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effected without the Authority of Parliament: And whereas an Act was passed in the Forty-first Year of the Reign of 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 another Act was passed in the First and Second Years of the Reign of King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in* England: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Two recited Acts passed respectively in the Forty-first Year of the Reign of King *George* the Third and in the First and Second Years of the Reign of King *George* the Fourth, and the several Enactments and Provisions thereof, shall from the passing of this Act be deemed to be and shall be executed as Part of this Act, except in such Cases wherein the same are hereby respectively repealed or varied, or wherein the same shall be inapplicable to the Purposes of this Act.

41 G. 3. c. 109.

1 & 2 G. 4. c. 23.

Recited Acts to form Part of this Act.

Appointment of Commissioner.

II. And be it enacted, That *William Eyton* of *Gonsal* in the Parish of *Condover* in the County of *Salop*, Gentleman, and his Successor for the Time being, to be elected or appointed in the Manner hereinafter mentioned, shall be the Commissioner for carrying this Act and the said recited Acts into execution; and it shall be lawful for the said Commissioner and he is hereby required to divide, allot, and inclose the said Commons or Wastes and Parcels of Waste Lands within the said Townships according to the Regulations and Provisions contained in the said recited Acts and this Act: Provided always, that no Person shall be capable of acting as such Commissioner, except in signing and giving Notice of the First Meeting of the Commissioner, and in receiving the Declaration herein-after directed, until he shall have made and subscribed a Declaration in the Words or to the Effect set forth in Schedule (A.) to this Act; and such Declaration shall be in lieu of the Oath or Affirmation required by the said Act of the Forty-first Year of the Reign of King *George* the Third to be taken and subscribed by Persons acting as Commissioners in the Execution of any Act for dividing, allotting, and inclosing any Lands or Grounds.

Qualification of Commissioner.

Penalty on Person acting not qualified.

III. And be it enacted, That if any Person not having so qualified himself shall act as a Commissioner he shall for every such Offence forfeit the Sum of Fifty Pounds, with full Costs of Suit, to any Person who shall sue for the same, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*.

Appointment of Commissioner on Vacancy.

IV. And be it enacted, That in case the said *William Eyton*, or any Person to be appointed Commissioner in his Room by virtue of this Act, shall die, or refuse, become incapable, or neglect for the Space of Two Months to act as such Commissioner, it shall be lawful for the Lord of the said Honor or Lordship of *Clun*, and the major Part in Value (such Value to be ascertained by the Poor Rate Assessment for

for the Time being) of the several Proprietors of Lands within the said Townships who shall attend either personally or by their respective Agents at any Meeting to be held, of which Meeting Notice shall be given by some One or more of the Persons interested in the said Inclosure, by Advertisement, and also on the Church Door, as herein-after directed, at least Fourteen Days before such Meeting, to appoint by Writing under their Hands some fit Person to be a Commissioner in the Room of the said *William Eyton* or of the Commissioner appointed in his Place, and so from Time to Time as often as any such Commissioner shall die, neglect or refuse or become incapable to act; and that for the Purpose of the above Election of a Commissioner the Lord of the said Honor shall count as One Tenth Part of the whole Rate, and the other Proprietors as the remaining Nine Tenths.

In case Parties neglect to appoint new Commissioner, the Lord of the Manor may appoint.

V. Provided always, and be it enacted, That in case the Parties herein-before authorized to appoint a new Commissioner shall not appoint a new Commissioner within the Space of Six Weeks next after Notice of such Death, Neglect, Refusal, or Incapacity shall have been given as aforesaid, the Lord for the Time being of the said Honor or Lordship of *Clun* shall, within Three Weeks next after the Expiration of the Time so allowed for appointing such new Commissioner, by Writing under his Hand appoint some other fit Person to be a Commissioner in the Room of the Commissioner causing such Vacancy as aforesaid; and every new Commissioner appointed under either of the Powers herein-before given shall be invested with the same Powers and Authorities for carrying this Act into execution, and shall be subject to the same Regulations, as if he had been originally named a Commissioner in this Act; and every such Appointment shall be annexed to and deposited with the Award of the Commissioner.

Appointment of Surveyor.

VI. And be it enacted, That the Commissioner shall also have a Surveyor to make Surveys, Admeasurements, and Plans for the Purposes of this Act, and to do all other Matters usually done by Surveyors in Inclosures of Common and Waste Lands, except making Valuations, which shall be always done by the said Commissioner; and *Charles Mickleburgh* of *Montgomery*, Land Surveyor, is hereby appointed such Surveyor; and in case of his Death, Incapacity, or Refusal to act, it shall be lawful for the Commissioner from Time to Time by Writing under his Hand to appoint a fit Person to be a Surveyor for the Purposes of this Act during the Pleasure of the Commissioner, and on every such Vacancy in like Manner to appoint some other Surveyor, as often as there shall be Occasion: Provided always, that no Person shall act as such Surveyor until he shall have made and subscribed a Declaration in the Words or to the Effect set forth in the Schedule (A.) to this Act; which Declaration it shall be lawful for any Commissioner for the Time being, or any Justice of the Peace for the said County, to administer and receive; and if any Person, having made such Declaration, shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor; and the said Declaration so made and subscribed shall be annexed to and deposited with the Award of the Commissioner.

VII. And

Appointment of Clerk.

VII. And be it enacted, That it shall be lawful for the Commissioner to appoint a Clerk to assist him in carrying this Act into execution; and *Richard Green* and *Thomas Peters* of *Knighton* in the County of *Radnor*, jointly during both their Lives, and the Survivor of them, are and is hereby appointed such Clerks or Clerk, and are to be remunerated as One Person only; and in case of the Deaths, Incapacity, Refusal to act, or Neglect of Duty of both of them, during their joint Lives, or of the Survivor of them, or of any succeeding Clerk, the Commissioner shall without Delay appoint another proper and efficient Person to be such Clerk in their or his Room.

No Party interested to be appointed a Commissioner, &c.

VIII. And be it enacted, That no Person shall be appointed to act as a Commissioner or Surveyor in execution of this Act who shall be interested in the Lands to be inclosed, or who shall be the Agent ordinarily intrusted with the Care, Superintendence, or Management of the Estate of any Person so interested.

Allowances to Commissioner and Clerk.

IX. And be it enacted, That the said Commissioner and the said Clerk shall be paid respectively out of the Inclosure Expences Fund, for each Day they shall respectively travel or be engaged in any Business relating to the Execution of this Act, the Sum of Three Guineas for each Day they shall respectively be engaged as aforesaid for the first Three Years after the passing of this Act, and Two Guineas *per* Day afterwards; and such Payment shall be in full Satisfaction to the Commissioner and Clerk respectively for their Time and Trouble, and for the several Expences incurred by them during their several Journeys and Attendances in the Execution of this Act, except the Expence of the Rooms in which the Meetings of the Commissioner shall be held, and the Expence of Appeals or other legal Proceedings against the Commissioner, and the Expence of Notices and Advertisements, and of preparing, proclaiming, and enrolling the Award, and such other like necessary Expences: Provided always, that it shall not be lawful for the Commissioner to retain or pay himself or the said Clerk any Money on account of the before-mentioned Allowances respectively beyond One Third of the Allowance to which they shall be respectively entitled, until after the Expiration of Six Calendar Months from the Day of the Date of the Award to be made in pursuance of this Act, or in case the Accounts of the Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided.

Length of Day for estimating Allowances.

X. And be it enacted, That in computing the aforesaid Allowance to the Commissioner and Clerk a Day shall be deemed to consist of Eight Hours during the Period between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and Six Hours during the Period between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and when the Time occupied in going to and attending at and returning from any Meeting to be holden, or on other Business to be transacted under the Provisions of this Act, shall be of less Duration than Eight Hours in the first of the Periods aforesaid, or of Six Hours in the second Period, the same shall be charged as only Half a Day, and the Commissioner and Clerk shall be paid accordingly.

XI. And

Allowance to Surveyor.

XI. And be it enacted, That it shall be lawful for the Commissioner to pay to the Surveyor to be appointed by him out of the Inclosure Expences Fund a Sum not exceeding Seven-pence *per* Acre, for surveying, measuring, mapping, and planning the Land required to be surveyed under the Provisions of this Act, (if any,) and the Sum of Two Pounds and Two Shillings for each Day he shall be actually and wholly engaged in the Duties imposed by this Act, exclusive of the Time he may be engaged in surveying, measuring, mapping, and planning as aforesaid; and such Payments shall be in full Satisfaction for the Time and Trouble of the Surveyor, and for all travelling and other Expences of every Description to be incurred by him whilst engaged in the Duties of surveying under this Act.

Old Surveys of inclosed Lands may be used.

XII. And be it enacted, That nothing in the said first-recited Act or in this Act contained shall require the Commissioner to make or cause to be made any Survey or Admeasurement of any of the Messuages, Cottages, Gardens, and Inclosures within the Townships aforesaid, but the Commissioner shall for the Purposes of the said Inclosure be at liberty to use and adopt the Plans and Surveys already made and used in effecting the Commutation of Tithes in the said Parish of *Clun*, or any other Plans or Surveys he may deem sufficient.

Old Surveys of Waste Lands may be used.

