ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 69.

An Act for incloſing Lands in the Townſhip of *Flint* in the County of *Flint*. [1ſt *May* 1813.]

WHEREAS there are within that Part of the Borough of *Flint* which lies within the Townſhip of *Flint*, in the County of *Flint*, certain Marſhes, Commons and Waſte Lands, containing in the Whole Two hundred and ſeventy-ſix Acres, or thereabouts, whereon the Owners and Occupiers of ancient incloſed Lands within the ſaid Townſhip of *Flint*, or ſome of them, have for Time immemorial enjoyed Right of Common of Paſture: And whereas certain of the Owners and Occupiers of ancient incloſed Lands within that Part of the ſaid Borough of *Flint* which lies in the Townſhip of *Coleſhill Fawr*, in the Pariſh of *Holywell*, in the ſaid County of *Flint*, alſo claim to be entitled to Right of Common of Paſture upon the ſaid Marſhes, Commons and Waſte Lands within that Part of the ſaid Borough of *Flint* which lies in the ſaid Townſhip of *Flint*: And whereas the King's moſt Excellent Majeſty, in Right of his Crown, is Lord of the Manor of *Flint*, and in reſpect of the ſaid Manor is ſeiſed of the Soil and Seigniory of the ſaid Marſhes, Commons and Waſte Lands, ſubject nevertheleſs to ſuch Rights and Intereſts in and to all Mines of Lead Ore, and other Minerals under the ſame, as belong to the Right Honourable *Robert* Earl *Groſvenor*, under and by virtue of a certain Grant heretofore made and now veſted in him; and alſo ſubject to ſuch Rights and Intereſts in and to all Beds and Seams of Coal in and under the ſame Marſhes, Commons, and Waſte Lands, being Parcel of the Lordſhip of *Engleſield*, as belong to Sir *Thomas Hanmer* Baronet,

under and by virtue of a certain Grant alſo heretofore made, and now veſted in him the ſaid Sir *Thomas Hanmer*: And whereas Sir *Pyers Moſtyn*, Sir *Edward Pryce Lloyd*, Baronets; *William Lewis Saluſbury Trelawny*, *Bagot Read*, *Bryan Cooke*, Eſquires; and others, are the Owners and Proprietors of divers Meſſuages, Lands, and Tenements within the ſaid Townſhip of *Flint*: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty King *George* the Third, 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 Marſhes, Commons and Waſte Lands in the Townſhip of *Flint* aforeſaid, are of little Value in their preſent open and unincloſed State, but would, if divided and incloſed, be of great Advantage to the ſeveral Perſons intereſted therein, and be of great public Utility; but ſuch Diviſion and Incloſure 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 *John Calveley* of *Bruen Stapleford*, in the County of *Cheſter*, Gentleman, ſhall be and he is hereby appointed Commiſſioner for dividing, allotting, and incloſing the ſaid Marches, Commons, and Waſte Lands in the ſaid Townſhip of *Flint*, and for carrying the ſeveral other Purpoſes of this Act and alſo the ſaid recited Act into Execution; under and ſubject to ſuch of the Regulations, Directions, Reſtrictions, and Proviſions contained in the ſaid recited Act, as are not altered, varied or controlled by or repugnant to the Powers and Proviſions of this Act.

General Incloſure Act.

Appointment of Commiſſioner.

II. And be it further enacted, That if the ſaid *John Calveley*, or his Succeſſor or Succeſſors to be appointed as herein-after mentioned, ſhall die, or become incapable of acting, or for the Space of Two Calendar Months ſhall wilfully refuſe or neglect to act in the Execution of his Office, before all the Powers veſted in him by this and the ſaid recited Act are completely executed, or ſhall be guilty of any other wilful Negligence or Miſconduct, then and in every ſuch Caſe, and from Time to Time, ſo often as there ſhall be Occaſion, it ſhall and may be lawful for any Three or more Owners or Proprietors of any Lands or Tenements within the ſaid Townſhip of *Flint*, to call a General Meeting of the Owners or Proprietors of Lands and Tenements within the ſame Townſhip, giving Notice in Writing, with their Names ſubſcribed thereto, Ten Days at leaſt before the Day propoſed for the Meeting, on the principal Door of the Church of *Flint* aforeſaid, and in one or more of the Newſpapers printed and circulated in the City of *Cheſter*; and the major Part in Value (ſuch Value to be aſcertained according to the Rate or Aſſeſſment made for the Relief of the Poor within the ſaid Townſhip of *Flint* for that Year) of ſuch Owners or Proprietors who ſhall be preſent at ſuch Meeting in Perſon, or by their reſpective Agents and Proxies duly authorized for that Purpoſe, are hereby empowered ſummarily to examine into the Facts, and diſcharge the ſaid *John Calveley*, or his Succeſſor or Succeſſors, (as the Caſe may be), if they ſhall ſo determine; and ſhall and may and they are hereby required, by Writing under the Hands of ſuch major Part in Value of the ſaid Owners and Proprietors and Agents preſent at ſuch Meeting, to appoint a new Commiſſioner, and ſo from Time to Time as often as any Vacancy

Appointment of new Commiſſioner.

ſhall happen by Death, Incapacity, Refuſal, Miſconduct or Neglect of any ſuch new Commiſſioner, in like Manner to appoint others; and every ſuch new Commiſſioner ſo to be appointed as aforeſaid, ſhall and may proceed to execute this Act, and ſhall be inveſted with the like Powers as if he had been originally hereby appointed, and ſhall reſpectively take and ſubſcribe the Oath preſcribed by the ſaid recited Act, before he ſhall be capable of acting in his Office, or in anywiſe interfering therein under this Act.

Appointment of Aſſiſtant Commiſſioner.

III. And be it further enacted, That the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenue, or the Surveyor General of His Majeſty's Land Revenue for the Time being, may and ſhall at any Time or Times hereafter, by Writing under their or his Hands or Hand, nominate and appoint an Aſſiſtant Commiſſioner to carry this Act into Execution, ſo far as relates to the Right of the King's Majeſty in and upon the ſaid Marſhes, Commons and Waſte Lands; and alſo from Time to Time, as often as there ſhall be Occaſion, nominate and appoint a Succeſſor or Succeſſors to any ſuch Aſſiſtant Commiſſioner or Commiſſioners, who ſhall die or become incapable of acting, or ſhall decline or neglect to act in the Execution of his ſaid Office, with full Power for ſuch Aſſiſtant Commiſſioner and his Succeſſors (after taking the Oath, which he ſhall take and ſubſcribe as directed by the ſaid recited Act, and which Oath the ſaid Commiſſioner for carrying this and the ſaid recited Act into Execution for the Time being, is hereby empowered to adminiſter) to examine, inquire into, and admit or object to, on the Part of His Majeſty, the Limits and Boundaries of the ſaid Townſhip of *Flint*, and of the ſaid reſpective Marſhes, Commons, and Waſte Lands within the ſame, or any Part thereof, and every or any Claim or Claims, of what Nature or Kind ſoever, to or in reſpect of, or touching or concerning the ſaid Marſhes, Commons, and Waſte Lands ſo to be incloſed as aforeſaid, or any Part thereof reſpectively; and alſo jointly with the ſaid *John Calveley* and his Succeſſors to allot and ſet out the Portion and Portions of His Majeſty of and in the ſaid Marſhes, Commons, and Waſte Lands reſpectively, in reſpect of the ſaid Rights; and that no Allotment or Allotments to or for the Uſe of His Majeſty ſhall be made or be effectual without the Concurrence and Approbation in Writing of ſuch Aſſiſtant Commiſſioner; and the Oath to be taken and ſubſcribed by ſuch Aſſiſtant Commiſſioner ſhall be enrolled and depoſited with the Award of the Commiſſioner for carrying this Act and the ſaid recited Act into Execution, and a Copy of the Enrolment thereof, certified by the Clerk of the Peace or his Deputy, ſhall be admitted as legal Evidence.

Commiſſioner to give Notice of his firſt and other Meetings.

IV. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to cauſe public Notice to be given to the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues, or to the Surveyor General of His Majeſty's Land Revenues, for the Time being, and a like Notice to be affixed on the principal outer Door of the Church of *Flint* aforeſaid, and an Advertiſement to be inſerted in One or more of the Newſpapers printed and circulating in the ſaid City of *Cheſter*, of the Time and Place of his Firſt and every other public Sitting for carrying this Act and the ſaid recited Act into Execution Ten Days at leaſt before every ſuch Sitting ſhall be held

held (Adjournments from Day to Day, which he is hereby empowered to make, only excepted); and every ſuch Notice ſhall expreſs the Purpoſe for which ſuch Sitting is to be held; and every Sitting of the ſaid Commiſſioner for putting this Act and the ſaid recited Act into Execution, whether by Adjournment or otherwiſe, ſhall be holden at *Flint*, or within Eight Miles thereof: Provided always, that the Proprietors and Owners of Meſſuages, Lands, and Tenements within the ſaid Townſhip of *Flint*, their Attornies and Agents, and each and every of them, and all other Perſons, ſhall pay their own Expences when they or any of them ſhall attend the ſaid Commiſſioner at any of his Sittings to be holden in purſuance of this or the ſaid recited Act.

