



ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

Cap. 17.

An Act for inclosing Lands in the Township of
Curbridge in the Parish of *Witney* in the County
of *Oxford*. [4th July 1838.]

WHEREAS there are within the Township or Liberty of *Curbridge* in the Manor and Parish of *Witney* in the County of *Oxford* divers Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste Grounds, and other Commonable Lands and Places, containing together by Estimation One thousand five hundred Acres or thereabouts: And whereas the Right Reverend *Charles Richard* Lord Bishop of *Winchester*, in right of his See, is or claims to be Lord of the Manor of *Witney* aforesaid, comprising the said Township or Liberty of *Curbridge*, and divers other Townships; and the Most Noble *George* Duke of *Marlborough*, or the Right Honourable *Cropley* Earl of *Shaftesbury*, Sir *Edward Stracey* Baronet, and the Right Honourable Sir *James Robert George Graham* Baronet, the Trustees under the Will of the late *George* Duke of *Marlborough*, deceased, or some of them, are interested in the said Manor, and in divers Lands within the same contained in a Lease thereof from the said Bishop: And whereas the said *Charles Richard* Lord Bishop of *Winchester*, in right of his See, and the

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Most

Most Noble *George Duke of Marlborough*, or the Right Honourable *Cropley Earl of Shaftesbury*, Sir *Edward Stracey* Baronet, and the Right Honourable Sir *James Robert George Graham* Baronet, as the Trustees under the Will of the Most Noble *George* late Duke of *Marlborough*, deceased, or some of them, are or claim to be Lords of the said Manor of *Witney*, and as such to be entitled to the Soil of the Waste Lands within the said Manor: And whereas the said *Charles Richard* Lord Bishop of *Winchester* is, in right of his said See, Patron of the Rectory of *Witney* aforesaid, and of the said Parish Church thereof, situate in the said Township or Liberty of *Curbridge*, and *Charles Jerram* Clerk is Rector of the said Rectory and Church, and as such is entitled to certain Glebe Lands, and also to all Manner of Tithes, both Great and Small, growing, arising, and renewing within the Parish of *Witney* aforesaid, extending over the said Township or Liberty of *Curbridge*, as also the several Townships, Hamlets, and Places of *Witney*, *Hailey*, and *Crawley* within the said Manor and Parish: And whereas the said Lord Bishop of *Winchester*, and the said *George Duke of Marlborough*, the said *Cropley Earl of Shaftesbury*, Sir *Edward Stracey*, and Sir *James Robert George Graham*, as such Trustees as aforesaid, and also the Reverend *William Pearson* Doctor of Laws, and others, are respectively Proprietors of or otherwise interested in the said Open Fields and Commonable Lands, and of all inclosed Lands and Grounds within the said Township or Liberty of *Curbridge*, and are or some of them are also entitled to Right of Common and Pasture in and upon the said Commons, Common Pastures, and Waste Lands within the said Township: And whereas an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled

41G.3.c.109. *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 another Act

1 & 2 G. 4. c. 23. *King George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands, in England:* And whereas it would be advantageous to the Persons entitled to or interested in the said Open and Common Fields, Meadows, and Pastures, and other Commonable and Waste Lands, if the same were divided and allotted unto and among them according to their respective Rights and Interests therein, in order that such Allotments may be inclosed and held in Severalty, and all Rights of Common in, over, or upon the same extinguished; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Richard Raine* of *Woodstock* in the County of *Oxford*, Gentleman, and his Successor to be from Time to Time elected in manner herein-after mentioned, shall be and he is hereby appointed the Commissioner for dividing, allotting, and inclosing all the Open and Common Fields, Meadows, Pastures, and other Commonable and Waste Lands within the said Township of *Curbridge*, and for carrying this Act into execution, subject to the Rules, Orders, and Directions herein-after mentioned, and with such Powers, Directions, and Regulations as are contained in the Acts herein-before referred

Commissioner appointed.

referred to, which shall be applied, deemed, and taken as Part of this Act, except in such Cases only where the same are varied or altered.

II. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in signing and giving Notice of the First Meeting) until he shall have made and subscribed a Declaration in the Words or to the Effect following; (that is to say,) Qualification of Commissioner.

‘ I *A.B.* do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Powers and Duties vested in and imposed upon me as a Commissioner by virtue of an Act passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Partiality, Favour or Affection, Prejudice or Malice, to any Person whomsoever.’ Form of Declaration.

And such Declaration shall be in lieu of and as a Substitution for the Oath or Affirmation required by the said recited Act of the Forty-first Year of the Reign of King *George* the Third to be taken and subscribed by Persons acting as Commissioners in the Execution of any Act for dividing, allotting, and inclosing any Lands or Grounds; and such Declaration; when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath or Affirmation in lieu whereof it shall have been so made and subscribed.

III. And be it further enacted, That if the said *Richard Raine*, or any other Commissioner to be elected in his Stead as herein-after mentioned, shall die, or refuse or neglect for the Space of Two Calendar Months to act, or become incapable of acting before the Powers hereby vested in him shall be executed and fulfilled, then and so often as any of the said Events shall occur a public Meeting of the several Persons who shall for the Time being respectively be interested in the said Lands and Grounds so intended to be divided, allotted, and inclosed as aforesaid shall be called by Two or more of such Persons, and be held as soon as conveniently may be after the Expiration of Twenty Days next after such Death, Refusal, Neglect, or Incapacity (of which Meeting at least Fourteen Days previous Notice shall be given by any Two or more of such Persons or Parties respectively by Writing to be affixed on one of the outer Doors of the Parish Church of *Witney* aforesaid, and also by Advertisement to be inserted in the Newspaper called *Jackson's Oxford Journal*, or in some other Newspaper commonly circulated within the said County of *Oxford*); and the Persons then assembled, or the major Part of them in Value (such Value to be ascertained by the Land Tax Assessment), or the respective Agents or Solicitors duly authorized by Writing under the Hands of such respective Proprietors, shall and may nominate, elect, and appoint some other Person (not interested in the said Division, Allotment, and Inclosure) to be a Commissioner in the Room of such Commissioner so dying, refusing or neglecting to act, or becoming incapable of acting as aforesaid, and so from Time to Time as often as any Vacancy shall happen as aforesaid; and the Person so to be appointed Commissioner shall be invested with and have the same Powers and Authorities in all respects to act in the Execution of this Act as if he had been originally nominated a Commissioner in this Act; Power to appoint new Commissioner.

Act; and every such Appointment shall be annexed to and deposited with the Award of the said Commissioner.

What shall be a Refusal to act by Commissioner.

IV. And be it further enacted, That if the said Commissioner shall refuse or neglect to attend the First or Second Meeting appointed to be held for putting this Act into execution, and to qualify himself by making the Declaration in that Behalf prescribed, or if the said Commissioner shall at any Time after having qualified himself as aforesaid wilfully absent himself from any Two successive Meetings appointed to be held as aforesaid, the Times of such Meetings being known to him by his having been present at the Appointment of the first thereof, or by a Notice thereof in Writing under the Hand of the Clerk of the said Commissioner having been given to him, or left at his usual Place of Abode, and such Commissioner not being prevented by Sickness or other reasonable Cause; or if any Commissioner to be hereafter elected and appointed as aforesaid shall not attend and qualify himself at the First or Second Meeting to be held after his Appointment, or shall after having qualified himself as aforesaid wilfully absent himself in manner aforesaid after such Notice, and without such Cause of Excuse as last aforesaid, every such Absence or Nonattendance shall be deemed and taken to be a Refusal to act.

Appointment of Surveyor.