XIII. And be it enacted, That it shall be lawful for the Commissioner to adopt and make use of any Survey, Admeasurement, or Plan already made of the Lands to be inclosed, or of any Part thereof respectively, without causing a new Survey, Admeasurement, or Plan to be made thereof.

Meetings, and Notices thereof.

XIV. And be it enacted, That the Commissioner shall cause Notice to be given by Advertisement and on the Church Door of the Time and Place when and where his First and every subsequent Meeting shall be held (Meetings by Adjournment only excepted), and he may from Time to Time adjourn any such Meetings; and if at the Time and Place appointed for such Meeting the Commissioner shall not attend it shall be lawful for his Clerk to adjourn such Meeting for not more than Twenty-one Days, to be held at the same Place, giving timely Notice thereof to the Commissioner: Provided always, that all Meetings of the Commissioner for executing this Act shall be held within the Parish of *Clun*, or within Eight Miles thereof.

Notices, how to be given.

XV. And be it enacted, That all Notices by this Act directed to be given by Advertisement shall be given by Advertisement to be inserted in some Newspaper or Newspapers printed or usually circulated in the said County of *Salop*; and all Notices directed to be given on the Church Door shall be by Writing under the Hand of the Party giving such Notice, to be affixed on the principal outer Door of the Parish Church of *Clun* aforesaid on *Sunday* before Divine Service; and all Notices necessary to be given by the Commissioner the Mode of giving which is not hereby particularly directed shall be by both of the Methods aforesaid; and all Notices so given shall be deemed sufficient Notices to all Persons concerning all the Matters and Things to which such respective Notices shall relate, any thing in the said first-recited Act to the contrary notwithstanding.

Directing Service of Notices, &c.

XVI. And be it enacted, That in all Cases in which it may be necessary to serve any Summons or Demand, or any Notice, in any Suit or other Proceeding at Law or in Equity, or otherwise, upon the said Commissioner or upon his Clerk, or upon any other Person, or upon any Corporation, under the Provisions of this Act, personal Service thereof upon such Commissioner or Clerk or other Person, or upon the Clerk, Treasurer, or other Officer of such Corporation, or delivering the same at the last or usual known Place of Abode of such Commissioner, Clerk, or other Person, or of such Clerk, Treasurer, or other Officer of such Corporation, or at the Office of such Clerk, Treasurer, or Officer, shall be deemed a good and sufficient Service of the same respectively upon such Commissioner, Clerk, Person, or Corporation, (as the Case may be,) except in Cases in which any other Mode of Service is by this Act particularly directed.

What shall be a Refusal to act.

XVII. And be it enacted, That if the Commissioner shall not attend the First or Second Meeting appointed to be held for putting this Act into execution, and to qualify himself for making the Declaration in that Behalf prescribed, or if he shall at any Time after having qualified himself as aforesaid wilfully absent himself from any Two successive Meetings of such Commissioner, the Times of such Meetings being known to him by his having been present at the Appointment of the first thereof, or by a Notice thereof in Writing under the Hand of the Clerk of the Commissioner having been given to him or left at his usual Place of Abode, such Commissioner not being prevented by Sickness or other reasonable Cause, or if any Commissioner to be hereafter elected or appointed as aforesaid shall not attend and qualify himself at the First or Second Meeting to be held after his Appointment, or shall after having qualified himself as aforesaid wilfully absent himself in manner aforesaid, after such Notice and without Cause of Excuse as aforesaid, every such Absence or Nonattendance shall be deemed to be a Refusal to act.

Persons summoned by Commissioner and refusing to give Evidence to be punished.

XVIII. And be it enacted, That if any Person, having been summoned to testify the Truth upon Oath touching any Matter relating to the Execution of this Act, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the Commissioner, to defray the Charges of his Attendance, shall not appear before the Commissioner pursuant to such Summons, without assigning some reasonable Excuse for not appearing, or appearing shall refuse to be sworn and give Evidence touching the Premises, it shall be lawful for the Commissioner, upon Proof of such Summons, and Tender made before him upon Oath (which Oath he may administer), by Warrant directed to any Person whomsoever to cause any Sum of Money not exceeding Ten Pounds to be levied by Distress upon the Person so neglecting or refusing to appear or give Evidence; and the Money so to be levied as aforesaid shall be considered as Part of the Inclosure Expences Fund, and shall be applied accordingly.

For regulating Distresses.

XIX. And be it enacted, That when in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, shall be directed to be levied by Distress, such Sum of Money shall be levied by Distress and

and Sale of the Goods and Chattels of the Party liable to pay the same; and the surplus Monies arising from such Sale, after satisfying such Sum of Money, and the Costs and Expences attending the Distress and Sale, shall on demand be rendered to the Party whose Goods and Chattels shall have been distrained.

Proceedings to be entered in a Book.

XX. And be it enacted, That all the Orders, Proceedings, and Determinations of the Commissioner at any Meeting to be held in pursuance of this Act shall be entered in a Book to be provided for that Purpose, and shall be signed by the Commissioner, and being so signed shall be deemed to be Originals; and all such Books shall be deposited with and kept by the Clerk to the Commissioner, and be read as Evidence in all Cases of Appeals, Suits, Actions, and other Proceedings touching any thing done in relation to this Act.

Proprietors to pay their own Expences at Meetings.

XXI. Provided always, and be it enacted, That the several Persons interested in the said Inclosure, and their respective Agents, shall pay their own Expences whenever they shall attend at any of the Meetings to be held in pursuance of this Act.

Debts to be paid and Accounts to be audited.

XXII. And be it enacted, That the Commissioner shall not at any Time permit any just Claim or Demand upon him as such Commissioner to remain unpaid for a longer Period than Three Months; and once at least in every Twelve Months during the Execution of this Act, and until the Accounts of the Commissioner shall be finally allowed, the first of such Periods to be computed from the Day of the passing hereof, he shall make out a true and accurate Account of all Sums of Money by him received and expended in the Execution of this Act, and of all Sums due to him respectively for his own Trouble and Expences, and in such Account shall be particularly specified the several Items and Articles for which each particular Sum shall have been paid; and such Account, when so made out, together with the Vouchers relating thereto, shall be by the Commissioner laid before One or more of Her Majesty's Justices of the Peace acting for the said County, not interested in the Premises, to be by him or them examined and balanced.

Accounts to be published.

XXIII. And be it enacted, That the Balance of such Account shall be by such Justice or Justices stated in the Book of Account to be kept in the Office of the Person acting as Clerk to the Commissioner, and an Abstract of such Account, so examined and balanced, shall, within Fourteen Days after the same shall have been so examined and balanced, be inserted in some Newspaper printed or usually circulated within the said County; and no Charge or Item in any such Account shall be binding on the Parties concerned, or be valid in Law, unless the same shall have been duly allowed by such Justice or Justices, nor until such Abstract thereof shall have been published in some such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

For shortening Boundaries.

XXIV. And be it enacted, That for the Purpose of shortening or rendering straight any Boundary Fences between the Lands to be inclosed and the old inclosed Lands in the Townships aforesaid, or between

between such Allotments and inclosed Lands, or any of them, and any adjoining Lands, it shall be lawful for the Commissioner, with the Consent of the Lord of any Manor in which the Lands are situate, and of the Owners of any such adjoining Lands, testified by Writing under their respective Hands, or under the Common Seal of any of them being a Corporation Aggregate, to set out and determine the Boundaries between the Lands to be inclosed and any adjoining Lands lying in the same or in any adjoining Manor, as he shall judge proper, for the Purposes aforesaid; and after such Boundaries shall have been so set out and determined as aforesaid the same shall be made, fenced, hedged, ditched, or mounded by such Persons in such Manner and at such Times as the Commissioner shall direct, and shall for ever thereafter be deemed the Boundaries between the allotted and the old inclosed Lands respectively, or (as the Case may be) between the said allotted or old inclosed Lands and such adjoining Lands.

Commissioner to set out Drains, and to enlarge and turn Watercourses.

XXV. And be it enacted, That it shall be lawful for the Commissioner to set out and make such common Ponds, Ditches, Watercourses, Tunnels, Banks, and Bridges, of such Extent and Form and in such Situations as he shall deem necessary, in the Lands to be inclosed, and also to enlarge, cleanse, or alter the Course of and improve any of the present Ditches, Watercourses, Banks, and Bridges, as well in and over the same Lands as also in any ancient Inclosures or other Lands within the said Townships, as the Commissioner shall deem necessary, making such Satisfaction to the Proprietors of such ancient Inclosures or Lands for the Damage done thereby as the Commissioner shall think just; and the Expences of making, and enlarging, altering, and cleansing, of such Ponds, Ditches, Watercourses, Tunnels, Banks, and Bridges, when the same shall be first done, in pursuance of this Act, if not otherwise provided for, shall be raised by the Commissioner in the same Manner as the other Expences of carrying this Act into execution; but all such Ponds, Ditches, Watercourses, Tunnels, Banks, and Bridges shall at all Times afterwards be repaired, cleansed, and maintained by such Persons and in such Manner as the Commissioner shall by his Award direct; provided that no Watercourse be diverted or turned without the Consent in Writing of the Persons from whose Lands the same may be diverted, and of the Persons into whose Lands the same may be turned, or to the Prejudice of any Person interested in such Watercourse, except with his Consent in Writing.

