ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 104.

An Act for incloſing Lands in the Pariſh of *Blymhill*, in the County of *Stafford*. [5th *May* 1812.]

WHEREAS there are within the Manor and Pariſh of *Blymhill*, in the County of *Stafford*, certain Commons called *Blymhill Common*, *Blymhill Lawn*, and *Blymhill Marſh*, and other Waſte Lands, containing together Seventy-ſix Acres, or thereabouts: And whereas the Right Honourable *Orlando* Lord *Bradford* claims to be Lord of the Entirety of the ſaid Manor of *Blymhill*, and as ſuch to be ſeiſed of or entitled unto the Soil of all and ſingular the ſaid Commons and Waſte Lands, and to all Manorial Rights within the ſaid Manor; and *John Stubbs* and *Joſeph Stubbs* alſo claim to be entitled to One undivided Fourth Part of the ſaid Manor, and, in Right thereof, to the like Share or Part of the Soil of the ſaid Commons and Waſte Lands, and other Manorial Rights within the ſaid Manor: And whereas the ſaid *Orlando* Lord *Bradford*, together with the ſaid *John Stubbs*, *Joſeph Stubbs*, *John Nott* Doctor of Phyſic, the Reverend *Samuel Dickenſon* Clerk, *Francis Yates*, and divers other Perſons, have Eſtates within the ſaid Manor and Pariſh of *Blymhill*, and ſeverally claim for themſelves, and their reſpective Leſſees and Tenants of their ſaid Eſtates, Right of Common of Paſture in, over, and upon the ſaid Commons and Waſte Lands: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An*

41 G. 3. *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 it would be of Advantage to the ſeveral Perſons intereſted in the ſaid Commons and Waſte Lands reſpectively, if the ſame were divided, allotted, and incloſed, according to their reſpective Rights and Intereſts therein; but ſuch Diviſion, Allotment, and Incloſure, cannot be effectually made 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 the ſaid Commons and Waſte Lands within the ſaid Manor and Pariſh of *Blymhill* ſhall be ſet out, divided, and allotted, as ſoon as conveniently may be after the paſſing of this Act; and that *Valentine Vickers* of *Cranmere*, in the County of *Salop*, Gentleman, and his Succeſſor to be elected in Manner herein-after mentioned, ſhall be and he is hereby appointed the Commiſſioner for valuing, dividing, allotting, and incloſing the ſaid Commons and Waſte Lands, and for putting this Act and the ſaid recited Act into Execution; ſubject nevertheleſs to the Rules, Orders, and Regulations herein-after mentioned, and alſo ſubject to the Powers, Proviſions, Rules and Regulations contained in the ſaid recited Act, except in ſuch Caſes where the ſame are varied or altered by this Act.

Commiſſioner.

For appointing new Commiſſioners.

II. And be it further enacted, That if the ſaid *Valentine Vickers*, the Commiſſioner herein-before named, or any future Commiſſioner or Commiſſioners to be elected as herein-after mentioned, ſhall die, or become incapable of acting, or ſhall refuſe or neglect to act in the Execution of the Powers of this Act for the Space of Three Calendar Months after being thereunto required by Notice ſigned by the ſaid *Orlando* Lord *Bradford*, or other the Lord or Lords of the Manor of *Blymhill* for the Time being, or by any Three or more of the other Perſons intereſted in the ſaid Commons and Waſte Lands, then and in ſuch Caſe, and as often as ſuch Event ſhall happen, it ſhall be lawful for the ſeveral Owners or Proprietors of Lands, in reſpect whereof they are reſpectively intereſted in the ſaid reſpective Commons and Waſte Lands hereby intended to be divided, allotted, and incloſed, for the Time being, or the major Part of them in Value, or their reſpective Agents, Attorney or Attornies, attending at a Meeting or Meetings to be held for the Election of a new Commiſſioner, within Three Calendar Months next after ſuch Death, Incapacity, Refuſal, or Neglect, (public Notice of which Meeting or Meetings ſhall be affixed on the principal Door of the Pariſh Church of *Blymhill* aforeſaid, and alſo by Advertiſement to be inſerted in *The Staffordſhire Advertiſer*, or in ſome other public Newſpaper uſually circulated in the ſaid County, at leaſt Fourteen Days before each and every ſuch Meeting or Meetings, by Writing under the Hand of the ſaid *Orlando* Lord *Bradford*, or other the Lord or Lords of the ſaid Manor for the Time being, or under the Hands of Three or more of the other Proprietors of ſuch Lands), to nominate and elect a fit and proper Perſon (not intereſted in the ſaid intended Diviſion and Incloſure) to be a Commiſſioner for the Purpoſes of this and the ſaid recited Act, in the Stead or Place of the Commiſſioner ſo dying, becoming incapable, refuſing or neglecting to act; which Perſon ſo to be elected ſhall have the

ſame Powers and Authorities for carrying the Purpoſes of the ſaid recited Act and this Act into Execution, as if he had been appointed a Commiſſioner in and by this Act.