V. And be it further enacted, That it shall be lawful for the said Commissioner by Writing under his Hand to appoint One or more fit and proper Person or Persons not interested in the Premises to be Surveyor or Surveyors for the Purposes of this Act during the Will and Pleasure of the said Commissioner, and on every future Vacancy in like Manner to appoint some other Surveyor or Surveyors as often as there shall be Occasion; and it shall also be lawful for the said Commissioner to allow such Surveyor or Surveyors for his and their Time and Trouble, out of the Monies to be raised for putting this Act and the said recited Acts into execution, any Sum not exceeding One Shilling and Sixpence *per* Acre for surveying, measuring, mapping, or planning the said Lands, or any Sum not exceeding Two Pounds and Two Shillings for each and every Day he or they shall be actually and wholly employed either in surveying, measuring, mapping, or planning, or otherwise in the Business of the said dividing, allotting, and inclosing; which said Sum of One Shilling and Sixpence *per* Acre or Two Pounds and Two Shillings *per* Day shall be in full Satisfaction for his or their Time and Trouble, and for all travelling and other Expences of every Description to be incurred by such Surveyor or Surveyors in or about the Execution of this Act.

Surveyor to make a Declaration.

VI. Provided always, and be it further enacted, That no Person shall act as a Surveyor in the Execution of this Act until he shall have made and subscribed a Declaration in the Words or to the Effect following; (that is to say,)

Form of Declaration.

‘ I *A. B.* do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Duties incumbent on me as Surveyor by virtue of an Act passed in the First Year of the Reign of Queen *Victoria*, intitled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Partiality, Favour or Affection, Prejudice or Malice, to any Person whomsoever.’

Which Declaration the Commissioner for the Time being, or any Justice of the Peace for the said County of *Oxford*, is hereby empowered and required to administer; and the said Declaration, so made and subscribed by any such Surveyor, shall be annexed to and deposited with the Award of the said Commissioner.

VII. And be it further enacted, That the said Commissioner shall have Power and he is hereby authorized to appoint some fit and proper Person to be Clerk to assist him in carrying this Act and the said recited Acts into execution, and from Time to Time to remove such Clerk and appoint another in his Stead as to such Commissioner shall seem meet; and such Clerk so to be appointed shall be paid or allowed, out of the Money to be raised for putting this Act in execution, such Sum or Sums of Money as herein-after mentioned for his Time, Trouble, and Expences in the Assistance to be given by him as aforesaid. Appointment of Clerk.

VIII. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the said Commissioner and the Clerk to be appointed by him as herein-before directed shall respectively be paid, for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act or the said recited Acts during the first Three Years next after the passing of this Act, the Sum of Three Pounds and Three Shillings, and no more, and after the Expiration of the said Three Years, until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings, and no more, for each and every Day he or they shall be respectively employed as aforesaid, in full Satisfaction for his and their Time and Trouble, and for the several Expences which he or they shall be put unto during his or their several Journies and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Rooms in which the Meetings shall be holden for carrying this Act and the said recited Acts into execution, and the Costs and Expences of drawing, preparing, copying, engrossing, and enrolling the Award of the said Commissioner, and of Notices or Advertisements, and all other proper and necessary Expences. Allowance to Commissioner and Clerk.

IX. And for regulating the Duration of all Meetings to be holden for the Purposes of this Act; be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and any Meeting to be holden for the Purposes of this Act of a less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged as only Half a Day, and the said Commissioner and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk in which shall be entered the several Days on which the said Commissioner shall hold the Meetings, and at what Hour the said Commissioner was present thereat, and at what Hour he left the same; and such Book shall be signed by the said Commissioner at the Termination of each Meeting, and shall be open to the Inspection of all Persons interested in the said Inclosure, their Agents or Attornies, during the several Meetings to be held in pursuance of this Act; Regulating the Duration of Meetings.

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and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided always, that it shall not be lawful for the said Commissioner to retain or pay himself or such Clerk, out of any Monies to be received by him or over which he may have any Control in the Execution of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioner and Clerk respectively beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award herein-after directed to be made; or in case the Accounts of the said Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioner or of the said Clerk previous to the Execution of the said Award the Commissioner for the Time being shall, after the Expiration of the Time allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner, or of such deceased Clerk, such Sum of Money as shall appear by the said Accounts to be due thereon.

Proprietors
to pay their
own Ex-
pences at
Meetings.

X. Provided always, and be it further enacted, That all Proprietors and Persons interested in the said Inclosure, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend at any of the Meetings to be held in pursuance of this Act.

Notice and
Adjournment
of Meetings.

XI. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be given in the said Newspaper called *Jackson's Oxford Journal*, or in some other Newspaper circulated in the said County of *Oxford*, and also by a Notice affixed against the principal outer Door of the Parish Church of *Witney* aforesaid on some *Sunday* before Divine Service, of the Time and Place of his First and every subsequent Meeting for executing the Powers hereby and by the said recited Acts vested in him, at least Seven Days before every such Meeting shall be held (Meetings by Adjournment only excepted); and the said Commissioner shall and may adjourn such Meetings from Time to Time as he shall see Occasion for the Execution of this Act and the said recited Acts: Provided always, that all Meetings of the said Commissioner for executing this Act shall be held at some convenient Place in the Parish of *Witney* aforesaid, or within the Distance of Eight Miles from the Boundaries thereof.

How other
Notices are to
be given.

XII. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioner, except in Cases where such Notice is directed to be given otherwise in and by this Act, shall be given by Advertisement to be inserted in the said Newspaper called *Jackson's Oxford Journal*, or in some other Newspaper circulated in the said County of *Oxford*, or by affixing such Notice on the principal outer Door of the Parish Church of *Witney* aforesaid.

Commissioner
to settle
Disputes.

XIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties who now are or before the Execution of the Award of the said Commissioner may be interested in the said intended Division and Allotment touching their respective Rights and Interests in the Open and Common Fields, Meadows, Pastures,

and other Commonable and Waste Lands to be divided and allotted by virtue of this Act, or any other Matter or Thing relating to the said intended Division or Allotment, it shall be lawful for the said Commissioner and he is hereby required, upon Examination of Witnesses on Oath (which Oath the said Commissioner is hereby authorized to administer), or of any other proper Evidence, to inquire into, hear, and determine the same: Provided always, that nothing herein contained shall authorize or empower the said Commissioner to determine the Title to any Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any of the Parties contrary to the Possession of such Parties, except in Cases of Encroachments, as herein-after mentioned; but in case the said Commissioner shall be of opinion against the Right of the Party so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Party, or recovered from such Party by Ejectment or other due Course of Law.

XIV. And be it further enacted, That in case the said Commissioner shall, upon the hearing or determining of any Claim or Objection to be delivered to him in pursuance of the said first-recited Act or of 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 in whose Favour any Determination of the said Commissioner shall be made by the Party whose Claim or Objection shall be thereby disallowed or overruled; and in case the Person or Corporation who shall be liable to pay such Costs or Charges shall refuse or neglect to pay the same, on Demand, then it shall be lawful for the said Commissioner and he is hereby authorized and required, by Warrant under his Hand and Seal 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 Corporation so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Person or Corporation whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and if there shall not be any Goods or Chattels whereon to levy the same, or in case the Party ordered to pay such Costs be a Corporation, then and in either of the said Cases it shall be lawful for the Party in whose Favour such Costs shall be awarded to recover the same by Action of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioner, and in consequence of such Order, without setting forth any other Proceedings under this Act. Power to award Costs.

