



ANNO QUINQUAGESIMO

GEORGI II. REGIS.

Cap. 158.

An Act for inclosing Lands in the Parish of *Kidlington* in the County of *Oxford*. [2d June 1810.]

WHEREAS there are within the Parish of *Kidlington* in the County of *Oxford* several Open and Common Fields, Common Meadows, Common Pastures, Commons and other Commonable Lands and Waste Grounds: And whereas the Most Noble *George Duke of Marlborough* is Lord of the Manor of *Kidlington* aforesaid, and Owner or Proprietor of a considerable Estate within the said Parish: And whereas *Richard Bourne Charlett Esquire*, is seised of or entitled to the Manor of the Township of *Thrup* in the said Parish of *Kidlington*, and Owner and Proprietor of a considerable Estate within the said Parish: And whereas the Rector and Scholars of *Exeter College* in the University of *Oxford* are seised of the Improprate Rectory of the Parish of *Kidlington* aforesaid, and in Right thereof are seised of or entitled to certain Lands and Commons, Parcel of the said Open Fields, Commons and Commonable Lands by this Act intended to be divided and inclosed, and of all and all Manner of Tithes arising within the same Parish (except the Vicarial Tithes, and except the Great Tithes of certain Grass Closes and Orchards which belong to and have been usually enjoyed with and as Part of the said Vicarage,) and the said Rector and Scholars are also in Right of their Rectory the Patrons of the Vicarage of the said Parish of *Kidlington*, and *John Cole*, Doctor in Divinity, is Vicar of the Vicarage of *Kidlington* aforesaid, and in Right thereof is entitled to the said Vicarial Tithes, and to the Great Tithes of the said Grass Closes and Orchards, and to certain Glebe Lands and Commons belonging to the said Vicarage,

[Loc. & Per.] 40 N but

but there are certain Lands within the said Parish which are claimed to be exempt from Tithes: And whereas *John Bush* Esquire, *Ann Morrell* Widow, *John Smith*, *William Wild*, *Adam Bellenger*, the Principal and Scholars of the King's Hall and College of *Brazen Nose* in *Oxford*, the Provost and Scholars of the *Queen's College* in the University of *Oxford*, *William Young*, *Henry John North*, and others, are seised and possessed of or otherwise entitled unto or interested in the Residue of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, and other Commonable Lands and Waste Grounds: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Lands of the respective Proprietors in the said Open and Common Fields lie intermixed and dispersed in small Parcels, and in their present Situation are incapable of any considerable Improvement; but if the same, and also the said Common Pastures, Commons, Waste Grounds, and Commonable Lands were divided, and specific Parts or Shares thereof were allotted to and amongst the said Proprietors in Severalty, in lieu of and in proportion to their Lands, Rights of Common, and other Rights and Interests therein respectively, great Advantage would arise to the Parties concerned; but as such Division and Inclosure cannot be effected and carried into Execution without the 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 Davis* of *Bloxham*, in the County of *Oxford*, Gentleman, *Richard Davis* of the *Grove*, in the Parish of *Aston Rowant* in the said County, Gentleman, and *Stephen Godson* of *Hooknorton*, in the said County, Gentleman, and their Successors, to be nominated and elected in Manner hereafter mentioned, shall be and are hereby appointed Commissioners for valuing, qualitying, dividing, allotting and inclosing the said Open and Common Fields, Common Meadows, Common Pastures, Commons, and other Commonable Lands and Waste Grounds, and for putting this Act into Execution, subject to the Rules, Orders and Directions herein contained, and also 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 each of them shall be paid the Sum of Three Pounds and Three Shillings and no more, for their Trouble and Expences in every Day's Journey or Attendance which they shall necessarily and respectively take or give in the Execution of the Powers hereby given.

Commission-
ers.

Appointment
of new Com-
missioners.

II. And be it further enacted, That in case the said *John Davis* shall die, neglect or refuse to act, or be incapable to act as a Commissioner by virtue of this Act, the said Rector and Scholars, or their Successors, shall and may by any Writing, within Sixty Days after such Death, Neglect. Refusal, or Incapacity as aforesaid, nominate and appoint a proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Room of the said *John Davis*; and in case the said *Stephen Godson* shall die, neglect or refuse to act, or become incapable of acting as a Commissioner as aforesaid, the said *George Duke* of *Marlborough*, his Heirs or Assigns, shall and may by Writing under his or their Hand and Seal