Power to Commissioner to widen Roads.

XXVI. And be it enacted, That it shall be lawful for the Commissioner to widen any of the public Roads or Highways which may pass through or over the Lands to be inclosed to any Extent he may think fit, not exceeding Thirty Feet in the whole, and for that Purpose to take a sufficient Quantity of the Common or Waste Lands adjoining such Roads.

Power to Commissioner to stop up or divert Roads, &c.

XXVII. And be it enacted, That in setting out the several public Carriage Roads, Highways, Bridle Roads, and Footpaths, in pursuance of this Act or the said first-recited Act, the Commissioner may, if he shall think it necessary or proper, with the Consent and under the Order in Writing of any Two Justices of the Peace for the County of *Salop*, discontinue, stop up, divert, or alter any of the Carriage Roads, Highways,

Highways, Bridle Roads, or Footpaths passing through any of the Lands to be inclosed or any of the old Inclosures within the said Townships; and the Soil of such of the said Roads and Ways so to be discontinued and stopped as pass through allottable Land shall be deemed Part of the Lands to be inclosed: Provided always, that nothing herein contained shall authorize the altering or diverting of any Turnpike Road, unless the Consent of the Majority of the Trustees of such Turnpike Road assembled at a public Meeting called for that Purpose on Ten Days Notice be first obtained.

Proceedings previously to stopping up and diverting Roads.

XXVIII. Provided always, and be it enacted, That before any public Carriage Road, Highway, Bridle Road, or Footpath shall be discontinued, diverted, stopped up, or altered by the Commissioner, or any such Order of Two Justices shall be made, the Commissioner shall cause to be affixed at each End of such public Carriage Road, Highway, Bridle Road, or Footpath a Notice to the Effect that the same is intended to be discontinued, stopped up, diverted, or altered (as the Case may be) by the Commissioner; and the Commissioner shall also cause the same Notice to be given by Advertisement for Four successive Weeks, and also on the Church Door on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so given, and after such Order as herein-before mentioned shall have been made, such public Carriage Road, Highway, Bridle Road, or Footpath shall be and be deemed to be discontinued, stopped up, diverted, or altered, (as the Case may be,) subject, however, to such Appeal as is herein-after mentioned.

Appeal to the Quarter Sessions.

XXIX. Provided also, and be it enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footpath should be discontinued, stopped up, diverted, or altered, (as the Case may be,) within Four Months after the making of the said Order, to make his Complaint thereof by Appeal to the Justices of the Peace at the Quarter Sessions for the said County, upon giving to the said Commissioner or his Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof; but it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been given as aforesaid, nor on any hearing of Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Sessions to determine whether any Roads, &c. shall be discontinued.

XXX. And be it enacted, That in case of such Appeal the Justices at such Quarter Sessions shall, for the Purpose of determining whether such public Carriage Road, Highway, Bridle Road, or Footpath shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be thereby injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury should return a Verdict that such public Carriage Road, Highway, Bridle Road, or Footpath is unnecessary, or may beneficially to the Public be discontinued, stopped, diverted, or altered, and that the Party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such Appeal, and

and shall award the Costs of resisting the said Appeal, to be paid by the Appellant to the Commissioners, and the same shall be recoverable in the same Manner as any Penalties or Forfeitures are recoverable under the said first-recited Act; but if the said Jury shall return a Verdict that such public Carriage Road, Highway, Bridle Road, or Footpath is not unnecessary, or that the same could not beneficially to the Public be so discontinued, stopped, diverted, or altered, or that the Party appealing would be injured or aggrieved thereby, the said Court shall allow such Appeal, and such public Carriage Road, Highway, Bridle Road, or Footpath shall not be discontinued, stopped up, diverted, or altered, or, in case the same shall have been discontinued, stopped up, diverted, or altered, the said Court shall make an Order for restoring the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal, and such Costs shall be paid by the Commissioner out of the Inclosure Expences Fund.

Expences of discontinuing or widening Roads.

XXXI. And be it enacted, That the Expences attending the purchasing of the Soil of such Roads, or the stopping up, discontinuing, diverting, and altering of such Roads, and the Money Compensation in respect thereof, shall be paid out of the Inclosure Expences Fund.

Road to be made from Burfield Gate to the Bwlch.

XXXII. And be it enacted, That the Commissioner shall set out and make a public Carriage Road of not less than Thirty Feet in Breadth from *Burfield* South-eastern Gate to the Extremity of the Township of *Purlogue* at or near to a Farm called the *Bwlch*, and into the present Township Highway there leading from *Treverward* to the Village of *Llanfairwaterdine*, the said Line of Road passing along Part of the Eastern Side of certain inclosed Lands called *Burfield*, and thence near *Upper Treverward* to the *Bwlch* aforesaid, and that there be proper Roads communicating therewith, in addition to all such other Roads as the Commissioner shall think fit; and that the said Commissioner shall, with the Consent in Writing of the Owners of such inclosed Lands, have Power to take such Portions of the inclosed Lands within the said Townships of *Treverward* and *Purlogue*, and of the Lands called *Burfield*, as may be necessary for the better making the said principal Carriage Road and the Roads communicating therewith, and to make a full Compensation for the Value of any inclosed Lands so to be taken, by a Payment in Money, or by allotting and awarding unto the Persons from whom any such inclosed Lands shall be so taken an adequate Part of the said Common and Waste Lands to be inclosed, at the Option of the Person whose Land shall be so taken, and also to make good and substantial Fences on each Side of the said Roads.

Justices may declare any of the Carriage Roads completed.

XXXIII. And be it enacted, That when and so often as any Two or more of Her Majesty's Justices of the Peace for the said County shall certify any of the public Carriage Roads to be set out in pursuance of this Act to be sufficiently formed and completed, such Roads shall thenceforth be kept in repair by such Persons and in such Manner as the public Roads within the said Parish are or ought by Law to be kept in repair; and every such Certificate shall at the Quarter Sessions of the Peace to be holden for the said County next after the Date thereof be filed of Record by the Clerk of the Peace for the said County.

XXXIV. And

Commissioner to appoint private Roads.

XXXIV. And be it enacted, That the Commissioner shall set out such private Roads, Bridleways, and Footpaths through the Lands to be inclosed as he shall think requisite, giving such Notice and subject to such Examination as is required by the said first-recited Act in the case of public Roads; and any Expences which the said Commissioner may think fit to incur prior to the Time of making his Award relative to the setting out or the Formation or Completion of such private Roads, Bridleways, and Footpaths, or of any of them, shall be paid out of the Inclosure Expences Fund; and the said private Roads, Bridleways, and Footpaths shall thereafter be maintained and kept in repair by and at the Expence of the Owners and Proprietors for the Time being of any of the Lands within the said Townships, or such One of them through which such private Roads, Bridleways, and Footpaths shall respectively pass, in such Shares and Proportions and in such Manner as the Commissioner shall in and by his Award direct.

Commissioner empowered to extinguish or suspend Rights.

XXXV. And be it enacted, That it shall be lawful for the Commissioner, at such Time as he shall think proper, and before the Execution of his Award, by Notice on the Church Door to order the Rights of Common or other Rights in or over the Lands to be inclosed or any Part thereof to be extinguished, or the Exercise thereof to be suspended during such Time as shall be expressed in such Notice, and from the Time mentioned in such Notice such Rights shall be extinguished or suspended accordingly.

Cattle depasturing in breach of the Commissioner's Order to be distrained.

XXXVI. And be it enacted, That if during the Suspension or after the Extinguishment of any such Rights of Common or other Rights as aforesaid any Owner or Occupier of Land or of any Commonable Messuage or Cottage within the said Townships, or any other Person, shall permit his Cattle, Sheep, or Lambs to go or depasture upon any of the Lands over which such Rights shall be suspended or extinguished, it shall be lawful for the Commissioner, or any other Person by his Order (testified by Writing under his Hand), and also for any other of the said Owners or Occupiers, to distrain such Cattle, Sheep, or Lambs, being upon such Lands or Grounds contrary to such Order, and to impound the same until the Person offending shall pay to the Person so distraining such Sum of Money as the Commissioner shall by Writing under his Hand, to be delivered to or left at the Place of Abode of the Person whose Cattle, Sheep, or Lambs shall be so distrained, have previously ordered, not exceeding Ten Shillings for each Head of Cattle and Five Shillings for each Sheep or Lamb so distrained; and in case the same shall not be paid within Seven Days after the Delivery of such Writing the Commissioner is hereby authorized, upon Proof of such Offence having been committed, and of Nonpayment of the Penalty hereby imposed, to cause the Cattle, Sheep, or Lambs so distrained or impounded, or such of them as he shall think necessary, or any other Goods and Chattels of the Person so offending, to be sold, for raising and paying the Penalty aforesaid, together with the Costs and Charges attending such Distress, rendering the Surplus (if any) to the Owner of such Cattle or Sheep.

Claims to be delivered to the Commissioner.