Notice of Commiſſioner's Attendances.

III. And be it further enacted, That the ſaid Commiſſioner ſhall cauſe public Notice to be given upon ſome *Sunday*, immediately before Divine Service, by Writing to be affixed on the principal Door of the ſaid Pariſh Church of *Blymhill*, and alſo by Advertiſement to be inſerted in *The Staffordſhire Advertiſer*, or in ſome other public Newſpaper uſually circulated in the ſaid County of *Stafford*, of the Time and Place of his Firſt and every ſubſequent Attendance (Attendances by Adjournment only excepted); and the ſaid Commiſſioner ſhall and may adjourn ſuch Attendance from Time to Time, as he ſhall ſee Occaſion, for the further Execution of this and the ſaid recited Act; and in caſe the ſaid Commiſſioner ſhall not be preſent at the Time and Place appointed for ſuch Attendance, it ſhall be lawful for any Perſon who ſhall act as Clerk to the ſaid Commiſſioner to adjourn the ſame to any future Day, not exceeding Thirty Days from the Day of Adjournment: Provided always, that all Attendances of the ſaid Commiſſioner by virtue of this Act ſhall be at ſome Place within the Diſtance of Eight Miles from the Boundary of the Manor of *Blymhill* aforeſaid.

Other Notices how to be given.

IV. And be it further enacted, That all other Notices neceſſary to be given by the ſaid Commiſſioner, ſhall be given by Advertiſement, to be inſerted in *The Staffordſhire Advertiſer*, or in ſome other public Newſpaper uſually circulated in the Neighbourhood of the ſaid Incloſure.

Commiſſioner to appoint a Clerk and Surveyor.

V. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and empowered to appoint a Clerk or Clerks, and Land Surveyor or Land Surveyors, to aſſiſt him in the Execution of the Powers and Authorities hereby and by the ſaid recited Act veſted in him; and that it ſhall alſo be lawful for the ſaid Commiſſioner, from Time to Time as he ſhall think neceſſary, and upon proper Cauſe, to remove ſuch Clerk or Clerks, Surveyor or Surveyors, and to appoint others in their reſpective Place and Stead.

Maps or Plans already made may be uſed.

VI. And be it further enacted, That if any Map or Maps, Plan or Plans, Survey or Surveys already made of the ſaid Commons and Waſte Lands, or of any incloſed Lands having Right of Common thereupon, ſhall be laid before the ſaid Commiſſioner, of the Authenticity whereof he ſhall be ſatisfied, it ſhall be lawful for the ſaid Commiſſioner to make uſe of the ſame, without cauſing any new Survey to be made thereof; any Thing in this or the ſaid recited Act to the contrary thereof notwithſtanding.

Commiſſioners to ſettle Differences.

VII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Perſons intereſted or claiming to be intereſted in the ſaid intended Diviſion and Incloſure, touching or concerning the Shares, Rights, or Intereſts which they reſpectively now have or claim to have in the ſaid Commons and Waſte Lands reſpectively, hereby directed to be divided, allotted, and incloſed, or touching or concerning the Allotments which they or any of them ought to have of or in the ſame, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion, Allotment, and Incloſure, it ſhall be lawful for the ſaid Commiſſioner

missioner to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to the said Manor of *Blymhill*, or to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Power to award Costs.

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

Persons dissatisfied with the Determination of the Commissioners may try their Rights at Law.

IX. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Right of Common, or other Right or Interest in, over, or upon the said Commons and Waste Lands respectively hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the then next or Second Assizes to be holden for the said County of *Stafford*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioner shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioner; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict

Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioner ſhall and he is hereby required to act in Conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials; and the Coſts attending ſuch Action or Actions ſhall abide the Event of the reſpective Trials of ſuch Iſſue or Iſſues: Provided always, that the Determination of the ſaid Commiſſioner, touching ſuch Claim or Claims of any Right or Intereſt in the ſaid Commons or Waſte Lands reſpectively, hereby directed to be divided, allotted, and incloſed, or any Part thereof which ſhall not be objected to, or being objected to, the Party or Parties objecting not cauſing ſuch Action or Actions at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon all Parties.

Determination if not objected to, to be final.

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

Death of Parties not to ſtay Proceedings.

XI. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Bodies Politic or Corporate, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk of the ſaid Commiſſioner with Proceſs for commencing ſuch Action or Actions, in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall thereupon be incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead, and Proceedings ſhall be had therein in the ſame Manner as if ſuch 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.

Proviſo in caſe of Death of Parties before Action brought.

XII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioner to determine any Right between any Parties, contrary to the Poſſeſſion of ſuch Parties, (except in Caſes of Encroachments made within the Period of Twenty Years, as herein-after mentioned); but in caſe the ſaid Commiſſioner ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, he ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been given up or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Right of Poſſeſſion not to be determined by the Commiſſioner.