Seal or Hands and Seals, within Sixty Days after such Death, Neglect, Refusal or Incapacity as aforesaid, nominate and appoint a proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Room of the said *Stephen Godson*; and in case the said *Richard Davis* shall die, neglect or refuse to act, or become incapable of acting as a Commissioner as aforesaid, the major Part in Value (such Value to be ascertained by the Land Tax Assessments) of the said Proprietors or Persons interested in the said Division and Inclosure, (except the said Rector and Scholars, and the said *George Duke of Marlborough*) shall and may by any Writing under their Hands and Seals within the Time aforesaid nominate and appoint a proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Room of the said *Richard Davis*; and in case of the Death of any Person so nominated and appointed a Commissioner in the Room of any Commissioner who shall die, neglect or refuse to act, or become incapable of acting as aforesaid, the Person or Persons, or Proprietors respectively by whom such Commissioner was appointed, shall in like Manner appoint another Commissioner in his Room, and so as often as any Vacancy shall happen by such Death, Neglect, Refusal or Incapacity as aforesaid; but in case the said Rector and Scholars, or the said *George Duke of Marlborough*, his Heirs or Assigns, or the said Proprietors, shall neglect or refuse to make such Appointment as aforesaid within the Time aforesaid, then and as often as the Case shall happen the remaining or surviving Commissioners or Commissioner shall, within Sixty Days next after the Expiration of the Time hereinbefore allowed for appointing a Commissioner in case of any Vacancy, appoint another Commissioner in the Room of such Commissioner so dying, neglecting, refusing or being incapable to act as aforesaid; and every such new Commissioner so to be nominated and appointed as above directed shall have such and the like Powers and Authorities for putting this Act into Execution as if he had been named and appointed a Commissioner in this Act, all which Appointments shall be annexed to and enrolled with the Award hereafter mentioned.

III. And be it further enacted, That the said Commissioners or any Two of them, shall and may and they are hereby required to cause Notice to be given in the Newspaper called *Jackson's Oxford Journal*, or in some other Newspaper published or circulated in the said County, and also in Writing to be affixed on the principal outer Door of the Parish Church of *Kidlington*, of the Time and Place of their first Meeting for executing the Powers hereby vested in them at least Ten Days before such Meeting; and also shall cause Ten Days' Notice at least to be given in Writing to be affixed on the principal outer Door of the said Church of every subsequent Meeting for the like Purposes (Meetings by Adjournment only excepted): Provided always, that if at any Meeting appointed 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, and to such Place within the said Parish of *Kidlington*, or within Eight Miles thereof, as he shall think most convenient, and shall give Notice thereof to the absent Commissioners.

Commissioners to give Notice of certain Meetings.

One Commissioner may adjourn.

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners shall

Other Notices.

shall be so made and given by Advertisement in the said Newspaper called *Jackson's Oxford Journal*, or in some other Newspaper printed or circulated in the said County of *Oxford*, and by affixing the same on the principal outer Door of the Parish Church of *Kidlington* aforesaid.

V. And be it further enacted, That the Person or Persons who by virtue of the said recited Act shall be appointed to make the Survey, Admeasurement and Plan of the Lands and Grounds by this Act intended to be divided and inclosed, shall previously take and subscribe the Oath following; (that is to say),

Oath of Surveyor.

I *A. B.* do swear, that I will faithfully, impartially and honestly, according to the best of my Skill, Knowledge and Judgment, survey and admeasure such Lands and Grounds within the Parish of *Kidlington*, in the County of *Oxford*, as I shall be employed to survey by the Commissioners appointed or to be appointed by virtue of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, An Act, &c. [*here insert the Title of this Act*] and make a true and correct Plan thereof, and execute and perform all other Matters and Things as Surveyor without Favour or Affection, Prejudice or Partiality to any Person or Persons whomsoever.

‘ So help me GOD.’

Which Oath it shall be lawful for any One of the said Commissioners to administer, and the same Oath so taken and subscribed by the said Surveyor or Surveyors shall be annexed to and enrolled with the said Award of the said Commissioners.

Commissioners to settle Disputes.

VI. And be it further enacted, That if any Dispute or Difference shall arise between the Parties interested in the said Division and Inclosure touching or concerning the respective Shares, Rights and Interests which they or any of them shall have or claim in the Lands or Grounds hereby intended to be divided, allotted and inclosed, or touching or concerning the respective Shares and Proportions which they or any of them ought to have of or in the said intended Division and Inclosure, or touching or concerning the Admeasurement or Valuation of any Part of the Premises, or any other Matter or Thing relating to the said intended Division and Inclosure, it shall be lawful for the said Commissioners, or any Two of them, and they are hereby authorized to examine into, hear and determine the same: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to determine the Title to any Messuages, Cottages, Lands or Hereditaments whatsoever.

Power to assess Costs.

VII. And be it further enacted, That in case the said Commissioners, or any Two of them, shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, or any Two of them, 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, or any Two of them, shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person

or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, or any Two of them, and they are hereby authorized and required, by Warrant under their Hands directed to any Person 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.

VIII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Grounds, or of any Rights of Common, or Interests in, over or upon the Lands or Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, it shall and may be lawful to and for the Person and Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said 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 who shall be dissatisfied with the Determination 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 Two Calendar Months next after such Determination of the said Commissioners; 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 the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive upon all and every Person and Persons whomsoever, unless the Court in which such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had thereon, which it shall be lawful for the said Court to do, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners, or any Two of them, 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 to such Common Rights, 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 at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

Allowing
Parties to try
their Rights
by an Issue
at Law.

Determina-
tions not ob-
jected to, to
be final.

