ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 86.

An Act for dividing, allotting, and incloſing the Common and Waſte Land, lying within the Manors of *Hartſhill* and *Anſley*, in the Pariſhes of *Mancetter* and *Anſley*, in the County of *Warwick*.

[11th *June* 1803.]

WHEREAS there is within the Manor of *Hartſhill* in the Pariſh of *Mancetter*, in the County of *Warwick*, a certain Common or Piece of Waſte Land called *Hartſhill Shutts*, and other Waſte Lands, containing by Eſtimation Eighty-ſeven Acres or thereabouts: And whereas there is within the Manor or ſeveral Manors in the Pariſh of *Anſley*, in the County of *Warwick*, certain Pieces of Common or Waſte Land, called *Anſley Common*, *Monwode Lee*, *Birchley Heath*, and *Nuthurſt Heath*, and other Waſte Land, containing in the Whole by Eſtimation Eighty-two Acres or thereabouts: And whereas *Ambroſe Joſeph Saliſbury* Eſquire is Lord of the Manor of *Hartſhill* aforeſaid, and as ſuch entitled to the Soil of the ſaid Common and Waſte Land within the ſame Manor: And whereas the ſaid *Ambroſe Joſeph Saliſbury*, *John Ludford* Eſquire, Doctor of Laws, *Haughton Farmer Okeover* Eſquire, *John Farmer* Eſquire, *Richard Jee*, *Edward Alkin*, *Morris Edward Lythall*, *John Farrin*, and *Thomas Taverner*, and ſeveral other Perſons, are Owners and Proprietors of divers Lands, Tenements, and Hereditaments in *Hartſhill* aforeſaid, in reſpect whereof they have or claim to have, ſeverally for themſelves and their reſpective Leſſees and Tenants, Right of Common, in, over, and upon the ſaid

Common and Waſte Land in the ſaid Manor of *Hartſhill:* And whereas the ſaid *John Ludford* is Lord of the Manor or ſeveral Manors in the ſaid Pariſh of *Anſley*, and entitled to the Soil of the ſaid Pieces of Common and Waſte Land within the ſame Manor or ſeveral Manors: And whereas the ſaid *John Ludford*, *Richard Dugdale* Eſquire, *Roger Vaughton* Eſquire, *John Warden* Clerk, *John Power*, and ſeveral other Perſons, are Owners and Proprietors of divers Lands, Tenements, and Hereditaments, in the ſaid Pariſh of *Anſley*, in reſpect whereof they have or claim to have, ſeverally for themſelves and their reſpective Leſſees and Tenants, Right of Common, in, over, and upon the ſaid Pieces of Common and Waſte Land in the ſaid Manor or ſeveral Manors in the ſaid Pariſh of *Anſley*: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure; and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the ſaid Common and Waſte Land is in its preſent State of little Value, and incapable of any conſiderable Improvement, and it would be advantageous to the ſeveral Perſons intereſted therein, if the ſame were divided, and ſpecifick Shares thereof allotted to and amongſt the ſeveral Perſons entitled to or intereſted in the ſame reſpectively, and ſuch Allotments incloſed; but ſuch Diviſion, Allotments, and Incloſure, cannot be made and effectually eſtabliſhed without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Thomas Eagle*, of *Baginton* in the County of *Warwick*, Gentleman, and his Succeſſors to be elected in Manner herein-after mentioned, ſhall be and he is hereby appointed Commiſſioner for dividing, allotting, and incloſing, the ſaid Common and Waſte Land, and for carrying the Purpoſes of the ſaid recited Act and this Act into Execution, ſubject to the Regulations of the ſaid recited Act, except in ſuch Caſes where the ſame are hereby varied or altered.

Commiſſioner.

Proviſion in caſe of Commiſſioner's Death or Refuſal to act.

II. And be it further enacted, That in caſe the ſaid *Thomas Eagle*, or any Commiſſioner to be appointed in his room as herein-after is mentioned, ſhall die, refuſe, or become incapable to act, or without ſome juſt Cauſe neglect to proceed in putting this Act in Execution for the Space of Two Calendar Months after he ſhall have received Notice from any Two Perſons intereſted in the ſaid Incloſure, requiring him to proceed in the Execution of the Powers given him by this and the ſaid recited Act, then it ſhall be lawful for the major Part in Value (to be aſcertained by the Land Tax Aſſeſſments for *Hartſhill* and *Anſley* aforeſaid) of the Proprietors and Perſons, who for the Time being ſhall be intereſted in the Lands and Grounds to be divided, allotted, and incloſed, or their Agent or Agents, Attorney or Attornies, who ſhall be preſent at a publick Meeting to be held at ſome convenient Place, in purſuance of a Notice in Writing to be ſigned by any Two of the ſaid Proprietors, and affixed upon One of the principal outer Doors of the Pariſh Churches of *Mancetter* and *Anſley*, and inſerted in the Newſpaper called *The Coventry Mercury*, or in ſome other Newſpaper printed or circulated in the ſaid County of *Warwick*, at leaſt Ten Days before ſuch Meeting ſhall be held, by Writing under their Hands to elect and appoint One other Commiſſioner, not intereſted in the ſaid intended Diviſion and Incloſure, in the room of the ſaid *Thomas Eagle*, and ſo from Time to Time as

as often as any Commissioner, to be elected and appointed as aforesaid, shall die, refuse, become incapable, or neglect to act as aforesaid; and every Commissioner so to be appointed shall have the like Powers and Authorities in the Execution of this and the said recited Act in all Respects, as the Commissioner in whose Place he shall be so appointed was vested with.

