ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 153.

An Act for incloſing Lands in the Pariſhes of *Shobdon*, *Aymeſtrey*, and *Lingen*, in the County of *Hereford*; and for extinguiſhing Tithes in thoſe Pariſhes.

[3d *June* 1809.]

WHEREAS there are within the Manors of *Shobdon*, *Aymeſtrey*, and *Lingen*, in the County of *Hereford*, divers Open and Common Fields, Commons, Waſtes, and other Commonable Lands and Grounds, containing, by Eſtimation, Nine hundred Acres, or thereabouts; and alſo divers incloſed Lands and Grounds; and the ſaid Manors of *Shobdon* and *Lingen* are co-extenſive with the Pariſhes of *Shobdon* and *Lingen*; and the ſaid Manor of *Aymeſtrey* lies within the Pariſh of *Aymeſtrey*, but is not co-extenſive therewith: And whereas *William Hanbury*, Eſquire, is Lord of the ſaid ſeveral Manors of *Shobdon*, *Aymeſtrey*, and *Lingen*, and, as ſuch, is entitled to the Right of Soil of and in the ſaid Commons and Waſtes within the ſaid Manors reſpectively: And whereas the Reverend *James Thomas Allen*, Clerk, is the Rector of the Rectory of *Shobdon*, and, as ſuch, is entitled to all the Great and Small Tythes ariſing and renewing within the ſaid Pariſh of *Shobdon*, except the Tythes ariſing and renewing out of certain Lands called the *Tyndings*, within the ſaid Pariſh of *Shobdon*, containing about Sixty Acres; and the ſaid *James Thomas Allen*, in Right

of his ſaid Rectory, is entitled to certain old incloſed Glebe Lands within the ſaid Pariſh of *Shobdon*, in reſpect whereof he claims Right of Common over the ſaid Commons and Waſtes within the ſaid Manor and Pariſh of *Shobdon*, or over ſome Part or Parts thereof: And whereas the ſaid *William Hanbury* is Patron of the ſaid Rectory of *Shobdon*, and is alſo entitled to the Tythes of the ſaid Lands called the *Tyndings*: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for conſolidating, in One Act, certain Proviſions uſually inſerted in Acts of Incloſure; and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the ſaid *William Hanbury*, the Earl of *Oxford*, *Thomas King* Eſquire, *James Dunne* Eſquire, *William Tanner* Eſquire, *John Daniel*, *John Bowen*, and divers other Perſons, are Proprietors of the ſaid Open and Common Fields, and are intereſted in the ſaid Commons, Waſtes, and other Commonable Lands and Grounds; and the Lands and Grounds of the ſaid ſeveral Proprietors in the ſaid Open and Common Fields lie greatly intermixed and diſperſed, and are otherwiſe inconveniently ſituate; and the ſeveral Proprietors of and Perſons intereſted in all the ſaid Open and Common Fields, Commons, Waſtes, and other Commonable Lands and Grounds, are deſirous that the ſame ſhould be divided and allotted unto and among them proportionably, and according to the Value of their reſpective Eſtates, Rights, and Intereſts therein; and that ſuch Allotments ſhould be incloſed and held in Severalty; and alſo, that in Conſideration of an adequate Compenſation, all the Lands within the ſaid Manor and Pariſh of *Shobdon*, as well open as incloſed, ſhould be diſcharged from Tythes; but the ſeveral beneficial Purpoſes aforeſaid cannot be effected 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 *Edward Robſon Ward*, of *Kingsland*, in the ſaid County of *Hereford*, Gentleman, and *John Harris*, of *Wickton*, in the ſame County, Gentleman, ſhall be, and they are hereby appointed Commiſſioners for ſetting out, dividing, allotting, and incloſing the ſaid Open and Common Fields, Commons, Waſtes, and other Commonable Lands and Grounds, and for putting in Execution this Act, and ſuch of the Powers, Authorities, Directions, and Proviſions contained in the ſaid recited Act, as are not altered, controlled, or otherwiſe provided for or affected by this Act.

Commiſſioners appointed.

II. And, for the Purpoſe of ſettling and determining any Difference or Diſpute which may ariſe between the ſaid Commiſſioners touching or concerning any of the Matters and Things to be by them determined and performed, or executed in purſuance of the ſaid recited Act or this Act; be it further enacted, That *Joſeph Wainwright*, of *King's Caple*, in the ſaid County of *Hereford*, Gentleman, ſhall be and he is hereby appointed to act as an Umpire; and he is hereby authorized and required to hear and determine every ſuch Difference or Diſpute as may ariſe between the ſaid Commiſſioners, touching any Act, Matter, or Thing, relating to the ſaid Diviſion, Allotment, and Incloſure, or to any of the Purpoſes of this Act; and the Judgement and Determination of the ſaid Umpire therein ſhall be deemed and conſidered to be the Judgement and Determination of the ſaid Commiſſioners, and ſhall be final and concluſive upon the ſaid Commiſſioners

Umpire.

ſioners and upon all other Perſons concerned in the ſaid Diviſion and Incloſure, ſo far as the Judgement and Acts of the ſaid Commiſſioners are by the ſaid recited Act and this Act made final and concluſive.

For the Appointment of new Commiſſioners.

III. And be it further enacted, That in caſe the ſaid *Edward Robſon Ward* ſhall refuſe to act or qualify himſelf as a Commiſſioner for the Execution of this Act, or if he ſhall, before the Powers and Truſts repoſed in the ſaid Commiſſioners ſhall have been fully executed, die or become incapable of acting as a Commiſſioner, it ſhall be lawful for the ſaid *William Hanbury*, or the Lord of the ſaid ſeveral Manors of *Shobdon*, *Aymeſtrey*, and *Lingen*, for the Time being, by Writing under his Hand, to appoint One other Commiſſioner, not intereſted in the ſaid intended Incloſure, in the Room of the ſaid *Edward Robſon Ward*; and ſo from Time to Time as often as any Commiſſioner to be appointed by the ſaid *William Hanbury*, or the Lord of the ſaid Manors, for the Time being, ſhall die, refuſe, or become incapable of acting as aforeſaid; and in caſe the ſaid *John Harris* ſhall refuſe to act or to qualify himſelf as a Commiſſioner for the Execution of this Act, or if he ſhall, before the Powers and Truſts repoſed in the ſaid Commiſſioners ſhall have been fully executed, die, or become incapable of acting as a Commiſſioner, it ſhall be lawful for the major Part in Value of the Proprietors, for the Time being, of the Lands and Hereditaments within the ſaid Manors of *Shobdon*, *Aymeſtrey*, and *Lingen*, according to the Aſſeſſment thereof to the Land Tax, (including the Rector for the Time being of *Shobdon*, but not the ſaid *William Hanbury*, or the Lord of the ſaid Manors for the Time being, nor the Tythe Owners of *Aymeſtrey* and *Lingen* for the Time being as ſuch), who ſhall, by themſelves or their reſpective Agents, attend the Meeting or Meetings to be appointed for that Purpoſe, as herein-after is mentioned, by Writing under their reſpective Hands to appoint ſome other fit Perſon (not intereſted in the ſaid intended Incloſure) to be a Commiſſioner in the Place of the ſaid *John Harris*; and ſo from Time to Time as often as any Commiſſioner, ſo to be appointed as laſt aforeſaid, ſhall die, refuſe, or become incapable of acting as aforeſaid; and in caſe any of the ſaid Parties ſhall make Default in appointing any ſuch new Commiſſioner, within One Calendar Month after the Death of any Commiſſioner, or his Refuſal, or becoming incapable to act, then the ſurviving or remaining Commiſſioner ſhall, and he is hereby required, from Time to Time, by Writing under his Hand, within One Calendar Month next after the Expiration of the ſaid One Calendar Month allowed to the reſpective Parties for naming ſuch new Commiſſioner or Commiſſioners, by them reſpectively as aforeſaid, or ſo ſoon after as conveniently may be, to appoint One other Commiſſioner, not intereſted in the Premiſes, in the Room of any ſuch Commiſſioner ſo dying, refuſing, or becoming incapable to act as aforeſaid; and every Commiſſioner to be appointed in the Manner herein-before reſpectively directed, ſhall have the like Powers and Authorities as the Commiſſioners named and appointed by this Act: Provided always, that Two or more of the ſaid Proprietors ſhall cauſe Notice to be given of the Time and Place of Meeting for every ſuch Election, (which Place ſhall be in One of the ſaid Pariſhes of *Shobdon*, *Aymeſtrey*, and *Lingen* aforeſaid, or within the Space of Eight Miles therefrom), at leaſt Fourteen Days before the Time of holding ſuch Meeting; ſuch Notice to be publickly read in the ſeveral Pariſh Churches of *Shobdon*, *Aymeſtrey*, and *Lingen*, aforeſaid, on ſome *Sunday* immediately after Divine Service,

Service, and to be inſerted in the Newſpaper called the *Hereford Journal*, or ſome other Newſpaper uſually circulated in the County of *Hereford*.

