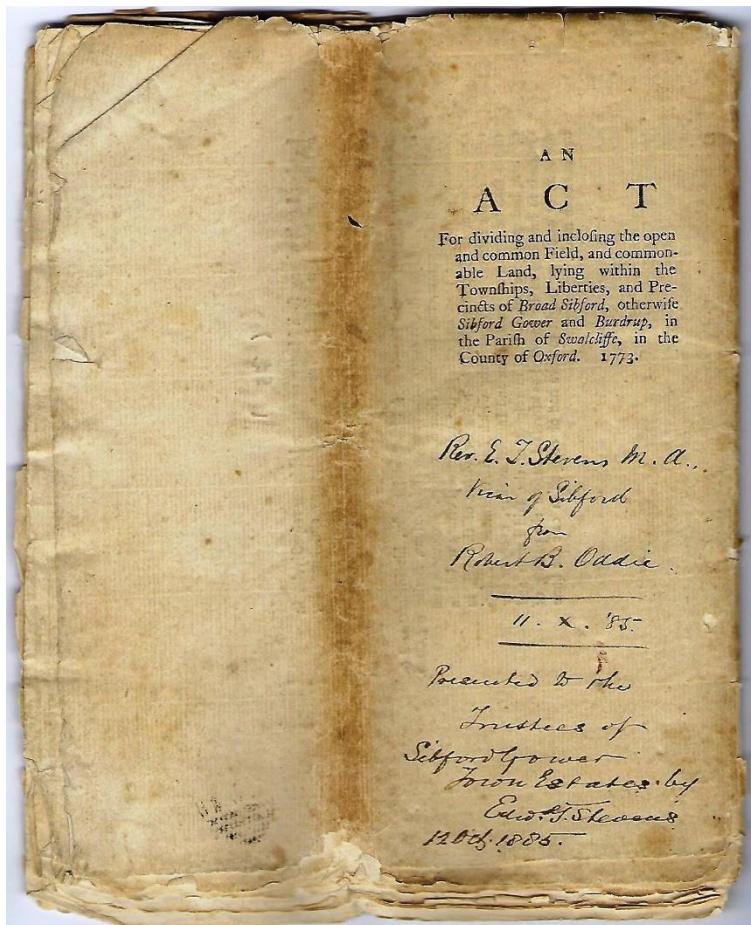


The following document was given to the Sibford Historical Society by Margaret Leyland, a distant relative to Oliver Hooper, headmaster of Sibford Gower Endowed Primary School from 1912 to 1932. Among his papers relating to his time in Sibford was this copy of the Enclosure Act of 1773 for Broad Sibford, otherwise known as Sibford Gower and Burdrop.

Reverend Edward T Stevens, (Vicar of Holy Trinity Church, Sibford Gower, 1874- 1898) received the document on 11 October 1885, from Robert B Oddie, headmaster of Sibford School 1880 to 1904, and presented it to the Trustees of Sibford Gower Town Estates Charity on 12 October 1885.

(the text has been transcribed using the original language and spelling used in the document)



An Act for Dividing and Inclosing the Open Common Field, and Commonable Land lying within the Townships, Liberties and Precincts of Broad Sibford, otherwise Sibford Gower and Burdrop, in the Parish of Swalcliffe, in the County of Oxford.

Here as there are in the Townships, Liberties and Precincts of Broad Sibford, otherwise Sibford Gower, and Burdrop, in the Parish of Swalcliffe, in the County of Oxford, certain commonable Lands, and one large, open and common Field, called Broad Sibford Field, consisting of Eighty Yard Lands, or thereabouts, and containing together in the whole two thousand Acres, or thereabouts.

And, whereas the Warden and Scholars of Saint Mary Winton College of Oxford, commonly called New College, are seized of the Rectory impropriate of Swalcliffe aforesaid, and as such, intitled to certain Glebe Lands, or Parcels of Meadow, or Greensword Ground, within the said open and common Field and commonable Land, and to all Tithes and other Rights and Profits of the said Rectory, arising, increasing or happening within the said Townships, Liberties and Precincts of Broad Sibford, otherwise Sibford Gower and Burdrop, in the Parish of Swalcliffe, which are now held by Mary Leggin, Widow, by virtue of and under a Lease

made by the said Warden and Scholars, and are also seized of and intitled unto the perpetual Advowson, Right of Patronage and Presentation of and to the Vicarage and Church of Swalcliffe, aforesaid, is intitled to a certain Modus or customary Payment in lieu of vicarial Tithes, and Ecclesiastical Rights arising, renewing, increasing or happening within the said Townships, Liberties and Precincts of Broad Sibford, otherwise Sibford Gower, and Burdrup, aforesaid.

And whereas the Dean and Chapter of Christ Church College in Oxford, Thomas Walford, Esq Ann Tredwell, Widow, William Hopkins the Elder, John Hopkins, William Hopkins the Younger, Thomas Gilkes, Nebemiah Gilkes, John Strong, Butler and others, are seized and possessed of, and are the Owners of all the remaining Part of the said open and common Field, and commonable Land within the said Townships, Liberties and Precincts of Broad Sibford, otherwise Sibford Gower, and Burdrup aforesaid; and the said several Owners, of some of them, in respect of the said several Lands, are intitled to and do enjoy Common of Pasture for the Cattle in, over, and upon all the said common Field, and commonable Land, of some Part thereof, at said Times of the Year and in certain Proportions.

And whereas the Land and Ground before described are inconveniently situated with respect to the several Houses of the Proprietors thereof in Broad Sibford, otherwise Sibford Gower and Burdrup aforesaid, and in their present Situation incapable of Improvement, and the said Proprietors are desirous that the same Land and Grounds may be allotted and assigned unto and amongst them in severalty, in lieu of and in Proportion to the several Lands, Tithes, Common Rights and interests therein.

But, although such Division and Inclosure will tend greatly to the Advantage of the Parties concerned, and be a great Improvement of their respective Properties in the said Land and Grounds, yet, as the same cannot be effectually made and established without the Aid and Authority of Parliament.

May it therefore please your Excellent 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 Francis Barton of Aynho, in the County of Northampton, Esquire, Henry Jephcott of Kislingbury, in the said county of Northampton, Clerk Thomas Basely of Priors Marston in the County of Warwick, John Mitchell of South Weston, in the County of Oxford, John Watts of Soulgrave, in the said County of Northampton, and John Baker of Weston, in the said County of Warwick, Gentlemen, shall be, and they are hereby appointed Commissioners for dividing, allotting and inclosing the said open common Field and commonable Land, and for putting this Act in Execution and that the said Commissioners and their Successors, or any four of them, shall and may allot and divide the said open and common Field and commonable Land to and amongst the Proprietors of the said common Field and commonable Land, Tithes, and common Rights in a due and fair Proportion, as near as may be, Quantity, Quality and Convenience considered, and according to their respective Rights and Interests therein, but subject nevertheless to the Rules, Orders and Directions herein after contained: And the

same being so divided and allotted, shall, by the respective Proprietors thereof, be inclosed on or before the Twenty-fifth Day of March which will be in the year of our Lord One thousand seven hundred and seventy-four or as soon after as it may be conveniently done, in the Manner by this Act directed.

And be it further enacted, by the Authority of the aforesaid, That no Person shall be capable of acting as the Commissioner in the Execution of the Powers given by this Act (unless it be the Power hereby given of administering the Oath herein after mentioned, or of giving Notice of the first Meeting) until he shall have taken and subscribed an Oath to the following Effect.

"I A. B. do swear, that I will impartially and honestly, according to the best of my Skill and Judgement, execute the Trust reposed in me as a Commissioner, by Virtue "of an Act of Parliament for dividing and enclosing the open and common Field, and "commonable Land, lying within the Townships, Liberties, and Precincts of Broad Sibford, otherwise Sibford Gower and Burdrop, in the Parish of Swalcliffe, in the "County of Oxford. So help me God."