IX. 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, If any of the Parties die,

[*Lac. & Per.*]

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such

Proceedings
not to abate.

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

Proviso in
Cases of
Death of
Parties be-
fore Action
brought.

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

Rights of
Possession of
Persons not
to be deter-
mined by the
Commission-
ers.

XI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between the Parties contrary to the Possession of any such Parties, except in Cases of Encroachments; but in case the said Commissioners shall be of Opinion against the 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.

Allotments
for Stone or
Gravel Pits.

XII. And be it further enacted, That the said Commissioners or any Two of them shall before any further or other Allotment shall be made in pursuance of this Act, and they are hereby required to set out, assign and allot such convenient Plot or Plots of Ground, Part of the Lands and Grounds hereby intended to be divided and allotted, as they shall think fit, for publick Gravel Pits, Rubble Pits and Quarries, for the Purpose of furnishing Materials for making and repairing the publick Roads and Ways in and over the Lands and Grounds hereby intended to be divided and allotted, and elsewhere in the said Parish; which Grounds so to be set out shall be separated, inclosed and kept fenced in such Manner and by such Person or Persons, and shall be used under such Regulations and Restrictions as the said Commissioners shall by their Award order and direct; and the Grass and Herbage growing and to grow upon the Plot or Plots of Ground, so to be set out, shall be and the same are hereby vested in the Surveyor or Surveyors of the Highways for the Time being of the said Parish for ever, in Trust to let the same from Time to Time for the best Rent that can be reasonably gotten in that behalf, and to apply the Rents and Profits thereof in repairing the publick Highways within the said Parish of *Kidlington*.

XIII. And

XIII. And be it further enacted, That the said Commissioners or any Two of them shall and may, and they are hereby authorized and required to set out and allot to and for the Lord of the said Manor of *Kidlington*, such Plot or Plots of the said Lands and Grounds by this Act intended to be divided and inclosed, as in the Judgment of the said Commissioners shall contain and be a just Equivalent and Compensation of and for all Right and Interest belonging to the Lord of the said Manor in and to the Soil of all the Commons and Waste Lands within the said Manor of *Kidlington*. Allotment to the Lord of the Manor of *Kidlington*.

XIV. And be it further enacted, That the said Commissioners or any Two of them shall and may, and they are hereby authorized and required to set out and allot to and for the Lord of the Manor of *Thrup* aforesaid, such Plot or Plots of the said Lands and Grounds by this Act intended to be divided and inclosed, as in the Judgment of the said Commissioners or any Two of them shall contain and be a just Equivalent and Compensation of and for all Right and Interest belonging to the said Lord of the said Manor of *Thrup*, in and to the Soil of all Commons and Waste Lands within the said Manor of *Thrup*. Allotment to the Lord of the Manor of *Thrup* for his Manorial Rights.

XV. And be it further enacted, That the said Commissioners, or any Two of them, shall and may, and they are hereby authorized and required to set out and allot to and for the said Rector and Scholars of *Exeter* College, in lieu of the said Lands and Right of Common belonging to the said Rectory of *Kidlington*, such Plot or Plots, Parcels or Quantities of the Lands by this Act intended to be divided and inclosed, as shall in the Judgment of the said Commissioners or any Two of them making such Allotments, be a full Equivalent and Compensation to the said Rector and Scholars for such Lands and Right of Common, but subject to a proportionate Deduction for Roads, and the Allotments for Stone or Gravel Pits as hereinbefore mentioned. Allotment in lieu of Rectorial Glebe and Common Right.

XVI. And be it further enacted, That the said Commissioners, or any Two of them, shall and may, and they are hereby authorized and required to set out and allot unto and for the said *John Cole* and his Successors, Vicars of the Vicarage of *Kidlington* aforesaid, in lieu of the said Vicarial Glebe Lands and Right of Common thereunto belonging, such Plot or Plots, Parcels or Quantities of the Lands and Grounds by this Act intended to be divided and inclosed, as shall in the Judgment of the said Commissioners, or any Two of them, be a full Equivalent and Compensation for the said Vicarial Glebe Lands and Right of Common thereunto belonging, subject to proportionate Deductions for Roads, and the Allotments for Stone or Gravel Pits as hereinbefore mentioned. Allotment in lieu of Vicarial Glebe and Common Right.

