



A N

A C T

F O R

Inclosing Lands in the Manors and Parishes of
Deddington and *Great Barford*, otherwise
Barford Saint Michael, in the County of
Oxford.

WHEREAS there are within the Manors and Parishes Preamble.
of *Deddington* and *Great Barford*, otherwise *Barford*
Saint Michael, several Open and Common Fields, Com-
mon Meadows, Common Pastures, Commons, Waste,
and other Commonable Lands and Grounds:

And whereas *William Ralph Cartwright*, Esquire, is seised of
a Manor within the Parish of *Deddington* called the *Duchy Manor*,
and is Owner or Proprietor of certain Parts of the said Open and
Common Fields, Common Meadows, Common Pastures, Com-
mons, Waste, and other Commonable Lands and Grounds within
the said Parish of *Deddington*, which are granted by Copy of Court
Roll to divers Persons for Lives, according to the Custom of the
said Manor:

And whereas the Dean and Chapter of the Cathedral Church
of *Christ*, in *Oxford*, of the Foundation of King *Henry* the Eighth,
are seised of a Manor within the said Parish of *Deddington*, called
Christ Church Manor, and of certain Parts of the said Open and
Common Fields, Common Meadows, Common Pastures, Commons,

Waste, and other Commonable Lands and Grounds within the said Parish of *Deddington*, now held by Sir *Henry Watkin Dashwood*, Baronet, and the said *William Ralph Cartwright*, as their Lessees, and granted by Copy of Court Roll to divers Persons for Lives, according to the Custom of the said Manor:

And whereas the Dean and Canons of the Free Chapel of *Saint George*, within the Castle of *Windsor*, are seised of a Manor within the said Parish of *Deddington*, called the *Windsor Manor*, and of certain Parts of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste, and other Commonable Lands and Grounds within the said Parish of *Deddington*, now held by the Reverend *Robert Marriott*, Doctor of Laws, *John Roebuck*, and *Robert Marriott*, Gentlemen, as their Lessees, and granted by Copy of Court Roll to divers Persons for Lives, according to the Custom of the said Manor:

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And whereas the said Dean and Canons of *Windsor*, and the said *Robert Marriott*, Doctor of Laws, *John Roebuck*, and *Robert Marriott*, Gentlemen, as their Lessees, are seised of the Rectory Improprate of *Deddington* aforesaid, and in Right of the said Rectory entitled to Three Yard Lands, Glebe Lands, Part of the Lands and Grounds intended by this Act to be divided and inclosed; and also to all the Great and Small Tythes whatsoever arising, renewing, or payable for or in respect of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste, and other Commonable Lands and Grounds, and of all the old Inclosures within the said Parish of *Deddington*, which are subject and liable to the Payment of Tythes, except the Tythe of certain Meadow Land called the *Fishers*, containing by Estimation Sixteen Acres, or thereabouts:

And whereas the said Dean and Canons of *Windsor* are also seised of the perpetual Advowson, Right of Patronage and Presentation of, in, and to the Vicarage of the Parish Church of *Deddington* aforesaid; and the Reverend *John Faulkner* is Vicar of the said Parish of *Deddington*, and in Right of his said Vicarage is seised of or entitled to the Tythe of the said Meadow Lands called the *Fishers*:

And whereas *Thomas Hall*, Esquire, in Right of his Wife *Elizabeth Hall*, is Lord of the Manor of *Great Barford*, otherwise *Barford Saint Michael* aforesaid, and is also seised of the Rectory Improprate of *Great Barford*, otherwise *Barford Saint Michael* aforesaid, and in Right of the

the said Rectory, or otherwife, is entitled to all the Tythes of Corn, Grain, and Hay, and other Great Tythes whatsoever arising, renewing, or payable for or in respect as well of all such of the old Inclosures in *Great Barford*, otherwife *Barford Saint Michael* aforefaid, as are fubject to Tythes, as of Ten Yard Lands, or thereabouts, Part and Parcel of the faid Open and Common Fields, Common Meadows, Common Pastures, Commons, Wafte, and other Commonable Lands and Grounds lying and being in *Great Barford*, otherwife *Barford Saint Michael* aforefaid, intended by this Act to be divided and inclofed :

And whereas the faid *Thomas Hall*, in the Right aforefaid, is alfo feifed of the perpetual Advowfon, Right of Patronage, and Prefentation of, in and to the perpetual Curacy of the Church of *Great Barford*, otherwife *Barford Saint Michael* aforefaid; and the Reverend *Samuel Parker*, Clerk, is Curate of the faid Parifh of *Great Barford*, otherwife *Barford Saint Michael*, and in Right of his faid Curacy, is feifed of or entitled to certain Small Tythes arising, renewing, or happening within the faid Manor or Parifh of *Great Barford*, otherwife *Barford Saint Michael*, or to fome Modus or Modufes, or Compenfation in lieu thereof :

And whereas the faid *William Ralph Cartwright*, the faid Dean and Chapter of *Chrift Church*, and their Leffees; the faid Dean and Canons of *Windsor*, and their Leffees; the faid Sir *Henry Watkin Daffwood*, the faid *Thomas Hall*, the Prefident and Scholars of *Saint Mary Magdalen College, Oxford*, and their Leffees; the Principal and Scholars of the *King's Hall* and College of *Brazen Nofe*, in *Oxford*, and their Leffees; and many other Perfons, are feifed and poffeffed of, or otherwife interefted in the Refidue of the faid Open and Common Fields, Common Meadows, Common Pastures, Commons, Wafte, and other Commonable Lands and Grounds by this Act intended to be divided and inclofed, and they or fome of them, or their refpective Tenants, are or claim to be entitled and do enjoy Common of Pasture for their Cattle in and over the faid Open and Common Fields, Common Meadows, Common Pastures, Commons, Wafte, and other Commonable Lands and Grounds, or fome Part thereof refpectively :

And whereas an Act was paffed in the Forty-firft Year of the Reign of His prefent MAJESTY, intituled “An Act for confolidating
“ in One Act certain Provisions ufually inserted in Acts of Inclosure, and for facilitating the Mode of proving the feveral Facts
“ ufually required on the paffing of fuch Acts :”

And whereas the said Open and Common Fields within the said Two Parishes are contiguous and much intermixed with each other, and the Properties of the several Owners and Proprietors in the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste, and other Commonable Lands and Grounds, lie dispersed in small Parcels, and are in their present Situation incapable of any considerable Improvement, and it will be very advantageous and beneficial to the Parties interested therein if the same were exonerated from the Payment of Tythes, and divided and inclosed, and specific Parts and Shares thereof allotted and awarded unto and amongst the several Proprietors, according to their respective Rights and Interests therein; But inasmuch as such Division and Inclosure cannot be effectually made and established without the Aid and Authority of Parliament;

May it therefore please Your MAJESTY,

That it may be Enacted; **And be it Enacted** by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste, and other Commonable Lands and Grounds within the said Manors and Parishes of *Deddington* and *Great Barford*, otherwise *Barford Saint Michael*, shall as soon as conveniently may be after the passing of this Act be divided, allotted, and inclosed in Manner hereinafter mentioned; and that *Robert Wesson*, of Aynho, in the County of Northampton, and *John Davis*, of Bloxham, in the County of Oxford, Gentlemen, and their Successors (to be elected in Manner hereafter directed) shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Lands and Grounds, and for carrying this and the said recited Act into execution, save and except such Parts of the said recited Act as are hereby varied or altered.