Other Notices how to be given.

V. Provided always, and be it further enacted, That all other Notices requiſite or neceſſary to be made or given by the ſaid Commiſſioner (the Manner of making and giving which ſhall not be otherwiſe provided for by this or the ſaid recited Act) ſhall be made and given by public Advertiſements, in One or more of the Newſpapers printed and circulating in the ſaid City of *Cheſter*.

Commiſſioner to ſettle Differences.

VI. 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 intended to be made in purſuance of this Act, touching or concerning their Rights or Claims, Eſtates or Intereſts, in or upon the ſaid Marſhes, Commons, and Waſte Lands, or any of them, or any Share or Shares, Proportion or Proportions which they or any of them ought to have, or ſhall claim to have in lieu of their Rights of Common, or other Rights or Intereſts upon or ariſing from the ſaid Marſhes, Commons, and Waſte Lands, or any of them, on the ſaid intended Diviſion and Incloſure, it ſhall and may be lawful for the ſaid Commiſſioner, and he is hereby authorized and required to examine into, hear, and determine the ſame.

Commiſſioner not to determine any Title to Lands, nor moleſt Poſſeſſion.

VII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to authorize or empower the ſaid Commiſſioner to determine any Difference or Diſpute which may ariſe, touching or concerning the Title of any Perſon or Perſons to any Meſſuages, Lands, or Hereditaments whatſoever, nor to determine any Right between any Parties contrary to the Poſſeſſion of any 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 by ſuch Perſon or Perſons, or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

The Commiſſioner may 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 Act or of the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioner, upon any Application made to him for that Purpoſe, to 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

the ſaid Commiſſioner ſhall be made by the Perſon or Perſons, Bodies Politic, Corporate or Collegiate, whoſe Claim or Claims, Objection or Objections ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons, Bodies Politic, Corporate or Collegiate, who ſhall be liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, it ſhall be lawful for the ſaid Commiſſioner and he is hereby authorized, by Warrant under his Hand and Seal 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, Body or Bodies Corporate or Collegiate, 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.

Parties may try their Rights by a feigned Iſſue.

IX. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion and Incloſure, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner, touching or concerning any Right of Common or other Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided, allotted and incloſed, or any Part thereof, then and in every ſuch Caſe it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, ſo diſſatisfied, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioner, at the then next Aſſizes to be holden for the County Palatine of *Cheſter*, in caſe the ſame ſhall not be holden within Three Calendar Months next after ſuch Determination; but if the next Aſſizes for the ſaid County ſhall be holden within Three Calendar Months after ſuch Determination, then at the following Aſſizes to be holden for the ſame County, and for that Purpoſe the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, who ſhall be ſo diſſatisfied with the Determination of the ſaid Commiſſioner, ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, in whoſe Favour ſuch Determination ſhall have been made, within Two Calendar Months next after ſuch Determination of the ſaid Commiſſioners and ſhall alſo, within One Calendar Month after ſuch Determination, give Notice in Writing to the ſaid Commiſſioner, of his, her, or their being ſo diſſatisfied; and the Defendant or Defendants in ſuch Action or Actions ſhall and he, ſhe, and 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 ſuch 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 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; which Allowances or Disallowances shall be final and conclusive upon all Parties: Provided always, that in case the Determination of such Commissioner, touching such Right of Common or other Rights and Interests in, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall not be objected to, or being objected to, the Party or Parties objecting shall not cause such Action at Law to be brought and proceeded in within the Time and in the Manner herein for that Purpose appointed, such Determination shall be final and conclusive upon all Parties.

Actions not to impede Proceedings of Commissioner.

X. Provided always, and be it further enacted, That no such Difference, Action, Suit, or Proceeding as aforesaid, nor any Difference, Suit, Action, or Proceeding touching or concerning the Title to any Lands, Tenements, and Hereditaments, shall impede, delay, or hinder the said Commissioner from proceeding in the Execution of the Powers vested in him by the said recited Act and this Act, and in making his Award, but the said Division and Allotments shall be proceeded in, and such Award made, notwithstanding such Differences, Suits, Actions, or Proceedings shall not then have been decided; and the said Commissioner shall by proper Marks and Bounds set out and distinguish the Lands and Grounds which shall be assigned in respect of such litigated Property, and shall allot the same Lands and Grounds to the Person or Persons who at the Time of making his Award shall be in the actual Seisin or Possession of such litigated Property, and upon the Determination of such Difference, Suit, Action, or Proceeding, such Allotment or Allotments, and the Use, Estate, Interest and Property therein respectively, shall become vested in the Person or Persons, his, her, or their Heirs or Assigns, who upon such Determination shall be adjudged entitled to the Lands, Tenements, and Hereditaments in respect whereof such Allotment or Allotments shall be made.

Allotment to be made to Parties in Possession.

Actions not to abate by Death of Parties.

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

In case of Deaths of Parties before Action is brought, the same to be defended and carried on in their Names.

XII. 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, Body or Bodies Politic, Corporate, or Collegiate, 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 said Commissioner or his Clerk 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

Names of the Perſon or Perſons ſo dead, or in his, her, or their own Name or Names, 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.

Proceedings to be entered in a Book.

XIII. And be it further enacted, That all Orders, Acts, and Proceedings of the ſaid Commiſſioner ſhall be ſigned by him, and entered in a Book or Books to kept by him for that Purpoſe; which Book or Books ſhall be received in Evidence in all Suits and Actions concerning any Thing which ſhall be done in purſuance of this Act.

Appointment of Surveyor.

XIV. And be it further enacted, That all ſuch Surveys, Admeaſurements and Plans, as ſhall in the Opinion of the ſaid *John Calveley* be requiſite and neceſſary to be made and taken for the Purpoſes of dividing and allotting the ſaid Marſhes, Commons, and Waſte Lands hereby directed to be divided and allotted, ſhall be made and taken by *Edward Jones Hughes* of *Mold*, in the ſaid County of *Flint*, Land Surveyor; or in caſe the ſaid *Edward Jones Hughes* ſhall refuſe or neglect to act, or ſhall die, or become incapable of acting, by ſuch Perſon or Perſons as the ſaid Commiſſioner or his Succeſſor ſhall from Time to Time nominate and appoint.

XV. And be it further enacted, That no Perſon ſhall be capable of acting as Surveyor for the Purpoſes of this Act until he ſhall have taken and ſubſcribed the Oath or Affirmation following, and which Oath or Affirmation the ſaid Commiſſioner is hereby empowered to adminiſter; (that is to ſay)

'I do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm and declare], That I will faithfully, impartially and honeſtly, and to the beſt of my Skill and Judgment, execute and perform the Duties incumbent on me as Surveyor, by virtue of an Act paſſed in the Fifty-third Year of the Reign of His Majeſty King *George* the Third, intituled *An Act for incloſing Lands in the Townſhip of* Flint, *in the County of* Flint, 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 ſo taken and ſubſcribed by ſuch Surveyor or Surveyors, and alſo the Appointment of ſuch Surveyor or Surveyors, ſhall be annexed to and enrolled with the Award of the ſaid Commiſſioner.

Quality of Land to be publiſhed.

XVI. And for the more juſt and regular Diviſion, Allotment, and Diſtribution of the ſaid Marſhes, Commons, and Waſte Lands, by this Act directed to be divided, allotted, and incloſed, be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required as ſoon as conveniently may be after the paſſing of this Act, to value all the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, and alſo all the ancient incloſed Lands and Grounds having Right of Common over the ſame; which Valuation, and the Particulars thereof, ſhall be reduced into Writing, and ſigned by the ſaid Commiſſioner, and ſhall be lodged with ſuch Perſon reſident in *Flint*, as the ſaid Commiſſioner ſhall appoint for the Inſpection of the ſeveral Proprietors or their Agents; and any Perſon

or

or Perſons intereſted ſhall be entitled to a Copy of ſuch Valuation on Demand, paying for ſuch Copy a reaſonable Price, to be aſcertained by the ſaid Commiſſioner; and the ſaid Commiſſioner ſhall give or cauſe to be given Fourteen Days Notice, to be affixed upon the principal outer Door of the Church of *Flint*, upon ſome *Sunday* immediately before Divine Service, of the Time and Place by him appointed for receiving and hearing any Objections that may be made to ſuch Valuation or Quality; and the ſaid Commiſſioner ſhall hear and determine all ſuch Objections.

For putting down Meer Stones.

XVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner hereby appointed, with the Concurrence of ſuch Aſſiſtant Commiſſioner, previouſly to making of ſuch Survey, to direct proper Meer Stones to be fixed in ſuch Places as ſuch Commiſſioner hereby appointed, with ſuch Concurrence as aforeſaid, ſhall think proper, in order to aſcertain and perpetuate the Limits of the ſaid Marſhes, Commons, and Waſte Lands; and as well the Maps or Plans herein-before directed, as the ſaid Duplicates thereof reſpectively ſhall ſpecify and diſtinguiſh therein ſuch Meer Stones; and as well ſuch Maps or Plans as ſuch Duplicates as aforeſaid, ſhall at all Times hereafter be admitted and allowed, upon all Occaſions, as legal Evidence.

Parties diſſatisfied with the Boundaries, may try their Rights at Law.

XVIII. Provided alſo, and be it further enacted, That if any Perſon or Perſons, Body or Bodies Politic or Corporate, intereſted in the aſcertaining of the Boundaries of the ſaid Townſhip of *Flint*, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner, made in purſuance of the Directions of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, reſpecting ſuch Boundaries, or any of them, and ſhall be deſirous of having the Boundaries affected by ſuch Determination, tried at Law, and ſhall by themſelves, or their reſpective Agents or Attornies, within One Calendar Month next after the Determination of the ſaid Commiſſioner ſhall have been made and publiſhed by him, give Notice in Writing to the ſaid Commiſſioner of ſuch his, her, or their Objection to the ſaid Boundaries ſo determined by the ſaid Commiſſioner, and of ſuch Deſire to have the ſame Boundaries ſettled by Trial at Law, then and in every ſuch Caſe the ſaid Commiſſioner ſhall and he is hereby required immediately on Receipt of ſuch Notice as aforeſaid, or as ſoon afterwards as conveniently may be, to give Notice to one or more of the Party or Parties intereſted therein, who ſhall inſiſt upon the Boundaries ſo determined by the ſaid Commiſſioner, or to the reſpective Agents or Attornies of ſuch Perſon or Perſons, by Writing under the Hand of him the ſaid Commiſſioner, to be delivered to or left at the uſual Place of Abode of ſuch Party or Parties, Agents or Attornies reſpectively; and it ſhall and may be lawful to and for the Perſon or Perſons giving ſuch Notice to the ſaid Commiſſioner as aforeſaid, or his or their Heirs, Succeſſors, or Aſſigns, after the Expiration of Two Calendar Months from the Time of ſuch Notice being given to the ſaid Commiſſioner as aforeſaid, to proceed to Trial at Law for the aſcertaining of ſuch Boundaries ſo objected to as aforeſaid, at the Firſt or Second Aſſizes to be holden for the County of *Cheſter* next after the giving of ſuch Notice to the ſaid Commiſſioner, in an Action or Actions for that Purpoſe, to be commenced in One of His Majeſty's Courts of Record at *Weſtminſter*, by the Perſon or Perſons giving ſuch Notice to the ſaid Commiſſioner as aforeſaid; their reſpective Heirs, Succeſſors or Aſſigns, againſt any ſuch Perſon or Perſons intereſted therein, who ſhall inſiſt on the Boundaries ſo determined by the ſaid Commiſſioner

missioner as aforesaid; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall file Common Bail, or appear and accept one or more Issue or Issues, whereby all such Boundaries may be properly tried and determined (such Issue or Issues, if the Parties differ about the same, to be settled by the proper Officer of the Court wherein such Action or Actions shall be commenced); and the Jury or Juries who shall try such Issue or Issues shall find the true Boundary or Boundaries of all or any Part of the said Townships so in Dispute, and the same shall, under the Direction of the Judge who shall try the said Issue or Issues, be indorsed specially on the Postea, in case the same shall be thought necessary for ascertaining such Boundaries; and the Verdict or Verdicts which shall be given in any such Action or Actions shall be final and conclusive to every Person and Persons, Body and Bodies Politic and Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside the Verdict or Verdicts so to be given as aforesaid, and order a new Trial or Trials to be had (which it shall be lawful for the Court to do, and also upon sufficient Cause shewn to put off the Trial of such Issue, or to change the Venue, as is usual in other Cases); and after any Verdict or Verdicts shall have been obtained, and not set aside by the Court as aforesaid, the said Commissioner shall and he is hereby authorized and required to conform to such Verdict or Verdicts, any Thing in the said recited Act or in this Act contained to the contrary notwithstanding; provided that the Defendant or Defendants in every such Action shall be by the said Commissioner reimbursed all the Costs, Charges, and Expences which he or they shall reasonably pay, expend, or be put unto, in the Defence of such Action or Actions, by and out of the Money to be raised for carrying this Act into Execution.

Old Roads and Ways may be stopped up.

XIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and empowered, in case he shall think proper, to stop up, turn, or divert any old or accustomed public Road or Roads, Way or Ways, Path or Paths, Track or Tracks, passing or leading through or over the said Marshes, Commons and Waste Lands; subject nevertheless to the Order and Concurrence of Two Justices, and to such Provisions, and under such Regulations, Directions, and Conditions, as are contained in the said recited Act of the Forty-first Year of His present Majesty, respecting the stopping up of any old accustomed Road or Roads; and the several Roads, Ways, Paths and Tracks to be stopped, shall be and be deemed to be Part of the Lands and Grounds to be divided, allotted, and inclosed, by virtue of this Act: Provided always, that none of the present Roads, Ways, Paths, or Tracks leading through or over the said Marshes, Commons, and Waste Lands, shall be shut up or discontinued until the several Roads and Ways intended to be and remain public Roads or Highways shall be set out in Manner by the said recited Act directed, and until the same shall be properly formed and made safe and convenient for the Passage of Horses, Cattle, and Carriages.

Embankments of the Marshes.

XX. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby empowered and required to embank and defend from the Sea such Part of the Common Marshes within the said Township of *Flint*, as lies between *Flint* Castle on the South, and a certain Stream of Water in the said Township of *Flint*, called *Flint River*, on the North,

North, or ſuch Part thereof as he ſhall be of Opinion can be ſo embanked with Advantage; and for that Purpoſe it ſhall be lawful for the ſaid Commiſſioner, his Engineer, Agent, Workmen, and all other Perſons by him or them employed, and he and they is and are hereby authorized and empowered from Time to Time, for the Purpoſes and in Execution of this Act, to enter into and upon the ſaid Common Marſhes, and alſo any Lands or Grounds adjoining thereto; and to make and erect, or cauſe to be made and erected in and upon the ſaid Common Marſhes, all ſuch Banks, Fences, Dams, Tunnels, Floodgates, Culverts, Bridges and other Works, and of ſuch Dimenſions and Form, and in ſuch Manner and Direction, in every Reſpect, as the ſaid Commiſſioner ſhall think moſt effectual for the Purpoſe of embanking and defending from the Sea the Part of the ſaid Common Marſhes ſo to be embanked as aforeſaid, and for carrying off the Land Water therefrom; and alſo to make and erect ſuch Banks, Fences, Dams, Tunnels, Flood Gates, Bridges and other Works, in, through, over, and upon any incloſed Lands or Grounds lying near or adjoining to the ſaid Common Marſhes within the ſaid Townſhip of *Flint*, as ſhall be neceſſary for the Purpoſe of connecting ſuch Banks and Fences to be made upon ſuch Marſhes and the incloſed Grounds adjoining thereto; and from Time to Time to alter, enlarge, ſtrengthen, remove, rebuild and repair any ſuch Banks, Fences, Dams, Tunnels, Flood Gates, Culverts, Bridges and other Works, and alſo to cut, dig, take and carry away any Quantity of Earth and Materials for the Purpoſe of making, erecting, altering, enlarging, ſtrengthening, repairing, ſupporting, and maintaining the ſame, upon, out of, or from the ſaid Common Marſhes, or any Part thereof.

Commiſſioner may ſcour Brooks, &c.

XXI. And be it further enacted, That the ſaid Commiſſioner ſhall and may ſcour out and widen or cauſe to be ſcoured out or widened, all ſuch ancient Streams, Brooks, Ditches and Watercourſes, in the ſaid Townſhip of *Flint*, and alſo ſhall and may ſet out, order and direct ſuch new Ditches, Drains, Watercourſes, Tunnels, Watergates, Banks and Bridges, to be made of ſuch Width and Depth, and in ſuch Directions and Situations as the ſaid Commiſſioner ſhall think proper, as well in, through, over and upon the Lands and Grounds hereby intended to be divided and incloſed as aforeſaid, as alſo in, through, over and upon any other ancient Incloſures, or other Lands and Grounds in the ſaid Townſhip of *Flint*, or any Part or Parts thereof, making ſuch Satisfaction to the Proprietors of ſuch ancient Incloſures, or other Lands and Grounds, not hereby intended to be divided and incloſed, for the Damage done thereby, as the ſaid Commiſſioner ſhall think reaſonable; and the ſaid Commiſſioner ſhall and may and he is hereby directed, in and by his Award, to order and direct by whom, at whoſe Expence, at what Time, and in what Manner the ſaid Streams, Brooks, Ditches, Drains, Watercourſes, Tunnels, Banks and Bridges ſhall be thereafter repaired, cleanſed, ſcoured and maintained: Provided always, that no ſuch Stream or Brook ſhall be diverted or turned without the Conſent in Writing of the Owner or Owners of the Lands and Grounds from which any ſuch Stream or Brook ſhall be diverted, and into which any ſuch Stream or Brook ſhall be turned.