XVII. And be it further enacted, That the said Commissioners, or any Two of them, shall and may, and they are hereby authorized and required to set out and allot unto and for the said Rector and Scholars of *Exeter* College, as Impropriators, and to and for the said *John Cole* and his Successors, as Vicars of the said Vicarage of *Kidlington*, for and in lieu of the several and respective Rectorial and Vicarial Tythes yearly arising, issuing and renewing out of all and every the tithable Parts of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste Grounds, and other Commonable Lands and Grounds hereby intended Allotment in lieu of Rectorial and Vicarial Tythes.

tended to be divided and inclosed, and of the Homesteads, Gardens, Orchards, and inclosed Arable Lands, Meadows and Pastures, and other ancient Inclosures, Lands or Grounds held in Severalty within the said Parish of *Kidlington*, which are subject to Tythes, such Plot or Plots, Parcel or Parcels of the said Open and Common Fields and Commonable Lands, which shall contain or be equal in Value to One-fifth Part of all such Arable Lands, One-seventh Part of the Tract or Parcel of Greensward Land called *Camps Field*, and One-ninth Part of all other the Meadow and Pasture Ground within the said Parish of *Kidlington* and Township of *Thrup* within the same Parish, which are subject to the Payment of Tythes, (except the Townships of *Gosford* and *Water Eaton* in the said Parish,) after deducting the Land or Ground set out for Roads, and the Allotments hereinbefore directed to be set out as aforesaid for Stone or Gravel Pits, and the respective Allotments for the Rectorial and Vicarial Lands and Common Rights thereto belonging, which said Plot or Plots, Allotment or Allotments shall be taken and deducted from and out of the respective Shares of the Open and Common Fields and Commonable Lands belonging to the several Persons whose Commonable and 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 Commonable Lands in the said Fields hereby intended to be divided and inclosed, and shall be in full Satisfaction and Discharge of and for the said several and respective Rectorial and Vicarial Tythes arising, issuing or renewing from and out of the said Open and Common Fields and Commonable Lands, or out of the said Homesteads, Gardens, Orchards, and inclosed Arable Lands, Meadow and Pastures, and other ancient Inclosures and Land or Ground held in Severalty in the Parish of *Kidlington* aforesaid, except the said Townships of *Gosford* and *Water Eaton*, 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.

Subdivision
to be made
between Rec-
tor and Vicar.

XVIII. Provided always, and be it further enacted, That when and as soon as conveniently may be after the said Plot or Plots, Allotment or Allotments shall have been so made or allotted to or for the said Rector and Scholars, and the said *John Cole* and his Successors, Vicars of *Kidlington* aforesaid, for and in lieu of their several Rectorial and Vicarial Tythes, the said Commissioners, or any Two of them, shall and they are hereby required to subdivide, assign and allot the said Plot or Plots, Allotment or Allotments so set out for Rectorial and Vicarial Tythes as aforesaid, unto and between the said Rector and Scholars, and the said *John Cole* and his Successors, Vicars as aforesaid, in Proportion to their respective Rights and Interests in the Tythes in lieu whereof the said Plot or Plots, Allotment or Allotments is or are hereinbefore directed to be awarded and made.

Tythes to be
received until
the Execution
of Award.

XIX. And be it further enacted, That the said Rector and Scholars of *Exeter College*, and the Vicar of the said Vicarage, until the Award of the said Commissioners shall be duly made and executed, shall respectively have and receive of and from the Occupiers of the Lands and Hereditaments by this Act intended to be divided and inclosed within the said Parish, a full rateable and proportionable Share of all such Tythes, Tythe Rents or Compositions, as shall be then arising and growing due, down to such Time as the said Commissioners or any Two of them shall direct and appoint.

appoint, or the full Value thereof in Money, which Money the said Commissioners or any Two of them are hereby directed to settle and ascertain.

XX. Provided always, and be it further enacted, That in case any of the Owners or Proprietors of any Messuages, Tenements, Gardens, Orchards or ancient Inclosures within the said Parish, 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 such 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 or any Two of them 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 or any Two of them 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 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 and passing 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 or Hereditaments to be settled to the same Uses.

XXI. And be it further enacted, That the said Commissioners, or any Two of them, shall and they are hereby authorized and empowered to set out and allot all the Residue of the Lands and Grounds, by this Act intended to be divided and inclosed, unto and amongst the several other Owners or Proprietors of and other Persons interested in the said Common Fields, Common Pastures, Commons, Waste Grounds and other Commonable Lands, in proportion to their several and respective Lands, Rights of Common and other Rights, Interests and Property whatsoever, in and over the same, provided nevertheless that not less than Two Acres of the Lands to be allotted to the said *George Duke of Marlborough*, as such Proprietor as aforesaid, shall be laid on the South-east Side of the *Oxford Canal* and Bridge crossing the same, at the End of *Langford Lane*, and to abut on the said Canal and the Turnpike Road.

Commission-
ers not to al-
lot certain
Grounds
without Con-
sent.

XXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize or empower the said Commissioners to divide or allot any of the Clofes or Grounds of Arable Meadow or Pasture, within the said Parish of *Kidlington*, which are mounded, fenced or inclosed, and which now are or have usually been Commonable at certain Times, or any Part or Parts thereof, other than to the Proprietor or Proprietors thereof respectively, without his, her or their Consent in Writing for that Purpose first had and obtained, (save and except such Part or Parts thereof as may be necessary to be deducted or taken therefrom, for the Rights of Common belonging to other Proprietors therein, in case such first-mentioned Proprietors have no other Commonable Property to discharge such Rights,) or to authorize or empower the said Commissioners to divide or allot any Land or Ground, which may have been held in Severalty for Twenty Years and upwards previous to the passing of this Act; Provided nevertheless, that in case any annual or other Payment hath been made in lieu of the Rights of Common over the same, then such Part or Parts thereof as may be necessary to be deducted or taken therefrom, for such Rights of Common belonging to other Proprietors therein, shall be taken and deducted therefrom in case the Proprietors of such Land or Ground, have no other Commonable Property to discharge such Rights.

