ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 55.

An Act for incloſing Lands in the Pariſh of *Aſhley*, in the County of *Stafford*. [15th *April* 1813.]

WHEREAS there are within the Pariſh of *Aſhley*, in the County of *Stafford*, certain Commons and Waſte Grounds, containing together by Eſtimation Five hundred Acres or more: And whereas *Thomas Kinnerſly* Eſquire, and *Hugo Charles Meynell* Eſquire, are Lords of the Manor of *Aſhley*, in the ſaid Pariſh of *Aſhley*, in the Parts and Proportions following; that is to ſay, the ſaid *Thomas Kinnerſly* is Lord of Two undivided Third Parts of the ſaid Manor, and the ſaid *Hugo Charles Meynell* is Lord of One undivided Third Part of the ſaid Manor; and they the ſaid Lords are, in the ſame Parts and Proportions reſpectively, Owners of the Soil and Royalties of the ſaid Commons and Waſte Grounds; and the ſaid *Thomas Kinnerſly* and *Hugo Charles Meynell* are likewiſe reſpectively the Owners in Severalty of divers Meſſuages, Farms, Lands, and Tenements, within the ſaid Pariſh of *Aſhley*, and in reſpect thereof the ſaid *Thomas Kinnerſly* and *Hugo Charles Meynell* reſpectively, or their Leſſees or Tenants reſpectively, are entitled to Right of Common upon the ſaid Commons and Waſte Grounds: And whereas the Rector of the ſaid Pariſh of *Aſhley* is entitled to divers Great and Small Tithes within the ſaid Pariſh, and likewiſe to a Rectory Houſe and certain Glebe Lands within the ſaid Pariſh; and, in reſpect of the Rectory Houſe and Glebe Lands thereto appertaining, is entitled to Right of Common upon the ſaid Commons and Waſte Grounds: And whereas the ſaid *Thomas Kinnerſly* and *Hugo Charles Meynell* are the Patrons of the Rectory of the ſaid Pariſh of *Aſhley*, in Manner following; that is to ſay, the ſaid *Thomas Kinnerſly* is entitled

to Two Turns or Presentations out of Three, and the said *Hugo Charles Meynell* is entitled to One Turn or Presentation out of Three, of, in, and to the said Rectory; and the Reverend *William Anwyl* Clerk is the present Rector of the said Parish: And whereas the Honourable *Elizabeth Meynell* Widow, *John Jones* Esquire, *Edward Astin*, *John Lightfoot*, *Peter Lightfoot*, *William Wright*, *Thomas Butter*, *Richard Lawton*, *Thomas Hopwood*, and other Persons, are or claim to be entitled to Right of Common upon the said Commons and Waste Grounds, in respect of certain Messuages, Farms, Lands, Tenements, and Hereditaments within the said Parish of *Ashley*, belonging to them respectively: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Commons and Waste Grounds are in their present State of little Value or Utility, but the same are capable of Cultivation and Improvement; and it would be very advantageous to the Persons interested in the said Commons and Waste Grounds, and also of great public Utility, to have the said Commons inclosed, and specific Parts thereof allotted to and amongst the several Proprietors, according to their respective Rights and Interests therein; but as such Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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 *Valentine Vickers* of *Crannere*, in the County of *Salop*, Gentleman, and *Joseph Gould* of *Pilsbury*, in the County of *Derby*, Gentleman, (and their Successors, to be appointed in Manner herein-after mentioned,) shall be and they are hereby constituted Commissioners for setting out, dividing, allotting, and inclosing the said Commons and Waste Grounds, and for carrying this Act and the said recited Act into Execution; save and except such Parts of the said recited Act as are hereby altered or varied, and under and subject to such of the Regulations and Restrictions contained in the said recited Act as are not repugnant to the Powers and Provisions of this Act.

Appointment of Commissioners.

Appointment of Umpire.

II. And be it further enacted, That *Thomas Rowley* of *Overton*, in the County of *Stafford*, Gentleman, (and his Successor, to be appointed in Manner herein-after mentioned,) shall be and is hereby constituted an Umpire for settling and determining all and every Disagreements and Differences in Opinion which may arise or happen between the Commissioners appointed by or in pursuance of this Act, in the Execution of any of the Powers hereby vested in them; and that the Order and Determination of the said Umpire, in Writing under his Hand, touching all and every or any of such Disagreements and Differences in Opinion, shall be as binding and conclusive in all Respects whatsoever, as if the same had been made or done by such Commissioners, and shall be deemed and considered to be the Order and Determination of the said Commissioners.

New Commissioners and Umpire to be ap-

III. Provided always, and be it further enacted, That if either of the said Commissioners, or the said Umpire herein-before respectively appointed, or any other Commissioner or Umpire who shall from Time to

Time be appointed in the Manner directed by this Act, shall die, or refuse or neglect to act, or become incapable of acting as a Commissioner or Umpire respectively in the Execution of this Act, before all the Powers hereby vested in the said Commissioners and Umpire respectively shall be fully performed and executed, then and in every such Case, and as often as the same shall occur, the major Part in Value of Persons being Proprietors or Owners of Messuages, Lands, Tenements, Tithes, and Hereditaments assessed to the Land Tax for the said Parish of *Ashley* for the Year then immediately preceding, (such Value to be ascertained by the Assessment,) who, by themselves or by their respective Agents or Attornies, shall be present at a public Meeting to be convened and holden for that Purpose in the Manner herein-after directed, (such Meeting to be held within Two Calendar Months next after any such Death, Refusal, Neglect, or Incapacity as last aforesaid shall happen,) shall and may elect, and by any Instrument in Writing under their Hands, nominate and appoint one fit and proper Person to be a Commissioner or Umpire respectively, as the Case may require, in the Place and Stead of him so dying, refusing, neglecting, or being incapable as last aforesaid.

pointed upon Vacancies by the major Part of Land Owners.

IV. And be it further enacted, That every Person who shall in future be nominated and appointed a Commissioner as by this Act is directed, (after taking the Oath prescribed by the said Act of the Forty-first Year of His present Majesty's Reign to be taken by Commissioners,) and also every Person who shall in future be elected, nominated, and appointed an Umpire as by this Act is directed, (after taking the Oath or Affirmation herein-after prescribed to be taken by an Umpire,) shall respectively have and be invested with all such and the like respective Powers and Authorities for putting this Act and the said recited Act in Execution, as if he or they had been originally named and appointed by this Act: Provided, that no Person shall be appointed a Commissioner or Umpire by virtue of this Act, or be capable of acting as such, who shall be beneficially interested in the said Division and Inclosure; and all Acts and Proceedings in the Execution of this Act of every Person who shall be so elected and appointed Commissioner or Umpire, shall be as valid and effectual as if such Person had been named a Commissioner or Umpire in and by this Act.

Such new Commissioners and Umpire invested with same Powers as the former possessed.

V. Provided also, and be it further enacted, That no Person shall be capable of acting as an Umpire in the Execution of any of the Powers of this Act, until he shall, before some Justice of the Peace acting for the said County of *Stafford*, or before some Master or Master Extraordinary of the High Court of Chancery, have taken and subscribed an Oath or Affirmation to the Effect following; (that is to say,)

Oath of Umpire.

'I *A. B.* do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm,] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the Trusts and Powers vested and reposed in me as an Umpire, by virtue of an Act passed in the Fifty-third Year of the Reign of His present Majesty, intituled *An Act for inclosing Lands in the Parish of* Ashley *in the County of* Stafford, according to Equity and good Conscience, and without Partiality, Favour or Affection, Prejudice or Malice to any Person or Persons whomsoever.

'So help me GOD.'

Which

Which Oath such Juſtice, &c. may adminiſter.

Which Oath or Affirmation it ſhall and may be lawful for any ſuch Juſtice, Maſter or Maſter Extraordinary, to adminiſter; and the ſaid Oath or Affirmation ſo taken and ſubſcribed by ſuch Umpire, and likewiſe the Nomination and Appointment of every ſuch Umpire, ſhall be annexed to and enrolled with the Award of the ſaid Commiſſioners to be made in purſuance of this Act and of the ſaid recited Act, and a Copy of the Inrolment thereof ſhall be admitted as legal Evidence.

Notices of Meetings for Appointment of Commiſſioner and Umpire.

VI. Provided further, That previous Notice of all Meetings of the ſaid Proprietors or Owners, for the Election of a new Commiſſioner or Umpire reſpectively as aforeſaid, ſhall be given by ſome Two or more of ſuch Proprietors or Owners, or their reſpective Agents; ſuch Notice ſtating the particular Purpoſe of the Meeting, and to be affixed on one of the outer Doors of the Pariſh Church of *Aſhley* aforeſaid, and to be inſerted in *The Staffordſhire Advertiſer*, or ſome other Newſpaper printed or publiſhed or uſually circulated in the ſaid County of *Stafford*, Fourteen Days at the leaſt previous to the Day of Meeting; and no ſuch Meeting ſhall be legal unleſs ſuch Notices ſhall be given in the Manner hereby directed.

Clerk and Surveyor to be appointed.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall have full Power and they are hereby authorized to appoint a Clerk or Clerks, and alſo a Surveyor or Surveyors to aſſiſt them in the Execution of this Act and the ſaid recited Act; and ſuch Clerks and Surveyors reſpectively from Time to Time to remove, and to make any new Appointment whenever ſuch Removal or any other Vacancy in the ſaid Offices reſpectively ſhall take place; and to fix the Salary, Allowance, and Compenſation to be made to ſuch Clerks and Surveyors reſpectively for their Trouble, Charges, and Expences reſpectively.

Surveyor to take an Oath.