Commission-
ers.

Umpire to be
appointed.

And, for the Purpose of settling and determining any Difference or Dispute that may arise between the said Commissioners touching or concerning any of the Matters and Things to be by them done and performed in pursuance of the said recited Act or of this Act, BE it further Enacted, that the said Commissioners shall and they are hereby required (immediately after their taking and subscribing the Oath or Affirmation by the said recited Act directed to be by them taken and subscribed) by Writing under their Hands, to choose, nominate, and appoint some other proper and skilful Person (not interested in the said Lands and Grounds) who shall be willing

willing and consent to act as an Umpire, and such Umpire is hereby authorized and required to hear and determine any such Difference or Dispute as may arise between the said Commissioners touching any Matter or Thing relating to the said Division and Inclosure, and the Judgment and Determination of the said Umpire, so far only as immediately relates to the Matter in Dispute, shall be deemed and considered to be the Judgment and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned in the said Division and Inclosure, so far as the Acts of the said Commissioners are by the said recited Act or this Act made final and conclusive: Provided always, that in case the Person so nominated and appointed by the said Commissioners as Umpire shall die, or refuse to act, or become incapable of acting in the Execution of the said recited Act or of this Act, then and in every such Case it shall be lawful for the said Commissioners to nominate and appoint One other fit and proper Person as Umpire in the room and stead of the Person so dying, refusing to act, or becoming incapable of acting in the Execution of the said recited Act and of this Act, and so from Time to Time as often as any Person so nominated and appointed as Umpire shall die, or refuse to act, or become incapable of acting in the Execution of the said recited Act and of this Act; and in case any such Umpire shall neglect to settle and determine any such Difference or Dispute within Ten Days next after the same shall have been referred to him by the said Commissioners, such Neglect shall be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act.

Provided always, and be it further Enacted, That no Person shall be capable of acting as Umpire in the Execution of this Act until he shall have taken and subscribed an Oath in the Words or to the Effect following; (that is to say)

Umpire to be
sworn before
he acts.

" I *A. B.* do swear, [*or, being one of the People called Quakers,* Oath.
"*do solemnly affirm*] That I will faithfully, impartially,
" and honestly, according to the best of my Skill and
" Ability, execute and perform the Power and Authority
" reposed in me as Umpire, by virtue of an Act, passed in
" the Forty-seventh Year of the Reign of King GEORGE
" the Third, intituled " An Act [*here insert the Title of*
" *this Act*]; according to Equity and good Conscience,
" and without Favour or Affection, Prejudice or Malice to
" any Person or Persons whomsoever.

" So help me GOD."

Which Oath or Affirmation it shall be lawful for either of the said Commissioners to administer (who is hereby required to administer the same) and such Oath or Affirmation, when so taken or subscribed by such Umpire, shall be annexed to and inrolled with the Award of the said Commissioners.

Appointment
of new Com-
missioners.

And be it further Enacted, That in case the said *Robert Weston* shall die, neglect, or refuse to act or become incapable of acting as a Commissioner as aforesaid, the major Part in Value of the said Proprietors or Persons interested in the said Division and Inclosure (except the said Dean and Canons of *Windfor*, and their Lessee or Lessees) shall and may, by any Writing under their Hands and Seals, within Fourteen Days next after such Death, Neglect, or Refusal, or Incapacity as aforesaid, nominate and appoint a proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the room of the said *Robert Weston*; and in case the said *John Davis* shall die, neglect, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this Act, the said Dean and Canons of *Windfor*, by any Writing under their Common Seal, and their Lessee or Lessees by any Writing under his, her, or their Hand and Seal or Hands and Seals, within the Time aforesaid, shall and may nominate and appoint a proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the room of the said *John Davis*; and in case of the Death of any Person so nominated and appointed a Commissioner in the room of any Commissioner who shall die, neglect, or refuse to act, or become incapable of acting as aforesaid, the said Person or Persons, or Proprietors respectively, by whom such Commissioner was appointed, shall in the like Manner appoint another Commissioner in his room, and so as often as any Vacancy shall happen by such Death, Neglect, Refusal or Incapacity as aforesaid; but if the said Dean and Canons of *Windfor*, or their Lessee or Lessees, or the said other Proprietors shall neglect to make such Appointment as aforesaid within the Time aforesaid, then and as often as the Case shall happen the surviving or remaining Commissioner shall within Fourteen Days after the Expiration of the Time hereinbefore allowed for appointing a Commissioner in case of any Vacancy, appoint another Commissioner in the room of each Commissioner so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and every such new Commissioner so to be nominated and appointed as before directed, shall from and immediately after their respective Appointments, and taking the Oath prescribed by the said recited Act, have such and the like Powers and Authorities for putting this Act in execution as if
he

he or they had been named and appointed a Commissioner or Commissioners in this Act.

And be it further Enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given in the Newspaper called *Jackson's Oxford Journal*, or in some other Newspaper published or circulated in the said County of *Oxford*, and also in Writing to be affixed on one of the principal Doors of the Parish Churches of *Deddington* and *Barford* aforesaid, of the Time and Place of their first and every other Meeting for the Execution of this Act, at least Ten Days before every such Meeting (Meetings by Adjournment only excepted); and that all Meetings of the said Commissioners shall be held within the Parish of *Deddington*, or within Eight Miles thereof, except in any Case where it may be necessary to hold the Meeting or Meetings at *Oxford*, upon an Appeal to the Quarter Sessions: Provided always, that if at any Meeting appointed to be holden as aforesaid only One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time and Place within Eight Miles of the Parish of *Deddington* as he shall think most convenient.

Commissioners to give Notice of their Meetings.

And be it further Enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners shall be so made and given either by Advertisement in the said Newspaper called *Jackson's Oxford Journal*, or in some other Newspaper circulated in the said County of *Oxford*, or by affixing the same on one of the principal Doors of the said several Parish Churches.

Other Notices, how to be given.

And be it further Enacted, That if any Dispute or Difference shall arise between the Parties interested in the said Division and Inclosure, touching or concerning the respective Shares, Rights, and Interests which they or any of them shall have or claim in the Lands and Grounds hereby intended to be divided, allotted, and inclosed, or touching or concerning the respective Shares and Proportions which they or any of them ought to have of or in the said intended Division and Inclosure, or touching or concerning the Admeasurement or Valuation of any Part of the Premises, or any other Matter or Thing relating to the said intended Division and Inclosure, it shall be lawful for the said Commissioners or the said Umpire, and they and he are and is hereby authorized to examine into, hear, and determine the same, and their Determination therein shall be binding and conclusive upon all Parties, save and except as hereinafter mentioned: Provided always, that nothing herein contained shall

Commissioners to settle Disputes.

shall authorize or empower the said Commissioners or Umpire to determine the Title to any Messuages, Cottages, Lands or Hereditaments whatsoever.

Power to assess Costs.