Persons sell-
ing Rights
before the
Execution of
the Award
Commission-
ers to allot to
the Pur-
chasers.

XXIII. Provided always, and be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time before the said Commissioners shall have executed their Award sell his, her or their Right, Interest or Property, in, over or upon the said Open and Common Fields, Common Meadows, Common Pastures, Commonable Lands and Waste Grounds, or any Part thereof, to any other Person or Persons, then and in every such Case it shall be lawful for the said Commissioners and they are hereby required 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 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 as aforesaid, and every such Vendee and Purchaser, and his and her Heirs or Executors, Administrators or Assigns, shall and may from and after the Execution of the said Award hold and enjoy the Land so to be allotted to him, her or them respectively as aforesaid, in the same Manner to all Intents and Purposes, as the Vendor or Vendors in every such Sale might, could or of Right ought to have held and enjoyed the same in case such Sale 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 and Allotment.

Recompence
to be made
for Lands
planted or
fallowed.

XXIV. And be it further enacted, That the said Commissioners or any Two of them, 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 any 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 shall

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 or 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 Recompense shall not be paid at the Time appointed by the said Commissioners or any Two of them, then the said Commissioners or any Two of them may and shall, by Warrant or Warrants under their Hands, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons required to make such Recompense 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.

XXV. And be it further enacted, That in the mean Time and until such Division and Allotment shall be made as aforesaid, all the Pasture, Tillage and other Lands hereby intended to be divided, allotted and inclosed, shall be stocked with such Cattle, and planted or sown by the respective Owners or Occupiers thereof, with such Sorts of Corn, Grain, Grass and other Seeds and shall be kept, ordered and continued in such Course of Management, Tith and Husbandry as the said Commissioners or any Two of them, shall by any Writing or Writings under their Hands in that behalf order, direct and appoint, any Usage or Custom of stocking, tilling or sowing to the contrary notwithstanding; and if any Person or Persons shall till, plant, sow or manage any of the said Tillage Lands contrary to the Order of the said Commissioners, he, she or they shall forfeit and pay any Sum not exceeding Twenty Pounds an Acre for every Acre so tilled, sown or managed, and so in proportion for a less Quantity than an Acre thereof, to be recovered by any Person or Persons who will inform and prosecute for the same in the Manner prescribed by the said recited Act touching the Recovery of Penalties and Forfeitures, together with reasonable Costs, and that no Meadows, Pastures or fresh Grounds, Part of the Lands and Grounds hereby intended to be divided, allotted and inclosed, and not now in Tillage, shall before such Division and Allotment is made be broken up or converted into Tillage or Garden Ground, and it shall be lawful for the said Commissioners or any Two of them, at any Time hereafter, when and as often as they in their Judgment shall think fit, by Notice for that Purpose under their Hands, to be affixed on the principal outer Door of the Parish Church of *Kidlington* aforesaid, to suspend or totally extinguish all or any Part of the Rights of Common over the Lands and Grounds hereby intended to be divided, allotted and inclosed, and from and after such Notice given, all such Rights of Common over the said Lands and Grounds, as by such Notice shall be directed or declared to be suspended or extinguished, shall cease and be suspended for such Time, or extinguished in such Manner as the said Commissioners shall in and by such Notice direct, and if after such Suspension or Extinguishment of any such Rights of Common, any of the said Owners or Occupiers shall turn or permit his, her or their Cattle or Sheep, to depasture or feed on any of the Lands and Grounds so discharged and freed from Right of Common, then and as often as the Case shall so happen, it shall be lawful for any other of the said Owners or Occupiers to distrain all or any of such Cattle or Sheep, being in or upon any such Lands or Ground contrary to such Notice, and to impound and keep the same impounded until the Person or Persons so offending shall pay the Person or Persons so distraining

Commissioners to direct the Course of Husbandry.

distraining, a Sum not exceeding Ten Shillings for each Head of Cattle or Sheep so distrained; and in case the same, together with all Costs and Charges, shall not be paid before the next Meeting of the said Commissioners after such impounding, the said Commissioners or any Two of them shall and they are hereby authorized and empowered upon Proof of such Offence or Offences having been committed, and Non-payment of the Penalty or Penalties incurred, to cause the Cattle or Sheep so distrained, or such of them as they shall think necessary, to be sold for raising and paying the Penalty or Penalties so incurred as aforesaid, together with the Costs and Charges attending every such Distress and Sale, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Cattle or Sheep.

Leases at
Rack Rent
to be void.

