



ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 157.

An Act for inclosing Lands in the Divisions of
Lewknor and *Postcomb*, in the Parish of *Lewknor* in
the County of *Oxford*. [2d June 1810.]

WHEREAS there are within the Divisions of *Lewknor* and *Postcomb*, in the Parish of *Lewknor* in the County of *Oxford*, divers Open and Common Fields, Common Meadows, Common Pastures, Wastes and other Commonable Lands and Grounds: And whereas *Richard Paul Jodrell* Esquire is Lord of the Manor of *Lewknor*, and a considerable Proprietor of the said Lands or Grounds: And whereas the Warden and College of the Souls of all faithful People deceased, in the University of *Oxford*, commonly called *All Souls College*, are seised of the Improprate Rectory or Parsonage of the said Parish of *Lewknor*, and in Right thereof are entitled to certain Glebe Lands in the Divisions of *Lewknor* and *Postcomb* aforesaid, and Right of Common thereunto belonging, which Glebe Lands comprize by Admeasurement Eighty Acres (more or less), Seventy Acres whereof or thereabouts are situated in a Commonable Meadow called *Lewknor Mead*, and in the said Open Fields of *Lewknor* and *Postcomb*, and Ten Acres or thereabouts, the Residue thereof, are situated in old Inclosures in the said Division of *Lewknor*; and the said Warden and College are also seised of or entitled to all the Great Tythes arising, growing, and renewing from and out of all the Lands and Grounds within the said Divisions of *Lewknor* and *Postcomb* in the Parish of *Lewknor* aforesaid, except Thirty-seven Acres or thereabouts, Part of *Vicars Bottom Farm*, in the said Division of *Lewknor*, which are claimed to be Tythe free; and the said Warden and College are also seised of the perpetual Advowson, Right of Patronage, and Presentation

[Loc. & Per.] 40 H of

of, in, and to the Vicarage of the Parish Church of *Lewknor* aforesaid, and the Reverend *Charles Botterell Hawkins* Clerk is Vicar of the said Parish of *Lewknor*, and in Right of the said Vicarage is seised of or entitled to all the Small Tythes arising, growing, and renewing within the said Divisions of *Lewknor* and *Postcomb* in the said Parish of *Lewknor*, and also to the Tythes of Hay arising from *Lewknor Mead*: And whereas the said Warden and College, the Right Honourable *George* Earl of *Macclesfield*, *Richard Davis* Esquire, *William Dodd*, *Richard Dodd*, *William Hester Wiggins*, *Francis Filbee*, and others, are seised of or entitled to the Residue of the said Open and Common Fields, Common Meadows, Common Pastures, Waste and other Commonable Lands and Grounds: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act of Parliament certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Lands of the respective Proprietors of the said Open and Common Fields, Common Meadows, and Common Pastures lie very much intermixed and dispersed in small Parcels, so as to render the Cultivation thereof very inconvenient, and the same in their present State are incapable of any considerable Improvement, and if the same, together with the said Wastes and other Commonable Lands and Grounds, were divided and inclosed, and specifick Shares allotted to the several Proprietors, they might be much improved and rendered of greater Value; but such Division and Inclosure cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Trumper* of *Harefield* in the County of *Middlesex* Gentleman, *William Phelps* of *Puckrup* in the County of *Gloucester* Gentleman, and *William Rutt* of *Watlington* in the County of *Oxford* Gentleman, and their Successors to be nominated and elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for the valuing, qualifying, dividing, setting out, allotting, and inclosing the said Open and Common Fields, Common Meadows, Common Pastures, Waste and other Commonable Lands and Grounds within the said Division of *Lewknor* and *Postcomb* in the Parish of *Lewknor* aforesaid, and for the Purposes of this Act, and carrying the same into Execution, in the Manner and subject to the Rules, Orders, and Directions contained in the said recited Act (except in such Cases where the same are hereby varied or altered); and that it shall and may be lawful for the said Commissioners, or any Two of them, and they are hereby fully authorized and empowered to do, execute, and perform all and every Act, Matter, and Thing authorized to be by them done, executed, and performed, and every Act, Matter, and Thing which shall be done, executed, and performed by any Two of such Commissioners, shall be as valid and effectual to all Intents and Purposes as if all the said Commissioners had been present and had done, executed, and performed the same.

Commission-
ers.

For choosing
new Com-
missioners.

