ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 141.

An Act for incloſing Lands in the Manor of *Hilderſtone*, in the County of *Stafford*.

[17th *June* 1814.]

WHEREAS there are within the Manor of *Hilderſtone*, in the Pariſh of *Stone*, in the County of *Stafford*, certain Commons and Waſte Lands, containing in the Whole by Eſtimation Ninety-two Acres, or thereabouts: And whereas *George Vernon* Eſquire is Lord of the ſaid Manor of *Hilderſtone*, and as ſuch is entitled to the Soil of the ſaid Commons and Waſte Lands: And whereas the ſaid *George Vernon*, the Right Honourable *John* Earl of *Saint Vincent*, the Right Honourable *Richard* Viſcount *Chetwynd*, *Edward Jervis Ricketts*, *Hugh Wheatley* Eſquire, *John Wilkes Unett* Eſquire, *Lettice Unett* Spinſter, *Thomas Dicas* Eſquire, and divers other Perſons, are the Proprietors of Meſſuages, Lands, Tenements, and Hereditaments within the ſaid Manor, in reſpect whereof they are entitled to Rights of Common in and upon the ſaid Commons and Waſte Lands: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty 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 it would be of great Benefit and Advantage to the ſeveral Perſons intereſted in the ſaid Commons and Waſte Lands, if the ſame were divided and incloſed, and ſpecific Parts and Shares thereof aſſigned and allotted unto

the ſaid ſeveral Perſons intereſted, according and in Proportion to their ſeveral and reſpective Properties, Rights, and Intereſts therein; but ſuch Diviſion, Allotment, and Incloſure cannot be effectually made and eſtabliſhed without the Aid 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 *Robert Harvey* of *Dunſtall*, in the County of *Stafford*, Eſquire, ſhall be and he is hereby appointed Commiſſioner for dividing and allotting the ſaid Commons and Waſte Lands, and for putting this Act in Execution; and in caſe the ſaid *Robert Harvey*, or any Commiſſioner to be appointed as herein-after mentioned, ſhall, before the finiſhing and completing of the ſaid Diviſion and Allotment, die or refuſe to act, or become incapable of acting as a Commiſſioner in the Execution of this Act, then and in every ſuch Caſe it ſhall be lawful for a Majority in Value of the Perſons entitled to the ſaid Commons and Waſte Lands, (ſuch Value to be aſcertained by the Property Tax Aſſeſſment), who by themſelves or their reſpective Agents duly authorized by Writing under their Hands ſhall attend a Meeting to be held for that Purpoſe, purſuant to Notice to be given by Direction of ſome of the Perſons ſo intereſted, in ſome Newſpaper printed in the County of *Stafford*, Twenty-one Days at leaſt previous to ſuch Meeting, by Writing under the Hands of ſuch Perſons or their reſpective Agents, to name and appoint ſome fit and proper Perſon, not intereſted in the ſaid Commons and Waſte Lands, to be a Commiſſioner for carrying this Act into Execution; and every Perſon ſo to be named and appointed ſhall, from the Time of his Appointment, be the Commiſſioner for executing the Purpoſes of this Act.

Commiſſioner.

Clerk to Commiſſioner.

II. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and empowered to appoint a Clerk or Clerks to aſſiſt him in the Execution of the Powers of this Act, and from Time to Time to remove ſuch Clerk or Clerks, and to appoint another in his or their ſtead.

Survey and Plan to be made.

III. And be it further enacted, That the ſaid Commiſſioner ſhall cauſe a Survey and Admeaſurement of the ſaid Commons and Waſte Lands, and alſo of all the old incloſed Lands within the ſaid Manor, to be made by ſuch Perſon or Perſons as he ſhall appoint for that Purpoſe; and ſuch Survey and Admeaſurement ſhall be reduced into Writing, and the Number of Acres, Roods, and Perches, contained in the Commons and Waſte Lands and old incloſed Lands ſo to be ſurveyed, and alſo in the reſpective Parts thereof, belonging to each Proprietor, where the ſame can be aſcertained, ſhall be therein ſet forth; and the ſaid Survey and Admeaſurement ſhall be verified by the Oath of the Perſon or Perſons making the ſame, (which Oath the ſaid Commiſſioner is hereby empowered to adminiſter), and ſhall be delivered to the ſaid Commiſſioner, to be made uſe of by him for the Purpoſes of this Act.

Notice of Meetings.

IV. And be it further enacted, That the ſaid Commiſſioner ſhall cauſe public Notice to be given, upon ſome *Sunday* before or during Divine Service, by Writing to be affixed on one of the principal outer Doors of the Pariſh Church of *Stone*, and alſo by Advertiſement to be inſerted in

ſome Newſpaper printed in the ſaid County of *Stafford*, of the Time and Place of his firſt and every ſubſequent Attendance for the Execution of this Act, Twenty-one Days at leaſt before ſuch Attendance ſhall take place (Attendances by Adjournment, which the ſaid Commiſſioner is hereby authorized from Time to Time to make, only excepted); and that all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioner, in the Execution of this or the ſaid recited Act, ſhall be made and given by Writing and Advertiſement, in like Manner as herein-before is mentioned; provided that all the Attendances of the ſaid Commiſſioner in purſuance of this Act ſhall take place in the Pariſh of *Stone* aforeſaid, or within the Diſtance of Eight Miles from the Boundary of the ſaid Pariſh.

