences.

IX. 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, Dispute or Difference to be brought before them by virtue of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, Dispute or Difference, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands, 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.

Commis-
sioners may
award Costs.

[*Loc. & Per.*]

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X. Provided

Allowing
Parties dissatisfied with
Determination of Commissioners to
try their Rights at
Law.

X. 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, or Inclosure, shall be dissatisfied with any Determination or Order of the said Commissioners touching or concerning any Dispute or Disputes, Difference or Differences as aforesaid, or touching or concerning the Claim or Claims of any Rights or Interests in and to the Soil of the said Open Down, Common and Waste Lands, or any Rights of Common, or other Rights or Interests in, over, and upon the Lands and Grounds herein directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for such Person or Persons to proceed to a Trial at Law respecting the Matter so determined by the said Commissioners at the then next or the following Assizes to be holden for the said County of *Oxford*; and for that Purpose such Person or Persons who shall be dissatisfied with the Determination or Order of the said Commissioners, 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 Three Calendar Months next after such Determination or Order of the said Commissioners shall be made; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such 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 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 to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Claim or Claims of Right to the Soil of the said Open Down, Common and Waste Lands, or other Rights or Interests in, over, or upon the said Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof which shall not be objected to, or being objected to, the Party or Parties objecting, not causing such Action or Actions to be brought and proceeded in as aforesaid, shall be final, binding, and conclusive upon all Parties.

Determination of Commissioners, if not objected to, shall be final.

Death of Parties not to abate Actions.

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

In Cases of Deaths of Parties before Actions brought the same to be carried on

XII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought, if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited

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

and defended
in their
Names.

XIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, except in Cases of Encroachment made within the Period of Twenty Years; 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 mo-
lested without
due Course
of Law.

XIV. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized (if they shall think it necessary and proper), to set out and allot such Parcel or Parcels of Land, Part of the Lands and Grounds by this Act intended to be divided, allotted, and inclosed, in such Situation or Situations as they shall think proper, for the Purpose of publick Watering Places for Cattle, and for the Purpose of getting Chalk, Stones, Gravel, Sand, or other Materials for the repairing the Roads and Ways already made, and to be made or set out by virtue of this or the said recited Act.

Allotment
for getting
Materials.

XV. And be it further enacted, That the said Commissioners may, and they are hereby required, in the next Place to set out, allot, and award unto and for the said *Thomas Williams*, and his Successors, Vicars of *Watlington* aforesaid, such Parcels of the Lands and Grounds hereby intended to be divided and allotted as, in the Judgement of the said Commissioners, shall be a full Equivalent and Compensation for the Glebe Lands and Rights of Common thereto belonging.

Allotment in
lieu of Glebe.

XVI. And be it further enacted, That the said Commissioners shall, and they are hereby required to assign, set out, and allot unto and for the said *Thomas Weld*, Lord of the Manor of *Minigrove* otherwise *Megrove* aforesaid, so much and such Part of the said Common or Waste Ground called *Minigrove*, which lies within the said Parish of *Watlington*, as shall, in the Judgement of the said Commissioners, be equal in Value to One full Sixteenth Part thereof, and of such other of the Common and Waste Grounds belonging to the said Manor which lie in the said Parish of *Watlington*, in lieu of and Satisfaction for his Right and Interest in and to the Soil of the same, and such further Part of the said Tract of Common

Allotment to
the Lord
the Soil.

Common or Waste as shall be an Equivalent for any other Right or Interest the said *Thomas Weld* has in, over, or upon the said Common and Waste Grounds within the said Manor of *Minigrove* otherwise *Megrove*, as are within the said Parish of *Watlington*, and such Allotments shall for ever be deemed, taken, and accepted to be Parcel of the Demesnes of the Manor of *Minigrove* otherwise *Megrove* aforesaid; and the said Commissioners are hereby further required to assign, set out, and allot unto and for the said *Thomas Stonor*, Lord of the said Manors of *Stonor*, *Pisbill*, and *Bix*, so much and such Part of the Soil of the said Commons known by the Names of *North End Common*, *Christmas Common*, *Greenfield Green*, and *Seamer Green*, as shall, in the Judgement of the Commissioners, be equal in Value to One Moiety of the Sixteenth Part of the last mentioned Commons; and the said Commissioners are hereby further required to assign, set out, and allot unto and for the said *George Earl of Macclesfield*, *John Henry Tilson*, *Henry Hulton*, and *John Fane*, and others, Lords of the said Manor of *Watlington*, and unto and for the said *Henry Hulton*, Lord of the Manors of *Watcomb* and *Ingham*, and to and for the Lord or Lords, Lady or Ladies of any other Manor or Manors, being Owner or Owners of the Soil of the said Commons and Waste Grounds, in Severalty, such Parts of the Open Down, Commons, and Waste Lands within the said Manors respectively, as in the Judgement of the said Commissioners shall be equal in Value to the remaining Moiety of the Sixteenth Part of *North End Common*, *Christmas Common*, *Greenfield Green*, and *Seamer Green*, and to One Sixteenth Part of all the other Open Down, Commons, and Waste Lands in the said Parish, other than and except such Commons from which a Compensation is required to be made to the said *Thomas Weld* as aforesaid, and other than and except the Commons and Waste Lands in the said Manor of *Warmscomb*, the Property of the said *Thomas Stonor*.

Power to sell
Lands, to pay
the Expences
of the Act
and other Ex-
pences, &c.