XIII. And whereas it may ſhorten or regulate the Boundary Fences between the Lands hereby directed to be divided, allotted, and incloſed, and the Lands lying in any adjoining Manor or Manors, if the ſaid Commiſſioner was empowered to cauſe ſuch Fences to be altered and renewed in

For ſhortening Boundary Fences againſt adjoining Manors.

in such Direction as he shall think most proper and convenient for shortening and making the same regular; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioner, with the Consent in Writing under the Hand of the said *Orlando* Lord *Bradford*, or other the Lord or Lords of the said Manor of *Blymhill* for the Time being, and under the Hand of the Lord or Lords, Lady or Ladies of any other Manor or Manors adjoining to the said Manor of *Blymhill*, and of the Owner or Owners of the Land upon which such Fence or Fences shall be intended to be made, to set out, ascertain, and determine the Boundary Fences to be made between the Lands hereby directed to be divided, allotted, and inclosed, and the Lands lying in such adjoining Manor or Manors, as he shall judge proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined, the same shall be fenced by such Person or Persons, and in such Manner, and at such Time or Times as the said Commissioner shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the said Manor of *Blymhill*, and such adjoining Manor or Manors; any Law, Usage, or Custom to the contrary notwithstanding.

Encroachments.

XIV. And be it further enacted, That all Inclosures or Encroachments taken in or made from or out of any Part of the said Commons and Waste Lands respectively, (except such as have been taken in, held, and enjoyed for Twenty Years next before the passing of this Act without Entry or Interruption), shall be deemed Part and Parcel of the said Commons and Waste Lands respectively, from or on which the same were respectively taken or made; and the said Commissioner is hereby authorized and required to set out, allot, and award such Inclosures and Encroachments (except as aforesaid), or a sufficient and competent Part or Parts thereof, to the Person or Persons who hath or have taken in and made the same, in full or in part Satisfaction (as the Case may be) of his, her, and their Proportion or Proportions, according to his, her, and their respective Rights and Interests in and upon the said Commons and Waste Lands respectively, in case the Person or Persons in Possession of such Inclosures or Encroachments shall appear to be entitled to any such Satisfaction, and the Residue or Surplus (if any), or the Whole thereof, in case the Person or Persons in Possession of such Inclosures or Incroachments shall not be entitled to any Satisfaction, according to the Provisions of this Act and the said recited Act.

Power to turn and alter Roads.

XV. And be it further enacted, That the said Commissioners shall and may, by and with the Concurrence and Order of Two of His Majesty's Justices of the Peace acting in and for the said County of *Stafford*, (subject to Appeal, as in the said recited Act is mentioned) divert, turn, or abate, and stop up any antient Carriage Road or Roads, Way or Ways, not being Turnpike, or any public Horse Drift, or Footway or Ways, in, through, upon, or over the said Commons and Waste Lands respectively, where he shall judge it requisite or expedient.

Power to drain the Commons.

XVI. And be it further enacted, That it shall be lawful for the said Commissioner, if Occasion shall require, to cause the said Commons and Waste Lands hereby intended to be divided, allotted, and inclosed, or any Part or Parts thereof, to be well and effectually drained, and for that Purpose to order and direct such Ditches, Drains, and Watercourses,

to

to be made, as well upon the ſaid Commons and Waſte Lands, as upon any of the incloſed Lands adjoining or contiguous thereto, for the Conveyance and Diſcharge of the Water into any other Ditch, Drain, or Watercourſe, as in his Judgement ſhall be moſt fit and convenient for that Purpoſe.

Power to turn Watercourſes.

XVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to order and direct any Stream or Streams of Water, Spring or Springs, Watercourſe or Courſes, in or upon the ſaid Commons and Waſte Lands, to be conveyed or turned in ſuch Courſes, and in ſuch Manner as he ſhall think moſt beneficial and ſuitable for irrigating or ſupplying with Water the ſeveral Allotments to be made as aforeſaid: Provided always, that no ſuch Streams of Water, Springs, or Watercourſes, ſhall be ſo diverted or turned without the Conſent in Writing of the Proprietor or Proprietors from whoſe Lands ſuch Streams of Water, Springs, or Watercourſes ſhall be ſo diverted or turned, or into whoſe Lands the ſame ſhall be carried or conveyed.

Allotment for Gravel or Stone Pits.