Commiſſioner to ſettle Diſputes, but not Titles;

V. And be it further enacted, That if any Queſtion or Diſpute ſhall ariſe between any Perſon or Perſons intereſted in the ſaid Commons and Waſte Lands, touching the Extent, Identity, or Poſſeſſion of any Plot, Parcel, or Portion thereof, or touching or concerning the reſpective Rights and Intereſts which they, or any of them, ſhall have or claim to have, in, upon, or over the ſame Commons and Waſte Lands, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion, Allotment, and Incloſure, then it ſhall be lawful for the ſaid Commiſſioner to examine into, hear, and determine the ſame: Provided always, that nothing herein contained ſhall authorize the ſaid Commiſſioner to determine the Title to any Meſſuages, Cottages, Lands, or Hereditaments whatſoever.

nor Rights contrary to Poſſeſſion.

VI. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioner to determine any Right between any Parties contrary to the Poſſeſſion of any ſuch Parties, except as to Encroachments 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 taken from the Perſon or Perſons by Ejectment or other due Courſe of Law.

Power to aſſeſs Coſts.

VII. 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 the Award and Determination of the ſaid Commiſſioner ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame on Demand, then and in every 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 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

distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Allowing Parties to try their Rights by an Issue at Law.

VIII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said Division or Allotment, shall be dissatisfied with the Determination of the said Commissioner, touching or concerning their respective Rights or Interests, in, over, or upon the said Commons and Waste Lands hereby directed to be divided and allotted, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioner, upon a feigned Issue, at the then next or at the following Assizes to be holden for the said County of *Stafford*; and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioner shall cause an Action to be brought or commenced against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioner shall have been made known to such Person or Persons, and shall proceed to Trial therein as aforesaid; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right or Rights or Interests than was or were claimed by such Party, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried to find and declare the same by their Verdict, which shall be indorsed on the *Postea*, in addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no Special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such Special Finding and Indorsement; and such Special Finding and Indorsement, if any such shall be made, shall be binding and conclusive upon and to 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 or Finding and Indorsement, and order a new Trial or Trials to be had thereupon, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts, or Special Finding or Indorsement 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, Right or Rights, or Interest or Interests thereby determined, according to such Verdict or Verdicts, or Finding and Indorsement as aforesaid: Provided always, that the Determination of the said Commissioner touching such Rights or Interests, in, over, or upon the said Commons and Waste Lands hereby directed to be divided and allotted, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing

such

such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive to all Parties.

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

IX. 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; and the Heirs, Executors, and Administrators of the Deceased, shall be liable to the Costs thereof as if such Action had been tried, and Judgment therein given in the Life-time of their Testator or Intestate; but so nevertheless as not to affect any Payment made before such Judgment shall be signed, or to make any Executor or Administrator liable to be charged with a *Devastavit* by reason thereof: Provided also, that if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioner with Notice of such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall therein be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Allowing Actions to be brought after the Deaths of Parties.

For extinguishing or suspending Rights of Common.

X. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized at any Time or Times before the Execution of the said Award, by Notice in Writing under his Hand, to be affixed upon the principal outer Door of the Parish Church of *Stone* aforesaid, to order and direct all or any Part of the Rights of Common, in, over, or upon the said Commons and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time as shall be expressed in such Writing; and that all such Rights of Common as the said Commissioner shall by such Writing order and direct to be extinguished, or the Exercise thereof suspended as aforesaid, shall, from the Time of affixing such Writing on the said Church Door, cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage, or Custom to the contrary thereof notwithstanding.

Encroachments made above Twenty Years.

XI. And be it further enacted, That all Encroachments which shall have been made upon or from the said Commons and Waste Lands for Twenty Years or upwards, without legal Entry or Interruption, before the First Day of *January* One thousand eight hundred and fourteen, with the Cottages and Buildings thereon, and for which no Rents or Acknowledgments have been paid to the said *George Vernon*, or to any former

Lord or Lords of the ſaid Manor within that Period, ſhall be deemed to belong to, and are hereby declared to be the ſole Property of the Perſon or Perſons, in his, her, or their own Right occupying or receiving Rent for the ſame.

Encroachments made within Twenty Years.