VIII. Provided always, and be it further enacted, That no Perſon or Perſons ſo to be appointed Surveyor as aforeſaid, ſhall be capable of acting in the Execution of this or the ſaid recited Act, as a Surveyor, until he or they ſhall have taken and ſubſcribed the Oath or Affirmation following; (that is to ſay,)

'I do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly declare and affirm,] That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Ability, execute and perform the ſeveral Duties incumbent on me as a Surveyor, by virtue of an Act paſſed in the Fifty-third Year of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*], according to Equity and good Conſcience, and without Partiality, Favour or Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which Oath or Affirmation it ſhall be lawful for the ſaid Commiſſioners to adminiſter to each and every Surveyor as aforeſaid; and ſuch Oath ſo taken and ſubſcribed ſhall be annexed to and enrolled and depoſited with the Award of the ſaid Commiſſioners.

Notices to be given of the Commiſ-

IX. And be it further enacted, That the ſaid Commiſſioners ſhall, with all convenient Speed after the paſſing of this Act, give public Notice in the

the Parish Church of *Ashley* aforesaid, upon some *Sunday* immediately after Divine Service, or Notice in Writing under their Hands to be fixed on one of the outer Doors of the said Church, immediately before Divine Service upon some *Sunday*; and shall also give Notice in *The Staffordshire Advertiser*, or some other Newspaper printed, published, or usually circulated within the said County of *Stafford*, of the Time and Place of their First Meeting for carrying this Act into Execution; and shall also give Notice in like Manner of their Second and Third Meetings for executing the Powers vested in them, Twenty Days at least before such First, Second, and Third Meetings respectively; and of each and every subsequent Meeting the said Commissioners shall give Notice in Manner aforesaid Ten Days at least before such last-mentioned Meetings; and in case both of the Commissioners shall not attend at the Time and Place which shall be appointed for any Meeting in pursuance of this Act, or to which any such Meeting shall be adjourned, it shall be lawful for the Commissioner who shall attend, and for any Clerk to the said Commissioners, in case neither of the said Commissioners shall attend, then and there to adjourn such Meeting from Time to Time to any future Day, not exceeding Fourteen Days from the Day of such Adjournment, and to such Place as to such Commissioner or Clerk shall seem most convenient; and the Person making such Adjournment is hereby required to give timely Notice thereof to the absent Commissioner or Commissioners, and to leave at the Time and Place of such Adjournment Notice under his Hand when and where the adjourned Meeting is to be held, but no further or other Notice shall be necessary to be given of any such Adjournment: Provided always, that all Meetings to be holden by the said Commissioners for carrying this Act or the said recited Act into Execution, shall be holden within the Parish of *Ashley* aforesaid, or within Eight Miles of the Limits of the same. Commissioners Meetings.

X. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given in the Execution of this Act or of the said recited Act, shall be given by Advertisement in *The Staffordshire Advertiser*, or in some other Newspaper printed, published, or usually circulated in the said County of *Stafford*; and that all Meetings whatsoever of the said Proprietors and Owners, under or in pursuance of this Act or of the said recited Act, shall be held within the said Parish of *Ashley*, or within Eight Miles thereof as aforesaid. Directions as to the giving of other Notices.

XI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division and Inclosure, touching or respecting the Rights and Interests which they, or any of them, shall have or claim to have in, to, out of or upon the said Commons and Waste Grounds hereby intended to be divided, allotted, and inclosed, or any Part or Parts thereof; or if any Objection shall be taken or made by any of the said Parties to the Claim or Claims of any Person or Persons, Party or Parties therein, or touching or concerning any other Matter or Thing relating to the said Division and Inclosure, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, to institute an Inquiry into, and to examine, hear, and determine the same upon proper and sufficient Inquiry and Evidence. Commissioners to hear and determine Differences and Objections.

Commissioners not to determine Titles nor molest Possession.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or enable the said Commissioners or Umpire to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any such Parties (except in the Cases of Encroachments); but in case the said Commissioners or Umpire shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Commissioners may award Costs to Parties.

XIII. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any such Disputes, Differences, Claims or Objections, see Cause to award Costs, it shall and may be lawful for the said Commissioners to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Person or Persons, Party or Parties in whose Favour any such Determination shall be made, by the Person or Persons, Party or Parties whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case of any Refusal or Neglect to pay the said Costs and Charges pursuant to the Order in Writing of the said Commissioners, then and in such Case it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, by Warrant under their Hands and Seals directed to any Person whomsoever, to cause such Costs and Charges, and all Expences occasioned by the Non-payment thereof, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Party or Parties so neglecting or refusing to pay such Costs and Charges, rendering the Overplus (if any) upon Demand, to the Person or Persons, Party or Parties whose Goods and Chattels shall have been so distrained and sold, after deducting all Costs, Charges, and Expences attending such Distress and Sale; and in case there shall be no Goods and Chattels whereof to levy the same, then and in such Case it shall be lawful for the Person or Persons, Party or Parties in whose Favour such Costs shall be awarded, to recover the same by Action or Actions of Debt, or on the Case; in which Action or Actions it shall be sufficient to declare that the Defendant or Defendants is or are indebted to him or them in the Sum specified in the Order made by the said Commissioners, and in virtue of such Order, without setting forth any other of the Proceedings had therein.

Power to Parties to try disputed Claims at Law.

XIV. Provided always, and be it further enacted, That in case any Person or Persons, Party or Parties interested or claiming to be interested in the said Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning any Claim or Claims to Right of Common, or other Rights or Interests, in, over, or upon the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, or any Part or Parts thereof, and shall purpose or intend to have such Claim or Claims, Rights and Interests respectively tried at Law, and shall by themselves respectively, or by their respective Agents or Attornies, give or cause to be given Notice in Writing of such Dissatisfaction and Intention to the said Commissioners, or either of them, and to the Person or Persons, Party or Parties, or his, her,

her, or their Agent or Attorney, in whoſe Favour ſuch Determination ſhall have been made, within One Calendar Month next after ſuch Determination of the ſaid Commiſſioners or Umpire, then and in every ſuch Caſe it ſhall and may be lawful for the Perſon or Perſons, Party or Parties giving ſuch Notice as aforeſaid, to proceed to a Trial at Law of the Matter and Queſtion, or Matters and Queſtions ſo determined by the ſaid Commiſſioners or Umpire, at the Firſt Aſſizes to be holden for the ſaid County of *Stafford* next after the Expiration of Three Calendar Months from the Time of ſuch Determination being made by the ſaid Commiſſioners or Umpire; and for that Purpoſe the Perſon or Perſons, Party or Parties ſo diſſatisfied with the Determination of the ſaid Commiſſioners or Umpire, and giving ſuch Notice as aforeſaid, ſhall within One Calendar Month next after ſuch Notice ſhall be given, cauſe an Action to be brought in one of His Majeſty's Courts of Record at *Weſtminſter*, upon a feigned Iſſue, againſt the Perſon or Perſons, Party or Parties in whoſe Favour ſuch Determination ſhall have been made; and the Defendant or Defendants in ſuch Action or Actions ſhall thereupon 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 Objection or Objections, and the Right or Rights, Intereſt or Intereſts thereby inſiſted upon, 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 brought, in caſe the Parties or their Attornies cannot agree upon 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, Party or Parties whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be depending ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial or Trials to be had therein, which it ſhall be lawful for the Court to do, and alſo for the ſame Court, or the Court of *Niſi Prius*, upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Action or Actions, as is uſual in other Caſes, although the Time herein-before limited for the Trial of ſuch Action or Actions may be thereby exceeded; and after ſuch Verdict or Verdicts ſhall have been obtained, and not ſet aſide by the Court as aforeſaid, the ſaid Commiſſioners ſhall and are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the ſaid Commiſſioners touching all ſuch Claims, Matters, and Things herein-before referred to them, which ſhall not have been objected to in Manner before mentioned, or having been ſo objected to ſhall not be brought to Trial by Means of ſuch Action or Actions at Law as aforeſaid, ſhall be final and concluſive upon all Perſons and Parties whomſoever.

Death of Parties not to abate Actions, &c.

XV. And be it further enacted, That if any of the Parties in any Action, Suit, or Proceeding to be brought or commenced in purſuance of this Act, ſhall die pending the ſame, ſuch Action, Suit, or Proceeding ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened; and in caſe any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for

bringing such Action or Actions, it shall be lawful for the Person or Persons, Party or Parties, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living; and to serve the Clerk or Clerks of the said Commissioners with Notice of such Action or Actions, in the same Manner as such Person or Persons so dying might have been served therewith if living, and it shall thereupon be incumbent upon the Heir or Heirs, or other Party or Parties who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead; whereupon such further Proceedings shall be had thereupon in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Suits not to impede the Execution of the Act.

XVI. And be it further enacted, That no Action, Suit, or Proceeding to be brought or commenced in pursuance of this Act, shall delay, impede, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act and the said recited Act; but nevertheless the general Award of the said Commissioners shall not be executed before such Actions, Suits, and Proceedings are finally determined.

Costs of Suits affecting the general Interests of the Inclosure may be defrayed out of the general Fund.

XVII. And be it further enacted, That in case the said Commissioners shall be of Opinion and adjudge that any Action or Appeal which shall or may be brought, either by or against the Lords of the said Manor, or either of them, relating to the Boundaries or Soil of the said Commons and Waste Grounds, or in any other respect relating to the said Division and Inclosure, will in its Consequences extend to the general Interests of the Parties concerned in the Division and Inclosure of the said Commons and Waste Grounds, or any Part thereof, then and in every such Case the said Commissioners may, and they are hereby authorized to repay and reimburse, from and out of the Monies to be raised for the general Purposes of this Act, the Costs and Charges incurred by the said Lords, or either of them, in or about such Action or Appeal respectively.

Surveys already made may be used, and the Owners may be paid for such Surveys.