Encroachments.

XXII. And be it further enacted, That all Encroachments which have been made upon or taken out of the ſaid Marſhes, Commons or Waſte Lands hereby directed to be divided, allotted and incloſed, within the Space

Space of Twenty Years next before the paſſing of this Act, ſhall be deemed Part and Parcel of the Marſhes, Commons and Waſte Lands from which the ſame were reſpectively taken or made, and ſhall, with all the Buildings and Erections thereon, be ſet out and allotted unto ſuch Perſon or Perſons entitled to right of Common upon the ſaid Marſhes, Commons and Waſte Lands, as ſhall be in the Poſſeſſion thereof reſpectively, in Part or in full of the Allotment or Allotments to be made to him, her or them reſpectively by virtue of this Act; ſo that the ſame ſhall not in the Judgment of the ſaid Commiſſioner be more than equivalent thereto (in which latter Caſe a competent Part thereof only ſhall be ſo ſet out and allotted); provided nevertheleſs, that in the Valuation of ſuch Encroachments and Incloſures to the Perſon or Perſons to whom they may be reſpectively allotted, the Buildings or Erections thereon ſhall not be included, nor the Lands eſtimated at any higher Rate than the ſame would have been if they were in their original unincloſed and unimproved State; and in caſe any Diſpute or Queſtion ſhall ariſe touching any ſuch Encroachment or Incloſure, or the Extent thereof, or the Number of Years that the ſame has been made or taken in, every ſuch Diſpute or Queſtion ſhall be determined by the ſaid Commiſſioner.

Public Wharf or Landing-place to be ſet apart.

XXIII. And be it further enacted, That when and ſo ſoon as ſuch Embankment and other Works ſo directed to be made as aforeſaid ſhall have been completed, ſo much and ſuch Part of the ſaid Common Marſhes thereby defended from the Sea as aforeſaid, as the major Part in Value of the Proprietors of Lands, Tenements, and Hereditaments within the ſaid Townſhip of *Flint* (ſuch Value to be aſcertained according to the Rate and Aſſeſſment made for the Relief of the Poor within the ſaid Townſhip of *Flint* for that Year), who ſhall be preſent at a Meeting to be eſpecially convened by the ſaid Commiſſioner for that Purpoſe, ſhall direct and appoint, ſhall be marked and ſet out as and for a public Wharf or Landing Place, and ſhall remain open and unincloſed for public Uſe, and ſhall from thenceforth be and remain veſted in the Bailiffs of the ſaid Borough of *Flint*, and their Succeſſors for the Time being, in Truſt, for the Purpoſes aforeſaid; and that the Reſidue and Remainder of the ſaid Common Marſhes ſo embanked and defended from the Sea ſhall be ſold and diſpoſed of by the ſaid Commiſſioner for the Purpoſes and in the Manner hereinafter directed: Provided always, that nothing herein-before contained ſhall extend or be conſtrued to extend to authorize the ſaid Commiſſioner to embank or defend from the Sea any of the Marſhes or Waſte Lands lying on the South Side of *Flint* Caſtle.

The Marſhes on the South of Flint Caſtle, not to be embanked.

Allotments for Materials to repair Roads, &c.

XXIV. And be it further enacted, That the ſaid Commiſſioner ſhall ſet out and allot to the Surveyor or Surveyors for the Time being of the Highways within the ſaid Townſhip of *Flint*, and alſo to the Surveyor of the Highways of the ſaid Townſhip of *Coleſhill Fawr*, in caſe it ſhall appear to the ſaid Commiſſioner that the Owners or Occupiers of Meſſuages, Lands, Tenements and Hereditaments in the ſaid Townſhip of *Coleſhill Fawr* have uſed and are entitled to the Privileges of getting Gravel, Stone, Sand, Earth, or Marl, from any of the ſaid Commons and Waſte Lands in the ſaid Townſhip of *Flint*, ſuch Portion or Portions of the ſaid Marſhes, Commons and Waſte Lands, not exceeding in the Whole Two Statute Acres, in ſuch Places as he ſhall judge moſt convenient, with proper Roads to and from the ſame, for the Accommodation of every Part of

the ſaid Townſhip of *Flint* and Townſhip of *Coleſhill Fawr*, in caſe the Occupiers of Meſſuages, Lands, Tenements and Hereditaments therein, ſhall be ſo entitled as aforeſaid, but not otherwiſe, to be uſed and enjoyed for ever thereafter by the Proprietors of Lands and Tenements within the ſaid Townſhips in common, for the Purpoſe of getting Building Stones, Gravel, Sand, Earth, Marl and Clay, to make Bricks for the Uſe of Lands in the ſaid Townſhip of *Flint* and the Townſhip of *Coleſhill Fawr*, (as the Caſe may be,) or in the Repair of the Highways and Private Roads and Paths within and throughout the ſaid Townſhips only, which ſhall be reſpectively veſted in the Surveyor or Surveyors of the Highways of the ſaid Townſhips reſpectively for the Time being, in Truſt for the Purpoſes aforeſaid; and the getting and raiſing ſuch Stone, Gravel and Sand, and the Graſs and Herbage of the ſaid Plots of Ground ſo ſet out reſpectively, ſhall be and are hereby declared to be ſubject to ſuch Regulations and Reſtrictions as the ſaid Commiſſioner ſhall by his Award make, order, direct or appoint; and the Expence of ſuch Fences ſhall be raiſed and paid in the ſame Manner as the Expences of paſſing and carrying this Act into Execution: Provided always, that ſuch Stone, Gravel and Sand, or any of them, ſhall not directly or indirectly be ſold or diſpoſed of to any Perſon or Perſons whatſoever, or conveyed out of the Liberties of the Borough of *Flint*, under any Pretence whatſoever; and the ſaid Commiſſioner ſhall alſo ſet out and appoint Springs and Pools and other Watering Places for Cattle and Beaſts, and puddling Pools and Places for cleanſing and waſhing Minerals upon the ſaid Marſhes, Commons and Waſte Lands, or any Part thereof, for the common Uſe and Benefit of all Occupiers of Meſſuages, Lands and Tenements in the ſaid Townſhip of *Flint*.

Penalties for felling Stone, &c. for public Allotments.

XXV. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons to carry or convey out of the ſaid Borough of *Flint*, or ſell, bargain or agree for the Sale of any Limeſtone or other Stone, Gravel, Sand, Earth, Marl, or Clay, or Brick made of any Earth, Marl, or Clay, which ſhall be found, hewn, dug or raiſed in or upon the ſaid Allotments to be ſet out for the common Uſe and Supply of the ſaid Borough.

Allotment to His Majeſty.

XXVI. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required, after ſetting out the Highways and Roads, and the Allotments for Materials for the Reparation thereof, and alſo for the other Purpoſes herein-before mentioned, to ſet out, allot and appoint unto the King's moſt Excellent Majeſty, His Heirs and Succeſſors, ſuch Part or Parts of the ſaid Marſhes, Commons and Waſte Lands within the ſaid Townſhip of *Flint* ſo intended to be embanked and incloſed as aforeſaid, as ſhall in the Judgement of the ſaid Commiſſioner be equal in Value to One Twentieth Part thereof, in Lieu, Satisfaction and Extinction of His Majeſty's Right and Intereſt in the Soil of the ſame Marſhes, Commons and Waſte Lands, and for his Conſent to the Diviſion and Incloſure thereof.

Allotment for Sale.

