



ANNO QUINQUAGESIMO QUINTO

GEORGI II. REGIS.

Cap. c.

An Act for draining and allotting *Otmoor*, in the
County of *Oxford*. [12th July 1815.]

WHEREAS there is within the several Parishes of *Beckley*, *Noke*, *Oddington*, and *Charlton*, or some or one of them, in the County of *Oxford*, a certain Common or Waste, called *Otmoor*, containing Four thousand Acres, or thereabouts: And whereas there are certain Townships or Hamlets within the said Parishes, (that is to say) the Township of *Beckley*, and the Hamlets of *Horton* and *Studley* within the said Parish of *Beckley*, the Township of *Noke* within the said Parish of *Noke*, the Township of *Oddington* within the said Parish of *Oddington*, and the Township of *Charlton*, and the Hamlets of *Fencot* and *Moorcot* within the said Parish of *Charlton*: And whereas the Right Honourable *Montague* Earl of *Abingdon* is Lord of the Manor of *Beckley with Horton* and in respect thereof is entitled to the Soil of the said Common or Waste; the Dean and Chapter of the Collegiate Church of *Saint Peter's Westminster* are Lords of the Manor of *Islip with Fencot, Moorcot, Norbrooke, Noke* and *Oddington*; and *Sawyer* Esquire is Lord of the Manor of *Oddington*: And whereas *George* Duke of *Marlborough*, the said *Montague* Earl of *Abingdon*, the said Dean and Chapter, the said *John Sawyer*, *Alexander Croke* Doctor of Laws, and divers other Persons are respectively Owners and Proprietors of Messuages, Cottages, Lands, and Tenements within the said several and respective Parishes, Townships, and Hamlets, and as such claim to be entitled to Right of Common, and other Interests upon and over the Whole of the said Common or Waste: And whereas the said Common or Waste is exceedingly subject to Floods, which con-

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41 G.3.c.109.

Appointment
of a Commis-
sioner.

tinue upon the same during a great Part of the Year, whereby it is not only during such Time rendered unfit for Pasturage, but is also injurious to Sheep and other Cattle turned thereon, when freed from the Water, and great Abuses are committed in the Manner of stocking the same, or intercommoning thereon, in consequence of the great Extent thereof, and of the great Number of Persons claiming to be interested therein: 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 certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Common or Waste might be rendered much more beneficial to the several Persons having Right of Common thereon, and other Interest therein, if the same were properly drained, embanked, and divided, and specific Parts thereof allotted to such of the said Parishes, Townships, and Hamlets, in Proportion to their respective Property, Rights of Common, and other Interests therein, and such Drainage, Division and Allotment would likewise be an Advantage to the Public; but forasmuch as such Objects cannot be attained or effectually carried into Execution 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 Maughan* of *Luton*, in the County of *Bedford*, Gentleman, and his Successor, to be elected in manner herein-after mentioned, shall be and he is hereby appointed the sole Commissioner for draining, dividing, and allotting the said Common or Waste, and for putting this Act in Execution, in the Manner and subject to the Provisoes, Rules, Orders, and Restrictions herein-after contained, and also subject to the Powers and Provisions of the said recited Act, except wherein the same are hereby varied or altered.

Appointment
of new Com-
missioner.

II. And be it further enacted, That in case the said Commissioner herein-before named, or to be appointed in Manner herein-after mentioned, shall die, neglect, or refuse to act or become incapable of acting for the Purposes of this or the said recited Act, then and in every such Case it shall be lawful to and for the major Part in Value of the several Persons interested in the said Drainage, Division, and Inclosure (such Value to be ascertained by the then last Land Tax Assessment made for the said several Parishes, Townships, and Hamlets), who shall attend by themselves or by their Agents, duly authorized, at a Meeting to be holden for that Purpose within One of the said Parishes, Townships, or Hamlets, of which Notice shall be given by any Two or more of the said Proprietors, in the Newspapers called *The Oxford Herald* and *The Oxford Journal*, if then published, or if not, then in some Newspaper circulated in the Neighbourhood at least Fourteen Days before the Time appointed for holding any such Meeting, from Time to Time to nominate, elect, and appoint some fit and proper Person (not interested in the Premises) to be a Commissioner in the Room or Stead of such Commissioner so dying, neglecting, or refusing to act, or becoming incapable of acting as aforesaid; and that every such new Commissioner when nominated, elected and appointed in Manner aforesaid, shall after having taken the Oath prescribed by the said recited Act, have the like Powers and Authorities in all respects for carrying the

Purposes of this Act and the said recited Act into Execution, and shall be subject and liable to the same Rules, Orders, and Regulations, as if he had been originally named and appointed a Commissioner in and by this Act.

III. And be it further enacted, That the said Commissioner shall be allowed and paid the Sum of Four Guineas and no more, including all Travelling Charges and Expences whatsoever (excepting only the Use of the Room wherein his Sittings shall be held), for each and every Day he shall be employed therein. Allowance to Commissioner.

IV. And be it further enacted, That the said Commissioner shall cause Notice in Writing under his Hand, or the Hand of his Clerk, specifying the Time and Place of holding his First and every other Sitting for executing this and the said recited Act, to be published by Advertisement in one of the said *Oxford* Newspapers, Ten Days at the least before any such Sitting shall be holden, (Sittings by Adjournment only excepted); and it shall be lawful for the said Commissioner to adjourn his Sittings from Time to Time as he shall see Occasion, for executing the Powers hereby and by the said recited Act vested in him: Provided that no Adjournment shall be made for a longer Space than Twenty-one Days, and that all such Sittings shall be held within One of the said Parishes, or within Eight Miles thereof. Notice of Sittings.

V. Provided always, and be it enacted, That all other Notices requisite to be made and given by the said Commissioner, shall be so made and given in one or both of the said *Oxford* Newspapers, or in some other Newspaper circulated in the Neighbourhood of the said Parishes. Other Notices.

VI. And be it further enacted, That *Henry Walter* of *Token-house Yard* in the City of *London*, *William Church* of *Abingdon*, in the County of *Berks*, *William Collison* the younger of *Brackley*, in the County of *Northampton*, and *Thomas Fulljames* of *Hasfield Court*, in the County of *Gloucester*, Land Surveyors, shall be, and they are hereby appointed the Surveyors for the Purposes of this and the said recited Act; and in case of the Death, Neglect, Refusal or Incapacity to act of them, or either of them, it shall be lawful for the said Commissioner, with the Consent of the major Part in Value of the Persons interested, by Writing under his Hand, to nominate and appoint some other fit and proper Person or Persons to be Surveyor or Surveyors in the Place or Stead of the said Person or Persons so dying, neglecting, refusing or becoming incapable of acting, and so from Time to Time, as often as there shall be Occasion. Surveyors appointed.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as Surveyor as aforesaid, until he shall have taken and subscribed the Oath following; (that is to say), Surveyor to take an Oath.

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly act according to the best of my Skill and Judgment in surveying and measuring the Lands and Grounds intended to be divided, allotted, and inclosed, by virtue of an Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled *An Act* [here set forth the Title of this Act], Oath.

‘ *Act*], and in making true Maps or Plans thereof, to be laid before the
 ‘ Commissioner for putting the said *Act* into Execution

‘ So help me GOD.’

Which Oath the said Commissioner is hereby authorized and required to administer, when and as often as Occasion shall require; and the said Oath so taken and subscribed shall be annexed to and inrolled with the Award of the said Commissioner.

Commissioner
to appoint
Officers.

VIII. And be it further enacted, That the said Commissioner shall, and he is hereby empowered to appoint such Officer or Officers as he shall think needful, for the superintending or carrying on of any such Works as may be necessary in the Execution of this *Act*, and from Time to Time to remove or displace all or any of them, as often as he shall see Cause; and all and every such Officer or Officers so to be appointed as aforesaid, before they shall act in the Execution of their several Offices, shall give such Security to the said Commissioner for the due Execution of their respective Offices and Trusts, as the said Commissioner shall in his Discretion think fit.