For the Appointment of new Umpire.

IV. And be it further enacted, That if the ſaid *Joſeph Wainwright*, or any future Umpire to be appointed as herein-after is mentioned, ſhall refuſe to act or to qualify himſelf as an Umpire under this Act, or ſhall die or become incapable of acting before the Powers and Truſts repoſed in the ſaid Commiſſioners ſhall have been fully executed, then the ſaid Commiſſioners ſhall, before they ſhall proceed further in the Execution of this Act, and they are hereby authorized to appoint, by Writing under their Hands, ſome other fit Perſon, not intereſted in the ſaid intended Incloſure, to be an Umpire in the Place of the Umpire ſo refuſing to act, or to qualify, or dying, or becoming incapable of acting; and if the Commiſſioners cannot agree in the Choice of a Perſon to ſupply the Place of the Umpire on any ſuch Vacancy, then each of the ſaid Commiſſioners is hereby required to ſet down in Writing the Name of ſome fit Perſon not intereſted in the Premiſes, whom he ſhall propoſe to fill ſuch Vacancy; and the Names ſo ſet down, being written on Papers of the ſame Size and Kind, and folded up in the ſame Form, or as nearly as may be to the ſame Size, Kind and Form, ſhall, at ſome Meeting of the Commiſſioners for the Execution of this Act, of which due Notice ſhall have been given, be put together in a Box or Glaſs, from which ſome indifferent Perſon ſhall, at ſuch Meeting publicly and in the Preſence of all Perſons intereſted who ſhall chooſe to attend, draw out One of ſuch Papers, and the Perſon whoſe Name ſhall be written on the Paper firſt drawn out ſhall be the Umpire; and the ſaid Commiſſioners are hereby required to certify, by Writing under their Hands, the Choice and Appointment of ſuch Perſon to be Umpire accordingly; and every Umpire to be appointed in the Manner herein-before directed ſhall have the like Powers and Authorities as are by this Act veſted in the Umpire hereby appointed: Provided always, that the Inſtrument or Certificate of the Appointment of every Commiſſioner and Umpire, to be elected and appointed by virtue of this Act, ſhall be enrolled with the Award of the Commiſſioners, and a Copy of ſuch Inſtrument or Certificate, atteſted by the proper Officer of the Court where the ſame ſhall be inrolled, ſhall be full and ſufficient Evidence thereof in all Courts whatſoever.

Oath to be taken by Umpire.

V. Provided alſo, and be it further enacted, That no Perſon ſhall be capable of acting in the Execution of this Act, as Umpire, until he ſhall have taken and ſubſcribed an Oath in the Form following; that is to ſay,

'I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Ability, execute and perform the Truſts, Powers, and Authorities, veſted and repoſed in me as Umpire, by virtue of an Act paſſed in the Forty-ninth Year of the Reign of King *George* the Third, intituled, [*here ſet forth the Title of this Act*], according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality, to any Perſon or Perſons whomſoever. So help me GOD'.

Which Oath it ſhall be lawful to and for the ſaid Commiſſioners, or either of them, to adminiſter, and they are hereby required to adminiſter the

ſame, and ſuch Oath ſo taken and ſubſcribed by ſuch Umpire ſhall be annexed to and inrolled with the Award of the ſaid Commiſſioners.

Surveyor.

VI. And be it further enacted, That *Richard Allerton*, of *Clarendon Square*, *Somers Town*, in the County of *Middleſex*, Surveyor, ſhall be the Surveyor for the Purpoſes of this Act, for and during the Will and Pleaſure of the Commiſſioners; and on his Death or Removal it ſhall be lawful for the ſaid Commiſſioners, by Writing under their Hands, to appoint One or more fit and proper Perſon or Perſons, not intereſted in the Premiſes, to be Surveyor or Surveyors, for the Purpoſes of this Act, for and during the Will and Pleaſure of the ſaid Commiſſioners, and on any future Vacancy, in like Manner, to appoint ſome other Surveyor or Surveyors, and ſo from Time to Time as often as there ſhall be Occaſion; and every ſuch Surveyor ſhall at the firſt Meeting of the ſaid Commiſſioners after his Appointment, take and ſubſcribe an Oath in the Form herein-after ſet forth.

Oath to be taken by Surveyor.

VII. And be it further enacted, That no Perſon ſhall be capable of acting as a Surveyor in the Execution of this Act, until he ſhall have taken and ſubſcribed an Oath in the Form following, *viz.*

'I Do ſincerely promiſe and ſwear, That I will act in the Execution of the Powers, Authorities, and Truſts repoſed in me as Surveyor, by virtue of an Act paſſed in the Forty-ninth Year of the Reign of King *George* the Third, intituled, [*here inſert the Title of this Act*] truly, impartially, and honeſtly, according to the beſt of my Skill, Judgement, and Ability, without Favour or Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever.

'So help me GOD.'

And either of the ſaid Commiſſioners is hereby authorized to adminiſter the ſaid Oath to the ſaid Surveyor; and the Oath ſo taken and ſubſcribed by each Surveyor ſhall be annexed to and inrolled with the Award of the ſaid Commiſſioners.

Recompence to Commiſſioners and Umpire.

VIII. And be it further enacted, That each of the ſaid Commiſſioners, and the ſaid Umpire, ſhall be allowed and paid the Sum of Two Pounds Twelve Shillings and Sixpence, for each and every Day he ſhall actually attend and be employed as a Commiſſioner or Umpire in the Execution of this Act, or ſhall neceſſarily travel from Home to attend the Meetings of the Commiſſioners, or when returning home, after having attended ſuch Meetings, in full Satisfaction for his Trouble and Expences in the Execution of this Act.

Commiſſioners to give Notice of Meetings.

IX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby directed to cauſe publick Notice to be affixed on the principal outer Doors of each of the Pariſh Churches of *Shobdon*, *Aymeſtrey*, and *Lingen* aforeſaid, of the Time and Place of their Firſt and every other Meeting, for the Execution of this Act, at leaſt Eight Days before any ſuch Meeting ſhall be holden (Meetings by Adjournment excepted); and the ſaid Commiſſioners may, and they are hereby authorized, to adjourn any ſuch Meeting from Time to Time, and Place to

Place, as they ſhall ſee Occaſion; and in caſe both the ſaid Commiſſioners ſhall not meet at the Time and Place appointed for any ſuch Meeting, or to which any ſuch Meeting ſhall be adjourned, it ſhall be lawful for the Commiſſioners preſent at ſuch Time and Place, or if no Commiſſioners ſhall then attend, for the Clerk to the ſaid Commiſſioners (which Clerk they are hereby authorized to appoint) to adjourn ſuch Meeting to any future Day, not exceeding Twenty-eight Days from the Day of Adjournment, to be holden at the ſame, or any other convenient Place, and ſo from Time to Time, until both the ſaid Commiſſioners ſhall meet; and the Commiſſioner or Clerk making ſuch Adjournment, is hereby required to give Notice to the abſent Commiſſioner or Commiſſioners; provided, that all the Meetings of the Commiſſioners ſhall be holden within One of the ſaid Pariſhes of *Shobdon*, *Aymeſtrey*, and *Lingen*, or within the Diſtance of Eight Miles therefrom.

Other Notices how to be given.

X. And be it further enacted, That all other Notices requiſite or neceſſary to be made and given by the ſaid Commiſſioners, ſhall be made and given by Advertiſement, to be inſerted in the ſaid Newſpaper called *The Hereford Journal*, or in ſome other Newſpaper uſually circulated in the ſaid County of *Hereford*.

Commiſſioners to determine Differences, except as to Titles.

XI. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties that now are or ſhall, before the making of the Award of the ſaid Commiſſioners, be intereſted, or claim to be intereſted, in the ſaid intended Diviſion and Allotments, or any of them, touching and concerning the reſpective Shares and Proportions which they, or any of them, ſhall claim or ought to have in any of the ſaid Lands and Grounds hereby directed to be divided and incloſed, or in the ſaid intended Diviſion and Incloſure, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, to examine into, hear, and determine the ſame: Provided always, that nothing herein contained ſhall authorize the ſaid Commiſſioners or Umpire to determine the Title to any Meſſuages, Cottages, Lands, or Hereditaments whatſoever.