XVIII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required, before any Allotment ſhall be made in purſuance of this or the ſaid recited Act, to ſet out, appoint, and allot a proper Quantity or Quantities of the ſaid Commons and Waſte Lands hereby intended to be divided, allotted, and incloſed, for Stone or Gravel Pits or Quarries, for the Supply of Materials for making and repairing the Public Roads and Ways through and over the ſaid Commons and Waſte Lands reſpectively, or any other public Road or Roads in the ſaid Manor of *Blymhill*, and alſo for the banking, fencing, ſoughing, and draining the Lands within the ſaid Manor, which Allotment or Allotments ſhall be fenced in ſuch Manner by ſuch Perſon or Perſons, and at ſuch Time or Times as the ſaid Commiſſioner ſhall, by his Award or other Writing, order or direct.

Manorial Allotment.

XIX. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required (after the public and private Roads, and the Allotment or Allotments for Stone or Gravel, ſhall be ſet out in purſuance of the ſaid recited Act and this Act) to ſet out, allot, and award, unto and for the Lord or Lords of the ſaid Manor of *Blymhill*, One full Fourteenth Part (the Whole into Fourteen equal Parts to be divided) of the Reſidue of the ſaid Commons and Waſte Lands hereby intended to be incloſed, as a Satisfaction, Equivalent, or Compenſation, for his or their Right and Intereſt in and to the Soil of the ſaid Commons and Waſte Lands.

Allotments of the Reſidue.

XX. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required to ſet out, allot, and award the Reſidue of the ſaid Commons and Waſte Lands within the ſaid Manor of *Blymhill*, in ſpecific Parts or Shares, unto and amongſt ſuch Perſon or Perſons as ſhall to the ſaid Commiſſioner appear to be intereſted therein reſpectively, in Proportion to their reſpective Rights and Intereſts in and upon the ſame reſpectively.

Allotments to be fenced.

XXI. And be it further enacted, That the ſeveral Parts, Shares, and Allotments, to be ſet out and allotted in purſuance of this or the ſaid recited

recited Act, shall be inclosed and fenced on the outer Boundaries thereof respectively by the several Persons to or for whom they shall be set out, in such Shares, in such Manner, and within such Time or Times as the said Commissioners shall order or direct, and shall for ever thereafter be kept in Repair by the same Person or Persons respectively, as in such Orders or Directions shall be set forth.

Proprietors not obliged to fence against old Inclosures.

XXII. And be it further enacted, That nothing in this Act contained shall extend to compel or oblige any Person whose Allotment or Allotments shall be next or adjoining to any inclosed Grounds, or to any Field or Land whereon there is now standing, growing, or being, any Wall or Hedge, or any Brook or Brooks, Rivulet or Rivulets, as a Boundary Fence to the same, to make any Fence or Fences next or adjoining to such old inclosed Grounds or Fields, or Land, Brook, or Rivulet, for inclosing such their Allotment or Allotments, but that the ancient Mound or Fence which divides such adjoining Lands or Grounds from such Allotments shall for ever be and remain as a Boundary Fence for the Purpose of such Division, and shall from Time to Time be maintained, kept, cleansed, scoured, and repaired, at the Costs and Charges of the respective Proprietors thereof, in the same Manner as if this Act had not been made.

Power to sell Common Right before the Award.

XXIII. And be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time before the Execution of the said Award of the said Commissioner, sell his, her, or their Right, Interest, or Property in, over, or upon the Commons or Waste Lands hereby directed to be divided, allotted, and inclosed, to any other Person or Persons, then and in every such Case it shall and may be lawful to and for the said Commissioner and he is hereby authorized and required to make the Allotment or Allotments of Land unto the Vendee or Purchaser in every such Sale, or to his, her, or their Heirs or Assigns for or in respect of such Right, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, and his, her, or their Heirs and Assigns, shall and may from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them as aforesaid, in the same 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 Right, Interest, or Property had been vested in such Vendor, at the Time of making such Allotment or Allotments as aforesaid.

Allotments shall be of the same Tenure as the Lands for which they are allotted.

XXIV. Provided always, and be it further enacted, That all and every the Allotments to be made to the Owners and Proprietors of Estates in Right of or in respect of any Freehold Messuages, Lands, Rights, or Interests, by virtue of this Act or the said recited Act, shall from and after the Execution of the Award of the said Commissioner, be deemed as Freehold Lands, and held under the same Rents and by the same Services, and in the same Manner as the Freehold Messuages, Lands, or other Hereditaments, in respect of which they shall be so allotted, were before that Time held; and that the several Lands and Grounds which shall be allotted in respect of Leasehold Lands, Rights, or Interests, held for the Life or Lives, Term or Terms of Years determinable on the Decease of One or more Life or Lives, shall in like Manner be deemed Leasehold,