Commissioner to give Notice of his Attendance.

III. And be it further enacted, That the said Commissioner shall and he is hereby required to cause publick Notice to be given in the said Newspaper called *The Coventry Mercury*, or in some other Newspaper printed or circulated in the said County of *Warwick*, and by Writing to be affixed on One of the principal outer Doors of the said Parish Churches of *Mancetter* and *Ansley*, of the Time and Place of his first Attendance for putting this Act in Execution, and also of such other Day or Days as he shall appoint for receiving the Claims of the said Proprietors to any Share, Right, or Interest, in the said Common and Waste Land so intended to be divided, allotted, and inclosed as aforesaid, such Notice to be so given at least Eight Days before every such Attendance; and the said Commissioner shall and may afterwards proceed in the Execution of this Act from Time to Time, as he shall think proper, either with or without Adjournment or further Notice, except only as to such Proceedings whereof Notice is hereby or by the said recited Act directed to be given.

Other Notices how to be given.

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioner shall be so made and given by Writing to be affixed upon One of the principal outer Doors of the said Parish Churches of *Mancetter* and *Ansley* aforesaid, and by Advertisement to be inserted in the said Newspaper called *The Coventry Mercury*, or in some other Newspaper printed or circulated in the said County of *Warwick*, at least Ten Days before every such Meeting.

Claims to be delivered to the Commissioner, and to determine Differences.

V. And be it further enacted, That all Persons claiming to be entitled to or interested in the said Common and Waste Land, either in the said Manor of *Hartshill*, or in the said Manor or several Manors in the said Parish of *Ansley*, shall either by themselves or their Stewards, Agents, or Attornies, deliver to the said Commissioner an Account in Writing of such their Claims, and a Particular of the Estates or Property in respect whereof such Claim or Claims shall be made, and in whose Possession or Enjoyment the same are, and by what Tenure the same are held, within such Time or Times as the said Commissioner shall for that Purpose appoint; and if any Dispute or Difference shall arise between the Parties interested in the said Division, Allotment, and Inclosure, or any of them, touching or concerning the respective Shares, Rights, or Interests, which they or any of them now have or claim to have in or to the said Common and Waste Land intended to be divided, allotted, and inclosed, as aforesaid, or touching the respective Shares or Allotments which they or any of them ought to have of or in the same, it shall be lawful for the said Commissioner and he is hereby empowered to hear and determine the same, and to make such Order therein as shall appear to the said Commissioner equitable and just; and a Copy of such Order shall be delivered to the several Persons affected thereby, or their several and respective known Agents, or left at their Dwelling Houses respectively, and such Order shall be final, binding, and conclusive, unless Notice of Dissatisfaction shall be given, and the Party dissatisfied shall proceed to a Trial at Law as herein-after provided: Provided always, that no Determination of the said Commissioner shall exclude any Person from trying and

and asserting his Right at Law or in Equity in respect of the Title to any of the Shares or Allotments aforesaid, so that no such Trial or any Judgement thereupon shall suspend or impede the Execution of this Act: Provided also, that nothing herein contained shall authorize the said Commissioner to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Power to assess Costs.

VI. 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 shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said 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.

Power to try disputed Claims at Law.

VII. Provided always, and be it further enacted, That if any Person or Persons making any Claim or Claims to the said Common or Waste Land, or any Rights or Interests therein as aforesaid, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of such Commissioner, and shall be desirous of having such Claim or Claims, Rights and Interests, respectively tried at Law, and the Person or Persons, so desirous to have the same tried at Law, shall and do by themselves or their respective Stewards, Receivers, Agents, or Attornies, give Notice thereof in Writing to the said Commissioner within One Calendar Month after such Determination shall have been so made by the said Commissioner (of which Notice the said Commissioner is hereby required immediately on Receipt thereof, or as soon afterwards as can conveniently be done, to give Information to the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Agents, or Attornies, by Writing under his Hand to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Agents, or Attornies, respectively) then, but not otherwise, it shall be lawful for the Person or Persons giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, and he, she, or they, shall and is and are hereby respectively required to proceed to Trial at Law for the same at the next Assizes to be holden for the County of *Warwick*, after such Notice shall be given as aforesaid, in a feigned 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, their respective Heirs, Successors, or Assigns, giving such Notice as aforesaid against the adverse Party making such Claim or Objection as aforesaid; and the Defendant or Defendants in such Action or Actions, shall forthwith name an Attorney or Attornies who shall file