XVII. And be it further enacted, That the said Commissioners shall, in the next Place, out of the Residue of the said Commons and Waste Grounds, mark and set out any Part and Parts of the said Commons and Waste Grounds, not exceeding Fifty Acres in the Whole; and the said Commissioners shall, and they are hereby required to sell the Lands and Grounds so marked and set out in such Allotment or Allotments, as to them shall seem right and proper, to any Person or Persons, for the best Price or Prices that can be gotten for the same, by private Contract or publick Auction or Auctions to be holden for that Purpose, of which Six Weeks previous Notice shall be given; and the Person or Persons so purchasing the same, shall immediately pay by way of Deposit into the Hands of the Commissioners, or such Person or Persons as they shall direct and appoint, One Tenth Part of his or their Purchase Money, and pay the Remainder thereof within Three Calendar Months next after, or at such other Times as the said Commissioners shall appoint; and in Default thereof the Money so deposited shall be forfeited, and shall be applied in carrying this Act into Execution, and the Allotment or Allotments for which the whole of such Purchase Money shall not have been so paid in, or for which there shall be no Bidding at such Auction, shall be again put up to Sale, and sold in Manner aforesaid for the best Price or Prices that can be gotten for the same, or be sold by the said Commissioners by private Contract for any Sum or Sums not less than the remaining Nine Tenths of the Price or respective Prices for which the same was or were respectively

before sold; or the Amount of One Bidding above the Sum or respective Sums at which the same was or were respectively put up in the said former Auctions; and every Allotment for which the full Purchase Money shall be paid, shall immediately thereupon be absolutely discharged of and from all Common and other Rights thereon or therein, and be vested in Fee Simple in, and be inclosed and thenceforth held in Severalty by such Purchaser or Purchasers thereof respectively, as his, her, or their private and absolute Property, and shall be allotted accordingly by the said Commissioners; and the said Purchase Money shall be applied by the said Commissioners in defraying and discharging all the Costs, Charges, and Expences attending the obtaining and passing this Act, and of surveying, admeasuring, planning, valuing, dividing, fencing, and allotting the Lands and Grounds to be divided, allotted, and inclosed by virtue thereof, and all the Charges of the said Commissioners, their Assistants and Servants, and all the Expences of forming, completing, and repairing the publick Carriage Roads and Highways to be set out and appointed by the said Commissioners, and of ring-fencing the Allotments for Tythes, and all other Expences of carrying this Act into Execution, subject to the Proviso herein-after contained respecting the said Open and Common Fields; and the Overplus of such Purchase Money (if any) after defraying such Cost, Charges, and Expences, shall be equally distributed amongst the several Persons interested in the said Commons and Waste Grounds, in Proportion to their several Rights and Interests therein; or otherwise such Surplus shall be paid into the Bank of *England* in Manner directed by the said recited Act, with respect to Money thereby directed to be paid into the Bank for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses: Provided always, that all and every the Charges and Expences attending the surveying, admeasuring, planning, valuing, dividing, and allotting the said Open and Common Fields, or which may be incurred by the carrying this Act into Execution in respect thereto, and a fair Proportion of the Charges and Expences of obtaining and passing this Act, to be ascertained and apportioned by the said Commissioners, shall be borne and defrayed by the respective Proprietors of Lands in the said Open and Common Fields; which said Charges and Expences, together with the Proportions thereof, shall be settled and adjusted by the said Commissioners, and shall be paid at such Time and Place, and to such Person or Persons, as the said Commissioners shall appoint.

XVIII. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot unto the Owner of *Watlington Park*, the Lord of the Manor of *Watcomb*, and the Vicar and Churchwardens of the said Parish of *Watlington*, so much of the said Commons and Waste Grounds as, in the Judgement of the said Commissioners, shall be equal in Value to One Twentieth Part of the Value of the Residue of the said Commons and Waste Grounds; and the same Allotment shall, on the Execution of the Award of the said Commissioners, be vested in the said Owner of *Watlington Park*, the said Lord of the Manor of *Watcomb*, and the Vicar and Churchwardens of the said Parish of *Watlington* for the Time being, for ever, as Trustees for the Poor of the same Parish; and the said Trustees, or the major Part of them, are hereby

Allotment for
the Poor.

[Loc. & Per.]

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empowered,

empowered, from Time to Time, by Writing under their Hands and Seals, to lease and demise such Allotment, or so much thereof as they shall think proper, to any Person or Persons whomsoever, for any Term of Years not exceeding Twenty-one Years, so as in every such Lease there be reserved and made payable to the said Trustees, or the major Part of them, by Two equal Half-yearly Payments in every Year, the most improved Yearly Rent or Rents that can be obtained for the Land thereby demised, without taking any Income, Fine, Premium, or Foregift; in consideration of granting such Lease or Leases; and that in all such Leases there be contained the usual Covenants and Stipulations as the said Trustees, or the major Part of them, shall think proper to be inserted therein; and the Rents and Profits arising from such Allotment, or from so much thereof as shall be demised as aforesaid, shall from Time to Time be laid out in purchasing Fuel, and such Fuel shall be distributed among the poor Inhabitants of the said Parish of *Watlington*, who shall be legally settled therein, and shall occupy Lands or Tenements under the Yearly Value of Ten Pounds, in such Proportions and Quantities, and at such Times in the Year, and according to such Rules and Regulations as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise; and so much of the last mentioned Allotment as shall not be leased or demised as aforesaid, shall be held, used, and appropriated by the said Trustees for the Purpose of sowing Furze, planting Wood, and of cutting Fuel, which Fuel shall be distributed amongst such poor Inhabitants of the said Parish of *Watlington* as are herein-before mentioned, in such Shares and Proportions, and according and subject to such Rules, Orders, and Regulations 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 in case the Rents and Profits of the last mentioned Allotment, or of the Part or Parts thereof which shall be demised or leased as aforesaid, shall at any Time or Times be more than sufficient to answer the Purpose for which the same is hereby directed to be set out, then and so often it shall and may be lawful to and for the Trustees thereof for the Time being, or the major Part of them, to apply and dispose of the Overplus of such Rents and Profits for the Relief and Benefit of the Poor for whose Benefit such Allotment shall be set out, in such Manner as the said Trustees, or the major Part of them, shall think proper: Provided also, that it shall and may be lawful to and for the said Owner of *Watlington Park*, and the Lord of the Manor of *Watcomb* for the Time being, respectively to act in the Execution of the Trusts hereby reposed in them by their respective Agents or Proxies, such Agents or Proxies being appointed by Writing under their respective Hands, and producing their respective Appointments at the Time of their respectively acting by virtue thereof.