Which Oath, it shall and may be lawful for either of the said Commissioners to administer, and he is hereby required to administer the same to the other Commissioners, and the said Oath, so taken and subscribed, shall be inrolled with the Clerk of the Peace for the said County of Oxford, or in one of his Majesty's Courts of Record at Westminster, at the same Time as the Award or Instrument of Division hereby directed to be made and executed by the said Commissioners is in and by this Act directed to be inrolled.

And for the more just and regular division and distribution of the open and common Field and commonable Land, so to be divided as aforesaid, and for the better ascertaining the same, it is hereby further enacted and declared, by the Authority aforesaid, That all the open and common Field, and commonable Land, lying within the Townships, Liberties and Precincts of Broad Sibford, otherwise Sibford Gower and Burdrop aforesaid, hereby intended to be inclosed, shall be qualitied by the Person or Persons as the said Commissioners and their Successors or any four of them shall nominate and appoint for that Purpose, and such Quality shall be reduced into Writing, and may be inspected by any of the Proprietors of the said open and common Field, and commonable Land; and any such Proprietors shall be intitled to a Copy thereof, paying for the same at such Rate as the said Commissioners or any four of them shall order and direct. And if any of the said Proprietors shall be dissatisfied with the Quality of any Part or Parts thereof, the same shall be settled, adjusted and determined by the said Commissioners or any four of them; and that a Survey shall be made of all the said open and common Field, and commonable Land, so intended some time before the first Day of August One thousand seven hundred and seventy-three or so soon after as conveniently may be, by such Person or Persons as shall be nominated and appointed for that Purpose by the said Commissioners or their Successors or any four of them, and that such a Survey and Admeasurement, shall be reduced into Writing, and the Number of Acres, Roods, and Perches belonging to each Proprietor shall be therein set forth, ascertained and declared to each Proprietor shall be laid before the said Commissioner or any four of them , at some or one of their Meetings to be held in pursuance of this Act: and the said Quality and Survey shall be verified on the Oath of the said Quality men and Surveyors respectively, and their respective Assistants in making the

said Quality and Survey, which Oath of the said Commissioners and their Successors, or any four of them, are hereby impowered to administer.

And it be further enacted, That if any Dispute or Difference shall arise between the Parties interested in the said Division or Inclosure, touching the Shares or Proportions which they or any of them ought to have in lieu of their Lands or other Rights in the intended Inclosure: It shall and may be lawful for the said Commissioners or any four of more of them, and they are hereby required to hear and determine the same, and their Determination shall be final and conclusive; Provided always, that nothing herein contained shall authorize the said Commissioners to hear or determine any Differences or Disputes which may arise touching the Right or Title to the Lands or other Rights that may be claimed in the said open and common Fields, and commonable Land, for which the Parties may commence and prosecute such Suits or Remedies as they shall impede or delay the Commissioners in the Execution of the Power vested in them by this Act, and that the Division and Inclosure shall be proceeded in notwithstanding such Differences or Suits.

And it is hereby further enacted, That the said Commissioners and their Successors, or any four of them do, and shall allot, assign and appoint unto, and for the said Warden and Scholar, and their Successors, or to their Lessees, or under Tenants out of the said open and common Field, and commonable Land, hereby inclosed in lieu of their Glebe Lands, or Parcels of Meadow and Greensword Ground in the said Common Field, and commonable Land, hereby intended to be inclosed as aforesaid, as shall in the Judgement of the said Commissioners of any Four of them be immediately upon the said intended Division and Inclosure deemed the Proportion of the said Warden and Scholars, and their Lessees, or under Lessees, or under Tenants, of and in the said open and common Field, and commonable Land, in respect of and as a full equivalent Compensation and Satisfaction of and for their said Glebe Land, Meadow or Greensword Ground, considering the same as free from Tithes. And also, That they the said Commissioners and Successors or any Four of them, do and shall assign, allot and appoint unto, and for the said Vicar and his Successors, or to their Lessees, or under Lessees, or under Tenants, out of the Residue of the said open and common Field, and commonable Land, hereby intended to be inclosed, such Plot or Plots of Land, Parcel of the said Residue of the said open and common Field, and commonable Land intended to be inclosed, as shall contain one full Seventh and the yearly Value of Fifteen Pounds per Annum more than a Seventh Quantity, Convenience and Quality, considered of all the said Residue of the said Land and Ground, lying in the said open and common Field, which said Allotment shall be in lieu of the Satisfaction for all and all manner of Tithes whatsoever, Moduses and Compositions in lieu thereof, which are or shall be annually arising and growing due and payable out of all or any of the Land and Ground lying in the said open and common Field, Townships, Liberties and Precincts thereof, and shall be allotted and laid out in separate Parcels of Land, for the said Vicar, Warden and Scholars, and their Lessees, or under Lessees, or under Tenants in the proportion following; (that is to say) To the said Vicar, such Plot or Plots of Land, parcel of the said Plot or Plots of Land, containing one full Seventh and the yearly Value of Residue of the said Land and Ground hereby intended to be inclosed, as shall, Quality being considered, amount to the yearly Value of Thirty Pounds, and to the said Warden and Scholars, and their Lessees, under Lessees, or under Tenants, all the Residue of the said Plot or Plots of Land so as aforesaid, to contain one full Seventh and the yearly Value of Fifteen Pound per Annum

more than a Seventh of the Residue of the said Land and Ground, hereby intended to be inclosed as aforesaid.

And it be further enacted, That the several Allotments of Land which shall, in Pursuance of the Act be allotted, and set our unto and for the respective Proprietors of the said Glebe Land, Meadow or Greensword Ground, and the great and small Tithes, Moduses or Compositions payable in lieu thereof, shall be respectively in lieu of and full Satisfaction for the said Glebe Land, Meadow or Greensword Ground, Tithes or Moduses or Compositions, and all other Ecclesiastical Dues and Payments whatsoever which are arising, and becoming payable for, out, or in respect of any of the said Land and Ground within the said open and Common Field, or within the Townships, Liberties and Precincts of Broad Sibford, otherwise Sibford Gower and Burdrup aforesaid or either of them (except only Easter and other Offerings, Mortuaries, and Fees for Marriages, Churchings, Burials and other Surplice Fees).

Provided always and it is hereby further enacted, That the said Vicar and his Successors, and their Lessees, under Lessees, or under Tenants (until such Award as herein after is mentioned shall be made and executed by the said Commissioners or their Successors, or any Four of them) shall have and receive of and from the Occupiers of the Lands and Hereditament in the Townships, Liberties, Precincts aforesaid, now chargeable with the Payment to them respectively of any of the Tithes, Tithe Rent, Moduses or Compositions in lieu thereof, a full, rateable and proportionable Share of all such Tithes, Tithe Rents, Moduses and Compositions in lieu thereof as shall be the arising and growing due down to the Time of executing such Award by the said Commissioners or any Four of them, or the full Value thereof in Money which Value the said Commissioners or any Four of them are hereby directed to settle and ascertain.

And it is hereby further enacted, That it shall and may be lawful to and for the said John Caswall, and his Successors, Vicars of Swalcliffe aforesaid, by and with the Consent and Approbation of the said Warden and Scholars, to grant any Lease or Leases to any Person or Persons of the Land and Ground to be allotted to him and his Successors, by Virtue of the Act, or any Part of Parts thereof, for any Term or Number of Years, not exceeding Twenty-One Years respectively, so as the same shall commence within Twelve Months next after or Instrument in Writing, and so as upon every such Lease or Leases there be reserved and made payable during the Continuance thereof respectively, the best and most improved yearly Rent of Rents that can be reasonably had or obtained for the same, without taking any Sum or Sums of Money, or other Thing by Way of Fine or Income, for or in respect of such Lease or Leases be made dispusnitable of Waste by any express Words therein, and so as in every such Lease or Leases there be contained a Clause of Re-entry for Non-payment of the Rent or Rents to be thereby reserved, and so as the Rent or Rents thereby reserved shall be made payable to the Vicar and his Successors by Four Quarterly Payments every Year of the said Term or Terms.