Common

Common Bail, or appear thereto and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims and Rights may be properly tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer or Officers of the Court wherein ſuch Action or Actions ſhall be commenced, if the Parties ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given in the ſaid Action or Actions ſhall be final, binding, and concluſive, to all and every Perſon and Perſons, Body and Bodies Politick and Corporate whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict or Verdicts, 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 as is uſual in other Caſes; and after any Verdict or Verdicts ſhall have been obtained, and not ſet aſide by the Court, the ſaid Commiſſioner ſhall and he is hereby authorized and required to conform thereto, in ſetting out and allotting the ſaid Common and Waſte Land, and the Coſts and Charges payable by the Defendant or Defendants in ſuch Action or Actions, if the ſame ſhall relate to any Claim or Claims, in or to the ſaid Common or Waſte Land, within the ſaid Manor of *Hartſhill*, which ſhall have been objected to by the major Part in Value of the Land Owners, within the ſame Manor, by themſelves or by their reſpective Agents, or if the ſame ſhall relate to any Claim or Claims, in or to the ſaid Common or Waſte Land within the ſaid Manor or ſeveral Manors in the ſaid Pariſh of *Anſley*, which ſhall have been objected to by the major Part in Value of the Land Owners, within the ſame Manor or ſeveral Manors in the ſaid Pariſh of *Anſley* ſhall be paid and diſcharged by the ſaid Commiſſioner, and ſhall be deemed Part of the Charges and Expences of obtaining and paſſing this Act, and carrying the ſame into Execution, and ſhall be raiſed and recovered as ſuch.

If any of the Parties die, Proceedings not to abate.

VIII. 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.

Encroachments made within Twenty Years to be deemed Common.

IX. And be it further enacted, That all Encroachments made upon the ſaid Common and Waſte Land hereby intended to be divided and incloſed (ſave ſuch as have been enjoyed for Twenty Years next preceding the paſſing of this Act without any Interruption), ſhall be deemed Part and Parcel of the ſaid Common and Waſte Land, ſo intended to be divided, allotted, and incloſed, and ſhall be allotted to the Lord of the ſaid Manors reſpectively, and ſhall be deemed and conſidered as ſo much of the Part of the ſaid Common and Waſte Land to be allotted to them as Lords of the ſaid Manors reſpectively, as herein-before directed, and ſhall be valued as in an unimproved State, and without conſidering the Improvements thereupon by building or otherwiſe, and according to the Value of the ſaid Common or Waſte Ground adjoining thereto; and in caſe any Diſpute or Difference ſhall happen to ariſe, touching what Part or Parts of the ſame Encroachments are to be deemed or conſidered to be Part or Parcel of the ſaid Common or Waſte Land ſo intended to be divided, allotted, and incloſed, ſuch Diſpute or Difference ſhall be inquired into, heard, and examined by the ſaid Commiſſioner, and be by him determined, and ſuch his Determination ſhall be final, and to be made a Part of and inſerted in the Award directed to be made by him.

Watercourſes may be *turned.*

X. And, for the better enabling the ſaid Commiſſioner to accommodate and furniſh any of the new Allotments with Water, where the ſame ſhall in his Judgement be wanted; be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby empowered to direct, order, and award, all Streams of Water, Springs, and Watercourſes, within the Lands and Grounds hereby intended to be divided, allotted, and incloſed, to be carried and conveyed in ſuch Courſes, and through ſuch of the Lands and Grounds ſo hereby intended to be divided, allotted, and incloſed, as he in his Diſcretion ſhall think neceſſary and proper for the Purpoſe aforeſaid: Provided always, that ſuch Stream of Water, Spring, or Watercourſe, ſhall not be turned or altered without the Conſent in Writing of the Proprietor or Proprietors of the Lands through which the ſame ſhall run, or into whoſe Lands the ſame ſhall be carried.

Power to turn or ſtop up old Roads.

XI. And be it further enacted, That the ſaid Commiſſioner ſhall and may and he is hereby authorized, with the Concurrence and Order of Two Juſtices of the Peace, not intereſted in the Repair of ſuch Roads, acting in and for the County of *Warwick*, to turn, abate, ſtop up, or exchange, any old publick or private Road or Way, Fence, Gate, or Stile, in, through, over, or upon any of the Lands or Grounds within the ſaid Manor of *Hartſhill*, or Manor or ſeveral Manors in the ſaid Pariſh of *Anſley*, which they ſhall or may think requiſite to be turned, abated, ſtopped up, or exchanged, for the Convenience of the ſaid Pariſh and Owners of the Eſtates therein, and ſhall value and aſcertain what Recompence ſhall be made to any Perſon or Perſons to be affected thereby; and ſuch Order ſhall be ſubject to an Appeal to the Quarter Seſſions, in like Manner and under the ſame Forms and Reſtrictions as if the ſame had been originally made by ſuch Juſtices; and that it ſhall not be lawful for any Perſon or Perſons afterwards, either on Foot, or with Horſes, Cattle, or Carriages, to uſe or claim the Uſe of any old Road or Way within the ſaid Manors, which ſhall have been turned, abated, ſtopped up, or exchanged as aforeſaid by virtue of this Act: Provided always, that nothing herein contained ſhall authorize the ſaid Commiſſioner to divert or turn any Turnpike Road leading through or over the ſaid Lands or Grounds.