Leaſehold, and be held by the reſpective Leſſees for ſuch and the ſame Term or Terms reſpectively as the Lands or other Hereditaments, in reſpect of which they ſhall be ſo allotted were held, and the Reverſion thereof ſhall be veſted in the ſame Leſſors reſpectively as the Reverſion of ſuch Lands or other Hereditaments was veſted before the paſſing of this Act; and the ſaid Commiſſioner ſhall fix and ſettle what additional Rents ſhall be paid by ſuch Leſſees reſpectively to their reſpective Landlords or Perſons entitled to the Reverſion thereof; and that all and every the Allotments to be made in Right of or in reſpect of any Copyhold Meſſuages, Lands, or Hereditaments, by virtue of this Act, in caſe there are any Copyhold Meſſuages, Lands, or Hereditaments having Right of Common in and over the ſaid Commons and Waſte Lands reſpectively, ſhall, from and after the Execution of the ſaid Award, be deemed and taken as and for Copyhold, and ſhall be held as ſuch by Copy of Court Roll, at the Will of the Lord or Lords, and according to the Cuſtom of the Manor whereof the ſame ſhall be holden, and under and ſubject to the ſame Tenures, Rents, Payments, Fines, Cuſtoms, and Services, as the Copyhold Meſſuages, Lands, or Hereditaments reſpectively, for or in reſpect whereof ſuch Allotments ſhall be made are now held, and as Part and Parcel thereof; and the Quantities in Acres, Roods, and Perches, of ſuch Copyhold Allotments (if any ſuch there ſhall be) with their reſpective Boundaries and Abuttals, ſhall be deſcribed and diſtinguiſhed from each other, and alſo from the Freehold and Leaſehold Allotments in the ſaid Award of the ſaid Commiſſioner, and in the Survey and Map to be made of the ſaid Commons and Waſte Lands; and that all and every Perſon and Perſons to whom any ſuch Copyhold Allotment or Allotments ſhall be made (if any ſuch there ſhall be), ſhall within Six Calendar Months next after the Execution of the Award of the ſaid Commiſſioner, be reſpectively admitted Copyhold Tenant or Tenants to the Lands ſo allotted to them, without paying any Fine to the Lord, and paying only the accuſtomed Charges and Fees to the Steward, Jury and Bailiff of the Court of the Manor or Manors, whereof ſuch Copyhold Meſſuages, Lands, or Tenements ſhall be holden.

Power to exchange Lands.

XXV. And be it further enacted, That it ſhall be lawful for the Truſtee or Truſtees, Feoffee or Feoffees, and alſo for any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or ſhall be Proprietor or Proprietors, or be ſeiſed or poſſeſſed of any Meſſuages, Buildings, Lands, Tenements, or Hereditaments, lying within the ſaid Manor and Pariſh of *Blymhill*, or in any Pariſh, Townſhip, Manor, Hamlet, or Place adjoining thereto, and alſo to and for the Huſbands, Guardians, Committees, and Truſtees of any of the ſaid Proprietors, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwiſe incapable of acting for themſelves, and alſo to and for all Perſons acting as Guardians, Truſtees, or Committees of any of ſuch Proprietors, being under any Diſability whatſoever, whether ſuch Proprietors be Tenants in Fee Simple, Tenants in Fee Tail general or ſpecial, Tenants for Life or by the Courteſy of *England*, or in Dower, Tenants for Years determinable on any Life or Lives, or for any Term or Number of Years abſolute or otherwiſe, from Time to Time to exchange all or any of his, her, or their Meſſuages, Buildings, Lands, Tenements, or Hereditaments, within the ſaid Manor and Pariſh of *Blymhill*, or within any adjoining Pariſh, Townſhip, Manor, Hamlet, or Place, for any other Meſſuages, Buildings,

Allotments, old Incloſures, Lands, Tenements, or other Hereditaments, within the ſame Manor or Pariſh, or within any ſuch adjoining Pariſh, Townſhip, Manor, Hamlet, or Place, ſo that all and every ſuch Exchange or Exchanges be made by and with the Conſent and Approbation of the ſaid Commiſſioner, and be ſpecified and declared in his ſaid Award, or in ſome other Inſtrument or Inſtruments in Writing to be executed by the ſaid Commiſſioner for that Purpoſe, at any Time either before or after the Execution of the ſaid Award; and all and every ſuch Exchange and Exchanges ſhall be good and valid in the Law to all Intents and Purpoſes, without any Fine, Recovery, Surrender, or other Aſſurance, and notwithſtanding any Entail, Infancy, Coverture, or other legal Incapacity or Diſability of the Party or Parties whoſe Property ſhall be ſo exchanged: Provided always, that no Exchange ſhall be made by virtue of this Act of any Meſſuages, Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent in Writing of the Patron or Patrons thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments, ſo to be exchanged, ſhall lie and be ſituate.