XV. Provided always, and be it further enacted, That in case any Person or Corporation interested or claiming to be interested in the said Division and Allotment shall be dissatisfied with any Determination of the Commissioner for the Time being touching or concerning any Claim of Right of Common, or other Rights and Interests in, over, or upon or out of the Open or Common Fields, Meadows, Pastures, and other Commonable and Waste Lands hereby directed to be divided, allotted, and inclosed, or any Part thereof, or touching or concerning any Allowance to Parties to try their Rights at Law.
Matter

Matter or Thing whatsoever relating to the Division, Allotment, or Inclosure by this Act directed, it shall be lawful for the Person or Corporation so dissatisfied with any such Determination to cause an Action to be brought in One of Her Majesty's Courts of Record at *Westminster*, upon a feigned Issue, against the Person or Corporation in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been notified in Writing to the Person or Corporation against whom such Determination shall have been made, or to his or their known Agent or Attorney, and the Person or Corporation so dissatisfied as aforesaid shall proceed to a Trial at Law of the Matter so determined by the said Commissioner at the next or the second Assizes to be holden for the said County of *Oxford* after such Action shall have been so commenced; and the Defendant in such Action shall and he is hereby required to name an Attorney who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Objection, and the Right 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 shall be commenced, in case the Parties shall differ about the same); and the Verdict which shall be given in such Action shall be final, binding, and conclusive upon all Persons and Corporations whomsoever, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict 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, Right, or Interest thereby determined according to the Event of such Trial or Trials: Provided always, that if no such Action at Law as aforesaid shall be commenced, within the Time herein-before limited, or if any such Action shall be commenced, and the Plaintiff therein shall not proceed to Trial within the Time and in manner herein-before mentioned, then the Determination of the said Commissioner shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Death of
Parties not
to abate
Actions.

XVI. And be it further enacted, That if any of the Parties, Plaintiffs or Defendants 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; and if any Person in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action might have been brought if living, shall die before any such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Person or Corporation respectively who might have brought such Action against the Person so dying to bring the same within the Time so limited as aforesaid against such Person as if actually living, and to serve the Clerk of the said Commissioner with Process for commencing such Action in the same Manner as the Party so dying might have been served therewith if living; and it shall thereupon be incumbent on such Clerk to serve with such Process the Heir or other Person who shall claim the Benefit of such Determination as aforesaid; and on such Process being served such Heir or other Person shall appear and defend such Action in the Name of the
Person

Person so dead; and Proceedings shall be had therein in the same Manner as if such Person had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of every such Action.

XVII. Provided always, and be it further enacted, That if any Suit shall be commenced or prosecuted touching or concerning the Right, Title, or Interest of any Person or Party in or to any Lands, Tenements, Tithes, or Hereditaments whatsoever for or in respect of which any Right of Common or other Rights or Interests in, over, or upon the said Open and Common Fields, Meadows, Pastures, and other Commonable and Waste Lands hereby directed to be divided and allotted, or any Part thereof, shall be claimed, such Suit shall not impede, delay, or hinder the said Commissioner from proceeding in the Execution of the Powers vested in him by this Act or the said recited Acts, but the said Division and Allotment shall be proceeded in notwithstanding such Suit, and the said Commissioner shall award the Allotment in respect of the Hereditaments to which such Suit shall relate to the Person or Party who shall be in the actual Possession or Enjoyment of such Hereditaments, and the same Allotment shall follow the Event of any such Suit, and may be had and taken by the Person or Party who upon the Determination of such Suit shall become entitled to the same.

Suits not to delay the Execution of this Act.

XVIII. And be it further enacted, That if any of the Parties interested in the said Division and Allotment shall die before the same shall be completed the Powers and Authorities hereby given to the said Commissioner shall not be thereby determined or suspended, but the said Commissioner shall proceed in the Execution of the Powers given to him by this Act and the said recited Acts in such Manner as he might have done in case such Parties were still living; and the Shares of the Persons so dying shall be allotted to the Persons who shall by Law become entitled to the same, and shall be accepted and taken by them according to the Directions of this Act and the said recited Acts, and they shall be liable to the Charges and Expences and the several Provisions of this Act and of the said recited Acts.

Deaths of Parties not to delay the Execution of this Act.

XIX. And be it further enacted, That it shall be lawful for the said Commissioner, at any Time when he shall think it convenient or proper, by Notice for that Purpose under his Hand to be affixed on one of the outer Doors of the Parish Church of *Witney* aforesaid on some *Sunday* before Divine Service, to order the Rights of Common in, upon, and over the Lands and Grounds hereby directed to be divided and inclosed, or any Part thereof, to be extinguished or suspended either in the whole or in part; and from and after the Time to be mentioned in and fixed by any such Notice all such Rights of Common as shall be thereby directed to be extinguished or suspended shall cease and be extinguished, or shall be suspended accordingly, any Law, Usage, or Custom to the contrary notwithstanding.

Extinguishment of Rights of Common.

XX. And be it further enacted, That for the Purpose of shortening or rendering straight the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted and the old inclosed Lands in the said Township of *Curbridge*, or between such Allotments and inclosed Lands, or any of them, and the Lands and

For shortening Boundaries.

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Grounds

Grounds in any adjoining Manor, it shall be lawful for the said Commissioner, with the Consent of the Lords or Ladies of the Manors in which the Lands are respectively situated, and the Owners of the Lands adjoining to such Boundary Fences, testified by Writing under their respective Hands, or under the Common Seal of any of them being a Corporation Aggregate, to alter and straighten or shorten the same Boundary Fences or any of them, or any Part thereof, and to set out, ascertain, and determine such Boundaries as the said Commissioners shall think proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined the same shall be made, fenced, ditched, or mounded, by such Persons in such Manner, and at such Times as the said Commissioner shall order and direct, and such Boundaries shall for ever thereafter be deemed and taken to be the Boundaries between the said Allotments and inclosed Lands respectively, or, as the Case may be, between the said Township of *Curbridge* and Parish of *Witney* and any adjoining Manor; any Law, Usage, or Custom to the contrary notwithstanding.

Commissioner to set out Drains and to enlarge and turn Water-courses.

XXI. And be it further enacted, That the said Commissioner shall and may set out, appoint, and make such Common Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges in, through, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and also enlarge, widen, alter, turn, scour, and cleanse all or any of the present Drains, Ditches, Streams, or Watercourses, as well in, through, and over the same Lands and Grounds as in, through, and over any ancient Inclosures or other Lands and Grounds within the said Township of *Curbridge*, as to him the said Commissioner shall seem proper and necessary, making such Satisfaction to the Proprietors of such ancient Inclosures or other Lands or Grounds for the Damage done thereby as the said Commissioner shall think fair and reasonable; and the Costs and Expences of making, enlarging, widening, altering, turning, scouring, and cleansing of such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges, when the same shall be first made and done in pursuance of this Act, shall be raised and levied by the said Commissioner in the same Manner and by the same Means as the other Costs and Expences of carrying this Act into execution; but all such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges shall at all Times afterwards be repaired, cleansed, scoured, and maintained by such Persons or Corporations and in such Manner as the said Commissioner shall in and by his said Award order and direct; provided that no Stream or Watercourse be diverted or turned without the Consent in Writing of the Persons from whose Lands the same may be diverted, and of the Persons into whose Lands the same may be turned, or to the Prejudice or Injury of any Person interested in such Stream or Watercourse, except with his Consent in Writing.

Power to stop up Roads.

XXII. And be it further enacted, That in setting out and appointing the several public Carriage Roads, Highways, Bridle Roads, and Footways in pursuance of this Act or the said first-recited Act the said Commissioner shall and he is hereby authorized and empowered, if he shall think it necessary or proper, with the Consent and under the Order in Writing of any Two Justices of the Peace for the County of *Oxford*, to discontinue, stop up, divert, turn, or alter any of the Carriage Roads, Highways,

Highways, Bridle Roads, or Footways passing or leading through or over any of the Lands or Grounds intended to be divided and allotted by virtue of this Act, or passing or leading through or over any of the Open and Common Fields, Meadows, Pastures, and other Waste Lands within the said Township of *Curbridge*; and the Soil of the Roads and Ways so to be discontinued and stopped up, so far as the same shall pass through the Lands hereby authorized to be divided and allotted, shall be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act: Provided always, that nothing herein contained shall authorize the diverting or altering of any Turnpike Road leading through the said Township of *Curbridge*, unless the Consent of the Majority of the Trustees of such Turnpike Road assembled at a public Meeting called for that Purpose on Ten Days Notice be first had and obtained.