Stone Pits to be ſet out.

XII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and empowered to ſet out and appoint as many convenient Parts or Pieces of the ſaid Lands and Grounds hereby intended to be divided, allotted, and incloſed, not exceeding Half an Acre in the ſaid Manor of *Hartſhill*, and Half an Acre in the ſaid Pariſh of *Anſley*, as he ſhall think proper, for the getting Stone, Gravel, or other Materials for repairing the publick Roads and Ways to be ſet out by virtue of this or the ſaid recited Act in *Hartſhill* and *Anſley* reſpectively, to and for the Uſe of the Inhabitants of *Hartſhill* and *Anſley* reſpectively, for repairing their ancient Roads, and that the Herbage growing in and upon the ſaid Parts and Pieces of Ground, or in or upon any publick Roads or Ways in *Hartſhill* and *Anſley* aforeſaid, ſhall be and is hereby veſted in the Surveyor or Surveyors of the Highways in *Hartſhill* and *Anſley* reſpectively, for the Time being, in Truſt to let and ſet the ſame for the beſt Rent he or they can get for the ſame, and to apply the Rents and Profits thereof, in repairing the ſaid publick Roads and Ways in *Hartſhill* and *Anſley* reſpectively.

Allotments to the Lords of the Manors of *Hartshill*, &c.

XIII. And be it further enacted, That the said Commissioner shall and he is hereby required, after setting out the necessary Roads in, over, and through the said Common and Waste Land in the said Manor of *Hartshill* and Manor or several Manors in the said Parish of *Ansley*, hereby intended to be divided, allotted, and inclosed, pursuant to the Directions contained in the said recited Act, and after setting out the Allotment for getting Stone, Gravel, or other Materials as aforesaid, to set out and allot unto and for the said *Ambrose Joseph Salisbury*, or the Person or Persons who for the Time being shall be Lord or Lady of the said Manor of *Hartshill*, so much and such Part and Parts of the then Residue of the said Common and Waste Land in *Hartshill* aforesaid, as shall in the Judgement of the said Commissioner be a fair Equivalent and full Recompence and Satisfaction for the Right or Claim of the said *Ambrose Joseph Salisbury* as Lord of the said Manor to the Soil of the said Common and Waste Land in *Hartshill* aforesaid, hereby directed to be divided, allotted, and inclosed; and also shall set out and allot unto and for the said *John Ludford*, or the Person or Persons who for the Time being shall be Lord or Lady of the said Manor or several Manors in the said Parish of *Ansley*, so much and such Part or Parts of the said then Residue of the said Common and Waste Land in the said Manor or several Manors in the said Parish of *Ansley* as shall be equal in Value to One full Sixteenth Part of such Residue for and in lieu and as a full Recompence and Satisfaction for the Right or Claim of the said *John Ludford*, as Lord of the said Manor, to the Soil of the said Common or Waste Land within the said Manor or several Manors in the Parish of *Ansley* aforesaid, hereby directed to be divided and inclosed.

Allotment of Residue in *Hartshill*.

XIV. And be it further enacted, That the said Commissioner shall and is hereby authorized and required in the next Place to set out, allot, and award all the Residue of the said Common and Waste Land, within the said Manor of *Hartshill*, unto and amongst the said *Ambrose Joseph Salisbury*, *John Ludford*, *Haughton Farmer Okeover*, *John Farmer*, *Richard Jee*, *Edward Alkin*, *Morris Edward Lythall*, *John Farrin*, *Thomas Taverner*, and the several other Persons Owners and Proprietors of Lands, Tenements, and Hereditaments, within the said Manor of *Hartshill*, and all other Persons having Right of Common in and upon the said Common and Waste Land within the said Manor (if any such there are) rateably and in Proportion to the Value of their respective Lands, Tenements, and Hereditaments, in Right whereof they are severally entitled to such Right of Common as aforesaid.

Allotment of Residue in *Ansley*.

XV. And be it further enacted, That the said Commissioner shall and he is hereby required to divide and allot the Residue of the Common and Waste Land, in the said Manor or several Manors in the said Parish of *Ansley*, unto and amongst the said *John Ludford*, *Richard Dugdale*, *Roger Vaughton*, *John Warden*, *John Power*, and the several other Persons interested therein, in Proportion to the Sum they were respectively assessed to the Land Tax for the Lands in respect whereof such Allotments shall be made in and for the Year of Our Lord One thousand seven hundred and ninety-eight, which said several Allotments to be made by virtue of this Act shall be in full Bar and Compensation for the Right of the several Parties in and upon the said Common and Waste Land in the said Manor or several Manors in the said Parish of *Ansley*: Provided nevertheless, that upon Complaint of Inequality in the said Assessment made by any of the said Proprietors

tors of Lands in *Anſley* aforeſaid, the ſaid Commiſſioner may hear and examine the ſame, and make the ſaid Diviſion as to him ſhall appear to be juſt and equitable.