And whereas the Poor residing within the said Townships, Liberties and Precincts of Broad Sibford, otherwise Sibford Gower and Burdrup, have for some Years now last past used and exercised the Liberty of cutting of Furze and other Fuel growing within and upon certain Parts of the said commonable land, hereby intended to be inclosed, to be spent and consumed by them in the Nature of Firebote in their Dwelling Houses within the Townships,

Liberties and Precincts of Broad Sibford, otherwise Sibford Gower and Burdrup aforesaid, and not elsewhere and the said Proprietors being desirous that some Provision might be made for the said Poor People as a Satisfaction for the Loss and Extinguishment of the Privilege so enjoyed by them as aforesaid. Be it therefore enacted, by the Authority aforesaid, That the said Commissioners and their Successors, or any Four of them, do and shall, and they are hereby authorized and required to ascertain, set our and allot unto, and to the Use of William Humphrey Wykham of Swalcliffe, in the County of Oxford, Esquire, Thomas Walford, of Sibford Ferris, in the said County of Oxford, the Reverend Robert Harrison, of Tadmarton in the said County of Oxford, Doctor of Divinity, Crescens Carter of the same Place, Esquire, Richard Calcot of Hornton, in the said County of Oxford, John Hopkins of Wickham, in the said County of Oxford, William Hopkins of Barton in the County of Warwick, Gentlemen, Thomas Eden, of Brails in the said County of Warwick, Richard Fox, of Swalcliffe, in the said County of Oxford, Yeomen, Joseph Soden, Thomas Gilkes, at the Vine Tree, William Carter, William Shekley, and John Strong Butler, all of Broad Sibford, otherwise Sibford Gower, aforesaid in the County of Oxford, Yeomen and their Heirs, such Plot or Plots of Land not exceeding Ten Acres of the said open and common Field as in the Judgement of the said Commissioners, or any Four of them shall be thought a full Satisfaction for such Liberty so exercised by the said Poor as aforesaid, and from and after such Allotment or Allotments (so to be made in Satisfaction as aforesaid) shall be made, all Liberty and Right of cutting Furze, and other Fuel as aforesaid shall cease, and the said Trustees and their Heirs shall stand seized of the Land so to be allotted in Satisfaction for such Liberty as aforesaid upon Trust from Time to Time to let and demise the same for any Term or Number of Years, not exceeding Twenty-One Years, for the best and most advanced Rent that they can get for the same, to any Tenant or Tenants who shall be willing to take and occupy the same, and to receive the Rents and Profits thereof, and from Time to Time, and at all Times hereafter to apply the same for the Purpose of Buying Fuel, which Fuel so to be purchased shall be distributed in such Proportions, unto, and amongst all such of the poor People as do now, or shall hereafter, reside within the Townships, Liberties and Precincts aforesaid, as to them or the major Part of them shall see meet.

Provided always, and it is hereby enacted and declared, That when and as soon after as the said Trustees herein before nominated and appointed, or the Trustees to be elected in Pursuance of this Act, in lieu of them or any of them respectively, shall be by the Death reduced to Four in Number then, and in such Case, from Time to Time as it shall happen, it shall and may be lawful to and for the surviving Trustees to elect and choose other Persons residing in the Townships, Liberties and Precincts aforesaid to be Trustees for and concerning the Premises in the Room and stead of the Persons so Trustees shall, by proper Assurances in the Law, convey and make over the said Lands and Grounds, so to be allotted as aforesaid, unto Two or more Person or Persons to the Use of themselves and the other Trustees so to be elected respectively, and their Heirs who shall stand such and the same Ends, Intents, and Purposes, and subject to such and the same Power as is herein before declared of and concerning the said Lands and Grounds so to be allotted as aforesaid, in full Satisfaction as aforesaid.

And it is hereby further enacted, That all the Ground to be respectively allotted to the said John Caswall and his Successors and to said Warden and Scholars, and their Lessee or under Lessees, or under Tenants, in lieu of the said Glebe Land, Meadow or Greensword Ground,

Tithes, Tithe Rent, Moduses or Compositions in lieu thereby, in pursuance of this Act shall be inclosed and Ring-fenced by and at the Expence of the several Proprietors of the said Lands intended to be inclosed (except the said John Caswall and his Successors, and the said Warden and Scholars, and their Successors, and their Lessee or under Lessees or under Tenants of and in respect only of the said Glebe Land, Meadow or Greensword Ground, Tithes or Moduses, of Compositions in lieu thereof as aforesaid) with Ditches, and Quickset Hedges, as the said Commissioners or their Successors or any Four of them shall award and order; and that the Hedges and Ditches, or other Fences, or such Part thereof which shall be respectively allotted to the said John Caswell, and his Successors , and to the said Warden and Scholars, and their Successors and to the Lessee or under Lessees, or under Tenants for the Land to be taken by them respectively in lieu of the said and preserved during the Term of Seven Years, by and at the Expence of the Proprietors of the said open and common Field intended to be inclosed, (except the said John Caswall and his Successors and the said Warden and Scholars and their Successors, and their Lessee or under Lessees, or under Tenants, in respect only of the Glebe Land, Meadow or Greensword Ground, Tithes, Moduses or Compositions aforesaid) and their respective Allotments in lieu thereof, in such Shares and Proportions as the said Commissioners or any Four of them shall award and

And it is hereby declared direct, and that from and after the Expiration of the said Term of seven Years, the said Hedges, Ditches and other Fences so to be made as aforesaid, for the said John Caswall, and the said Warden and Scholars, or their Lessee or under Lessees, or under Tenants respectively, shall be preserved and maintained by and at the Expence of the said John Caswall and his Successors, Vicars as aforesaid and the said Warden and Scholars and their Successors, and their Lessee or under Lessees, or under Tenants, for ever.

And it is hereby declared and enacted, That the said Commissioners, and their Successors, or any four of them shall and may, and they are hereby required, before any Allotment or Allotments shall be made, to ascertain, set out, and appoint both publick and private Roads, in, through, and over the said open and common Field, and commonable Land, with the Assizes and Breadths thereof, so as all such publick Roads and Highways shall be and remain sixty feet broad at the least between the Ditches, except Bridle or Footpaths in case of any such, the said Commissioners shall be let out, which publick Roads and Highways shall at all Times for ever thereafter be repaired and kept in repair, by and at the Expence of all the Inhabitants of the Townships, Liberties and Precincts aforesaid, in such Manner as the other Roads and Ways within the Townships, Liberties or Precincts aforesaid were repaired and kept in repair before the passing of this Act, and as by the Laws of the Realm, the same ought to be repaired and kept; and, That it shall not be lawful for any Person or Persons after the making such new Roads or Ways, to use any Roads or Ways, either publick or private, over the said new Inclosures on Foot, or with Horses, Cattle or Carriages, other than such Roads as shall be ascertained, set out, and appointed as aforesaid.

Provided always and it is hereby enacted, That is shall and may be lawful to and for the said Commissioners and their Successors or any Four of them, and they are hereby authorised and impowered, if they think it necessary and proper, to allot and appoint unto all the said Proprietors any Parcel or Parcels of Land, Parcel of the said open and common Field, and commonable Land, hereby intended to be included not exceeding in the whole Quantity of

three Acres in the Townships, Liberties or Precincts aforesaid, as and for the publick Stone or Gravelpits, which said Parcel or Parcels of Land shall be fenced in, and the Fences thereof kept in repair in such Manner as the said Commissioners and their Successors, or any four of them shall direct, and shall be for ever there after used and enjoyed by all and every the said Proprietors in the said Townships, Liberties and Precincts aforesaid, and their Tenants, for their own necessary Uses, as well as for the Repairs of the said Roads within the Townships, Liberties and Precincts aforesaid, any Thing herein contained to the Contrary thereof, in anywise notwithstanding.