II. And be it further enacted, That in case the said *John Trumper* shall die, neglect, or refuse to act, or become incapable of acting as a Commissioner by virtue of this Act, the said *Richard Paul Jodrell*, his Heirs or Assigns, shall and may, within the Space of Sixty Days from the Time of such

such Death, Neglect, Refusal, or Incapacity, nominate and appoint another Commissioner in the Room of the said *John Trumper*; and in case the said *William Phelps* shall die, neglect, or refuse to act, or become incapable of acting as a Commissioner, the said Warden and College and their Successors, and the said Vicar and his Successors for the Time being, shall and may, within the Space of Sixty Days from the Time of such Death, Neglect, Refusal, or Incapacity, nominate and appoint another Commissioner in the Room of the said *William Phelps*; and in case the said *William Rutt* shall die, neglect, or refuse to act, or become incapable of acting as a Commissioner, the major Part in value (except the said *Richard Paul Jodrell*, his Heirs and Assigns; and the said Warden and College, and the said Vicar and their Successors) to be ascertained by the Land Tax Assessment of the Proprietors or Persons interested in the said Open and Common Fields, Common Meadows, Common Pastures, Wastes and other Commonable Lands and Grounds intended to be divided and inclosed, for and in respect of their several Estates situate within the said Divisions of *Lewknor* and *Postcomb* in the Parish of *Lewknor* aforesaid, or their Agents present at a Meeting to be held at *Lewknor* aforesaid, or within Five Miles thereof, to be convened by Notice to be given by the surviving or acting Commissioner or Commissioners in the Manner hereinafter mentioned, shall and may, within Twenty-one Days next after such Death, Neglect, Refusal, or Incapacity as last aforesaid, nominate and appoint a proper Person (not interested in the said Lands and Grounds hereby intended to be divided, allotted, and inclosed) to be a Commissioner in the Room of the said *William Rutt*; and in case of the Death, Neglect, Refusal, or Incapacity as last aforesaid, of any Person or Persons so nominated and appointed in the Room of any Commissioner or Commissioners who shall die, neglect, or refuse to act, or become incapable of acting as aforesaid, the said *Richard Paul Jodrell*, and the said Warden and College, and the said Vicar and their Successors for the Time being, and the Proprietors or Persons aforesaid, shall in like Manner appoint another Commissioner or other Commissioners in his or their Room, according to the Regulation herein-before mentioned, as often as any such Vacancy shall happen by Death, Neglect, Refusal, or Incapacity to act as aforesaid; but if the said *Richard Paul Jodrell*, his Heirs or Assigns, or the said Warden and College, or the said Vicar and their Successors, or the said Proprietors or Persons aforesaid, shall refuse or neglect to make such Appointment or Appointments as aforesaid within the respective Times aforesaid, then and so often as the Case shall happen the surviving or remaining Commissioners or Commissioner shall, within Twenty Days after the Expiration of the respective Times herein-before allowed for appointing a Commissioner or Commissioners in case of an Vacancy, or as soon after as Occasion may require, by Writing under their or his Hands and Seals or Hand and Seal; appoint another Commissioner or Commissioners (not interested in the said Division and Inclosure) in the Room of every such Commissioner or Commissioners so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and every such new Commissioner or Commissioners so to be nominated and appointed as aforesaid shall, from and immediately after his, her, or their respective Appointment or Appointments, have such and the like Powers and Authorities for putting this and the said recited Act in Execution, and be under and subject to the like Rules and Regulations, as if he or they had been named and appointed a Commissioner or Commissioners in this Act.

Notice of
Meetings.

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

Other No-
tices.

IV. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners shall be so made and given by Advertisement in the said Newspaper called *Jackson's Oxford Journal*, or in some other Newspaper circulated in the said County of *Oxford*, or by affixing the same on the principal outer Door of the said Parish Church of *Lewknor* aforesaid.

Power to
shorten Boun-
dary Fences.

V. 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 and allotted, and any Parish or Parishes adjoining thereto, or to make the same Boundary Fences regular, it shall be lawful for the said Commissioners (with the Consent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors in which the Lands are situate, and of the Owner or Owners of the said Land upon which any Fence or Fences shall or may be intended to be made) to set out the Boundary between the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and any adjoining Parish or Parishes, in such Manner as they shall think proper for the Purpose aforesaid; and after such Boundary shall be so set out as aforesaid, the same shall be fenced by such Person or Persons in such Manner and at such Time or Times as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundary between the said Parish of *Lewknor* and such adjoining Parish or Parishes respectively; any Law, Usage, or Custom to the contrary notwithstanding.

Commission-
ers to settle
Disputes.

VI. 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

the said Division, Allotment, or Inclosure, or touching or concerning the respective Rights and Interests which they, or any of them, shall have or claim to have in the said Wastes and other Common Lands and Grounds, or any Part or Parts thereof, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, or Inclosure, it shall be lawful for the said Commissioners to hear and determine such Disputes and Differences: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

VII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby empowered and required, upon Request made to them, to assess such Costs and Charges as they shall think reasonable, for the Use and Benefit of the Party or Parties in whose Favour such Determination shall be made, upon or against the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges of such Distress and Sale.