Allotment for
Tythes.

XIX. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out, allot, and award unto and for the said *John Henry Tilson*, his Heirs and Assigns, the said *Phineas Pett* and his Successors, Rectors of *Newington* aforesaid, the said *Andrew Price* and his Successors, Rectors of *Britwell Salome* aforesaid, and for the said *Thomas Williams* and his Successors, Vicars of *Watlington* aforesaid, in Severalty, according to their respective Estates and Interests therein, such Parcel or Parcels of the said Lands and Grounds hereby

directed

directed to be divided and inclosed, or some of them, as shall in the Judgement of the said Commissioners, be equal in Value to One Fifth Part of all the Arable and Tillage Lands and Grounds lying within the said Parish below the Hill, and to One Eighth Part of the Meadows, and to One Ninth Part of the Pasture, Open Down, Common and Waste Lands hereby directed to be divided and inclosed, or some of them, in lieu of and as a full Compensation and Satisfaction for all Tythes, both Great and Small, and other Payments in lieu of Tythes, and all other Ecclesiastical Dues whatsoever (Mortuaries, *Easter Offerings*, and Surplice Fees, due to the same Vicar and his Successors, only excepted), arising, growing, renewing, increasing, payable, or happening, or to arise, grow, renew, increase, or become payable, or happen, within, from, or in respect of the said respective Lands and Grounds hereby directed to be divided and inclosed, or any of them, or any Part thereof, and also of or from the Messuages, Cottages, Gardens, Orchards, and ancient inclosed Lands and Grounds within the said Parish below the Hill as aforesaid; which said Allotment or Allotments so to be set out and allotted in lieu of Tythes as aforesaid, the said Commissioners are hereby authorized and required to divide, set out, and apportion between the said *John Henry Tilson*, his Heirs and Assigns, the said *Phineas Pett* and his Successors, the said *Andrew Price* and his Successors, and the said *Thomas Williams* and his Successors, according to their respective Rights and Interests therein, or in the said Tythes to be compensated for by the said Allotment or Allotments as aforesaid, to be ascertained by and according to the Judgement of the said Commissioners.

XX. And be it further enacted, That in case there are any Homesteads, Gardens, Orchards, Home Closes, old Inclosures, or old inclosed Lands and Grounds below the Hill in the said Parish of *Watlington*, subject or liable to the Payment of Tythes in Kind, or to any Modus or Composition, or other Payment in lieu of Tythes, or any other Ecclesiastical Dues or Payment, the respective Proprietors whereof shall not happen to be entitled to any or a sufficient specific Allotment to make Compensation for the same, such Proprietors shall respectively pay or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for such Tythes, Moduses, Compositions, or other Payments in lieu of Tythes, or other Ecclesiastical Due or Payment issuing or payable out of such Homesteads, Gardens, Orchards, Home Closes, old Inclosures, and old inclosed Lands and Grounds respectively, or such Part thereof for which a Compensation in Land cannot be made by the Proprietors thereof as aforesaid; which Sum or Sums of Money shall be applied towards Payment of the Charges and Expences of obtaining and passing this Act, and carrying the same and the said recited Act into Execution, and shall and may be raised, levied, and recovered in like Manner as the Charges and Expences of obtaining and passing this Act, and carrying the same and the said recited Act into Execution, are herein-after directed to be raised, levied, and recovered; and in case any Surplus shall remain after Payment of such Charges and Expences as aforesaid, such Surplus shall be paid to the Person or Persons entitled thereto, if seised in Fee of such Lands; or otherwise such Surplus shall be paid into the Bank of *England*, in the Manner directed by the said recited Act with respect

A Money Payment to be made for Tythes of old Inclosures, in certain Cases.

respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Tythes to
continue till
Execution of
the Award.

XXI. Provided always, and be it further enacted, That until the Execution of the Award of the said Commissioners, or until such other previous Time as the said Commissioners shall, by Writing under their Hands, direct or appoint, the said *John Henry Tilson*, *Phineas Pett*, *Andrew Price*, and *Thomas Williams* shall severally be entitled to, and shall have, receive, and enjoy all their respective Tythes in such Manner as they respectively could or might have had, received, and enjoyed the same in case this Act had not been made.

Compensation
for Tythes of
old Inclosures
at Greenfield
to be made by
a Corn Rent.

XXII. Provided always, and be it further enacted, That if the Owner or Owners, Proprietor or Proprietors of any Messuages, Tenements, Gardens, Orchards, or old Inclosures within the Liberty of *Greenfield*, in the said Parish of *Watlington*, which is situate above the Hill, and which are subject and liable to the Payment of Tythes to the said *John Henry Tilson*, or the said Vicar and his Successors, shall not be entitled to any Allotment or Allotments out of the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, or being entitled, such Allotment or Allotments shall not be sufficient to make such Satisfaction and Compensation as aforesaid for all the Tythes, both Great and Small, yearly issuing, arising, renewing, increasing, or payable out of or from all such Messuages, Tenements, Gardens, Orchards, and old Inclosures within the said Liberty of *Greenfield*, belonging to such Owners and Proprietors respectively, then and in every such Case the said Commissioners shall, and they are hereby required, in the next Place, to calculate and ascertain the Value of all the said Tythes, or of so much thereof as cannot be compensated for as aforesaid; and after making such Valuation, the said Commissioners shall either allot such Proportion of Land out of the ancient Inclosures belonging to such Proprietor or Proprietors respectively (having first obtained the Consent of such Proprietor or Proprietors, by Writing under his or their Hand so to do), sufficient to exonerate the said Tythes, or by the *London Gazette*, or such other Ways and Means as they shall think most proper, inquire what hath been the Average Price of good marketable Wheat in the County of *Oxford*, during the last Fourteen Years preceding the Year One thousand eight hundred and eight; and shall in and by their Award ascertain and set forth what Quantity of such Wheat shall, in their Judgement, according to the Average Price aforesaid, be equal in Value to all or such Parts of the Tythes of the said Messuages, Tenements, Gardens, Orchards, or old Inclosures belonging to each and every Proprietor, according to the Valuation to be made as aforesaid; and such Sum or Sums of Money when so ascertained by the said Commissioners, shall be divided and apportioned between the said *John Henry Tilson* and the said Vicar, and their respective Successors, in such Shares and Proportions as the said Commissioners shall judge and determine to be equal to their respective Shares and Proportions in such Tythes respectively; and such Sum or Sums of Money, when so apportioned, shall be paid and payable to the said *John Henry Tilson*, his Heirs and Assigns, and to the said Vicar and his Successors for ever, in such