XII. And be it further enacted, That all Encroachments which ſhall have been made upon or from the ſaid Commons and Waſte Lands, by any Perſon or Perſons who is, are, or ſhall be entitled to any Allotment from the ſame by virtue of this Act, and which ſhall have been ſo made within Twenty Years next before the ſaid Firſt Day of *January* One thouſand eight hundred and fourteen, or at any Time or Times before that Period, in which legal Entries or Interruptions have been made within the laſt Twenty Years, ſhall be deemed Part of ſuch Commons and Waſte Lands; but all ſuch laſt-mentioned Encroachments, with the Buildings thereon, ſhall be allotted to the Perſon or Perſons who at the Time of making the Allotments under this Act ſhall in his, her, or their own Right be in Poſſeſſion or in Receipt of or entitled to the Rents and Profits of ſuch Encroachments, for his, her, or their Share or Proportion of the ſaid Commons and Waſte Lands by virtue of this Act, or ſo far as the ſame will extend in Value according to its original State when incloſed, or to the Value of the Waſte Lands adjoining; but in caſe any ſuch laſt-mentioned Encroachments ſhall, in the Judgment of the ſaid Commiſſioner, be of greater Value than the Share or Proportion of the ſaid Commons or Waſte Lands, which the Perſon or Perſons ſo entitled ought to have by virtue of this Act, then and in ſuch Caſe the ſaid Commiſſioner is hereby authorized to ſell and allot ſuch Encroachments, or Parts of Encroachments, to ſuch Perſon or Perſons who, if he, ſhe, or they was or were entitled to a ſufficient Allotment from the ſaid Commons and Waſte Lands, would be entitled to have the ſame allotted as aforeſaid, at ſuch Sum or Sums of Money as the ſaid Commiſſioner ſhall adjudge to be the Value thereof, to be eſtimated as aforeſaid; and the ſaid Commiſſioner ſhall receive and apply the ſame for the Purpoſe of this Act, in aid of the other Monies herein-after directed to be raiſed for ſuch Purpoſes; and if the Money ſo received ſhall be more than ſufficient for thoſe Purpoſes, the Surplus thereof ſhall be paid and applied in the Manner herein-after directed; and if any ſuch laſt-mentioned Perſons ſhall refuſe or neglect to pay ſuch Sum or Sums of Money as the ſaid Commiſſioner ſhall ſo adjudge, order, or direct, and at the Time fixed by them for that Purpoſe, then ſuch Encroachments which ſhall not be ſo paid for as aforeſaid ſhall be deemed, and they are hereby declared to be Parts of the ſaid Commons and Waſte Lands, and ſhall be ſurveyed, meaſured, and allotted as Part thereof.

Pariſhioners of Stone who have encroached, may buy their Encroachments.

XIII. And be it further enacted, That if any other Perſon or Perſons ſhall be in Poſſeſſion or entitled to the Rents and Profits of any ſuch laſt-mentioned Encroachments, with the Buildings thereon, who ſhall not be entitled to any Allotment from the ſaid Commons and Waſte Lands under or by virtue of this Act, and who ſhall be a Pariſhioner or Pariſhioners legally ſettled in the Pariſh of *Stone*, or be the Owner or Owners of an ancient Cottage or Encroachment within the ſaid Manor, that then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioner, and he is hereby required upon Application for that Purpoſe, made by or on Behalf of ſuch Perſon or Perſons, on or before the Fourth Attendance of the ſaid Commiſſioner, to ſell and allot ſuch Encroachments, with all Buildings

Buildings thereon erected, unto ſuch Perſon or Perſons, his, her, or their Heirs and Aſſigns for ever, he or they paying for the ſame ſuch Sum or Sums of Money, and at ſuch Time or Times as the ſaid Commiſſioner ſhall order and direct, to be alſo by him applied for the Purpoſes of this Act, in Aid of the other Monies hereby directed to be raiſed for ſuch Purpoſes; and if the Monies ſo received as laſt aforeſaid ſhall be more than ſufficient for thoſe Purpoſes, the Surplus thereof ſhall be paid and applied in the Manner herein-after directed: Provided always, that in caſe any ſuch laſt-mentioned Encroachments ſhall, in the Judgment of the ſaid Commiſſioner, be thought proper or more convenient to be laid to the Lands of any Perſon entitled to an Allotment or Allotments from the ſaid Commons and Waſte Lands, then and in ſuch Caſe the ſaid Commiſſioner is hereby required to allot ſuch laſt-mentioned Encroachments, or ſuch Parts thereof as he ſhall think proper, unto ſuch other Perſon or Perſons ſo entitled, in part or in full of his, her, or their Allotment or Allotments, as the Caſe may be, and ſhall be at Liberty to order and direct ſuch Allowance or Compenſation to be made by the Perſon to whom the ſame ſhall be ſo allotted, to the Perſon or Perſons from whom ſuch Encroachments ſhall be taken, as to the ſaid Commiſſioner ſhall ſeem reaſonable, if any.

Certain Encroachments, &c. to be allotted to the Lord.