Commiſſioners not to determine Rights contrary to Poſſeſſion.

XII. Provided alſo, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners or Umpire to determine any Right between any Parties contrary to the Poſſeſſion of any ſuch Parties; but in caſe the ſaid Commiſſioners or Umpire ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon, until the Poſſeſſion ſhall have been taken from ſuch Perſon or Perſons, by Ejectment, or other due Courſe of Law.

Power to award Coſts.

XIII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, Matter or Thing, to be heard and determined by them, in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable to be paid to the Party or Parties in whoſe Favour their

their Determination, shall be made by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; 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 Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, 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 distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Parties may try their Rights by an Issue at Law.

XIV. Provided always, and be it further enacted, That in case any Person or Persons interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning any Claims, Objections, Rights, or Interests, to, in, over, or upon the Lands and Hereditaments intended to be divided or affected by this Act, or any Part thereof, and shall, by Writing, under his, her, or their Hand or Hands, or under the Hand or Hands of his, her, or their known Agent, signify the same to the said Commissioners within Two Calendar Months next after any such Determination shall be made; in such Case, but not otherwise, it shall be lawful for the Person or Persons so dissatisfied with such Determination to have the Subject of such Claim or Objection, in respect to which such Determination shall have been made, tried by an Action at Law, to be brought by him, her, or them, against the said Commissioners, or some or One or more of the Parties in whose Favour such Determination shall have been made, upon a feigned Issue, to be settled by the proper Officer of the Court in which such Action shall have been brought, in case the Parties shall differ about the same, such Action to be brought within Four Calendar Month next after such Determination shall have been made; and the Defendant or Defendants, in such Action or Actions, shall, and is and are hereby required to appear to such Action, accept a Declaration, and plead to Issue, and the Plaintiff or Plaintiffs shall thereupon proceed in such Action, so as to have the same tried and determined at the first or second Assizes to be holden for the County of *Hereford* next after the commencing of such Action, unless the Court shall direct further Time to be given; 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 upon 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 such Special Finding had been made; and the Verdict of the Jury on such Trial, or the Judgement thereon, or the Judgement in such Action or Actions, for the Want of a Plea or Pleas, shall be final and conclusive between the Parties, unless the Court in which such Action shall be brought shall see Cause to direct a new Trial, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict shall be obtained, and not set aside by the Court, or Judgement for Want of a Plea, the

ſaid Commiſſioners ſhall, and they are hereby required, to act in Conformity thereto, and thereupon to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials, or Judgement for Want of a Plea: Provided always, that all ſuch Orders and Determinations of the ſaid Commiſſioners, or Umpire, touching ſuch Claim or Claims, Rights or Intereſts, in, over, or out of the Lands hereby directed to be divided and incloſed, or any Part thereof, which ſhall not be objected to by ſuch Notice to be given to the ſaid Commiſſioners as aforeſaid, or being ſo objected to, and the diſſatisfied Parties reſpectively not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be abſolutely binding, final, and concluſive upon all Perſons whomſoever: Provided always, that if any of the Parties in any Action ſo to be brought as aforeſaid 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.

How Actions may be brought after the Death of Parties.

XV. 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 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 Commiſſioners 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 be thereupon 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 Right of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Commiſſioners to make Drains, &c.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſcour and widen all ſuch ancient Brooks, Ditches, Drains, Watercourſes, Tunnels, and Bridges, within the ſaid ſeveral Manors of *Shobdon*, *Aymeſtrey*, and *Lingen* aforeſaid; and alſo ſhall and may ſet out and make ſuch new Ditches, Drains or Watercourſes, Tunnels, Watergates, Banks, and Bridges, as well in, through, and over the Lands and Grounds hereby directed to be divided and incloſed, as alſo in, over, and through any ancient Incloſures or other Lands and Grounds within the ſaid ſeveral Manors, of ſuch Breadth and Depth, and in ſuch Directions as the ſaid Commiſſioners ſhall think proper, (provided that no ſuch Works ſhall be made upon any incloſed Lands without the previous Conſent of the Owners or Perſons ſeized of ſuch incloſed Lands; and that no Brooks, Drains, Watercourſes, Tunnels, Watergates, Banks, or Bridges, ſhall be diverted or altered without the Conſent of the Owner or Owners of the Lands from which and into which any Water ſhall be conveyed by the ſaid Brooks, Drains, Watercourſes, or Tunnels reſpectively, ſuch Conſent to be teſtified by Writing under their reſpective Hands); and the ſaid Commiſſioners ſhall and may, and they are hereby directed in and by their ſaid Award to order and direct by whom, at whoſe Expence, at what Time and Times,

and

and in what Manner, the ſaid Brooks, Ditches, Drains, Watercourſes, Tunnels, Watergates, Banks, and Bridges ſhall be made, and thereafter repaired, cleanſed, ſcoured, and maintained.

Commiſſioners may ſtop up and alter Roads, &c.

XVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, with the Concurrence and Order of Two Juſtices of the Peace acting in and for the Diviſion of the ſaid County of *Hereford*, in which the ſaid Manors reſpectively are ſituate (ſubject to Appeal as in the ſaid recited Act is mentioned), to ſtop up, turn, widen, or alter any public or private Roads or Ways within any Part of the ſaid Manors, which they ſhall deem unneceſſary, or as they ſhall think proper; and ſuch Roads, ſo ſtopped up or turned, ſhall be deemed and taken as Part of the Lands hereby directed to be divided, allotted, and incloſed.

Juſtices at Seſſions to declare new Roads completed.

XVIII. And be it further enacted, That when and ſo ſoon as any of the public Carriage Roads, to be ſet out in purſuance of the ſaid recited Act, ſhall be completed and put into good and ſufficient Repair, it ſhall be lawful for the Juſtices of the Peace of and for the ſaid County of *Hereford*, at their Special Seſſions, to declare ſuch Road or Roads to be fully and ſufficiently formed, completed, and repaired, from which Time and for ever thereafter ſuch Road or Roads ſhall be ſupported and kept in Repair by ſuch Perſons and in like Manner as the public Roads within the ſaid ſeveral Manors reſpectively now are or ought by Law to be amended and kept in Repair.

Corn Rents in Compenſation for Tythes to the Rector of Shobdon.

XIX. And be it further enacted, That, for the making an adequate Compenſation to the ſaid *James Thomas Allen*, and his Succeſſors, Rectors of *Shobdon* aforeſaid, for all Tythes ariſing, renewing, increaſing, or payable to the Rector of *Shobdon* aforeſaid, from, for, out of, or in reſpect of any Homeſteads, Gardens, Orchards, Lands, and Grounds within the ſaid Manor and Pariſh of *Shobdon*, the ſaid Commiſſioners ſhall, and they are hereby authorized and required to make a Valuation of all the Homeſteads, Gardens, Orchards, Lands, and Grounds, within the ſaid Manor and Pariſh of *Shobdon*, liable to the Payment of Tythes; and after making ſuch Valuation, the ſaid Commiſſioners ſhall, by Reference to the *London Gazette*, or by ſuch other Ways and Means as they ſhall think moſt proper, enquire and aſcertain what has been the average Price of a *Wincheſter* Buſhel of good marketable Wheat in the ſaid County of *Hereford* for the Term of Twenty-one Years next preceding the Firſt Day of *January*, One thouſand eight hundred and nine, (not eſtimating or including in ſuch Inquiry and Aſcertainment the Price for the Three Years in which ſuch average Price hath been the higheſt within that Period of Time, but upon the Average of the remaining Eighteen Years of the ſaid Term), and ſhall, in and by their Award, aſcertain and ſet forth what Quantity of ſuch Wheat ſhall, in their Judgement, according to the average Price aforeſaid, be equal to the annual Value of One-fifth of the Arable or Tillage Lands, of One-ninth of the Meadow or Paſture Lands, and of One-tenth of the Wood Lands, within the ſaid Manor and Pariſh of *Shobdon*, liable to the Payment of Tythes; diſtinguiſhing the Quantity of ſuch Wheat in reſpect of the Homeſteads, Gardens, Lands, Grounds, and Hereditaments, belonging to every Proprietor and Farm ſeparately; and there ſhall be iſſuing and payable, from Time to Time, for ever, to the ſaid *James Thomas Allen*, and his Succeſſors, Rectors of *Shobdon* aforeſaid, ſuch ſeveral yearly