XXIII. Provided always, and be it further enacted, That before any public Carriage Road, Highway, Bridle Road, or Footpath shall be discontinued, diverted, stopped up, or altered by the said Commissioner, or any such Order of Two Justices of the Peace as herein-before mentioned shall be made, the said Commissioner shall cause to be affixed at each End of the said public Carriage Road, Highway, Bridle Road, or Footpath so proposed to be discontinued, diverted, stopped up, or altered a Notice to the Effect that such public Carriage Road, Highway, Bridle Road, or Footpath is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, by the said Commissioner acting under or by virtue of this Act; and the said Commissioner shall also cause the same Notice to be inserted in One Newspaper published or generally circulated in the said County of *Oxford* for Four successive Weeks, and shall also cause a like Notice to be affixed on some principal outer Door of the Church of the said Parish of *Witney* on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so affixed and published as aforesaid, and after such Order as herein-before mentioned shall have been made, the said public Carriage Road, Highway, Bridle Road, or Footpath shall be and be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject however to such Appeal to the Court of General Quarter Sessions for the County of *Oxford* as is herein-after mentioned.

Proceedings previously to stopping up and diverting Roads.

XXIV. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footpath should be discontinued, stopped up, diverted, or altered, as the Case may be, within Four Months after the making of the said Order, to make his Complaint thereof by Appeal to the Justices of the Peace at the said Quarter Sessions, upon giving to the said Commissioner or his Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Persons who may think themselves aggrieved if such Highway should be ordered to be stopped up or diverted may appeal.

XXV. And

In case of Appeal, Jury at Sessions to determine whether the old Highway shall be discontinued.

XXV. And be it further enacted, That in case of such Appeal the Justices at such Quarter Sessions shall, for the Purpose of determining whether the said public Carriage Road, Highway, Bridle Road, or Footpath so intended to be discontinued, stopped up, diverted, or altered shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that the public Carriage Road, Highway, Bridle Road, or Footpath so intended to be discontinued, stopped up, diverted, or altered is unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal; and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said Commissioner, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said recited Act of the Forty-first Year of the Reign of King *George* the Third; but if the said Jury shall return a Verdict that the public Carriage Road, Highway, Bridle Road, or Footpath so to be discontinued, stopped up, altered, or diverted is not unnecessary, or that the same could not beneficially to the Public be so discontinued, stopped up, diverted, or altered, or that the Party appealing would be injured or aggrieved by such public Carriage Road, Highway, Bridle Road, or Footpath being so discontinued, stopped up, diverted, or altered, as the Case may be, the said Court of Quarter Sessions shall allow such Appeal, and such public Carriage Road, Highway, Bridle Road, or Footpath shall not be discontinued, stopped up, diverted, or altered, or, in case the same shall have been discontinued, stopped up, diverted, or altered, the said Court shall make an Order for restoring such public Carriage Road, Highway, Bridle Road, or Footpath to its original State; and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party giving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting such Appeal, and such Costs and Expences shall be paid by the said Commissioner, and shall be raised by the said Commissioner in such and the same Manner as he is hereby directed or empowered to raise the Money for discharging the Costs, Charges, and Expences of this Act.

Power to widen Roads, making Compensation to LandOwners.

XXVI. And be it further enacted, That the said Commissioner may and he is hereby authorized and empowered to widen any of the public Roads or Highways, where he shall see it necessary, within the said Township of *Curbridge*, and for that Purpose to take a sufficient Quantity of the ancient inclosed Lands and Grounds adjoining to such Roads, (the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to any House,) and to make a full Compensation for the Value of the Land or Ground so to be taken for the widening of such public Roads or Highways by allotting and awarding unto the Person or Persons from whom any such inclosed Land or Ground shall be so taken an adequate Part or Parts of the said Lands and Grounds hereby directed to be divided and allotted; and also to make good and substantial Fences on each Side of all such widened public Roads and Highways for and in lieu of the Fences which shall be injured or destroyed by means of such widening.

XXVII. And

XXVII. And be it further enacted, That the Charges and Expences attending the stopping up, discontinuing, diverting, or widening of such Roads, and the making of such Fences as aforesaid, shall be raised and paid in such and the like Manner as the Expences of passing and executing this Act are hereby directed to be raised and paid.

Expences of discontinuing or widening Roads.

XXVIII. And be it further enacted, That all Encroachments or Inclosures taken or made from or on any Part of the said Open and Common Fields, Meadows, Pastures, and other Commonable and Waste Lands within Twenty Years next before the passing of this Act, and all other Encroachments or Inclosures at any Time taken or made from or on any Part of the said Open and Common Fields, Meadows, Pastures, and other Commonable and Waste Lands, for which any annual Rent or other Money Payment or Acknowledgment shall have been assessed or made within Twenty Years next before the passing of this Act, shall be deemed Part and Parcel of the Lands by this Act directed to be divided and allotted; and in case any Dispute shall arise touching any such Encroachments or Inclosures, or the Extent or Duration thereof, such Dispute shall be settled and determined by the said Commissioner.

Encroachments.

XXIX. Provided always, and be it further enacted, That the Land comprised in any Encroachment hereby directed to be divided, allotted, and inclosed as aforesaid shall (without Regard paid to any Improvement since made thereon) be allotted to the Persons in Possession thereof, so far as they shall be entitled by virtue hereof to any Allotment of equal or sufficient Value; and in that Case the Value of such Encroachment shall, according to the Circumstances, be deemed a partial or entire Compensation for the Allotment or Allotments to which such Persons shall be entitled by virtue of this Act; but if such Persons shall not be entitled to any Allotment, or to any Allotment equivalent in Value to such Encroachment, then the said Commissioner shall sell the said Encroachment or Surplus thereof to the Person in Possession of the same for such Sum of Money as shall be the fair Value thereof, independent of any Improvement made thereon, in case such Person shall desire to be the Purchaser of such Encroachment or Surplus; but in case such Person shall refuse to purchase the same, or shall neglect to pay the Purchase Money for the same within Three Months after the Value thereof as fixed by the said Commissioner shall have been communicated to him by the said Commissioner by a Notice in Writing either delivered to him personally or left at his Place of Abode, then and in such Case such Encroachment or Surplus (as the Case may be) shall be deemed Part of the Land to be divided, allotted, inclosed, or disposed of by virtue of this Act.

Encroachments to be allotted to the Party in Possession.

XXX. And be it further enacted, That the said Commissioner shall, so soon after the passing of this Act as conveniently may be, and from Time to Time as he shall think fit, by Writing under his Hand to be affixed on one of the outer Doors of the Parish Church of *Witney* aforesaid, order and direct what Course of Husbandry and what Stint or Rule of stocking and enjoying shall be respectively observed and used in, over, and upon the Lands to be divided and inclosed by virtue of this Act until such Time as he shall have completed the said Division and Inclosure, as well with respect to the laying down, ploughing, sowing, fallowing, manuring, and tilling thereof as to the stocking and cattling the Commonable Lands and

Commissioner to direct the Course of Husbandry.