XIV. Provided always, and be it further enacted, That all the Encroachments and Waſte Lands which ſhall lie on the Southwardly Side of the Public Carriage Road which leads from the Toll Gate in the Village of *Hilderſtone*, to *Hilderſtone Hall*, and from thence to *Garſhall Green*, in the Pariſh of *Millwich*, in the ſaid County of *Stafford*, (except an Encroachment on *Hilderſtone Green* in the Occupation of *Thomas Kinnerſly*), ſhall be allotted and awarded to the ſaid *George Vernon*, any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding; and the ſaid Commiſſioner is hereby required to allot and award the ſame Encroachments accordingly, and to determine what Sum or Sums of Money the ſaid *George Vernon* ſhall pay to the ſeveral Perſons in Poſſeſſion of or receiving Rents for the ſaid Encroachments, as he the ſaid Commiſſioner ſhall think fit, for the Expence which ſuch Perſons may have been at in improving and incloſing the ſaid Encroachments.

As to Encroachments not bought or made by Pariſhioners.

XV. And be it further enacted, That if any ſuch Perſon or Perſons, being a ſettled Pariſhioner or Pariſhioners of the ſaid Pariſh of *Stone*, but not entitled to any Allotment from the ſaid Commons and Waſte Lands, who ſhall be in Poſſeſſion of or entitled to the Rents and Profits of any ſuch Encroachments as are herein-before mentioned, and who ſhall not make ſuch Application, or ſhall neglect or refuſe to pay ſuch Sum or Sums of Money for ſuch Encroachments, with the Buildings thereon, as the ſaid Commiſſioner ſhall order and direct as aforeſaid; or in caſe any other Perſon or Perſons, not being a Pariſhioner or Pariſhioners legally ſettled in the ſaid Pariſh of *Stone*, or not being the Owner or Owners of an ancient Cottage or Encroachment within the ſaid Manor, ſhall be in the Poſſeſſion or entitled to the Rents and Profits of any ſuch Encroachments as are herein-before mentioned, that then and in either of the ſaid Caſes it ſhall and may be lawful to and for the ſaid Commiſſioner, and he is hereby directed to ſell and diſpoſe of all ſuch Encroachments, with the Buildings thereon erected, and to apply the Monies ariſing by ſuch Sale in Aid of the Monies herein-after directed to be raiſed for the Purpoſes of this Act, in the Manner herein-after mentioned, or otherwiſe to allot the

ſame as Part of the ſaid Waſtes, as to the ſaid Commiſſioner ſhall ſeem moſt expedient; and the ſaid Commiſſioner is hereby required to make ſuch Compenſation out of the Monies to ariſe by virtue of this Act, to the Perſon or Perſons in Poſſeſſion of or receiving Rents for the ſaid Encroachments, as he the ſaid Commiſſioner ſhall think fit, for the Expence which ſuch Perſon or Perſons may have been at in improving and incloſing the ſaid Encroachments, and in erecting the Buildings thereon: Provided, that if any Surplus ſhall remain of the Monies produced by any ſuch Sale or Sales as aforeſaid, and herein-before directed to be applied in Aid of the Monies to be raiſed for the Purpoſes of this Act, ſuch Surplus ſhall be divided between the ſeveral Perſons intereſted in the ſaid Lands and Grounds in proportion to their reſpective Intereſts and Property therein; and the Shares of ſuch of them as ſhall be Tenants thereof in Fee Simple ſhall be paid to them reſpectively; and the Shares of ſuch other Perſons reſpectively ſhall be paid and applied in the Manner directed by the ſaid Act of the Forty-firſt Year of His preſent Majeſty, with reſpect to Money to be paid for the Purchaſe or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon; and which Money ought to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes.

Commiſſioner. to divert Roads

XVI. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required, in all Caſes where in his Judgment it ſhall appear to be requiſite or proper, or for the more convenient Occupation of the Lands and Tenements within the ſaid Manor and Pariſh, to divert and turn any old or accuſtomed Road or Way or Path paſſing or leading through or over any Part of the old Incloſures within the ſaid Manor; or to ſtop up or diſcontinue ſuch Roads, Ways, and Paſſages, as to the ſaid Commiſſioner ſhall ſeem meet and proper: Provided always, that no ſuch Road, Way, or Path, ſhall be diverted, turned, ſtopped up or diſcontinued, without the Concurrence and Order of Two Juſtices of the Peace, and in Manner and ſubject to ſuch Appeal as is mentioned or referred to in and by the ſaid recited Act.

Land to get Materials.

XVII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required to ſet out and allot ſuch Part and Parcel of the ſaid Commons and Waſte Lands hereby intended to be divided and allotted as he ſhall think proper, for the Purpoſes of public Watering Places for Cattle, or digging for and getting of Stone, Sand, Gravel, and other Materials for the making and repairing of the Highways and other Roads within the ſaid Manor or Pariſh of *Stone*, and for the Uſe of the Proprietors of Eſtates within the ſame Manor and Pariſh, and their Tenants for the Time being, for and in reſpect of their Eſtates within the ſame.