Power to make Partition.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to make Partition of any Lands, Tenements, or Hereditaments, within the ſaid Manor and Pariſh of *Blymhill*, or in any Pariſh, Townſhip, Manor, Hamlet, or Place, adjoining thereto, and as well of old Incloſures as of the Commons and Waſte Lands reſpectively to be incloſed by virtue of this Act, belonging to any Perſons as Coparceners, Joint Tenants, or Tenants in Common, ſo that every ſuch Partition be made upon Application to the ſaid Commiſſioner from all or ſome or one of the Proprietors thereof, or Perſons intereſted therein, and be ſignified in Writing under his, her, or their Hand or Hands, or under the Hand or Hands of the Guardian or Guardians, Truſtee or Truſtees, Committee or Committees, Attorney or Attornies duly authorized, of ſuch of the ſaid Proprietors or Perſons intereſted as are or ſhall be under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Diſability or Incapacity of acting for themſelves, and be ſpecified and declared in the Award of the ſaid Commiſſioner, or by any Inſtrument ſigned by him at any Time, either before or after the Execution of the ſaid Award; and every ſuch Partition ſhall be good, valid, and effectual, to all Intents and Purpoſes whatſoever.

Expences of Exchanges and Partitions by whom to be paid.

XXVII. And be it further enacted, That all Coſts, Charges, and Expences attending the making and completing of any Exchanges or Partitions under or by virtue of this Act, ſhall be paid and borne by the ſeveral Perſons making the ſame, in ſuch Manner, in ſuch Proportions, and at ſuch Time or Times as the ſaid Commiſſioner ſhall by his Award, or any ſuch other Inſtrument of Exchange or Partition as aforeſaid, order and direct.

Leaſes at Rack Rent to be void.

XXVIII. And be it further enacted, That all and every the Leaſe and Leaſes at Rack Rent ſubſiſting, of all or any Part of the Lands, Tenements, or Hereditaments, intended to be exchanged, incloſed, allotted, or ſet out, or of any Part thereof, either alone or jointly, with any other Lands, Tenements, or Hereditaments; and all other Agreements at Rack Rent for any Term or Time therein, ſhall, as to the Whole of ſuch Tenements

Tenements comprized in ſuch Leaſe or Leaſes or Agreements affected by this Act, at ſuch Time and Times as the ſaid Commiſſioner ſhall direct and appoint, ceaſe, determine, and be utterly void, and the reſpective Leſſees or Tenants thereof ſhall have and receive from the reſpective Owners and Proprietors of ſuch Lands, Tenements, and Hereditaments, ſuch Satisfaction as the ſaid Commiſſioner ſhall aſcertain as reaſonable to be paid or allowed to ſuch Leſſee or Leſſees, Tenant or Tenants in that Behalf; and the reſpective Leſſors or Landlords ſhall be entitled to ſuch Rent or Rents and Privileges to the Time of vacating ſuch Leaſes or Agreements reſpectively as the ſaid Commiſſioner ſhall direct or appoint, to be paid or given to them by ſuch Leſſees or Tenants reſpectively, for or with reſpect to ſuch Lands, Tenements, or Hereditaments: Provided always, that if there ſhall be any Leaſe of Lands, Part of which ſhall lie in the ſaid Manor and Pariſh of *Blymhill*, and Part in any adjoining Manor or Pariſh, all and every ſuch Leaſe or Leaſes upon Rack Rent now ſubſiſting may be vacated; but where any Lands ſhall be taken in Exchange, which Lands ſhall be under Leaſe, and wholly ſituate in any adjoining Manor or Pariſh, the Leaſe of ſuch laſt mentioned Lands ſhall not be vacated.

Wills and Settlements not to be affected.

XXIX. And be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower or Free Bench, Jointure, Portion, Mortgages, Debts, Rents, or Incumbrances, out of, upon, or affecting the Lands to be divided, allotted, incloſed, or exchanged, in purſuance of this or the ſaid recited Act, or any Part or Parts thereof reſpectively; but that the reſpective Perſons to whom any Lands or Hereditaments ſhall be allotted or given in Exchange by virtue of this or the ſaid recited Act, ſhall be ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Lands, Grounds, and Hereditaments, whereof ſuch Perſon or Perſons was or were ſeiſed or poſſeſſed at or immediately before the Execution of the Award of the ſaid Commiſſioner, and for which or in reſpect whereof ſuch Allotment or Exchanges ſhall be made would have been ſubject to, charged with, or affected by, in caſe this Act had not been made.

No Sheep or Lambs to be kept in the Allotments for Seven Years.

XXX. And be it further enacted, That no Sheep or Lambs ſhall be kept in any of the Allotments to be made by virtue of this Act during the Space of Seven Years next after the Execution of the Award of the ſaid Commiſſioner, unleſs the Perſon or Perſons ſo keeping the ſame ſhall at his, her, or their own Expence, make and maintain a Fence ſufficient to guard the young Quick Fences to be planted or ſet up on the Allotment or Allotments adjoining thereto.

Roads not to be depaſtured.