[*Private.*]

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Fallows

Fallows or Stubbles upon the said Lands or Grounds, and to make such Recompence for the same as he shall think right, and shall and may make such further Orders and Regulations touching the Conduct of the Farmers and Occupiers within the said Township of *Curbridge*, for preventing them from ploughing up, committing Waste or Destruction upon, or improperly managing or stocking any of the said Lands or Grounds therein, until the said Division and Inclosure shall be completed, as to the said Commissioner shall seem proper and expedient; all which Orders and Regulations shall be binding and conclusive upon all Parties interested, their Farmers and Tenants; and the said Commissioner shall and may set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations as he shall think necessary, not exceeding the Sum of Five Pounds *per* Acre, in case of cross-cropping or withholding from the Land its due Proportion of Manure, or Ten Pounds in any other Case, for any one Offence, and shall and may also settle, adjudge, and determine, in all Cases where the Tenant is entitled by Agreement to the Manure arising from the Lands in his Occupation, by whom such Tenant shall be compensated for any such Manure left or given up by him; and such Penalties, Forfeitures, and other Sum and Sums of Money so to be settled, ordered, adjudged, and determined to be paid for or on account of the several Matters and Things aforesaid shall be recovered and recoverable in the Manner directed in and by the said first-recited Act with respect to the levying and Recovery of Penalties.

Satisfaction
to be made
for growing
Crops.

XXXI. And be it further enacted, That the said Commissioner shall and he is hereby authorized, by Writing under his Hand, to ascertain, order, and appoint what Recompence or Satisfaction in Money shall be made to the Owners of any Crops growing upon the Lands or Grounds hereby directed to be divided, allotted, and inclosed at the Time such Division and Allotment shall be made, for the said Crops, by the Persons to whom the Lands and Grounds on which such Crops are growing shall be allotted, unless such Owners shall, within the Time to be appointed by the said Commissioner for that Purpose, declare their Intention to cut, reap, and carry away the same; and in case of Nonpayment of such Recompence and Satisfaction for such Crops at the Time and in manner to be directed by the said Commissioner, or in case of such Election to cut, reap, and take away the same, then it shall be lawful for such Owners, and their Servants and Workmen, with Horses, Carts, and Carriages, to enter into and upon the Lands and Grounds whereon such Crops shall be growing, and reap, cut, and carry away the same for their own Use; and the said Commissioner shall also and he is hereby empowered, by any Writing or Writings under his Hand, to ascertain, order, and appoint what Recompence and Satisfaction in Money shall be paid, and to whom, for the Standage of such Crops, by the Owners electing to carry away the same as aforesaid, and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenants or Occupiers of any Land, as well for ploughing, tilling, and manuring any of the Lands and Grounds which shall be divided and allotted by virtue of this Act for the Benefit and Advantage accruing thereby to the Persons to whom such Lands and Grounds shall be allotted, as for any Loss or Disadvantage which any such Tenants or Occupiers shall or may sustain by the Loss of their following or way-going Crops upon the Lands or Grounds by this Act directed to be divided and allotted; and if in any of the said Cases the Money to be paid for

for such Recompence and Satisfaction shall not be paid at the Time and in the Manner to be appointed as aforesaid by the said Commissioner it shall be lawful for the said Commissioner and he is hereby authorized and required to raise and levy the same, for the Use of the Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act are herein directed to be raised, levied, and recovered.

XXXII. And be it further enacted, That all Open Fields, Meadows, and Pastures, where the Whole or greater Part of the Lands lie within the said Township, and all Inclosures containing the Property of Two or more Persons within One Fence, and also all Inclosures containing the Property of One Person only, if the same be held by or under different Tenures or Interests, shall be deemed Part of the Land to be divided and allotted under this Act, in case the Commissioner can be satisfied that the same can be so considered without any material Injury to the Parties entitled thereto respectively; and that all Homesteads, Gardens, Orchards, old Inclosures, and other Lands and Grounds within the said Township, with the Consent in Writing of the respective Persons seised or in Possession thereof in their own Rights, either in Fee Simple, Fee Tail, or for Life or Lives, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors of any such Homesteads, Gardens, Orchards, and old Inclosures holden for Years determinable as aforesaid, but not otherwise, or with the Consent of the Trustees for charitable or other Purposes, or of the major Part of any such Trustees, or with the Consent in Writing of the Husbands, Guardians, Feoffees, Committees, Attornies, or known Agents of any Persons seised or possessed in their own Right as aforesaid who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability of acting for themselves, shall in like Manner be deemed and considered to be Land to be divided and allotted under this Act.

Lands liable to be allotted.

XXXIII. And be it further enacted, That the said Commissioner shall and he is hereby required, before any other Allotment shall be made in pursuance of this Act, to set out and allot such convenient Plot or Plots, Part of the Lands or Grounds hereby intended to be divided, allotted, and inclosed, as he shall think fit, for public Gravel Pits, and for Stone Quarries for the Purpose of furnishing Materials for making and repairing the public Roads and Ways in and over the Lands and Grounds hereby intended to be divided, allotted, and inclosed, and elsewhere in the said Parish, and for repairing the Footways in the said Parish; which Plot or Plots of Ground so to be set out shall be separated, inclosed, and kept fenced in such Manner and by such Persons, and shall be used under such Regulations and Restrictions, as the said Commissioner shall by his Award order and direct; and the said Plot or Plots of Ground so to be set out shall be and the same is and are hereby vested in the Surveyor or Surveyors of the Highways for the Time being of the said Parish for ever, in Trust for the Uses aforesaid; and such Surveyor or Surveyors shall and may let the same or any Part thereof from Time to Time (subject to such digging of Materials for the Reparation of the said Roads and Ways) for the best Rent or Rents that can be obtained for the same, and apply the Rents and Profits thereof in repairing the Highways of the said Parish.

Lands to be set out for Gravel Pits and Quarries.

XXXIV. And

Allotment to be set out for the Recreation of the Inhabitants.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby authorized to set out, allot, and award unto the Lords for the Time being of the said Manor of *Witney*, out of any Part of the Lands and Grounds to be inclosed by virtue of this Act, a Piece of Land or Ground, not exceeding Eight Acres or less than Four Acres, as a Place of Exercise and Recreation for the Inhabitants in the Neighbourhood of the said Township of *Curbridge*, and such Allotment shall be held by the Lords of the said Manor for the Purposes aforesaid.

Allotment to the Lords of the Manor.

XXXV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out and allot unto and for the Lords of the Manor of *Witney* so much and such Part or Parts of the said Open and Common Fields, Meadows, Pastures, and other Commonable and Waste Lands hereby authorized to be divided and inclosed as in the Judgment of the said Commissioner shall be a reasonable Satisfaction and Compensation for their Right of Soil which they as Lords of the Manor aforesaid now have or might or of right ought to have had therein in case this Act had not been passed.

Allotment for Glebe and Common Rights.

XXXVI. And be it further enacted, That the said Commissioner shall and he is hereby required, in the next place, to set out and allot unto and for the Rector of the said Parish and his Successors, for and in respect of his Glebe Lands and Right of Common, and all other Rights appurtenant thereto, in, over, and upon the Lands and Grounds hereby directed to be divided and inclosed, such Parcels of the said Lands, Commons, and Waste Grounds as in the Judgment of the said Commissioner shall be a full Equivalent and Compensation for his said Glebe Lands and Rights of Common, and all other his Rights and Interests thereto belonging.

Power to Rector to lease his Allotment.