Commissioner
to determine
Differences;

IX. And be it further enacted, That if any Difference or Dispute shall arise between any of the Parties claiming to be interested in the said Division or Allotment, touching or in anywise concerning the Proportion of the said Common or Waste, so to be set out and allotted as aforesaid, it shall be lawful for the said Commissioner, and he is hereby required, by Examination of Witnesses upon Oath (which Oath the said Commissioner is hereby empowered to administer), and upon other proper Evidence, to hear and determine the same (except in such Cases as herein provided for): Provided always, that nothing in this *Act* contained shall authorize the said Commissioner to determine the Right to any Lands or Hereditaments.

and to award
Costs.

X. And be it further enacted, That in case the said Commissioner shall, upon the Hearing or Determination of any Claim or Claims, Objection or Objections, Dispute or Disputes, to be delivered to him in pursuance of the said recited *Act* or this *Act*, see Cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand, 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.

Persons dis-
satisfied with
Determina-

XI. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the Division or Allotment

Allotment of the said Common, or any Part thereof, or the Boundaries thereof respectively, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning their respective Claims, Objections, Rights or Interests, it shall be lawful for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the Commissioner, for which Purpose the Person or Persons who shall be so dissatisfied with the Determination of the said Commissioner shall cause an Action to be brought for Trial on a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination shall have been notified in Writing to the Party or Parties interested therein; and proceed to try the Question at the First Assizes to be holden for the said County of *Oxford*, after the Expiration of Six Calendar Months from the Time of such Determination; 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, Objection or Objections, and the Right or Rights thereby insisted on, may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in the said Action or Actions shall be final, binding, and conclusive upon and to all and every Person or Persons whomsoever: Provided that it shall be lawful for the Court in which such Action shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action, or to order a new Trial to be had therein, as is usual in other Cases, although the Time herein-before limited for the Trial of such Action may be thereby exceeded; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioner shall and he is 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 Commissioner touching any such Claims, Rights, or Interests, which shall not be objected to, within Six Calendar Months after the same shall be made known, or which being objected to, the Party or Parties objecting shall not cause such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive to all Parties.

tions of the Commissioner may try their Rights at Law.

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

Actions not to abate by Death of Parties.

XIII. 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 Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioner

If Parties die before Actions commence, the same shall not stop by reason thereof.

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with

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 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.

Commis-
sioner not to
determine
contrary to
Possession.

XIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner for the Time being to determine the Right of any Parties contrary to the Possession of such Parties, (save and except with respect to Encroachment as herein-after mentioned), but in case the said Commissioner for the Time being shall be of Opinion, against the Right of the Person or Persons so in Possession, he 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.

Suit not to
delay the In-
closure.

XV. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title to any Messuage, Lands, Tenements, or Hereditaments, for or in respect of any Right or Interest in, over, or upon the Lands or Grounds hereby directed to be divided and allotted, or any Part thereof, such Suit or Suits shall not delay, impede or hinder the said Commissioner for the Time being from proceeding in the Powers vested in him by this Act, but the said Allotments shall be proceeded in notwithstanding such Suit or Suits, and may be had and taken by the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who, upon the Determination of such Suit or Suits, shall become entitled to the same.

Encroach-
ments.

XVI. And be it further enacted, That all Encroachments taken or made from any Part or Parts of the said Common or Waste, within Twenty Years next before the passing of this Act, shall be deemed Part of the said Common or Waste, and shall be drained, divided, and allotted by virtue of this Act.

The Course
of the River
Ray to be
cleansed and
widened, and
Lands
drained.

XVII. And whereas that Part of the River *Ray* which runs through the said Common or Waste, and from thence through certain other Lands and Grounds below the same into the River *Charwell*, being exceedingly narrow and tortuous, and incapable of carrying off the Water with sufficient Rapidity, is, in Conjunction with certain Obstructions in the said River *Charwell*, the Cause of the frequent Injury from Floods, to which the said Common or Waste is subject; be it therefore further enacted, That it shall and may be lawful for the said Commissioner or such Person or Persons as he shall appoint, without any previous Payment or Tender as Recompence, to enter upon any of the Lands or Grounds between the said Common or Waste, and the said River *Charwell*, in or near the Line of the said River *Ray*, and to take a Survey and Level thereof, and to mark out such Part or Parts thereof as shall be necessary for the more effectually draining the said Common or Waste; and also that it shall and may be lawful for the said Commissioner, and he is hereby authorized and required, so soon after the passing of this Act as reasonably may be, to cause

such

such Works to be done in or upon the said Common or Waste, and the said Lands or Grounds below the same, for the Purpose of widening and deepening, and cutting off the Turns and Windings of the said River *Ray* in such Parts thereof as shall be necessary for making a more free and ready Communication with the said River *Charwell*, either at the Place where the said River *Ray* now joins the said River *Charwell*, or at such other Place as shall be deemed most suitable or necessary for that Purpose, and also to remove such Obstructions in the said River *Charwell*, and to cause such Drains, Cuts, or Sluices to be made in Aid of the said River *Ray*, and for the more effectually preventing the said Common or Waste from being overflowed and injured, as shall be necessary; and to cause the Sides thereof, and of the said River *Ray* from its Entrance into the said Common or Waste, to its Communication with the said River *Charwell*, to be sufficiently embanked, so as to prevent the said Common or Waste and the Grounds below the same from being so overflowed and injured; and also from Time to Time to make, support, erect, alter, and maintain all such Cuts, Tunnels, and Waterways through and under such Banks or any of them; and also all such Cuts, Drains, Ditches, Dams, Sluices, Bridges, Engines, and other Works, in, upon, through, and over the said Lands so intended to be embanked and drained, as they shall think necessary for draining, protecting, and improving the same; and that in case the Earth or Soil to be raised by the widening, deepening, and straightening of the said River *Ray*, and by making the Cuts, Drains, Sluices, and other Works, shall not be sufficient for embanking the same according to the Directions of this Act, it shall be lawful for the said Commissioner, and his Officers or Servants, to cut, dig, and carry away such Quantity of Earth or Materials for making good such Deficiency in, upon, out of, or from the said Common or Waste, or any Part thereof, and also in, upon, out of or from the Lands between the same, and the said River *Charwell*, in the Line of and immediately contiguous to the said River *Ray*, where the same can be most conveniently had; but so as that no such Earth or Materials shall be dug or taken from or out of the said Lands between the said Common or Waste, and the said River *Charwell*, for the Purpose of embanking any Part of the said River *Ray*, running through the said Common or Waste, or any of the Cuts, Drains, Sluices, or other Works to be made upon the same.

XVIII. And be it further enacted, That all the Cuts, Drains, Ditches, Dams, Sluices, Tunnels, Bridges, Engines, and other Works, which shall at any Time hereafter be making or erecting or be made or erected, by virtue of this Act, for the Purpose of draining or protecting the said Common or Waste, and the Right and Property to and in such Engines, and the Materials of which the same shall consist, shall be and they are hereby vested in the said Commissioner until his Power and Authority in executing this Act shall cease, and until the Trustees herein-after directed to be chosen shall be appointed; but nevertheless for the Purpose only of supporting, maintaining, and preserving the same, and commencing and supporting Actions or Prosecutions for any Injury or Damage done thereto; and that after such Appointment of such Trustees shall be made and completed as herein-after mentioned, the said several Matters and Things, so vested in the said Commissioner as aforesaid, shall be, and are hereby vested in the said Trustees and their Successors; and the said Commissioner and Trustees respectively are hereby authorized and empowered to insure such Engines from Fire, and to bring, or cause to be brought and

Cuts, Engines, &c. vested in the Commissioner.

and maintained, any Action or Actions in their own Names, or in the Name of any One of them, and to prefer, or cause to be preferred, Indictments, or other Prosecutions against any Person or Persons who shall dig up, break, pull down, steal, destroy, spoil, fill up, or injure any such Engines or Works, or any of them, or the Materials of which the same shall be made, built, or consist.

Lands to be
purchased.