XXVII. And be it further enacted, That (after ſetting out of the Roads and Ways and other the Allotments before directed to be made) it ſhall and may be lawful for the ſaid Commiſſioner, and he is hereby authorized, empowered and required, as ſoon as conveniently may be, to appropriate, mark, and ſet out, by proper Stakes or Land Marks, ſo much and ſuch Part or Parts of the ſaid Common Marſhes herein-before directed to be embanked

and

and defended from the Sea, as ſhall not have been ſet apart as a public Wharf or Landing Place as aforeſaid, and alſo ſuch other Part or Parts of the Commons and Waſte Lands within the ſaid Townſhip of *Flint* (other than and except the Common Marſhes therein not herein-before directed to be embanked and defended from the Sea), as to him the ſaid Commiſſioner ſhall ſeem competent, neceſſary and ſufficient to be ſold, as herein-before mentioned, which Part or Parts of the ſaid Marſhes, Commons and Waſte Lands ſo to be appropriated, marked and ſet out to be ſold, ſhall be incloſed at the Expence of the Purchaſer or Purchaſers thereof, by a Boundary Fence or Ditch to be made round the Outſide thereof, according to the Order and Direction of the ſaid Commiſſioner, and ſhall be diſpoſed of in ſuch Way and Manner as herein-after is directed; that is to ſay, the ſaid Commiſſioner ſhall and he is hereby authorized and required, as ſoon as may be after the ſame ſhall be appropriated, marked and ſet out as aforeſaid, and at ſuch convenient Times and Places as to him ſhall ſeem meet, to cauſe all ſuch Part or Parts of the ſaid Marſhes, Commons and Waſte Lands as ſhall be ſo appropriated, marked and ſet out for Sale as aforeſaid, to be put up to public Sale or Auction, in ſuch Lots or Parcels as to him ſhall ſeem fit and expedient, and the ſame ſhall be accordingly ſold and diſpoſed of in ſuch Way and Manner, and under and ſubject to ſuch Directions as are contained in the ſaid recited Act; and upon Payment to the ſaid Commiſſioner of the Purchaſe Money for which the ſame ſhall be ſold the ſaid Commiſſioner ſhall in and by his Award allot and appoint the Part or Parts of the ſaid Marſhes, Commons and Waſte Lands which ſhall be ſo ſold as aforeſaid, unto the reſpective Purchaſers thereof, or to ſuch Perſon or Perſons as he, ſhe or they ſhall reſpectively direct; and all and every ſuch Part and Parts of the ſaid Marſhes, Commons and Waſte Lands as ſhall be ſo ſold, allotted and appointed as aforeſaid, ſhall from and immediately after the Execution of the ſaid Award of the ſaid Commiſſioner become and the ſame is and are hereby declared to be veſted in the Perſon or Perſons to whom the ſame ſhall be ſo allotted and appointed, and his, her, or their Heirs and Aſſigns for ever.

The King's Allotment may be ſold before the Execution of the Award.

XXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues, or for the Surveyor General of His Majeſty's Land Revenue, at any Time before or after the Execution of the ſaid Award, to contract and agree with any Perſon or Perſons, or any Bodies Politic or Corporate, for the Sale of all or any Allotments or Allotment to be made to His Majeſty, His Heirs and Succeſſors, by virtue of this Act, for the beſt Prices or Conſiderations in Money which the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenue, or the ſaid Surveyor General ſhall be able to procure for the ſame; and the Purchaſe Money ariſing from ſuch Sale, ſhall be paid into the Bank of *England* to the Account of the Commiſſioners of His Majeſty's Treaſury, in like Manner as the Monies ariſing from the Sale of certain Parts of the Property of the Crown authorized by an Act, paſſed in the Forty-eighth Year of His preſent Majeſty, intituled *An Act to improve the Land Revenue of the Crown in* England, *and alſo of His Majeſty's Duchy of* Lancaſter, are directed to be paid; and the Sale of ſuch Allotment or Allotments ſhall be made in the ſame Manner and Form, and under the like Rules, Regulations and Proviſions, and ſhall be to all Intents and Purpoſes as valid and effectual as if the ſame were made under the ſaid laſt-recited Act; and if ſuch Sale ſhall be made

before the Execution of the ſaid Award, it ſhall be lawful for the ſaid Commiſſioner for executing this Act, and he is hereby authorized and required to aſſign, ſet out, and allot ſuch Allotments or Allotment to the Purchaſer or Purchaſers thereof, or other Perſons or Perſon who ſhall be entitled thereto by virtue of ſuch Sale; and he, ſhe or they ſhall, previous to or immediately after the Execution of the ſaid Award as aforeſaid, have, hold, uſe, and enjoy ſuch Allotments or Allotment, and ſhall uſe and exerciſe any act of Ownerſhip in and upon the ſame, in as full, large, ample and beneficial a Manner, to all Intents and Purpoſes, as His Majeſty, His Heirs or Succeſſors, or His or their Leſſees or Grantees, could or might have done in caſe ſuch Sale had not been made; but ſubject nevertheleſs to the Right or Intereſt in or to any Mines of Lead Ore, and all Beds and Seams of Coal in or under the ſame as hereinafter ſaved and reſerved to the ſaid *Robert* Earl *Groſvenor*, and Sir *Thomas Hanmer* reſpectively, and their reſpective Heirs and Aſſigns.

Reſidue of the Marſhes to be allotted for Sale, or ſet apart as a public Salt Ley or Paſture.

XXIX. And be it further enacted, That the Reſidue of the Common Marſhes within the ſaid Townſhip of *Flint*, not herein-before directed to be embanked and defended from the Sea, ſhall either be ſet apart by the ſaid Commiſſioner and allotted for Sale, and be ſold and diſpoſed of in Manner and for the Purpoſes herein-before directed, or ſhall be allotted unto and amongſt the ſeveral Perſons, Bodies Politic or Corporate, having Rights of Common or other Rights in, over, or upon the Commons and Waſte Lands in the ſaid Townſhip of *Flint*, or ſome or one of them, in Satisfaction or in Part Satisfaction for ſuch their reſpective Rights and Intereſts, or otherwiſe ſhall and may remain open and unincloſed as and for a common Salt Ley or Paſture for the general Benefit of all Perſons having ſuch Rights as aforeſaid, as the Majority in Value (ſuch Value to be aſcertained as herein-before mentioned) of the Proprietors of Lands within the ſaid Townſhip of *Flint*, who ſhall have eſtabliſhed their Claims to Allotments under this Act, ſhall at a Meeting eſpecially convened by the ſaid Commiſſioner for that Purpoſe direct: Provided always, that in caſe it ſhall be determined that any Part of the Reſidue of ſuch Common Marſhes ſhall be ſold as aforeſaid, it ſhall be lawful for the ſaid Commiſſioner to make ſuch Rules and Regulations as to the dividing and diſtinguiſhing from each other, or the Incloſure of the ſeveral Parcels of the ſaid Common Marſhes which may be ſo offered to Sale as aforeſaid, as he ſhall think proper.

Allotment of the Reſidue.

XXX. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required to ſet out, allot, and award all the Reſidue and Remainder of the ſaid Marſhes, Commons, and Waſte Lands by this Act authorized and intended to be divided, allotted, and incloſed, unto and amongſt the ſeveral and reſpective Perſons, Bodies Politic, Corporate and Collegiate, Owners and Proprietors of Lands, Tenements, and Hereditaments within the ſaid Townſhip of *Flint*, and the Townſhip of *Coleſhill Fawr*, who at the Time of making ſuch Allotments reſpectively ſhall be entitled to any Eſtate, Property, Common Right, or other Intereſt therein (other than and except the King's Majeſty, His Heirs and Succeſſors, in reſpect of His Right to the Soil and Seigniory of the ſaid Marſhes, Commons, and Waſte Lands herein-before compenſated) in ſuch Quantities, Shares, and Proportions as the ſaid Commiſſioner ſhall adjudge and deem to be a full Satisfaction and Compenſation for the reſpective Eſtates, Rights,

Rights, and Intereſts in the ſaid Marſhes, Commons, and Waſte Lands: Provided always, that no Allotment ſhall be made by virtue of this Act, for or in reſpect of any Incloſure or Encroachment made within Sixty Years laſt paſt on the ſaid Marſhes, Commons, and Waſte Lands.

No Allotments for Encroachments.

XXXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner at any Time not exceeding Twelve Calendar Months next after the ſaid Allotments ſhall be ſet out, to make ſuch Alterations in the Allotments and Fences, which he may have ſet out and ordered, as he ſhall think right and expedient; and in caſe any Perſon or Perſons ſhall happen to be injured by ſuch Alterations, or on account of any Expences, he, ſhe, or they might have been at, the ſaid Commiſſioner ſhall aſcertain and determine what Recompence ſhall be made to him, her, or them, and ſhall direct by whom and in what Manner ſuch Recompence ſhall be made.

Commiſſioner empowered to make Alterations in the Allotments before Execution of the Award.

XXXII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required by his Award, to direct and declare how and in what Manner, and by whom the Fences between the ſeveral Allotments to be made and ſet out under and by virtue of this Act ſhall be made, and by whom the ſame ſhall for ever thereafter be kept in Repair.

Commiſſioner to declare by his Award how Fences are to be made.