XXXVII. And be it enacted, That all Persons claiming or having any Right in or upon the said Common and Waste Lands shall and they

they are hereby required, by themselves or their Agents respectively, at the Meetings to be held for that Purpose, to give and deliver to the Commissioner in Writing under their Hands an Account of their Claims, stating the several Particulars in respect whereof such Claims are made, and distinguishing Freehold, Copyhold, and Leasehold Property from each other; and no such Claim shall be received by the said Commissioner after the last Meeting to be held for that Purpose, of which due Notice shall have been given, and so expressed therein, except for some special Cause to be allowed by the Commissioner.

Objections to Claims.

XXXVIII. And be it enacted, That if any of the Parties interested in the said Common and Waste Lands shall have any Objection to any of the Accounts or Claims which shall be delivered to the said Commissioner by virtue of this Act, such Objection shall be reduced into Writing, and Two Parts thereof shall be signed by the Party making the same, or by some Person on his Behalf, and one Part thereof shall be served in the Manner in this Act directed upon the Party whose Claim or Account shall be objected to, or upon his Agent making such Claim or Account, at such Time as the said Commissioner shall appoint for that Purpose, and the other Part shall be delivered to the said Commissioner.

Adjudication upon Claims.

XXXIX. And be it enacted, That after the said Claims and Objections shall be so received the Commissioner shall cause Notice to be given of a Time (at least Ten Days distant) and a Place for all Parties concerned to appear before him, and show Cause for or against the Allowance or Disallowance of the said Claims and Objections; and at such Meeting the Commissioner shall proceed to examine into and determine the same, and shall make such Order therein as to him shall appear just; and in case any Doubts or Difficulties shall arise respecting such Claims and Objections, or any Differences shall happen between any of the said Proprietors touching their respective Rights or Claims, or touching the respective Shares which they ought to have in the Allotments, the Commissioner shall, by Examination of Witnesses upon Oath (which Oath the said Commissioner is hereby empowered to administer), and by such other Evidence as to him shall seem proper, hear and determine the same, and shall make such Order therein as to the Commissioner shall appear just, which Order shall be final, unless any Party shall be dissatisfied with the Determination of the Commissioner, and shall proceed to try his Rights by an Issue at Law, as herein-after mentioned.

Commissioner to have an Assessor.

XL. And be it enacted, That the said Commissioner, upon the hearing and determining of any contested Claim or Objection, or upon awarding any Costs, as herein-after mentioned, may, if he thinks proper, be assisted y an Assessor, who shall be a practising Barrister at Law of Ten Years standing at the least, and the Determinations of the said Commissioner as to all such contested Claims, Objections, and Costs shall be made pursuant to and in conformity with the Decisions of such Assessor: Provided nevertheless, that such Assessor shall not interfere further in the Execution of this Act than in settling what contested Claims shall be allowed or disallowed, and what Costs (if any) shall be allowed to or paid by any Parties making or objecting to such Claims.

XLI. And

Commissioner not to determine Titles contrary to Possession.

XLI. And be it enacted, That this Act shall not authorize the Commissioner to determine the Title to any Lands, or to determine any Right between any Parties, contrary to the actual Possession of such Parties (except in respect of Encroachments, as herein-after mentioned), but in case the Commissioner shall be of opinion against the Rights of the Party in possession he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Party, or recovered from him by due Course of Law.

Parties dissatisfied authorized to try their Rights at Law, &c.

XLII. And be it enacted, That if any Party claiming to be interested in the said Inclosure shall be dissatisfied with any Determination of the Commissioner concerning any Claim or any Right or Interest in or to the Lands to be inclosed, or concerning any Objection to such Claim, it shall be lawful for such Person to bring an Action upon a feigned Issue against the Person in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination shall have been notified in Writing to the Person against whom such Determination shall have been made, or to his known Agent, and thereupon the Person so dissatisfied may proceed to a Trial at Law at the then next Assizes or at the Assizes immediately following such next Assizes which may be holden for the said County after such Action shall have been commenced; and the Defendant in such Action shall, upon being served with the usual Process therein, appear and plead thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim, and the Right and Interest thereby insisted upon, may be tried and determined, such Issues to be settled by the proper Officer of the Court in which such Action shall be commenced in case the Parties differ; and the Verdict given upon the Trial of such Action shall be binding and conclusive upon all the Parties thereto, unless the Court shall set aside such Verdict, and order a new Trial to be had; and after such Verdict shall be given, and final Judgment obtained thereon, the Commissioner shall act in conformity thereto, and allow or disallow the Claim thereby determined according to the Event of such Trial; and the Costs attending any such Action shall abide the Event of the Trial.

If no Action brought, Determination of Commissioner final.

XLIII. Provided always, and be it enacted, That if no such Action shall be commenced, or if the Plaintiff therein shall not proceed to Trial within the Time herein-before limited for that Purpose (unless the Court for sufficient Cause put off such Trial), the Determination of the Commissioner shall be final.

If Parties die before Action brought, Suits to be carried on and defended in their Names.

XLIV. And be it enacted, That if any Person, Plaintiff or Defendant in any Action to be brought as aforesaid, shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Death had happened (the Heir or Devisee, or other Person entitled to the Interest of the deceased Party in the Matter in question, being served with Process in the Action); and if any Person in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action might have been brought if living, shall die before Action brought, it shall be lawful for the Person who might have brought such

Action to bring the same within the Time so limited as aforesaid against such Person as if actually living, and to serve the Commissioner or his Clerk with the usual Process for commencing such Action, in the same Manner as the deceased Person might have been served therewith if living, and it shall thereupon be incumbent on such Clerk to serve with such Process the Heir or Devisee or personal Representative of the deceased Person, or other the Person who shall claim the Benefit of such Determination as aforesaid; and on such Process being served such Heir or Devisee or personal Representative, or other Person, shall appear and defend such Action in the Name of the Person so dead, and Proceedings shall be had thereon in the same Manner as if such Person had been living; and the Rights, Interests, and Claims of all Parties shall be equally bound by the Event of any Action so brought or continued as aforesaid as if the Death of any of the Parties interested therein had not occurred.

If Parties die before Inclosure &c. completed, Allotment to be made to their Representatives.

XLV. And be it enacted, That if any Person interested in the said Inclosure shall die before the same shall have been completed the Powers and Authorities hereby vested in the Commissioner shall not be thereby determined or suspended, but he shall proceed in the Execution of such Powers and Authorities in such Manner as he might have done in case such Person had not died, and the Share of the Person so dying shall be allotted to such Person as by Law shall become entitled to the same, and shall be accepted and fenced by such Party according to the Directions of this Act; and he shall be liable to the Charges and Expences and other Conditions of this Act.

Commissioner to award Costs.

XLVI. And be it enacted, That in case the Commissioner, upon the Determination of any Claim or Objection to be delivered to him in pursuance of this Act, shall see Cause to award any Costs, it shall be lawful for him, upon Application, to assess and award such Costs as he shall think reasonable to be paid by the Person whose Claim or Objection shall have been disallowed to the Person in whose Favour any Determination shall have been made; and in case any Person liable to pay such Costs shall refuse or neglect to pay the same, upon Demand, the Commissioner shall, by Warrant directed to any Person whomsoever, cause the same to be levied by Distress; and if there be no Goods or Chattels whereon to levy such Costs it shall be lawful for the Person in whose Favour such Costs shall have been awarded to recover the same by Action of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the Commissioner, and in consequence of such Order, without setting forth any other Proceedings under this Act.

Leases at Rack Rent to be void.

XLVII. And be it enacted, That immediately after the Allotments herein directed to be made shall have been marked and staked out, and the Commissioner shall have directed the same to be entered upon by the Persons respectively for whom the same shall be intended, every Lease and other Agreement at Rack Rent subsisting of all or any Part of the Lands to be inclosed, or of any Common Rights thereon, for any Term of Years not exceeding Twenty-one Years (except such Leases

Leases and Agreements as by the express Terms thereof are not to be void in case of an Allotment in Severalty or Inclosure), shall determine and be void as to all such Lands and Common Rights, but not as to any other Lands comprised therein, such Compensation as between Lessor and Lessee being paid to or allowed by the respective Landlords whose Leases or Agreements shall be so vacated as the Commissioner shall by Writing under his Hand order in that Behalf; and if any such Compensation shall not be paid to the Party entitled to receive the same within One Month after Demand made in Writing under the Hand or Common Seal (as the Case may require) of the Party to whom the same shall be payable, the Commissioner shall raise and levy the same, for the Use of the Party entitled thereto, by such Ways and Means as the Rates to be levied for defraying the Inclosure Expences are directed to be raised and recovered; and it shall be lawful for the Commissioner by Writing under his Hand to ascertain and direct what Rent or Proportion of Rent shall be paid by the several Tenants of the Lands to be inclosed, or Common Rights in their respective Holdings, to their respective Landlords, from the Time of the passing of this Act, until such Lands shall be marked and staked out, and be directed to be entered upon as aforesaid.

Beneficial Leases not to be vacated.

XLVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease of any Lands within the said Townships, but the Party entitled to such beneficial Lease shall be entitled to hold and enjoy his Term under the Rents and Covenants specified in his Lease.

Wills and Settlements not to be affected.