XIX. And be it further enacted, That in order to carry this Act into Execution, it shall be lawful for the said Commissioner, and he is hereby authorized and required, to purchase such Part or Parts of the Lands or Grounds lying between the said Common or Waste, and the said River *Charwell*, in or near the Line of the said River *Ray*, together with the Causes of Obstruction in the said River *Charwell* as shall be necessary, at or for such Price or Prices respectively as shall be agreed upon between the said Commissioner and the Owners or Proprietors of such Lands, Grounds, or Causes of Obstruction; and to use and employ the Lands and Premises so to be purchased as aforesaid for the Purposes of this Act.

Incapacitated
Persons to
sell.

XX. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or for Years, or in Tail, Husbards, Guardians, Feoffees in Trust, Committees, Executors, and Administrators, and all other Bodies or Persons whomsoever, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on the Behalf of their Cestuique Trusts, whether Infants, Issue unborn, or Lunatics, Idiots, Femmes Covert, or other Persons; and to and for all Femmes Covert who are or shall be seised or possessed of or interested in their own Right, and for any other Person or Persons whomsoever who is, are, or shall be seised or possessed of or interested in any such Lands, Grounds, and Premises as aforesaid, to contract and agree for the Sale of the same to the said Commissioner; and all such Contracts shall be valid in the Law to all Intents and Purposes whatsoever, any Law or Usage to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and be all Persons whomsoever, so contracting as aforesaid are hereby indemnified for or in respect of such Contracts which he, she, they, or any of them shall make by virtue of this Act; and all such Contracts shall be made at the Expence of such Commissioner; and all such Lands, Grounds, and Premises so agreed to be purchased as aforesaid shall, upon Tender or Payment in Manner herein-after directed, of the Sum or Sums of Money agreed to be paid for the same, be vested in the said Commissioner and his Successors, or in the Trustees to be hereafter appointed in pursuance of this Act, who shall thenceforth be deemed in Law to be in the actual Seizin and Possession thereof, to all Intents and Purposes whatsoever, freed and discharged from all former and other Estates, Rights, Titles, Interests, Claims, and Demands whatsoever, and the same shall be employed and made use of for the Purposes of this Act, under the Regulations and Provisions herein expressed and contained.

Recompence
to be made
for Damages.

XXI. Provided always, and be it further enacted, That the said Commissioner shall make such reasonable Recompence and Satisfaction to the Person or Persons, Bodies Politic, Corporate or Collegiate, who shall sustain any Damage by reason of any of the Works to be made or done in or upon any of the said Lands or Grounds, between the said Common or Waste and the said River *Charwell*, in or near the Line of the said River *Ray*, or in or upon the said River *Charwell*, in the Execution of any of the

the Powers of this Act, for or in respect of such Damage so to be sustained by him or them as aforesaid, as shall be agreed upon between the said Commissioner and such Person or Persons, Bodies Politic, Corporate or Collegiate, respectively; provided that, in case any Dispute or Difference shall arise between the said Commissioner and such Party or Parties receiving such Damage, or between the said Commissioner and the Person or Persons, Bodies Politic, Corporate or Collegiate, to whom any of such Lands, Grounds, or Obstructions, which it may be necessary to purchase, shall belong, either touching the Quantum of Recompence and Satisfaction to be made for or in respect of such Damage, or regarding the Price or Consideration for the Premises so to be purchased as aforesaid, the same shall be assessed, adjudged, and finally determined by the major Part of the Justices of the Peace who shall be assembled at the First or next General Quarter Sessions of the Peace, which shall be held for the said County of *Oxford*, and who shall not be interested in the Matter in Dispute, after Notice shall have been given to the said Commissioner by the Person or Persons, Bodies Politic, Corporate or Collegiate, complaining of such Damage, or of the Price or Consideration offered for such Purchase, that an Application for that Purpose will be made to the said Quarter Sessions; and if the Party or Parties complaining of such Damage as aforesaid, or any Person on his or their Behalf, shall make Oath that in his or their Opinion such Damage amounts to above the Value of Fifty Pounds, or if the Party or Parties who shall be required to sell any of the Lands or Grounds so to be purchased as aforesaid, or any Person on his or their Behalf, shall make Oath that the Price or Consideration offered or proposed by the said Commissioner is not in his or their Judgment or Estimation a fair or reasonable Price or Consideration for the same, such Justices shall, and they are hereby authorized and required to charge the Jury which shall attend at any such Sessions, or some other Jury of honest and indifferent Men (to be then and there impannelled and returned by the Sheriff of the said County of *Oxford*, without Fee or Reward) and cause them to be sworn on their Oaths well and truly to assess the Recompence and Satisfaction to be made for any such Damage, and the Price or Consideration for the Premises to be purchased (which Oath the said Justices are hereby empowered and required to administer to the said Jurymen, and to which Jurymen the said Commissioner and the Party or Parties complaining shall respectively have their lawful Challenges); and the said Jury being so charged and sworn as aforesaid, and after Evidence upon Oath to them given of the Nature of such Damage, or of the Value of the Premises to be so proposed to be purchased, shall by their Verdict assess the Recompence or Satisfaction to be made for such Damage, and the Price or Value to be paid for the Premises so to be purchased; and the Judgment of the said Justices and the Verdict of the said Jurymen thereupon, shall be final and conclusive to, upon, and between all Parties, provided that such Justices shall and may adjourn such Appeal to their next Session, if they shall see Occasion so to do; and upon Payment and Satisfaction of the Damages so to be assessed, or legal Tender thereof to the Person or Persons, Bodies Politic, Corporate or Collegiate to whom the same shall be awarded, or depositing the same in the Bank of *England*, the said Commissioner, and his Officers and Servants, shall not be impleaded for any Act or Acts by or on account of which such Damages or Injury shall be occasioned; and that upon Payment of the Price or Consideration for the Purchase of any such Lands or Grounds as shall be mutually agreed upon, or on Payment or legal Tender of the Price or Consideration to be

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assessed as aforesaid, or on depositing the same in the Bank of *England* for the Use of the Person or Persons, Bodies Politic, Corporate or Collegiate, entitled thereto, the Premises so to be purchased as aforesaid shall be absolutely vested in the said Commissioner for the Purposes of this Act.

Application
of Money
paid for
Lands.

XXII. And be it further enacted, That the Monies to be given for the Purchase of the Lands, Grounds, and Premises which shall be so contracted to be purchased as aforesaid, shall be paid to the Persons, and in the Manner herein-after mentioned, (that is to say), in all Cases where the Vendor or Vendors of such Lands, Grounds, and Premises, shall be seised of or entitled to the Fee Simple thereof, or shall have an absolute Power of Appointment over the same, the Purchase Money or Purchase Monies for such Lands, Grounds, and Premises, shall be paid to him or them respectively; and in all Cases where the Vendor or Vendors of such Lands, Grounds, and Premises, shall not be seised of or entitled to the Fee Simple thereof, or shall not have an absolute Power of Appointment over the same, the Purchase Money or Purchase Monies for such last mentioned Lands, Grounds, and Premises, shall be disposed of in such Manner as is directed by the said recited Act, whenever any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, and Hereditaments, or any Timber or Wood growing thereon, which ought to be laid out in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the same Uses.

Expence of
Application
to Sessions.

XXIII. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies, as a Recompence or Satisfaction for any Lands, Tenements, or Hereditaments, or for any Damages done to any Lands, Tenements, or Hereditaments, than had been previously offered by or on Behalf of the said Commissioner as aforesaid, then all the Expences of taking such Inquest, and of the Witnesses attending thereon, and of recording and entering the Verdict and Judgment thereupon, shall be settled by the said Justices, and shall be defrayed by the said Commissioner out of the Monies to arise by virtue of this Act; but if a Verdict shall be given or made for the same, or a less Sum than had been previously offered by or on Behalf of the said Commissioner as aforesaid, or in case no Damage shall be given by the Verdict, where the Dispute is for Damages only, then and in every such Case, the Costs and Expences of taking such Inquest, and of the Witnesses attending thereupon, and of recording and entering the Verdict and Judgment thereupon, shall be settled in like Manner by the said Justices, and shall be borne and paid by the Owner or Owners, Proprietor or Proprietors of, or other Person or Persons interested in the Lands, Tenements, or Hereditaments in question; and whenever any Costs and Expences shall or may be payable to the said Commissioner, such Costs and Expences shall and may be deducted by the said Commissioner out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the said Commissioner, in and by such Ways and Means as are herein-after provided for Recovery of the Rates

Rates and Taxes to be raised and levied by virtue of this Act: Provided always, that whenever any Person or Persons shall by reason of Absence or otherwise have been prevented from treating, the Whole of such Costs, Charges, and Expences, shall be borne and defrayed by the said Commissioner.

XXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, so as to enable the said Commissioner to take, use, injure, or damage any Dwelling House or other Building, or any Gardens, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent in Writing of the Owner or Owners, Proprietor or Proprietors thereof, for the Time being. Houses, &c. not to be injured.

XXV. And be it enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioner; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioner to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, [describing them,] subject to the Order, Controul, or Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid. In case of not making out Titles, &c.

XXVI. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Where any Question shall arise touching the Title, &c.

Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of
Chancery
may order
reasonable
Expences to
be paid by the
Commissioner.

XXVII. Provided also, and be it enacted, That when, by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as to the said Court shall seem reasonable, to be paid by the said Commissioner out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Direction to
Commissioner
to suspend
Common
Rights.

XXVIII. And be it further enacted, That from and after such Time or Times as the said Commissioner shall direct, by Writing under his Hand, to be affixed on the Principal Doors of the Parish Churches of *Beckley*, *Noke*, *Oddington*, and *Charlton*, all Right of Common in and upon the said Common or Waste, by this Act directed to be drained, divided, and allotted, shall be suspended, until such Time or Times as the said Commissioner shall have set out and allotted the specific Parts to be held and enjoyed by the several Parishes, Townships, and Hamlets, in Manner herein-after mentioned.

Gravel, &c.
not to be
taken with-
out Leave
of Commis-
sioner.

XXIX. And be it further enacted, That if any Person or Persons after the passing of this Act, and while the same is carrying into Execution, shall cut, dig, or carry away any Gravel, Earth, Sand, Stone, Clay, or Turves, or other Fuel in, upon, or from the said Common or Waste, or any Part thereof, without the Licence of the said Commissioner first had and obtained in Writing for that Purpose, (which Licence the said Commissioner is hereby empowered to grant), then and in every such Case, upon Proof thereof made before any One or more Justice or Justices of the Peace for the County of *Oxford*, either by Confession of the Party or Parties offending, or upon the Oath of One credible Witness (which Oath such Justice or Justices is or are hereby empowered and required to administer), such Justice or Justices is and are hereby required by Warrant under his or their Hand and Seal, or Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Five Pounds to be levied by Distress and Sale of the Goods and Chat-
tels

tels of the Person or Persons so offending, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall be so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards defraying the Costs and Charges of executing this Act, and every Person shall be allowed to give Evidence of such Offence, notwithstanding he or she may be interested in the Inclosure; and if sufficient Distress shall not be found, and such Penalty shall not forthwith be paid, it shall and may be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Riding, or District where such Offender or Offenders shall be convicted, there to remain without Bail or Mainprize for any Time not exceeding One Month for the First Offence, and for the Second and every other Offence of the same Kind for any Time not exceeding Six Months nor less than Two Months, unless such Penalties or Fines, and all reasonable Charges and Expences attending the same, shall be sooner paid and satisfied.

XXX. And be it further enacted, That the Costs, Charges, and Expences occasioned by the obtaining and passing of this Act, and of surveying, draining, dividing, and allotting the said Common or Waste hereby directed to be drained, divided, and allotted, and of setting out, making, and forming such Cuts, Sluices, Dams, Drains, Bridges, Engines, and other Works, Roads, and other Requisites, as in and by this Act, or the said recited Act, are directed, and also all Monies which shall be paid or payable by the said Commissioner for the Purchase of any Lands, Grounds, and Premises authorized and required to be purchased for the Purposes of this Act, and also all Costs, Charges, and Expences of preparing and inrolling the Award, and all other reasonable Expences, Costs, and Charges of the said Commissioner, Surveyor, Clerk or Clerks, and other Officers, to be paid or incurred in the Execution of this Act, or in relation thereto, from Time to Time as the same shall respectively accrue, shall be borne and paid by the several Owners or Proprietors of Messuages, Lands, and Tenements within the several Parishes, Townships, and Hamlets having Rights of Common and other Rights on the said Common or Waste, or other Persons interested therein, (except any Rector or Vicar), and the Shares and Proportions of the said Costs, Charges, and Expences to be borne and paid by the said respective Owners and Persons interested, shall be settled and ascertained by the said Commissioner, (due Regard being had to the Expences occasioned by each Parish, Township, and Hamlet, and to the Value thereof) and shall be raised wholly or in Part, either by the Sale or Sales of Part of the said Common or Waste, or wholly or in Part by a Rate or Rates on the said respective Owners and Persons interested, as the said Commissioner shall think most convenient and proper, unless the said Commissioner shall be required by the major Part in Value of the several Persons interested in any One of the Plots or Parcels of Land specifically allotted to such respective Parish, Township, or Hamlet, to raise the Whole of the Costs, Charges, and Expences which may be chargeable and to be paid in respect of such specific Plot or Parcel of Land by Sale of a competent Part thereof; (such Majority in Value to be ascertained by the last Land Tax Assessment made for such respective Parish,

Expences of
the Act how
to be paid.

[*Local.*]

27 B

Township,

Township, or Hamlet), and shall be paid to such Person or Persons, and at such Time or Times, as the said Commissioner shall direct or appoint by Writing under his Hand, and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of the said Costs, Charges, and Expences, according to such Direction or Appointment as aforesaid, the said Commissioner shall and may raise and levy the same by such Remedies, Ways, and Means, as are provided and mentioned in and by the said recited Act.

Commissioner
may sell
Land.

XXXI. Provided always, and be it further enacted, That in case the said Commissioner shall think it convenient or proper to sell any Part or Parts of the said Common or Waste for the Purpose of paying the Whole or any Part of the said Costs, Charges, and Expences, it shall and may be lawful for the said Commissioner, and he is hereby authorized and required to mark, set out, and allot such Parts of the said Common or Waste adjoining to each of the said Parishes, Townships, or Hamlets, as by the Sale thereof will raise Money sufficient to pay such Costs, Charges, and Expences, due Regard being had to the Proportion thereof to be borne by such Parishes, Townships, and Hamlets respectively; and the said Commissioner shall and he is hereby required to sell the Land and Ground so marked and set out in such Manner and under and subject to the same Provisions and Directions as are expressed for this Purpose in the said recited Act, and after such Sale or Sales the Purchase Money arising therefrom shall be applied by the said Commissioner in defraying such Costs, Charges, and Expences as aforesaid accordingly; and in case there shall be any Surplus the same shall be divided among the Persons entitled, 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 Persons of and in such Surplus Money shall be applied and disposed of in Manner directed by the said Act in Cases wherein 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.

Application
of Surplus
Money.

XXXII. And be it further enacted, That in case any Part or Parts of the said Common shall be sold for more Money than will be required to defray such Charges and Expences as aforesaid, then and in such Case such Surplus Money shall be divided and apportioned between the several Persons interested in the said Drainage and Division according to their several and respective Interests therein; 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 Persons respectively 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 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.

In case of
Deficiency a
Rate to be
made.

XXXIII. And be it further enacted, That in case the Purchase Monies arising by such Sale or Sales shall not be sufficient to defray all the Costs, Charges, Fees, and other Expences aforesaid, then the Deficiency thereof shall be made good by the several Persons interested in the said Common,

and

and shall be paid in such Shares and Proportions, within such Time, and to such Person or Persons, as the said Commissioner shall direct or appoint; and in case any Person subject to the Payment of any Monies towards such Costs, Charges, Fees, and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof within the Time to be appointed by the said Commissioner, the same shall and may be levied and recovered in the Manner provided by the said recited Act in respect to the Recovery of Expences for obtaining and executing any Act of Parliament, in Cases where such Expences are to be paid in Proportion by the Proprietors of Lands and Grounds to whom any Allotments shall be made.