Directing how Allotments for Right of Common ſhall be made.

XVI. Provided alſo nevertheleſs, and be it further enacted, That in caſe any Perſon or Perſons ſhall be entitled to Right of Common upon the ſaid Common and Waſte Land in *Anſley*, whoſe Eſtates in reſpect whereof they are ſo entitled are not rated to the Land Tax, the ſaid Commiſſioner ſhall and is hereby authorized and empowered to make ſuch Allotment from the ſaid Common and Waſte Land to ſuch Perſons reſpectively for ſuch their Right of Common in ſuch Manner as the ſaid Commiſſioner ſhall judge reaſonable and proper, which Allotments ſhall be in full Bar and Compenſation for all ſuch Rights reſpectively.

Commiſſioner may ſell certain Waſte Lands.

XVII. And whereas there are within the ſaid Manor of *Hartſhill*, and in the ſaid Manor or ſeveral Manors in the Pariſh of *Anſley*, ſeveral wide Parts of Lanes, Slangs of Land, or Pieces and Parcels of Common and Waſte Land, that might, to the Advantage of all Perſons intereſted therein, be ſold to ſuch Perſon or Perſons as would be willing and deſirous to become Purchaſers thereof; be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner and he is hereby authorized and empowered to ſell ſuch wide Parts of Lanes, Slangs of Land, or Pieces and Parcels of Common and Waſte Land (except that Part of the publick Highway leading from *Nuneaton* towards *Coleſhill* as lies between *Anſley Hall* and *Anſley* Church) by publick Sale or Auction to the beſt Bidder or Bidders, in ſuch Lot or Lots and ſubject to ſuch Conditions of Sale as the ſaid Commiſſioner ſhall think proper, giving Fourteen Days Notice at leaſt of the Time and Place of ſuch Sale in the ſaid Newſpaper called *The Coventry Mercury*, and repeating the ſaid Notice Twice at leaſt in the ſame Paper; and the Purchaſer or Purchaſers of all or any Part of the ſaid wide Lanes, Slangs of Land, or Pieces and Parcels of Common and Waſte Land, ſo directed to be ſold as aforeſaid, ſhall pay his or their Purchaſe Money into the Hands of the ſaid Commiſſioner, and immediately after Payment thereof ſuch Purchaſer or Purchaſers ſhall be abſolutely ſeiſed of an Eſtate of Inheritance in Fee Simple of and in the Lands and Hereditaments ſo by him, her, or them purchaſed, free from all Incumbrances whatſoever, and alſo free from the Payment of any Part of the Expence of obtaining or putting into Execution this Act, or making any new Roads, which may by the ſaid Commiſſioner be directed to be made in purſuance thereof: Provided nevertheleſs, that previous to the publiſhing any Advertiſement for Sale of any Part of the ſaid wide Parts of Lanes, Slangs of Land, or Pieces and Parcels of Common and Waſte Land, lying before any Meſſuages, Tenements, and Lands, belonging to any Perſon or Perſons whomſoever, the ſaid Commiſſioner ſhall and he is hereby authorized, directed, and required, to deliver unto ſuch Perſon or Perſons, before whoſe Lands and Tenements the ſame ſhall be ſituate, or his, her, or their known Agent or Attorney, a Deſcription and an Eſtimate in Writing under the Hand of the ſaid Commiſſioner of the Value of ſuch Part or Parts of the ſaid wide Parts of Lanes, Slangs of Land, or Pieces and Parcels of Common and Waſte Land, ſo intended to be ſold for the Purpoſes aforeſaid, in order that ſuch Perſon or Perſons may have an Option of purchaſing the ſame by private Contract; and that in caſe ſuch Perſon or Perſons ſhall within Fourteen Days from the Delivery of ſuch Notice pay or cauſe to be paid to the ſaid Commiſſioner for the

Purpoſes

Purpoſes aforeſaid the Amount of ſuch Eſtimate or Valuation, then ſuch Parts of the ſaid Lands ſo intended to be ſold as aforeſaid ſhall not be advertized for Sale or ſold by publick Auction; but from and immediately after Payment of the Purchaſe Money the Perſon or Perſons paying the ſame ſhall be abſolutely ſeiſed of an Eſtate of Inheritance in Fee Simple of and in the Lands and Hereditaments contained in ſuch Deſcription and Eſtimate, free from all Incumbrances whatſoever, and alſo free from any Part of the Expences aforeſaid; and the Monies ſo to be received from ſuch Perſon or Perſons making ſuch private Contracts, and alſo the Monies to be received from the ſaid Sales by Auction, ſhall be applied by the ſaid Commiſſioner towards defraying the Expences of this Act; provided that the ſaid Commiſſioner and Surveyor ſhall not be compelled or required by virtue of this Act to repair any Roads or Highways already made in or through or over any of the Lanes, Slangs, Pieces or Parcels of Common and Waſte Land laſt mentioned.