XXVI. And be it further enacted, That all and every Lease and Leases at Rack Rent now subsisting of all or any Part of the Lands, Tenements or Hereditaments hereby intended to be inclosed, discharged of Tithes, or which shall be exchanged, or of the Tithes thereof or any Part thereof, either alone or jointly with any other Tenements, Tithes or Hereditaments, and all other Agreements at Rack Rent for any Term or Time therein, shall, as to the whole of such Tenements, Lands and Hereditaments comprised in such Lease or Leases, or Agreements affected by this Act, on such a Day as the said Commissioners or any Two of them shall by any Writing under their Hands direct and appoint, cease, determine, and be utterly void, and the respective Lessees or Tenants thereof, shall have and receive of the respective Owners and Proprietors of such Lands, Tithes, Tenements and Hereditaments, such Satisfaction as the said Commissioners or any Two of them shall ascertain as reasonable to be paid or allowed to such Lessee or Lessees, Tenant or Tenants in that behalf, and the respective Lessors or Landlords shall be entitled to such Rent or Rents, Compensation or Privileges up to the Time of vacating such Leases or Agreements respectively, as the said Commissioners or any Two of them shall direct or appoint, to be paid to or given them by such Lessees or Tenants respectively, for or with respect to such Lands, Tenements, Tithes or Hereditaments: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in the said Parish, 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 situated in an adjoining Parish, the Lease of such last mentioned Lands shall not be vacated.

Provisions
for renewing
the Estate of
Queen's Col-
lege Lessee
upon certain
Terms.

XXVII. And whereas Part of the Lands hereby intended to be divided and inclosed, together with other Premises in the said Parish of *Kidlington*, are held by and under a beneficial Lease for the Term of Twenty-one Years by *Margaret Bellenger* Widow, under the Provost and Scholars of the *Queen's College*, in the University of *Oxford*: And whereas the obtaining and passing of this Act, and carrying the same into Execution, and the several other Matters incident to the said Division and Inclosure will, be attended with considerable Expence; and the Advantages arising from the said Division and Inclosure will be very inadequate to such Expence in respect of the said Lessee, by reason of her temporary Interest in the said Lands and Premises, unless some Provision be made for her by this Act: And forasmuch as the said Provost and Scholars are by the Statutes of the

the said College, restrained from granting any larger Estate in the said Lands and Premises than for the Term of Twenty-one Years, and cannot enter into any Agreement to bind themselves, or their Successors to renew the said Lease at the usual and accustomed Time of renewing the same, or for any certain Sum of Money without the Aid and Authority of Parliament, be it further enacted, that it shall be lawful for the said Provost and Scholars and their Successors, and their said Lessee, and they are hereby required on the Tenth Day of *October* next after the passing of this Act, or as soon after as conveniently may be, to cancel and make void the now subsisting Lease, and at the same Time to grant and take a new Lease of the said Lands and Premises for a new Term of Twenty-one Years, commencing from the Tenth Day of *October* next after the passing of this Act, under and subject to the old Rents and Covenants, by which the said Lands and Premises were holden, receiving and paying for such new Lease (over and above the Lease Fees) a Fine after the Rate for Seven Years elapsed of the former Term, of One Year and a Half's Rent of such Lands and Premises according to the present Value thereof, such Value to be ascertained by the said Commissioners or any Two of them, deducting the annual Rent reserved by such Lease; and at the End of the first Seven Years of such new Term, to grant and take a fresh Term of Twenty-one Years, to commence from the End of the said first Seven Years, under and subject to the old Rents and Covenants, by which the said Premises were holden, receiving and paying, (over and above the Lease Fees) a Fine for such Renewal of One Year and a Half's Rent of such Lands and Premises according to the Value thereof, to be ascertained by the said Commissioners or any Two of them as aforesaid; and such Lease so to be made and granted by the said Provost and Scholars, and their Successors, shall be binding to and upon the said Provost and Scholars and their Successors, and shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute or Usage to the contrary notwithstanding.

XXVI. And be it further enacted, That the said Lessee of the said Provost and Scholars of the *Queen's College*, in Consideration of such Renewals as aforesaid, shall and is hereby required to bear, pay and discharge all the Costs, Charges and Expences, which shall be incurred in obtaining, passing and executing this Act, which shall be payable in respect of the Lands and Grounds, Right of Common, and other Hereditaments belonging to the said Provost and Scholars, and now held by the said Lessee of the said Provost and Scholars; and also to make and erect all such Fences, and at such Times and in such Manner, as shall be directed by the said Commissioners or any Two of them, as well for subdividing as dividing and inclosing all the Allotments to be made, in respect of such Lands and Grounds, Rights of Common and other Hereditaments.

Expences of
Queen's Col-
lege to be
paid by their
Lessee.

XXVII. And be it further enacted, That no Sheep, Lambs or other Cattle shall be kept in any of the Allotments to be made by virtue of this Act during the Space of Seven Years next after the Execution of the Award of the said Commissioners, or any Two of them, unless the Person or Persons so keeping the same shall first at his, her or their own Expence, make and maintain a Fence sufficient to guard the young quickset Fences, to be planted or set upon the Allotment or Allotments adjoining thereto.