Proportions

Proportions as shall be determined by the said Commissioners, by the Person or Persons who, for the Time being, shall be in the Possession or Occupation of the Lands, Tenements, and Hereditaments out of which the said Sum or Sums of Money, by way of Corn Rent, when so apportioned, shall be issuing, by Four equal Quarterly Payments in every Year; (that is to say), on the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December*; the first Payment whereof shall grow due and be made on the Twenty-fifth Day of *March* after the Execution of the said Award, or such earlier Quarter Days of Payment as the said Commissioners shall, by any Writing or Writings under their Hands, direct or appoint; and such Sum or Sums of Money, by way of Corn Rent, so to be ascertained as aforesaid, shall be in lieu of, and a full Recompence and Satisfaction for all Tythes in Kind, both Great and Small, and all other Ecclesiastical Dues and Payments whatsoever (Surplice Fees, *Easter Offerings*, and Mortuaries excepted), arising, renewing, increasing, or happening out of or from such Messuages, Tenements, Gardens, Orchards, and old Inclosures.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said *John Henry Tilson*, his Heirs and Assigns, or the said Vicar and his Successors, or the Owner or Proprietor, or the Owners or Proprietors of the Lands, Tenements, or Hereditaments out of which the said several Sums of Money by way of Corn Rent are to issue, or the greatest Part in Value of such Owners and Proprietors, by Writing under their respective Hands, to apply, at the first General Quarter Sessions of the Peace to be holden in and for the said County of *Oxford* in the Week after the Feast of *Saint Michael the Archangel*, after the Expiration of Fourteen Years from the Execution of the said Award, or at some Adjournment thereof (Notice of such intended Application being first given in the *London Gazette*, and also in some Newspaper or Newspapers usually circulated in the County of *Oxford*, and also affixed on the Door of the Church of *Watlington* aforesaid, in the Month of *August* next preceding), to have Three Persons named or appointed by the Justices then and there assembled to be Referees, for the Purpose of inquiring and ascertaining by or from, or by means of the *London Gazette*, or by such other Ways or Means as they shall think equitable and proper, the Average Price of a *Winchester* Bushel of good marketable Wheat within the said County of *Oxford* for the Fourteen Years then last past; and the said Justices shall, and they are hereby required, to nominate and appoint Three Persons (not being interested in the Premises), as Referees; and such Three Referees, or any Two of them, shall, and they are hereby required, to inquire into and ascertain by or from, or by means of the *London Gazette*, or by such other Ways or Means as they shall think equitable or proper, the Average Price of a *Winchester* Bushel of good marketable Wheat within the said County of *Oxford* for the Fourteen Years then last past; and after such Inquiry and Ascertainment shall make and deliver a Report thereof, stating such Average Price to the Court of Quarter Sessions to be holden in and for the said County of *Oxford* then next ensuing, or some Adjournment thereof; and in case it shall by such Report appear, that such Average Price of a Bushel of such Wheat is more or less than the Average Price thereof set forth in the said Award, by the Value of Three Pence, then and in such Case such Sum or Sums of Money, by way

For re-ascertaining the Corn Rent.

of Corn Rent, shall be increased or diminished in such Proportion as shall be declared by the Order of the said Court; and the same shall, from the Quarterly Day of Payment preceding such Order, remain and continue issuing and payable as aforesaid out of the respective Lands, Tenements, and Hereditaments within the said Liberty of *Greenfield*, charged by the said Award with such Sum or Sums of Money by way of Corn Rent, until such Sum or Sums of Money shall, at the End of Fourteen Years then next ensuing, be again varied by such Application, and in such Manner as herein-before mentioned, and so from Time to Time at the End of every Fourteen Years for ever.

For Recovery
of the Corn
Rent.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said *John Henry Tilson*, his Heirs and Assigns, and the said Vicar and his Successors, to recover their respective Proportions of the said several Sums of Money by way of Corn Rent, when and as often as the same, or any Part thereof, shall be in Arrear, or remain unpaid after the respective Times herein appointed for the Payment thereof, together with the Costs, Charges, and Expences of recovering thereof from the Owner or Occupier, or Owners or Occupiers of the Lands, Tenements, and Hereditaments out of which the said several Sums of Money by way of Corn Rent are to be issuing, or of any Part thereof, by such Ways and Means as by the Laws and Statutes of this Realm any Tythes or Rack Rents in Arrear are directed to be recovered; and that upon the Death, Cession, Resignation, or Removal of the said Vicar or his Successors, he or his Executors or Administrators shall be entitled to and receive so much and such Part of the several Sums of Money by way of Corn Rent, as shall be in the Proportion to the Number of Days elapsed between the Day of such Death, Cession, Resignation, or Removal respectively, and the then last preceding Day of Payment.

To divide
Corn Rent
between Par-
ties entitled.

XXV. Provided also, and be it enacted, That the Yearly or Corn Rents or Sums of Money to be assigned in lieu of Tythes as aforesaid, shall be fairly and impartially proportioned and divided by the said Commissioners, between the respective Parties entitled thereto, according to their respective Proportions, Rights, and Interests of and in such Tythes.