XLIX. Provided also, and be it enacted, That nothing in this Act contained shall extend to revoke, make void, or alter any Will or Settlement, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Portion, Debt, Charge, Rent, or Incumbrance, out of or affecting any of the Lands to be inclosed, or any of the Lands which may be exchanged or parted with in pursuance of this Act, but that as well the Lands allotted and exchanged, as the Lands which shall be assigned in partition or in compensation for any other Estate or Right, by virtue of this Act, shall, immediately after such Allotment, Exchange, or Partition, be and enure, and the several Persons to whom the same shall be so allotted or given in exchange or partition as aforesaid shall be seised and possessed thereof respectively, to, for, and upon the same Estates, Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the several Lands in respect whereof such Allotments, Exchanges, and Partitions shall have been made would have stood limited for or been subject to in case the same respectively had not been allotted, exchanged, or parted with as aforesaid, or as if this Act had not been passed, subject nevertheless to all such Mortgages and Sales as shall be made by virtue of this Act.

Persons may sell their Common Rights, and Persons entitled to have Allot-

L. And be it enacted, That if any Person hath sold or shall at any Time before the Execution of the Award of the said Commissioner sell his Right or Interest in the Lands to be inclosed, or any Part thereof, to any Person, the Commissioner shall upon any such Sale being made make an Allotment of Land to the Purchaser, or

ments may mortgage before the Execution of the Award.

or to his Heirs and Assigns, in respect of the Right or Interest so sold; and every such Purchaser, or his Heirs or Assigns, shall from the Execution of the said Award hold and enjoy the Land so to be allotted to him in the same Manner as the Vendor might or ought to have done in case such Sale had not been made; and it shall be lawful for any Person who shall be entitled to any Allotment under this Act to devise, grant, surrender, mortgage, or otherwise convey and assure the same Allotment, or all or any Part of his Interest therein, at any Time before the Execution of the Award; and every such Devise, Grant, Surrender, and other Assurance shall be of the same Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person entitled to any Allotment to sell, dispose of, and convey the Estate in right of which he may be entitled to such Allotment separate from and retaining to himself such Allotment, Common Right, and Interest, and the Commissioner is hereby required to award such Allotment accordingly.

Encroachments.

LI. And be it enacted, That all Encroachments and Inclosures which shall have been made by any Person from or upon any Part of the Lands to be inclosed within Twenty Years next before the passing of this Act, whether any Amerciament, annual Rent, or any Money Payment or Acknowledgment, hath or hath not been paid in respect of the same, to or for the Use of the Lord of the Soil, or any other Person, unless the same shall have been authorized by Grant from the Lord of the Honor or Lordship, according to the Custom of the said Honor or Lordship, shall be deemed Parcel of the Lands to be inclosed, and shall be divided, allotted, and inclosed accordingly: Provided always, that it shall be lawful for the several Persons who shall be in possession of any such Encroachments or Inclosure, or in the Receipt of the Rent thereof, at the Time of the passing of this Act, to take down and remove all such Buildings, Fences, and other Erections as shall then be thereon, and to convert the Materials thereof to their own Use.

Allotment of old Inclosures, with Consent of Proprietors.

LII. Provided always, and be it enacted, That it shall be lawful for the Commissioner, with the Consent in Writing and at the Request of any Proprietor of any Houses, Homesteads, Gardens, Orchards, or old inclosed Lands within the said Townships respectively, whether such Owner or Proprietor shall be a Corporation, Tenant 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 Lives, with the Consent of the Lessor of any such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands holden for Years determinable as aforesaid, and not otherwise, or with the Consent of the Guardian, Trustee, Feoffee for charitable or other Uses, Husband, Committee, or Attorney of or acting for any such Proprietor as aforesaid who shall be an Infant, Feme Covert, Lunatic, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, (such Consent to be respectively testified, in case of a Corporation, by Writing under their Common Seal, or by Writing under the Hand of the Agent of such Corporation, and in case of an Individual under his Hand,) to order and direct such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands to be considered

sidered as allottable, and Parcel of the Lands to be inclosed; and such Allowance shall be made to the Proprietors of such Houses, Homesteads, Gardens, Orchards, and old inclosed Lands, on account of the Situation or other beneficial Circumstances thereof, as the Commissioner shall adjudge to be just and reasonable, and he shall allot and award unto such Proprietor so much and such Part of the Lands to be inclosed as he shall think reasonable and just.

Allotment to be set out for Repair of Highways.

LIII. And be it enacted, That the Commissioner shall, if he think fit, allot to the Surveyors for the Time being of the said several Townships, and their Successors for ever, such Parcels of the Lands to be inclosed as he shall think necessary and most convenient for supplying Stone and other Materials for the Repairs of the several Roads and Ways by this Act authorized to be made, and of the several other Roads and Ways within the said Townships; and such Allotments shall be inclosed and fenced as the said Commissioner shall direct, and shall from the Execution of his Award be vested in the Surveyors of the Highways within the said Townships for the Time being, in trust for the Purposes aforesaid; and the Grass and Herbage of such Allotments shall belong to such Persons as the Commissioner shall by his Award direct; and if he shall make no such Direction, then such Surveyors shall from Time to Time let the Herbage for the most Money that can be obtained for the same, and shall apply the Rents and Profits towards the Repair of the public Roads or Highways within the Township wherein the said Allotment respectively shall be locally situate, and the said Surveyors shall account for such Rents and Profits in the same Manner as they are by Law accountable for other Monies that shall come to their Hands in the Capacity of Surveyor of the Highways, and shall be subject to the like Penalties for the Neglect thereof.

Allotment for Peat Mosses.

LIV. And be it enacted, That the Commissioner shall assign, set out, and appoint such Part or Parts, Parcel or Parcels of Waste Lands, as is or are conveniently situate, and fit and proper for the digging, cutting, and curing of Peats, for the permanent Use and Benefit of such Inhabitants of the said Townships as have been heretofore accustomed to use the same, to be used in all Times thereafter as Peat Mosses by such Persons respectively, all which Peats shall be used for Fuel in and upon the Messuages or other Buildings within the said Townships occupied by such Persons, but not for Sale or any other Purpose whatsoever.

Allotment for Schools in Hobendrid.

LV. And be it enacted, That the Commissioner shall in the next place set out and allot to the said Lord, his Heirs and Assigns, not exceeding One Half of a Statute Acre of the said Common and Waste Lands lying within the said Township of *Hobendrid* for the Site of a School intended to be erected for the Education of poor Children, and for a House, also intended to be erected (if necessary) for the Master or Mistress of such School in the said Township.

Allotments to be set out for Recreation.

LVI. And be it enacted, That the Commissioner shall allot and award unto the Churchwardens and Overseers for the Time being of the said Parish of *Clun*, out of the Lands to be inclosed, One or more Piece or Pieces

Pieces of Land, not exceeding Five Acres in the whole nor less than Two Acres, in the most appropriate Situation, as a Place of Exercise and Recreation for the Inhabitants of the said Parish and Neighbourhood; and such Allotment or Allotments shall be held by the said Churchwardens and Overseers for the Time being of the said Parish for the Purposes aforesaid, and shall be in the first instance fenced by the Commissioner at the general Expence of the Inclosure, and the Fences of such Allotment or Allotments shall for ever afterwards be repaired and maintained by the said Churchwardens and Overseers, in such Proportion and Manner as shall be directed by the Award of the Commissioner, out of the Rents to be received for the Herbage of the said Allotment or Allotments, or out of the Poor Rates of the said Parish, or otherwise; and the Grass and Herbage growing upon such Allotment may be from Time to Time let by such Churchwardens and Overseers, and the Rent which shall be received by them for the same shall be by them from Time to Time applied in the first place in maintaining and repairing the Fences of the said Allotment, and, subject thereto, in aid of the Rates for the Repair of the public Highways in the said Parish.

The Lord to convey Allotment for the School-houses.

6 & 7 W. 4. c. 70.

LVII. And be it enacted, That when the Allotment for the said School shall have been set out the Lord of the said Lordship shall convey the same to the Incumbent and Churchwardens of the said Parish of *Clun*, according to the Provisions of an Act of Parliament passed in the Sixth and Seventh Years of the Reign of His late Majesty, intituled *An Act to facilitate the Conveyance of Sites for School-rooms*, or of any other Statute or Law enabling him so to do; and that the Charges and Expences of and attending the preparing, perfecting, and enrolling such Conveyances shall be deemed Part of the Expences of carrying this Act into execution, and shall be borne and defrayed accordingly by and out of the Money to be raised for the Purposes of this Act.

Allotment to be set out for the Lord of Manor for Right of Soil.

LVIII. And be it enacted, That the Commissioner shall, after making the Allotments herein-before directed, allot and award unto the Lord of the said Honor or Lordship of *Clun*, or unto such Person as shall in the Judgment of the Commissioner be entitled to the Soil of the Commons and Waste Lands within the said Townships or any Part thereof, so much and such Part of the Lands to be inclosed as shall in the Judgment of the Commissioner be equal together and in the whole to One Fourteenth Part in Value of the Residue of the said Commons or Wastes or Parcels of Waste Lands, Quality and Value considered, in lieu of his Right and Interest in the Soil of the said Commons or Wastes and Parcels of Waste Lands, exclusive of any other Allotment which may be made to such Lord in lieu of or in satisfaction for any other Rights and Interests in such Commons or Wastes or Parcels of Waste Lands.

Allotment of the Residue.