XVIII. And be it further enacted, That in case any Person or Persons having in his or their Custody any actual Surveys, Maps or Plans of any Lands within the said Parish, shall deliver such Surveys, Maps and Plans to the said Commissioners, at such Time as the said Commissioners shall appoint for that Purpose, it shall be lawful for the said Commissioners thereupon to enquire, by the Oaths of such Persons as they shall think fit, (which Oaths the said Commissioners are hereby authorized to administer,) into the Authenticity and Accuracy thereof; and in case the said Commissioners shall be satisfied that the same are authentic and accurate, and will answer the Purposes of new Surveys, Maps or Plans, but not otherwise, then the said Commissioners are hereby authorized to make use of the same, so far as the same shall be available for the Purpose of carrying this Act or the said recited Act into Execution; and also, out of the Monies to be raised for the general Purposes of this Act, to make unto the Owners of such Surveys, Maps and Plans respectively, a just and fair Allowance in proportion to the Costs and Charges which, in the Judgment

Judgment of the ſaid Commiſſioners, will be ſaved by the Production and Uſe of the ſame Surveys, Maps, and Plans.

Rights of Common to be extinguiſhed by order of Commiſſioners.

XIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, at any Time or Times before the Execution of their general Award, by Notice in Writing under their Hands, to be affixed upon one of the outer Doors of the Pariſh Church of *Aſhley* aforeſaid, to order and direct all or any of the Rights of Common in, over, or upon the ſaid Commons and Waſte Grounds, or any Part or Parts thereof, to be extinguiſhed, or to be ſuſpended for and during ſuch Time as ſhall be expreſſed in ſuch Notice; and thereupon all ſuch Rights of Common ſo ordered and directed to be extinguiſhed, or to be ſuſpended, ſhall ceaſe, determine, and be extinguiſhed or ſuſpended, according to ſuch Notice; and it ſhall be lawful for the ſaid Commiſſioners, in caſe they ſhall judge it expedient, to let by Auction the Paſturage of the ſaid Commons and Waſte Grounds, or any Part thereof, for ſuch intermediate Time, previous to the allotting thereof, as they may think right; and the Monies thence ariſing ſhall be applied by the ſaid Commiſſioners in aid of the Fund for the general Purpoſes of this Act.

No Turf, &c. to be dug on the Commons.

XX. And be it further enacted, That from and after the paſſing of this Act, no Perſon ſhall pare, dig, or take away any Sods, Turves or Soil, in, upon, or from any Part of the ſaid Commons or Waſte Grounds, until the ſame ſhall be ſet out and allotted as aforeſaid, under a Penalty not exceeding Forty Shillings for every ſuch Offence.

Encroachments within 20 Years deemed Part of the Commons.

XXI. And be it further enacted, That all Encroachments taken or made within Twenty Years next before the paſſing of this Act, from or upon any Part or Parts of the ſaid Commons and Waſte Grounds within the ſaid Pariſh of *Aſhley*, ſhall be deemed Part and Parcel of the ſaid Commons and Waſte Grounds, and ſhall (except only as to ſuch of them as are herein-after directed to be abaſed) be divided, allotted, and incloſed by virtue of this Act: Provided nevertheleſs, that ſuch of the ſaid laſt-mentioned Encroachments ſo to be divided, allotted, and incloſed, which adjoin any public Road or Highway, and have been laid to the ancient incloſed Lands of any Perſon entitled under this Act to an Allotment in reſpect thereof upon the ſaid Commons or Waſte Grounds, ſhall reſpectively be allotted by the ſaid Commiſſioners to the Party to whoſe ancient incloſed Lands the ſame ſhall have been ſo laid; and that all the Reſt of the ſaid laſt-mentioned Encroachments ſo to be divided, allotted, and incloſed, ſhall be allotted by the ſaid Commiſſioners unto the ſaid *Thomas Kinnerſly* and *Hugo Charles Meynell*, the Lords of the ſaid Manor of *Aſhley*; yet nevertheleſs the ſaid reſpective Allotments ſhall be taken and conſidered as Part of the ſeveral Allotments to which the ſaid Parties, and the ſaid Lords reſpectively, will be entitled by virtue of the Proviſions herein-after contained: Provided always, that in valuing ſuch ſeveral Allotments, the ſaid Commiſſioners ſhall not conſider or eſtimate the Value of any Erections or Improvements made upon the ſame Encroachments, but ſhall eſtimate the Land only, with reference to an average Value of the Whole of the ſaid Commons and Waſte Grounds.

To whom ſuch Encroachments ſhall be allotted.

Encroachments made more than 20 Years, which are in Poſſeſſion of the Lords or their Tenants, to be allotted to the Lords; ſubject to exiſting Leaſes thereof.

XXII. And be it further enacted, That all Encroachments which have been taken or made from or upon any Part or Parts of the ſaid Commons and Waſte Grounds within the ſaid Pariſh of *Aſhley*, more than Twenty Years before the paſſing of this Act, and which are at the Time of the paſſing of this Act in the Poſſeſſion of the Lords of the ſaid Manor of *Aſhley*, or either of them, their or either of their Leſſees or Tenants, ſhall, together with all Buildings ſtanding thereon, be allotted by the ſaid Commiſſioners unto the ſaid *Thomas Kinnerſly* and *Hugo Charles Meynell*, the Lords of the ſaid Manor of *Aſhley*, but ſubject nevertheleſs to ſuch Demiſes, Grants, or Leaſes thereof reſpectively, as ſhall or may have been granted thereof by the ſaid Lords or their Predeceſſors reſpectively.

Other Encroachments made more than 20 Years and leſs than 40 Years to be allotted to the Lords; who ſhall be bound to make Leaſes to the Occupiers, not exceedings 31 Years, on Terms fixed by the Commiſſioners.

XXIII. And be it further enacted, That all other Encroachments which have been taken or made from or on any Part or Parts of the ſaid Commons and Waſte Grounds within the ſaid Pariſh of *Aſhley*, more than Twenty Years and leſs than Forty Years before the paſſing of this Act, other than ſuch as have been herein-before directed to be allotted, ſhall, together with all Buildings ſtanding thereon, be allotted by the ſaid Commiſſioners unto the ſaid *Thomas Kinnerſly* and *Hugo Charles Meynell*, the Lords of the ſaid Manor of *Aſhley*: Provided always, that the ſeveral Perſons who at the Time of the Allotment being made of the laſt-named Encroachments as aforeſaid ſhall be in the actual Poſſeſſion thereof reſpectively, or in receipt of the Rents and Profits thereof reſpectively, and their reſpective Aſſigns ſhall and may and they are hereby reſpectively authorized to continue to poſſeſs, hold, and enjoy the ſaid laſt-named Encroachments reſpectively, under and as Tenants to the Lords of the ſaid Manor, for any Term to be ſettled by the Commiſſioners, not exceeding Thirty-one Years from the Time of ſuch Allotment being made by them as aforeſaid, at ſuch Rents and upon ſuch Terms as the ſaid Commiſſioners ſhall fix and ſettle in that Behalf reſpectively, and which they are hereby authorized and required to fix and ſettle, and to certify in Writing under their Hands at the Time of making ſuch Allotment as aforeſaid, and alſo to ſpecify in their general Award; and the Lords of the ſaid Manor ſhall and are hereby required upon the Application, and at the Coſts and Charges of the reſpective Perſons who ſhall be entitled to hold and enjoy ſuch Encroachments in Manner aforeſaid, to grant Leaſes of the ſaid Encroachments reſpectively to ſuch Perſon and Perſons reſpectively, upon the Terms and according to the Proviſions herein-before contained in that Behalf.

All other Encroachments of more than 40 Years ſtanding, to be allotted to the Poſſeſſors.

XXIV. And be it further enacted, That all other Encroachments which have been taken or made from or upon any Part or Parts of the ſaid Commons and Waſte Grounds, more than Forty Years before the paſſing of this Act, other than ſuch as have been herein-before directed to be allotted, ſhall, together with all Buildings ſtanding thereon, be allotted by the ſaid Commiſſioners unto the ſeveral Perſon and Perſons reſpectively who at the Time of making their Award ſhall be in the Poſſeſſion of ſuch Encroachments, or in the Receipt of the Rents and Profits thereof reſpectively.

Allotments of Encroachments to be

XXV. And be it further enacted, That all the ſaid ſeveral Allotments herein-before directed to be made of the ſeveral Encroachments which have

have been taken or made from or upon any Part or Parts of the ſaid Commons or Waſte Grounds, more than Twenty Years before the paſſing of this Act, ſhall be made to the ſeveral Parties entitled thereto, under the Proviſions herein-before contained, in addition to all further Rights and Intereſts to which ſuch Parties may be entitled upon the Diviſion and Allotment of the ſaid Commons and Waſte Grounds, and ſhall not be conſidered as any Part of the ſeveral Allotments herein-after directed to be made.

in addition to any other Rights of the Perſons to whom they are to be allotted.

XXVI. Provided always, and be it further enacted, That in caſe any of the public Roads or Highways within the ſaid Pariſh (except ſuch as ſhall be ſtopped up by virtue of the Powers of this Act or of the ſaid recited Act) ſhall have been narrowed to a leſs Width than Thirty Feet, by reaſon of any Encroachment or Encroachments made within Twenty Years next before the paſſing of this Act, then and in every ſuch Caſe the ſaid Commiſſioners ſhall and they are hereby authorized and required to abaſe and throw open all and every ſuch Encroachment and Encroachments, ſo as that the ſame Roads and Highways may be and for ever remain of the Width of Thirty Feet at the leaſt: Provided, that nothing herein contained ſhall extend to authorize the ſaid Commiſſioners to throw down or injure any Buildings erected upon ſuch Encroachment or Encroachments before the paſſing of this Act.

Encroachments which have narrowed the Roads to leſs than 30 Feet, to be thrown open.

XXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered, to improve, repair, divert, ſtop up, alter, change, remove, widen or enlarge, any old public Carriage Road, Driftway, Bridleway or Footpath, leading between, through or over any of the ancient or preſent incloſed Lands in the ſaid Pariſh, with the Concurrence and Order of Two Juſtices, and ſubject to ſuch Appeal and other Proviſions as are mentioned in the ſaid recited Act in any of thoſe Reſpects; and that the ſaid Commiſſioners ſhall and may (ſubject to ſuch Concurrence, Appeal, and other Proviſions as aforeſaid) ſet out and appropriate ſuch new public Roads or Ways, in lieu of any ſuch old public Roads or Ways ſo to be diverted, ſtopped up, altered, changed or removed, as they the ſaid Commiſſioners ſhall think expedient and requiſite for the Convenience of the Inhabitants of the ſaid Pariſh and the Public at large; and that after the ſeveral public Roads and Ways ſhall have been ſet out, made, altered, diverted or ſtopped up as herein-before mentioned, it ſhall not be lawful for any Perſon or Perſons whomſoever to uſe any public Roads or Ways, between, through or over ſuch ancient or preſent incloſed Lands within the ſaid Pariſh, other than ſuch as ſhall have been ſet out and appointed by the ſaid Commiſſioners as aforeſaid, and thoſe only in ſuch Manner and to ſuch Extent as the ſaid Commiſſioners ſhall appoint; all which ſeveral public Roads ſo to be ſet out, diverted, altered, and ſtopped up reſpectively, ſhall be ſet forth in the Award of the ſaid Commiſſioners, and the ſame ſhall (ſubject as aforeſaid) be final and concluſive upon all Perſons whomſoever; and the Soil of all public Roads ſo to be ſtopped up ſhall be deemed Part of the ſaid Commons and Waſte Grounds, and ſhall be divided and allotted accordingly: Provided, that none of the preſent Roads ſhall be ſtopped up or diſcontinued until the ſaid Commiſſioners ſhall have cauſed the ſaid new Roads to be ſet out as aforeſaid, and until the ſame ſhall be properly formed, and made ſafe and convenient

Powers to Commiſſioners to improve and alter Roads throughout the Pariſh.

nient for Travellers, Horſes, Cattle, and Carriages: And provided alſo, that nothing herein contained ſhall authorize the ſaid Commiſſioners to divert or alter any Turnpike Road leading through the ſaid Pariſh, without the Conſent of the Majority of Seven Truſtees of ſuch Turnpike Road, aſſembled at a public Meeting called for that Purpoſe on Ten Days Notice, be firſt had and obtained.

Patches of Land by the Sides of Roads to be incloſed, leaving the Roads 30 Feet wide.

XXVIII. And be it further enacted, That all Patches and ſmall Parcels of unincloſed Lands lying by the Sides of any public Roads or Lanes within the ſaid Pariſh, which, in the Judgment of the ſaid Commiſſioners may be conveniently incloſed, without incommoding the public Intercourſe on ſuch Roads or Lanes, or rendering the ſame of leſs Width than Thirty Feet reſpectively, ſhall be deemed Part of the Commons and Waſte Grounds to be divided, allotted, and incloſed by virtue of this Act.

Public Allotment for Stone, Gravel, &c. for the Highways, &c.

XXIX. And be it further enacted, That the ſaid Commiſſioners, after ſetting out, appointing, and allotting, in purſuance of the ſaid recited Act and this Act, all ſuch public Carriage Roads and Highways, in, through, and over the ſaid Commons and Waſte Grounds intended to be divided, allotted, and incloſed, as they ſhall judge neceſſary, ſhall ſet out, appoint, and allot ſuch Part or Parts of the ſaid Commons and Waſte Grounds as they the ſaid Commiſſioners ſhall judge proper and expedient, for public Watering Places, and for getting Stone and Gravel for making and repairing the Highways within the ſaid Pariſh; which Allotment or Allotments ſo to be ſet out, appointed, and allotted as aforeſaid, ſhall for ever thereafter be uſed by the Surveyors of the Highways within the ſaid Pariſh for the Time being, and by the Lords of the ſaid Manor, and the Freeholders of the ſaid Pariſh and their reſpective Tenants for the Time being, in ſuch Manner, and under ſuch Regulations and Reſtrictions, as the ſaid Commiſſioners ſhall by their Award direct and appoint.

Allotment for Scite of a Workhouſe for the Pariſh.

XXX. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out, appoint, and allot unto the Churchwardens of the Pariſh of *Aſhley* aforeſaid, and their Succeſſors for the Time being, ſuch Part of the ſaid Commons and Waſte Grounds as they the ſaid Commiſſioners ſhall judge moſt expedient and proper, not exceeding Four Statute Acres in the Whole, to be uſed and appropriated for ever for the Scite of a Workhouſe for the Poor of the ſaid Pariſh.

Allotment for Sale for defraying Expences.

XXXI. And be it further enacted, That the ſaid Commiſſioners ſhall as ſoon as conveniently may be, and at ſuch Time or Times as they ſhall deem expedient, allot and ſet out, by proper Marks and Bounds, ſo much and ſuch Part or Parts of the ſaid Commons and Waſte Grounds as to them ſhall ſeem neceſſary, in order by Sale thereof, in the Manner directed by the ſaid recited Act, to raiſe Money ſufficient to pay and diſcharge the Coſts, Charges, and Expences, incurred and to be incurred in, about, and incident to the applying for and obtaining this Act, and for carrying this Act and the ſaid recited Act into complete Execution; and the ſaid Commiſſioners ſhall and they are hereby required to cauſe the ſaid Part or Parts of the ſaid Commons and Waſte Grounds ſo to be ſet out for Sale, to be ſold at ſuch Time or Times as

they shall deem expedient, and in the Manner and according to the Directions in the said recited Act contained; and the Purchaser or Purchasers of the Lands so to be set out and sold as aforesaid, his, her, and their Heirs and Assigns, shall respectively be subject and liable to the making, repairing, and keeping in Repair of such Parts of the Ring or outer Fences thereof as shall be directed by the said Commissioners; and also to the due Observance and Performance of all Orders, Matters, Charges, and Directions relative thereto, which shall be made and directed by the said Commissioners in and by their general Award; and also to all Rights, Liberties, and Privileges herein-after excepted and reserved to the Lords of the Soil of the said Commons and Waste Grounds respectively for the Time being, and their respective Lessees or Assigns.

Allotment to the Lords of the Manor.

XXXII. And be it further enacted, That the said Commissioners shall, in the next Place, set out, appoint, and allot unto the said *Thomas Kinnersley* and *Hugo Charles Meynell*, the Lords of the said Manor of *Ashley*, such Quantity of the said Commons and Waste Grounds as shall (together with the Encroachments made within Twenty Years next before the passing of this Act, of which an Allotment is herein-before directed to be made to the said Lords) be equal in the Judgment of the said Commissioners (due Regard being had to Quality, Situation, and Quantity) to One-twelfth Part or Share of the Commons or Waste Grounds intended to be divided, allotted, and inclosed under and by virtue of this Act, which shall remain after the making of all the other Allotments herein-before mentioned, and directed to be made; such One-twelfth Part to be taken by the said *Thomas Kinnersley* and *Hugo Charles Meynell*, the Lords of the said Manor, together with their other Allotments herein-before directed, in lieu and full Compensation of and for all their Right and Interest as Lords of the said Manor, of, in, and to the Soil and Royalties of the said Commons and Waste Grounds (save and except as herein-after excepted and reserved to them respectively); but nevertheless exclusively of all such other Shares and Proportions of the said Commons and Waste Grounds, as they shall respectively be entitled to in respect of their several Messuages, Farms, Lands, and Tenements within the said Parish of *Ashley*, to which any Right of Common on the said Commons and Waste Grounds so to be divided, allotted, and inclosed, is appendant, appurtenant, or belonging.

The Allotments to the Lords to be made in Severalty to them.

XXXIII. Provided always, and be it further enacted, That all and every the Allotments whereunto the said *Thomas Kinnersley* and *Hugo Charles Meynell* shall be entitled under the Provisions herein-before contained, as Lords of the said Manor, shall be set out, divided, allotted, and awarded by the said Commissioners, in such Manner and so as that each of them the said *Thomas Kinnersley* and *Hugo Charles Meynell* respectively may have, hold, and enjoy distinct and entire Lots and Portions of the same Allotments in Severalty, and not by Way of Tenantcy in Common, Coparceny or Joint Tenantcy; they the said Commissioners being hereby directed to have due Regard in determining such distinct and entire Lots and Portions, to the several Parts, Shares, and Proportions wherein the said *Thomas Kinnersley* and *Hugo Charles Meynell* are now seised or possessed of the Ownership of the said Manor, as is herein-before mentioned, and to award the said Allotments accordingly.

Allotment to the Rector in respect of his Glebe.

XXXIV. And be it further enacted, That the said Commissioners after making the several Allotments herein-before directed, shall, in the next Place, set out, appoint, and allot unto the said *William Anwyl* Clerk, and his Successors, Rectors of the said Parish of *Ashley*, such Part or Parts of the said Commons and Waste Grounds as shall, in the Judgment of the said Commissioners, be equivalent to and a proper Compensation for the Right of Common only, of the Rector of the said Parish upon the said Commons and Waste Grounds, in respect of his Rectory House and Glebe Lands within the said Parish.

Allotment in respect of Poors Land in Ashley.

XXXV. And be it further enacted, That the said Commissioners shall, in the next Place, set out and appoint and allot unto the Rector and Churchwardens of the said Parish of *Ashley*, and their respective Successors for the Time being, such Part or Parts of the said Commons and Waste Grounds as shall, in the Judgment of the said Commissioners, be equivalent to and a proper Compensation for the Right of Common and other Interest, in and upon the said Commons and Waste Grounds, in respect of certain Lands belonging to or vested in the said Rector and Churchwardens as Trustees for certain Charities, for the Benefit of the Poor of the said Parish.

Allotments in respect of Glebe and Poors Land to be ring-fenced.

XXXVI. And be it further enacted, That all such of the Ring Fences of the Allotments herein-before directed to be made to the Rector of the said Parish of *Ashley*, and to the Churchwardens of the said Parish respectively, as shall be directed by the said Commissioners to appertain to such Allotments respectively, shall, in the first Instance, be well and sufficiently made in such Manner as the said Commissioners shall direct; and that the Costs and Charges of so making the said Fences shall be paid out of the Monies to be raised for the general Purposes of this Act.