And be it further Enacted, That in case the said Commissioners or the said Umpire shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and the said Umpire, and they and he are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges, as they or he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners or Umpire shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners or the said Umpire, and they and he are and is hereby authorized and required by Warrant under their Hands and Seals, or 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 Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

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

Provided always, and be it further Enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure shall be dissatisfied with any Determination of the said Commissioners or the said Umpire touching or concerning any Claim or Claims of the Right of the Soil of the said Commons and Waste Grounds, or of any Rights of Common, or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall and may be lawful to and for the Person and Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners or the said Umpire, at the then next or at the following Assizes to be holden for the said County of *Oxford*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners, or the said Umpire, shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made,

made, within Two Calendar Months next after such Determination of the said Commissioners, or the said Umpire; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues, to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same) and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had thereon, which it shall be lawful for the Court to do, as is usual in other Cases, and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners, or the said Umpire shall, and they and he are and is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners, or the said Umpire, touching such Claim or Claims to such Common Rights, or other Rights or Interests in, over, or upon the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

Provided always, and be it Enacted, That no such Difference, Suit, Action, or Proceeding as aforesaid, nor any Difference, Suit, Action, or Proceeding, touching or concerning the Title to any Lands, Tenements, or Hereditaments, shall in any wise delay or impede the said Commissioners, or the said Umpire, in the Execution of the Powers vested in them or him by the said recited Act and this Act, but the Division and Inclosure hereby directed to be made shall be proceeded in notwithstanding such Differences, Suits, Actions, or Proceedings.

ACTIONS not
to impede
Proceedings
of Commis-
sioners.

And be it Enacted, That all such Parts of the said Open Field Lands hereby directed to be divided and inclosed, as shall by the said Commissioners be set out and allotted unto any of the Proprietors of *Deddington* aforesaid, for and in lieu of his or their Open Field Lands, Tythes, or other Estates within that Parish, shall, from and after the Execution of the Award of the said Com-

The allotted
Lands to be
in that Parish
to which the
Open Field
Lands before
belonged.

missioners hereinafter directed to be made, be for ever deemed and taken, to all Intents and Purposes, to be lying and being within the Parish of *Deddington* aforesaid; and that all such Parts of the said Open Field Lands hereby directed to be divided and inclosed as shall by the said Commissioners be set out and allotted unto any of the Proprietors of *Great Barford* aforesaid, for and in lieu of his or their Open Field Lands, Tythes, or other Estates lying within that Parish, shall from and after the Execution of the Award of the said Commissioners be for ever deemed and taken, to all Intents and Purposes, to be lying and being within the Parish of *Great Barford* aforesaid.

Power to
shorten
Boundary
Fences.

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

Commission-
ers to direct
the Course of
Husbandry.

And be it further Enacted, That the said Commissioners shall and they are hereby required, as soon after the passing this Act as they shall think necessary, by some Writing or Writings under their Hands, to be affixed on one of the principal Doors of the Churches of *Deddington* and *Barford* aforesaid, to order and direct the Course of Husbandry that shall be used in, over, and upon the said Open Fields and Waste Grounds hereby intended to be divided, allotted, and inclosed, until the Time when they shall have completed the
respective

respective Allotments thereof, as well with respect to the plowing, sowing, fallowing, tilling, and laying down thereof, as to the stocking and pasturage thereof; and by the same, or any other Writing or Writings under their Hands, to be affixed in Manner aforesaid, shall and may make such Orders, Rules, and Regulations as to them shall seem expedient, touching the Conduct of the Farmers and Occupiers within the said Parishes of *Deddington* and *Barford* for preventing them from plowing up or tilling any Meadow, Pasture, or fresh Ground, or committing any Waste or Destruction upon any Part of the said Lands or Grounds hereby intended to be divided, allotted, and inclosed, and in the mean Time, and until the setting out, assigning, and allotting thereof shall be completed as aforesaid; all which Rules, Orders, and Regulations of the said Commissioners shall be binding and conclusive upon all the said Farmers and Occupiers, and all other Persons interested therein; and the said Commissioners shall set and impose such Penalties and Forfeitures, not exceeding Twenty Pounds for each Offence, on every Person not conforming to such Rules, Orders, and Regulations as they shall think necessary, which Penalties and Forfeitures shall be paid to such Person or Persons, and for such Uses and Purposes, as the said Commissioners shall by any Writing or Writings under their Hands, or by their Award, direct or appoint; and the said Commissioners are hereby authorized and required, by Warrant or Warrants under their Hands directed to any Person or Persons whomsoever, to cause the same Penalties and Forfeitures to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels.

And be it further Enacted, That in case it shall appear to the said Commissioners that there are or is any public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, in, through, over, or on the Sides of any of the old inclosed Lands, or other Lands within the said Parishes of *Deddington* and *Barford*, or either of them, which may in the Judgment of the said Commissioners be diverted and turned, without Inconvenience to the Public, into any other public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, or be diverted or turned so as to make the same more convenient for the Public, or be stopped up and destroyed as superfluous and unnecessary, it shall be lawful for the said Commissioners, with the Concurrence and Order of Two Justices of the Peace acting in and for the Hundred or Division of the said County in which the said Parishes of *Deddington* and *Barford*, or either of them, is situated, subject to Appeal, as in this or the

Commissioners may alter Roads thro' ancient Inclosures.

said Act of the Forty-first Year of His present Majesty is mentioned, in and by their said Award to order and direct such public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, to be altered, turned, stopped up, or destroyed in such Manner as the said Commissioners shall think proper and reasonable, and in case such Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, so to be diverted, turned, stopped up, or destroyed, do not lead through any of such old inclosed Lands or other Lands, but on the Sides of the same, to sell and dispose of the Land and Soil of such Roads to the Person or Persons whose Lands lie contiguous thereto, and apply the Money arising thereby towards repairing the public Highways within the said Parish or Parishes, or either of them (as the Case may be).

Power to
Commission-
ers to enlarge
Water-
courses, &c.

And be it further Enacted, That the said Commissioners shall and may enlarge, widen, scour, and cleanse all or any of the ancient Reservoirs of Water, Brooks, Drains, Ditches, Watercourses, Tunnels, and Bridges, in the said Parishes of *Deddington* and *Barford*, and set out such new Ditches, Drains, Watercourses, Tunnels, Water-gates, Banks, and Bridges, as well in, through, and over the Lands and Grounds hereby directed to be divided and inclosed, as also in, over, and through any ancient Inclosures in the said Parishes, as to them shall seem proper and necessary, (they the said Commissioners making such Satisfaction to the Proprietors of such ancient Inclosures for the Damage done thereby as they in their Discretion shall think reasonable) of such Breadth and Depth, and in such Directions, as the said Commissioners shall think proper; and the said Commissioners shall and may and they are hereby directed in and by their said Award, to order by whom, and at whose Expence, and at what Time, and in what Manner the said Reservoirs, Brooks, Ditches, Drains, Watercourses, Tunnels, Water-gates, Banks, and Bridges, shall be made and hereafter repaired, cleansed, scoured, and maintained: Provided always, that no Stream or Brook of Water shall be diverted or turned, without the Consent in Writing of the Owner or Owners of the ancient Inclosures from which any such Stream or Brook shall be diverted, or into which any such Stream or Brook shall be turned.

Allotments
for Stone and
Gravel Pits.