And whereas it is apprehended, That there is a Quantity of waste Land in the said Townships, Liberties and Precincts of Broad Sibford, otherwise Sibford Gower and Burdrup. Be it therefore enacted, by the Authority aforesaid, That the said Commissioners or their Successors, or any four of them, shall and they are hereby authorized and required, in case they shall be satisfied there is any waste Land in the said Townships, Liberties and Precincts, to set out and allot to and for the Lord or Lords of the Manor or Manors intitled thereto, such Part and so much therefore that shall in their Judgement be a full Compensation for his or their Right or Interest therein, so as the Land shall not contain less than one sixteenth Part thereof.

And it be enacted, by the Authority of the aforesaid, That the said Commissioners or their Successors, or any four of them shall, and they are hereby authorized and required to set out and place the several Allotments to be made in pursuance of this Act, as conveniently as may be, for the several Proprietors, and as near adjoining to their several Lands, in the said Townships, of Broad Sibford, otherwise Sibford Gower and Burdrup, or in the Fields adjoining thereunto as can be.

And be it further enacted, That nothing in this Act contained shall extend to compel or oblige any Person whose Allotment or Share in the said intended Division and Inclosure shall lie and be situated next and adjoining to any other inclosed Lands, Woods or Grounds, or any open Field where there is or ought to be now standing, growing or being, a Mound or Fence or any Brook or Brooks, Rivulet or Rivulets, to make or plant any Hedge, or to make any Ditch or other Fences next adjoining to such inclosed Lands, Woods, Grounds or open Field, Brook or Brooks, Rivulet or Rivulets, for inclosing such his or her Allotments or Shares, but that the ancient Mound or Fence, Brook or Rivulet, or other Fence which divides such inclosed Lands, Woods or Grounds or open Field, from such Allotment, to be made in pursuance of this Act, shall for ever be and remain a boundary Fence for the Purpose of such Division, and shall from Time to Time be maintained and be kept cleansed, scoured, and repaired at the Costs and Charges of the respective Proprietors of such inclosed Lands, Woods, or Grounds and open Field, Brook or Rivulet respectively, and that the Hedges, Brooks, Rivulets and other Fences belonging to such inclosed Lands, Woods, Grounds and open Field shall for ever be and remain as boundary Fences to and for such inclosed Lands, Woods, Grounds, and open Field respectively, and any Thing herein, contained to the Contrary notwithstanding.

Provided nevertheless, and it is hereby further enacted and declared, That in the case of any Lands, or Grounds, upon which any Trees, Woods, Underwoods, Thorns, Hedges, Bushes or Shrubs, shall at the Time of such Allotment be standing or growing, shall be allotted and

appointed to any Person or Persons, other than such as was or were the Proprietor or Proprietors thereof, at and immediately before such allotments, then and in such Case it shall and may be lawful to and for Owners, Proprietors thereof respectively, and at any seasonable Time or Times, within twelve Kalendar Months, or within any other shorter space of Time, to be appointed by the said Commissioners, or any four of them, after such Allotment shall be made, to enter into and upon the Land and Grounds upon which such Trees, Underwoods, Thorns, Hedges, Bushes and Shrubs shall be standing, and being, and to fell, grub up and cut down the same, and, with Horses and Carriages to carry away the same (if the same shall not be allotted by the said Commissioners to the Person or Persons to whom the Land whereupon the same shall grow shall be allotted) at his and their Will and Pleasure, to and for his and their own proper Use and Benefit, he and they making good, by levelling all such Grounds as they shall break up or dig up for the Purpose aforesaid.

And for preventing all Differences and Disputes relating to the said Inclosure and Division, it is hereby enacted, by the Authority aforesaid, That as soon as conveniently may be, after the said Commissioners shall have completed and finished the Partitions and Allotments of the said open and common Field and commonable Land, hereby directed to be inclosed as aforesaid, pursuant to the Purport and Directions of the Act, they or their Successors, or any four of them, shall form and draw up, or even cause to be formed and drawn up, an Award or Instrument in Writing, which shall express and contain the Quantity in Statute Measure of Acres, Roods and Perches contained in the said open and common Field and commonable Land so intended to be inclosed as aforesaid, and the Quality of each and every Part and Parcel thereof, which shall be assigned and allotted to each of the Parties intitled to and interested in the same, and a Description of the Situation, Buttals, and Boundaries of the same Parcels and Allotments respectively, and proper Orders and Directions for fencing and mounding the same, and for keeping the said Mounds and Fences in repair, and also for making and laying out proper Roads, Ways and Passages in and through the said Premises, and shall also specify, ascertain and appoint the several Sums of Money to be paid and contributed for making, keeping and maintaining for seven Years, the Hedges and Ditches herein before directed to be made and kept up, in, upon and round the Plots so to be laid out for the John Caswall and his Successors and the said Warden and Scholars, and their Successors, and their Lessee or under Lessees or under Tenants respectively, in lieu of their Tithes, Moduses or Compositions as aforesaid, and the several Persons who shall pay and contribute the same respectively, and shall also express and contain such other Orders, Regulations and Determinations as shall be proper and necessary to be inserted conformable to the Purport and Directions of this Act, which Instrument shall be fairly ingrossed and written on Parchment, and signed and sealed by the said Commissioners or their Successors or any four of them, and shall within twelve Kalendar Months next after the same shall be so signed and sealed as aforesaid, by inrolled by the Clerk of the Peace for the said County of Oxford, or in one of his Majesty's Courts of Record at Westminster, to the End Recourse may be had to the fame by any Person or Persons interested in the said Inclosure for the Inspection and Perusal, whereof the Sum of one Shilling shall be paid and no more, and a Copy of whereof signed by the Clerk of the Peace for the said County of Oxford, or other proper Officer purporting the same to be a true Copy (for which no more than two Pence per Sheet, each Sheet to contain seventy-two Words) shall from Time to Time, and at all Times hereafter, be admitted and allowed in all Courts whatsoever as legal Evidence of the same, and the several Allotments, Partitions and Divisions so made by the

said Commissioners, in and by such Award, or Instrument in writing so executed and inrolled as aforesaid, shall be and are hereby declared to be binding and conclusive to and upon all and every the several Parties interested in the said open and common Field and commonable Land, hereby intended to be inclosed as aforesaid.

And it is hereby further enacted, That when the said open and common Field, and commonable Land, directed by the said Act to be inclosed, shall be set out, ascertained and allotted by the said Commissioners or their Successors, or any four of them by such Award, Instrument or Writing as is herein before mentioned, the several Parcels of Lands and Grounds so to be allotted and set out respectively, shall, within twelve Kalendar Months next after the signing the said Award, Instrument or Writing, or within any other less Time, to be appointed by the said Commissioners or their Successors, or any four of them, be inclosed, hedged, ditched and fenced at the proper Costs and Charges of the respective Persons, to whom the same shall be respectively assigned and allotted, (other than and except the said John Caswell and his Successors, Vicars as aforesaid and the said Warden and Scholars, and their Successors, and their Lessees or under Lessees or under Tenants, in respect only of their said Glebe, Tithes, Moduses or Compositions, and their respective Allotments in lieu thereof,) in such Manner as the said Commissioners or their Successors, or any four of them shall, in such their Award, order or direct, and that it shall and may be lawful to and for the respective Persons to whom this Act, from Time to Time, and at all Times for ever hereafter, to set down and place Posts and Rails, or any other Fence on the Outside the Ditches bounding their respective Allotments, not exceeding two Feet from such Ditches, for the Preservation of their young Hedges, and to take and carry away such Posts, Rails and other Fences at any Time during their Pleasure.