Rights of Common extinguiſhed or ſuſpended.

XVIII. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioner at any Time hereafter (in caſe he ſhall think it proper) before the Execution of his Award, by giving Ten Days Notice for that Purpoſe in Writing under his Hand, to be affixed upon One of the principal outer Doors of the ſaid Pariſh Churches of *Mancetter* and *Anſley* on ſome *Sunday* before or during Divine Service, to extinguiſh, annul, or ſuſpend, all Right of Common, in or over the Common or Waſte Land to be divided, allotted, and incloſed, as aforeſaid, and that from and after the Time that ſhall be fixed in the ſaid Notice for that Purpoſe, all ſuch Right of Common ſhall ceaſe and be for ever extinguiſhed or ſuſpended.

Not to keep Sheep.

XIX. And be it further enacted, That no Owner or Owners, Occupier or Occupiers, of Land to be allotted by virtue of this Act, ſhall, for the Space of Seven Years next following the Execution of the Award of the ſaid Commiſſioner, keep or depaſture any Sheep or Lambs within the Lands or Grounds hereby intended to be divided, allotted, and incloſed, unleſs ſuch Owner or Owners, Occupier or Occupiers, of ſuch reſpective Allotment or Allotments, where ſuch Sheep or Lambs ſhall be intended to be kept, ſhall firſt make a good and ſufficient Fence as well againſt their own Fence or Fences, directed by them to be made, as againſt the Fence or Fences made to bound the Allotment of the Perſon or Perſons whoſe Lands or Allotments ſhall adjoin to ſuch their ſaid Allotments, in order that Deſtruction and Spoil in the Gro' th of the Quickſets may be prevented, each and every Owner and Occupier of every Allotment having firſt made a good and ſufficient Fence by Poſts and Rails, or otherwiſe.

Perſons may ſell their Right in the Land to be incloſed.

XX. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons intereſted in the ſaid Common and Waſte Land, to be incloſed by virtue of this Act, at any Time before the Execution of the Award of the ſaid Commiſſioner, to ſell and diſpoſe of all the Eſtate, Right, Title, Intereſt, and Property, which he, ſhe, or they now have or hath, or ſhall or may hereafter have, in or to any Right of Common, or other Intereſt, in and upon the ſaid Common and Waſte Land, or in or to any Allotment or Allotments to be made in reſpect thereof by virtue of this Act, ſeparate and apart from ſuch Eſtate, in Right whereof he, ſhe, or they is, are, or ſhall be ſo entitled, and that in caſe of any ſuch Sale, previous to the Execution of ſuch Award, it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and required to allot the ſame to the Purchaſer or Purchaſers thereof

thereof respectively, who shall and may immediately after the Execution of such Award as aforesaid, have, hold, use, and enjoy such Allotment so to be allotted and laid out in lieu of the Right of Common or other Interest, so by him, her, or them purchased as aforesaid, and shall and may have, use, and exercise, every Act of Ownership, in, upon, over, and to the same, in as full, large, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as the former Proprietor or Vendor thereof could or might have done in case such Sale or Sales had not been made, but subject nevertheless to the several Rules, Orders, Conditions, and Restrictions mentioned and contained in this Act, and also in the said recited Act: Provided always, that all Costs, Charges, and Expences, attending such Sale and Disposition as aforesaid, shall be paid and borne by the several Persons making such Purchase or Purchases, in such Manner as the said Commissioner shall, by his Award, order and direct.

Not to alter any Settlement or Will.

XXI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed, construed, adjudged, or taken, to revoke, make void, alter, or annul any Settlement, Deed, or Will, whatsoever, or to prejudice any Person or Persons having or claiming any Jointure, Dower, Portion, Rent, Service, Debt, Charge, or Incumbrance, in, out of, upon, or affecting any of the Lands and Grounds to be divided and inclosed as aforesaid, or which shall be exchanged in pursuance of this or the said recited Act, or any Part or Parcel thereof; but that the several Lands, Grounds, and Estates, to be assigned and allotted, or given in Exchange, shall, immediately after making such Allotments and Exchanges respectively, be, remain, and enure, and be held and enjoyed, and the several Persons to whom the same shall be assigned and allotted, or given in Exchange, shall from thenceforth stand and be seised and possessed thereof respectively, to such and the same Uses, and to and for such and the same Estates, and with and under such and the same Powers and Authorities for making Leases and otherwise, and subject to the same Wills, Limitations, Conditions, Settlements, Provisoes, Remainders, Reversions, Debts, Charges, and Incumbrances, as the several Messuages, Lands, Grounds, and Common Rights, in lieu or in respect whereof such Allotments and Exchanges shall be made, now stand limited and liable unto, or would have been liable to in case this Act had not been made.

Directing what shall be done with the Allotments, &c.