XXXI. And be it further enacted, That no Perſon or Perſons ſhall permit any Sheep, Lambs, Pigs, Goats, or other Cattle, to graze in any Highway, Lane, or Paſſage, which the ſaid Commiſſioner ſhall order or direct to be fenced on both Sides, after the Execution of the Award of the ſaid Commiſſioner, under a Penalty of One Shilling for every Sheep, Lamb, Pig, or Goat, and not exceeding Five Shillings for any other Cattle found thereon, to be paid to the Perſon or Perſons who ſhall take

and

and impound the ſame; which ſaid Penalties ſhall, if not paid on Demand, be levied and recovered in the Manner directed by the ſaid recited Act; and any Occupier or Proprietor of Lands within the ſaid Manor and Pariſh of *Blymhill*, and his, her, their, or any of their Servants and Labourers, and all other Perſons whomſoever, are hereby empowered to take and impound every ſuch Sheep, Lamb, Pig, Goat, or other Cattle ſo found depaſturing or grazing in any ſuch Highway, Lane, or Paſſage as aforeſaid.

For paying the Expences of this Act.

XXXII. And be it further enacted, That the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, and of the valuing, ſurveying, meaſuring, mapping, and allotting of the ſaid Commons and Waſte Lands hereby intended to be divided, allotted, and incloſed, and alſo the valuing, ſurveying, meaſuring, and mapping of the ſaid Incloſures, and of forming the ſaid public Carriage Roads, and putting the ſame in good and ſufficient Repair, and of the preparing and completing the Award of the ſaid Commiſſioner, and all other the Charges and Expences of the ſaid Commiſſioner, and of the ſeveral Perſons to be employed by him in or about the Premiſes, ſhall be paid and defrayed by the ſeveral Perſons intereſted in the ſaid intended Incloſure in Proportion to their reſpective Allotments, Shares, and Intereſts in the ſaid Commons and Waſte Lands reſpectively, and ſuch Shares and Proportions ſhall be aſcertained by the ſaid Commiſſioner, and ſhall be paid by and to ſuch Perſon or Perſons, and at ſuch Time or Times as the ſaid Commiſſioner ſhall, either before or after the Execution of the ſaid Award, by any Writing or Writings under his Hand order, direct, and appoint; and in caſe any of the Perſons aforeſaid ſhall refuſe or neglect to pay his, her, or their Share or Shares of ſuch Charges and Expences, or any Part thereof, at ſuch Time or Times, or to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall appoint, it ſhall be lawful for the ſaid Commiſſioner to cauſe the ſame to be levied and recovered in the Manner directed by the ſaid recited Act.

Power for Proprietors to borrow Money.

XXXIII. And be it further enacted, That it ſhall be lawful for the ſeveral and reſpective Owners and Proprietors of the Allotments to be made in purſuance of this Act, being Tenants in Tail or for Life or Lives, or for a Term of Years determinable on a Life or Lives, and alſo for the reſpective Huſbands, Truſtees, Guardians, or Committees of any of the ſaid Owners or Proprietors, being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Diſability or Incapacity, Feoffees or Truſtees for charitable Uſes, to charge the Lands which ſhall be awarded, allotted, or ſet out to or for them, in purſuance of this Act, with any Sum or Sums of Money as the ſaid Commiſſioner ſhall appoint, not exceeding Five Pounds for every Acre of Ground to be allotted to them reſpectively, to be paid to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall for that Purpoſe nominate and appoint, in order to be applied and diſpoſed of for the Purpoſe of defraying their reſpective Shares and Proportions of the Expences of obtaining, paſſing, and executing this Act, and for ring-fencing their reſpective Allotments as the ſaid Commiſſioner ſhall think proper and neceſſary; and for ſecuring the Re-payment of the ſaid Sum or Sums of Money, with lawful Intereſt, to grant, mortgage, aſſign, ſurrender, leaſe, demiſe, or otherwiſe ſubject the ſame Lands and Hereditaments, or any Part thereof, to any Perſon or Perſons

who ſhall advance or lend the ſame reſpectively in Fee or for any Term or Number of Years, ſo that every ſuch Grant, Mortgage, Aſſignment, Surrender, Leaſe, Demiſe, or Security, be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be releaſed or ſurrendered when the Sum or Sums thereby to be ſecured, with the Intereſt thereof, ſhall be fully ſatisfied and paid; and ſo that in every ſuch Grant, Mortgage, Aſſignment, Surrender, Leaſe, Demiſe, or Security, to be made by any ſuch Tenant for Life or Lives, there be contained a Covenant to pay and keep down the Intereſt of the Money to be thereby reſpectively ſecured during the Life or Lives, or other Eſtate or Intereſt therein, of the Perſon or Perſons making the ſame as aforeſaid, in ſuch Manner that no Perſon afterwards becoming poſſeſſed of ſuch Lands and Grounds ſhall be ſubject or liable to pay any further or larger Arrear of Intereſt than for One Year preceding the Time within which his Title to ſuch Poſſeſſion ſhall accrue; and every ſuch Charge, Grant, Mortgage, Aſſignment, Leaſe, Demiſe, Surrender, or other Security, upon or of the ſaid Lands or Grounds, or any Part or Parts thereof, to be made in purſuance of this Act, ſhall be good, valid, and effectual in the Law for the Purpoſes thereby intended, and ſhall have Priority to every other Charge, Incumbrance, Eſtate, and Intereſt whatſoever.