Allotment of the Residue of the Commons amongst the Proprietors.

XXXVII. And be it further enacted, That after the several Allotments herein-before directed shall have been made, the said Commissioners shall and they are hereby authorized and required to set out by Marks and Bounds, and to assign and allot all the Residue of the said Commons and Waste Grounds intended to be divided and inclosed in Severalty, unto the said *Thomas Kinnersley* (for and in respect of his several Messuages, Farms, Lands, and Tenements within the said Parish of *Ashley*), unto the said *Hugo Charles Meynell* (for and in respect of his several Messuages, Farms, Lands, and Tenements within the said Parish of *Ashley*), and unto and amongst all and every other the Owners and Proprietors of Messuages, Farms, Lands, Tenements, and Hereditaments, entitled to Right of Common in or upon the said Commons and Waste Grounds, or any Part thereof, subject to the Rules, Orders, and Directions in this Act contained, according and in Proportion to their respective Rights and Interests in and to the said Commons and Waste Grounds, and in lieu and full Compensation of and for the same respectively, in such Manner as the said Commissioners shall in their Judgment think just and equitable; due Regard being had as well to the Quality and Situation as to the Quantity of the same respectively.

No Allotments to be made in respect of

XXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall in anywise authorize or allow the said Commissioners, nor shall they have any Liberty or Power to set out, assign,

or allot any Part of the ſaid Commons and Waſte Grounds in lieu or Compenſation of or for any Right of Common or other Rights or Intereſts claimed only as appendant or appurtenant to or in reſpect of any Meſſuages, Cottages, Lands, or Tenements, which ſhall be proved to the Satisfaction of the ſaid Commiſſioners, from the Court Rolls of the ſaid Manor of *Aſhley*, or otherwiſe, to have been heretofore taken in or encroached from or upon any of the Commons and Waſte Grounds within the ſaid Pariſh of *Aſhley*, or any Part thereof. Encroachments from the Common.

XXXIX. Provided further, and be it enacted, That a certain Pool in or near to the Village of *Aſhley* aforeſaid, called *The Marl Pit*, ſhall (ſubject to ſuch Rights of Watering in any Part thereof as may be ſet forth in the Award of the ſaid Commiſſioners) be compriſed in and form Part of the Allotment to be made by the ſaid Commiſſioners to the ſaid *Thomas Kinnerſley*, in reſpect of his Meſſuages, Farms, and Lands, having a Right of Common upon the ſaid Commons and Waſte Grounds; and alſo that Two certain Pieces of Waſte Ground, called *Lordſley and Hunger Heath*, ſhall be compriſed in and form Parts of the ſeveral Allotments to be made by the ſaid Commiſſioners to the ſaid *Thomas Kinnerſley* and the ſaid *Hugo Charles Meynell* reſpectively, in reſpect of their ſeveral Meſſuages, Farms, Lands, and Tenements, having a Right of Common upon the ſaid Commons and Waſte Grounds, in ſuch diſtinct and entire Lots and Portions as the ſaid Commiſſioners may direct. Particular Spots to be allotted to Mr. Kinnerſley and Mr. Meynell.

XL. And be it further enacted, That the ſeveral Allotments to be made by virtue of this Act ſhall be incloſed, hedged, ditched, and fenced at the Expence of the reſpective Proprietors and Perſons to whom ſuch Fences ſhall be allotted or directed to belong, in ſuch Manner and Proportion as the ſaid Commiſſioners ſhall by their Award, or any other Writing under their Hands, direct or appoint (ſave and except only in the particular Caſes where the Expence of the original making of ſuch Fences is otherwiſe provided for by this Act). Allotments to be fenced as the Commiſſioners direct.

XLI. And be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons, Party or Parties who ſhall be entitled to any Allotment or Allotments under or by virtue of this Act, or who ſhall be entitled to any Common Right or other Right in or upon the ſaid Commons and Waſte Grounds ſo to be divided, allotted, and incloſed in purſuance hereof, to give, grant, bargain, ſell, demiſe, mortgage, appoint, deviſe, convey, aſſure or diſpoſe of the ſame for all or any Part of his, her, or their Eſtate and Intereſt therein, or Right thereto, ſeparately and diſtinctly from the Meſſuages, Lands or Tenements, in Right of which he, ſhe, or they is or are entitled to the ſame, at any Time before the Execution of the general Award of the ſaid Commiſſioners; and any ſuch Gift, Grant, Bargain, Sale, Demiſe, Mortgage, Appointment, Deviſe, Aſſurance or Diſpoſition thereof, ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award; and the ſaid Commiſſioners are hereby authorized and required to award all and every ſuch Allotment and Allotments ſo ſold or diſpoſed of to the Purchaſer or Purchaſers thereof, or other the Perſon or Perſons, Party or Parties entitled to the ſame by virtue of any ſuch Sale or Diſpoſition. Allotments may be diſpoſed of before the Execution of the Award.

XLII. Provided always, and be it further enacted, That if any Perſon or Perſons, Party or Parties hath or have ſold, or ſhall, at any Time before In caſe any Allotment ſhall be ſold,

the ſame to be awarded to the Purchaſer.

before the Execution of the general Award to be made by the ſaid Commiſſioners, ſell his, her, or their Right, Intereſt or Share, or any Part thereof, in, over, and upon the ſaid Commons and Waſte Grounds, to any other Perſon or Perſons, Party or Parties, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized, directed, and required to make the proper Allotment unto the Purchaſer in every ſuch Sale, or to his, her, or their Heirs or Aſſigns, for and in reſpect of ſuch Right, Intereſt, and Share ſo ſold as aforeſaid; and any ſuch Purchaſer, or his, her, or their Heirs or Aſſigns, ſhall and may from and after the Execution of the ſaid Award, having duly paid the Purchaſe or Conſideration Monies mentioned in ſuch Sale, hold and enjoy the Land to be allotted to him, her, or them as aforeſaid, in the ſame full and beneficial Manner, to all Intents and Purpoſes, as the Vendor in every ſuch Sale might, could, or ought to have held and enjoyed the ſame, in caſe ſuch Sale had not been made, or ſuch Rights, Intereſts or Share had been veſted in ſuch Vendor at the Time of making ſuch Allotment.

Allotments to be of the ſame Tenure as the Eſtates in reſpect whereof they are made.

XLIII. And be it further enacted and declared, That all and every the Allotment and Allotments of the ſaid Commons and Waſte Grounds which ſhall be ſet out and allotted by virtue or in purſuance of this Act or of the ſaid recited Act, ſhall, from and after the Execution of the general Award by the ſaid Commiſſioners, become and be of the ſame Tenure, and be held under the ſame Rents and Services, and in the ſame Manner, as the ſeveral and reſpective Manors, Meſſuages, Lands, Tenements, and Hereditaments, in reſpect whereof ſuch Allotment or Allotments ſhall be reſpectively allotted and ſet out, are and have heretofore been holden, and are ſubject to reſpectively.

Award to diſtinguiſh Allotments in reſpect of Eſtates held by one Party, under diſtinct Titles.

XLIV. And be it further enacted, That where the Proprietor or Proprietors of any Meſſuages, Lands, Tenements or Hereditaments, in Right of which any Allotment ſhall be made by virtue of this Act, ſhall hold his, her, or their reſpective Meſſuages, Lands, Tenements or Hereditaments by different Tenures, or for, by, or under different Eſtates or different Titles, the ſaid Commiſſioners ſhall aſcertain and diſtinguiſh the Meſſuages, Lands, Tenements or Hereditaments ſo held by different Tenures, or for, by, or under different Eſtates or different Titles, and ſhall in their Award ſet out and appoint diſtinct and ſeparate Allotments for ſuch reſpective Meſſuages, Lands, Tenements, and Hereditaments.

If ſuch diſtinct Allotments are omitted to be ſet forth in the Award, the Omiſſion may afterwards be rectified by a ſeparate Deed.

XLV. Provided always, and be it further enacted, That where from want of the neceſſary Information before the ſaid Commiſſioners, or from any other Cauſe, the general Award of the ſaid Commiſſioners ſhall have omitted to diſtinguiſh the Meſſuages, Lands, Tenements or Hereditaments ſo holden by the ſaid Proprietor or Proprietors by different Tenures, or for, by, or under different Eſtates or Titles, as aforeſaid, or ſhall have omitted to ſet out and award ſeveral and diſtinct Allotments for any ſuch Meſſuages, Lands, Tenements or Hereditaments, as herein-before directed and required, it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authorized, at any Time after the Date and Execution of their Award, upon Requeſt in Writing to be made to them (within Twelve Months after the Execution of their

ſaid

ſaid Award) by the reſpective Proprietors of any ſuch Meſſuages, Lands, Tenements or Hereditaments, to do all ſuch Acts as ſhall be neceſſary for ſupplying any ſuch Omiſſion, and for that Purpoſe to examine Witneſſes, and to proceed as if their Award had not been made, and by any Deed or Inſtrument under their Hands and Seals, to diſtinguiſh, aſcertain, and ſet out the Meſſuages, Lands, Tenements, and Hereditaments ſo held by different Tenures, or for, by, or under different Eſtates or Titles reſpectively, and the ſeveral and diſtinct Allotments in reſpect thereof reſpectively, in the ſame Manner as they are by this Act authoriſed and required to do in Caſes where ſuch Meſſuages, Lands, Tenements, and Hereditaments are directed to be aſcertained, diſtinguiſhed, and ſet out by the general Award; and every ſuch ſeparate Inſtrument ſhall be inrolled in the ſame Place as the general Award ſhall be inrolled, and Evidence given thereof in the ſame Manner as by the ſaid Act is directed concerning the ſaid general Award; and all the Expences which ſhall be reaſonably incurred in or about any ſuch ſubſequent Inquiry and ſeparate Inſtruments as aforeſaid, ſhall be paid by the Perſon or Perſons, Party or Parties who ſhall have requeſted the ſaid Commiſſioners to make and execute the ſame, or by his, her, or their Heirs, Executors or Adminiſtrators.