Lands divided
to be subject
to a Propor-
tion of Corn
Rent.

XXVI. And whereas the several Proprietors of ancient inclosed Lands within the said Liberty of *Greenfield*, or some of them, at future Periods, may happen to sell and dispose of their said Lands or Premises, or some Parts or Part thereof; and the said Lands or Premises, or some Parts or Part thereof, may be let to separate or distinct Tenants, or be divided by Will or otherwise; and upon a Division of any of the said ancient inclosed Lands in Manner aforesaid, it may be convenient and necessary to the Owner or Owners thereof for the Time being, to divide and apportion the said Yearly or Corn Rents, or Sums of Money; be it further enacted, That it shall and may be lawful for the Owner and Owners of all and every Estate and Estates of the said ancient inclosed Lands within the said Liberty of *Greenfield*, for the Time being, upon a Division of their respective Estates either by Sale or otherwise, to apportion and charge each and every Part of the Estates so divided, with a due and fair Proportion of the said Yearly or Corn Rents or Sums of Money as aforesaid, so to be ascertained and set forth by the said Commissioners; provided that in
every

every such Division due Regard be had to the Quantity of Acres in, and the Rate by the Acre, ascertained by the said Commissioners upon the Whole or any Part of every such Estate, and that each and every Division may be made to bear a fair and just Proportion (as near as may be) of the said Yearly or Corn Rents, or Sums of Money; and as the Power of recovering the said Yearly or Corn Rents, or Sums of Money, is herein-before extended to the Whole of each and every Estate of ancient inclosed Lands, the said Power shall continue and remain the same, until such Division of the Estate, and the apportioning the said Yearly or Corn Rents or Sums of Money, shall be made known to the said *John Henry Tilson*, his Heirs or Assigns, and the said Vicar or his Successors, by a written Notice thereof from the Owner, setting forth the Division of such Estate, and the Corn Rent or Yearly Sum charged upon each such Division; and after such Notice the Power of Distress and Recovery of Rents or Sums so apportioned and being in Arrear, shall extend only to the Lands liable to the Payment thereof as specified in such Notice.

XXVII. And, in order to prevent any Difficulty to the said Parties entitled to the said Corn Rents or Sums of Money respectively, by the Division of any Estates, and to facilitate the future regulating of the said Yearly or Corn Rents or Sums of Money, be it further enacted; That the said Commissioners shall, and they are hereby required to make or cause to be made Two complete Schedules or Descriptions of each and every Parcel of ancient Inclosure within the said Liberty of *Greenfield*, subject to the Payment of any of the said Yearly or Corn Rents, or Sums of Money as aforesaid, with the Name of the Owner thereof, the exact Statute Measure in Acres, Roods, and Perches, the Yearly or Corn Rents, or Sums of Money issuing out of each respectively, and the Quantity of Wheat which is to govern each of the said future Yearly or Corn Rents, or Sums of Money payable to the said *John Henry Tilson* and to the said Vicar respectively, and the Rate by the Acre by which the said Yearly or Corn Rents, or Sums of Money shall be charged as aforesaid, and such other Requisites as shall be judged proper and necessary by the said Commissioners, to render every Matter respecting the said Yearly or Corn Rents, or Sums of Money, clear and plain in future; both of which said Schedules or Descriptions shall be signed by the said Commissioners, and One deposited in the Office of the Clerk of the Peace for the County of *Oxford*, and the other annexed to the said Award of the said Commissioners.

Schedules to be made of Lands subject to Corn Rent.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to affect the Right and Title of *Thomas Stonor* Esquire, to the Tythes of certain inclosed Lands, the Property of the said *Thomas Stonor*, in the Liberties of *Greenfield* and *Wanscomb*, in the Parish of *Watlington* aforesaid.

This Act not to affect the Right of Mr. Stonor to Tythes.

XXIX. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required, after the making such Allotments as herein-before directed, to divide, set out, allot, and award all the Residue and Remainder of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, unto and amongst the respective Owners and Proprietors thereof, and Persons interested therein, in such Quantities, Shares, and Proportions, and in such Parts and Shares

Allotments of the Residue,

as

as the said Commissioners shall adjudge and determine to be a just Compensation and Satisfaction for, and equal to their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests therein, subject to such Rules, Provisions, and Directions as are in and by this and the said recited Act declared, expressed, appointed, and prescribed.

Securing
Payment to be
made to the
Vicar.

XXX. And, for effectually securing the Yearly Sum to be paid out of the said Rectory or Parsonage Improprite to the said Vicar and his Successors, in lieu of the said Corn and Straw before mentioned, be it further enacted, That the said Commissioners shall set out so much and such Part of the Tythe Allotment or Allotments to be made to the said *John Henry Tilson*, as shall, in their Judgement, be a competent Security to the said Vicar and his Successors for the Payment of the same; which said Allotment or Allotments shall be, and is and are hereby for ever charged and chargeable with the said Yearly Sum hereby made payable, which shall be issuing out of the same, and shall be paid to the said Vicar and his Successors, at the Residence of the said Vicar in *Watlington* aforesaid, by the said *John Henry Tilson*, and the Owners and Proprietors, for the Time being, of the said Allotment or Allotments so made chargeable therewith, and their several Heirs and Assigns for ever, by equal Half-yearly Payments, on such Days in the Year, and to commence at such Time as the said Commissioners shall, in and by their Award, direct and appoint; and the said Vicar and his Successors shall and may have and exercise such and the same Powers and Remedies over and upon such Allotment or Allotments so charged therewith, for recovering the Yearly Sum which shall be payable as aforesaid, as and when the same or any Part thereof shall be in Arrear, as are by Law given and provided for the Recovery of Rent Service or other Rent in Arrear; and that upon the Death, Cession, Resignation, or Removal of the present and every future Vicar of the said Parish of *Watlington*, his Executors or Administrators, shall be entitled unto and receive so much and such Part thereof, as shall be in Proportion to the Number of Days elapsed to the Day of his Death, Cession, Resignation, or Removal from the then last preceding Day of Payment, and a Plan of the Lands so charged shall be made out and signed by the said Commissioners, and enrolled with the Award to be made by them.