Commissioners to assess Costs.

VIII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politick or Corporate, interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims, 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, it shall be lawful for the Person or Persons, Body or Bodies Politick or Corporate, so dissatisfied to proceed to a Trial at Law of the Matter so determined by the Commissioners at the then next or at the following Assizes to be holden for the said County of Oxford, and for that Purpose the Person or Persons, Body or Bodies Politick or Corporate, who shall be dissatisfied with the Determination of the said Commissioners shall, upon giving Notice to the said Commissioners of his, her, or their Intention to bring such Action, within Two Calendar Months after such Determination shall be made, cause an Action or Actions to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politick or Corporate, in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioners shall be so made, and the Defendant or Defendants in such Action or Actions is and are hereby required to name an Attorney or Attornies who shall appear thereto or file Common Bail, and accept One or more Issue or Issues whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be properly tried and determined (such Issue or Issues to be settled by the proper Officers of the Court wherein such Action or Actions shall be commenced if the Parties shall differ about the same); and the Verdict or

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

Verdicts which shall be given in the said Action or Actions shall be final and conclusive upon all and every Person and Persons, Body and Bodies Politick and Corporate whomsoever, unless the Court in which such Action or Actions shall be brought shall set aside such Verdict or Verdicts and order a new Trial or Trials to be had, which it shall be lawful for the Court to do as is usual in other Cases; and after any Verdict or Verdicts shall have been obtained and not set aside by the Court, the said Commissioners shall and they are hereby required to conform thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial: Provided always, that the Determination of the said Commissioners, touching such Claim or Claims to any 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 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 shall be proceeded in notwithstanding such Differences or Suits: Provided also, that if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

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

IX. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politick or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk 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 thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Right of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

X. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, (except in Cases of Encroachments made within the Period of Twenty-one Years,) but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

XI. And

XI. 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, Part of the Lands hereby intended to be divided, allotted, and inclosed in the said Divisions of *Lewknor* and *Postcomb*, (not exceeding Three Acres in the Whole,) in such convenient Place or Places as they shall think proper, for the Purpose of publick Watering Places for Cattle, and for getting Chalk, Stones, Gravel, or other Materials for repairing the Roads and Highways already made and to be made or set out by virtue of this or the said recited Act within the said Divisions of *Lewknor* and *Postcomb*.

Allotment
for Materials,
&c.

XII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next Place, to set out, allot, and award unto and for the Lord of the Manor of *Lewknor* aforesaid, such Part of the Waste Lands and Grounds by this Act intended to be divided and inclosed as, in the Judgement of the said Commissioners shall contain and be equal to One-sixteenth Part in Value of all the said Waste Lands and Grounds in the Manor of *Lewknor* within the said Divisions of *Lewknor* and *Postcomb*, in lieu of and Satisfaction for his Right and Interest in and to the Soil of the same.

Allotment to
Mr. Jodrell
as Lord of
the Manor of
Lewknor.

XIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to set out and allot to and for the said Warden and College, and their Successors, in lieu of the Glebe Lands and Right of Common belonging to the Rectory of *Lewknor* aforesaid within the said Divisions of *Lewknor* and *Postcomb*, such Plot or Plots of the said Lands and Grounds by this Act intended to be divided, allotted, and inclosed, as shall, in the Judgement of the said Commissioners, be a full Equivalent and Compensation to the said Warden and College, and their Successors, for such Glebe Lands and Right of Common.

Allotments
in lieu of
Glebe, &c.

XIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot unto and for the said Warden and College, and their Successors, as Impropiators as aforesaid, and the said *Charles Botterell Hawkins* as Vicar of the Parish of *Lewknor* aforesaid, for and in lieu of their several and respective Improprate and Vicarial Tythes yearly issuing, arising, and renewing out of all and every the Lands and Grounds hereby intended to be divided, allotted, and inclosed, and of the Homesteads, Gardens, Orchards, and inclosed Arable Lands, Meadows, and Pastures, and other ancient Inclosures and Land held in severalty, which are subject to Tythes, except Wood Land, within the said Divisions of *Lewknor* and *Postcomb*, in the Parish of *Lewknor* aforesaid, such Plot or Plots, Parcel or Parcels of the said Open and Common Fields, Common Meadows, Common Pastures, Wastes and other Commonable Lands and Grounds as (Quantity, Quality, and Situation considered) shall contain or be equal to One-fifth Part of all the Arable Lands open and inclosed, including the Sward Balks and Heads of and intermixed with the said Arable Lands, and to One-eighth Part of the Meadows, and to One-ninth Part of the Pastures and Waste Lands within the said Divisions of *Lewknor* and *Postcomb* in the Parish of *Lewknor* aforesaid, after deducting the Land or Ground set out for publick Watering Places