Rents, or Sums of Money, out of the reſpective Homeſteads, Gardens, Lands, Grounds, and Hereditaments of every ſuch Proprietor, ſituate within the ſaid Manor and Pariſh of *Shobdon*, and liable to the Payment of Tythes, as ſhall be equal to the Value of the Quantity of Wheat ſo to be aſcertained and ſet forth as aforeſaid, according to ſuch average Price as ſhall from Time to Time be aſcertained purſuant to the Directions of this Act; which ſaid Rents, or Sums of Money, ſhall for ever afterwards, in Manner herein-after mentioned, be payable and paid to the ſaid *James Thomas Allen*, and his Succeſſors, Rectors of *Shobdon* aforeſaid, by equal Quarterly Payments in every Year for ever, at or upon the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December*, free and clear from all Deductions whatſoever, (except the Land-Tax and any Tax upon Property or Income), the firſt Payment whereof ſhall grow due and be made on the Firſt of the ſaid Days which ſhall happen next after the Execution of the ſaid Award, or on ſuch earlier quarterly Day of Payment as the ſaid Commiſſioners ſhall, by any Writing under their Hands, direct and appoint; and all Tythes, as well Great as Small, ariſing and growing due and payable from and out of or for any Lands, Grounds, or Hereditaments, within the ſaid Manor and Pariſh of *Shobdon*, and all other Tythes payable therein, ſhall ceaſe and determine on ſuch of the aforeſaid quarterly Days of Payment as ſhall next precede the Days on which the Firſt Payment of the ſaid yearly Rents or Sums ſhall become due and payable as aforeſaid, and ſhall be from thenceforth for ever extinguiſhed; but *Eaſter* Offerings, Mortuaries, and Surplice Fees ſhall not be prejudiced or affected by this Act.

Corn Rents may be varied every Fifteen Years, according to the Price of Wheat.

XX. And be it further enacted, That it ſhall be lawful as well for the ſaid *James Thomas Allen*, and his Succeſſors, Rectors of *Shobdon* aforeſaid, as for any One or more of the Owners and Proprietors of Eſtates within the ſaid Manor and Pariſh of *Shobdon*, aſſeſſed to the Poor's Rates at Fifty Pounds *per Annum*, or upwards, at his or their reſpective proper Expence, by Writing under his or their reſpective Hands, to apply at the Firſt or any ſucceeding Quarter Seſſions of the Peace to be holden in and for the County of *Hereford*, after the Expiration of the Term of Fifteen Years from the Date of the ſaid Award, (having given Notice of ſuch intended Application, by Writing, to be affixed on the principal outer Door of the Pariſh Church of *Shobdon* aforeſaid, for Two *Sundays* at the leaſt preceding ſuch Application), to have Two Perſons appointed by the Juſtices then and there aſſembled to be Arbitrators, for enquiring into and aſcertaining by, or from, or by Means of, the *London Gazette*, ſo long as the Returns of the Average Price of Wheat ſhall be publiſhed therein; and in caſe of no ſuch Publication, then by ſuch Ways or Means as they ſhall think equitable or proper, the average Price of a *Wincheſter* Buſhel of good marketable Wheat within the ſaid County of *Hereford* for the Fifteen Years preceding the Firſt Day of *January* then laſt paſt; but in caſe the ſaid Arbitrators ſhall not agree in Opinion touching the Matters aforeſaid, then the ſame ſhall be fixed and ſettled by ſome Perſon to be by the ſaid Arbitrators, by Writing under their Hands appointed Umpire between them, who ſhall, by any ſuch Ways and Means aforeſaid, make his Determination therein; which ſaid Arbitrators, or Umpire, ſhall, by their or his Report, to be made and delivered to the ſaid Court of Quarter Seſſions to be held next or next but one after the Appointment of the

ſaid

ſaid Arbitrators or Umpire, ſet forth ſuch average Price; and in caſe it ſhall, by ſuch Report, appear that ſuch average Price of a Buſhel of Wheat is more or leſs than the average Price thereof ſet forth in the ſaid Award by the Value of Three-pence or upwards, the ſaid reſpective yearly Tythe Rents, or Sums of Money, ſhall be increaſed or diminiſhed in Proportion; and the exact Amount of the yearly Rents or Sums to which the ſame ſhall ſeverally be ſo increaſed or diminiſhed, ſhall be declared by the Order of the ſaid Court; and the ſame ſhall, from the quarterly Day of Payment preceding ſuch Order, remain and continue iſſuing and payable as aforeſaid out of the Lands and Eſtates charged by the ſaid Award with ſuch reſpective yearly Tythe Rents, or Sums of Money, until the ſame ſhall, at the End of Fifteen Years then next enſuing, be again liable to be varied; and it is hereby enacted that the ſame ſhall be liable to be varied at the End of ſuch Term of Fifteen Years, by ſuch Application, and in ſuch Manner as herein-before mentioned, and ſo from Time to Time at the End of Fifteen Years for ever: Provided always, that in caſe the ſaid Arbitrators, or Umpire, ſhall not make ſuch Report as aforeſaid within the Time aforeſaid, the ſaid Court of Quarter Seſſions is hereby authorized and required to make ſuch Orders, and take ſuch Proceedings, as ſhall be requiſite and neceſſary for carrying the Intentions of this Act into full Effect.

Power to enforce Payment of Corn Rents, and proportionate Parts to be paid up to Death, Ceſſion, &c. of Incumbent.

XXI. And be it further enacted, That the ſaid *James Thomas Allen*, and his Succeſſors, Rectors of *Shobdon* aforeſaid, and the reſpective Executors, Adminiſtrators, or Aſſigns of any ſuch Rector, ſhall and may reſpectively have and exerciſe ſuch and the ſame Powers and Remedies for recovering his or their reſpective Shares or Proportions of the ſame yearly Rents or Sums, when the ſame reſpectively ſhall be in Arrear, together with the Coſts and Charges thereby to be incurred, as by the Laws and Statutes of this Realm are or ſhall be provided or given to Landlords for Recovery of Rents in Arrear; and that upon the Death, Ceſſion, Reſignation, or Removal of every Rector of *Shobdon* aforeſaid, a full and proportionate Part of the current quarterly Payment of the ſaid yearly Rents or Sums, ſhall be payable to, and received, and recoverable by every ſuch Rector, his Executors and Adminiſtrators, to the Day of the Death, Ceſſion, Reſignation, or Removal, of every ſuch Rector.

Power to apportion Corn Rents on a Diviſion of Property.

XXII. And be it further enacted, That it ſhall and may be lawful to and for the Owner or Owners, for the Time being, of all or any Part of the Eſtates which ſhall be ſeverally charged with the ſaid yearly Rents or Sums of Money, or any apportioned Part or Parts thereof, reſpectively, in purſuance of the Powers hereby given, upon a Diviſion thereof reſpectively, either by Sale or otherwiſe, (except by Leaſe at Rack Rent), to apportion and charge each and every Part of the Eſtate or Eſtates ſo divided with a due and fair Proportion of the yearly Rents charged thereon reſpectively, having due Regard to the Quantity of Acres therein; and the Power herein-before given and provided for the Recovery of the ſaid yearly Rents ſhall continue and remain over the whole, and every or any Part of the Eſtate or Eſtates which ſhall be charged therewith, until ſuch Diviſion of the ſaid Eſtate or Eſtates and Apportionment of the ſaid yearly Rents ſhall be made known to the Rector of *Shobdon* aforeſaid, and likewiſe to the Biſhop of *Hereford*, for the Time being, by Notice in Writing, ſetting forth the Diviſion of

ſuch

such Estate and Estates, and the yearly Rents to be charged on each Division; and until a Duplicate of such Notice shall be delivered to the Register of the Diocese of *Hereford*, who shall duly record the Duplicate of such Notice, (for which a Sum not exceeding Two Shillings and Sixpence shall be paid); and a Copy of such Duplicate, signed by the Register or his Deputy, (for which Two Shillings and Sixpence, and no more, shall be paid), shall at all Times be deemed and taken to be legal Evidence thereof; and from and after such Notice and Duplicate thereof shall be delivered as aforesaid, the Power herein-before given and provided for recovering the said yearly Rents shall no longer exte d to the whole of the said Estate or Estates, but shall also become apportioned and shall apply only to each particular Rent so apportioned, and to the Lands and Hereditaments which shall be charged with the Payment thereof upon such Division as aforesaid: Provided always, that if the Lord Bishop of *Hereford*, or the Rector of *Shobdon* aforesaid, for the Time being, shall see Cause to disapprove of any such Apportionment of the said yearly Rents, or any of them, and shall within One Calendar Month after any such Notice as aforesaid shall have been received, and such Duplicate thereof shall have been delivered to the Register of the Diocese of *Hereford* as aforesaid, signify such Disapprobation by Notice in Writing, to be delivered to the said Register for the Time being; then and in every such Case, the intended Apportionment referred to by such last-mentioned Notice shall be null and void; and the said Register for the Time being shall and he is hereby required to record every such Notice of Disapprobation, together with the Duplicate of the Notice of the Apportionment to which it shall refer.