Regulating
Payments of
the Corn Rent
to the Vicar,

XXXI. And, for settling the Manner of fixing the said Yearly Sum to be paid for the said Portions of Corn and Straw, be it further enacted, That the said Commissioners shall, and they are hereby directed and required, to ascertain by the most authentic Means they can, the Average Price of Wheat, Barley, and Oats *per Bushel*, and of Wheat Straw and Barley Straw *per Day's Thresh*, in the County of *Oxford*, for the Term of Fourteen Days next preceding the passing of this Act; and the said Commissioners shall, in and by the Award to be made by them, set forth such Average Price, and the Sum such Corn and Straw would collectively amount to, which said Sum shall be declared by them in such Award to be the Yearly Payment for such Corn and Straw for the first Fourteen Years after the making of the said Award; and, for the Purpose of ascertaining and settling the future Payments, it shall be lawful for the said *John Henry Tilson*, his Heirs and Assigns, or the Owners and Proprietors of the said Allotment or Allotments charged with the said Annual Sum,

Sum, and the said Vicar and his Successors, at the Expiration of the said Fourteen Years, to nominate and appoint Two Persons for inquiring into and ascertaining by such Means as they shall think equitable and proper the Average Price of good marketable Wheat, Barley, and Oats *per* Bushel, and of good Wheat Straw and Barley Straw *per* Day's Thresh, within the said County of *Oxford*, for Fourteen Years then last past; which said Arbitrators or Referees shall by their Report to be delivered to the said Parties or their Agents, on the First Day of *January* then next ensuing, set forth such Average Price; and in case it shall appear that such Average Price is more or less than the Average Price thereof set forth in the said Award by the Value of Three Pence *per* Bushel and upwards, the Yearly Sum payable for the preceding Fourteen Years shall be diminished or increased in proportion, and the exact Amount of the said Yearly Sum, to which the same shall be so increased or diminished, shall be declared by the said Arbitrators or Referees, and the same shall from the Half Yearly Day of Payment preceding such Declaration remain and continue issuing and payable as aforesaid out of the same Allotment or Allotments charged by the said Award, with the first Yearly Sum to the Amount to which the same shall be so declared until the same shall at the End of Fourteen Years be again varied in such Manner as herein-before mentioned, and so from Time to Time at the End of every Term of Fourteen Years for ever.

XXXII. And be it further enacted, That from and after the said Commissioners shall have completed the Division and Allotment of the Lands and Grounds by this or by the said recited Act directed and authorized to be divided, allotted, and inclosed, in the Proportions, Manner, and Form herein-before mentioned and specified, all and every Rights of Common and all other Rights and Interests in respect of the Manors of *Watlington* or *Watcomb* and *Ingham*, or any other Manor or Manors in the Parish of *Watlington*, or any Messuages, Lands, and Tenements within the said Parish of *Watlington*, or of any Inhabitant or Inhabitants of the said Parish, in, over, or upon the Residue of the Open Common, Waste Grounds, and other Grounds within the Manor of *Minigrove* otherwise *Megrove* aforesaid, shall cease, and be for ever extinguished, and such Residue of the said Open Common, Waste Grounds, and other Grounds, shall be freed, exonerated, and discharged from all Rights of Common and all other Rights and Interests whatsoever, in respect of the said Manor or Manors, Messuages, Lands and Tenements, within the said Parish of *Watlington*, or of any Inhabitant or Inhabitants within the same Manor or Manors, and Parish.

To extinguish Right of Common within the Manor of *Minigrove*, in respect of Manors, Lands, &c. in the Parish of *Watlington*.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, at any Time or Times hereafter, whenever and as often as they in their Discretion shall think convenient, by Notice in Writing for that Purpose under their Hands, to be affixed on the principal outer Door of the said Parish of *Watlington* aforesaid, to suspend or totally extinguish all or any Parts of the Rights of Common in, over, and upon all or any Part of the said Open and Common Fields, Common Meadows, Common Pastures, and Open Down, Common and Waste Lands hereby directed to be divided and allotted; and from and after such Notices given, all such Rights of Common in, over, and upon the said Open and Common Fields, Common Meadows, Common Pastures, and

Commissioners to extinguish Rights of Common.

Open Down, Common and Waste Lands, or such Parts thereof, as by such Notices shall be directed to be suspended or extinguished, shall cease and be totally extinguished, or otherwise suspended, accordingly.

Allotments to be held to the same Uses as the former Estates.

XXXIV. And be it further enacted, That the several Lands and Grounds to be allotted and awarded upon the said Division, Allotment, and Inclosure, to the several Persons interested, and the several Messuages, Lands, Tenements, old Inclosures, new Allotments, and other Hereditaments which shall be exchanged in pursuance of this or the said recited Act, shall, immediately after such Allotments and Exchanges are made, be, remain, and enure, and the several Persons to whom the same shall be respectively allotted or given in Exchange, or awarded upon such Division, shall from thenceforth stand and be seised and possessed thereof to such and the same Uses, Estates, Trusts, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Charges, and Incumbrances, as the several and respective Messuages, Lands, Tenements, old Inclosures, new Allotments, or other Hereditaments, in lieu whereof such Allotments or exchanged Premises shall be respectively made or taken as aforesaid, are now held under or subject to, or liable to be charged with or affected by, or might or could have been held under or subject to, or liable to have been charged with or affected by, in case this Act had not been made.

Vacating Leases at Rack Rent.