Parties intereſted in the Incloſure being under Diſability, Truſtees, &c. enabled to act on their Behalf.

XLVI. And be it further enacted and declared, That in caſe any Lord or Lords of the ſaid Manor, or any Perſon or Perſons intereſted or concerned in the ſaid Diviſion and Incloſure to be made by virtue of this Act, or in any Matter or Thing relating to the ſame, ſhall at any Time be under Coverture, Minors, Lunatics, or beyond the Seas, or be under any other Diſability or Incapacity of acting for themſelves reſpectively, then and in every ſuch Caſe the Huſbands, Guardians, Truſtees, Committees or Attornies acting for and on Behalf of ſuch Lord or Lords of the ſaid Manor, and ſuch other Perſon and Perſons reſpectively as aforeſaid, ſhall be and are hereby declared competent to do, perform, and execute, for and on Behalf of ſuch diſabled and incapacitated Perſon and Perſons reſpectively, all and every Act and Acts, Matters and Things whatſoever, requiſite and neceſſary, in purſuance of or authoriſed by this Act, and for carrying the ſame into Execution, as fully and effectually, to all Intents and Purpoſes, as the Perſon or Perſons for and on whoſe Behalf the ſame ſhall be done, performed, and executed, could or might have done, performed, and executed ſuch Acts, Matters, and Things themſelves reſpectively, in caſe no ſuch Diſability or Incapacity had exiſted.

Powers of exchanging Lands, &c. veſted in Commiſſioners.

XLVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners to ſet out, allot, and award any Allotment or Allotments, Part or Parts of the ſaid Commons or Waſte Grounds, or any Meſſuages, Cottages, Lands, Tenements or Hereditaments within the ſaid Pariſh of *Aſhley*, in lieu of and in Exchange for any other Allotment or Allotments, Part or Parts of the ſaid Commons or Waſte Grounds, or for any other Meſſuages, Cottages, Lands, Tenements or Hereditaments within the ſaid Pariſh, or within any adjoining Pariſh, Manor, Townſhip, Hamlet or Place: Provided nevertheleſs, that all ſuch Exchanges be aſcertained and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent of the ſeveral Owners or Proprietors of the Hereditaments ſo to be exchanged, (whether ſuch Owners or Proprietors, or any of them, ſhall

be a Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives,) or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees or Attornies of or acting for any such Owner or Owners, Proprietor or Proprietors as aforesaid, who at the Time of making such Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself respectively (such Consent to be testified in Writing under the Common Seal of the Body or Bodies Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively); and all and every of such Exchanges so to be made, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided, that no Exchange of any Lands, Tenements or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, shall be made without the Consent of the Patron or Patrons thereof, and of the Ordinary of the Diocese in which the same Lands, Tenements or Hereditaments so to be exchanged shall lie and be situate; such Consent to be testified in Writing under their Hands respectively.

Costs of Exchanges to be defrayed by the interested Parties.

XLVIII. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making and completing any Exchanges, or in anywise relating thereto, shall be paid and borne by the several Parties making or agreeing to make such Exchanges respectively, in such Manner and in such Proportions, as the said Commissioners shall by their Award order and direct.

The Allotments in respect of Lands, &c. under Lease, to be made to the Landlords.

XLIX. Provided always, and be it further enacted, That the Allotments to be made and set out by virtue of this Act, in Right of any Messuages, Lands or Tenements held under Lease from Year to Year, or for any Term of Years not exceeding Twenty-one Years, or for One Life only, or for any Term of Years determinable on the Decease of One Life only, shall be allotted and set out to the respective Landlords or Lessors, and shall be held and enjoyed by them, free from all Right and Interest of their respective Lessees or Tenants; and such Landlords or Lessors respectively shall make such Abatements out of the Rents reserved by such Leases respectively, or such other Compensation or Satisfaction on account of the Determination or Extinguishment of the Rights of Common comprised therein, as the said Commissioners shall judge reasonable, (due Regard being had to the Circumstances and Terms of such Leases respectively,) and shall in and by their Award, or by any other Writing under their Hands, ascertain, direct, or appoint.

For vacating Leases in order to facilitate Exchanges.

L. And be it further enacted, That the said Commissioners, upon the Application in Writing of any Proprietor or Proprietors of any Messuages, Cottages, Lands, Tenements, or Hereditaments to be exchanged by virtue of this Act, now holden and occupied by virtue of any Lease or Agreement for any unexpired Term of Years not exceeding Twenty-one Years, or for One Life only, or any Term or Terms determinable on the Decease of One Life only, shall and may and they are hereby

hereby authoriſed and empowered to annul and make void ſuch Leaſes or Agreements reſpectively, ſo far only as the ſame may affect any Meſſuages, Cottages, Lands, Tenements, or Hereditaments ſo to be exchanged, or any Allotment from the ſaid Commons and Waſte Grounds in reſpect thereof, (but not further or otherwiſe,) and by their general Award to order and direct from what Time ſuch unexpired Terms or Intereſts therein ſhall ceaſe and determine; yet neverthelefs the reſpective Proprietors of the ſaid Hereditaments making ſuch Satisfaction to their reſpective Leſſees or Tenants, as the ſaid Commiſſioners ſhall think juſt and reaſonable, and by their ſaid Award ſhall direct to be paid to them reſpectively, as a Compenſation and Equivalent for ſuch Leaſes or Agreements reſpectively; and which Compenſation ſhall be recoverable by ſuch Leſſees or Tenants reſpectively, by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*; in which it ſhall be ſufficient to declare that the Defendant or Defendants is or are indebted to ſuch Leſſees or Tenants reſpectively, in the Sum ſpecified in the ſaid Commiſſioners Award, and in virtue of ſuch Award, without ſetting forth any other of the Proceedings had therein.

Commiſſioners not empowered to annul Leaſe of Premiſes ſituated out of the Pariſh.

LI. Provided neverthelefs, and be it further enacted, That nothing herein contained ſhall in anywiſe authoriſe or empower the ſaid Commiſſioners to annul or make void any ſuch Leaſe or Agreement as aforeſaid, in any Caſe where the Whole of the Premiſes holden or occupied by virtue thereof are entirely ſituate out of the Limits of the ſaid Pariſh of *Aſhley*.

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

LII. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to revoke, make void, alter or annul any Will, Settlement, or Deed whatſoever, (except under the expreſs Proviſions herein-before made,) or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Annuity, Portion, Debt, Rent Charge or Incumbrance, in, out of, upon, or affecting any of the Meſſuages, Lands, Tenements, or Hereditaments hereby directed to be divided, allotted, incloſed, or exchanged reſpectively, in purſuance of this Act or of the ſaid recited Act, or any Part or Parts thereof reſpectively; but that the ſeveral Meſſuages, Lands, Tenements, and Hereditaments which ſhall be ſo allotted or exchanged reſpectively, ſhall immediately after the Execution of the Award of the ſaid Commiſſioners, be veſted in and remain, continue, and enure, and be held and enjoyed by the ſeveral Perſons and Parties to whom the ſame ſhall be allotted or given in Exchange reſpectively, and they ſhall thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively, to, for, and upon ſuch and the ſame Uſes, Eſtates, Intereſts, Truſts, Intents, and Purpoſes, and ſubject and liable to the ſame Wills, Limitations, Eſtates, Conditions, Settlements, Proviſoes, Remainders, Reverſions, Debts, Charges, and Incumbrances of every Kind, as the Meſſuages, Lands, Tenements, and Hereditaments for or in reſpect of which ſuch Allotments and Exchanges reſpectively ſhall be made, would have been ſubject to, charged with, or affected by, at or immediately before the Execution of the ſaid Award, in caſe this Act had not been made, and ſubject always to ſuch Mortgages, Charges and Incumbrances, as ſhall be made in purſuance of this Act or of the ſaid recited Act.

LIII. And

Saving of Tithes, &c. to the Rector of the Parish.

LIII. And be it further enacted and declared, That nothing in this Act or the said recited Act contained shall extend to take away, defeat, lessen or prejudice the Right, Title, or Interest of the Rector of the said Parish of *Ashley* for the Time being, or of any other Person or Persons having any Right, Title or Interest, of, in, and to any Great Tithes, Small Tithes, Moduses, Prescriptions, Compositions for Tithes, Surplice Fees, Mortuaries, *Easter* Dues, or other Ecclesiastical Payments whatsoever, arising, growing, renewing, increasing, or payable within or out of the said Parish of *Ashley*, or any Part or Parts thereof, but that the same and every of them, and every Part thereof, shall remain due and payable to the Person and Persons respectively entitled thereto, as if this Act and the said recited Act had not been made.

Part of Allotments to be Tithe free for Two Years, and Part for Five Years.

LIV. Provided always, and be it further enacted and declared, That, notwithstanding any Thing herein-before contained to the contrary, all Allotments to be made of that Part of the said Commons and Waste Grounds, which is called or known by the Name of *Lordsley*, shall be exempt from the Payment of all Manner of Tithes, for the Term or Space of Two Years from the making of the Award of the Commissioners, but not longer; and that all Allotments to be made of the other Parts of the said Commons and Waste Grounds, not yet inclosed, for and in respect of any ancient inclosed Lands which are Tithable, shall (save and except that Part thereof which is called *Hunger Heath*) be exempt from the Payment of all Manner of Tithes, for the Term or Space of Five Years from the making of the Award of the said Commissioners, but not longer: Nevertheless, it is hereby declared, that the aforesaid Part of the said Commons and Waste Grounds, which is called or known by the Name of *Hunger Heath*, shall be, and shall be deemed to be, subject to the Payment of Tithes, immediately from and after the passing of this Act.