XXXIV. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required, in the next Place, to set out, allot, and award unto and for the Lord or Lords of the said Manor of *Beckley* for the Time being, so much of the said Common or Waste lying adjoining to the said Parish of *Beckley*, as shall in the Judgment of the said Commissioner be equal to and not exceeding One-sixteenth Part of the said Common or Waste, in Compensation and Satisfaction for all his and their respective Rights of Soil in, over, or upon the same Common or Waste, or any Part thereof. Allotment to the Lord of the Manor.

XXXV. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required in the next Place to set out, allot, and award so much of the said Common or Waste as shall, in the Judgment of the said Commissioner, be equal to and not exceeding One Eighth Part of the Whole of the said Common or Waste, in Compensation and Satisfaction for all Tithes in, over, or upon the said Common or Waste, or any Part thereof; and the said Commissioner shall and he is hereby authorized and required to divide, set out, allot, and award such Allotment so to be made in lieu of Tithes unto and amongst the Person or Persons entitled to such Tithes respectively, in Proportion to their respective Rights and Interests therein, but so as that the Allotment to be made in lieu of Tithes to any Person or Persons, shall be made contiguous to or as near as conveniently may be to the Lands and Estates belonging to such Person or Persons. Allotment for Tithes.

XXXVI. Provided always, and be it further enacted, That the said One Sixteenth and the said One Eighth so to be set out for the Lord or Lords of the Manor, and for Tithes as aforesaid, shall be in full Discharge, Compensation, and Satisfaction of and for all Claims and Demands whatever from all and every Person or Persons, Bodies Politic or Corporate, on account of Rights of Soil, and Tithes or Payments in lieu of Tithes respectively, in, over, and upon the Whole of the said Common or Waste, and every Part or Parcel thereof. Allotment in Discharge of all Claims, &c.

XXXVII. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required to divide, set out, and allot all the Residue of the said Common or Waste unto and among the said several Parishes, Townships, and Hamlets according to their respective Rights therein, that is to say, One specific Part thereof for or in respect of each such Parish, Township, and Hamlet, in Proportion (Quantity and Quality considered) to the Amount of their respective Rights on the said Common or Residue.

or Waste, such specific Part to be allotted as near adjoining to the Boundaries of the same Parishes, Townships, and Hamlets in respect whereof such specific Part shall be allotted, as the Nature and Situation of the said Common or Waste will admit, which Plot or Plots, Parcel or Parcels of Ground, shall be held as and for a Common Pasture, and used, stocked, and enjoyed by the Owners and Proprietors of Messuages, Lands, and Tenements within such respective Parishes, Townships, and Hamlets, and their respective Tenants, in such Manner, and under such Rules, Regulations, and Orders as shall be declared and set forth in and by the Award of the said Commissioner, and such Plot or Parcel of Ground shall be accepted, deemed, and taken to be in lieu and Satisfaction of all Rights of Common, or other Rights in respect of such Messuages, Lands, or Tenements in and over the said Common or Waste, or any Part thereof.

Allotment
among the
Parties.

XXXVIII. Provided always, and be it further enacted, That the said Commissioner shall, and he is hereby authorized and required, at any Time or Times hereafter, on the Requisition of the major Part in Value of the several Persons interested in such Plot or Parcel of Lands specifically allotted as herein-before directed, to any such Parish, Township, or Hamlet, (such Value to be ascertained by the then last Land Tax Assessment made for such respective Township, Parish, or Hamlet) to divide, set out, allot, and award, such Plot or Parcel of Lands unto and amongst the several Owners, Proprietors, and Persons interested therein, in Proportion and according to their several and respective Rights and Interests in such Plot or Parcel of Land, and in such Manner as by the said Commissioner shall be adjudged and determined to be a just and full Compensation and Satisfaction for, and equal to their several and respective Rights and Interests therein.

Fencing
Rector's and
Vicar's Al-
lotments.

XXXIX. And be it further enacted, That the several Allotments which shall be set out and allotted to the Proprietors of Tithes respectively, shall be inclosed and fenced round the Boundary thereof with Quickset Hedges, and guarded with good and sufficient Posts and Rails, and the same shall be so made or done by and at the Direction of the said Commissioner, and the Expence thereof shall be paid and defrayed as the other Expences of obtaining and executing this Act are herein directed to be borne, paid, and defrayed.

Separate Al-
lotments or
different
Estates held
by different
Titles.

XL. And be it further enacted, That in case any Person or Persons shall hold any Lands, Tenements, or Hereditaments, in respect whereof he, she or they, are entitled to any Allotment or Allotments of any Part or Parts of the said Common, by different Tenures or Titles, or for different Estates or Interests, it shall be lawful for the said Commissioner, and he is hereby required, to ascertain and determine the particular Parts allotted in respect of the several Hereditaments held by each of such Tenures or Titles, or for each of such Estates or Interests respectively.

Allotments to
follow the
Tenures of
ancient
Estates.

XLI. And be it further enacted, That all such Lands or Grounds, or other Hereditaments, as shall be allotted to any of the said Proprietors, under or by virtue of this Act, or the said recited Act, shall be held by such Proprietors, or other Person or Persons respectively; under the same Tenure as the Lands, or Grounds, or Hereditaments, in respect of which such Allotments

ments shall be made, were respectively held and enjoyed, at or immediately before the making of such Allotments.

XLII. And be it further enacted, That it shall and may be lawful to and for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments, within the said Parishes, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments whatsoever, within the said Parishes, or within any adjoining Parish, Hamlet, Township, or Place; provided, that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, 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 Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Feme Coverts, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself; such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so 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 other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Lord Bishop of the Diocese, and the Patron of the Living in which such Lands, Tenements, or Hereditaments, so to be exchanged, shall lie or be situate.

Power to
make Ex-
changes.

XLIII. And be it further enacted, That if any Person, at the Time of making such Division and Allotments, shall be entitled to any Messuages, Tenements, Hereditaments, or present inclosed Lands within the said Parishes, Townships, or Hamlets, or to any Allotment or Allotments to be made by virtue of this Act, as Coparceners, Tenants in Common, or Joint Tenants, it shall be lawful for the said Commissioner, and he is hereby authorized and empowered, at the Request of the several Parties interested, signified by Writing under their Hands, or under the Hands of the Husbands, Guardians, Trustees, Committees, or Attornies, of such of the said Parties as are under Coverture, Minors, Idiots, Lunatics, beyond the Seas, or under any other Disability or Incapacity of acting for themselves, but not otherwise, to divide and make Partition of the Messuages, Tenements, Hereditaments, and present inclosed Lands, and new Allotment or Allotments to which such Persons shall be entitled, as Coparceners, Tenants in Common, or as Joint Tenants as aforesaid, to and amongst the several Persons who shall be entitled to the same respectively, and, in his Award, he the said Commissioner shall declare and set forth the particular Parts and Shares assigned and allotted to each Person respectively, and immediately, upon the Execution of such Award, the Person or Persons to whom such

Commissioner
to make Par-
tition of un-
divided Land.

[*Local.*]

27 C

Parts

Parts or Shares shall be so allotted and assigned as aforesaid, shall hold the same in Severalty, and such Division and Partition as aforesaid shall be good, valid, and effectual in the Law, to all Intents and Purposes.

Costs of making Exchanges and Partitions how to be paid.

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

Allotments in Islip to be held in the same Manner as the Lands and Property, in respect of which the said Allotments are made.