XXXVII. And be it further enacted, That it shall be lawful for the Rector for the Time being of the Parish of *Witney* aforesaid, by Indenture under his Hand and Seal, with the Consent and Approbation of the Patron of the said Rectory for the Time being, such Consent to be had previous to the Execution of such Indenture or Indentures by the other Parties thereto, and with the Consent of the Bishop of the Diocese, to lease or demise all or any Part of the Allotment to be set out and allotted to such Rector in right of his said Rectory by virtue of this Act to any Person 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 for the same shall be thereby reserved to the Rector for the Time being by quarterly Payments in every Year, and so that there be thereby also reserved and made payable to such Rector the best and most improved Rent that can be reasonably had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for making or granting such Lease or Demise, and so that no such Lessee by any such Lease or Demise be made dispunishable for Waste by any express Words to be therein contained, and so that there be inserted in every such Lease such Power of Re-entry on Nonpayment of the Rent to be thereby reserved within a reasonable Time to be therein limited after the same shall become due, and so that a Counterpart of each such Lease be duly executed by the Lessee to whom such Lease shall be so
made

made as aforesaid: Provided always, that whenever any Lease to be so granted shall by any Means become forfeited or void, or be surrendered before the Expiration by Effluxion of Time of the Term thereby granted, then and in such Case, and so often as the same shall happen, it shall be lawful for such Rector as aforesaid for the Time being, by and with the previous Consent and Approbation of the Bishop of the Diocese and of the Patrón of the said Rectory, to grant a new Lease of the Land so demised for such Term of Years as shall at the Time of such Avoidance be then to come and unexpired of the original Term granted by such original Lease, subject nevertheless to the Provisoos and Conditions contained in such original Lease and then remaining unperformed and capable of having effect; and every such Lease shall be valid and effectual, any thing in the said first-recited Act or any Law or Usage to the contrary notwithstanding.

XXXVIII. And be it further enacted, That the said Commissioner shall and he is hereby required to set out and allot unto the Proprietors of Lands in the Parish of *Ducklington* in the said County such Part of a certain Commonable Meadow in the said Township of *Curbridge* adjoining the Parish and Village of *Ducklington* called *Curbridge Meadow* as in his Judgment shall be a reasonable Satisfaction and Compensation to the said Proprietors for such Right of Common over the said Meadow as they now have or might or of right ought to have had therein in case this Act had not been passed.

Allotment to Proprietors of Land in *Ducklington* for their Right of Common in *Curbridge Meadow*.

XXXIX. And be it further enacted, That in case any of the said Proprietors of Lands in *Ducklington* aforesaid so entitled shall deem it expedient and desire to have their Allotments in the said Meadow thrown together, and distinguished by Metes and Bounds but not fenced from each other, and of such their Desire shall give Ten Days Notice in Writing to the said Commissioner, he shall set out the several Allotments of the said Persons so giving Notice in One Plot or Parcel of Land, distinguishing the Portion of such Plot or Parcel of Land allotted to each of such Proprietors by Metes and Bounds, but not requiring them to make any Subdivision Fences or other Fences, except such Ring or outer Fence or Fences as may be necessary and may be ordered by him to be made for dividing the said Plot or Parcel of Land from the Residue of the Lands so to be inclosed; and that in case any of such Persons whose Allotments shall not exceed Two Acres respectively shall have required their Allotments to be thrown together as aforesaid such Persons shall not be liable to pay, bear, or defray any Part of the Charges and Expences of obtaining and passing this Act, or of surveying, valuing, planning, measuring, dividing, and allotting the said Open and Common, Arable, Meadow, Pasture, Common, or Waste Lands or Fields hereby authorized to be divided, allotted, and inclosed, or of fencing the Lands of the Persons from whom a Deduction of Land shall be made as herein-before directed, or the Expences of preparing and enrolling the said Award, or the Allowances and Payments to be made to the said Commissioner or Surveyor respectively as herein-before directed, nor of any other Charges or Expences incident to or attending the carrying this Act into execution, save in respect of such Ring or outer Fence or Fences aforesaid.

As to the fencing of such Allotment.

XL. And be it further enacted, That in order to defray the Costs, Charges, and Expences incident to and attending the obtaining and passing

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Power to sell Land to pay Expences.

of

of this Act, and the several Sums of Money and Allowances hereby directed or authorized to be paid and allowed to the said Commissioner, Clerk, and Surveyor for their Expences, Time, and Trouble, and the Costs and Charges that the Commissioner shall be put unto in respect of any Appeals against his Decision, or of any Suits at Law or in Equity that may be instituted by or against such Commissioner in the Execution of this Act either before or after the Execution of his Award, and all other Costs, Charges, and Expences necessarily incurred in executing the several Powers, Directions, and Authorities given to and vested in the said Commissioner by this Act or the said recited Acts, and for carrying the same into execution, either before or after the Execution of his Award, it shall be lawful for the said Commissioner and he is hereby required, as soon after the passing of this Act as conveniently may be, and from Time to Time as he shall see Occasion before the Execution of his Award, to sell by public Auction or private Contract such Parts of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed as he shall deem expedient for the Purposes aforesaid, such Sales to be subject to the Regulations and Directions mentioned in the said firstly-recited Act, and to apply the Money which shall arise by such Sales in or towards defraying such Costs, Charges, and Expences as aforesaid; and upon the respective Purchasers thereof paying their Purchase Money for the same to the said Commissioner, or to such Person and at such Place and Time as the said Commissioner shall for that Purpose appoint, the said Commissioner shall and he is hereby empowered, by any Deed or Writing under his Hand and Seal, and duly executed by him, to convey the same as Freehold of Inheritance unto the Purchasers thereof, their Heirs and Assigns, or otherwise to such Uses, and to, for, and upon such Trusts, Intents, and Purposes, as they shall direct or appoint; and every such Conveyance shall be valid and effectual in the Law; and immediately after the Execution of such Deeds the Lands therein described to be granted and conveyed shall become vested in such Purchasers and their respective Heirs and Assigns, or become settled to such Uses and upon and for such Trusts (if any) as shall by such Deed or Instrument in Writing be expressed, declared, or referred to concerning the same.

Persons desirous of paying in Money to be exempt from the Operation of the Power of Sale.

XLI. And be it further enacted, That in case any Person interested in the said Division, Allotment, and Inclosure shall be desirous of having the whole of their respective Shares and Allotments of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed set out and allotted to them without any Abatement for or in respect of the Sales herein-before directed for the Purposes aforesaid, and shall by themselves or their Agents signify the same in Writing to the said Commissioner at the Time of delivering in their respective Claims as aforesaid, or within such Time afterwards as shall be limited or prescribed by the said Commissioner, then and in every such Case the said Commissioner (notwithstanding the Provisions for Sale of Land herein-before contained) shall and he is hereby authorized and required to set out and allot to such Persons respectively all such Shares and Proportions of the said Lands hereby directed to be divided, allotted, and inclosed as they respectively would have been entitled to under and by virtue of this Act in case no Provision had been made for Sale of any Part of the same Lands or Grounds, and without any Reduction or Abatement whatsoever on that Account, and to adjust and settle what Sums of Money ought to be borne and

and paid by such Persons respectively, their Heirs, Executors, Administrators, or Assigns, for or in respect of their several and respective proportionable Shares of the Charges and Expences of obtaining this Act and carrying the same and the said recited Acts into execution, the same to be paid and recovered in such and the same Manner and under such and the same Powers as are herein provided in respect to any Deficiency in the Monies to arise by Sale as aforesaid; and thereupon such Persons respectively shall not be charged with any Part of the Expences attending or occasioned by the Sales herein-before directed.

XLII. Provided always, and be it further enacted, That if at any Time after the Allotments shall have been staked out it shall appear to the said Commissioner, either before or after the Execution of his Award herein-after mentioned, that the Money to arise by any Sales to be made in pursuance of this Act, or any previous Rate or Rates, shall not be sufficient to defray the Costs, Charges, and Expences aforesaid, then the Deficiency shall be made up and raised from Time to Time by a Rate to be made and levied upon the several Persons interested in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed (except the said Lord Bishop of *Winchester* and his Lessees, and the said Rector) in such Shares and Proportions, within such Times, and to be paid to such Persons as the said Commissioner shall from Time to Time direct, nominate, and appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid shall neglect or refuse to pay his Share or Proportion of any such Rate within the Times to be respectively appointed as aforesaid, or at any Time after, upon Demand, the same shall and may be levied and recovered in the Manner directed by the said firstly-recited Act.