Allotments
in lieu of
Improprate
and Vicarial
Tythes.

and Road Materials, and for the Glebe Lands as aforesaid, which said Plot or Plots, Allotment or Allotments, shall be taken and deducted from and out of the respective Shares of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, belonging to the several Persons whose Commonable or other Lands shall be exonerated from the said Tythes, or from or out of the Lands to be allotted to them respectively in lieu of their Rights in the Lands and Grounds hereby intended to be divided, allotted, and inclosed, and shall be in full Satisfaction and Discharge as well for or in respect of the said several and respective Improprate and Vicarial Tythes arising, issuing, or renewing from and out of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, as out of the said Homesteads, Gardens, Orchards, and inclosed Arable Lands, Meadows, and Pastures, and other ancient Inclosures and Land held in fevralty within the said Divisions of *Lewknor* and *Postcomb* aforesaid for which Lands shall be so allotted as aforesaid (save and except *Easter Offerings*, Mortuaries, and Surplice Fees, which shall remain due and payable in the same Manner as before the passing of this Act).

Where Owners of Messuages, &c. are not entitled to Lands, Commissioners to make and appoint Compensation for Tythes.

XV. Provided always, and be it further enacted, That in case any of the Owners or Proprietors of any such Messuages, Tenements, Gardens, Orchards, or ancient Inclosures within the Divisions of *Lewknor* and *Postcomb* aforesaid, shall not be entitled to Lands or Common Right in the said Lands by this Act intended to be divided, allotted, and inclosed, sufficient to make Compensation for the Tythes thereof as aforesaid, then and in every such Case Compensation shall be made for such Deficiency by and out of the Property in the said Lands hereby intended to be divided, allotted, and inclosed, belonging to the said several other Proprietors in such Manner as the said Commissioners shall appoint; and such Person or Persons who shall be entitled to or possessed of any such Messuages, Tenements, Gardens, Orchards, or ancient Inclosures shall pay or cause to be paid to 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 think Equivalent to and a full Satisfaction and Compensation for the Tythes of the said Messuages, Tenements, Gardens, Orchards, or ancient Inclosures, which Sum and Sums of Money shall be applied towards the Payment of the Costs, Charges, and Expences of obtaining and passing this Act, and carrying the same into Execution, and in case of Non-payment thereof, shall and may be levied and recovered in like Manner as the Costs, Charges, and Expences of obtaining this Act, and carrying the same into Execution, can or may be levied or recovered; and in case any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be divided between the several Persons interested in the Lands and Grounds hereby intended to be divided, allotted, and inclosed, in such Shares as shall be in Proportion to their respective Property and Interests, and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of such other Proprietors of and in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act in those Cases where any Money is to be paid for the Purchase or Exchange of any 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, and Hereditaments, to be settled to the same Uses.

XVI. Provided

XVI. Provided always, and be it further enacted, That when and as soon as conveniently may be after the said Allotment or Allotments shall have been so set out for the said Warden and College as Impro-priators as aforesaid, and the said *Charles Botterell Hawkins* as Vicar as aforesaid, for and in lieu of their several Improprate and Vicarial Tythes, the said Commissioners shall and they are hereby required to subdivide, assign, and allot the said Allotment or Allotments so set out for Improprate and Vicarial Tythes as aforesaid, unto and between the said Improprators and Vicar, in Proportion to their respective Rights and Interests in the Tythes, in lieu whereof the said Allotment or Allotments is or are herein-before directed to be awarded and made.

Allotments
in lieu of
Improprate
and Vicarial
Tythes to be
subdivided.

XVII. And be it further enacted, That the said Warden and College, and the said Vicar of the said Parish, until such Award as is herein-after mentioned shall be made and executed by the said Commissioners, shall respectively have and receive, of and from the Occupiers of the Lands and Grounds within the said Divisions of *Lewknor* and *Postcomb* now chargeable with the Payment to them respectively of any Tythes, Tythe Rents, or Compositions in lieu thereof, a full rateable and proportionable Share of all such Tythes, Tythe Rents or Compositions, as shall then be arising or growing due, down to such Time as the said Commissioners shall direct or appoint, or the full Value thereof in Money, which Money the said Commissioners are hereby directed to settle and ascertain.