No Lambs to
be kept in the
new Inclo-
sures for Se-
ven Years.

[*Loc. & Per.*]

40 2

XXVIII. And

Rectorial and
Vicarial Al-
lotments for
Tythes and
Glebe to be
ring-fenced
by the other
Proprietors.

XXVIII. And be it further enacted, That the Lands which shall be set out and allotted, unto and for the said Rector and Scholars in lieu of their said Lands and Common Rights and Rectorial Tythes, and unto the Vicar of the said Vicarage, in lieu of his said Glebe and Vicarial Tythes, shall be well and sufficiently inclosed, and fenced on the outward Boundaries thereof respectively, and live Fences raised in such Manner as the said Commissioners or any Two of them shall judge proper, at the Expence of such of the said Proprietors, whose Lands are subject or liable to the Payment of Tythes in such Shares and Proportions, and at such Time and Times as the said Commissioners or any Two of them shall by their Award order or direct, and that the said Fences shall thereafter be maintained, supported and preserved, during the Term of Seven Years and until the same shall become good and sufficient live Fences, by or at the Expence of such other of the Proprietors, whose Lands are subject to the Payment of Tythes as aforesaid, in such Manner and in such Parts, Shares and Proportions, as the said Commissioners or any Two of them shall also by their said Award order or direct; and from and after the Expiration of the said Term of Seven Years, the same shall be respectively maintained and preserved, by and at the Expence of the said Rector and Scholars and their Successors, and the Vicar of the said Vicarage for ever; and that all the other Allotments so to be made as aforesaid, shall be inclosed and fenced in such Manner by the several Persons, to or for whom the same shall be set out, and in such Shares and Proportions, and at and before such Time or Times, as the said Commissioners or any Two of them shall in their said Award order or direct, and the same Fences shall afterwards be repaired, preserved and maintained, by such Proprietors respectively.

Fences of
Allotment
how to be
made.

Power to turn
Water-
courses.

XXIX. And be it further enacted, That it shall and may be lawful for the said Commissioners or any Two of them to award, order and direct, all or any of the Streams of Water Springs or Watercourses, in the said Common Fields and Premises hereby intended to be divided and inclosed, to be conveyed and turned in such Courses and through such Lands so intended to be divided and allotted as aforesaid, in such Manner as they shall think most beneficial and convenient for the watering or draining the several Allotments to be made as aforesaid; provided that such Streams of Water Springs or Watercourses, be not diverted or turned, without the Consent in Writing of the Person or Persons, from or into whose Lands such Streams of Water Springs, or Watercourses shall be so diverted or turned.

Award to be
deposited.

XXX. 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 *Kidlington* aforesaid.

Expence of
this Act.

XXXI. And be it further enacted, That the Charges and Expences incident to and attending the obtaining and passing of this Act, the valuing, surveying, measuring, planning, dividing and allotting the said Lands and Grounds hereby intended to be inclosed; and also the valuing, measuring and planning the said Inclosures, and of ring-fencing the said Rectorial and Vicarial Allotments, and of forming the publick Carriage Roads, and of putting the same in good and sufficient Repair, and of preparing and enrolling the said Award or Instrument, and the Charges and Expences of the

the said Commissioners, and all other necessary Expence about or concerning the Premises, either before or after the Execution of their said Award, shall be paid and defrayed by the said Proprietors in general of and in the Lands, Grounds and Premises so intended to be inclosed, and of and in the old inclosed Lands and Premises, to be exempt and discharged from Tythes (except the said Rector and Scholars of *Exeter* College, and the said Vicar in respect of any Allotment or Allotments which shall be made to him or them respectively, in lieu of Tythes and Glebe Lands, and the said Provost and Scholars of *Queen's* College), which said 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 or any Two of them, and shall be paid at such Time or Times, Place or Places, and to such Person or Persons as the said Commissioners or any Two of them shall appoint: 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 holden in pursuance of this Act.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Two of them, to set out, allot and award any Lands, Tenements or Hereditaments whatsoever within the said Parish of *Kidlington*, in Lieu of and in Exchange for any other Lands, Tenements or Hereditaments whatsoever within the said Parish, 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 a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail general or special, or by the Courtsey of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees or Attornies, of or acting for any such 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 always nevertheless, that no such Exchange shall be made of any Lands, Tenements or Hereditaments held in Right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments, so to be exchanged shall lie and be situate.

Power to
make Ex-
changes, &c.

XXXIII. And be it further enacted, That the Expences attending any Exchange or Partition of the Lands and Grounds by this Act intended to be divided, allotted and inclosed, which shall be made by virtue of this

Costs of Ex-
changes and
Partitions to

be borne by this or the said recited Act, shall be borne and defrayed by the respective Parties interested in the making of such Exchanges or Partitions distinct and apart from the Expences attending the Execution of this Act, in such Manner as the said Commissioners or any Two of them shall order and direct.