XXXIII. Provided always, and be it further enacted, That in caſe through the Neceſſity of Situation, or any other Accident or Circumſtance, it ſhall happen that one or more of the ſaid Proprietors ſhall not have an equal or proportionable Share of Boundary Mounds or Fences allotted to him, her or them, on the ſaid intended Incloſure, then and in ſuch Caſe it ſhall and may be lawful for the ſaid Commiſſioner, when he ſhall judge it neceſſary and reaſonable, to award, order, aſcertain, and appoint what Sum or Sums ſuch Proprietor or Proprietors ſhall reſpectively pay and contribute towards making the Mounds and Fences of the Allotment or Allotments of ſuch other Proprietor or Proprietors who ſhall or may have a greater Proportion of Mounding or Fencing allotted to him, her, or them, by virtue of this Act; and in caſe the Money ſo ordered, directed, or appointed, ſhall not be paid on Demand, then and in ſuch Caſe ſuch Money ſhall be raiſed, levied, and recovered, in ſuch and the ſame Manner as the Coſts, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed, levied, and recovered, as herein-after or in and by the ſaid recited Act is directed.

Satisfaction for unequal Share of Fencing.

XXXIV. And be it further enacted, That if any Perſon or Perſons hath or have ſold, or ſhall at any Time prior to the Execution of the Award of the ſaid Commiſſioner, ſell his, her, or their Right, Intereſt, and Property in the ſaid Marſhes, Commons, and Waſte Lands intended to be divided and incloſed, or any Part thereof, or his, her, or their Allotment or Allotments, to any Perſon or Perſons, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and required to make an Allotment or Allotments of Land unto the Vendee or Purchaſer, Vendees or Purchaſers in every ſuch Sale, or to his, her, or their Heirs or Aſſigns, for and in reſpect of ſuch Right, Intereſt, and Property ſo ſold as aforeſaid; or in caſe ſuch Allotment or Allotments ſhall have been already made, to award the ſame to ſuch Vendee or Purchaſer, Vendees or Purchaſers, his, her, or their Heirs and Aſſigns; and every ſuch Vendee and

In caſe any Perſon ſhall ſell his Right in the Lands to be incloſed, the Allotment to be ſet out to the Purchaſer.

Purchaſer,

Purchaſer, and his or her Heirs or Aſſigns, ſhall and may from and after the Execution of the ſaid Award hold and enjoy the Lands ſo to be allotted and awarded to him or her as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor or Vendors 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 or remained veſted in ſuch Vendor or Vendors at the Time of making ſuch Allotment or Allotments as aforeſaid.

Allotments to remain in the ſame Tenure.

XXXV. And be it further enacted, That all Lands and Hereditaments which ſhall be allotted by virtue of this Act, ſhall be held by the ſame Tenures, under the ſame Rents, Cuſtoms and Services, and for the like Eſtates and Intereſts, and under the ſame Titles as the Lands and Hereditaments, in reſpect whereof ſuch Allotments ſhall be made were reſpectively held before the paſſing of this Act, or would have been held in caſe this Act had not paſſed.

Separate Allotments to be made for Eſtates held by different Tenures.

XXXVI. Provided always, and be it further enacted, That when the Proprietor or Proprietors of any Lands or other Hereditaments which ſhall be allotted or exchanged by virtue of this Act, ſhall hold their reſpective Lands or Hereditaments by different Tenures, or for different Eſtates, or under different Titles, the ſaid Commiſſioner ſhall, upon the Requeſt of ſuch reſpective Proprietors, in Writing under their Hands aſcertain and diſtinguiſh the Lands or other Hereditaments held by or under ſuch reſpective Tenures, Eſtates, or Titles, and ſhall accordingly in the Award of the ſaid Commiſſioner ſet out and diſtinguiſh diſtinct and ſeveral Allotments for ſuch reſpective Lands or other Hereditaments.

Power to make Exchanges.

XXXVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioner and his Succeſſors, at any Time or Times, to ſet out, allot, and award any Lands, Tenements and Hereditaments within the ſaid Townſhip of *Flint*, as well ancient incloſed Lands as thoſe intended to be divided, allotted, and incloſed, in lieu of and in Exchange for other Lands, Tenements, and Hereditaments within the ſame Townſhip, or within any adjoining Pariſh, Hamlet, Townſhip, or Place; provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioner, or his Succeſſors, and be made with the Conſent of the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues, or the Surveyor General of His Majeſty's Land Revenue on Behalf of His Majeſty, or the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors ſhall be a Body or Bodies Politic, Corporate or Collegiate, 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 a Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Purpoſes, 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 Exchange or 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 (ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hand

of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid and effectual in the Law to all Intents and Purpoſes whatſoever; provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent (teſtified as aforeſaid,) of the Patron thereof, and of the Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged, ſhall lie and be ſituate.

Coſts and Expences of making Exchanges, &c. to be paid by the Perſons making the ſame.

XXXVIII. And be it further enacted, That the Expences attending every Exchange or Partition which ſhall be made by virtue or in purſuance of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, or of this Act, ſhall be paid, borne and defrayed by the ſeveral Perſons making ſuch Exchanges or Partitions, diſtinct and apart from the other Expences attending the Execution of this Act, in ſuch Manner as the ſaid Commiſſioner ſhall order and direct.

Leaſes at Rack Rent to be void.

XXXIX. And be it further enacted, That every Leaſe, and Agreement for a Leaſe or Leaſes at Rack Rent, of any Meſſuages, Lands and Tenements within the ſaid Townſhip of *Flint*, ſhall ſo far as ſuch Leaſe or Leaſes, Agreement or Agreements, affect or concern any Allotment or Allotments to be made of the ſaid Marſhes, Commons and Waſte Lands hereby authorized to be divided, allotted and incloſed, in reſpect of any ſuch Meſſuages, Lands and Tenements comprized in ſuch Leaſes or Agreements reſpectively, or any Right of Common or other Rights appendant or appurtenant thereto, be and the ſame is and are hereby declared to be null and void as to ſuch Allotment or Allotments of the ſaid Marſhes, Commons, and Waſte Lands, and ſuch Allotment or Allotments ſhall be made and awarded unto the Landlord or Landlords, and not to the Tenant or Tenants, Leſſee or Leſſees, freed and diſcharged from all Right and Intereſt which may or otherwiſe might be claimed in or to the ſame by virtue of ſuch Leaſe or Leaſes, Agreement or Agreements; and the Perſon and Perſons, Body or Bodies Politic, Corporate or Collegiate, to whom the Meſſuages, Lands or Tenements compriſed in ſuch Leaſe or Leaſes, Agreement or Agreements reſpectively, ſhall belong as Landlord or Landlords, ſhall make ſuch Compenſation to the Perſon or Perſons entitled to the ſame under ſuch Leaſe or Leaſes, Agreement or Agreements, as the ſaid Commiſſioner ſhall by Writing under his Hand adjudge and determine to be adequate to the Benefit and Intereſt which the ſaid Leſſee or Leſſees, Tenant or Tenants, had or derived under the ſaid Leaſes and Agreements reſpectively, upon and from the ſaid Marſhes, Commons and Waſte Lands intended to be divided and incloſed, before the paſſing of this Act, and would have continued to derive in caſe this Act had not been made; and in caſe ſuch Satisfaction ſhall not be made accordingly, then it ſhall be lawful for ſuch Leſſee or Leſſees, Tenant or Tenants, to ſue for and recover the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe: Provided always, that nothing in this Act contained ſhall extend or be conſtrued to extend to revoke, make void, or alter any Leaſe or Leaſes, or any Agreement for a Leaſe or Leaſes of any ancient Meſſuages, Lands and Tenements within the ſaid Townſhip of *Flint*, further or otherwiſe than as aforeſaid.

Not to vacate Leaſes, except of Allotments of Common.

Wills and Settlements not to be affected.

XL. Provided always, and be it further enacted, That nothing in this or the ſaid recited 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 having or claiming any Jointure, Dower, Debt, Portion or Incumbrance, out of, upon or affecting any of the Marſhes, Commons and Waſte Lands to be divided, allotted and incloſed in purſuance of this Act, or any Part thereof reſpectively, or which ſhall be exchanged by virtue of the ſaid recited Act or this Act, but that the ſeveral Marſhes, Commons and Waſte Lands ſo to be allotted or given in Exchange as aforeſaid, ſhall from thenceforth be, remain and enure, and the ſeveral Perſons to whom the ſame ſhall be allotted or given in Exchange as aforeſaid, ſhall ſtand and be ſeiſed thereof, to ſuch and the ſame Uſes, Truſts and Eſtates, and ſubject to the ſame Wills, Settlements, Limitations, Remainders, Charges and Incumbrances, as the ſeveral Lands, Tenements and Hereditaments for or in reſpect of which, or in lieu whereof ſuch Allotments or Exchanges ſhall be made as aforeſaid, would have been ſubject and liable to be charged with or affected by in caſe this Act had not been made.

The Money to ariſe from the Sale of the Commons and Waſte Lands, to be applied for paying the Expences of the Act, and carrying it into Execution.