Commission-
ers to make
Award.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to raise and levy, in Manner and by the Means herein-after mentioned, from and upon all or any of the Proprietors of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, (except the said Warden and College in respect of their Rectorial Estate only, and the said *Charles Botterell Hawkins* and his Successors, Vicars as aforesaid in respect of the said Vicarage,) in such Shares and Proportions as the said Commissioners shall think just and reasonable, such Sum and Sums of Money as they the said Commissioners shall deem and adjudge to be sufficient for making and raising the Ring or outward Mounds and Fences of the said Plot and Plots, Allotment and Allotments, to be made to the said Warden and College, and the said Vicar and his Successors, in respect of their Improprate and Vicarial Tythes, in pursuance of this Act, to be by them the said Commissioners paid to such Person or Persons as shall be by them appointed; and with one or more good and sufficient Surety or Sureties shall undertake and engage to make such Ring or outward Mounds and Fences, and keep the same in Repair for Seven Years, and until the same are sufficient and good Mounds; which said Fences, or such Part thereof as shall be allotted to the said Warden and College and their Successors, and the said Vicar and his Successors as aforesaid, shall, at the End of the said Term of Seven Years, for ever thereafter be maintained and kept in Repair by and at the Expence of the said Warden and College and their Successors, and the said Vicar and his Successors respectively for the Time being.

Expences of
Ring Fences,
how to be
paid.

XIX. And be it further enacted, That the said Commissioners shall and may, by and with the Consent of the major Part in Value, to be ascer-tained by the Land Tax Assessment, of the Proprietors of the Lands and Grounds within the said Division of *Lewknor* hereby directed to be

Lands to be
sold.

[Loc. & Per.]

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divided,

divided, allotted, and inclosed, or their Agents, to be present at a Meeting to be held for that Purpose, and not otherwise, out of the Residue of the said Waste Lands and Grounds mark and set out any Part or Parts thereof, 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 such major Part of the said Proprietors as aforesaid shall direct, 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 in one of the aforesaid Newspapers 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 or 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 of Money not less than 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 of this Act, and of surveying, admeasuring, planning, valuing, dividing, 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, as are to be borne and paid by the several Persons interested in the said Waste Lands and Grounds to be sold as aforesaid; and the Overplus of such Money (if any), after defraying such Costs, Charges, and Expences, shall be equally distributed amongst the several Persons interested in the said Waste Lands and 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.

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

Allotments
of the Re-
sidue.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Divisions of *Lewknor* and *Postcomb*, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Divisions or within any adjoining Parish, Township, Hamlet, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politick, Corporate or Collegiate, or Tenant or Tenants in Fee Simple or for Life, or in Fee Tail general or special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politick, 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.

Allowing Ex-
changes to be
made.

XXII. Provided always, and be it enacted, That all Costs, Charges, and Expences attending the making and completing the Exchanges, Divisions, and Partitions, shall be paid and borne 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, and that the said Proprietors, their Attornies or Agents, shall pay their own Expences when they, or any of them, shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act.

Expence of
Exchanges,
by whom to
be paid,

XXIII. And be it further enacted, That all Leases, Demises, or Agreements at Rack Rent now subsisting, of or for all and every or any Part or Parts of the Lands and Grounds hereby intended to be divided, allotted,

Leases at
Rack Rent to
be vacated,
&c.

lotted, and inclosed, or exchanged by virtue of this Act or the said recited Act, within the said Divisions of *Lewknor* and *Postcomb*, and of all or any of the Common Rights upon or Tythes issuing out of or arising from the said Lands and Grounds, or any of them, and of all Messuages, Cottages, Lands, Tenements, and Hereditaments within the Divisions aforesaid held therewith or included in such Leases, Demises, or Agreements, shall at such Time as the said Commissioners shall appoint by any Writing under their Hands cease and be void, the respective Owners and Proprietors of or other Persons interested in the same Lands, Tenements, and Hereditaments making such Satisfaction to their Lessees or Tenants respectively as the said Owners and Proprietors or Persons interested, and their Lessees or Tenants, shall agree upon; or in case they shall disagree, as the said Commissioners shall order, direct, or appoint to be paid to such Lessees or Tenants respectively as a Satisfaction for the Loss or Injury he, she, or they shall respectively suffer or sustain on Account thereof: Provided always, that if there shall be any Lease or Leases of Lands, Part of which shall lie in the said Parish of *Lewknor* and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may 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, the Lease of such last-mentioned Land shall not be vacated.

Allotments
to be of the
same Tenure
as the ancient
inclosed Lands
were.