Sheep, &c. not to be turned on the Roads or Lanes for Seven Years.

LV. And be it further enacted, That no Person shall, during the Space of Seven Years from the Execution of the Award of the said Commissioners, turn out, keep or depasture, or cause, permit, or suffer to be turned out, kept or depastured, any Sheep, Lamb, Pig, Horse, Mule, Ass, Cow, Calf or other Cattle, or any Geese, in any of the Roads or Lanes leading through, over, or across any of the said Commons or Waste Grounds to be divided, allotted, and inclosed by virtue of this Act.

Regulations for protecting Fences of the Allotments.

LVI. And be it further enacted, That no Person, during the Space of Seven Years from the Execution of the Award of the said Commissioners, shall turn out, keep or depasture, or cause, permit, or suffer to be turned out, kept or depastured, any Sheep, Lamb, Pig, Horse, Mule, Ass, Cow, Calf or other Cattle, or any Geese, in or upon any Allotment or Allotments to be made by virtue of this Act, unless such Person shall previously have effectually guarded and protected, by sufficient Fences, all and every the Quickset Fences surrounding such Allotment or Allotments from receiving any Damage or Injury (whether such Quickset Fences shall belong to the Occupier of such Allotment or Allotments, or otherwise).

For paying Expences of the Act.

LVII. And be it further enacted, That all the Costs, Charges, and Expences incurred and to be incurred in and about and incident to the

applying for and obtaining and paſſing this Act, and the Fees, Coſts, and Charges of the ſaid Commiſſioners and Umpire, and the Clerks, Surveyors, and all other Perſons employed by them, and all Coſts, Charges, and Expences incurred and to be incurred in, about, or concerning the ſurveying, meaſuring, mapping, planning, dividing, and allotting of the ſaid Commons and Waſte Grounds, and the ſurveying, meaſuring, mapping, and planning of the ancient or preſent incloſed Lands within the ſaid Pariſh, and of, in, and about the altering, changing, repairing, ſetting out, and making of public Roads and Ways, between, through, and over the ſaid ancient incloſed Lands, and the ſaid Commons and Waſte Grounds, and the making of ſuch Part or Parts of the Ring Fences of the ſeveral Allotments to be made reſpectively to the Rector and to the Churchwardens of the ſaid Pariſh, as are herein-before mentioned, and generally of, in, and about the carrying into Execution, in all other Reſpects, the Powers, Authorities, and Purpoſes of this Act and the ſaid recited Act, ſhall be paid and diſcharged by the ſaid Commiſſioners out of the Monies to ariſe by Sale of Lands, as herein-before mentioned: Provided, that in caſe any Surplus ſhall remain after Payment of all ſuch Coſts, Charges, Fees, and other Expences as aforeſaid, ſuch Surplus ſhall be divided by the ſaid Commiſſioners amongſt the ſeveral Perſons intereſted in the Reſidue of the ſaid Commons and Waſte Grounds herein-before directed to be divided, allotted, and incloſed, in Shares proportioned to their Property and Intereſts therein reſpectively; and the Shares of ſuch of them as ſhall be Tenants in Fee Simple ſhall be paid to them reſpectively, and the Shares of the other Proprietors of and in ſuch Surplus Monies ſhall be applied and diſpoſed of in the Manner directed by the ſaid recited Act, in reſpect of Monies to be paid for the Purchaſe or Exchange of Lands or Hereditaments, and which ought to be laid out in the Purchaſe of other Hereditaments to be ſettled to the ſame Uſes; but in caſe the Purchaſe Monies ariſing by ſuch Sale or Sales ſhall not be ſufficient to defray all the Coſts, Charges, Fees, and other Expences aforeſaid, then the Deficiency thereof ſhall be made good by the ſeveral Perſons intereſted in the ſaid Commons and Waſte Grounds, (ſave and except the Rector and Churchwardens reſpectively of the ſaid Pariſh,) and ſhall be paid in ſuch Shares and Proportions, within ſuch Time and to ſuch Perſon or Perſons, as the ſaid Commiſſioners ſhall direct or appoint; and in caſe any Perſon made ſubject to the Payment of any Monies towards ſuch Coſts, Charges, Fees, and Expences as aforeſaid, ſhall neglect or refuſe to pay his or her Share or Proportion thereof within the Time to be appointed as aforeſaid, the ſame ſhall and may be levied and recovered in the Manner provided by the ſaid Act of the Forty-firſt Year of His Majeſty's Reign, in reſpect to the Recovery of Expences attending the obtaining and executing of Acts of Parliament, in Caſes where ſuch Expences are to be paid, in Proportion by the Proprietors of Lands and Grounds to whom any Allotments ſhall be made.

Proviſion for the Diſtribution of Surplus Monies raiſed by Sale.

Proviſion in caſe the Monies raiſed by Sale ſhall be inſufficient.

LVIII. And be it further enacted, That it ſhall and may be lawful to and for the Huſbands, Guardians, Truſtees, or Committees of any of the ſaid Proprietors or Owners, being under Coverture, Minors, Ideots, Lunatics, or beyond the Seas, or being under any other Diſability whatſoever, and to and for any of the ſaid Proprietors being Tenants in Tail, or for Life only, from Time to Time to charge their reſpective Allotments

Truſtees and Tenants for Life, &c. may charge Allotments, in order to pay for Improvements.

ments of the ſaid Commons and Waſte Grounds with any Sum or Sums of Money for the Purpoſe of fencing and incloſing ſuch Allotments reſpectively, not exceeding the Rate of Five Pounds *per* Acre; and for ſecuring the Repayment of ſuch Sum or Sums of Money, with Intereſt, to grant, mortgage, leaſe or demiſe, or otherwiſe ſubject the ſaid Allotments unto ſuch Perſon or Perſons as ſhall reſpectively advance and lend ſuch Money, his, her, and their reſpective Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years; ſo as every ſuch Grant or Demiſe be made with a Proviſo or Condition to ceaſe and be void when ſuch Sum or Sums of Money thereby to be ſecured, with the Intereſt thereof, ſhall be fully ſatisfied and paid; and ſo as in every ſuch Grant or Demiſe which ſhall be made by any Perſon or Perſons intereſted in or entitled to any ſuch mortgaged Premiſes as aforeſaid, there be contained a Covenant to pay and keep down the Intereſt of the ſaid Money thereby to be ſecured, during his, her, or their reſpective Life or Lives, or during the Continuance of his, her, or their Intereſt in the ſaid mortgaged Premiſes, in ſuch Manner that no Perſon afterwards becoming poſſeſſed of ſuch Allotments reſpectively, ſhall be ſubject or liable to pay any further or larger Arrear of Intereſt than for One Year preceding the Time when his or her Title to ſuch Poſſeſſion ſhall accrue and commence; and every ſuch Grant, Mortgage, Leaſe or Demiſe of the ſaid Allotments 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; and all and every ſuch Perſon or Perſons to whom any ſuch Grant, Mortgage, Leaſe or Demiſe ſhall be made, or who ſhall for the Time being be entitled to the Money thereby to be ſecured, ſhall and may from Time to Time, by any Deed or Deeds, aſſign or transfer the ſaid Security or Securities, and the Principal Money, and Intereſt thereby ſecured, unto any Perſon or Perſons whomſoever, who may again, in like Manner, aſſign the ſame, and ſo from Time to Time as Occaſion ſhall require; and ſuch Mortgagee or Mortgagees, Aſſignee or Aſſignees, his, her, or their Executors and Adminiſtrators, and all Perſons claiming under him, her or them, ſhall and may uſe, take, and purſue all ſuch Methods in Law and Equity for recovering and obtaining Poſſeſſion of the Premiſes ſo to be mortgaged, demiſed, or aſſigned as aforeſaid, in caſe of Non-payment of the Principal Money and Intereſt to be thereby ſecured, or any Part thereof, as are ordinarily taken and purſued in the Caſes of legal Mortgages.

Mortgages may be transferred.

Uſual Remedies for the Mortgagees to recover Mortgage Monies.

Monies advanced for the procuring this Act, to be repaid with Intereſt.

LIX. And be it further enacted, That if any Perſon or Perſons ſhall advance or lend any Sum or Sums of Money for or towards defraying the Expences of obtaining and paſſing this Act, or for or towards carrying the ſame into Execution, every ſuch Perſon and Perſons ſhall be repaid the Monies ſo advanced or lent, together with Intereſt for the ſame reſpectively, from the Time or Times of the ſame being advanced or lent, until the Repayment thereof, at the Rate of Five Pounds *per Centum per Annum*, out of the firſt Monies which ſhall be raiſed by the Commiſſioners for the general Purpoſes of this Act.

Allowances to Commiſſioners and Umpire.

LX. And be it further enacted, That out of the Monies to be raiſed for the general Purpoſes of this Act, there ſhall be paid to each of them the ſaid Commiſſioners and to the ſaid Umpire, in Satisfaction and Recompence of and for all their Expences and Trouble reſpectively, the Sum

Sum of Two Pounds Twelve Shillings and Sixpence, and no more, for each Day they ſhall reſpectively be employed in travelling to and from, and attending in the Execution of this Act; and that as well the ſaid Commiſſioners and Umpire, as alſo all Proprietors of Lands, and his, her, and their Agents reſpectively, ſhall bear and defray his and their own Expences at all Meetings, and upon all Occaſions, for the Purpoſes of this Act.

Commiſſioners Accounts to be yearly laid before a Magiſtrate.

LXI. And be it further enacted, That once at leaſt in every Year during the Execution of this Act, (ſuch Year to be computed from the Day of the paſſing of this Act,) 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 to the ſame, ſhall be by them laid before any of His Majeſty's Juſtices of the Peace for the ſaid County of *Stafford* not intereſted in the ſaid Incloſure, to be by him examined and balanced, and the Balance ſhall be ſtated by ſuch Juſtice in the Book of Accounts to be kept in the Office of the Clerk or Clerks to the ſaid Commiſſioners; and no Charge or Item in the ſaid Account ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice.