XLI. And be it further enacted, That the Monies which ſhall ariſe by or from the Sale or Sales of the Allotments or Share of the ſaid Marſhes, Commons and Waſte Lands herein-before directed to be ſet out for the Purpoſe of Sale, ſhall be appropriated and applied by the ſaid Commiſſioner (ſo far as the ſame will extend) in and towards the Payment of the Charges and Expences incident to and attending, or which may be occaſioned by the ſoliciting, obtaining and paſſing this Act, and the making and erecting the ſaid Works of Embankment herein-before directed to be made, and the ſaid intended Diviſion of the ſaid Marſhes, Commons and Waſte Lands, and of ſetting out, making, forming, erecting, cutting and opening the Highways, Roads, Drains and Watercourſes which the ſaid Commiſſioners ſhall direct to be made or ſet out, or in anywiſe relating thereto; and in caſe there ſhall be any Surplus of the Monies ariſing by or from ſuch Sale or Sales as aforeſaid, after Payment of all ſuch Charges and Expences as aforeſaid, ſuch Surplus Monies ſhall be divided between the ſeveral Perſons intereſted in the ſaid Lands and Grounds, in Proportion to their reſpective Intereſt and Property therein; and the Shares of ſuch of them as ſhall be Tenants in Fee Simple ſhall be paid to them reſpectively, and the Shares of ſuch other Perſons reſpectively ſhall be applied in the Manner directed by the ſaid recited Act with reſpect to Money to be paid for the Purchaſe or Exchange of any Lands, Tenements or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands or Hereditaments to be ſettled to the ſame Uſes.

Power to borrow Money on Mortgage before any Sale made.

XLII. And be it further enacted, That the ſaid Commiſſioner ſhall and may borrow and take up at Intereſt, of any Perſon or Perſons willing to advance the ſame, ſuch Sum or Sums of Money as ſhall from Time to Time be neceſſary for paying and defraying ſuch Coſts, Charges and Expences as aforeſaid, until the ſame ſhall be raiſed by ſuch Sale or Sales as aforeſaid.

XLIII. Provided

XLIII. Provided always, and be it further enacted, That out of the first Money which shall be raised by virtue of this Act, the said Commissioner shall and he is hereby required, in the First Place to pay and defray the Charges and Expences incident to and attending the soliciting, obtaining and passing this Act, together with Interest for the same, after the Rate of Five Pounds *per Centum per Annum*, from the Time such Money shall be so laid out. The Expences of this Act to be repaid out of the first Monies received.

XLIV. And be it further enacted, That the said *John Calveley*, and his Successors to be appointed in Manner hereby directed, shall be allowed to retain, out of the Money to be raised by virtue of this Act, to and for his and their own Use, and also shall and he and they is and are hereby required to pay to the said Assistant Commissioner and his Successors, to be respectively appointed in Manner herein-before mentioned, the Sum of Two Pounds Twelve Shillings and Sixpence each, and no more, for his and their Trouble and Expences for each and every Day he the said *John Calveley*, and the said Assistant Commissioner, or their respective Successors, shall respectively actually attend in the Execution of this Act, inclusive of the Days of travelling to and from their respective usual Place or Places of Abode; and that the said *Edward Jones Hughes* and his Successors, and also the Clerk or Clerks appointed or to be appointed by the said Commissioner, shall be paid by him such Sum or Sums of Money, *per* Day or otherwise, for their respective Pains and Trouble in attending the said Commissioner in the Execution of this Act, as to the said Commissioner shall seem just and reasonable. Commissioner's Allowance.

XLV. And be it further enacted, That Once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing of this Act) 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 or expended, or due to him for his own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before any of His Majesty's Justices of the Peace for the Time being for the said County of *Flint* (not interested in the said intended Division and Inclosure) to be by such Justice or Justices examined and balanced, and such Balance shall be by him or them stated in the Book of Accounts to be kept in the Office of the Clerk 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 Justice or Justices. Commissioner to account.

XLVI. 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 (except in such Cases where the Orders or Determination of the said Commissioner and his Successors, or any Justice or Justices of the Peace, are herein-before or in the said recited Act declared to be final and conclusive, and also (except in such Cases where an Issue or Issues at Law shall be tried as herein-before mentioned) he, she or they may appeal to the First or Second Great Session or Assizes to be holden in and for the said County of *Flint* next after the Cause of Complaint shall have arisen, every such Appellant giving Ten Days previous Notice in Writing to the Party or Parties to be appealed against, of his, Allowing Appeal.

her or their Intention of bringing ſuch Appeal, and within Ten Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace for ſuch County, with Two ſufficient Sureties, to try ſuch Appeal, and to abide the Order and Award of the ſaid Court therein; and the Judges of Aſſize at ſuch Great Seſſions are hereby empowered and required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order and award ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy or cauſe to be levied the Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties ordered or made 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 Coſts and Expences of every ſuch Levy, Diſtreſs and Sale; and every Order and Determination of the ſaid Judges, upon ſuch Appeal, ſhall be final and concluſive upon all Parties concerned, and ſhall not be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Judges to be frivolous, vexatious, and without Foundation, then the ſaid Judges of Aſſize ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them in their Diſcretion ſhall ſeem reaſonable, and ſuch Coſts ſhall be levied and recovered in Manner aforeſaid.

Directing where the Award ſhall be depoſited.

XLVII. And be it further enacted, That the Award to be made by the ſaid Commiſſioner ſhall be executed and publiſhed within the Space of Three Years from the paſſing of this Act, and when enrolled in Manner directed by the ſaid recited Act ſhall, together with a Plan annexed, be depoſited in a Tin Box, and kept for public Inſpection in the Office of the Clerk of the Peace for the ſaid County of *Flint*, and a Duplicate thereof ſhall be written on Parchment, and lodged and kept in a Tin Box in the Church of *Flint* aforeſaid, for the Peruſal of all Perſons intereſted therein.

Commiſſioner to make an Extract of ſo much of his Award as deſcribes His Majeſty's Allotment, and tranſmit the ſame to the Commiſſioners of His Majeſty's Woods, &c.

XLVIII. And be it further enacted, That the ſaid Commiſſioner and Aſſiſtant Commiſſioner ſhall and they are hereby required to make an Extract on Parchment under their reſpective Hands and Seals, of ſo much of the general Award directed to be made by the ſaid recited Act as ſhall contain an accurate Deſcription of the Allotment or Allotments ſo to be made to His ſaid Majeſty, together with ſuch Regulations or Proviſions relative to the ſaid Allotment or Allotments, or to any other Rights or Intereſts of His Majeſty, as may be contained in ſuch Award, and alſo a Copy ſigned by the ſaid Commiſſioner, of the Plan annexed to the ſaid Award, and tranſmit the ſaid Extract and Plan to the Commiſſioners of His Majeſty's Woods, Foreſts and Land Revenues, or to the Surveyor General of His Majeſty's Land Revenue, within Six Calendar Months after the making and executing the ſaid Award, to be by them or him filed and kept among the Muniments of their or his Office, and to be produced and admitted in Evidence on all Occaſions where any Queſtion, Doubt or Controverſy may ariſe, relating to or affecting the Rights and Intereſts of His Majeſty, or His Heirs or Succeſſors.

Saving the Right of Robert Earl

XLIX. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall prejudice or defeat the Right or Intereſt of