XXII. And be it further enacted, That the Part and Share, Parts and Shares of the said Common and Waste Land which shall, upon such Division be allotted to, for, or in respect of any Leasehold Estate, where the Lease of such Estate has a less Term than Thirty Years unexpired, upon the said Common or Waste Land, shall be allotted unto, and be held, inclosed, and enjoyed, by the Proprietors or Owners of the Leasehold Estates, in respect whereof the same shall be so allotted, according to their several Estates and Interests therein respectively who are hereby directed and authorized to inclose and fence the same, and the Lessees or Tenants of such Leasehold Estates shall have no Right to such Allotments, or any Part or Parts thereof, but every such Lessee or Lessees, Tenant or Tenants, shall have and receive, of and from every Proprietor or Owner of every Leasehold Estate, such reasonable Satisfaction as the said Commissioner shall direct or appoint on account thereof, or as an Equivalent for the same; any Thing contained in any such Lease or Leases to the contrary thereof in anywise notwithstanding.

XXIII. And

For defraying Expences of the Act.

XXIII. And be it further enacted, That the Charges and Expences incident to and attending the obtaining and paſſing this Act, and of the ſurveying, dividing, and allotting the Common and Waſte Land ſo intended to be divided, allotted, and incloſed, and of incloſing the Allotment or Allotments to be made to the Vicar for his Glebe, and of preparing and inrolling the Award of the ſaid Commiſſioner, and of forming and making the ſeveral publick Bridle and Footways, and private Ways, Cauſeways, Bridges, Watercourſes, and Drains, and all other the Charges and Expences of the ſaid Commiſſioner, and all other neceſſary Expences in and about the Premiſes, ſhall be borne and defrayed by the Owners and Proprietors of the Common and Waſte Land ſo to be divided, allotted, and incloſed, or to whom any Allotment or Allotments ſhall be made by virtue of this Act (except the Vicar of *Anſley* and his Succeſſors), by a Rate or Rates, in ſuch Proportion and in ſuch Manner as ſhall be ſettled, aſcertained, and determined by the ſaid Commiſſioner; and that the ſaid Commiſſioner ſhall and may order, direct, and appoint to what Perſon or Perſons, and within what Time or Times, the ſeveral Sums to be ſettled, rated, or aſcertained as aforeſaid, ſhall be paid; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Share or Proportion of ſuch Charges or Expences to the Perſon or Perſons, and within the Time or Times to be appointed as aforeſaid, then the ſaid Commiſſioner ſhall and may, by Warrant under his Hand and Seal to be directed to any Perſon or Perſons whomſoever, cauſe the ſame to be levied and recovered, in ſuch Manner, and by the ſame Ways and Means, as directed in and by the ſaid recited Act.

Coſts of making Exchanges, &c.

XXIV. Provided always, and be it further enacted, That all Coſts, Charges, and Expences, attending the making of any Exchange or Partition to be made by virtue or in purſuance of the ſaid recited Act, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Manner, and in ſuch Proportions, as the ſaid Commiſſioner ſhall by his ſaid Award order and direct.

Award to be depoſited.

XXV. And be it further enacted, That the Award to be made by the ſaid Commiſſioner, when enrolled in Manner directed by the ſaid recited Act, ſhall be depoſited in the Pariſh Church of *Anſley* aforeſaid, or in ſuch other Place as the ſaid Commiſſioner ſhall appoint.

Monies advanced, to be repaid with Intereſt.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall advance any Sum or Sums of Money for defraying the Expences of obtaining and paſſing this Act, or for carrying the ſame into Execution, every ſuch Perſon ſhall be repaid the ſame, with Intereſt after the Rate of Five Pounds *per Centum per Annum*, out of the firſt Monies that ſhall be raiſed or received by the ſaid Commiſſioner by virtue of this Act for defraying ſuch Expences.

Proprietors to pay their own Expences.

XXVII. And be it further enacted, That the ſaid Proprietors, their Attornies and Agents, ſhall pay their own Expences, when they or either of them ſhall attend the ſaid Commiſſioner at any Attendance to be held for putting this and the ſaid recited Act into Execution.

For examining and ſettling the Commiſſioner's Accounts.

XXVIII. And be it further enacted, That the Account of the ſaid *Thomas Eagle*, or of the ſaid Commiſſioner to be appointed as aforeſaid, containing a true Statement of all Sums by him received and expended, or due to him for his own Trouble or Expences, ſhall, at leaſt Once in every Year from

from the paſſing of this Act, until ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined by *Wriotheſley Digby*, Barriſter at Law, who is hereby appointed Auditor for that Purpoſe, and in caſe of his Death or Refuſal to act, then by ſuch other Perſon as ſhall be appointed for that Purpoſe in like Manner, as is herein-before provided for the Appointment of a new Commiſſioner in the Place of the ſaid *Thomas Eagle*; and the Balance of ſuch Accounts ſhall be ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioner; and that no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned or valid in Law unleſs the ſame ſhall be duly allowed by the ſaid *Wriotheſley Digby*, or ſuch other Auditor as aforeſaid.

For fencing the Allotment to the Vicar of *Anſley*.