XXXV. And be it further enacted, That all and every Lease and Leases at Rack Rent subsisting, upon the making or renewing of which no Fine or Fines hath or have been paid, of all or any Part of the Lands or Grounds below the Hill to be divided, allotted, and inclosed by virtue of this Act, or the Tythes thereof, or any Part thereof, either alone or jointly with any other Lands, Tenements, Tythes, or Hereditaments, and all subsisting Agreements for any Time or Term therein, as to the whole of the Tenements comprized in such Lease or Leases, Agreement or Agreements, shall on such Day as the said Commissioners shall by Writing under their Hands for that Purpose limit or appoint, cease, determine, and be utterly void; and the respective Lessees or Tenants thereof shall thereupon be entitled to demand and receive of and from the respective Landlords, Owners, or Proprietors of the same Premises, such Allowance or Satisfaction in Money, and at such Time or Times as such Commissioners shall ascertain, order, and direct as reasonable to be paid to such Lessees or Tenants on Account thereof, or as an Equivalent for the same; and such Lessees or Tenants respectively shall upon the Determination of every such Lease or Agreement be liable to pay the respective Landlords, Owners, and Proprietors of the same Premises, such Rents or Sums of Money up to the Time of vacating such Leases or Agreements respectively, for the Use and Occupation thereof, as the said Commissioners shall in like Manner ascertain, order, and direct as reasonable and proper in that Behalf: Provided always, that if there shall be any Lease or Leases of Lands below the Hill, Part of which shall lie in the said Parish of *Watlington*, and Part in any adjoining Parish, Township, or Place, all and every such Lease or Leases upon Rack Rent now subsisting shall be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease, and wholly situate in an adjoining Parish or Township, the Lease of such last mentioned Lands shall not be vacated.

XXXVI. And

XXXVI. And be it further enacted, That from and after the passing of this Act, until the Execution of the Award of the said Commissioners, all the Open Fields hereby directed to be divided and allotted, shall be subject and liable to such Directions and Regulations as the said Commissioners shall from Time to Time by Writing under their Hand appoint, as well with regard to the stocking, as to the ploughing, folding, tilling, and laying down the same; and it shall be lawful for the said Commissioners to order and direct such Sum or Sums of Money in respect thereof, to be paid by any Person or Persons interested in the said Open Fields, his, her, or their Tenant or Tenants, as they the said Commissioners shall think reasonable; and in case any Person or Persons who shall be directed to pay any Sum or Sums of Money on any of the Accounts aforesaid, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to raise and levy the same, for the Use and Benefit of the Person or Persons entitled thereto by such Ways and Means as the Costs, Charges and Expences of obtaining and executing this Act may be raised and levied.

Commis-
sioners to di-
rect the
Course of
Husbandry.

XXXVII. And be it further enacted, That it shall not be lawful for any Person or Persons for the Space of Four Years next after the Execution of the Award of the said Commissioners, 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, her, or their own Expence effectually and sufficiently fence off or guard, and duly keep fenced off the Quickset Hedges or other live Fences of the Proprietor or Proprietors of such Allotment or Allotments where such Sheep or Lambs shall be so kept, and of such Allotment or Allotments adjoining thereto, so as to prevent any Damage being done to such Quickset Hedges.

Sheep not to
be depastured
on new Allot-
ments for
Four Years.

XXXVIII. 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 thereto belonging and the several Allotments to be set out and allotted by virtue of this Act to and for the respective Tythe Proprietors in lieu of their Tythes, shall be well and sufficiently, in a proper and husbandlike Manner, inclosed and ring-fenced by or with such Fences, and in such Manner as the said Commissioners shall, by any Writing under their Hands, or by their Award, order or direct, at the Expence of the several other Proprietors of the Lands hereby intended to be divided, inclosed, and allotted, in such Proportions as the said Commissioners shall direct; and the same shall be thereafter supported and maintained for the Term of Seven Years, by or at the Expence of all or such of the said other Proprietors of Lands and Grounds within the said Parish of *Wilmington*, 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 Allot-

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

ments for the said Lands and Grounds after the Division thereof, shall within Three 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; and in case any Person who shall be made subject or liable by such Order and Direction of the Commissioners to make or to repair, support or maintain any such Fence, shall neglect or refuse to make, or to repair, support, or maintain the same, according to such Direction of the said Commissioners, it shall be lawful for the Person or Persons interested in the Lands next adjoining the Lands allotted to the Person or Persons so neglecting or refusing to exhibit a Complaint in Writing against such Person or Persons, before any one of His Majesty's Justices of the Peace for the County of *Oxford*, not being interested in the Lands and Grounds so to be fenced and inclosed as aforesaid, who shall and may summon the Parties concerned, inquire into the Nature of the Complaint, and examine all proper Witnesses upon Oath, which Oath such Justice shall and may, and is hereby authorized to administer; and after such Summons, Inquiry, and Examination, shall and may, if he shall see Cause, order, direct, and appoint the Person or Persons exhibiting such Complaint, to make and raise or to repair such Fences of the Person or Persons so neglecting or refusing, and when the same shall be so made and raised or repaired, such Justice may ascertain the Costs and Charges of doing thereof, and also shall and may, by Warrant under his Hand and Seal, directed to the Person or Persons exhibiting such Complaint, cause the same Costs and Charges so ascertained (Demand thereof being first made before One credible Witness) 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 Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; or otherwise shall and may, by Writing under his Hand and Seal, authorize and empower the Person or Persons exhibiting such Complaint, to enter into and upon the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and to receive and take the Rents and Profits thereof respectively, until thereby, therewith, or otherwise, the Charges and Expences of making and maintaining or repairing such Fences of the Person or Persons so neglecting or refusing to pay as aforesaid, and also also all Costs, Charges, and Expences occasioned by and attending such Entries upon and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied: 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 fenced in and made up.

Gaps to be left.

Money advanced for Expence of Act to be repaid with interest.