And it is hereby further enacted, That if any Person or Persons (except John Caswell or his Successors, Vicars as aforesaid, or the said Warden and Scholars, or their Successors, or their Lessee or under Lessees or under Tenants, in respect only of the said Tithes, Moduses or Compositions, and their respective Allotments in lieu thereof,) shall refuse, neglect or omit within twelve Kalendar Months next after the signing and sealing of the said Award, Instrument or Writing as aforesaid, or within any less Time to be appointed by the said Commissioners or their Successors, or any Four of them, to inclose, hedge and fence the several Parcels of Lands and Grounds so to be assigned, allotted and set out to him, her, or them respectively as aforesaid, in such Manner and Sort as the said Commissioners and their Successors, or any Four of them shall, in such their Award, order and appoint as aforesaid, it shall and may be lawful to and for the Person or Persons interested in the Lands and Grounds, next adjoining to the Lands or Grounds of the Person or Persons so neglecting, omitting or refusing as aforesaid, to exhibit a Complaint in Writing against such Person or Persons, before One or more of his Majesty's Justices of the Peace for the said County of Oxford, not being interested in the Lands and Grounds so to be inclosed, hedged and fenced as foreseen, who may summon the Parties concerned, examine into the Nature of the Complaint, and examine all proper Witnesses on Oath, and after such Summons and Examinations shall be so taken, shall and may, if he or they shall see Cause for so doing, under direct and appoint the Person or Persons exhibiting such Complaint as aforesaid to make, maintain and repair the Hedges, Ditches and Fences of the Person or Persons so neglecting or refusing as aforesaid, and also shall and may, by Warrant under his or their Hand and Seal, or Hands and Seals, directed to the Person or Persons exhibiting such

Complaints as aforesaid, cause the Charges and Expences of making, repairing and maintaining Hedges, Ditches and Fences of the Person or Persons neglecting or refusing as aforesaid, (demand being first made thereof) 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) to the Owner and Owners of such Goods and Chattels, after deducting the Costs and Charged of taking and making such Distress and Distresses, and selling the same, or otherwise, shall and may by any Writing under his or their Hand and Seal, or Hands and Seals, authorize and empower the Person or Persons exhibiting such Complaint as aforesaid, to enter into and upon the Premises so to be allotted to such Person or Persons refusing to pay as aforesaid, and to take and receive the Rents and Profits thereof respectively, until thereby or therewith the Charge and Expence of making, repairing and maintaining the Hedges, Ditches and Fences of the said Person or Persons so neglecting or refusing to pay as aforesaid, and also all the Costs, Charges and Expences occasioned by, or attending such Entry upon the Perception of the Rents and Profits of the said Premises, shall be respectively fully paid and satisfied.

Provided and it is hereby further enacted, That it shall and may be lawful to and for any of the Proprietors, after their Allotments shall have been by order of the said Commissioners or any Four of them staked out, and at any Time before their signing the said Award, by and with the Consent of the said Commissioners or any Four of them, in Writing, under their Hands, to ditch out their said Allotments, and to quick or otherwise fence out the same in such Manner, and at such Time or Times as the said Commissioners shall think necessary, any Thing herein before contained to the Contrary thereof in any wise notwithstanding.

And it is hereby further enacted and declared, That convenient Gaps and Openings shall be left in the said Fences and Inclosures for the Space of Twelve Months next ensuing the Execution of the said Instrument or Writing, for the Passage of Cattle, Carts and Carriages, in, by and through the same unless the said Commissioners, or their Successors, or any Four of them shall award to the contrary, and then for such Time only as they shall award.

Provided always, That all and every the Proprietors of the new Inclosures intended to be made pursuant to this Act shall have full Power and Liberty, from the Time of making the said Inclosures to erect or set up any Gate or Gates across any Part or Parts of the said Roads, to be made through or against his, her or their own Lands, for keeping out Sheep or Cattle, and to prevent their destroying any Banks, Drains, Woods, Plants, Quicks or Fences which shall be made or planted for draining, inclosing, fencing or improving any Part or Parcel of the said Lands directed to be inclosed in pursuance of this Act.

Provided always, and be it further enacted by the Authority aforesaid, that for the better Preservation of our Quick Wood and Fences to be planted, set and made in and about the several Inclosures and Allotments to be made as aforesaid, no Person or Persons, for and during the Space of Four Years next after the making the said Award, shall put or keep in or upon such Inclosures or Allotments, or any of them, any Lambs, whereby such Quick Woods or Fences may be destroyed or damaged.

And whereas it is required that some convenient Time shall be fixed for every Person intitled to any Part of said new Inclosure, to accept of their respective Allotments and

Shares: Be it therefore enacted by the Authority aforesaid, That all and every such Person or Persons shall, and they are hereby required to accept his, her and their respective Allotments and Shares, within the Space of Six Kalendar Months next after the Execution of the aforesaid Award or Instrument, and Notice to him, her and them respectively given by Writing under the Hands and Seals of the said Commissioners, and their Successors, or any Four of them, for that Purpose, which Notice shall be delivered to the Party, or be left at the usual Place of Abode of such Party; and in case any Person or Persons shall neglect or refuse to accept his, her or their Share or Allotment within the Time before mentioned, such Person or Persons so neglecting or refusing shall be totally excluded from having or receiving any Estate or Interest, or Right of Common whatsoever, in any of the Lands and Grounds, assigned and allotted to any other Person and Persons, and by virtue of this Act; and from and after such Neglect or Refusal, it shall and may be lawful to and for the said Commissioners, and their Successors, or any Four of them, by any Writing under their Hands and Seals, to nominate and appoint from Time to Time, a Bailiff, or Receiver of the Rents and Profits of such Shares or Allotments, with such Salary for his Pains and Labour therein, as they in their Discretion shall think fit, which said Bailiff and Receiver shall have and is hereby invested with the like Power as the several Guardians and Committees mentioned in this Act for raising Money by Mortgage of the said Premises, with the Consent of the said Commissioners, or any Four of them, in order to enable him to defray all Costs and Expences concerning the said Inclosure, and to fence, mound, and manage the same, and shall receive the Rents, Issues, and Profits thereof, and pay the same, after deducting all such Demands as he shall have in pursuance of the Trust in him reposed, to and for the Use and Benefit of the Person or Persons refusing or neglecting to accept such Shares or Allotments, and his, her and their Representatives, until such Time as he, she and they shall be willing and desirous to accept the same.

And it is hereby further enacted and declared, That the Guardians, Husbands, Trustees, Feoffees, Committees or Attorneys of any Person or Persons being Minors, or otherwise incapable by Law to accept such Allotments, so to be made as aforesaid, for the Use of such Person or Persons so incapacitated as aforesaid, and also that any Person or Persons, intitled to any Allotment or Allotments, as Tenant for Life or Lives, shall be, and is, and are hereby respectively enabled to take and accept such Allotment or Allotments, and also that any Person or Persons intitled to any Allotment or Allotments, in Remainder of Expectancy, upon any precedent particular Estate, upon Neglect or Refusal for the Space aforesaid, of any Tenant or Tenants in Possession or of any Person intitled to such precedent particular Estate, shall be, in lieu of, and instead of any such Tenant or Person so intitled and neglecting and refusing as aforesaid; and every such Acceptance respectively shall be and is hereby declared to be valid and effectual as to him or themselves and all other Persons interested in the same, any Thing herein contained to the Contrary notwithstanding.

Provided always, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Feoffee, Committee or Attorney shall not exclude or prejudice the Claim or Acceptance of any Infant, Ideot, Lunatick, Feme Covert, or other Person or Persons under Disability or Incapacity as aforesaid, who shall claim or accept within One Year after such Disability or Incapacity shall be removed, or of any Person or Persons intitled as Heir, or in remainder after Death of any Person dying under such Incapacity, who shall claim or accept within One Year after his, her or their Right or Interest shall have accrued or be known to have accrued.