And be it further Enacted, That the said Commissioners shall and they are hereby required, before any other Allotment or Allotments shall be made in pursuance of this Act, to set out and allot unto the respective Surveyors of the Highways of the several Parishes of *Deddington* and *Barford* aforesaid, and their respective Successors for the Time being, out of, from, and upon any of the Lands or Grounds by this Act intended to be divided, allotted, and inclosed, One or more Plot or Plots, Allotment or Allotments of Ground in each

each respective Parish, for the Purpose of getting Stone, Sand, Gravel, and other Materials for the Repairs of the several public and private Roads and Ways within the said Parishes of *Deddington* and *Barford* respectively, as they the said Commissioners shall think necessary and proper for that Purpose, which said Allotment or Allotments shall be fenced in and inclosed, and the Fences thereof for ever after maintained and supported in such Manner and by such Person or Persons in the respective Parishes as the said Commissioners shall order or direct, and which said Allotments respectively shall and may be annually set out at Rack Rent by the said Surveyors respectively (subject to such digging of Materials for the Reparation of the said Roads respectively) for the best Rents that can be gotten for the same, which said Rents shall be applied to the Repairs of the several Roads in each Parish respectively for ever.

And be it further Enacted, That after the several Roads and Ways, and the Plots or Allotments for Stone and Gravel Pits, shall have been set out and appointed, the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto and for the said Dean and Canons of *Windfor*, and their Lessees, such Plot or Plots of the Lands and Grounds hereby directed to be divided and inclosed, and lying within the Manor and Parish of *Deddington* aforesaid, as in the Judgment of the said Commissioners shall be a full Equivalent and Compensation (Quantity, Quality, and Situation considered) for the Glebe Lands and Right of Common belonging thereto.

Allotment to
the Impro-
priator of
Deddington
for Glebe.

And be it further Enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto and for the said Dean and Canons of *Windfor*, and their Successors, and their Lessees, for and in lieu of their Great and Small Tythes Yearly issuing, arising, or renewing out of such Parts of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste, and other Commonable Lands and Grounds hereby directed to be divided, which are subject and liable to the Payment of Tythes and for and in lieu of their several and respective Tythes Yearly issuing, arising, or renewing out of such of the Messuages, Tenements, Gardens, Orchards, and inclosed Meadows and Pastures, and other ancient Inclosures held in Severalty which are subject and liable to the Payment of Tythes (the Owners whereof have Lands or Common Right in the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste, and other Commonable Lands or Grounds sufficient for that Purpose) such Plot or Plots, Parcel or Parcels of the said Open and Common Fields

Allotment
in lieu of
Great and
Small Tythes
to the
Impropria-
tors of
Deddington.

hereby intended to be divided and inclosed, and lying within the said Manor and Parish of *Deddington* aforesaid, as (Quantity, Quality, and Situation considered) shall contain or be equal in Value to One-fifth Part of all the Residue of the said Arable Lands, and to One-ninth Part of all the Residue of the said Meadow and Pasture Ground within the said Manor and Parish of *Deddington* (except of the said Grounds called *The Fishers*), after deducting the Land or Ground set out for Roads, and the several other Allotments hereinbefore directed to be set out within the said Parish of *Deddington*.

Allotment to
the Vicar in
lieu of his
Tythes of the
Fishers.

And be it further Enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the said *John Faulkner*, and his Successors Vicars as aforesaid, for and in lieu of his Tythes of the said Grounds called *The Fishers*, such Plot or Parcel of the said Open and Common Fields hereby intended to be inclosed, and lying within the Parish of *Deddington* aforesaid, as shall be equal in Value to One-ninth Part of the said Grounds called *The Fishers*.

Allotment in
lieu of Great
and Small
Tythes of
Barford.

And be it further Enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto and for the said *Thomas Hall*, his Heirs and Assigns, Improprators as aforesaid, and the said *Samuel Parker* and his Successors, perpetual Curates of the Parish of *Barford* aforesaid, for and in lieu of their several and respective Great and Small Tythes Yearly issuing, arising, or renewing out of such Parts of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste, and other Commonable Lands and Grounds hereby directed to be divided and inclosed, situate and lying in the said Parish of *Barford* aforesaid, as are subject and liable thereto, and for and in lieu of the Tythes of all such Messuages, Tenements, Gardens, Orchards, and inclosed Meadows and Pastures, and other ancient Inclosures held in Severalty within the Parish of *Barford* aforesaid, as are subject and liable thereto, the Owners whereof have Lands or Common Right in the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste, and other Commonable Lands or Grounds sufficient for that Purpose, such Plot or Plots, Parcel or Parcels of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste, and other Commonable Lands or Grounds of and within the said Manor and Parish of *Barford* aforesaid, as (Quantity, Quality, and Situation considered) shall contain or be equal in Value to One-fifth Part of all the Arable Lands, and to One-ninth Part of all Meadow and Pasture Ground within the Parish of *Barford* aforesaid, after deducting the Land or Ground set out for Roads,
and

and the several other Allotments hereinbefore directed to be set out within the Parish of *Barford* aforesaid.

Provided always, and it is hereby Enacted, That when and as soon as conveniently may be after the said Plot or Plots, Allotment or Allotments, shall have been so made to the said *Thomas Hall*, his Heirs and Assigns, and also the said *Samuel Parker*, and his Successors Curates as aforesaid, for and in lieu of their several Great and Small Tythes respectively from and out of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste, and other Commonable Lands and Grounds, and the said Messuages, Tenements, Gardens, Orchards, and inclosed Meadows and Pastures, and other ancient Inclosures held in Severalty within the Manor and Parish of *Barford* aforesaid, they the said Commissioners shall and they are hereby required to subdivide, assign, and allot the said Plot or Plots, Allotment or Allotments last mentioned, unto and between the said *Thomas Hall*, his Heirs and Assigns, and the said *Samuel Parker* and his Successors, perpetual Curates as aforesaid, in proportion to their respective Rights and Interests in the Tythes in lieu whereof the said Plot or Plots, Allotment or Allotments, is or are hereby before directed to be awarded and made, and in proportion to the Value of such Great and Small Tythes respectively: Provided always, that nothing in this Act contained shall prejudice, lessen, or defeat the Right or Title of the said *John Faulkner*, or his Successors Vicars of *Deddington*, or the said *Samuel Parker*, or his Successors perpetual Curates of *Barford* aforesaid, to any Mortuaries, Easter Offerings, or Surplice Fees arising or becoming due to them, respectively in the Manors and Parishes of *Deddington* and *Barford* aforesaid, and the said Dean and Canons of *Windsor*, and their Successors, and their Lessees, and the said *Thomas Hall*, his Heirs, and Assigns, shall immediately after the making of the Allotments hereinbefore directed, be for ever exonerated and exempted from providing and keeping a Bull or Boar for the Use of the Inhabitants of the respective Parishes of *Deddington* and *Barford* aforesaid.

Subdivision
to be made
between Im-
propriator
and perpetual
Curate of
Barford.

Mortuaries
and Surplice
Fees not to
be affected by
this Act.

And be it further Enacted, That the said Commissioners shall and they are hereby authorized and required to set out and allot unto and for the Lord or Lords of each respective Manor, such Parts of the said Land and Ground hereby intended to be divided, allotted, and inclosed, as in the Judgment of the said Commissioners making the same shall be a reasonable Satisfaction and Compensation for their respective Rights of Soil which they as

Allotments
to the Lords
of the Manor.

Lords of the respective Manors aforesaid now have, or might or of Right ought to have had therein, in case this Act had not been made.

Compensation for Tythes of old Inclosures, Homesteads, &c.