XXXIX. And be it further enacted, That the Person or Persons who shall advance or lend any Sum or Sums of Money for defraying the Expences of applying for and obtaining this Act, and of carrying the same into Execution, shall be repaid the same out of the first Monies which

which shall be raised and collected in pursuance hereof, with Interest at the Rate of Five Pounds *per Centum per Annum* from the Time of advancing and paying the same respectively.

XL. And be it further enacted, That each of the Commissioners who shall act in the Execution of the Powers vested in them by this Act, and their Clerk, shall be paid the Sum of Two Pounds Twelve Shillings and Sixpence each Day they shall respectively and actually attend in the Execution of this Act, the same Sums to be in full Satisfaction for the Trouble and Expences which the said Commissioners and their Clerk shall be respectively put unto in the Execution of the Powers aforesaid, and the said Commissioners shall cause Minutes of each Day's Proceeding to be entered in a Book on the same Day, and signed by them; and that the same Sums, together with all Costs, Charges, and Expences incident to and attending the obtaining this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands, Grounds, and Premises to be divided and allotted by virtue of this Act, and of preparing and inrolling the Award of the said Commissioners, and all the Charges and Expences of their Assistants and Servants, and all other necessary Expences of the several Persons to be employed by them in and about the Premises, either before or after the Execution of the Award, and all the Expences of forming, completing and repairing the publick Carriage Roads and Highways to be set out and appointed by the said Commissioners, and all other Expences for carrying this Act into Execution, shall be borne and defrayed by the several Owners of the Lands, Grounds, and Hereditaments to be divided, allotted, and inclosed, and exonerated from the Payment of Tythes, by virtue of this Act (save and except the said *John Henry Tilson, Phineas Pett, Andrew Price, and Thomas Williams*, for or in respect of any Allotment or Allotments which shall be made to them respectively in lieu of Tythes and Glebe Lands, and also save and except the Surveyors of the Highways of the said Parish of *Watlington* for the Time being, for and in respect of the Allotment hereby directed to be made to them as aforesaid); which said Costs, Charges and Expences together with the Proportions thereof to be paid by the several Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioners, and shall be paid at such Time and Place, and to such Person or Persons as the said Commissioners shall appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof, within the Time to be appointed as aforesaid, or at any Time after upon Demand, the same shall and may be levied and recovered in the Manner directed by the said recited Act.

Allowance to the Commissioners, and paying the Expences of this Act.

XLI. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making and compleating any Exchanges and Partitions by virtue of this and the said recited Act, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct, and shall be recovered in the same Manner as is herein-before directed respecting the Recovery of the Costs and Charges of obtaining and executing this Act.

Expences of Exchanges.

[*Loc. & Per.*]

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XLII. Provided

Costs of ad-
justing Pro-
portions of
Tythes to be
paid by Mr.
Tilson.

XLII. Provided always, and be it further enacted, That the Costs Charges, and Expences of adjusting the relative Proportion of the Tythes and Rents to be paid to the said *John Henry Tilson* and the Vicar of *Watlington*, shall be borne and paid by the said *John Henry Tilson*, his Heirs and Assigns.

Commis-
sioners to ac-
count.

XLIII. And be it further enacted, That once in every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended; or due to them for their own Trouble or Expences in the Execution of this Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the County of *Oxford* acting for the Divisions of *Oxford*, *Henley*, or *Watlington* (not interested in the said Division, Allotment, or Inclosure) to be by them examined and balanced; and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners, and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices: Provided always, that the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act.

Wills and
Settlements
not to be al-
tered.

XLIV. Provided always, That nothing in this or the said recited 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, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Messuages, Buildings, Lands, or Grounds to be divided, allotted, inclosed, or exchanged as aforesaid, or any Part or Parts thereof respectively; but that the respective Persons to whom any Lands or Hereditaments shall be allotted or awarded in Exchange by virtue of this Act, shall be seised thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Charges and Incumbrances, and no other, and the Messuages, Buildings, Lands, Grounds, and Hereditaments whereof such Persons were seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to and charged with or affected by, in case this Act had not been made.

Award.

XLV. And be it further enacted, That the Award to be made by the said Commissioners shall, when enrolled in the Manner directed by the said recited Act, be deposited in the Parish Church of *Watlington* aforesaid, or in such other Place as the said Commissioners shall appoint.

Allowing an
Appeal.

XLVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act (other than and except as to such Claims, Matters and Things as are herein-before directed or authorized to be tried, settled or determined by the Verdict of a Jury, or where any of the

the Clauses or Provisions of the said recited Act, or of this Act, shall express that the same shall be final and conclusive, and excepting such Cases wherein an Issue at Law shall be tried as herein-before mentioned), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall 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 Commissioners, or to the Party or Parties concerned, Ten Days Notice in Writing of such Appeal, and of the Matter hereof; 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, and to award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the said Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

XLVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, alter, vary, affect, lessen, abridge, diminish, defeat, or determine any of the Rights and Interests of the Lords of the said Manors, or any of them for the Time being, in or to the Seigniories, Royalties, Rights and Services incident and belonging to the said Manors respectively; but that such Lord or Lords of the said Manors for the Time being, shall and may from Time to Time, and at all Times hereafter, hold, exercise, and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Mines, Goods and Chattels, of Felons, Fugitives, Felons of themselves, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Jurisdications, Rights and Pre-eminences whatsoever to the said Manors, or any of them, or to the Lords thereof for the Time being respectively, incident, appendant, appurtenant or belonging, or in anywise appertaining (save and except such Right to the Soil of the said Open Down, Commons, and Waste Grounds, and such Rights of Common of Pasture, and other Rights of Common, and Interests, in, over, and upon the said Open Down, Commons and Waste Grounds, for which Satisfaction or Compensation shall have been made by virtue of this Act), in as full, large, ample, and beneficial a Manner as they heretofore have held, exercised, and enjoyed the same, in case this Act had not been made.

Saving of the
Rights of
Lords of
Manors.

XLVIII. 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

General
Saving.

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.

Evidence
Clause,

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1808.