XXIV. And be it further enacted, That all and singular the Lands and Grounds which shall be allotted under or by virtue of this Act, shall, from and immediately after the Execution of the Award of the said Commissioners, be held under and subject to such and the same Tenures, Customs, Heriots, Rents, and Services, as the several and respective Messuages, Buildings, Lands, Tenements, and Hereditaments in respect whereof such allotted Lands shall be made are now subject to.

Wills not to
be affected.

XXV. And be it further enacted, That nothing in this Act contained shall extend or be construed, adjudged, or taken to extend to revoke, make void, alter or annul any Will or Wills, Settlement or Settlements, Mortgage or Mortgages, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Fee Farm Rent, Incumbrance, or other Demand out of, upon, or affecting any of the said Lands and Grounds intended to be divided, allotted, and inclosed, or which shall be exchanged by virtue of this Act or the said recited Act, or any Part thereof, (other than and except such Lease or Leases, Agreement or Agreements at Rack Rent as aforesaid,) but that the several Lands, Grounds, and Hereditaments so to be divided and allotted or exchanged as aforesaid, shall thenceforth be, remain, and enure, and the several Persons to whom the same shall be allotted or given in Exchange as aforesaid shall stand and be seised thereof, to, for, and upon such and the same Use and Uses, Trust and Trusts, Estate and Estates, and subject to the same Wills, Settlements, Powers, Provisoos, Limitations, Remainders, Charges, Incumbrances, and Demands, (other than and except such Lease or Leases, or Agreement at Rack Rent as aforesaid,) as the several Lands, Grounds, Tenements, and Hereditaments, in lieu whereof such Allotments and Exchanges shall be made as aforesaid, are or should or would have been subject to in case the same had remained undivided and unexchanged, or this Act had not been made.

XXVI. Provided

XXVI. 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, Interest, or Property in, over, or upon the said Open and Common Fields, Common Meadows, Common Pastures, Wastes or Commonable Lands and Grounds, or any Part thereof, to any Person or Persons, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby required, upon the Request in Writing under the Hand or Hands of the said Vendor or Vendors respectively, to make an Allotment or Allotments of Land unto the 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 or contracted and agreed to be sold as aforesaid; and every such Vendee and Purchaser, and his and her Heirs or Lessees, Administrators or Assigns, shall and may, from and after 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.

In Cases where Persons sell their Right of Common, the Allotments to be made to the Purchaser.

XXVII. And be it further enacted, That the said Commissioners shall, and they are hereby empowered, by Writing or Writings under their Hands, to ascertain and order what Recompence in Money shall be paid, and by whom, to any Occupier or Occupiers of the Arable Lands by this Act intended to be divided, allotted, and inclosed, which shall be left planted with Clover or other Grass Seeds, or which shall during the Summer of the Year One thousand eight hundred and ten have lain fallow, or have been folded or dunged for the Profit and Advantage which any Person or Persons to whom the said Lands so planted, fallowed, folded, or dunged shall be allotted will obtain thereby; and if such Recompence shall not be paid at the Time appointed by such Commissioners, then the said Commissioners shall and may, by Warrant or Warrants under their Hands and Seals, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons required to make such Recompence as aforesaid, together with the Costs and Charges of every such Distress and Sale, rendering the Overplus (if any) upon Demand to the Owners of such Goods and Chattels.

Commissioners to order what Recompence in Money shall be paid to Occupiers of Arable Lands.

XXVIII. And be it further enacted, That in the mean Time, and until the said Division, Allotment, and Inclosure shall be made and perfected, all the Tillage, Pasture, or other Lands intended to be divided, allotted, and inclosed, shall be stocked with such Cattle, and sown by the respective Owner or Owners, Occupier or Occupiers thereof, with such Sort of Grain or Grass Seeds, and shall be kept, ordered, tilled, and continued in such Courses of Husbandry, as the said Commissioners, by any Writing or Writings under their Hands in that Behalf, shall award, order, direct,

Commissioners to direct the Course of Husbandry.

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and appoint, any Usage or Custom of stocking and sowing to the contrary notwithstanding; and the Expences of such Tillage and sowing with Corn, Grain, or Grass Seeds, and all such other Expences as shall be occasioned by any Order of the said Commissioners, shall be duly ascertained and charged by them upon the several Persons who shall in the Judgement of the said Commissioners be benefited thereby, in such Manner and Proportions as the said Commissioners shall think reasonable, and shall in Default of Payment be recovered in like Manner as the Costs and Charges of passing this Act, and carrying the same into Execution are to be recovered.

Rights of
Common to
be extin-
guished.