Schedules of Estates to be made, for the more easy Collection of Corn Rents.

XXIII. And, in order to facilitate the future Collection of the said yearly Rents or Sums, and to prevent any Difficulty arising by the Division of any Estate by Sale or otherwise, be it further enacted, That the said Commissioners shall and they are hereby required to make or cause to be made Two complete Schedules or Descriptions of each and every Estate within the said Manor and Parish of *Shobdon*, with the Names of the Owners thereof, the exact Measure in Acres, Roods, and Perches, the yearly Rents or Sums issuing out of each Estate, and the Quantity of Wheat which is to govern each of the said Rents respectively, and such other Requisites as shall be judged proper and necessary by the said Commissioners to render every Measure respecting the said yearly Rents clear and plain in future; one of which Schedules or Descriptions shall be annexed to the said Award, and the other shall be signed by the said Commissioners and deposited in the Office of the Registry of the Diocese of *Hereford*.

Allotments for Materials for Roads.

XXIV. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required (after making the necessary Drains, and setting out the Roads and Ways directed and authorized to be made and set out by the said recited Act and by this Act) to allot and award unto the Surveyors of the Highways, in the said several and respective Parishes of *Shobdon*, *Aymestrey*, and *Lingen*, and their Successors respectively, such Parcel or Parcels of Land, Part of the Lands hereby directed to be divided and inclosed, not exceeding in the Whole One Acre within each of the said Manors of *Shobdon*, *Aymestrey*, and *Lingen*, as they the said Commissioners shall think most proper for the digging

digging for and getting of Stone, Gravel, and other Materials, for the Repairs of the Highways and publick and private Roads within the ſaid ſeveral Manors reſpectively, and for ſuch other Uſes and Purpoſes as the ſaid Commiſſioners ſhall direct; and the Herbage and Produce of the ſaid Parcel or Parcels of Land, ſhall be awarded to ſuch Perſon or Perſons, and for ſuch Purpoſes as the ſaid Commiſſioners ſhall, in and by their Award, order and direct.

Allotment to the Rector of Shobdon for Common Right, if any.

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, to ſet out and allot unto and for the ſaid *James Thomas Allen*, and his Succeſſors, Rectors of *Shobdon* aforeſaid, for the Time being, ſuch Plot or Plots of the Lands and Grounds hereby directed to be divided and incloſed within the ſaid Manor and Pariſh of *Shobdon*, as ſhall in the Judgement of the ſaid Commiſſioners, be a full Equivalent and Compenſation for ſuch Rights of Common, in, over, and upon the ſame Lands and Grounds, if any, as they ſhall adjudge him to be entitled to.

Allotments to Lord of Manors.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out, allot, and award, to and for the ſaid *William Hanbury*, or the Lord or Lords of the ſaid reſpective Manors, for the Time being, ſuch Part and Parts of the Lands and Grounds hereby directed to be divided and incloſed within the ſaid ſeveral Manors reſpectively, as ſhall in the Judgement of the ſaid Commiſſioners, be equal in Value to One-ſixteenth Part of all the Commons and Waſte Lands within the ſaid Manors reſpectively.

Allotment of Reſidue.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall immediately after making ſuch Allotments as herein-before are directed to be made, divide, ſet out, allot, and award all the Reſidue of the Lands and Grounds hereby directed to be divided and allotted unto and amongſt the ſeveral Proprietors thereof, and Perſons intereſted therein, in ſuch Quantities, Shares, and Proportions as by the ſaid Commiſſioners ſhall be adjudged and determined to be a fair, juſt, and reaſonable Compenſation and Satisfaction for their ſeveral and reſpective Lands, Grounds, Rights of Common, and other Rights and Intereſts therein.

Meeting for Objections to Allotments; ſuch Objections to be determined by Commiſſioners.

XXVIII. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Shares, Rights, and Intereſts of the ſaid Proprietors, in the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act; and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively, in lieu thereof, and ſuch propoſed Allotment or Allotments, ſhall be ſtaked and marked out; they, the ſaid Commiſſioners, ſhall hold a Meeting at ſome convenient Time and Place, when and where the Proprietors may be informed of ſuch intended Allotments, and ſee the Scheme thereof ſet out and delineated upon a Map to be produced for their Inſpection; and if any of the ſaid Proprietors ſhall, upon ſuch Inſpection, be diſſatisfied with any of the propoſed Allotments, the ſaid Commiſſioners ſhall, at ſuch Time and Place as laſt aforeſaid,

or at ſome other Time and Place, to be appointed by them for that Purpoſe, receive Statements, in Writing, of the Complaints and Objections of any Proprietor or Proprietors, againſt any ſuch Allotments, and ſhall forthwith, or as ſoon after as conveniently may be, determine the ſame, and ſuch Determination being reduced into Writing, and ſigned by them, ſhall be binding and concluſive upon all Parties intereſted in any ſuch Allotment or Allotments.

For fencing Allotments.

XXIX. And be it further enacted, That the Allotment or Allotments which ſhall or may be ſet out and awarded to the ſaid *James Thomas Allen*, and his Succeſſors, Rectors of *Shobdon* aforeſaid, ſhall be incloſed and fenced on all ſuch Parts and Sides as ſhall not be directed by the ſaid Commiſſioners to be made and maintained by any other Proprietor or Proprietors, with Ditches, Quickſet Hedges, or other proper Mounds and Fences, and with proper Poſts, Rails, or other Guard Fences to ſuch new made Hedges, by and at the Expence of ſuch of the other Proprietors of the Lands and Grounds hereby directed to be divided and incloſed, and in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall direct; and all the ſaid Boundary Ditches, Hedges, and Fences, ſhall, at all Times thereafter, be maintained and repaired by and at the Expence of the Owners for the Time being, of the Lands and Grounds to which they ſhall be reſpectively allotted or directed to belong; and the ſeveral other Allotments to be made by virtue of this Act, ſhall be incloſed, hedged, ditched, and fenced, at the Expence of the reſpective Proprietors to whom ſuch Fences ſhall be allotted or directed to belong, with Quickſets, or in ſuch other Manner, and within ſuch Times as the ſaid Commiſſioners ſhall by their Award, or any other Writing under their Hands, direct or appoint.

Gaps to be left.

XXX. Provided always, That convenient Gaps and Openings ſhall be left in the ſaid Fences and Incloſures, for ſuch Space of Time next enſuing the Execution of the Award of the ſaid Commiſſioners, for the Paſſage of Carts, Carriages, and Cattle, as the ſaid Commiſſioners ſhall, in and by their ſaid Award, direct and appoint.

To fence againſt Lambs, Sheep, and Goats.

XXXI. And be it further enacted, That no Lambs, Sheep, or Goats ſhall be depaſtured in any of the ſaid intended new Incloſures, during the Space of Seven Years from the Execution of the Award of the ſaid Commiſſioners, unleſs the Perſons reſpectively ſo depaſturing or keeping Lambs, Sheep, or Goats, do, at their own Expence, effectually guard and fence their Neighbours Quickſets adjoining to ſuch Incloſures reſpectively, in which Lambs, Sheep, or Goats ſhall be depaſtured or kept as aforeſaid, ſo as to prevent any Damage or Injury from being done to ſuch Fence or Fences, and Quickſets, by any ſuch Lambs, Sheep, or Goats.

Proprietors may ſell Allotments before Award and Common Rights ſeparate.

XXXII. And be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments by virtue of this Act, to give, grant, bargain, ſell, demiſe, limit, convey and aſſure the ſame, for all or any Part of his, her, or their Eſtate or Intereſt therein, or Right thereto, at any Time before the Execution of the Award of the Commiſſioners; and every ſuch Gift, Grant, Bargain, Sale, Demiſe, Limitation, Conveyance and Aſſurance, ſhall be of the ſame Force

Force and Validity as if made after the Execution of the ſaid Award; and alſo that it ſhall and may be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and incloſed, 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, ſeparate and diſtinct from the Eſtate in Right of which he or ſhe is entitled to the ſame, in ſuch Manner as he or ſhe might have done at any Time after the Execution of the ſaid Award.

Exchanges.

XXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot, and award any Meſſuages, Buildings, Lands, Tenements, Tythes, Quit-Rents, or other Rents, Hereditaments, Old Incloſures or Allotments, within the ſaid ſeveral Manors of *Shobdon*, *Aymeſtrey*, and *Lingen* reſpectively, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Manors reſpectively, or within any adjoining Manors, Pariſhes, Townſhips, Hamlets, or Places reſpectively: Provided, that all ſuch Exchanges be aſcertained, ſpecified, and declared or contained in the Award of the ſaid Commiſſioners, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors, of the Lands, Tenements, or Hereditaments, which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, Fee Tail General or Special, or for Life or Lives, or for Years determinable on a Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Owners or Proprietors as aforeſaid who, at the Time of making ſuch Exchange or Exchanges, ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf; ſuch Conſent to be teſtified under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hand or Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in Right of any Church or Chapel, or other Eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid, of the Patron thereof and of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged ſhall lie or be ſituate; nor of any Lands, Tenements, or Hereditaments holden by Leaſe for Life or Lives, or for Years determinable on a Life or Lives, without the Conſent, teſtified as aforeſaid, of the Perſon or Perſons ſeized of or entitled to ſuch Lands, Tenements, or Hereditaments, in Remainder, expectant on the Determination of ſuch Leaſe or Leaſes.

Expences of Exchanges.

XXXIV. And be it further enacted, That the Coſts, Charges, and Expences attending the making of any Partition or Exchange, ſhall be borne and defrayed by the reſpective Parties making ſuch Partition and Exchange, diſtinct and apart from the other Expences attending the Execution of this Act, in ſuch Manner as the ſaid Commiſſioners ſhall order and direct.

XXXV. And

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

XXXV. And be it further enacted, That all Lands and Grounds which shall be allotted, by virtue of this and the said recited Act, to any Person or Persons, for or in respect of any Leasehold Messuages, Cottages, Lands or Grounds, or for or in respect of any Right of Common or any other Right or Interest appurtenant or appendant to any such Leasehold Messuages, Cottages, Lands, or Grounds respectively, shall, from and after the Execution of the Award of the said Commissioners, be deemed and taken to be Leasehold, and shall be held as such by and under the same Tenures, Rents, Payments, Fines, Customs and Services, as the Leasehold Messuages, Cottages, Lands, or Grounds respectively, for or in respect whereof they shall or may be allotted, are now held; and the said Commissioners shall, by their Award, determine and describe the Lands and Grounds respectively, which are to be or remain Leasehold; and all other Lands or Grounds, to be alloted, by virtue of this Act, save and except such as shall be ascertained by the said Commissioners to be Leasehold, shall be, from thenceforth, deemed, taken, and enjoyed as Freehold Messuages, Cottages, Lands, and Grounds, subject, nevertheless to such Free Rents as are now payable out of the respective Messuages, Cottages, Lands, or Grounds, for or in respect whereof they shall or may be allotted.

Allotments and Exchanges not to affect Settlements but to go to the same Uses.

XXXVI. And be it further enacted, That nothing herein contained shall revoke, make void, alter, or annul, any Will or Settlement of or concerning any of the Lands, Tenements, or Hereditaments which shall be allotted or exchanged by virtue of this Act, or prejudice any Person having any Claim or Interest in, to, or out of the same; but the same Lands, Tenements, and Hereditaments shall, upon the Allotment and Exchange thereof, respectively go and remain to the same Uses, upon the same Trusts, and to and for the same Intents and Purposes, and be under and subject to the same Powers, Provisoes, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Provisions of every Kind, and in the same Manner as the Lands and Hereditaments in respect whereof the same shall be respectively allotted and exchanged would stand, or be limited to or upon, or be subject to, if such Allotment or Exchange had not been made, or this Act had not passed; except as to such Leases or Agreements for Leases at Rack Rent or from Year to Year, as shall be determined by virtue of this Act, or where any of the Provisions of the said recited Act, or of this Act, shall be to the contrary; and also except such Charges and Incumbrances as shall be made thereon by virtue of this Act.

Separate Allotments for separate Titles.

XXXVII. And be it further enacted, That where the Proprietor or Proprietors of any of the Lands or Grounds hereby directed to be divided and inclosed, shall hold his or their respective Estates under various Titles, the said Commissioners shall, upon the Request of such respective Proprietors in Writing under their Hands, set out and distinguish in their said Award distinct and several Allotments for the Lands or other Hereditaments held under each Title; and where from the Want of the necessary Information before the said Commissioners, or from any other Cause, their Award shall omit discriminating as aforesaid such different Titles, and within Twelve Calendar Months after making the said Award, Request shall be made to the said Commissioners by any Person or Persons interested by Writing under his or their Hand or Hands to have such Omission supplied by a separate Instrument; then and in every such Case, the said Commissioners

missioners are hereby authorized to do every Thing necessary for supplying such Omission, and so far as that Purpose shall require, to examine Witnesses, and in every other Respect to proceed and act as if the Award had not been made; and when they shall have obtained what they shall think sufficient Information, are hereby also authorized, by any Deed or Instrument under their Hands and Seals to ascertain and distinguish the various Titles, and accordingly to make distinct and several Allotments in the same Manner as is hereby required, where such Discrimation shall be contained in the said Award; and every such separate Instrument, after having been duly executed by the said Commissioners shall have the same Effect as if it was contained in the said Award, and shall be delivered to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question shall, in the Opinion of the said Commissioners, most properly belong for the Time being; and all Expences which shall be reasonably incurred in or about any such supplemental Instrument as aforesaid, shall be payable by the Person or Persons who shall have so requested the said Commissioners as aforesaid, or by his or their Heirs, Executors, or Administrators.

Power to vacate Leases at Rack Rent.

XXXVIII. And be it further enacted, That all and every Lease or Leases, or Agreements for Leases at Rack Rent, and from Year to Year, now subsisting of all or any Part or Parts of the Lands and Grounds hereby directed to be divided and allotted, or which shall be exonerated from Tythes, or exchanged by virtue of the said recited Act, or of this Act, and of all Messuages, Homesteads, and Old Inclosures situate within the said several Manors respectively, which are let therewith respectively, shall immediately from and after dividing, allotting, exonerating, and exchanging the same Lands and other Hereditaments respectively, or at such other Time or Times as the said Commissioners shall, by any Writing or Writings under their Hands, direct, cease, determine, and be void; and the respective Owners of such Lands or Hereditaments shall make such Satisfaction or Compensation to such Lessee or Lessees, Tenant or Tenants, for the Loss or Damage he, she, or they respectively shall thereby sustain, and in such Manner as such Owners and the Lessee or Lessees, Tenant or Tenants respectively shall agree upon, or in case they shall disagree, then as the said Commissioners shall order, direct, or appoint to be paid to such Lessee or Lessees, Tenant or Tenants respectively on account thereof; and in case the Money directed to be paid by the said Commissioners on the Account aforesaid shall not be paid at the Time by them appointed, the same shall be recoverable at the Suit of the Person or Persons respectively to whom the same shall be directed to be paid, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, in which no Protection, Essoign, or Wager at Law, or more than One Imparlance shall be allowed; provided that if there shall be any such Lease or Leases as aforesaid of Lands, Part whereof shall be within any of the aforesaid Manors of *Shobdon*, *Aymestrey*, and *Lingen*, and Part in any adjoining Manor or Parish, all and every such Lease and Leases may be vacated in Manner aforesaid; but where any Lands, or other Hereditaments included in any such Lease as aforesaid, shall be taken in Exchange by virtue of the said recited Act, or this Act, which shall be wholly situate in an adjoining Parish, such last-mentioned Lease shall not be vacated.

Commissioners to direct the Course of Husbandry.

XXXIX. And be it further enacted, That in the mean Time and until such Divisions and Allotments shall be made as aforesaid, all the Tillage, Pasture, and other Lands hereby directed to be divided and incloled, shall be stocked with such Cattle, and sown by the respective Owner or Owners, Occupier or Occupiers thereof, with such Sort of Corn or Grain, and shall be kept, ordered, and continued in such Course of Husbandry as the said Commissioners, by any Writing or Writings under their Hands in that Behalf, shall award, order, direct, or appoint; any Usage or Custom of stocking or sowing to the contrary notwithstanding; and that no Meadows, Pastures, or Fresh Grounds, Part of the Lands and Grounds hereby directey to be divided and inclosed, and not now in Tillage, shall before that Time be ploughed, broken up, or converted into Tillage.

Proprietors whose Allotments shall have been ploughed, &c. to make Satisfaction.