And be it further Enacted, That in case any Owner or Proprietor of any Messuages, Mills, Tenements, Cottages, Orchards, Gardens, Woods, Coppices, Spinnies, or old Inclosures, within the Parishes of *Deddington* and *Barford* aforesaid, which are tythable as aforesaid, shall not have sufficient Lands or Common Rights in the said Lands and Grounds by this Act directed to be divided and inclosed, to contribute any or a full Proportion to the Allotment or Allotments to be made to the said Dean and Canons of *Windsor*, and their Lessees, the said *Thomas Hall*, his Heirs and Assigns, as Improprate Rector or Rectors, and the said *Samuel Parker*, and his Successors as perpetual Curates of *Barford* aforesaid respectively, for their or either of their Great or Small Tythes respectively as aforesaid, then and in every such Case the said Commissioners shall and they are hereby authorized and required, by and out of the Common or Waste Lands and Grounds hereby intended to be divided and inclosed as aforesaid, to allot and award unto the said Dean and Canons of *Windsor*, and their Lessees as Improprate Rector or Rectors as aforesaid, the said *Thomas Hall*, his Heirs, and Assigns, as Improprate Rector, and the said *Samuel Parker* and his Successors as perpetual Curates of *Barford* aforesaid respectively, such Compensation in Land for the Tythes, or for any Moduses in lieu of Tythes, for any Messuages, Mills, Tenements, Cottages, Gardens, Orchards, Woods, Coppices, Spinnies, or old Inclosures, within the Parishes of *Deddington* and *Barford* aforesaid, for which Compensation in Land cannot be made by the Owners thereof as aforesaid, as in the Judgment of the said Commissioners shall be a full Compensation for the Tythes, or Moduses in lieu of Tythes, issuing and payable out of and from the said last-mentioned Premises respectively; and that the Person or Persons whose Messuages, Tenements, Gardens, Orchards, and ancient Inclosures shall be exonerated and discharged from Tythes, or Moduses in lieu of Tythes, by such Compensation as last mentioned, shall pay or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum and Sums of Money as the said Commissioners shall deem and adjudge to be a full Recompense and Satisfaction for the Lands so furnished for the Tythes, or Moduses in lieu of Tythes, of the said Messuages, Mills, Cottages, Tenements, Orchards, Gardens, Woods, Coppices, Spinnies, or old Inclosures respectively last mentioned, which Sum or Sums of Money

Money shall be applied towards or in part Discharge of and Satisfaction for the Charges and Expences incident to and attending the passing and obtaining this Act, and of the Expences attending the Execution thereof; and in case any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be divided between the several Persons interested in the Lands and Grounds hereby intended to be divided, allotted, and inclosed, in such Shares as shall be in proportion to their respective Property and Interests, and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of such other Proprietors of and in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act, in those Cases where any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

And be it further Enacted, That the several Allotments hereinbefore directed to be set out for the said Dean and Canons of *Windfor*, and their Lessees, in lieu of their said Improprate Tythes, and of their said Glebe Land, and of such other Parcel of their open Field Land to be added thereto, as shall upon the Average be equal in Value to Two of their remaining Yard Lands; and the several Allotments hereinbefore directed to be made to the said *John Faulkner*, the said *Thomas Hall*, and the said *Samuel Parker*, for and in lieu of their several and respective Tythes, shall be inclosed and fenced in respectively, in such Manner as the said Commissioners shall direct; and such Parts of the Boundary Fences for inclosing the same as shall be directed to be made on the said Allotments respectively shall be planted with good White-thorn Quicksets, and when so planted shall be guarded on each Side thereof by good and substantial Posts and Rails, and in such Fences respectively there shall be a sufficient Number of good substantial Gates and Stiles, all which said Fences shall be planted, guarded, and protected, and the said Gates and Stiles made and erected in the Manner to be directed by the said Commissioners, and the same shall be maintained and supported for the Term of Seven Years next following, and until the same shall be good and substantial Fences, by and at the Expence of all or such of the Proprietors to whom the other Allotments of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Wasse, and other Commonable Lands and Grounds, shall

Glebe and
Tythe Allot-
ments to be
ring-fenced.

be set out or allotted, except such Proprietors whose Lands are free from Tythes, in respect of such Tythe-free Estates, in such Manner and in such Shares and Proportions as the said Commissioners shall by Writing under their Hands, or by their said Award, order and direct; and that from and after the said Term of Seven Years, or when the said Fences shall become good and substantial live Fences as aforesaid, such specific Parts thereof as shall respectively be ordered to be made upon the Allotments to the said Dean and Canons of *Windsor*, and their Lessees, for their said Tythe, Glebe, and other Lands as aforesaid, the said Vicar of *Deddington*, the said *Thomas Hall*, and the said perpetual Curate of *Barford*, in respect of their Tythes as aforesaid, shall for ever thereafter be maintained, supported, and kept in Repair by and at the Expence of the Owners of the said Allotments respectively for the Time being.

Allotments
of the Residue
of the Open
Fields.

And be it further Enacted, That after the several Divisions and Allotments hereinbefore directed to be made shall have been allotted and set out in the Manner hereinbefore directed, the said Commissioners shall set out and allot the Residue and Remainder of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste, and other Commonable Lands and Grounds hereby directed to be divided and inclosed, unto and amongst the several Proprietors thereof and Persons interested therein, in such Quantities, Shares, and Proportions, and in such Manner as by the Commissioners shall be adjudged and determined to be a just and full Compensation and Satisfaction for, and equal to, their several and respective Rights and Interests therein; 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 Commissioners shall in and by their Award order and direct.

Openings to
be left, &c.

And be it further Enacted, That convenient Gaps and Openings shall be left in the said Fences and Inclosures for the Space of Six Calendar Months next ensuing the Execution of the said Award, for the Passage of Persons, Cattle, Carts, and Carriages in, by, and through the same, unless the said Commissioners shall order and direct the contrary, and then for such Time only as they shall order and direct; and that all and every of the Ditches of the Boundary Fences of each and every Allotment shall be Four Feet wide, and Two Feet deep upon the level Surface of the Ground.

And

And be it further Enacted, That if any Person or Persons shall depasture or keep any Sheep or Lambs, in any Part or Parcel of the said Open and Common Fields, Common Meadows, Common Pastures, Commons, Waste, and other Commonable Lands and Grounds hereby intended to be divided, allotted, and inclosed during the space or Time of Five Years from the Execution of the Award of the said Commissioners, unless the Persons respectively so depasturing or keeping such Sheep or Lambs, do at their own Expence effectually guard and fence all and every the Quicksets growing upon the respective Lands where such Sheep or Lambs shall be so depastured or kept, or upon the Lands adjoining thereto, and so as to prevent any Damage or Injury being done to such Fences or Quicksets by such Sheep or Lambs; and if any Person or Persons shall at any Time within the space of Eight Years next after the passing of this Act turn or put or cause to be turned or put any Cattle in any of the Ways or Lanes within the said Parishes of *Deddington* or *Barford* aforesaid, where the Fences shall be guarded on each Side thereof according to the Directions of the said Commissioners, it shall be lawful for any Person whomsoever to make Complaint thereof upon Oath, or, being one of the People called Quakers, upon solemn Affirmation before one of His Majesty's Justices of the Peace in and for the County of *Oxford* (not interested in the Matter in question) who is hereby authorized and empowered to administer such Oath or Affirmation, and to hear and determine the Matter of such Complaint in a summary way, and for that Purpose to summon the Party or Parties accused, and the Witnesses on both Sides to appear before him, and upon the Appearance of the Party or Parties accused, or upon his, her, or their Neglect or Refusal to appear, to examine the Party complaining, and the Witnesses (if any) upon Oath or Affirmation, and thereupon give Judgment, and to condemn the Party or Parties accused in such Penalty or Penalties, not exceeding at one Time the Sum of Five Pounds, as such Justice shall think just and reasonable, and such Justice is hereby also empowered by Warrant under his Hand and Seal to cause the said Penalty or Penalties to be levied by Distress and Sale of the Goods and Chattels of the Party so accused and condemned, and to be paid to the said Party complaining, or such other Person or Persons as such Justice shall direct.