Allotment to the Lord of the Manor.

XVIII. And be it further enacted, That the ſaid Commiſſioners ſhall and he is hereby required, in the next Place, to allot and award unto and for the ſaid *George Vernon*, his Heirs and Aſſigns, as Lord of the ſaid Manor of *Hilderſtone*, or to the Lord of the ſaid Manor for the Time being, ſo much and ſuch Part and Parts of the Reſidue of the ſaid Commons and Waſte Lands as ſhall, in the Judgment of the ſaid Commiſſioner, be equal in Value to one full Fourteenth Part or Share of ſuch Reſidue, in lieu of and full Recompence and Satisfaction for all his Right and Intereſt

Intereſt in and to the Soil of the ſaid Commons and Waſte Lands; ſuch Part and Parts ſo to be allotted as laſt aforeſaid to be as near to *Hilderſtone Hall* as ſhall, in the Judgment of the ſaid Commiſſioner, be conſiſtent with the Rights and Convenience of other Perſons intereſted in the ſaid Incloſure.

Commiſſioner to ſell Land to pay Expences.

XIX. And be it further enacted, That after the ſaid Commiſſioner ſhall have ſet out and allotted the Public Roads or Highways in purſuance of the ſaid recited Act, and ſuch Allotment or Allotments for the Purpoſes of Watering Places, getting Materials and other public Uſes as aforeſaid, he the ſaid Commiſſioner ſhall and he is hereby required to ſell and diſpoſe of, purſuant to the Directions of the ſaid recited Act, ſo much and ſuch Part and Parts of the ſaid Commons and Waſte Lands intended to be divided and allotted by virtue of this Act, which he ſhall think beſt adapted for Sale, and moſt for the Benefit of the Proprietors and Perſons intereſted therein, as he the ſaid Commiſſioner ſhall think ſufficient, together with the Monies which may be raiſed under the Proviſions hereinbefore contained, for the Purpoſe of defraying the Whole of the Coſts, Charges, and Expences of preparing and obtaining this Act, and of making Surveys, Admeaſurements, and Valuations in purſuance of this Act, and of dividing and allotting the ſaid Commons and Waſte Lands, and of preparing and inrolling the Award of the ſaid Commiſſioner; and all the Charges and Expences of the ſaid Commiſſioner, his Clerk, Aſſiſtants, and Servants, and all other neceſſary Expences of the ſeveral Perſons to be employed by the ſaid Commiſſioner in and about the Premiſes, either before or after the Execution of the ſaid Award, and all the Expences of ſetting out, forming, completing, and repairing the Public Carriage Roads and Highways, to be ſet out and appointed by the ſaid Commiſſioner purſuant to the ſaid recited Act, and all other Expences of carrying this and the ſaid recited Act into Execution.

Allotments of Reſidue.

XX. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required, in the next Place, to divide, ſet out, and allot all the Reſidue and Remainder of the ſaid Commons and Waſte Lands hereby intended to be divided and allotted, unto, between, and amongſt all and every the ſeveral Owners and Proprietors of Meſſuages, Lands, Tenements and Hereditaments, who are entitled to Rights of Common in and upon the ſaid Commons and Waſte Lands, in proportion to their ſeveral and reſpective Eſtates, Rights, and Intereſts therein: Provided always, that it ſhall and may be lawful to and for the ſaid Commiſſioner to award, out of the Funds which ſhall ariſe by virtue of this Act, a Sum of Money inſtead of an Allotment of Land, to any Perſon or Perſons having Right of Common in and over the ſaid Commons and Waſte Lands, whoſe ancient incloſed Lands do not lie contiguous to the ſaid Common and Waſte Lands, who ſhall be Tenants in Fee Simple or Fee Tail in Poſſeſſion of their reſpective Eſtates, in reſpect of which they ſhall be entitled to any Allotment or Allotments under this Act.

Lands which can be ſhewn to have been Common within Seventy Years not

XXI. Provided always, and be it further enacted, That in making the Diviſion and Allotments herein-before mentioned, the ſaid Commiſſioner ſhall not have any Regard to any Lands or Hereditaments which ſhall be ſhewn to his Satisfaction to have been Common or Waſte Land within Seventy Years next before the Firſt Day of *January* One thouſand eight hundred

to have any Allotment.

hundred and fourteen, it not being intended that the Owners or Occupiers thereof ſhall have any Allotment in reſpect of the ſame.

Fencing Allotments.

XXII. And be it further enacted, That the ſeveral Allotments to be made by virtue of this Act ſhall be well and ſufficiently incloſed, walled, hedged, ditched and fenced, by and at the Expence of the reſpective Proprietors to whom ſuch Fences ſhall be allotted or directed to belong, to the Satisfaction of the ſaid Commiſſioner, and within ſuch Time and in ſuch Manner as by his ſaid Award, or any other Writing under his Hand, the ſaid Commiſſioner ſhall direct or appoint.