And it is hereby further enacted, by the Authority of the aforesaid, That the several Lands and Grounds to be divided assigned, set out and allotted unto and for the several Persons who, by virtue of this Act shall be intitled to the same, shall be in full bar of and in full Satisfaction and Compensation for their several and respective commonable Lands, and commonable Rights which, before the passing of this Act, were, and are lying and being in the said open and common Field, and commonable Land within the Townships, Liberties and Precincts aforesaid, and also in full bar of and in Satisfaction and Compensations in lieu thereof, Right of Common, and respective Lands, Tithes, Moduses or Compositions in lieu thereof, Right of Common, and other Rights and Properties in, over and upon the said open common Field, and commonable Lands respectively, and that from and immediately after the making the said Divisions and Allotment, and Execution of the said Award and Instrument of such Tenor and Purport as before mentioned, all Right of Common belonging to or claimed by all and every the said Owners, Proprietors or Occupiers of Messuages, Cottages and Tenements, Lands and Grounds, and other Hereditament within the Townships, Liberties and Precincts aforesaid, in, over and upon the said open and common Field, and commonable Land, and every Part thereof, also all Tithes, Moduses and Compositions for and in respect of all Lands and Grounds hereby directed and intended to be inclosed, shall cease, determine and be for ever extinguished.

And it is hereby further enacted, by the Authority aforesaid, That for the more convenient Situation and Disposition of the several Houses, Farms and Lands of the several Landholders with the common Field, Townships, Liberties and Precincts aforesaid, upon the said intended Division, it shall and may be lawful to and for all or any of the said Proprietors and Owners for the Time being, of the Lands and Grounds so to be divided and inclosed as aforesaid, and his, her or their Trustees, Feoffees, Guardians or Committees, to exchange all or any of his, her or their Messuages, Tenements, old Inclosures or other Lands and Grounds within the said Field, Townships, Liberties and Precincts aforesaid, so as all and every such Exchange or Exchanges may be made by and with the Consent and Approbation of the said Commissioners, and their Successors, or any Four of them, to be ascertained and declared in the Award Instrument, so directed to be made and executed as aforesaid, or some other Act or Instrument to be inrolled in the same Manner as before mentioned, concerning the said Award, and that all and every Exchange and Exchanges so to be made as aforesaid shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever.

Provided always, That nothing in this Act shall extend or be deemed or taken to revoke, alter or annul in any Will, Deed, or Settlement, or to prejudice any Person having or claiming any Estate, Jointure, Dower, Portion, Debt or Incumbrance out of, upon or affecting any of the Lands and Grounds so intended to be inclosed as aforesaid, or which shall be exchanged in pursuance of this Act or any Part thereof respectively; but that several Lands and Grounds so to be assigned and allotted upon said Inclosure and Division to the several Parties concerned or their Trustees respectively, and which shall be taken in exchange in pursuance of this Act, shall immediately after such Allotment or Exchanges be, remain and enure, and the several Persons to whom the same shall be assigned and allotted, and given in exchange as aforesaid, that shall from henceforth stand and be seized thereof, to such and the same uses, and subject to such and the same Wills, Deeds, Settlements and Incumbrance, (Impropriate and Vicarial Tithes only excepted) as the several Lands, Grounds, Tenements

and Hereditaments in lieu where of such Allotments and Exchanges shall be made as aforesaid, now are or should and would have been subject and liable to be charged with or affected by, in case same had remained uninclosed and unexchanged, or this Act had not been made.

And it is hereby further enacted, That it shall and may be lawful for the said Commissioners or their Successors, or any four of them, at any Time or Times after the passing this Act, and as soon after as they shall see Occasion for the doing thereof, by a Notice or Notices in Writing under their Hands, to be fixed on the Church Door of Swalcliffe aforesaid, to vacate and determine all Leases of other Agreements for the holding for any Term or Time any of the Lands hereby directed to be inclosed at Rack-rent or Rack-rents, and from and after such Notice being given as aforesaid, all such Leases and Agreements shall cease and be totally extinguished, and upon such Extinguishment or vacating such Leases or Agreements as aforesaid, the said Commissioners, or their Successors, or any four of them, are hereby required and impowered, at the Request of any or either of the Proprietors of such Lands, or their respective Tenant or Tenants, to adjudge, apportion and direct what Sum or Sums of Money, Rent or Rents shall be paid by the Tenant or Tenants of such Lands to the Lessors or Landlords thereof respectively, for and in respect of the Occupation of such Lands from the preceding Day on which the Rent of such Land was reserved down to the Day of vacating such Leases or Agreements as aforesaid, and also what Sum or Sums of Money shall be paid by the Lessors or Landlords of such Lands respectively, and the Time when the same shall be paid, as a Compensation to such Tenants or Tenants, for the vacating such Leases or Agreements respectively, in manner as aforesaid; and the said Monies to such Persons, and at such Times as the said Commissioners or their Successors, or any four of them shall, by a Notice in Writing under their Hands, to be fixed on the Church Door as aforesaid, Direct or appoint the same to be Paid.

Provided always and it is hereby enacted, That in the mean Time and until such Divisions, Partitions and Allotments shall be made as aforesaid, all the Tillage and other Lands, lying in the said open and common Field and commonable Lands so to be inclosed as aforesaid, shall be stocked with such Cattle, and cropped or sowed by the respective Owner, and Owners thereof, with such Sort of Corn, Grain and Grass Seeds, and in such Proportion, and shall be kept, ordered and continued in such Course of Husbandry whether the same ought by the usual Course of Husbandry to be Fallow or not, as the said Commissioners or their Successors, or any four of them, shall by any Writing or Writings under their Hands in that Behalf, award, order, direct or appoint, any Usage or Custom of stocking with Cattle, sowing, cropping or otherwise managing the said Tillage or other Lands to the Contrary notwithstanding; and that no Meadows, Pastures, or fresh Ground, in the said open and common Field and commonable Land, hereby intended to be inclosed shall, before that Time, be ploughed, broke up or converted into Tillage; and that it shall and may be lawful for the said Commissioners or their Successors, of any four of them, at any Time hereafter, whosoever they in their Discretions shall think convenient or necessary by a Notice in Writing for that Purpose under their Hands, to be fixed on any of the Doors of the Church of Swalcliffe aforesaid, to extinguish all or any Part of the Right of Common in and over the said open and common Field and Commonable Land hereby directed to be inclosed, and from and after such open and common Field and commonable Land hereby directed to be inclosed, and from and after such Notice given, all such Right of Common in and over the

said open and common Field and commonable Land herby directed to be inclosed , as by such Notice shall be declared shall cease, and the same is hereby enacted and declared to be utterly extinguished; and that it shall and may be lawful for the said Commissioners or their Successors, or any four of them, whensoever they shall see Occasion, at the Expence of such of the Proprietors, and in and by such Proportions as the said Commissioners or their Successors, or any four of them, shall deem to be reasonable, to cause to be purchased and sown by any Person or Persons to be employed by them on any Part of the said Tillage Lands, such Sorts and Quantities of Grass Seeds and they shall judge necessary and proper to be sown thereon, and in the case any Proprietor or Proprietors shall Stock Cattle with Cattle and Lands and Grounds hereby intended to be inclosed in any other Manner than what the said Commissioners and their Successors, or any four of them shall direct and order, or after such Right of Common is extinguished by such Notice as aforesaid, any Proprietor or Proprietors shall permit and suffer his, her, or their Cattle to go, depasture or feed on any of the said commonable Lands and Grounds hereby intended to be inclosed, then it shall and may be lawful to and for any other of the Proprietor or Proprietors to seize and impound such Cattle then being upon the said Lands and Grounds contrary to such Order, or going upon or depasturing upon such Lands and Grounds, after such Right of Common shall be extinguished as aforesaid. And in so offending in either of the Cases aforesaid, shall have paid to the Person or Persons impounding, the same Sum of two Shillings for each of the Cattle so impounded, and in case the same be not paid before the next Meeting of the Commissioners after such Impounding as aforesaid, then the said Commissioners or their Successors, or any four of them, are hereby authorized and required, upon Proof of such Offence or Offences having been committed, and Non-payment of the Penalty hereby imposed, and so as often as the same shall be committed, by Warrant under their Hands and Seals to cause so many of such Cattle to be sold as shall be necessary for the Raising and Payment of the said Penalties aforesaid, together with the Costs and Charges attending such Sale, rendering the Overplus to the Owner if there be any.