Penalty for
depasturing
Sheep or
Lambs.

And be it further Enacted, That the several Lands and Grounds so to be allotted and awarded upon the said Division and Inclosure to the several Persons concerned, and the several Messuages, Lands, Tenements, old Inclosures, new Allotments, and other Hereditaments, which shall be exchanged in pursuance of this or the said

New Estates
to remain to
the same Uses
as former
Estates.

recited Act, shall immediately after such Allotments and Exchanges are made as aforesaid, be, remain, and enure, and the several Persons to whom the same shall be respectively allotted or given in exchange as aforesaid, shall from thenceforth stand and be seized and possessed thereof to such and the same Uses, Estates, Trusts, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases (except Leases at Rack Rent) Charges, and Incumbrances, as the several and respective Messuages, Lands, Tenements, old Inclosures, new Allotments, or other Hereditaments, in lieu of which such Allotments or exchanged Premises shall be respectively made or taken as aforesaid are now held under or subject to, or liable to be charged with, or affected by, or might or would have been held under or subject to, or liable to have been charged with, or affected by, in case the said recited Act and this Act had not been made.

Leases at
Rack Rent
to be void.

And be it further Enacted, That all and every Lease and Leases at Rack Rent subsisting of all or any Part of the Lands and Grounds to be divided and inclosed or exchanged by virtue of this Act, or of the Tythes thereof, or of any Part thereof, either alone or jointly with any other Tenements, Tythes, or Hereditaments, and all Agreements for any Term or Time therein, as to the Whole of the Tenements comprised in such Lease or Leases, or Agreements, shall, on such Day as the said Commissioners shall by Writing under their Hands for that Purpose limit or appoint, cease, determine, and be utterly void, the respective Lessees or Tenants thereof receiving from the respective Landlords, Owners, or Proprietors of the same Premises such Satisfaction as the said Commissioners shall, by any Writing under their Hands, ascertain, order, and direct as reasonable to be paid to such Lessees or Tenants on account thereof, and such Lessees or Tenants respectively, paying to the respective Landlords, Owners, and Proprietors of the same Premises, such Rents or Sums of Money up to the Time of vacating such Leases or Agreements for the Use and Occupation thereof, as the said Commissioners shall in like Manner ascertain, order, and direct as reasonable and proper in that Behalf.

Fencing
across Free
Boards.

And be it further Enacted, That when any Parcel of the Lands so to be allotted as aforesaid, shall abut or adjoin upon any free Board belonging to any Common Fields or Inclosed Lands next adjoining the Lands and Grounds hereby intended to be inclosed, the Person or Persons to whom such Parcels of Land shall be allotted, shall and may, and is and are hereby empowered to set up and erect Gates, or any other Kind of Fences, having a Gate therein,

therein, sufficient to admit a Carriage in, over, and upon such Free Boards, until such Time as the Owner or Owners of such Free Boards shall have sufficiently, at his, her, or their own Expence, ditched, fenced, and mounded out the same Free Boards from the same Parcels of Land adjoining thereto, except where such Free Board shall be Part of a public Road necessary to be continued, and then such Free Board shall remain as Part of such Road.

And be it further Enacted, That it shall and may be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, Rents, Tythes, and Hereditaments whatsoever, within the Parishes of *Deddington* and *Barford* aforesaid, in lieu of and in exchange for any other Lands, Tenements, Rents, Tythes, or Hereditaments whatsoever, within the Parishes of *Deddington* and *Barford* aforesaid, or either of them, or within any Parish or Place adjoining the same; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners of the Lands, Tenements, Rents, Tythes, or Hereditaments, which shall be so exchanged, whether such Owner or Owners shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or in Fee Tail General or Special, or for Life, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees, for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively, and all and every Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; provided nevertheless, that no Exchanges shall be made of any Lands, Tenements, Rents, Tythes or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consents, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments, so to be exchanged shall be situate, or any Tenant for Life, held by Copy of Court Roll under any or either of the said Lords of the Manor of *Deddington*,

For making
Exchanges.

without the Consent of such Lord or Lords respectively first had and obtained in Writing.

And be it further Enacted, That all the Costs, Charges, and Expences, attending the making of any Exchange or Partition to be made by virtue of this Act or the said recited Act, shall be paid, borne, and defrayed by the several Persons making such Exchange and Partition, in such Shares and Proportions, and at such Time, and to such Person or Persons, as the said Commissioners shall by any Writing under their Hands direct or appoint.

Power for
perpetual
Curate of
Barford and
others to
borrow
Money.

AND whereas the said *Samuel Parker*, and his Successors, perpetual Curates of *Barford* aforesaid, the Reverend *James Burton*, Doctor of Divinity, perpetual Curate of *Nether Worton*, in the said County of *Oxford*; the Reverend *Samuel Cooke*, Rector of *Cottisford*, the Reverend *William Thorp*, Vicar of *Sandford*, in the said County of *Oxford*; and the Reverend *George Bell*, Vicar of *Bloxham*, in the said County of *Oxford*, may have Occasion to borrow Money for the Purpose of defraying their respective Shares of the Expences of obtaining and executing this Act, making boundary and interior Fences, and erecting Buildings, or making other Improvements on the Lands to be allotted to them in Right of their respective Benefices; BE it therefore Enacted, That it shall and may be lawful to and for the said *Samuel Parker*, *James Burton*, *Samuel Cooke*, *William Thorp*, and *George Bell*, respectively, or their respective Successors, by and with the Consent of the respective Patrons of the said Benefices, and the Bishop of the Diocese, to borrow upon and charge all or any Part of the Lands which shall be assigned or allotted to them respectively as aforesaid, with any Sum or Sums of Money not exceeding Five Pounds for every Acre of such Lands, which Money so to be borrowed shall be paid to such Person or Persons as the said respective Patrons, and the Bishop of the Diocese as aforesaid shall nominate and appoint, and shall be applied to the aforesaid Purposes only; and for securing the Re-payment thereof with Interest, to grant, mortgage, or demise the said Lands and Grounds so to be assigned or allotted, unto such Person or Persons who shall advance and lend the said Monies, and to his, her, or their Executors, Administrators, or Assigns respectively, so that the same Grant or Grants, Demise or Demises, be made with a Proviso to be void, or with an express Trust or Condition to be surrendered when such Sum or Sums of Money thereby to be secured as aforesaid, with the Interest thereof, shall be fully paid and satisfied; and so as in every such Grant or Grants, Demise or Demises,

Demises, there be also contained a Covenant or Condition that the said *Samuel Parker*, *James Burton*, *Samuel Cooke*, *William Thorp*, and *George Bell* respectively, and their respective Successors, shall at the End of every Year after the Commencement of the said Term or Terms of Years, pay to the Person or Persons to whom such Grant or Grants, Demise or Demises shall be made, his, her, or their Executors, Administrators, or Assigns, One Twentieth Part of the Principal Money so to be borrowed for the Purposes aforesaid, until the Whole thereof shall be paid off and discharged, and also pay and keep down the Interest of the said Money so to be borrowed so that no future Rector, Vicar, or perpetual Curate, becoming possessed of such Lands respectively, shall be subject or liable to pay any further or larger Share of such Money than his Proportion thereof, according to such last-mentioned Condition, or any Interest for the same, save only Six Months previous to the Day of the Death, Resignation, or Cession of the Predecessor of such future Rectors, Vicars, or perpetual Curates respectively.