Allotments to be of the same Tenure as Lands in respect of which the same shall be allotted. XXXIV. And be it further enacted, That the several Lands and Grounds which shall be allotted 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 like Tenures, Rents, Customs and Services, as the Lands, Tenements and Hereditaments, in respect of which such Allotments respectively were made, were held and enjoyed previous to the Execution of the said Award.

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

Power to borrow Money XXXVI. And be it further enacted, That it shall be lawful for the several and respective Owners and Proprietors of the Allotments to be made in pursuance of this Act, being only Tenants in Tail, or for Life or Lives (except the said Vicar and his Successors), or for Term of Years determinable on a Life or Lives, and also for the respective Husbands, Trustees, Guardians or Committees of any of the said Owners and Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, Feoffees or Trustees for Charitable Uses, to charge all or any of the Lands or Grounds which shall be assigned or allotted to or for them, or their respective Lessees or Tenants in pursuance of this Act, with any Sum or Sums of Money as the said Commissioners or any Two of them shall appoint, not exceeding Five Pounds for every Acre of the Land or Ground to be allotted to them respectively, to be paid to such Person or Persons as the said Commissioners or any Two of them shall for that Purpose nominate and appoint, in order to be applied and disposed of for the Purpose of defraying their respective Shares and Proportions of the Charges and Expences of obtaining and passing this Act, and of making and erecting such Fences or other Conveniences on their respective Lands, necessary for the Farming or Occupation thereof, as the said Commissioners or any Two of them shall think proper and necessary, and the other Expences incident to and attending the Division, Allotment and Inclosure of the said

said Lands and Grounds by this Act intended to be divided and inclosed, and for securing the Repayment of the said Sum or Sums of Money with Interest, to grant, mortgage, assign, lease, demise or otherwise charge and subject the Lands so to be assigned or allotted as aforesaid, or any Part thereof, to any Person or Persons who shall advance or lend the same respectively, for any Term or Number of Years, so as every such Grant, Mortgage, Assignment, Lease or Demise be made with a Proviso or Condition to cease and be void, when the Sum or Sums of Money thereby to be secured with the Interest thereof shall be fully satisfied and paid, and so as in every Grant, Mortgage, Assignment, Lease or Demise to be made by any such Tenant for Life or Lives, there be contained a Covenant to pay and keep down the Interest of the Money to be thereby respectively secured during the Life or Lives, or other Estate or Interest therein of the Person or Persons making the same as aforesaid, in such Manner that no Person afterwards becoming possessed of such Lands and Grounds shall be subject and liable to pay any further or larger Arrear of Interest than for One Year preceding the Time within which the Title to such Possession shall accrue and commence; and every such Grant, Mortgage, Lease, Demise, or other Charge of the said Lands and Grounds, or any Part or Parts thereof to be made in pursuance of this Act, shall be good, valid and effectual in the Law for the Purposes thereby intended.

XXXVII. And be it further enacted, That once at least in each and 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 Expence in the Execution of this Act, and such Statement and Account when so made, together with the Vouchers relating thereto, shall be by them laid before Two Justices of the Peace for the said County of *Oxford*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts, to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Account shall be binding on the Parties concerned or valid in Law unless the same shall have been duly allowed by such Justices.

Commissioners to lay their Accounts before Two Justices once a Year.

XXXVIII. And be it further enacted, That if the Proprietors aforesaid, or any other Person shall advance or lend any Money for defraying the Expences of applying for and obtaining this Act, or carrying the same into Execution, every such Person shall be repaid such Money with lawful Interest for the same, out of the Money which shall be first raised by virtue of this Act.

Persons advancing Money to be first repaid with Interest.

XXXIX. 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, then and in every such Case (except in such Cases where the Orders, Determinations and Proceedings of the said Commissioners, or any Two of them are by the said recited Act or this Act declared to be binding, final, or conclusive) be, she or they may appeal to the next General Quarter Sessions of the Peace which shall be holden in and for the said County of *Oxford*, within Six calendar

Appeal.

Months next after the Cause of Complaint shall have arisen, and the Justices at such General Quarter Sessions are hereby authorized and required to hear and determine the Matter of such Appeal; and to make such Order therein, and award such Costs as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs that 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) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale, which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

This Act not
to extend to
Gosford and
Water
Eaton.

XL. Provided always, and be it further enacted and declared, That none of the Provisions contained in this Act or the said recited Act, shall in anywise extend to any Lands, Grounds or other Hereditaments, in the Townships of *Gosford* and *Water Eaton*, or either of them, within the said Parish of *Kidlington*, other than and except with respect to the making Exchanges thereof.

General
Saving.

XLI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Politick and Corporate, his, her and their Heirs, Successors, Executors and Administrators, all such Estate, Right, Title and Interest (other than and except such as are hereby intended to be barred, destroyed or extinguished), as they, every or any of them, had or enjoyed of, in, to or out of or in respect to the said Lands, Grounds and Premises hereby directed to be divided, allotted and inclosed, in case this Act had not been made.

This Act
may be given
in Evidence,
when printed
by the King's
Printer.

XLII. 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.

L O N D O N : Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1819.