XLV. Provided always, and be it further enacted, That all and every the Allotments to be made to the Owners and Proprietors of Estates within the said Manor of *Islip*, in right or in respect of any Freehold Messuages, Lands, Rights, or Interests, by virtue of this Act, shall, from and after the Execution of the Award of the said Commissioner, be deemed as Freehold Lands, and held under the same Rents, and by the same Services, and in the same Manner as the Freehold Messuages, Lands, or other Hereditaments, in respect of which they shall be so allotted, were before that Time held; and that the several Lands and Grounds, which shall be therein distinguished to have been allotted in respect of Leasehold Lands, Rights, or Interests, shall, in like Manner, be deemed Leasehold, and be held under the same Rents, and for the same Term of Years respectively, as the Lands or other Hereditaments, in respect of which they shall be so allotted were held, and the Reversion thereof shall be vested in the same Lessors respectively, as the Reversion of such other Lands or Property was vested before the passing of this Act; and that all and every the Allotments to be made in right of or in respect of any Copyhold Messuages, Lands, or Hereditaments, by virtue of this Act, shall, from and after the Execution of the said Award, be deemed and taken as and for Copyhold, and shall be held as such by Copy of Court Roll, and according to the Custom of the Manor, and under and subject to the same Tenures, Rents, Payments, Fines, Customs, and Services, as the Copyhold Messuages, Lands, or Hereditaments respectively, for or in lieu or in respect whereof such Allotments shall be made are now held, and as Part and Parcel thereof, and the Quantities in Acres, Roods, and Perches, of such Copyhold Allotments, with their respective Boundaries and Abuttals, shall be described and distinguished from each other, and also from the Freehold and Leasehold Allotments by the said Commissioner, in his Survey, Map, and Award; and that all and every Person and Persons, to whom any such Copyhold Allotment or Allotments shall be made, shall within Twelve Calendar Months next after the Execution of the Award of the said Commissioner be respectively admitted Copyhold Tenants to the Lands so allotted to them, without paying any Fine to the Lord, paying only the accustomed Charges and Fees to the Steward, Jury, and Bailiff of the Court of the said Manor.

Exchanges of Copyhold Estates in Islip to be done by the customary Surrender in the Courts of the Lords of the Manor.

XLVI. And be it further enacted, That all and every the Exchange or Exchanges, Partition or Partitions, Division or Divisions, to be made by the said Commissioner, as far as the same regards any Copyhold Land or Ground within the said Manor of *Islip*, shall, as soon as conveniently may be after the Agreement for such Exchange or Exchanges, Partition or Partitions, Division or Divisions, hath or shall have been made, with the Consent and Approbation in Writing of the Owners or Proprietors interested

rested therein, or the Trustee or Trustees, Guardian or Guardians, Committee or Committees, Husband, Attorney, or Agents, be made by the customary Surrender and Admission, or Surrenders and Admissions, of the respective Parties interested in the Courts of the Lords of the said Manor, and in no other Mode whatsoever; nor shall any Chief Rent or Quit Rent issuing out of such Copyhold Estates so exchanged, partitioned, or divided, be affected or altered, or subdivided, without the Consent in Writing of the Lord or Lords of the said Manor, nor the Right of recovering the Arrears of such Chief Rent or Quit Rent of such Copyhold Estates be affected thereby.

XLVII. Provided always, and be it further enacted, That all Money charged upon or secured by Mortgage or Mortgages of Copyhold Property and Assignments thereof, and every Sale where the same shall be of Copyhold Property, shall be made by the customary Surrender and Admission, in the Courts of the Lord or Lords of the Manor aforesaid, paying only the customary Court Charges and Fees usually paid to the Steward, Jury, and Bailiff, upon such Occasions.

Mortgages and Sales of Copyhold Property to be made by the customary Surrender, &c.

XLVIII. And be it further enacted, That all Allotments to be made by virtue of this Act, for or in respect of any Messuages, Lands, or Hereditaments, held by Lease or Leases, at Rack Rent, or for which Leases no Fines are therein expressed to have been paid to the Grantors or Lessors as the Considerations for the same; and also that all Allotments to be made for or in respect of any Right or Rights of Commons, appendant or appurtenant to such Messuages, Lands or Hereditaments, shall be allotted to and held by the respective Owners and Proprietors of such Messuages, Lands, or Hereditaments, freed and discharged from all Right and Claim of such respective Lessees, to or upon the said Allotments, or any Part thereof, to be derived under or by virtue of such Leases; and in case any such Lessees shall think himself, herself, or themselves, aggrieved thereby, and such Lessors and Lessees shall not agree respecting the Compensation or Allowance to be made to such Lessees, on account thereof, then and in every such Case it shall and may be lawful to and for the said Commissioner, upon Application made to him by either Party, to take the Matters in Question into his Consideration, and by his Order in Writing, to make unto every such Lessee, for his, her, or their Loss of Commonage, or other Losses, by means of the said Divisions and Inclosure, such a fair and adequate Allowance and Compensation, either in Money to be paid down, or by way of Abatement or Reduction in the Rack Rents by such Leases reserved, as the said Commissioner shall deem just and equitable; and in case any Person or Persons, Bodies Politic, Corporate or Collegiate, shall refuse or neglect to make such Compensation as directed by the said Commissioner, to the Person or Persons, Bodies Politic, Corporate or Collegiate, entitled thereto, on Demand, then and in every such Case it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and empowered, to raise and levy the same, for the Use and Benefit of the Person or Persons, Bodies Politic, Corporate, or Collegiate, so entitled thereto, by such Ways and Means as are in and by the said recited Act directed.

Lessors to make Compensation to Lessees.

XLIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to set aside, make void, or in anywise prejudice

Not to vacate beneficial Leases.

judice any beneficial Lease or Leases, or any Lease or Leases for the granting of which any Fine or Premium was paid of any Lands, Tenements, or Hereditaments, but that the Person or Persons entitled to such Lease or Leases, shall and may hold the Allotments which shall have been made in respect of the Lands, Grounds, or Hereditaments, comprized in such Leases respectively, or in respect of the Rights of Common, and other Rights belonging to such Lands, Grounds, or Hereditaments, for his, her, or their several and respective Terms and Interests, under the same Rents and Covenants, Conditions and Agreements, in all Respects, as is or are specified in his, her, or their respective Leases, from the several Persons, Bodies Politic, Corporate, Collegiate, or Ecclesiastical, granting the same to him, her, or them, respectively.

Rectors and
Vicars may
lease.

L. And be it further enacted, That it shall be lawful for the Rectors and Vicars of the said Parishes respectively, by Indenture or Indentures under their Hands and Seals respectively, with the Consent and Approbation of the Bishop of the Diocese, and of the Patron of such Rectory or Vicarage, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to any such Rector or Vicar by virtue of this Act, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the passing of this Act, so that the Rent or Rents for the same shall be thereby reserved to the said Rector or Vicar for the Time being, by Four equal Quarterly Payments in every Year, and so that there be thereby also reserved and made payable to such Rector or Vicar the best and most improved Rent or Rents that can reasonably be had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for the making or granting any such Lease or Demise, and so that no such Lessee by any such Lease or Demise be made punishable for Waste by any express Words to be therein contained, and so that there be inserted in every such Lease, Power of Re-entry on Non-payment of the Rent or Rents, to be thereby reserved, within a reasonable Time to be therein limited, after the same shall become due, and so that a Counterpart of such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be so made as aforesaid, and every such Lease shall be valid and effectual, any Thing in the said recited Act, or any Law or Usage to the contrary notwithstanding.

Not to revoke
Wills, &c.

LI. Provided always, 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 Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance, out of, upon, or affecting any of the Lands to be divided, allotted, or inclosed by virtue of this Act, (except in Cases of Sale or Purchase); but that all Bodies Politic, Corporate, or Collegiate, and all other Persons, shall stand and be seised of the Land to be allotted to them respectively as aforesaid, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, renewable Lease and Leases granted upon Fines, Charges, and Incumbrances whatsoever, as the Lands, Tenements, or Hereditaments, whereof such Bodies Politic, Corporate, or Collegiate, and other Persons, were seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioner, and for which, and in respect whereof, or of

Common

Common belonging to which such Allotments shall be made, would have been subject to, be charged with, or affected by, in case this Act had not been made.