And be it further Enacted, That all the reasonable Costs, Charges, and Expences of the said Commissioners, and the said Umpire, and the Clerk to be appointed by them, and of obtaining and passing this Act, of valuing, surveying, planning, admeasuring, dividing, and allotting the said Lands and Grounds hereby intended to be divided and inclosed, and of valuing, surveying, planning, and admeasuring the said old Inclosures, and other Premises aforesaid, and of preparing, and inrolling the said Award, and also the Charges and Expences of inclosing and fencing the said Glebe and other Lands, to be added thereto as aforesaid, and the several and respective Allotments for Tythes, and all other Charges and Expences in and about carrying this Act into execution, shall be paid, borne, and defrayed, by the several Owners and Proprietors of and Persons interested in the said Lands and Grounds to be divided and inclosed, and old Inclosures exonerated from Tythes by virtue of this Act, as well Copyholders for Life or Lives as Leaseholders under beneficial Leases, which are not to be made void by this Act (other than and except the said Dean and Canons of *Windsor*, and their Lessees, in respect of their Glebe and other their Lands to be added thereto as aforesaid, and Tythes the said Vicar of *Dedding-ton*, the said *Thomas Hall*, and the said perpetual Curate of *Barford* aforesaid, in respect to their several and respective Tythes, the said several and respective Lords of the said Manors in respect to their several and respective Lands granted out upon Lives by Copy of Court Rolls, the said Dean and Chapter of *Christ Church*, the said Dean and Canons of *Windsor*, the said President and Scholars

Allowance
to Commis-
sioners and
Clerk, and
Expences of
this Act.

of *Saint Mary Magdalen College*, the said Principal and Scholars of *Brazen Nose College*, in respect to their several and respective Estates granted out upon beneficial Leases to their several and respective Lessees also save and except such Proprietors who may have Allotments in lieu of their Tythe-free Lands, so far as they would have been liable under the foregoing Provisions of this Act, to the Charges and Expences of exonerating their said Lands from Tythes, had they been liable thereto) in such Shares and Proportions, at such Time or Times, and to such Person or Persons, as the said Commissioners shall, either before or after the Execution of the said Award, by any Writing under their Hands, order, direct, and appoint, and the same shall be recoverable and recovered according to and under Direction of the said recited Act.

Copyholders
and Lessees
to bear the
Expences of
the Act in
respect of
their Copy-
holds and
Leaseholds.

Copyholders
and Lessees
restrained
from borrow-
ing Money.

Power to
Copyholders
to borrow
Money.

And be it further Enacted, That the several and respective Copyholders for Lives under the said several before-mentioned Manors, and also the Lessees of the said Dean and Chapter of *Christ Church*, of the said Dean and Canons of *Windsor*, of the said President and Scholars of *Magdalen College*, and of the said Principal and Scholars of *Brazen Nose College*, shall and they are hereby required to bear, pay, and discharge all the Costs, Charges, and Expences to be incurred in obtaining, passing, and executing this Act, which shall be payable in respect of the Lands and Grounds, Right of Common, and other Hereditaments to be allotted to such Copyholders and Lessees respectively as aforesaid; and also to make and maintain not only all such Boundary Fences as shall be directed by the said Commissioners, but also all such interior Fences as shall be necessary and proper for subdividing their several Allotments: Provided always, and it is hereby declared, that it shall not be lawful for any of such Copyholders and Lessees respectively, nor for the before named perpetual Curate of *Nether Worton*, nor the several before-named Rector and Vicars of *Cottisford*, *Sandford*, and *Bloxham* respectively, to charge and they are hereby restrained and prevented from charging their said several Allotments, or any Part or Parts thereof, with any Sum or Sums of Money whatsoever, for the Purpose of paying and defraying of any such Costs, Charges, and Expences aforesaid, under and by virtue of the said recited Act of the Forty-first Year of His present Majesty.

AND whereas the several Copyhold Tenants of the said *William Ralph Cartwright*, of the said Dean and Chapter of *Christ Church* and their Lessees, and of the said Dean and Canons of *Windsor* and their Lessees, may have Occasion to borrow Money for the Purposes of paying and defraying their respective Shares and Proportions of

of the Charges and Expences incident to and attending the obtaining this Act and carrying the same into execution, and of making and maintaining boundary and subdivision Fences on the Lands to be allotted to them in lieu of their several Copyhold Lands and Rights; BE it therefore Enacted, That it shall and may be lawful to and for all and every or any of such Copyhold Tenants, from Time to Time, to borrow upon and charge the Lands and Grounds which shall be set out and allotted to him, her, and them respectively, in lieu of Copyhold Lands, by virtue of this Act, with such Sum or Sums of Money as the said Commissioners shall judge necessary for the Purposes aforesaid, so that the same shall not exceed the Sum of Five Pounds for each Acre thereof; and for securing the Re-payment of such Money, with Interest for the same, to mortgage, surrender, or otherwise subject the Lands so to be charged to such Person or Persons as shall advance and lend the same respectively, his, her, or their Heirs, Executors, Administrators or Assigns, for any Term or Number of Years not exceeding Five hundred Years, so that every such Mortgage or Surrender be made with a Proviso to cease and be void, or with an express Condition to be surrendered when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and so that every such Mortgage or Surrender be made with a Covenant or Condition that such Copyhold Tenant shall at the End of every Year, after the making of such Mortgage or Surrender, pay to the Person or Persons to whom such Mortgage or Surrender shall be made, his, her, or their Executors, Administrators, or Assigns, One Twentieth Part of the principal Money so to be borrowed for the Purposes aforesaid, until the Whole thereof shall be paid off and discharged, and also pay and keep down the Interest of the said Money, so to be borrowed, by Quarterly Payments, so that no Person or Persons afterwards becoming possessed of such Copyhold Lands shall be subject or liable to pay any further or larger Share of such principal Money than his or her Proportion thereof according to such last-mentioned Condition, nor any further or larger Arrear of Interest than for Three Calendar Months next preceding the Time when the Title to such Possession shall have commenced.

And whereas divers Estates in the said several beforementioned Manors are held by Copies of Court Roll for Two Lives, and a Widow's Estate, and according to the Custom of the said Manors the Executor or Administrator of any Copyholder or Widow dying seised is entitled to a certain Right or Interest therein called the Dead's Year, but such Right or Interest is varied in its beneficial

As to ascer-
taining a cer-
tain Interest
in the Copy-
hold Estates
called the
Dead's Year.