Commiſſioners final Accounts to be ſubmitted to a General Meeting, before the Award is executed.

LXII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, before the Time of executing their general Award, to ſubmit and lay all ſuch Statements or Accounts, with the Vouchers relating to the ſame, before a General Meeting of Parties intereſted in the ſaid Incloſure, and attending either by themſelves, or by their reſpective Agents or Attornies; ſuch Meeting to be convened in the Manner herein-before directed as to General Public Meetings for the Purpoſes of this Act; and the ſaid Statements or Accounts, or true Copies thereof, to be delivered to the Parties preſent at ſuch Meeting, or to ſuch Perſon or Perſons as they, or the major Part of them in Value, ſhall appoint to receive the ſame; and if the Parties ſo aſſembled, or the major Part of them in Value, ſhall think proper, the ſaid Accounts ſhall be then paſſed, ſettled, and allowed, and ſhall not be appealed againſt, unleſs any Three or more Perſons intereſted therein, ſhall join and concur in an Appeal to be carried on by and at the Coſts and Charges of the particular Perſons ſo appealing.

The Award to be depoſited.

LXIII. And be it further enacted, That the Award of the ſaid Commiſſioners, after being inrolled in the Manner directed by the ſaid Act, ſhall, together with a Plan annexed, be depoſited and kept with the Pariſh Regiſters in the Pariſh Cheſt of the Pariſh of *Aſhley* aforeſaid, to the End that Recourſe may be had thereto by all Parties intereſted in the ſaid Incloſure.

General Power of Appeal to the Quarter Seſſions.

LXIV. And be it further enacted, That if any Perſon or Perſons, Party or Parties, ſhall think himſelf, herſelf, or themſelves aggrieved by any Matter or Thing done, or omitted to be done, in purſuance of this Act or of the ſaid recited Act, (other than and except in Caſes where by any of the Proviſions of the ſaid recited Act or of this Act, the Deter-

minations, Acts, Orders, or Proceedings of the said Commissioners, are directed to be final and conclusive, and except in such Cases where any Issue at Law is authorised to be tried, as herein mentioned,) then and in every such Case he, she, or they may appeal (but in the Case of any Appeal against the Commissioners Accounts, after the same shall have been passed and allowed at a General Meeting as aforesaid, not less than Three Persons interested therein joining or concurring in such Appeal, as aforesaid) to the General Quarter Sessions of the Peace which shall be holden for the said County of *Stafford*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the Clerk or Clerks of the said Commissioners Thirty Days Notice in Writing of such Appeal, and of the Grounds and Matters thereof, which Notice shall be requisite in all Cases where any Appeal is allowed under the Provisions of this Act or of the said recited Act; and the Justices (not interested in the Premises) in such Sessions assembled are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to 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 of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Order and Determination of the said Justices, upon every such Appeal, shall be final and conclusive to and upon 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 in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them the said Justices in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid.

Saving to the Lords of the Manor of Mines and Royalties.

LXV. Provided always, and be it further enacted and declared, That nothing in this Act contained shall be construed or adjudged to defeat, lessen, or prejudice the Right, Title, or Interest of the said *Thomas Kinnersly* and *Hugo Charles Meynell*, Lords of the said Manor, or of any succeeding Lords of the said Manor for the Time being, their or any of their Lessees or Assigns, or any of them respectively, of, in, and to all Mines, Minerals, and Quarries, of what Nature or Kind soever, within or under the said Commons and Waste Grounds, and every Part and Parts thereof, or of, in, and to the Seigniories, Royalties, Franchises, and Liberties incident and belonging to the said Manor, but that the said *Thomas Kinnersly* and *Hugo Charles Meynell*, and all future Lords or Owners of the said Manor for the Time being, and each and every of them respectively, and all and every Person and Persons claiming and to claim, by, from, through, under, or in Trust for them, or any of them respectively, shall and may, at all Times hereafter, have, hold, take, and enjoy all Quit Rents and other Rents, Services, Courts, Perquisites and Profits of Courts, Piscaries, Liberties and Powers of Hunting, Coursing, Shooting, Hawking and Fowling, Goods and Chattels of Felons, Fugitives, Felons of themselves and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, Escheats, and all other Royalties, Immunities,

nities, Liberties, Franchiſes, Privileges, Pre-eminences, Juriſdictions, Profits, Revenues, Commodities, Emoluments, Advantages, Rights, Members, and Appurtenances whatſoever to the ſaid Manor, or to the Lords thereof for the Time being, incident, appertaining or belonging, or which have been anciently uſed, exerciſed, and enjoyed by the Lords of the ſaid Manor, (other than and except the Right of Soil, and all Beds of Marl, Clay, Sand, and Gravel, and the Right of Common and other Rights for which Compenſation is herein-before directed to be made, and which are by this Act meant and intended to be barred, deſtroyed, and extinguiſhed,) in ſuch and the ſame Parts, Shares, and Proportions, and in as full, large, ample, and beneficial Manner, to all Intents and Purpoſes, as they could or might have held and enjoyed the ſame in caſe this Act had not been made; and that the ſaid *Thomas Kinnerſly* and *Hugo Charles Meynell* reſpectively, and all future Lords of the ſaid Manor, and all and every Perſon and Perſons claiming, by, from, through, under, or in Truſt for them reſpectively, ſhall and may from Time to Time, and at all Times hereafter, have, hold, take and enjoy, in ſuch and the ſame Parts, Shares, and Proportions as aforeſaid, all Mines, Minerals, and Quarries of what Nature or Kind ſoever, in or under the ſaid Commons and Waſte Grounds, (as well thoſe not opened and found as thoſe already opened and found,) together with all convenient and neceſſary Ways and Wayleaves, in, through, over, and along the ſame Lands and Grounds, or any Part or Parts thereof, not only before, but alſo at all Times after the ſame ſhall be divided, allotted, and incloſed in purſuance of this Act, with full and free Liberty, and Power at all Times hereafter, to make, lay, repair, and uſe any new Road or Roads, Railway or Railways, Waggonway or Waggonways, or other Way or Ways whatſoever, in, through, over, and along the ſame, or any Part thereof, and for that Purpoſe to take away and remove any Hedges, Fences, Trees, Partitions, or other Obſtructions which ſhall be made for dividing or incloſing the ſaid Commons and Waſte Grounds, or which ſhall be ſtanding or growing thereon; and to do every Act (either now in uſe or hereafter to be invented or practiſed) which ſhall be neceſſary or convenient for the Purpoſe of ſearching for, draining, winning, working, leading, and carrying away the ſaid Mines, Minerals and Quarries, or any of them; and alſo to lead and carry all Iron, Wood, Materials, and Things unto the ſaid Mines and Quarries needful or proper for the draining, winning, working, and uſing of the ſame reſpectively; and to make Pits, Shafts, Levels, Watercourſes, and Drains; and to erect, ſet up and uſe Fire Engines and other Engines, Buildings, Workſhops, and other neceſſary and convenient Works, Liberties, Powers, Authorities, Matters, and Things (either now in uſe or hereafter to be invented or practiſed); and alſo from Time to Time, at their Will and Pleaſure, to remove and take away, and convert to their own Uſe, all and every the Rails, Sleepers, Iron, Timber, and other Materials of the ſaid Waggonways and other Ways, Pits, Shafts, Engines, Works, Buildings, Matters, and Things whatſoever, to be laid, placed, built, erected, or brought as aforeſaid; and to uſe, exerciſe, and enjoy as well all and ſingular the Rights, Privileges, Powers, and Authorities aforeſaid, as all other Powers, Privileges, and Authorities whatſoever, for all or any of the Purpoſes aforeſaid, as fully, extenſively, and beneficially, and in the ſame Manner, as if this Act had not been made.

Satisfaction to be made for Treſpaſs in working Mines.

LXVI. Provided always, and be it enacted, That in caſe the ſaid *Thomas Kinnerſly* and *Hugo Charles Meynell*, or any future Lords of the ſaid Manor, or any Perſon or Perſons claiming under them reſpectively, ſhall, after the Incloſure ſo to be made as aforeſaid, win or work any Mines, Minerals, or Quarries within or under any of the Allotments or Incloſures ſo to be made and allotted as aforeſaid, or lead or carry away the Produce of or from any ſuch Mines, Minerals, or Quarries as aforeſaid, or otherwiſe exerciſe any of the Rights, Powers, Privileges, and Authorities herein-before given or reſerved for thoſe Purpoſes, then and in every ſuch Caſe they ſhall reſpectively be ſubject and liable to make a reaſonable and adequate Satisfaction for the Damage and Spoil of Ground from Time to Time occaſioned thereby, to the Perſon or Perſons who ſhall be in Poſſeſſion of ſuch Allotments or Incloſures at the Time or Times of ſuch Damage or Spoil being done.

General Saving.

LXVII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every Perſon and Perſons, Body and Bodies Politic, Corporate and Collegiate, his, her, and their reſpective Heirs, Succeſſors, Executors and Adminiſtrators, (other than and except the ſeveral Perſon and Perſons to whom any Allotment or Allotments or other Compenſation ſhall be made by virtue of this Act, in reſpect of the Right, Intereſt, and Property for which ſuch Allotment or Allotments or other Compenſation ſhall be made, and except ſuch other Rights and Intereſts as are meant and intended, or which the Intents and Purpoſes of this Act require, to be barred, deſtroyed, or extinguiſhed,) all ſuch Eſtates, Rights, Titles, Intereſts, Claims, and Demands, of, in, to, over out of or in reſpect of the ſaid Commons and Waſte Grounds hereby directed to be divided, allotted, and incloſed, as he or they reſpectively had and enjoyed before the paſſing of this Act, or could or might have had or enjoyed in caſe this Act had not been made.

Act printed by the King's Printer to be Evidence.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1813.