of the ſaid *Robert* Earl *Groſvenor*, his Heirs or Aſſigns, or any Perſon or Perſons claiming or to claim by, from, under or in Truſt for him, them, or any of them, or any of the Anceſtors of the ſaid *Robert* Earl *Groſvenor* in and to all Mines of Lead Ore, or any other Mines or Minerals of Right belonging to the ſaid *Robert* Earl *Groſvenor*, his Heirs or Aſſigns, in or under the ſaid Marſhes, Commons and Waſte Lands; but the ſaid *Robert* Earl *Groſvenor*, his Heirs and Aſſigns, and ſuch other Perſon and Perſons as aforeſaid, and his or their Leſſee or Leſſees, Agents, Servants, Miners and other Workmen, ſhall and may from Time to Time and at all Times hereafter, enter into, have, hold, enjoy, ſearch for, and work all ſuch Mines of Lead Ore, and other Mines and Minerals, as fully and effectually to all Intents and Purpoſes as (but no further or otherwiſe than) he or they could have had, held, or enjoyed the ſame before the paſſing of this Act; and for that Purpoſe ſhall and may uſe all Pits, Shafts, Levels, Soughs, and Tunnels already open and ſunk in any of the ſaid Marſhes, Commons and Waſte Lands, and all Machines, Engines, and Buildings thereon erected or ſtanding, together with full and free Liberty, Power, and Authority to and for the ſaid *Robert* Earl *Groſvenor*, his Heirs and Aſſigns, and all other Perſons who ſhall hereafter for the Time being be entitled to the Mines of Lead Ore, and other Mines and Minerals therein, and his and their Leſſees, and his, their, and every of their Agents, Servants, Miners, and other Workmen, to ſink, dig, delve, drive, and work all and every or any Number of Pits, Shafts, Levels, Soughs, and Tunnels which he or they ſhall think neceſſary for diſcovering, ſearching for, raiſing, or getting any ſuch Lead Ore, or other Ore or Materials whatſoever of Right belonging to him the ſaid *Robert* Earl *Groſvenor*, his Heirs and Aſſigns, in or under the ſaid Marſhes, Commons, and Waſte Lands, and to dig and raiſe Clay for making and burning of Bricks, Tiles, Gutters and Ridges, in and upon any Part or Parts of the ſaid Marſhes, Commons and Waſte Lands, as well before as after the ſame ſhall have been incloſed, for repairing any old or erecting any new Buildings which may be neceſſary for carrying on or working any ſuch Mines as aforeſaid; and alſo to erect any Number of Steam and other Engines, and Machine or Machines of what Nature or Kind ſoever, which he or they ſhall think neceſſary for the Uſe, Convenience or Advantage of any Mine or Mines whatſoever in or upon the ſaid Premiſes, or any Part thereof; and to place, ſtack up, and lay all Lead Ore and other Ore which ſhall be gotten and raiſed, and all Rubbiſh, Earth, and Soil upon the ſaid Marſhes, Commons and Waſte Lands and alſo to have, make, and uſe all convenient Ways, Roads, and Railways in, upon, and over the ſaid Marſhes, Commons, and Waſte Lands, when incloſed, for the Uſe of any Mines, ſunk or made, or which may be ſunk or made, in any Part or Parts thereof, and for working and carrying on the ſame, and with Carts, Waggons, or other Carriages to fetch, take, or carry away the Lead Ore and other Ore and Materials there to be found and raiſed as aforeſaid, and to do all other reaſonable and neceſſary Acts and Things in and upon the ſaid Marſhes, Commons, and Waſte Lands, when incloſed, for the diſcovering, getting, working, converting, removing, carrying away, ſelling and diſpoſing thereof, without any Moleſtation or Interruption whatſoever, in ſuch and the like Manner as (but no otherwiſe than) he or they would reſpectively have been entitled or empowered to do if this Act had not been paſſed.

Groſvenor, his Heirs and Aſſigns, to the Lead Mines under the Lands to be inoloſed.

Saving the Right of Sir Thomas Hanmer, his Heirs and Assigns, to the Coal under the Lands to be inclosed.

L. Provided always, and be it further enacted and declared, That nothing in this Act contained shall prejudice or defeat the Right or Interest of the said Sir *Thomas Hanmer*, his Heirs or Assigns, or any Person or Persons claiming or to claim by, from, under or in Trust for him, them, or any of them, or any of the Ancestors of the said Sir *Thomas Hanmer*, in and to all Beds or Seams of Coal in or under the said Marshes, Commons and Waste Lands, being Parcel of the Lordship of *Englefield* aforesaid; but the said Sir *Thomas Hanmer*, his Heirs and Assigns, and such other Person and Persons as aforesaid, and his or their Lessee or Lessees, Agents, Servants, Colliers, and other Workmen, shall and may from Time to Time and at all Times hereafter enter into, have, hold and enjoy, search for and work all Beds and Seams of Coal whatsoever, as fully and effectually, to all Intents and Purposes, as he or they could have had, held or enjoyed the same before the passing of this Act, and for that Purpose shall and may use all Pits, Shafts, Levels, Soughs and Tunnels already open and sunk in any of the said Marshes, Commons and Waste Lands, and all Machines, Engines and Buildings thereon erected or standing, together with full and free Liberty, Power and Authority to and for the said Sir *Thomas Hanmer*, his Heirs and Assigns, and all other Persons who shall hereafter for the Time being be entitled to the Beds and Seams of Coal therein, and his and their Lessees, and his, their and every of their Agents, Servants, Colliers and other Workmen to sink, dig, delve, drive and work all and every or any Number of Pits, Shafts, Levels, Soughs, and Tunnels, which he or they shall think necessary for discovering, searching for, raising or getting any Coal whatsoever in or under the said Marshes, Commons and Waste Lands; and to dig and raise Clay for making and burning of Bricks, Tiles, Gutters and Ridges in and upon any Part or Parts of the said Marshes, Commons and Waste Lands, as well before as after the same shall have been inclosed, for the Use of any Colliery or Collieries now open or hereafter to be opened therein; and for repairing any old or erecting any new Buildings which may be necessary for carrying on or working any such Beds or Seams of Coal as aforesaid, and also to erect any Number of Steam and other Engines, Machine or Machines of what Nature or Kind soever which he or they shall think necessary for the Use, Convenience or Advantage of any Colliery or Collieries whatsoever in or upon the said Premises or any Part thereof, and to place, stack up, and lay all Coals which shall be gotten and raised, and all Rubbish, Earth and Soil upon the said Marshes, Common and Waste Lands, and to make, burn, or convert Coal and Culm into Charcoal or Cokes, and also to have, make, and use all convenient Ways, Roads, and Railways in, upon, and over the said Marshes, Commons, and Waste Lands when inclosed for the Use of any Colliery sunk or made or which may be sunk or made in any Part or Parts thereof, and for working and carrying on the same, and with Carts, Waggons and other Carriages to fetch, take or carry away the Coal there to be found and raised as aforesaid, and to do all other reasonable and necessary Acts and Things in and upon the said Marshes, Commons and Waste Lands when inclosed, for the discovering, cutting, working, converting, removing, carrying away, selling and disposing thereof, without any Molestation or Interruption whatsoever, in such and the like Manner as he or they would respectively have been entitled or empowered to do if this Act had not been passed.

Saving the Rights of His Majesty to all other the Mines, &c.

LI. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or defeat the Right or Interest of His Majesty, His Heirs or Successors, in and to any Mines, Ores, Minerals, Quarries of Lime or Stone, or other Matters of what Nature or Kind soever of Right belonging to His said Majesty, His Heirs or Successors, in or under the said Marshes, Commons, and Waste Lands; but His said Majesty, His Heirs and Successors, and His and their respective Lessee and Lessees, Grantee or Grantees, Agents, Servants, Miners, and other Workmen, shall and may from Time to Time and at all Times hereafter, enter into, have, hold and enjoy, search for and work all such Mine and Mines, Works, Pits, Holes, Veins, and other Bearings of Mines, Ores, Minerals, and Quarries of Lime and Stone whatsoever, as fully and effectually, to all Intents and Purposes whatsoever as (but no otherwise than) he or they have or might have done before the passing of this Act.

Manorial and other Rights saved.

LII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to defeat, lessen, or prejudice the Right, Title, or Interest of the King's most Excellent Majesty, His Heirs or Successors, or His or their Lessee or Lessees, Steward or Stewards, or other Officers for the Time being, of, in, and to the Seigniories or Royalties belonging to His Majesty (except as herein-after mentioned); but that His Majesty, His Heirs and Successors, and His and their Lessee and Lessees, Steward and Stewards for the Time being, shall and may from Time to Time and at all Times hereafter, hold and enjoy all the Rents, Services, Courts, Perquisites, and Profits of Courts, Wrecks of the Sea, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Privileges, Pre-eminences, Manorial Jurisdictions and Appurtenances whatsoever (other than and except any Rights to the Soil of the said Marshes, Commons, and Waste Lands intended to be inclosed by virtue of this Act), and also all Quarries, Springs and other Matters, not being the Mines of Lead Ore, and Beds or Seams of Coal, and Privileges herein-before reserved, which Quarries, Springs, and other Matters, shall belong to the several Persons, Bodies Politic or Corporate, to whom any Allotment or Allotments shall be made by virtue of this Act, and which said Mines or Minerals shall continue to belong to such Person or Persons, Body or Bodies Politic or Corporate, as was or were lawfully entitled to the same before the passing of this Act.

Saving the Rights of the River Dee Company.

LIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to alter, defeat, or obstruct any of the Powers, or to lessen or abridge all or any of the Tonnage or Duties, Sum or Sums of Money given to or payable to the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee* by the several Acts of Parliament for making the said River navigable; but the said Company and their Successors, their Deputies, Agents, Workmen, Officers, and Servants, may at all Times hereafter be at Liberty to embank, recover, and preserve their Marshes and Lands, and also to have, take, receive, use, exercise, and enjoy all such Tonnage Duties, Sum and Sums, Powers, Rights and Privileges, in as full and ample Manner as they might or could have done in case this Act had not been made, any Thing herein contained to the contrary in anywise notwithstanding.

LIV. Saving

General Saving of all Rights.

LIV. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and all and every other Perſon and Perſons, Body or Bodies Politic, Corporate, or Collegiate, 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 and deſtroyed by this and the ſaid recited Act) of, in, to, or in reſpect of the Marſhes, Commons, and Waſte Lands to be divided and allotted by virtue of this Act, as he, they, or any of them, could or might have had or enjoyed, if this Act had not been made.

Public Act.

LV. 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. 1813.