Consequences by the Part of the Year in which such Death may happen (that is to say) if the Copyholder die before *Saint Mathias* Day, old Style, or upon that Day before Twelve of the Clock, the next Tenant in the Copy enters immediately upon that Quarter of the Open Fields which is in turn to be sown with Peas, upon the Lot Meadow, Fallow Field, and Sheep Commons, and upon all the Remainder of the said Estate at *Michaelmas* next following; but if the Copyholder die after Twelve of the Clock on said *Saint Mathias* Day, then the Executor or Administrator is to hold all the Estate, and to receive all the Profits thereof until *Saint Mathias* Day next following; and when the next Tenant in the Copy enters upon that Quarter of the said Open Field which is to be sown with Peas, the Lot Meadow, Fallow Field, and Sheep Commons as before mentioned, and the Residue of the Estate, the Executor or Administrator holds and enjoys till the *Michaelmas* then next ensuing: And whereas the Mode of Occupation will be entirely altered and changed by the Division and Inclosure of the said Open and Common Fields, so that it will be impossible that the said Right or Interest of such Executor or Administrator can be enjoyed in the Manner and Form aforesaid; BE it therefore Enacted, That the said Commissioners shall and they are hereby authorized and required to ascertain and determine, and by their Award to direct what Share and Proportion of the Occupation and of the Rents and Profits of all such Copyhold Lands respectively shall be had, paid to or received by the respective Executors or Administrators of every Copyholder so dying as aforesaid, and the Person next entitled, having due Regard to the Time of the Death of every such Copyholder, and the Custom of the said several Manors as before mentioned, which said Award, and the several Orders, Directions, and Determinations therein contained respecting the beneficial Interest of the said Executors and Administrators, and the Person next entitled, under the said Custom, shall be binding and conclusive between all Parties interested therein: Provided always, that if all or any such Rents or Profits, or any Apportionments thereof, shall be in Arrear and unpaid for the space of Twenty Days next after the same shall have become due and payable, Demand thereof being first made, then and in every such Case the same shall and may be recovered by the Person or Persons entitled thereto, under such and the like Powers and Remedies as by Law are provided and given to Landlords for Recovery of Rack Rent in Arrear.

Proprietors
or other Per-
sons advanc-
ing Money
to be repaid
with Interest.

And be it further Enacted, That if any of the Proprietors aforesaid, or any other Person, shall advance and lend any Money for defraying the Expences of applying for and obtaining this Act, or carrying

carrying the same into execution, every such Person shall be repaid such Money with lawful Interest for the same out of the Money which shall be raised by virtue of this Act.

And be it further Enacted, That Once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them referred to and laid before *Oldfield Bowles*, of *North Aston*, in the said County of *Oxford*, Esquire, to be by him examined and balanced, and such Balance shall be by such Referee stated in a Book of Accounts to be kept at the Office of the Clerk of the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by the said Referee.

Commissioners to lay their Accounts before a Referee.

Provided always, and be it further Enacted, That in case the said *Oldfield Bowles* shall die, or refuse to act as a Referee as aforesaid, before the Matters and Things to be done by virtue of this Act shall be entered upon, or fully performed and finished, it shall be lawful for the Proprietors of the major Part in Value of the Lands and Grounds hereby intended to be divided and inclosed, assembled at a Meeting specially convened for that Purpose, by Notice to be affixed on one of the principal Doors of the said Parish Churches of *Deddington* and *Barford* aforesaid, Fourteen Days at the least before the Time appointed for holding such Meeting, by Writing under their Hands, to appoint some other fit and proper Person not interested in the said Division and Inclosure, to be a Referee in the place and stead of the said *Oldfield Bowles*, and so as often as for the Reasons aforesaid, or any other Cause, as Occasion may require, and the Person or Persons so to be from Time to Time nominated and appointed as Referee or Referees, shall have the like Power and Authority for executing the Purposes aforesaid: Provided always, that the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act.

In case of the Death of Mr. Bowles, another Referee to be appointed.

Proprietors and Agents to pay their own Expences.

And be it further Enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said

Award to be deposited.

recited

recited Act, shall be deposited and kept in the Parish Church of *Deddington* aforesaid, and that a Copy of the said Award, so far as the same relates to the said Parish of *Barford*, shall be examined and signed by the said Commissioners, and deposited and kept in the Parish Church of *Barford* aforesaid.

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

And be it further Enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, then and in every such Case (except where the Orders, Determinations, and Proceedings of the said Commissioners or the said Umpire are by this or the said recited Act declared to be binding, final, and conclusive, and except in such Cases where an Issue at Law shall be tried as is hereinbefore mentioned) he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be held in and for the said County of *Oxford*, within Three Calendar Months next after the Cause of Complaint shall have arisen; and the Justices at such General Quarter Sessions are hereby authorized and required to hear and determine the Matter of such Appeal, and to make such Order therein, and award such Costs, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Saving
Rights to the
Lords of the
Manors, &c.

And be it further Enacted, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said *William Ralph Cartwright*, the said Dean and Chapter of *Christ Church*, or their Lessees, or the said Dean and Canons of *Windsor*, or their Lessees, or of any or either of them, or of any other Person or Persons, who shall respectively for the Time being be Lord or Lords, Lady or Ladies of any Manor or Manors, Lordship or Lordships, or reputed Manors or Lordships, within the Jurisdiction or Limits whereof the said Open and Common Fields, Meadows, Pastures, and Waste Lands hereby directed to be divided and inclosed, or any Part thereof respectively are comprised, of, in, or to the Seignior or Royalties incident and belonging to such Manors or Lordships, or any of them respectively; but

but that such Lord or Lords, Lady or Ladies for the Time being, shall and may at all Times hereafter hold and enjoy the same, and all Rights and Services, Courts, Perquisites, and Profits of Courts, Franchises, Privileges, Waifs, Estrays, and all other Royalties, Rights, and Appurtenances to such Manors or Lordships respectively incident or belonging (other than those which are intended to be barred and destroyed by this Act) in as full, ample, extensive, and beneficial Manner as they respectively could or might have held and enjoyed the same in case this Act had not been made.

Saving always to the KING's Most Excellent MAJESTY, General
His Heirs and Successors, and to all and every Person and Saving.
Persons, Bodies Politic and Corporate, his, her, or their Heirs, Successors, Executors, and Administrators, (other than and except the respective Persons to whom any Allotment or Allotments, or any Compensation or Satisfaction in lieu of Tythes, shall be made or given, or taken in Exchange by virtue of this or the said recited Act, in respect of the Interest or Property for which such Allotment or Allotments, or Compensation shall be made,) All such Estates and Interests as they, every, or any of them, had or enjoyed in, to, or in respect of the said Open and Common Fields, Meadows, Pastures, and Waste Lands before the passing of this Act, or would or ought to have had or enjoyed in case the same had not been made; but no such Person or Persons, Bodies Politic or Corporate, his, her, or their Heirs, Executors, Administrators, or Successors, shall have Power to defeat the End and Design of this Act, by avoiding, impeaching, or in any way destroying any of the several Divisions and Allotments so to be made as aforesaid, but shall accept the same in lieu of all such Lands, Grounds, Common Rights, Tythes, and Interests, as he, she, or they have therein, or would have been entitled to in case this Act had not been made.

AN
A C T

For inclosing Lands in the Manors and
Parishes of *Deddington* and *Great Barford*,
otherwise *Barford Saint Michael*, in the
County of *Oxford*.

47 GEO. III.
1807.