LIX. And be it enacted, That after the several Allotments herein-before directed shall have been set out and made, and after making Provision for the Expences of the Inclosure, by Sale of Lands, as herein-after mentioned, the Commissioner shall divide, allot, and award all the Remainder of the Lands to be inclosed unto and amongst

amongst the several Owners and Proprietors thereof, and Persons who shall be entitled to any Estate, Right, or Interest therein, in such Shares and Proportions as the Commissioner shall adjudge and determine to be proportionate to the Value of their respective Lands and Grounds, Rights of Common, and other Rights and Interests therein.

Meetings for receiving Applications for Situation of Allotments.

LX. And be it enacted, That the Commissioner shall appoint a Meeting for receiving Applications from the Lord of the said Honor, and from the several Proprietors of the Lands to be inclosed, touching the laying together of the said Allotments, and the Situations in which they would respectively choose to have their Allotments set out, and shall give Ten Days Notice of the Time and Place of such Meeting; and the Commissioner in making such Allotments shall take into consideration the general Convenience and Advantage of the several Persons entitled thereto, and not be confined to the particular Township or District in which their Rights of Common shall be established, due Regard being had by the Commissioner to the Equalization of such respective Township or District Rights.

For determining Objections to Allotments.

LXI. And be it enacted, That as soon as the Commissioner shall have ascertained the respective Rights and Interest of the several Parties interested in the Land to be inclosed, and also the Allotments by him proposed to be made to such Parties respectively in lieu of such Interests, he shall hold a Meeting, of which Ten Days Notice shall be given by Advertisement or on the Church Doors, where such Parties may be informed of the Situation of such intended Allotments, and see the same delineated upon a Map or Plan to be produced for their Inspection; and if any of such Parties, upon such Inspection, shall be dissatisfied with the proposed Allotments, the Commissioner shall at such Meeting, or at some other Meeting to be appointed by him for that Purpose, receive Statements in Writing of Complaints and Objections thereto, and shall forthwith, or as soon after as conveniently may be, determine the same, and such Determination shall be final.

Allotments to be fenced.

LXII. And be it enacted, That the said several Allotments to be made in pursuance of this Act, except the Allotments to the Surveyor and Churchwardens and Overseers respectively, shall be inclosed, ditched, and fenced, at the Expence of the respective Persons to whom the same shall be allotted, in such Manner and within such Times as the Commissioner shall by his Award, or any Writing under his Hand, direct; and the Fences so to be made shall for ever afterwards be repaired and maintained by such Persons as the said Commissioner shall by his Award order or direct.

Equalizing the Share of Fencing.

LXIII. And be it enacted, That if, from Situation or from any other Circumstance, it shall happen that any of the Proprietors of the Lands to be inclosed, or any Person to whom any Allotments shall be made, shall not have a fair Proportion of the Boundary Hedges, Ditches, Mounds, or Fences assigned to him to make by virtue of this Act, it shall be lawful for the Commissioner to ascertain and appoint what Sum of Money shall be contributed by such Proprietor or Person towards

wards making the Boundary Hedges, Ditches, Mounds, and Fences of the Allotments of such other of the said Proprietors and Persons as shall have too great a Proportion thereof to make; and such Money shall be paid to such Persons and in such Manner as the Commissioner shall by any Writing under his Hand direct, and the same may be recovered by any of the Means which by the said first-recited Act are provided for raising and recovering the Expences of obtaining and executing Acts of Inclosure in Cases where such Expences are directed to be paid in proportion by the Proprietors of Lands to whom any Allotments shall be made; and every such Order of the Commissioner shall be final.

Cattle not to be depastured in the Highways for Seven Years.

LXIV. And be it enacted, That no Person shall graze or keep any Beast or Cattle upon any of the Roads or Ways which the Commissioner shall order to be set out, and which shall be fenced on both Sides, for the Space of Seven Years next after the Execution of the Award of the Commissioner; and every Owner of Lands within the said Parish, his Servants and Labourers, and also every Peace Officer and Parish Officer of the said Parish for the Time being, is hereby empowered to take and impound any such Beast or Cattle which shall be found so grazing as aforesaid as Cattle Damage feasant: Provided always, that nothing herein contained shall prevent the Proprietors of the Lands which shall next adjoin the said Roads and Ways from depasturing their Cattle thereon, so far as the Frontage of their respective Lands extends.

The Allotments to be of the same Tenure as the Lands in lieu of which they were made.

LXV. And be it enacted, That all such Lands as shall be given in exchange or on partition or be allotted by virtue of this Act shall be held by the Person to whom they are given in exchange or on partition or allotted under the same Tenures, Rents, Customs, and Services as the Lands in respect of which such Lands are given in exchange or on partition or allotted would have been held in case this Act had not been passed; and the Lands given in exchange or on partition or allotted in respect of Freeholds shall be deemed Freehold; and the Lands given in exchange or on partition or allotted in respect of Copyhold or Customary Lands shall be deemed Copyhold or Customary Lands, and shall be held of the Lord of the said Honor or Lordship under the same Rents and by the same Customs and Services as the Copyhold or Customary Lands in respect of which they may be given in exchange or on partition or allotted were or ought to have been held, and shall pass by the like Surrenders as the Copyhold or Customary Lands in respect whereof such Exchanges, Partitions, or Allotments shall be made now do; and the Lands given in exchange or on partition or allotted in respect of Leasehold Land shall in like Manner be deemed Leaseholds, and shall be held under the same Rents and Covenants as the Land in respect of which they may be allotted were held, and the Remainder or Reversion thereof shall be vested in the same Lessors respectively as the Remainder or Reversion of such other Lands was vested before the passing of this Act; except where otherwise particularly directed by this Act, any Law or Usage to the contrary notwithstanding.

LXVI. And

Power to Commissioner to make Alterations in Allotments.

LXVI. And be it enacted, That it shall be lawful for the Commissioner, at any Time before the Execution of his Award, to make any Alteration he may think right and expedient in the Allotments or in the Fences which he may have set out and ordered, or in the private Roads over such Allotments, or in any of the Orders or Directions relating thereto which he may have made in pursuance of this Act; and in case any Person shall be injured by any such Alteration, on account of any Expences he may have incurred or otherwise, the Commissioner shall ascertain and determine what Recompence shall be made to him for such Injury, and shall either pay the Amount thereof out of the Inclosure Expences Fund, or shall direct by whom or in what Manner such Recompence shall be made; and in case of Nonpayment thereof the same shall be recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Separate Allotments for Land held by different Titles.

LXVII. And be it enacted, That when any Person to whom any Allotment shall be made or Lands assigned in exchange by virtue of this Act shall hold such Lands, or the Lands in respect of which such Allotment or Exchange is made, under different Titles and for different Estates, the Commissioner shall ascertain and distinguish the Lands held for each of such Estates and under each of such Titles respectively, and shall accordingly in his Award set out distinct and several Allotments for such respective Lands, and also in the said Award, and the Map annexed thereto, set out and distinguish the several Estates holden by several and distinct Quit Rents.

Where Allotments are omitted to be distinguished by the Award, the Defect may be remedied by a separate Instrument.

LXVIII. And be it enacted, That where the Commissioner shall have omitted to distinguish in his Award the several Tenures under which any of the said Lands shall be holden, or the different Estates or Titles for or under which the same shall be held, or to set out and award several and distinct Allotments, as by this Act directed, it shall be lawful for him, at any Time within Twelve Months after the Execution of his Award, and he is hereby required, upon Request in Writing to him made by any Proprietor of any such Allotment or Lands, or other Person interested therein, or his Agent, to do all such Acts as may be necessary for supplying such Omission, and for that Purpose to examine Witnesses, and proceed as if his Award had not been made, and by any Deed or Instrument under his Hand and Seal to distinguish and set out the Allotments and Lands held by different Tenures, and also the Allotments and Lands held by, for, or under different Estates or Titles respectively, in the same Manner as he is by this Act authorized and required to do in Cases where such Allotments of Lands are directed to be ascertained, distinguished, and set out by his Award; and every such separate Instrument shall have the same Force and Effect as if it were contained in the said Award; and such Instrument shall be enrolled and deposited with the Award of the Commissioner, and shall thenceforth be deemed to be Part thereof to all Intents and Purposes; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry or separate Instruments as aforesaid, and the Enrolment thereof, shall be paid by the Party who shall have requested the Commissioner to make and execute the same, or by his Heirs, Executors, or Administrators.

Partitions may be made in certain Cases.

LXIX. And whereas it may happen that some of the Proprietors of Lands in the said Townships, and Persons entitled to Allotments to be made by virtue of this Act, may be seised or possessed thereof or entitled thereto in undivided Moieties, Joint Tenancy, or as Coparceners, or Tenants in Common, and cannot, by reason of Infancy, Settlement, Absence beyond the Seas, or other Disability or Incapacity, make an effectual Division thereof; be it therefore enacted, That it shall be lawful for the Commissioner, upon the Request in Writing of any such Proprietors, being seised or possessed or entitled in undivided Moieties, or as Coparceners, Joint Tenants, or Tenants in Common, or of the Husbands, Guardians, Trustees, Committees, or Attorneys duly authorized of such of them as may be under Coverture, Minors, Lunatics, or beyond the Seas, or under any other legal Disability or Incapacity, to make Partition and Division of the said Lands or Allotments coming to such of the said Proprietors as shall be so seised or possessed or entitled, and to allot the same to such Owners and Proprietors in Severalty; and immediately after the said Allotments shall have been so made and declared the same shall be holden and enjoyed by the Persons to whom the same shall be allotted in Severalty in the same Manner, and subject to the same Uses and Trusts, as the undivided Parts or Shares of such Estates would have been in case such Division and Partition had not been made; and every such Division and Partition shall be specified in the Award of the said Commissioner, or some other Instrument under his Hand and Seal; and shall be good, valid, and effectual, to all Intents and Purposes whatsoever.