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

Power to
turn or alter
Watercourses.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to direct, order, and award all or any of the Streams, Springs, and Watercourses within the said Divisions of *Lewknor* and *Postcomb*, to be conveyed and turned in such Courses, and through such Part or Parts of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, as they shall think most beneficial and convenient for watering the new Allotments which shall be made in pursuance hereof: Provided always, that no Stream, Spring, or Watercourse as aforesaid, shall be diverted or turned without

without the Consent of the Owner or Owners of the Lands and Grounds from which the same shall be diverted or turned, or into whose Lands the same shall be diverted or turned.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect or prejudice the said Warden and College, and their Successors, or the said *Charles Botterell Hawkins* and his Successors, as to any Right or Claim of Tythes which they at present have or may have issuing out of any Wood Lands within the said Divisions of *Lewknor* and *Postcomb*, nor to extend to affect, prejudice, or defeat the Right or Title of the said Warden and College, and their Successors, to their Right of Advowson, Patronage, or Presentation to that Part of the Vicarage of the said Parish of *Lewknor* called *The Uphill Division*, nor to extend to affect, prejudice, or defeat the Right or Title of the said *Charles Botterell Hawkins* and his Successors, Vicars as aforesaid, to any Glebe Lands, Tythes, Mortuaries, *Easter Offerings*, Surplice Fees, or any other Ecclesiastical Dues and Payments arising or becoming due to him or them in the said *Uphill Division* of the said Parish of *Lewknor*.

This Act not to affect the Rights of All Souls College, and Mr. Hawkins, to Tythes.

XXXII. Provided always, and be it further enacted, That nothing in this Act shall extend or be construed to extend so as to oblige the said Commissioners to compel the Proprietors of Allotments of Lands on the Sides of the Hills now Waste and Commonable to fence and inclose their said Allotments, if it shall appear to them to be for the Benefit and Advantage of and agreeable to both the said Proprietors of any Two adjoining Allotments that they should not be separated by any Fence.

Commissioners not to compel Proprietors of Lands on the Sides of the Hills to inclose their Allotments.

XXXIII. 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 the Parish Church of *Lewknor* aforesaid.

Award where to be deposited.

XXXIV. And be it further enacted, That each of the said Commissioners who shall act in the Execution of the Powers and Authorities vested in them by this Act, and their Clerk, shall be paid the Sum of Three Pounds and Three Shillings for every Day he shall so act or travel for the Purpose of acting or be returning home from acting, in full Satisfaction for the Trouble and Expence which he shall be put unto in the Execution of the said Powers and Authorities, and that no Commissioner or Clerk shall be allowed for more than One Day going to and One Day returning from the Place or Places of Meeting, and that the same, together with all Costs, Charges, and Expences of applying for, obtaining and passing this Act, and the Costs and Charges of surveying, measuring, planning, dividing, valuing, and allotting the Lands and Grounds so intended to be divided, allotted, and inclosed, and of ring-fencing the said Tythe Allotments, and of preparing, executing, and enrolling the Award of the said Commissioners, and other necessary Charges and Expences of the said Commissioners, and all other necessary Expences about and concerning the Premises, (save and except the Costs, Charges, and Expences in respect of the said Glebe Lands which are herein-after provided for,) either before or after the Execution of the said Award, shall from Time to Time be borne and defrayed by and at the Expence of all the said Proprietors or other Persons interested in general, (except the said Warden

Allowance to the Commissioners.

and

and College and their Successors, and the said Vicar and his Successors, for or in respect of any Allotment or Allotments which shall be made to them respectively in lieu of Tythes and Glebe Lands and Common thereto belonging, save as herein-after mentioned,) by a proportionate Rate or Rates, in such Shares and Proportions, and to be paid to such Person or Persons, and at such Time or Times and in such Manner, as the said Commissioners shall at any Time or Times, by any Writing or Writings under their Hands previous to making their Award or by their Award, direct or appoint, Regard being had in making such Rate or Rates to the distinct Interests of the Owners or Proprietors of ancient Inclosures within the said Parish of *Lewknor*, not having Lands in the Open Fields; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall refuse or neglect to pay his or her Share or Proportion thereof within the Time to be appointed as aforesaid, or at any Time after upon Demand, the same shall and may be levied and recovered in the Manner directed by the said recited Act.

Expences of
passing the
Act.