XL. And be it further enacted, That the several Proprietors, whose Allotments on the said Division and Inclosure shall have been ploughed, sown, or manured by Direction of the said Commissioners, shall pay unto the several Persons who shall have ploughed, sown, or manured the same, such several and respective Sums of Money, and at such Times as the said Commissioners shall think reasonable, and by any Writing under their Hands shall ascertain, order, and direct; and in case any of the said Sums of Money shall not be paid at the Time so ordered by the said Commissioners, the same shall be raised, levied, and recovered in such Manner as is provided for raising, levying, and recovering the Expences of obtaining and executing this Act, in case of Neglect or Refusal to pay the same.

Award.

XLI. And be it further enacted, That the General Award, to be made by the said Commissioners pursuant to the Directions of the said Act of the Forty-first Year of His present Majesty's Reign, and this Act, shall be inrolled with the Clerk of the Peace for the County of *Hereford*, within Six Calendar Months after the Execution thereof by the said Commissioners, or so soon after as conveniently may be, and the said Original Award, and such Plans or Surveys as may be annexed thereto, shall be lodged and deposited in the Parish Church of *Shobdon* aforesaid, to the End that Recourse may be had thereto, by any Person or Persons interested in the said Division and Inclosure, which said Award and Plans, and every other Writing and Instrument, to be lodged with the said Award, shall and may be inspected at all seasonable Times, upon reasonable Notice given by the Party requiring such Inspection.

Expences of passing and executing this Act.

XLII. And be it further enacted, That all the Costs, Charges, and Expences of soliciting and passing of this Act, and of surveying, admeasuring, and valuing, as well the said Open and Common Fields, Commons, Wastes, and other Commonable Lands and Grounds, hereby directed to be divided and allotted as the said inclosed Lands and Hereditaments hereby directed to be exonerated from Tythes; and of dividing and allotting the said Open and Common Fields, Commons, Wastes and other Commonable Lands and Grounds, and of forming and making the public Roads, public or common Drains, Sewers, Watercourses, Watering Places for Cattle, Wells, Bridges, and other Conveniences, which shall be set out by virtue of the said recited Act or this Act, and of preparing and enrolling the said Award, and all other the Costs, Charges, and Expences of the said Commissioners, and of the several Persons employed by them, either before or after the Execution of the said Award,

in,

in, about, or concerning the Execution of this Act, and not herein otherwiſe directed to be paid, ſhall be paid, borne, and defrayed by all the Owners of, or Perſons intereſted in, as well the ſaid Open and Common Fields, Commons, Waſtes, and other Commonable Lands and Grounds, as the Lands, Tenements, and Hereditaments, which ſhall be reſpectively exonerated from Tythes by virtue of this Act (except the ſaid *James Thomas Allen*, and his Succeſſors, Rectors of *Shobdon* aforeſaid,) in Proportion, as near as may be, to their reſpective Eſtates and Intereſts (due regard being had to the Expences occaſioned by each Perſon's Eſtate, and alſo the Value and Improvement thereof); and the Shares and Proportions of the ſaid Coſts, Charges, and Expences to be borne by the ſaid reſpective Owners and Perſons intereſted, ſhall be ſettled and aſcertained by the ſaid Commiſſioners, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times either before or after the Execution of the ſaid Award, as the ſaid Commiſſioners ſhall direct or appoint, by Writing under their Hands, to be affixed on the principal Door of each of the ſaid Pariſh Churches of *Shobdon*, *Aymeſtrey*, and *Lingen*; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Share or Proportion of the ſaid Coſts, Charges, and Expences, according to ſuch Direction or Appointment as aforeſaid, the ſaid Commiſſioners ſhall and may raiſe and levy the ſame by ſuch Remedies, Ways, and Means, as are provided and mentioned in and by the ſaid Act of the Forty-firſt Year of the Reign of His preſent Majeſty.

Any Money advanced for the paſſing of the Act to be repaid with Intereſt.

XLIII. And be it further enacted, That any Money which ſhall be advanced or lent for the Purpoſe of obtaining and paſſing this Act, ſhall be repaid, with lawful Intereſt, to the Perſon or Perſons who ſhall advance or lend the ſame, his Executors, Adminiſtrators, or Aſſigns, out of the firſt Monies which ſhall be raiſed for defraying the Expences of paſſing and executing this Act.

Power to borrow Money to defray Expences.

XLIV. And be it further enacted, That it ſhall be lawful for the reſpective Proprietors and Perſons ſeized or entitled for any Life or Lives, or Years determinable upon any Life or Lives, or for any Eſtate of Freehold or Inheritance leſs than an Eſtate in Fee Simple, of or to any Lands, Tenements, or Hereditaments, hereby directed or authorized to be divided or allotted, or any Lands, Tenements, or Hereditaments, which ſhall be exonerated from Tythes, or exchanged in purſuance of this Act, and for the Huſbands, Guardians, Truſtees, Committees, or Attornies, of any ſuch Proprietors and Perſons intereſted, being Femes Covert, Lunatics, beyond the Seas, or under any other legal Diſability or Incapacity of acting for themſelves (except the Rector of *Shobdon* aforeſaid for the Time being), at any Times either before or after the Execution of the ſaid Award, with the Conſent of the Commiſſioners in Writing under their Hands, to charge ſuch reſpective Lands, Tenements, Hereditaments, and Allotments, as aforeſaid, or any of them, or any Part or Parts thereof, reſpectively, with any Sum or Sums of Money, not exceeding Five Pounds an Acre, which ſhall appear to the Satisfaction of the Commiſſioners to have been paid, laid out, and expended by them the ſaid Proprietors reſpectively, or by their reſpective Direction, for incloſing, ditching, hedging, and fencing their reſpective Allotments as aforeſaid, and for their reſpective Proportions of the Expences of paſſing this Act, and carrying the

ſame

ſame into Execution, or which ſhall be lent or advanced by any other Perſon or Perſons, at the Requeſt of ſuch Proprietors, and paid to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, in order to be applied and diſpoſed of for the Purpoſes aforeſaid, with lawful Intereſt for ſuch Sum or Sums of Money; and for the better ſecuring the Payment of ſuch Sum or Sums of Money, with Intereſt, to convey in the Way of Mortgage, without Impeachment of Waſte, ſuch reſpective Lands, Tenements, Hereditaments, and Allotments, as aforeſaid, or any of them, or any Part or Parts thereof, to the Perſon or Perſons who ſhall reſpectively lay out and expend ſuch Sum or Sums of Money, or ſo cauſe the ſame to be laid out and expended, or to ſuch Perſon or Perſons as he, ſhe, or they, or his, her, or their Executors or Adminiſtrators ſhall reſpectively appoint; ſo as every ſuch Conveyance by Way of Mortgage as aforeſaid, be made with a Proviſo that no Perſon in Remainder or Reverſion, who ſhall become entitled in Poſſeſſion to the Hereditaments and Premiſes therein compriſed, ſhall be liable to pay any further or larger Arrear of Intereſt on the Money ſo ſecured, than for Six Calendar Months preceding the Time at which the Title to ſuch Poſſeſſion ſhall have commenced; and every ſuch Conveyance by Way of Mortgage, as ſhall be made in purſuance of this Act, either before or after the Execution of the ſaid Award, ſhall be good, valid, and effectual in the Law, for the Purpoſes thereby intended.

Power for certain Perſons to ſell Lands to defray Expences.