Expences of Partitions.

LXX. And be it enacted, That all Costs and Expences attending any Partition to be made by virtue of this Act shall be borne and defrayed by the several Proprietors of or Persons interested in the Estates which shall be so parted, in such Manner and Proportions as the said Commissioner shall order, and in case of Nonpayment thereof shall be recovered in the Manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Power of Exchange.

LXXI. And be it enacted, That it shall be lawful for the Commissioner to allot and award any Lands within the said Townships in exchange for any other Lands within the same Townships, or any adjoining Parish, Township, or Place, provided that all such Exchanges be specified and declared in the Award of the Commissioner, or by some other Instrument under his Hand and Seal, and be made with the Consent in Writing of the Owner of the Lands so exchanged, whether such Owner shall be a Corporation, or a Tenant in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable upon any Lives, with the Consent of the Lessor thereof, but not otherwise, 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 as aforesaid who at the Time of making such Exchange shall be an Infant, Feme Covert, Lunatic, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and

and under the Hands of the other consenting Parties respectively; and every such Exchange so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no such Exchange shall be made of any Lands 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 Bishop of the Diocese in which such Lands shall be situate: Provided also, that all Costs and Expences attending the making and completing of any Exchanges shall be borne by the several Parties making such Exchanges in such Manner and in such Proportions as the Commissioner shall by his Award direct; and in case of Nonpayment thereof shall be recovered in the Manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Power to apply Compensation Money coming to Parties under Disability towards Inclosure Expences and substantial Improvement.

LXXII. And be it enacted, That when any Money is, under the Provisions of the said first-recited Act or of this Act, directed to be paid for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon, which shall belong to any Corporation, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor or Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, to be settled to the same Uses, it shall be lawful for the Commissioner out of such Money to defray the Proportion (if any) of the Inclosure Expences which shall be charged upon any of the Land of the respective Parties in possession of the Lands, or of the Timber or Wood growing thereon, which shall be so purchased or exchanged, or on which such Timber or Wood actually grew, and also to defray the Expence of any permanent Improvement, such as building, subdividing, dividing, draining, planting, and the like, which shall, in the Judgment of the Commissioner, be proper to be made, and shall be made, under his Direction, upon any Lands to be by virtue of this Act allotted to such Parties.

Investment of the Surplus when amounting to 200*l*.

LXXIII. And be it enacted, That if the Surplus of any such Monies shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account *ex parte* "The Commissioner for executing this Act," pursuant to the Method prescribed by an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and the Indorsements thereon, as likewise the Indorsements on* South Sea *Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out upon proper Securities any*

12 G. 1. c. 32

12 G. 2. c. 24.

any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Offices of the Accountant General of the said Court,* and shall when so paid in there remain until the same shall by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Parties who would have been entitled to the Rents and Profits of the said Lands, be applied to either of the following Purposes; (that is to say,)

The Redemption or Discharge of the Land Tax, or of any Debt or other Incumbrance affecting the same Lands, or affecting other Lands settled therewith to the same or the like Uses or Trusts:

The Purchase of other Lands, to be conveyed or settled upon the like Uses or Trusts, or such of them as shall be then subsisting undetermined and capable of taking effect.

Payment of Dividends meanwhile.

LXXIV. And be it enacted, That, in the meantime and until such Application shall be made, the said Money may, by Order of the said Court, to be made upon the like Petition, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or of other Government or Real Securities, and the Dividends or Interest of such Annuities or Securities shall from Time to Time be paid, by Order of the said Court, to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased, conveyed, and settled.

When less than 200*l.* and amounting to 20*l.*

LXXV. And be it enacted, That in case the Surplus of such Monies shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, the same shall, at the Option of the Parties for the Time being entitled to the Rents and Profits of the Lands so purchased or exchanged, or their Guardians or Committees in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the Commissioner, to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Parties who for the Time being would be entitled to the Rents and Profits of the said Lands, such Nomination to be approved of by the Commissioner, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal (as the Case may be) of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England*, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When less than 20*l.*

LXXVI. And be it enacted, That in case the Surplus of such Money shall be less than Twenty Pounds the same shall be paid to the Parties

Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased or exchanged, for their own Use and Benefit, or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their Guardians, Committees, or Trustees, for the Use and Benefit of the Parties respectively entitled thereto.

Expence of the Inclosure to be defrayed by Sale of Sufficiency of the Common.

LXXVII. And for the Purposes of raising Money for defraying the Expences of the Inclosure, (that is to say,) the Costs and Expences incident to and attending the passing of this Act, and the several Sums of Money and Allowances hereby directed or authorized to be paid and allowed to the Commissioner, Clerk, and Surveyor, for Expences, Time, and Trouble, and the Costs and Expences of preparing and enrolling the Award of the Commissioner, and all Costs and Expences that the Commissioner shall be put unto in respect of any Appeal against his Decision, or of any Suit at Law or in Equity that may be instituted by or against him as Commissioner in the Execution of this Act, either before or after the Execution of the Award, and all other Costs and Expences whatsoever of carrying this Act into execution, be it enacted, That the Commissioner shall mark and allot in the said Townships such Parts of the Lands to be inclosed as he shall think sufficient in Value to defray the Expences aforesaid, and shall from Time to Time, as he shall find expedient, sell and dispose of the same either by public Auction or private Contract, and the Purchase Monies to arise from such Sales shall be paid into the Hands of the Commissioner, and shall be by him applied in discharging the said Expences.

Commissioner to sign Receipt for Purchase Monies, and make Conveyances to Purchasers.

LXXVIII. And be it enacted, That upon every Sale to be made by the Commissioner under the Provisions of this Act the Commissioner shall sign and deliver to each Purchaser a Receipt for his Purchase Monies, which shall be a sufficient Discharge for the same; and upon Receipt of the whole Purchase Money for any of the Lands which shall be sold as aforesaid the Commissioner shall convey such Lands, and the Fee Simple and Inheritance thereof in possession, by Deed under his Hand and Seal, upon and for such Uses, Trusts, and Purposes as such Purchaser shall direct, and after such Conveyance the Premises conveyed shall become vested, as Freehold of Inheritance, upon and for such Uses, Trusts, and Purposes as shall be expressed by such Deed; and any such Conveyance may be to the Effect set forth in the Schedule (B.) to this Act.

Application of Purchase Monies.

LXXIX. And be it enacted, That all such Purchase Monies as shall be from Time to Time raised or received by the Commissioner by such respective Sales as aforesaid shall, after Payment of the Charges and Expences attending such respective Sales, be paid and applied by the Commissioner towards the Inclosure Expences Fund, and the respective Purchasers or other Persons paying the same shall not in any Manner be liable to see to the Application or be answerable for any Misapplication thereof.

Purchasers to be subject to

LXXX. And be it enacted, That the several Persons who shall become the Purchasers of the said Lands so authorized and directed to be sold

Regulations to be made by the Commissioner.

sold and disposed of by the said Commissioner as aforesaid, and their respective Heirs and Assigns, shall be subject and liable to the making and keeping in repair of such and so many of the several Fences thereof as shall be directed by the said Commissioner, and also to the Observance and Performance of all such Orders, Regulations, and Directions as shall be made, laid down, directed, or appointed by the said Commissioner in and by his Award or any other Writing under his Hand, in like Manner as if such Premises respectively had been allotted to such respective Purchasers, for or in respect of any Right or Interest in, over, and upon the Lands to be inclosed, except only that such respective Purchasers shall not after the Payment of their Purchase Money be liable to the Payment of any of the Charges or Expences of obtaining this Act, or of carrying the same or the said recited Acts into execution, other than the Charges of making and keeping in repair such Fences as aforesaid.

Application of surplus Money arising from Sale of Lands.

LXXXI. And be it enacted, That in case any Surplus shall remain of the Money raised by the Sale of Land as aforesaid, after all such Costs, Charges, and Expences as aforesaid shall have been fully paid and satisfied, such surplus Money shall be divided and apportioned between the several Proprietors of and Persons interested in the Lands to be inclosed in proportion to their respective Rights and Portions therein.

Power for Commissioner to borrow Money.

LXXXII. And be it enacted, That if the Commissioner shall find it necessary or expedient to obtain by Loan any Money for or towards the defraying the said Expences, it shall be lawful for him to borrow and take up at Interest such Sums of Money as he shall from Time to Time think necessary for the Purposes aforesaid, which Money so to be borrowed shall be repaid by the Commissioner, with Interest for the same, out of the Monies to be raised and received by him by any of the Means provided by this Act.