XXIX. And be it further enacted, That the Allotment to be made and ſet out to or for the Vicar for the Time being of the Pariſh of *Anſley* for or in reſpect of his Glebe Land, ſhall be fenced and ditched on all ſuch Sides or Parts thereof as ſhall not be ordered by the ſaid Commiſſioner to be made by any other Proprietor or Proprietors, with Ring or outermoſt Fences and Ditches, and a proper Gate in ſuch Manner and Form, and at ſuch Time or Times, and by ſuch Perſon or Perſons, as the ſaid Commiſſioner ſhall appoint, at the Expence of the Reſt of the Owners and Proprietors of the Common and Waſte Land in *Anſley* aforeſaid, directed by this Act to be divided, allotted, and incloſed, and to be paid at ſuch Time or Times, and to ſuch Perſon or Perſons, as the ſaid Commiſſioner by any Writing under his Hand, or by his ſaid Award, ſhall order, direct, or appoint; and all ſuch Fences and Gate ſo to be made as aforeſaid, ſhall for ever thereafter be maintained and kept in Repair by the ſaid Vicar and his Succeſſors for the Time being.

Saving to the Lord of the Manor of *Anſley* the Right to Mines.

XXX. Provided always, and be it further enacted, That nothing in this Act contained ſhall prejudice, leſſen, or defeat, the Right, Title, or Intereſt, of the ſaid *John Ludford*, his Heirs or Aſſigns, as Lord of the ſaid Manor or ſeveral Manors in the Pariſh of *Anſley* aforeſaid, but that the ſaid Lord ſhall at all Times hereafter hold and enjoy all Rents, Services, Rights, Royalties, Courts, Perquiſites and Profits of Courts, with the Coal Mines within or under the ſaid Common and Waſte Land in the ſaid Manor or ſeveral Manors in the Pariſh of *Anſley* aforeſaid, hereby intended to be divided, allotted, and incloſed, together with all Rights, Powers, Authorities, Privileges, Liberties, Advantages, Ways, Wayleaves, Paths, and Paſſages whatſoever, for the more eaſy and effectually getting, winning, taking, ſelling, vending, carting, and carrying away, off or from any Coal Pits there, all Coal whatſoever, and all other Royalties, Privileges, and Juriſdictions, to the ſaid Manor or ſeveral Manors in the ſaid Pariſh of *Anſley*, or to the Lord thereof, incident, belonging, appendant, or appertaining, other than and except the Right to the Soil and Inheritance of ſuch Parcel of Land as ſhall be allotted by virtue of this Act to any other Perſon or Perſons, and alſo ſuch Right of Common of Paſturage as can or may be claimed by the ſaid Lord of the ſaid Manor or ſeveral Manors in the ſaid Pariſh of *Anſley* upon the ſaid Common and Waſte Land hereby intended to be divided, allotted, and incloſed, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as they might have held and enjoyed the ſame before the paſſing of this Act, or in caſe the ſame had not been made.

XXXI. And

Satisfaction for working of Mines.

XXXI. Provided also, and be it further enacted, That if any Person or Persons shall suffer or sustain any Loss or Damage in his, her, or their respective Allotments by the sinking, searching for, winning, or working of any Mines of Coal therein, or the laying or repairing Waggon Ways or other Ways, or by vending or carrying away the Coals to be gotten thereout, or by making Drifts, Wells, or Water-courses, erecting or using Fire or other Engines, Pit Room, or other Liberties and Powers hereby given and reserved to the Lord of the said Manor or several Manors in the said Parish of *Ansley*, then that the Lord of the said Manor or several Manors in the said Parish of *Ansley*, his Heirs, Executors, Administrators, or Assigns, shall pay full Satisfaction for all Damages, Spoil of Ground, and other Loss to be occasioned thereby, to the Person or Persons who shall be in Possession of such Ground or Allotment at the Time of doing such Damage, Spoil, or Loss.

Persons aggrieved may appeal to the Sessions.

XXXII. 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 Act (other than and except as to such Claims, Matters, and Things as are herein-before directed or authorized to be tried, settled, or determined, by the Verdict of a Jury, or where any of the Clauses or Provisions of the said recited Act, or of this Act, shall express that the same shall be final and conclusive), then and in every such Case, he, she, or they, may appeal to the General Quarter Sessions of the Peace, which shall be holden for the said County of *Warwick* within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Party or Parties concerned Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices, not interested in the Premises, in their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which may 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 Charges of such Distress and Sale; and the Determination of such Justices shall be final and conclusive to 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 any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

General Saving.

XXXIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Body or Bodies Politick, Corporate, or Collegiate, his, her, and their Heirs, Successors, and Administrators, (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them, or in Remainder after them) all such Right, Title, and Interest, as they, every, or any of them could or ought to have had and enjoyed, in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

Declaring the Act publick.

XXXIV. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and when so printed may be given in Evidence in all Courts of Justice, and before all Judges and Justices whomsoever, who shall take judicial Notice thereof in like Manner as if the same had been declared to be a publick Act.

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