Deficiency to be made good by Rates.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioner, from Time to Time as he in his Discretion shall think fit, to borrow of any Persons willing to lend the same such Sums of Money as may be deemed necessary for paying the Expences of applying for and obtaining and executing this Act; and the Persons who shall lend or advance any such Sums of Money shall be repaid the same out of the Monies which shall be raised and collected in pursuance of this Act, with Interest for the same from the Time of lending or advancing each Sum respectively as aforesaid.

Commissioner may borrow Money, and the Parties lending the same shall be repaid with Interest.

XLIV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to apportion, divide, set out, and allot the Residue and Remainder of the said Open and Common Fields, Meadows, Pastures, and other Lands by this Act directed to be divided and inclosed unto and amongst the several Persons or Corporations who at the Time of making such Allotments shall be entitled to any Estate, Right, or Interest therein in such Quantities, Shares, Proportions, and Situations as by the said Commissioner shall be adjudged and determined to be a just and equitable Compensation and Satisfaction for their several and respective Lands, Grounds, Rights of Common, and Interests therein; and the said Allotments shall be fenced in, and the several and respective Mounds and Fences for dividing and inclosing the same shall be made, and for ever thereafter maintained and supported, in such Manner as the said Commissioner shall in and by his said Award order and direct:

Allotment of the Residue.

Provided

Land to be allotted to the Rev. William Pearson to be laid adjoining or near his old inclosed Lands.

Provided always, that any Allotment or Allotments which shall be made to or in Trust for the said *William Pearson*, for or in respect of his Lands lying dispersed in the said Common Fields, by the said Commissioner under or by virtue of this Act, shall be so laid or situated as to adjoin to his old inclosed Lands lying next to the said Common Fields in the said Parish of *Witney*, or as near thereto as the Lands to be divided and allotted under this Act will admit of.

Meetings for objecting to Allotments.

XLV. And be it further enacted, That when and so often as the said Commissioner shall have ascertained the respective Rights and Interests of the said Proprietors in the Lands and Grounds to be divided and allotted by virtue of this Act, and also the respective Shares and Proportions by him proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioner shall hold a Meeting at some convenient Time and Place when and where the Proprietors may be informed of such Allotments, and see the same set out and delineated upon a Map or Plan to be produced for their Inspection; and if any of the said Proprietors upon such Inspection be dissatisfied with the proposed Allotments the said Commissioner shall at such Time and Place aforesaid, or at some other Time and Place to be appointed by him for that Purpose, receive Statements in Writing of the Complaints and Objections of any Proprietor or Proprietors against any such Allotments, and shall forthwith, or as soon after as conveniently may be, determine the same; and such Determination shall be binding and conclusive on all Parties interested in such Allotments.

Directions for fencing Allotments.

XLVI. And be it further enacted, That the several and respective Allotments to be made in the said several Open and Common Fields, Meadows, Pastures, and other Commonable and Waste Lands hereby directed to be divided, allotted, and inclosed within the said Township of *Curbridge* after the Division thereof shall, within Six Calendar Months, to be computed from the signing and sealing the Award of the said Commissioner, or within any shorter Space of Time to be appointed by the said Commissioner, be inclosed, and the Fences thereof composed of and planted with young Quicksets; and such Fences, where the same shall adjoin upon any public or private Road or Way, and in such other Places as the said Commissioner shall think fit, shall be guarded with good and substantial Posts and Rails or otherwise, and with such Ditches on either or each Side thereof as the said Commissioner shall direct and appoint, and also with good and substantial Gates and Stiles to be made where necessary in the said Fences; all which said Fences shall be so planted and guarded as aforesaid, and the Gates and Stiles made, by and at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, in such Manner, Shares, and Proportions as the said Commissioner shall in and by his said Award order and direct.

Rector's Allotment to be fenced at the general Expence.

XLVII. And be it further enacted, That the Allotment to be made to the Rector of the said Parish of *Witney* shall be well and sufficiently inclosed and fenced on all such Parts and Sides as shall not be directed to be fenced by any other Proprietor, or as shall not adjoin any inclosed Land, or be bounded by any sufficient Watercourse or other sufficient Fence in the Judgment of the said Commissioner; and the whole Cost and Expence attending the inclosing and fencing of the same shall be deemed Part of the Expences of carrying this Act into execution, and shall be borne

borne and defrayed accordingly by and out of the Money to be raised for the Purposes of this Act; and all such Inclosures and Fences when made shall for ever thereafter be kept in repair by the said Rector, or by the Persons for the Time being entitled in Possession to the said Allotment.

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, and Hereditaments within the said Township of *Curbridge* in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the said Parish of *Witney*, or any adjoining Parish 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 Owners of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owners shall be Corporations, or Tenants in Fee Simple or in Fee Tail, General or Special, or for Life, or by the Curtesy of *England*, or for Years determinable on a Life or Lives, by and with the Consent of the Lessors thereof, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, or the major Part of such Feoffees, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid who at the Time of making such Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, such Consent to be testified in Writing under the Common Seal of the Corporation, and under the Hands of the other consenting Parties respectively; and all and every Exchanges and Exchange so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchanges shall be made of any Lands, Tenements, or Hereditaments held in right of any Church or Chapel or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall be situate: Provided always, that all the Costs, Charges, and Expences attending the making of any Exchanges shall be paid, borne, and defrayed by the several Persons making such Exchanges in such Shares and Proportions and at such Time and to such Persons as the said Commissioner shall by any Writing under his Hand direct or appoint.

Power of Exchange.

XLIX. And be it further enacted, That from and immediately after the Allotments herein directed to be made shall be marked and staked out, and the said Commissioner shall have directed the same to be entered upon by the Persons respectively to or for whom the same shall be intended, all Leases and other Agreements at Rack Rent subsisting of all or any Parts of the said Lands hereby directed to be divided and inclosed, or to be discharged from any Right of Common thereon, and of the Messuages or Tenements and Homesteads respectively belonging thereto, for any Term of Years not exceeding Twenty-one Years, save and except such Leases and Agreements as by the express Terms thereof are not to be void in case of an Allotment in Severalty or Inclosure, shall cease, determine, and be void as to all such Lands and Rights of Common respectively, but not as to any other Hereditaments comprised therein, such Compensation being paid to or allowed by the respective Landlords whose Leases or Agreements shall be so vacated as the said Commissioner shall by Writing under his Hand order and direct in that Behalf; and it shall

Leases at Rack Rent to be void.

[Private.]

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shall

shall be lawful for the said Commissioner and he is hereby authorized by Writing under his Hand to ascertain, direct, and appoint what Rent, or Share or Proportion of Rent, shall be paid by the several Tenants of the Lands to be inclosed by virtue of this Act, or the Rights of Common thereof in their respective Holdings, to their respective Landlords, from the Time of passing this Act until such Lands shall be marked and staked out, and be directed to be entered upon as aforesaid; and also to order and direct what Proportion and Amount of the whole Rent reserved upon such Lease or Leases, Agreement or Agreements, shall be paid by such Tenants from the Time of passing this Act to their respective Landlords for the Messuages, Homesteads, or ancient Inclosures comprised in such Leases or Agreements until the Expiration thereof, and which are not meant or intended to be made void as to such Messuages, Homesteads, or ancient Inclosures; provided that no Lease or Agreement comprising Messuages, Homesteads, or ancient Inclosures only shall be made void by this Act.