Commiſſioner to deliver Poſſeſſion of Allotments.

XXIII. And be it further enacted, That the ſaid Commiſſioner ſhall and may from Time to Time, as he ſhall find it convenient, deliver to the ſeveral Perſons intereſted in the ſeveral Diviſions and Allotments to be ſet out under this Act, Poſſeſſion of their reſpective Allotments hereby directed to be made and ſet out; and ſuch Poſſeſſion ſo delivered ſhall be kept and retained by the ſeveral Perſons entitled thereto againſt all Perſons whomſoever, although the Award of the ſaid Commiſſioner ſhall not then be made and executed: Provided always, that it ſhall be lawful for the ſaid Commiſſioner, at any Time before executing his ſaid Award, to make any Alterations in all or any of the Allotments and Fences which he may have ſet out and ordered, or private Roads laid or to be laid over or to ſuch Allotment or Allotments, that he ſhall think right and expedient; and in caſe any Perſon or Perſons be injured by any ſuch Alterations, on account of any Expences he, ſhe, or they may have been at, the ſaid Commiſſioner ſhall aſcertain and determine what Recompence ſhall be made, and which is hereby directed to be made accordingly.

Proprietors may ſell their Allotments before the Award, and their Common Rights ſeparate.

XXIV. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, ſell, demiſe, ſurrender, mortgage, limit, convey, and aſſure the ſame, for all or any Part of his, her, or their Eſtates or Intereſts therein or Right thereto, at any Time before the Execution of the Award of the ſaid Commiſſioner; and every ſuch Gift, Grant, Bargain, Sale, Demiſe, Mortgage, Limitation, and Conveyance, ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award; and alſo that it ſhall be lawful for any of the Owners or Proprietors of any Common Rights upon the Lands and Grounds hereby directed to be divided and allotted to ſell and diſpoſe of the ſame, or of the Allotment or Allotments to be made and ſet out in reſpect thereof by virtue of this Act, ſeparately and diſtinctly from the Eſtate in right of which they, he, or ſhe are or is entitled to the ſame, in the ſame Manner as they, he, or ſhe might have done at any Time after the Execution of the ſaid Award.

Exchanges.

XXV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioner to ſet out, allot and award, any Lands, Tenements or Hereditaments, within the ſaid Pariſh of *Stone*, in lieu of and in Exchange for any other Lands, Tenements or Hereditaments, within the ſaid Pariſh, or within any adjoining Pariſh or Place; provided that all ſuch Exchanges be ſpecified in the Award of the ſaid Commiſſioner, and be made with the Conſent of the Proprietor or Proprietors of the Lands, Tenements or Hereditaments, which ſhall be ſo exchanged, whether

whether ſuch Proprietor or Proprietors ſhall be a Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees or Attornies for any ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchanges, ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of any Corporation Aggregate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange or 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 any other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid of the Patron thereof, and of the Biſhop or Ordinary of the Dioceſe in which ſuch Lands, Tenements or Hereditaments, ſo to be exchanged ſhall ariſe or be ſituate.

Expences of Exchanges and Partitions.

XXVI. Provided always, and be it further enacted, That the Coſts, Charges, and Expences attending the making of any Exchange or Exchanges, Partition or Partitions, Sale or Sales to be made by virtue of this or the ſaid recited Act, ſhall be borne, paid, and defrayed by the ſeveral Perſons making ſuch Exchanges, Partitions or Purchaſes, (ſave and except the Sales hereby directed for raiſing Money for defraying the Expences of this and the ſaid recited Act, and for carrying the ſame into Execution), in ſuch Shares and Proportions as the ſaid Commiſſioner ſhall in and by his ſaid Award order and direct: Provided always, that the ſaid Proprietors, their Attornies and Agents, ſhall pay their own Expences when they, or any of them, ſhall attend the ſaid Commiſſioner at any Meeting to be holden in purſuance of this Act.

For vacating Leaſes at Rack Rent.

XXVII. And be it further enacted, That the ſaid Commiſſioner may and he is hereby directed and authorized (on Application made to him for that Purpoſe) to declare void every Leaſe or Leaſes, Agreement or Agreements at Rack Rent now ſubſiſting, or which may affect any of the Lands to be divided, allotted, or exchanged within the ſaid Manor, by virtue of this Act or the ſaid recited Act; and the ſame ſhall accordingly ceaſe at ſuch Time or Times as the ſaid Commiſſioner ſhall by Writing under his Hand order and appoint; and the ſaid Commiſſioner is hereby empowered to adjudge and determine ſuch Recompence and Satisfaction to be made to the Leſſee or Leſſees, Tenant or Tenants reſpectively, for avoiding ſuch Leaſe or Leaſes, Agreement or Agreements, as the ſaid Commiſſioner ſhall deem adequate to the Benefit and Intereſt which the ſaid Leſſee or Leſſees, Tenant or Tenants had or derived under the ſaid Leaſe or Leaſes, Agreement or Agreements, before the paſſing of this Act, or which ſuch Leſſee or Leſſees, Tenant or Tenants could or might have enjoyed had not this Act been made or paſſed, and alſo by whom and at what Time ſuch Recompence and Satisfaction ſhall be made; and in caſe ſuch Recompence and Satisfaction ſhall not be made accordingly, then it ſhall be lawful to and for ſuch Leſſee or Leſſees, Tenant or Tenants, to ſue for