LII. And be it further enacted, That it shall be lawful for the Proprietors for the Time being, of any Allotment or Allotments made by virtue of this Act, being Tenants in Tail or for Life or Lives, or for Years determinable upon a Life or Lives, or for any other Estate of Freehold or Inheritance, in Possession, and to and for the Husbands, Guardians, Committees, Trustees, or Attornies, of any such Owners or Proprietors, being Females, Coverts, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Incapacity or Disability whatsoever, with the Consent and Approbation of the said Commissioner, testified by Writing under his Hand, to charge the Lands and Grounds which shall be allotted to such Owners or Proprietors respectively, or any Part thereof, with any Sum or Sums of Money not exceeding Five Pounds an Acre, which the said Commissioners shall ascertain to have been necessarily expended in discharging any Rate or Rates which the said Commissioner shall make for defraying any Part or Parts of the Expences of passing and executing this Act, and for securing the Re-payment thereof, with lawful or any less Rate of Interest, to demise and grant, for any Term or Number of Years, the said Lands and Grounds so to be charged as aforesaid, unto or in Trust for the Person or Persons who shall have actually disbursed the same Monies respectively, his, her, or their Executors, Administrators, or Assigns, so as such Demises and Grants respectively be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when the Sum or Sums of Money thereby secured, and the Interest thereof, shall be fully paid and satisfied, so as in every such Demise and Grant made by or on Behalf of any Person or Persons seized of such a particular Estate as aforesaid, there be inserted a Covenant to pay and keep down Half-yearly the Interest of the Money thereby secured, so that no Person entitled to the Remainder or Reversion of the said Hereditaments so to be charged as aforesaid shall be liable to pay any greater Arrears of Interest than for the Half-year preceding the Time that his or her Title to the Possession of the said mortgaged Premises shall have commenced; and every such Demise and Grant as aforesaid shall be good, valid, and effectual in the Law.

Authorizing
Proprietors
to borrow
Money on
their Allot-
ments.

LIII. And be it further enacted, That if any Person shall advance and pay any Money in discharge of the Expences of obtaining and executing this Act, the Money so paid and advanced shall be paid and satisfied by the Direction of the said Commissioner, together with Interest for the same, after the Rate of Five Pounds for One hundred Pounds by the Year, to be computed from the Time of the Payment or Advancement thereof.

Money ad-
vanced to be
repaid with
Interest.

LIV. 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 passing of this Act), the said Commissioner shall, and he is hereby required, to make a true and just Statement of all Sums of Money by him received and expended, or due to him for his Trouble or Expence in the Execution of this Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before Two or more Justices of the Peace for the said County of Oxford, not interested in the said intended Division and Allotment, to be by them examined

Accounts to
be audited.

[Local.]

27 D

and

and balanced; and such Balance shall be by such Justices stated in the Book or Books of Account to be kept in the Office of the Clerk of the said Commissioner, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

Award to be deposited.

LV. And be it further enacted, That the Award to be made by the said Commissioner shall be enrolled with the Clerk of the Peace for the said County of *Oxford*, and shall, together with a Plan thereunto annexed, be deposited in the Parish Church of *Beckley*.

Trustees to be appointed for supporting the Works in future.

LVI. And in order that the several Banks, Drains, Engines, and other Works necessary for draining and preserving the said Common or Waste, and the Lands or Grounds between the same and the said River *Charwell*, may be maintained, supported, and kept in Repair, be it further enacted, That within Three Calendar Months from the Execution of the Award to be made by the said Commissioner, in Conformity to the Directions of the said recited Act, or at such earlier Time as the said Commissioner shall, by Writing under his Hand, to be affixed on the principal Doors of the several Parish Churches of *Beckley*, *Noke*, *Oddington*, and *Charlton* aforesaid, declare the said Works of Drainage, Division, Allotment, and Inclosure, to be completed, it shall and may be lawful for any Proprietor or Proprietors of the Lands or Grounds hereby directed to be divided, allotted, and inclosed, to cause public Notice to be given in the said Parish Churches of *Beckley*, *Noke*, *Oddington*, and *Charlton*, respectively, on some *Sunday* during or immediately after Divine Service, or by Writing, to be affixed on the principal Door of the said Parish Churches immediately before Divine Service, and in One of the *Oxford* Newspapers, or in some other Newspapers circulated in the Neighbourhood of the said Parishes, that the Proprietors and Persons interested in the said several Allotments, or their Deputies or Agents, to be appointed in Writing under their Hands, will meet at a Vestry in the said Parish Church of *Beckley*, on some Day to be named therein, at the Expiration of Fourteen Days from the Date of such Notice, then and there to make Choice of Seven Trustees, being respectively possessed of One hundred Acres of Land in the said Parishes, or either of them, for the further putting this Act into Execution; and that it shall and may be lawful for every Owner or Proprietor of the Lands or Grounds so divided, allotted, and inclosed, or his or their Deputy or Agent, appointed as aforesaid, and present at such Vestry, to vote in the Choice or Election of such Seven Trustees respectively, and that such Trustees as shall then, and from Time to Time, be chosen by a Majority in Value, of such Proprietors as aforesaid (such Value to be ascertained as herein-before is mentioned,) and certified by Writing under the Hands of the Persons so electing them, in a Book to be kept for that Purpose in the said Parish Church of *Beckley*, shall be and are hereby declared to be Trustees for putting in Execution the Powers and Authorities hereby given to and vested in them, and they or any Three or more of them are hereby fully authorized and empowered to make, support, erect, alter, and maintain, or cause to be made, supported, erected, altered, and maintained, all such Cuts, Tunnels, and Water-ways, through and under any Banks to be made by virtue of this Act; and all such Cuts, Drains, Banks, Sluices, Tunnels, Bridges, Engines, and other Works, in, through, and over, the said Lands so divided, allotted, and inclosed, and the said

Lands or Ground between the same and the said River *Charwell*, as they shall think necessary for draining and preserving the same; and that when any of the said Trustees shall die or refuse to act, or become incapable of acting, in the Execution of this Act, it shall and may be lawful for the said Majority in Value of the several Persons interested in the said Drainage, Division, and Allotment, who shall be assembled together at a Vestry to be convened as aforesaid, upon the like Notice as aforesaid, to choose a Trustee or Trustees qualified as aforesaid, in the stead of such Trustee or Trustees so dying or refusing to act, or becoming incapable of acting, in the same Manner in all Respects, as Trustees are directed to be chosen in the first Instance; and that such Trustee or Trustees, being so chosen and certified, shall have the like Powers and Authorities whatsoever, to all Intents and Purposes, as the Trustee or Trustees in the Stead of whom he or they shall be so chosen, would have had by virtue of this Act, if in being, and continuing to act in the Execution of the Trusts and Purposes herein-before mentioned.

For electing
new Trust-
tees.

LVII. And be it further enacted, That no Person shall be capable of acting as a Trustee, (except it be in administering the Oath or Affirmation herein-after mentioned to any of the other Trustees,) until he shall have taken the Oath following, (or being One of the People called *Quakers*, made Affirmation); *videlicet*,

Oath of
Trustees.

‘ I do swear, (or, being One of the People called
‘ *Quakers*, do solemnly affirm), That I will without Favour or Af-
‘ fection, Hatred or Malice, truly and impartially, according to the best of
‘ my Skill and Knowledge, execute and perform all and every the Powers
‘ and Authorities in the Execution whereof I shall at any Time act as a
‘ Trustee, appointed in and by an Act made in the Fifty-fifth Year of
‘ the Reign of His Majesty King *George* the Third, intituled [*here set forth*
‘ *the Title of this Act*]. So help me GOD.’

Which Oath or Affirmation it shall and may be lawful to and for any One of the said Trustees to administer, and such Trustee is hereby required to administer the same to the other Trustees.

LVIII. And be it further enacted, That in case any Person shall act as a Trustee before he shall have taken the said Oath or Affirmation, or if any Person, not being duly qualified as required by this Act, shall have acted in the Execution of this Act, every such Person shall forfeit and pay for every such Offence the Sum of Twenty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit by Action of Debt, or on the Case, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Effoign, Protection, or Wager at Law, or more than One Imparlance shall be allowed, and the Person so prosecuted shall prove that he has taken such Oath, or made such Affirmation, and is qualified as aforesaid, or otherwise, shall pay the said Sum of Twenty Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person has acted as a Trustee in the Execution of this Act, One Moiety of which Penalty shall be paid to the Prosecutor, and the other Moiety shall be applied to the Purposes of this Act.