And whereas great Inconveniences have arisen from inclosing Estates, by the Owners or Occupiers thereof making Hedges, Ditches and Fences, on both Sides of Road before the same have been effectually repaired, Be it therefore enacted, That no Road or Way to be laid out, or made in pursuance of this Act, shall be hedged, ditched or fenced in on both Sides thereof, till such Roads are effectually made and repaired, ad shall be certified so to be under Hands and Seals of two or more Justices of the Peace of the County Division where such Roads shall lie, and that in the mean Time only, such Sides of the Road or Way shall be fenced in as the said Commissioners, or any four of shall, by their Award direct.

And for the better enabling the said Commissioners to accommodate and furnish such of the Proprietors of the new intended Allotments or Shares with Water, where the same in their Judgement shall be wanted, it is further enacted, That the said Commissioners or their Successors, or any four of them, shall, and they are hereby empowered to direct, order, and award all Streams of Water, Springs, and Water-courses, in the Townships, Liberties and Precincts aforesaid, to be carried and conveyed by such Courses, and through such Lands and Grounds, Parcels of the Land hereby intended to be inclosed, as they in their Discretion shall think proper for the Purpose aforesaid, Provided, That such Streams of Water, Springs, and Water-courses be not diverted or turned so as materially to prejudice others intitled to the same.

And whereas several of the Owners and Proprietors of the Lands and Grounds, lying in the said open and common Field so intended and directed to be divide and inclosed as aforesaid, may have occasion to borrow Money to pay and defray their respective Shares and Proportions of the Charges and Expences incident to and attending such Inclosure and Division, and the obtaining and passing of this Act, and cannot, by Reason of some Settlement or Settlements already made of the said Land and Grounds, or some Part thereof, or other Impediment or Incumbrances respectively affecting the same, make an effectual Security thereof for the Money so to be to them respectively advance and lent for that Purpose. Be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for, as well the several Owners and Proprietors for the Time being for the Freehold Lands intended to be inclosed as aforesaid, as to and for the Lessees for Life and for Years, not being Rack-renters, and to and for Husbands, Guardians, Trustees, Feoffees and Committees of any such Owners or Proprietors of the said Freehold and Leasehold Lands, intended to be inclosed as aforesaid, being under Coverture, Minors, Ideots, Lunaticks, or beyond the Seas, or being under any other Disability whatsoever, and to and for them and every or any of them, for the Time being, and to and for all Persons acting as Guardians, Trustees, Feoffees or Committees of any of the said Proprietors of the said Freehold or Leasehold Lands and Grounds being under Coverture, Minors, Ideots, Lunaticks, or beyond the Sea, or being under any other Disability whatsoever, and to and for every of them for the Time being, and to or for any of the said Proprietors of the said Freehold or Leasehold Land and Ground, being Tenants in Tail or for Life only, or in Nature of such, and to and for every of them for the Time (except the said John Caswall, Vicar, as aforesaid; and also, except the said Warden and Scholars, and their Lessee or Lessees or under Tenants, and the Copyholders and Tenants of the Dean and Chapter of Christ Church; from Time to Time to charge the said Freehold and Leasehold and Ground, which shall be so assigned and allotted to them the said Proprietors respectively, by virtue of this Act, with any Sum or Sums of Money, not exceeding forty Shillings for each Acre, to be paid to such Person or Persons, as the said Commissioners or their Successors, or any four of them, shall for that Purpose respectively nominate and appoint, in order to be applied and disposed of for the Purpose aforementioned, and for securing the Repayment of such Sum or Sums of Money so to be advanced upon the said Freehold and Leasehold Land and Ground, with the Interest thereof, to grant, mortgage, lease or demise, or otherwise subject the said Freehold and Leasehold Land so to be allotted and assigned as aforesaid unto such Person or Persons as shall advance and lend the same respectively, his and their respective Executors, Administrators, and Assign, for any Term of Number of Years, to as such Grants or Demise be made, with a Proviso or Condition to cease and be void, or with any express Truth, 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 as in every such Grant or Demise, which shall be made by any Person or Persons interested in, or intitled to any such mortgaged Premises for the Term of their natural Lives only, or by his, her, or their Trustee or Trustees, Guardian or Guardians, there be contained a Covenant to pay and keep secured during his, her or their respective Lives, and down to the Day of their respective Deaths.

And it is hereby further enacted, That the Owners of all such land and Grounds, shall duly pay and keep down the Interest of all Sum and Sums of Money so to be by them respectively borrowed and taken up as aforesaid, that no Person, afterwards becoming

possessed of any such Lands and Ground, shall be further liable to pay any further or larger Arrear of Interest, than for one Year, preceding the Time that their Title to such Possession shall have commenced.

And it is hereby further enacted and declared, That every such Grant, Mortgage, Lease or Demise of the said Grounds, Lands and Premises, or any Part or Parts thereof, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of Title in the said Husbands, Guardians, Trustees, Feeoffes or Committees, or in the Persons acting as such, or in the said Tenants in Tail, or for Life or Years, by reason of any Settlement, Deed, Will, Trust, Use, Remainder, Limitation, or other Impediment or Incumbrance whatsoever, of or concerning the Grounds, Lands, and Premises, or any Part or Parcel thereof.

And it is hereby further enacted, That when and so often as any or either of the Commissioners appointed by this Act, or to be elected in Manner herein after mentioned shall die or refuse to act, then and in such Case the surviving acting Commissioner or Commissioners, or the major Part of them shall, from Time to Time, within Two Kalendar Months next after the Death or Refusal of such Commissioner or Commissioners to act, by Writing under his or their Hand and Seal, or Hands and Seals, appoint a Commissioner or Commissioners not interested in the said Inclosure, in the Room and Stead of such Commissioner or Commissioners so dying or refusing to act as aforesaid, which Commissioner or Commissioners to be appointed, shall have like Power and Authority by virtue of the Act, as the Commissioner or Commissioners in whole Place he, or they, shall succeed, was or were vested with, provided that Notice be given in the Church of Swalcliffe aforesaid, of the Time and Place of the Meeting to appoint such Commissioner or Commissioners at least Fourteen Days before every such Meeting.