and

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 if there be any ſuch Leaſe of Lands, Part of which ſhall be in the ſaid Manor, and Part in any adjoining Manor or Pariſh, all and every ſuch Leaſe or Leaſes upon Rack Rent may be vacated; but where any Lands ſhall have been taken in Exchange, which Lands ſhall be under ſuch Leaſe or Agreement, and wholly ſituate in any adjoining Manor or Pariſh, ſuch laſt-mentioned Leaſe or Agreement ſhall not be vacated.

Not to prejudice any Will or Settlement.

XXVIII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to revoke, make void, alter, or annul any Will, Settlement, or other Deed, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Eſtates, Debts, Rents or Incumbrances, out of, upon, or affecting any of the Lands and Hereditaments to be divided and allotted, or which ſhall be exchanged by virtue of this Act or the ſaid recited Act, or any Part or Parts thereof reſpectively; but that the reſpective Perſons to whom any Lands or Hereditaments ſhall be allotted or given in Exchange, by virtue of this Act or the ſaid recited Act, ſhall be ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and under and ſubject to ſuch and the ſame Settlements, Limitations, Remainders, Jointures, Rents, Charges, and Incumbrances, and under ſuch and the ſame Reſtrictions, Covenants and Agreements, as the ſeveral Meſſuages, Lands, Tenements or Hereditaments, whereof ſuch Perſons reſpectively were ſeiſed or poſſeſſed, at or immediately before the Execution of the Award to be made by the ſaid Commiſſioner, or for which or in lieu or in reſpect whereof ſuch Diviſion, Allotment, or Exchange ſhall be made as aforeſaid, would have been ſubject to, charged with, or affected by, in caſe this Act had not been made; ſave and except ſuch Leaſes and Tenancies at Rack Rent as ſhall become void by virtue of this Act, and except where any other of the Proviſions of this Act are to the contrary; and ſubject nevertheleſs to all ſuch Mortgages and Sales as ſhall be made by Authority of this Act, or of the ſaid Act of the Forty-firſt Year of the preſent Reign.

No Sheep to be kept in new Incloſures for Seven Years.

XXIX. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons, during the Term of Seven Years from the paſſing of this Act, to keep or depaſture any Sheep or Lambs in or upon any of the new Incloſures or Allotments which ſhall be made in purſuance of this Act.

If not ſufficient ſold to pay Expences, the Remainder to be raiſed.

XXX. Provided always, and be it further enacted, That in caſe the ſaid Commiſſioner ſhall find that he has not raiſed by virtue of the ſeveral Proviſions herein-before contained ſufficient Monies to defray and pay the Whole of ſuch Coſts, Charges and Expences, then and in ſuch Caſe the ſeveral and reſpective Perſons intereſted in the ſaid Commons and Waſte Lands ſo intended to be divided and allotted ſhall pay and contribute ſuch Sum and Sums of Money, towards paying the Remainder of the ſaid Coſts, Charges, and Expences, in proportion and according to the Value of their ſeveral and reſpective Shares and Intereſts in and to the ſaid Commons and Waſte Lands, at ſuch Time and Place or Times and Places, as the ſaid Commiſſioner ſhall either before or after the Execution of the ſaid Award, by Notice or Notices in Writing under his Hand, direct or

appoint; and the ſaid Commiſſioner ſhall and he is hereby authorized to make a Rate or Aſſeſſment thereof accordingly under his Hand; and if the ſaid Commiſſioner ſhall happen to raiſe more Money by Sale as aforeſaid than will pay and defray the Whole of the ſaid Coſts, Charges, and Expences, then and in that Caſe ſuch Surplus 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 thereof 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 Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes.

For allowing Intereſt on Money advanced.

XXXI. And be it further enacted, That in caſe any Perſon or Perſons ſhall advance any Sum or Sums of Money for the Purpoſe of defraying the Expences of obtaining and paſſing this Act, and of carrying the ſame into Execution, every ſuch Perſon ſhall be repaid the ſame, together with lawful Intereſt from the Time of advancing thereof, out of the firſt Monies that ſhall be raiſed for defraying ſuch Expences under and by virtue of this Act.

Commiſſioner's Allowance.

XXXII. And be it further enacted, That the ſaid Commiſſioner ſhall be allowed the Sum of Two hundred Guineas, and no more, for the Whole of his Trouble and Expences in the Execution of this Act.

Commiſſioner's Accounts.