Beneficial
Leases not to
be vacated.

L. Provided also, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease from any Corporation or Person of any Lands, Tenements, or Hereditaments in the said Parish, but the Person entitled to such beneficial Leases shall and may hold and enjoy their several and respective Terms at and under the same Rents and Covenants as are specified in their respective Leases from the same Corporation or Persons respectively.

Deeds, Wills,
&c. not to be
affected.

LI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to revoke, annul, make void, alter, vary, or in anywise affect any Grant, Assurance, Limitation of Use or Uses, Declaration of Trust, or any Deed or Will whatsoever (except such Leases and Agreements as are herein-before mentioned), or to prejudice any Persons having any Right or Claim of Dower, Jointure, Portion, Rent-charge, Annuity, Debt, Rent, Incumbrance, or other Claim or Demand out of, upon, or affecting any of the Lands or Grounds hereby directed to be divided and allotted, or any of the Messuages, Lands, or Hereditaments which shall be exchanged or parted with in pursuance of this Act, but that as well the Lands allotted and exchanged as the Hereditaments which shall be assigned in partition or in compensation for any other Estate or Right by virtue of this Act or the said recited Acts, or either of them, shall, immediately after such Allotment, Exchange, Partition, or Assignment, remain and enure, and the several Persons to whom the same shall be allotted, assigned, or given in exchange or on partition as aforesaid shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances, in all respects, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Exchanges, Partitions, and Assignments shall have been made should or would have stood severally limited, settled, vested, or subject or liable to, or been held by, in case the same had not been allotted, exchanged, parted with, or assigned as aforesaid, and this Act had not been passed, save and except such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act, and except where any other of the Provisions of this Act are to the contrary,

and

and subject nevertheless to all such Mortgages and Sales as shall be made by Authority hereof or of the said recited Act.

LII. Provided always, and be it further enacted, That all and every the Allotments to be made by virtue of this Act in right or in respect of any Freehold Messuages, Lands, Rights, or Interests shall, from and after the Execution of the Award of the said Commissioner, be deemed to be 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 Terms of Years or Lives 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, at the Will of the Lord or Lords of the said Manor of *Witney*, and according to the Custom of the same 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.

Allotments to vest and be held for such Estates and Interests and in the same Manner as the Lands and Property in respect of which the said Allotments are made.

LIII. 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 Lords or Lord 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.

LIV. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said first herein-before recited Act or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Corporation, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall be lawful for the

Application of Monies paid for Purchase or Exchange if amounting to 200*l*.

said

said Commissioner, out of such Sums, to defray such Proportion of the Expence of passing this Act and of carrying the same and the said recited Acts into execution as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Corporation, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioner be proper to be made and shall be made, under his Direction, upon any Lands to be by virtue of this Act allotted to such Person or Corporation, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King

1 G. 4. c. 35. *George the Fourth, intituled An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward, and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased or redeemed, or paid or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the afore-mentioned Lands, Tenements, or Hereditaments stood limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person who*

would

would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

LV. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased or exchanged, or of his Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioner, to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, such Nomination to be approved of by the said Commissioner, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where less than 200*l.* and amounting to 20*l.*

LVI. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his, her, or their own Use and Benefit, or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

When under 20*l.*

LVII. And be it further enacted, That as soon as conveniently may be after the said Division and Allotment shall be completed the said Commissioner shall form and draw up an Award, which, together with a proper Map or Plan thereto annexed, shall, within Ten Days after the Execution thereof, be delivered to the Clerk of the Peace for the County of *Oxford*, who is hereby required to deposit and keep the same among the Records of the said County, for the Reception whereof the Fee of Two Pounds and Two Shillings, and no more, shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and the said Award shall from and after the Delivery thereof to the said Clerk of the Peace be deemed and taken to be enrolled within the Intent and Meaning of the said recited Act; and a Copy of the said Award and of the said Map or Plan, signed by the said Commissioner,

Award to be made and deposited.

[*Private.*]

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shall

shall within the Time aforesaid be deposited in the Parish Church of *Witney* aforesaid, and there kept in a proper Box to be provided for that Purpose; and the said Award, and the said Copy thereof, and any other Copy of the said Award, or of any Part or Parts thereof, attested by the Clerk of the Peace for the Time being of the said County or his Deputy (for every Sheet of which containing One hundred Words Sixpence, and no more, shall be paid), shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Accounts to
be audited.

LVIII. And be it further enacted, That once at least in every Twelve Calendar Months during the Execution of this Act (to be computed from the Time of passing thereof) the said Commissioner shall and he is hereby required to make a true and just Statement and Account of all the Sums of Money by him received and expended or applied in the Execution of this Act; and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid and disbursed; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by him laid before One of Her Majesty's Justices of the Peace for the County of *Oxford*, not interested in the said Inclosure, to be by him examined and balanced, and such Balance shall be stated in the Book of Accounts to be kept in the Office of the Person acting as Clerk to the said Commissioner; and an Abstract of such Account shall, within Fourteen Days after the same shall have been so examined and balanced, be published in *Jackson's Oxford Journal*, or in some other Newspaper printed and circulated in the said County of *Oxford*; 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 allowed by such Justice, and until such Account, or the Abstract thereof, shall have been so published as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

Power of
Appeal.

LIX. And be it further enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of the said recited Acts or this Act, (other than and except such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, settled, tried, or determined by any Issue at Law, or where by any of the Provisions of the said recited Acts or of this Act the Determinations, Acts, or Proceedings of the said Commissioner are directed to be final or conclusive,) he may appeal to any General or Quarter Sessions of the Peace which shall be holden for the said County of *Oxford* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Party concerned Ten Days Notice in Writing of such Appeal and the Matter thereof, except with respect to the Accounts of the Commissioner, which, notwithstanding the same shall have been examined and balanced as aforesaid, may be appealed against at any Time within Six Calendar Months after the depositing of the Award with the Clerk of the Peace for the said County of *Oxford* in manner by this Act directed, on giving to the said Commissioner such Notice as last aforesaid; and the Justices (not interested in the Premises) at the said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs as to them in their Discretion shall seem reasonable,
and

and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Warrant of 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 Her Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous and vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant as to them in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

LX. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and every Word importing the Plural Number shall comprise and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Corporation" shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Meaning of certain Words in this Act.

LXI. 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 Lords of the Manor or Lordship within the Jurisdiction or Limits whereof the said Lands or Grounds hereby directed to be divided and allotted, or any Part or Parts thereof, are situate, lying, and being, of, in, or to the Seignories, Royalties, or other Manorial Rights of or belonging to the said Manor, but that the said Lords for the Time being shall and may at all Times hereafter hold and enjoy all Courts, Rents, Chief Rents, Quit Rents, and other Rents, Services, Rights, Royalties, Perquisites and Profits of Courts, Reversions, and all other Jurisdictions and Privileges to the said Manor incident, appendant, or appertaining, (save only the Right of Soil in the said Common and Waste Lands for which Compensation shall be made by virtue of this Act,) in as full, ample, and beneficial Manner to all Intents and Purposes whatsoever as they could, ought, or might have held and enjoyed the same before the passing of this Act in case the same had never been passed.

For saving Manorial Rights.

LXII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all Persons and Corporations, their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest, Claim and Demand, (other than and except such as are expressly barred and compensated for or intended to be barred and compensated for and extinguished by this Act,) as they, every or any of them, could or might have had, held, and enjoyed of, in, to, or out of the Common Fields, Meadows, Pastures, and other Commonable and Waste Lands authorized to be divided, allotted, and inclosed, or any Part thereof, in case this Act had not been passed.

General Saving.

LXIII. And

Act as
printed by
Queen's
Printers to
be Evidence.

LXIII. And be it further enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom ; and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.