Mortgage to be valid.

XXXIV. And be it further enacted, That the Perſon or Perſons who ſhall advance or lend Money for defraying the Expences of applying for and obtaining this Act, ſhall be repaid the ſame out of the firſt Monies which ſhall be raiſed and collected in purſuance hereof, with Intereſt after the Rate of Five Pounds *per Centum per Annum* from the Time of advancing the ſame.

Perſons advancing Money to be repaid with Intereſt.

XXXV. And be it further enacted, That the ſaid Proprietors, their Attornies and Agents, ſhall pay their own Expences when they or any of them ſhall attend the ſaid Commiſſioner at any Meeting or Attendance to be had in purſuance of this or the ſaid recited Act.

Proprietors, &c. to pay their own Expences at Meetings.

XXXVI. And be it further enacted, That once at leaſt in every Year, during the Execution of this Act, the Firſt Year to be computed from the Day of paſſing thereof, the ſaid Commiſſioner ſhall and he is hereby required to make a true and juſt Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble or Expences in the Execution of this and the ſaid recited Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by him laid before Two or more Juſtices of the Peace for the ſaid County of *Stafford* (not intereſted in the ſaid intended Diviſion, Allotment, and Incloſure), to be by them examined, allowed, and balanced; and ſuch Balance ſhall be by ſuch Juſtices ſtated in the Book of Accounts to be kept in the Office of the Clerk or Clerks of the ſaid Commiſſioner; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtices.

Commiſſioner to account.

XXXVII. And be it further enacted, That the Award directed to be made by the ſaid Commiſſioner, with a reduced Map or Plan of the Commons and Waſte Lands hereby directed to be divided, allotted, or incloſed, thereto annexed, ſhall, after the Proclamation of the ſaid Award, and

Award to be depoſited.

within

within the Time limited by the ſaid Act for the Inrolment thereof, be delivered to and left with the Clerk of the Peace for the ſaid County of *Stafford*, or his Deputy, who is hereby required to depoſit and keep the ſame among the Records of the ſaid County, ſo that Recourſe may be had thereto by any Perſon or Perſons intereſted in the Premiſes, for the Reception whereof One Pound and One Shilling ſhall be paid, and for the Inſpection and Peruſal whereof the Sum of One Shilling and no more ſhall be paid; and the ſaid Award ſhall, from and after the Delivery thereof to the ſaid Clerk of the Peace or his Deputy, be deemed and taken to be enrolled according to the Directions of the ſaid recited Act; and the ſaid Award, or a Copy thereof, or of any Part thereof, written upon Parchment, examined and atteſted by the ſaid Commiſſioner, or by the ſaid Clerk of the Peace or his Deputy, ſhall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatſoever; and that a Duplicate or Copy of the ſaid Award ſhall be depoſited in the Pariſh Church of *Blymhill* aforeſaid, and the ſaid Award, and the ſeveral Allotments, Exchanges, Partitions, Orders, Directions, Matters, and Things therein contained, ſhall be and are hereby declared to be binding and concluſive unto and upon all and every Perſon and Perſons intereſted in or entitled unto the ſaid Premiſes ſo to be divided, exchanged, and allotted as aforeſaid, or whoſe Rights or Intereſts are meant or intended to be hereby affected.

Appeal.

XXXVIII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this or the ſaid recited Act, then and in every ſuch Caſe (except in ſuch Caſes where the Orders, Directions, and Determinations of the ſaid Commiſſioner are by this or the ſaid recited Act directed to be concluſive, and except in ſuch Caſes wherein an Iſſue or Iſſues at Law ſhall be tried, as herein-before mentioned) ſuch Perſon or Perſons may appeal to any General Quarter Seſſions of the Peace which ſhall be held for the ſaid County of *Stafford*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioner and to the Party or Parties to be affected by the ſaid Appeal, Fourteen Days previous Notice of ſuch Appeal, and the Matter thereof; and the Juſtices in ſuch Seſſions (not intereſted in the Premiſes) are hereby authorized and required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order or Orders therein, and award ſuch Coſts, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any), upon Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Expences of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final, binding, and concluſive to all Parties, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

General Saving.

XXXIX. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politic and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Eſtate, Right, Title, and Intereſt (other than

such as are intended to be barred or destroyed by this Act), which they or any of them had and enjoyed of, in, to, or out of the said Commons and Waste Lands hereby intended to be divided, allotted, and inclosed as aforesaid, before the passing of this Act, or could or might have had or enjoyed in case the same had not been made.

Act to be printed by the King's Printers.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1812.