XXXIII. And be it further enacted, That once at leaſt in each and every Year during the Execution of this Act (the Firſt Year to be computed from the Day of paſſing thereof) the ſaid Commiſſioner ſhall and he is hereby required to make a true and juſt Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble and Expences in and about 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 One or more of His Majeſty's Juſtices of the Peace acting in and for the ſaid County of *Stafford*, and not intereſted in the Premiſes, to be by them examined and balanced; and ſuch Balance ſhall be by ſuch Juſtice or Juſtices ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioner; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in the Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice or Juſtices.

Award to be depoſited.

XXXIV. And be it further enacted, That the Award to be made by the ſaid Commiſſioner, when inrolled in Manner directed by the ſaid recited Act, ſhall, together with the Map or Plan thereto annexed, be depoſited and kept within the Pariſh Church of *Stone* aforeſaid, to the End that recourſe may be had thereto by any Perſon or Perſons intereſted in the ſaid Diviſion and Allotments, or any of them.

Appeal to the Quarter Seſſions.

XXXV. And be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Thing done in purſuance of this Act or the ſaid recited Act, then and in ſuch Caſe (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) he, ſhe, or they may appeal to any General Quarter Seſſions of the Peace which ſhall be held for the ſaid County of *Stafford*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, giving Ten Days Notice of ſuch Appeal to the ſaid Commiſſioner; and the Juſtices at the ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and make ſuch Orders therein, and award ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable; and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Surplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; and which Determination of the ſaid Juſtices ſhall be final and concluſive upon all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*.

Saving of Mines.

XXXVI. Provided always, and be it further enacted, That nothing in this Act ſhall be conſtrued to defeat, leſſen, or prejudice the Right, Title, or Intereſt of the Lord or Lords of the ſaid Manor of *Hilderſtone* for the Time being, to the Mines, Beds, Veins and Seams of Coal, Cannel, Slack and Ironſtone, or other Mines and Minerals in or under the ſaid Commons or Waſte Lands hereby intended to be divided and allotted, (ſave and except Stone, Gravel, Clay, Marl, and Sand), or to any Seigniories or Royalties incident or belonging to the ſaid Manor, the ſame being hereby reſerved to the Lord or Lords of the ſaid Manor, with full and free Liberty, Power, and Authority for him and them, from Time to Time and at all Times hereafter, to have, hold, win, work, and enjoy all Mines, Beds, Veins and Seams of Coal, Cannel, Slack and Ironſtone, and other Mines and Minerals, of what Nature or Kind ſoever, (ſave and except as aforeſaid), within and under the ſaid Commons and Waſte Lands hereby intended to be divided and allotted, together with all convenient and neceſſary Roads, Ways, and Paſſages, and Liberty of laying, making, and repairing all neceſſary Roads or Ways, in, over, and along the ſame, or any of them, or any Part thereof; and of ſearching for, winning and working the ſaid Mines and Minerals, and ſtacking, leading and carrying away the Coal, Cannel, Slack, Ironſtone, or other Produce thereof, and ſinking, digging, and making Pits, Shafts, Pit Rooms, Heap Rooms, Stand Yards, Air Pits, Drifts, Levels, Ways and Watercourſes, and of erecting and uſing Fire Engines or other Engines, Hovels, Weighing Machines, Weighing Houſes, Stables, and other neceſſary and convenient Buildings, and of altering, changing, pulling down, and carrying away the ſame, or any of the Materials thereof, and to have and uſe any Stone got in the ſinking Pits or Shafts, or working or getting the ſaid Minerals, ſo reſerved as aforeſaid, at their own free Will and Pleaſure, and to do, employ, uſe, and exerciſe all ſuch other Machines, Acts and Things, either now in uſe or hereafter to be invented, as may be neceſſary and convenient for the full and complete Enjoyment thereof, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as they could or might have done had this Act not been paſſed; the Lord or Lords of

the ſaid Manor from Time to Time paying, making, and allowing to the ſeveral Owners or Occupiers of ſuch Allotments reſpectively, a reaſonable and adequate Recompence and Satisfaction for all ſuch Damages as ſhall from Time to Time be thereby done to ſuch Allotments, or to any Erections or Buildings that may at the Time of working or getting the ſaid Mines and Minerals, or exerciſing the Privileges aforeſaid, be erected or built thereupon.

General Saving.

XXXVII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politic and Corporate, his, her, and their Heirs, Succeſſors, Executors and Adminiſtrators, all ſuch Eſtate, Right, Title, and Intereſt (other than ſuch as are meant and intended to be compenſated for, barred or deſtroyed by this Act) of, in, to, or in reſpect of the Commons and Waſte Lands and Hereditaments to be divided, allotted, or exchanged by virtue of this or the ſaid recited Act, as he, ſhe, or they might or could have enjoyed in caſe this Act had not been made.

Act may be given in Evidence.

XXXVIII. 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 that 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. 1814.