XLV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, on Application being made to them in Writing by any of the Huſbands, Guardians, Truſtees, Committees, or Attornies, of or for any of the ſaid Proprietors or Perſons intereſted in the Premiſes, being under Coverture, Minors, Idiots, Lunaticks, or beyond the Seas, or under any other Diſability or Incapacity, or by the Perſons acting as ſuch Guardians, Truſtees, Committees, or Attornies reſpectively, or by any of the Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, who are or ſhall be Tenant or Tenants in Tail, or for any Life or Lives, or on any other Contingency, or by any Truſtees or Feoffees for any charitable, parochial, or other Uſes, or a competent Number of ſuch Truſtees or Feoffees, or the major Part of them reſpectively, or by the Churchwardens and Overſeers of the Poor of the ſaid Pariſhes reſpectively for the Time being, in reſpect of any Land held by them upon Truſt for any charitable, parochial, or other Uſes, to ſell any Part of the Allotment or Allotments to be made from or out of any of the ſaid Lands and Grounds, by virtue of this Act, to ſuch incapacitated Proprietor or Proprietors, or other Perſon or Perſons, by whom or on whoſe Behalf any ſuch Application ſhall be made as aforeſaid, for the Purpoſe of raiſing a Sum of Money ſufficient to defray the reſpective Shares and Proportions of the Coſts, Charges, and Expences of obtaining and paſſing this Act, and executing the ſaid recited Act and this Act, which ſhall be charged upon, or payable by ſuch incapacited Proprietors or other Perſon or Perſons reſpectively, and of fencing, incloſing, and ſubdividing his, her, or their Allotment or Allotments, and of making and completing ſuch Sale; and ſuch Sale ſhall be made by the ſaid Commiſſioners in ſuch and the ſame Manner, and ſubject to ſuch and the like Rules and Regulations as are mentioned and preſcribed in and by the ſaid recited Act, in reſpect to the Sale of any Lands authorized to be ſold for paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting, and incloſing

any

any Lands and Grounds; and each and every Allotment, for which the full Purchaſe Money ſhall be paid, ſhall be conveyed by the ſaid Commiſſioners, at the Expence of ſuch Purchaſer or Purchaſers, unto and to the Uſe of or in Truſt for ſuch Purchaſer or Purchaſers, and his, her, or their Heirs reſpectively, or as he, ſhe, or they ſhall appoint, and ſhall be incloſed and held by ſuch Purchaſer or Purchaſers reſpectively in Severalty; and the Receipt of the ſaid Commiſſioners ſhall be a good and ſufficient Diſcharge to ſuch Purchaſer or Purchaſers for the ſaid Purchaſe Money, which ſhall be applied by the ſaid Commiſſioners in or towards defraying ſuch laſt-mentioned Coſts, Charges, and Expences; and if any Surplus ſhall remain in the Hands of the ſaid Commiſſioners, ſuch Surplus ſhall be divided and apportioned between the ſeveral Proprietors and Perſons intereſted in the ſaid Lands and Grounds, in ſuch Shares as ſhall be in Proportion to their reſpective Property and Intereſt therein; and the Shares of ſuch of them as ſhall be Tenants in Fee Simple, ſhall be paid to them reſpectively, or to their reſpective Huſbands, Guardians, Truſtees, Committees, or Attornies, and the Shares of the other Proprietors and Perſons of and in ſuch Surplus Money, ſhall be applied and diſpoſed of in Manner directed by the ſaid recited Act, with reſpect to Money which is thereby directed to be paid into the Bank of *England*, for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchaſe of other Lands, Tenements, and Hereditaments, as therein mentioned: Provided always, that no ſuch Sale ſhall be made of any Land allotted in reſpect of an Eſtate holden by Leaſe for Life or Lives, or for Years determinable on a Life or Lives, without the Conſent, in Writing, of the Perſon or Perſons ſeized of or entitled to ſuch Lands in Remainder, expectant on the Determination of ſuch Leaſe: Provided alſo, that it ſhall not be lawful to raiſe by ſuch Sale, any further or greater Sum of Money than the Perſon or Perſons, Part of whoſe Allotment or Allotments ſhall be ſold as aforeſaid, would have been empowered or authorized to borrow or charge upon his, her, or their Eſtate or Eſtates, under or by virtue of this Act: Provided alſo, that in all Caſes where any Land ſhall be deducted from the Allotment of any of the ſaid Proprietors or Perſons towards Payment of Expences as aforeſaid, it ſhall not be lawful for the Proprietor or Perſon from whoſe Allotment Land ſhall be deducted as aforeſaid, to charge his, her, or their Lands, Tenements, or Hereditaments, by virtue of the ſaid recited Act, or this Act, with any Money towards Payment of ſuch Expences.

Commiſſioners to account.

XLVI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby reſpectively required to keep, or cauſe to be kept, a juſt and true Statement and Account of all Sums of Money which ſhall be raiſed, or received, and laid out or expended by them or their Order, or for their Uſe, under or by virtue or in Execution of this Act, and of what ſhall be due and owing to them for their Trouble and Expences; and ſhall truly and regularly enter all the Particulars of ſuch Statements and Accounts in a Book to be provided for that Purpoſe, and ſuch Accounts ſhall, at leaſt once in every Year from the paſſing of this Act till ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined and ſettled by *Thomas Coleman*, of *Leominſter*, in the ſaid County of *Hereford*, Eſquire, who is hereby appointed Auditor for that Purpoſe; and in caſe of his Death or

Refuſal to act, by ſuch other fit and proper Perſon as ſhall be appointed Auditor in his Stead, by the Majority in Value of the ſaid Proprietors, at a Meeting to be holden in like Manner as is herein-before directed, with reſpect to the Meeting of the ſaid Proprietors, for the Purpoſe of appointing a Commiſſioner in the Place of the ſaid *John Harris*; and ſuch Auditor, for the Time being, ſhall from Time to Time ſtate, in Writing under his Hand, the Balance of the ſaid Accounts in ſuch Book as aforeſaid; and that no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall be duly allowed by ſuch Auditor, and alſo that ſuch Book of Accounts ſhall be kept at the Office of the Clerk of the ſaid Commiſſioners, and ſhall be open to the Inſpection of any of the ſaid Proprietors or their Agents at all ſeaſonable Times during the Progreſs of the ſaid Diviſion and Incloſure, and until the ſaid Accounts ſhall have been finally ſettled and allowed; and in caſe the ſaid Commiſſioners, or their Clerk, ſhall refuſe or neglect ſo to do, the Commiſſioner or Commiſſioners, and Clerk reſpectively, ſo refuſing or neglecting, ſhall for every ſuch Refuſal or Neglect forfeit and pay to any Perſon who ſhall ſue for the ſame the Sum of Ten Pounds, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter* by Action of Debt or on the Caſe.

Power to appeal.

XLVII. 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 the ſaid Act of the Forty-firſt Year of His preſent Majeſty, or of this Act, (other than and except ſuch Claims, Matters, and Things as are by the ſaid Act, or this Act, directed or authorized to be aſcertained, ſettled, tried, or determined by the Verdict of a Jury, or where by any of the Proviſions of the ſaid Act or this Act, the Determination, Acts, or Proceedings of the ſaid Commiſſioners are directed to be final and concluſive), he, ſhe, or they may appeal to any General or Quarter Seſſions of the Peace which ſhall be holden for the County of *Hereford*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, giving Notice in Writing, of every ſuch Appeal, by affixing ſuch Notice, expreſſing the Cauſe of Complaint, upon the principal Door of ſuch of the ſaid Pariſh Churches of *Shobdon*, *Aymeſtrey*, or *Lingen*, as ſhall be appropriate, Fourteen Days at leaſt before ſuch General or Quarter Seſſions; and the Juſtices of the Peace aſſembled at ſuch General or Quarter Seſſions or at any ſubſequent General or Quarter Seſſions to which the ſaid Juſtices ſhall adjourn any ſuch Appeal, either for the Want of ſuch Notice having been given as aforeſaid, or for any other Cauſe, which to the ſaid Juſtices ſhall ſeem a ſufficient Cauſe to adjourn ſuch Appeals, are hereby authorized to hear and determine the ſame, and to make ſuch Order therein, and award ſuch Damages and Coſts, as to them in their Diſcretion, ſhall ſeem reaſonable; and by their Order or Warrant to levy the Damages and Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties awarded 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 every ſuch Diſtreſs and Sale; and the Order and Determination of the ſaid Juſtices, upon ſuch Appeal, ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any Proceſs or Writ whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

Saving Manorial Rights.

XLVIII. Provided always, and it is hereby further enacted, and declared, That nothing herein contained shall any otherwise prejudice, lessen, or defeat the Right, Title, or Interest of the said *William Hanbury*, or the Lord or Lords of the Manors of *Shobdon*, *Aymestrey*, and *Lingen*, for the Time being, of, to, or in any Royalties, Franchises, Privileges, Courts, Escheats, Forfeitures, Services, Rights, or Appurtenances whatsoever, incident or belonging to the said Manors respectively, than as the Intent and Purposes of the Inclosure and Allotments hereby authorized to be made shall absolutely require.

General Saving.

XLIX. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and every Person and Persons, Bodies Politick or Corporate, his, her, or their Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the respective Persons to whom any Allotment or Allotments of Land or other Compensation shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, and except such other Rights and Interests as the Intent and Purposes of the Inclosure hereby authorized to be made shall absolutely require to be barred, destroyed, or extinguished by this Act), all such Estates, Rights, and Interests, as they or any of them had or enjoyed of, in, and to, or in respect of the Open and Common Fields, Commons, Wastes, and other Commonable Lands and Grounds hereby directed to be divided and inclosed before the passing of this Act, or could or might have enjoyed if this Act had not been made.

Publick Act.

L. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof, so printed, 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. 1809.