And it is hereby enacted, That the Proprietors of the Lands intended to be inclosed other than the said Vicar and his Successors, Vicars as aforesaid, and the said Warden and Scholars, and their Successors, and their Lessees or under Lessees, or under Tenants, for and in respect of the said Tithes, Moduses, or Compositions aforesaid, and their respective Allotments in lieu thereof, shall raise and pay unto the said Commissioners respectively one Pound eleven Shillings and six Pence apiece for each Day they shall respectively travel or attend for the Purposes aforesaid, in full Satisfaction for their Labour, and for all such Expences as they shall be put into respectively, for their Maintenance, Support and other necessary Expences at the Time of such their Journies and Attendance, which Monies shall be raised in Proportion to the said Proprietors respective Shares and Interest in the said Lands intended to be inclosed, and paid to such Person or Persons as the said Commissioners, or any Four of them shall appoint to receive the same, and in case any Dispute shall arise touching the Proportions of such Payment, the same shall be settled and determined by a Justice of the Peace for the said County of Oxford, not being interested therein, in a summary Way, upon Oath, which he is hereby authorized to administer; and in case any of the said Proprietors (except as aforesaid) shall refuse or neglect to pay his, her or their Share or Proportion, when thereunto required by the said Commissioners, or any Four of them, by a Notice in Writing to be affixed on the Door of the Church of Swalcliffe aforesaid for that Purpose, signifying the Time and Place of Payment, which Notice is hereby required to be affixed at least Fourteen Days before the Time of such Payment, then the

said Justice of the Peace upon Oath made before him, of such Notice having been given, and of all or any of the Proprietor or Proprietors have made Default in the Payment of their respective Shares thereof shall and may by Warrant under his Hand and Seal, directed to any Person whatsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking such Distress and Distresses and selling the same, an in case no such Distress or Distressed can be had or taken as aforesaid, it shall and may be lawful for the said Justice to authorize and empower, by Warrant under his Hand and Seal for that Purpose, any Person or Persons to enter into and upon the Premises so to be allotted to such Person or Persons refusing to pay as aforesaid, and to take and receive the Rents and Profits thereof respectively, until thereby or therewith the Share or Shares, Proportion or Proportions, of the said Costs and Charges to be directed, awarded and appointed by the said Commissioners, of any Four of them to be paid by such Person or Persons as aforesaid, and also all Costs, Charges, and Expences occasioned by, or attending such Entry upon and Perception of the Rents and Profits of the same Premises, shall respectively be fully paid and satisfied.

And it is hereby further enacted, That all other charges and Expences incident to and attending the obtaining and passing of this Act, and of surveying, measuring, dividing and allotting of the Lands and Grounds intended to be inclosed as aforesaid, and of the preparing and inrolling the said Award or Instrument, and other necessary Expences of the several Persons to be employed by the said Commissioners, either before or after their executing their Award in and about the Premises, shall be borne, paid and defrayed by the Owners interested of and in the said Lands and Grounds to be intended to be inclosed, (other than the said Vicar and his Successors, and the said Warden and Scholars and their Lessees or under Tenants, for and in respect of the Tithes, Moduses or Compositions aforesaid, and their respective Allotments in lieu thereof) in and by such Proportion of Proportions, and at such Time or Times as the said Commissioners of their Successors, or any Four of the shall either before or after their executing their said Award, by a Notice or Notices in Writing under the Hands of the said Commissioners, or any Four of them, to be affixed on any or either of the Doors of the Church of Swalcliffe aforesaid, order or direct; which Notice is hereby directed to be affixed at least Fourteen Days before the Time of such Payment; and that in case any of Proportion or Proportions of such Charges and Expences within the Time or Times to be limited by the said Commissioners, to such Person or Persons as they shall appoint to receive the same, then the said Commissioners and their Successors, or any Four of them shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whatsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, and after deducting the Costs and Charges of taking and making such Distress and Distresses, and selling the same, and in case no such Distress or Distresses can be had or taken as aforesaid, it shall and may be lawful to and for the said Commissioners and their Successors, or any four of them or any other Person to be authorized by them, to enter into and upon the Premises, so to be allotted to such Person or Persons refusing to pay as aforesaid, and to take and receive the Rents, Issues and Profits thereof respectively, until thereby or therewith the Share or Shares, Proportion or Proportions of the said Costs and Charges so to

be directed, awarded and appointed by the said Commissioners to be paid by such Person or Persons aforesaid, and also all Costs, Charges and Expences occasioned by or attending to such Entry upon Perception of the Rents and Profits of the same Premises shall be respectively fully paid and satisfied.

Provided always and be it enacted, That the Share and Proportion of such Expences, and also the Commissioners Fees to be paid as aforesaid, which shall fall to or upon the Allotments to be made to the said Dean and Chapter of Christ Church, or their Copyholders or Tenants, shall be charged upon, borne, paid and defrayed by the said Copyholders or Tenants.

And it be further enacted, That if any Person or Persons shall think him, her or themselves aggrieved by any Thing done in pursuance of the Act (other than and except such Orders and Determinations of the said Commissioners as are herein before declared to be final and conclusive) then and in every such Case he, she or they may appeal to the next General Quarter-Sessions of the Peace which shall be held for the County of Oxford within six Months after the Cause or Complaint shall have arisen, and the Justices of the said General Quarter-Sessions are hereby required to determine the Matter of every such Appeal, and to make such Orders, and award such Costs and Damages as to them in their Discretion, shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels, after deducting Reasonable Charges of such Distress and Sale which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by Certiorari or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster, or elsewhere.

And it is hereby further enacted, by the Authority aforesaid, That the said Commissioners or their Successors or any four of them do, and shall, and they are hereby required to give publick Notice in the Church of Swalcliffe aforesaid, upon Sunday immediately after the Divine Service, or the Time and Place of the first Meeting of the said Commissioners, for the Executing of the Powers hereby vested in them, as least six Days before such Meeting, and shall also give the like Notice of six Days of every subsequent Meeting for putting in execution the Powers vested in the by this Act in the Church aforesaid, Meetings by Adjournment only excepted.

And it be further enacted, by the Authority aforesaid, That all Quit Rents or Chief Rents issuing out of any Lands or Grounds hereby intended to be inclosed, and now due and payable to the Lord or Lords of the Manor or Manors for the Time being, shall (after the making the Award or Instrument herein before mentioned in Manner aforesaid) issue out of and be charged upon and payable out of such Lands and Grounds respectively, as shall, by virtue of this Act, be allotted to the Owners and Proprietors of the said Lands and Grounds, in lieu of such Lands and Grounds now charged with such Rents, and that from thenceforth their former Lands and Grounds shall be discharged from such Rents and the Payment thereof, and the said Lord and Lords of such respective Manors shall and may have the like Remedy and Remedies for the Recovery of such Rent and Rents, and Arrears thereof in and upon, and in respect of such Lands and Grounds so to be allotted as aforesaid, as he or they had or might have had in and upon, and in respect of such former Lands and Grounds and

such Lands and Grounds so to be allotted as aforesaid, shall be deemed, reputed and taken to be as lying, and being within the respective Manors to and in respect of which such Rents shall belong, or be claimed as due and payable.

Provided always, and it is hereby enacted and declared by the Authority aforesaid, That nothing in this Act shall prejudice, lessen or defeat the Right, Title or Interest of any Lord or Lords of the Manor or Manors, or reputed Manor or Manors, Lordship or Lordships, within the Jurisdiction of Limits whereof the said open and common Field and commonable and hereby directed to be inclosed, or any Part thereof are situate, lying and being comprised of, in, and to the Seigniories and Royalties incident or belonging to such Manor or Manors, or reputed Manor or Manors respectively; but that all and every such Lord or Lords, for the Time being, shall and may form Time to Time, and at all Times hereafter hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, and all other Rights, Royalties and Privileges to the said Manors or Lordships respectively, incident, appendant, belonging or appertaining (other than and except such common Pastures or other Rights of Common as can or may be claimed by or belonging to him or them respectively) as Lord or Lords of any such Manor or reputed Manor respectively, in as full, ample and beneficial Manner, as to all Intents and Purposes as he or they respectively might have held and enjoyed the same before the passing this Act, or in the same had never been made.

Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person on Persons, Bodies Politick and Corporate, his, her and their Successors, Executors and Administrators other than and except the respective Persons to whom any Allotment or Allotments shall be made by virtue of this Act, in respect of the Interest or Property for which such Allotment or Allotments shall be made, all such Estate and Interest as they, every or any of them had or enjoyed of, in, or is respect of the said Lands and Grounds so intended to be inclosed as aforesaid before the passing of this Act, or would or ought to have had or enjoyed in case the same had not been made.

Transcribed by Maureen Hicks, November 2020