Punishing
Trustees
acting not
having taken
the Oath.

LIX. And

Trustees may
levy Rates.

LIX. And be it further enacted, That it shall and may be lawful for the said Trustees for the Time being acting herein, and they are hereby authorized and required, to meet within One Month after they shall be so chosen as aforesaid, at some convenient House or Place in the Parish of *Beckley* aforesaid, or in One other of the said Parishes; and also on the First *Thursday* after *Michaelmas* in every succeeding Year, or oftener if they shall see Occasion, and which any One or more of the said Trustees is and are hereby authorized to summon and appoint; and the said Trustees, or the major Part of them, shall and may, at any of their Meetings, rate, tax, and assess all and every the Owners of the said Lands and Grounds so hereby directed to be divided, allotted, and inclosed, by such an equal and proportionable Pound Rate or Tax, not exceeding One Shilling in the Pound, of the improved yearly Value of such Lands or Grounds respectively, (except in the Case of a further or larger Rate being consented to as herein-after mentioned), as shall be necessary to pay and discharge the Expences of maintaining, supporting, and using the said Works for draining and preserving the said Common or Waste, and the reasonable Expences only of the said Trustees at their Meetings, and the Salary and Salaries to be allowed to the Officer or Officers, who shall be by them appointed for superintending, managing, and taking care of the said Works, and for collecting the said Rates or Assessments, which said Rates or Assessments the said Trustees are hereby authorized and required to apply accordingly, and to appoint, under their Hands, such Days and Places for the Payment of such Rates or Assessments Half-yearly, to the Collectors or Receivers thereof, as the said Trustees or the major Part of them shall think fit.

If Rate not
sufficient, a
further Rate
to be applied
for, &c.

LX. And be it further enacted, That if in any Year it shall appear to the said Trustees, that the said Rate or Assessment of One Shilling in the Pound is insufficient for the Purposes to which the same is so applicable as aforesaid, it shall be lawful for the said Trustees, or the major Part of them, to convene, by such Ways and Means as last aforesaid, a Meeting of the several Persons interested in the said Drainage, Division, and Allotment, or their Deputies or Agents appointed as aforesaid, at a Vestry in the said Parish Church of *Beckley*, on the First *Thursday* after *Michaelmas*, then and there to testify their Consent or Disapprobation to the said Trustees, charging and levying for the Year then next following, such further or other additional Rate or Assessment, as shall in such Notice be expressed, and to be ascertained and assessed in like Manner, and by the like Means as the said first-mentioned Rate or Assessment; and that if the Majority in Value, (to be ascertained as aforesaid) of such Persons so interested shall vote for the making of and levying of such further additional Rate or Assessment as aforesaid, (the same being duly certified under the Hands of such Proprietors, Deputies, or Agents, in the said Book so to be kept in the said Parish Church of *Beckley*), the said Trustees shall have, and are hereby vested with the same Powers and Authorities to charge such further or additional Rate or Assessment on all the said Lands and Grounds; and which said further or additional Rate or Assessment shall be rated or assessed upon the same Persons as the said first-mentioned annual Rate or Assessment, and shall be paid Half-yearly to the said Collectors or Receivers, on such Days and Places as the said Trustees, or the major Part of them, shall appoint as aforesaid.

LXI. And

LXI. And be it further enacted, That if any Person or Persons so rated as aforesaid shall refuse or neglect to pay the Amount of such Rate or Assessment so made upon him, her, or them respectively; within Twenty-one Days after the respective Times of Payment thereof, to be appointed as aforesaid, (public Notice of such Times of Payment having been published as aforesaid), it shall be lawful for such Collector or Receiver, or other Person or Persons authorized by Warrant or Precept, under the Hands and Seals of the said Trustees, or any Three of them, (which Warrant or Precept such Trustees, or any Three of them, are hereby empowered and required, from Time to Time, as Occasion shall require, to grant), to levy such Sum or Sums so rated or assessed, and all Arrears thereof, 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) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; and the Tenant or Tenants of all and singular such Lands and Grounds, so to be rated or assessed, is and are hereby required and authorized to pay such Sum and Sums, so rated or assessed thereon, as the same shall become due; and it shall be lawful for all and every Tenant or Tenants at Rack or Extended Rent, but not otherwise, to reimburse him, her, or themselves, such Sum and Sums of Money, out of the next Rent to become due to his or their Landlord or Landlords respectively, who shall allow the same to be deducted out of his, her, or their Rents accordingly.

LXII. And be it further enacted and declared, That from and immediately after such first Election of Trustees as herein-before mentioned, the several Powers and Authorities granted to the said Commissioner shall cease and determine; any Thing herein contained to the contrary notwithstanding.

Upon the Election of Trustees, the Powers of Commissioner to cease.

LXIII. And be it further enacted, That the said Trustees shall and may may appoint such Treasurer, Clerk, Surveyors, Collector, and other Officers as they shall think necessary for the better Execution of this Act, and allow them, or any of them, such Salary or Salaries, or other Remuneration, out of the Monies to be raised by virtue of this Act, as they the said Trustees shall think proper; and from Time to Time to remove them, or any of them, as they the said Trustees shall see Occasion, and in like Manner to appoint others in their Stead; and that all Treasurers, Collectors, and other Officers, who shall be entrusted with the Receipt or Collection of any Monies to be raised by virtue of this Act, shall respectively give Security for the due Execution of their respective Offices to the Satisfaction of the said Trustees.

Trustees may appoint Treasurer, Clerk, Surveyors, &c.

LXIV. And be it further enacted, That the said Trustees shall, and they are hereby required, to keep an Account in Writing of all Monies assessed, received, laid out, and expended by them in the Execution of the Powers hereby vested in them, and shall, at all seasonable Times, permit any of the Persons interested in the said Drainage, Division, and Allotment, to inspect such Account, with the Vouchers for any Sum therein charged.

Trustees to account.

Appeal.

LXV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Thing done in pursuance of this or the said recited Act, (other than and except such Orders and Determinations of the Commissioner as are by this or the said recited Act declared to be final or conclusive, and except in the Case of a Trial at Law as herein-before mentioned, then, and in every such Case, he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden in and for the said County of *Oxford*, within Two Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner, (or the said Trustees, as the Case may require), and the Party or Parties concerned, Fourteen Days Notice, in Writing, of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises), in their said General Quarter Sessions, are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order and 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) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, to be levied in Manner aforesaid.

Saving of
Manorial
Rights.

LXVI. 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 or Lords of the said Manor of *Beckley*, or any other of the said Lord or Lords, or their respective Heirs, Successors, or Assigns, in or to the Royalties, Seignories, or Services, incident or belonging to the said Manor or Manors (except as herein-after mentioned), but that such Lord or Lords, and every of them, and their Heirs and Successors, and all and every Person or Persons claiming under or in Trust for them, as such Lord or Lords for the Time being, and their respective Heirs, Successors, or Assigns shall and may at all Times for ever hereafter, hold and enjoy all Royalties, Rights and Privileges whatsoever, to the said Manor or Manors, or any of them, belonging or appertaining, (other than and except the Right of Soil in the said Common or Waste), in as full, ample, and beneficial Manner to all Intents and Purposes whatsoever, as they respectively could have held and enjoyed the same in case this Act had not been made.

General
Saving.

LXVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person or Persons, Bodies Politic, Corporate or Collegiate, his, her, and their respective Heirs, Successors, Executors, and Administrators, (other than and except the Persons to whom any Allotment or Compensation shall be made by virtue of this Act, in respect of the Interest or Property of or in lieu or in respect of which

such Allotments or Compensation shall be made, and their respective Heirs, Successors, Executors, and Administrators), all such Estate, Right, Title, and Interest, (other than and except such as is and are hereby meant and intended to be barred, destroyed, and extinguished), as they, any, or every of them, had and enjoyed, unto and out of the said Common and Waste Lands so directed to be divided, allotted, and inclosed as aforesaid, before the passing of this Act, or could or might have held or enjoyed the same, in case this Act had not been made.

LXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

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