XXXV. Provided always, and be it further enacted, That the Costs, Charges, and Expences of obtaining, passing, and executing this Act, of making and raising the Ring or outward Mounds and Fences, and keeping the same in Repair for Seven Years, and all other Charges and Expences which relate to or concern the Plot or Plots of Land herein-before directed to be set out and allotted to the said Warden and College in lieu of the Glebe Lands and Right of Common belonging to the Rectory of *Lewknor* aforesaid, shall be borne and defrayed in Manner following; (that is to say,) that One-seventh Part of such Costs, Charges, and Expences shall be paid and discharged by the several Proprietors of Lands and Grounds within the said Divisions of *Lewknor* and *Postcomb* hereby directed to be divided, allotted, and inclosed, (except the said Warden and College and their Successors as Impropiators, and the said Vicar and his Successors, in respect of their several Rectorial and Vicarial Estates,) in such Shares and Proportions as the said Commissioners shall order, direct, and appoint; and One-seventh Part of the remaining Six Parts of such Costs, Charges, and Expences, shall be paid and discharged by the said Warden and College and their Successors as Proprietors of other Estates in the said Divisions of *Lewknor* and *Postcomb*, and the Residue of the said Six Parts shall be paid and discharged by the said *Richard Paul Jodrell* and *Richard Davis*, their Heirs and Assigns, rateably and in Proportion to their respective Rights and Interests in the said Lands and Grounds hereby directed to be divided and inclosed; and the said Commissioners are hereby authorized and required to ascertain and apportion the said Costs, Charges, and Expences accordingly, and to levy and raise the same in the Manner and by the Means herein-before directed for raising the other Expences of obtaining and executing this Act; and at the End of the said Term of Seven Years, the said Fences shall for ever thereafter be maintained and kept in Repair by the said Warden and College and their Successors for the Time being.

Persons ad-
vancing Mo-
ney to be
repaid with
Interest.

XXXVI. Provided always, and be it further enacted, That all the Money which shall be advanced by any Person or Persons for defraying the Expences of applying for and obtaining this Act, or for carrying the same into Execution, shall be repaid with lawful Interest to such Person or Per-
sons,

sons, Body or Bodies Politick or Corporate advancing or paying the same, out of the first Monies to be raised for defraying the Expences of obtaining and executing this Act.

XXXVII. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of any Lands or Grounds to be allotted or exchanged by virtue of this Act, being under Coverture, Minors, Lunatics beyond the Seas, or under any other Disability, and for the said Warden and College, or any of the said Owners and Proprietors being Tenants in Tail or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested in the said Lands and Grounds, (except the said Vicar and his Successors,) to charge such Allotments with such Sum or Sums of Money as the said Commissioners shall by their Award or by Writing under their Hands, either before or after the Execution of such Award, adjudge necessary to pay and defray the said respective Shares of the Charges and Expences incident to and attending the obtaining this Act, and carrying the same into Execution, and of charging the said Lands as aforesaid, so that the same shall not exceed Five Pounds for every Acre of such Allotments, and to grant, mortgage, surrender, lease or demise, or otherwise subject the Lands, Tenements, and Hereditaments so to be charged unto such Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years; or in case any Person in Possession who shall or may be liable to and charged with a Share of the Expences as aforesaid, or be enabled by this Act to charge such Lands and Grounds with the same, shall choose to advance, pay, and discharge such Sum or Sums of Money, then it shall be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, surrender, lease and demise, or otherwise subject the said Lands, Tenements, and Hereditaments, to such Person or Persons respectively paying and discharging the same, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, to and for the Payment of such Sum and Sums of Money so advanced, paid, and discharged by him, her, or them, with Interest for the same, to commence on the Termination of his, her, or their Right in the Grounds, so that every such Grant, Mortgage, Surrender, Lease or Demise, be made with a Proviso or Condition to cease and be void, or with an expresse Trust to be surrendered or re-assigned when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied, and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed of or entitled to any such Lands, Tenements, or Hereditaments, shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced; and that every such Charge, Grant, Mortgage, Surrender, Lease or Demise, shall be good, valid, and effectual in the Law, and shall have Priority to all other Incumbrances.

XXXVIII. And be it further enacted, That if any Person or Persons interested in any Allotment or Compensation to be made, or Exchange to take Place pursuant to this or the said recited Act, shall die before the

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Deaths of Parties not to suspend the Powers of this Act.

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

Commissioners to account.

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

Persons aggrieved may appeal to the Quarter Sessions.

XL. And be it further enacted, That if any Person or Persons, Body or Bodies Politick or Corporate, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, then and in every such Case (except where the Orders and Determinations of the said Commissioners are directed to be final and conclusive, and except in such Cases where an Issue at Law shall be tried as herein before directed) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden in and for the said County of *Oxford*, within Six Calendar Months next after such Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned, Twenty Days Notice of such Appeal and of the Matter thereof, and the Justices (not being interested in the Premises) at the said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and make such Orders therein, and to award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, and without Foundation, then the said

Justices shall award such Costs to be paid by the Appellant as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

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

Saving the Rights of the Lord of the Manor of Lewknor,

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

General Saving of all other Rights,

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

Allowing the Act to be given in Evidence when printed.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1810.