If Money arising from Sale prove insufficient, Deficiency to be raised by Rate.

LXXXIII. Provided also, and be it enacted, That if the Money arising from any such Sale or Sales of Lands herein-before mentioned shall prove insufficient for defraying all the Costs, Charges, and Expences herein-before mentioned, such Costs, Charges, and Expences shall be borne and paid by all the Proprietors of, and Bodies Politic, Corporate, and Collegiate, and Persons, interested in, the said Common and Waste Lands hereby authorized to be divided, allotted, and inclosed, in proportion (or as near as may be) to their respective Rights and Interests therein; and the Shares and Proportions of the said Costs, Charges, and Expences to be borne by the said respective Proprietors and Parties interested as aforesaid shall be settled and ascertained by the said Commissioner, either before or after the Execution of his Award, and shall be paid to such Person or Persons and at such Time or Times as the said Commissioner shall from Time to Time direct or appoint; and in case any Person or Persons shall refuse to pay his, her, or their Share or Proportion or respective Shares or Proportions of the said Costs, Charges, and Expences, according to such Direction and Appointment as aforesaid, the said Commissioner shall and may, for recovering and compelling Payment thereof, use all or any of the Powers, Remedies, Ways, and Means which by the said first-recited Act are given in

in Cases in which it may be provided by Acts of Inclosure that the Expences of obtaining and carrying the same into execution shall be paid in proportion by the Proprietors of Lands or Grounds to whom Allotments shall be made.

Monies may be recovered after the Execution of Award.

LXXXIV. Provided always, and be it enacted, That if at the Time of the Execution of the said Award there shall remain due from any Person any Sum of Money which shall have been ordered to be paid by virtue of this Act, it shall be lawful for the Commissioner and he is hereby required to levy and raise the same in like Manner as he might have done before the Execution of his Award.

Persons having limited Interests may raise Money by Mortgage for Expences.

LXXXV. And be it enacted, That it shall be lawful for the respective Proprietors of Allotments to be made by virtue of this Act, being Tenants for Life or in Tail, or for any other Estate of Freehold or Inheritance, and also for the Husband, Guardians, Trustees, Committees, or Attornies of any of the Proprietors, being under Coverture, Infants, Idiots, Lunatics, or beyond the Seas, or otherwise incapacitated, and for the Trustees or Feoffees for charitable, parochial, or other Uses, or a competent Number of them, in respect of any Land held by them in trust for any charitable, parochial, or other Uses, with the Consent of the Commissioner, testified in Writing under his Hand and Seal, from Time to Time to charge their Allotments with any Money not exceeding Five Pounds *per* Acre towards their respective Proportions of the Inclosure Expences, and for securing the Repayment of such Money, with Interest, to mortgage or demise the said Allotments unto or in trust for any Person who shall advance such Money, for any Term of Years, but so that every such Mortgage or Demise be made with a Condition to cease and be void or with an express Trust to be surrendered and re-assigned when the Money thereby to be secured, with all Interest thereon, shall have been fully paid and satisfied, and so that in every such Mortgage or Demise which shall be made by or on behalf of any Person entitled to any such Allotments for the Term of his natural Life there be contained a Covenant to pay and keep down the Interest of the Money to be secured during his Life in such Manner that no Person afterwards becoming possessed of such Lands shall be subject or liable to pay any larger Arrear of Interest than for Six Months previous to the Time when the Title of such Person shall accrue or commence; and every such Mortgage or Demise shall be valid in Law for the Purposes thereby intended; and every such Mortgagee and his Assigns shall have the like Remedies in case of Nonpayment of the Monies thereby secured as in the Case of other Mortgages of the like Nature.

When Inclosure completed an Award to be made and proclaimed.

LXXXVI. And be it enacted, That as soon as conveniently may be after the said Inclosure shall be completed the Commissioner shall draw up and execute an Award, which shall be proclaimed upon the next and some subsequent *Sunday* by affixing a Proclamation on or near the outer Doors of the Church of the said Parish of *Clun* previously to Divine Service, and from the Time of which Proclamation only, and not before, such Award shall be considered as complete; and within Three Calendar Months after the Commissioner shall so have made and executed the said Award he shall

Award to be deposited in the Hands

of the Clerk of the Peace, with a reduced Plan of the Parish.

shall cause the same, together with one of the reduced Plans herein-after directed to be annexed thereto, to be delivered to the Clerk of the Peace of the said County, who is hereby required to deposit and keep the same among the Records of the said County, so that recourse may be had thereto by any Person interested in the Premises, for the Reception whereof the Fee of Two Pounds and Two Shillings, and no more, shall be paid; and the said Award shall from the Delivery thereof to the said Clerk of the Peace be deemed to be enrolled according to the Directions and within the Meaning of the said last-recited Act.

Copy of the Award, with a reduced Plan, to be deposited in the Parish Church.

LXXXVII. And be it enacted, That a Copy of the said Award, fairly transcribed in a Book on Paper or Parchment, with another of the reduced Plans herein-after directed to be made, shall within the Time aforesaid be delivered to the Lord of the said Honor of *Clun* for the Time being, or his Agent, and that a like Copy of the said Award, with the other of the reduced Plans herein-after directed to be made, shall within the Time aforesaid be deposited in the Parish Church of *Clun* aforesaid, and there kept in a Box to be provided for that Purpose by the Commissioner; and the said Award and the said Copy thereof, and any other Copy of the said Award or any Part thereof, attested by the Clerk of the Peace for the Time being of the said County, or his Deputy, (for every Sheet of which containing One hundred Words Sixpence and no more shall be charged,) shall thereafter be admitted as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Three reduced Plans to be drawn, and annexed to the Award and Copies, and a Schedule of old Inclosures.

LXXXVIII. And be it enacted, That the Commissioner shall cause Three reduced Plans of the said Parish to be drawn upon Parchment or Vellum, on which the public and private Roads, Paths, and Drains, with the Boundary Fences of the several Allotments mentioned and described in the said Award, and such other Matters and Things as the Commissioner shall think fit, shall be fairly and distinctly delineated and expressed; and the Commissioner shall sign the said Plans, one of which shall be annexed to the said Award, and the others shall be respectively annexed to or shall go and be kept with the respective Copies of the said Award to be respectively delivered to the Lord of the said Honor, and deposited in the Parish Church of *Clun* aforesaid; and the Commissioner shall make and annex to the said Award a Schedule, describing and setting forth the Quantities of all the Homesteads, Gardens, Orchards, and ancient Inclosures in the said Parish; which said Plans or either of them shall be admitted as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Power of Appeal.

LXXXIX. And be it enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of this Act, except as to the Allotments, and except as to such other Determinations as are by this Act directed to be final, and except such Cases wherein an Issue at Law shall be tried, as herein-before is mentioned, he may appeal to the General Quarter Sessions of the Peace which shall be held for the said County of *Salop* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the Commissioner and

and the Party concerned Ten Days previous Notice in Writing of such Appeal, and of the Matter thereof (except with respect to the Accounts of the Commissioner, which, notwithstanding the same shall have been examined and published as aforesaid, may be appealed against at any Time within One Month after the Inrolment of the Award, on giving to the Commissioner such Notice as last aforesaid); and the Justices (not interested in the Premises) in such Sessions assembled are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs and Damages, as to them shall seem reasonable; and in case any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, they shall award such Costs to be paid by the Appellant as to them shall seem reasonable and such Costs shall be levied in manner aforesaid; and the Costs and Damages which shall be so awarded shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Order on Appeal to be final.

XC. And be it enacted, That every Order and Determination of the said Justices upon every such Appeal shall be final, and shall not be removed or removable, by Certiorari or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

Saving of Manorial Rights.

XCI. Provided also, and be it enacted, That nothing herein contained shall extend to give unto the Lord of the said Honor or Lordship any further or other Manorial Rights, Title, or Interest than those he is now entitled to, nor to defeat, lessen, prejudice, or affect his Right, Title, or Interest of, in, or to the Rents, Services, Courts, Perquisites, Profits of Courts, Goods and Chattels of Felons, Fugitives, Felons of themselves and put in exigent, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Jurisdictions, Privileges, Pre-eminences, and Appurtenances whatsoever, incident, belonging, or appertaining to the said Honor or Lordship, other than and except those meant and intended to be barred and destroyed or extinguished by virtue of this Act, and that the same and every of them shall remain and be enjoyed by the Lord of the said Honor or Lordship in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he could or might have held or enjoyed the same respectively in case this Act had not been passed.

Preserving Rights of the Lord of the Honor to Mines.

XCII. Provided always, and be it enacted, That nothing in this Act contained shall alter, defeat, or impeach the Right or Title of the Lord of the said Honor or Lordship to the Mines and Minerals lying under the said Common and Waste Lands by this Act authorized to be divided, allotted, and inclosed, but that the said Lord of the Honor or Lordship shall and may have, hold, win, work and enjoy all Mines of Coal and Iron, and other Mines and Minerals, of what Nature or Kind soever, within and under the said Common and Waste Lands respectively, and shall and may make, have, and use all convenient and necessary Ways and Wayleaves, Tram and other Roads and Passages, in, over, and along the same Common and Waste Lands, or any of them, or any Part thereof, and of searching for, winning, and working

working the said Mines and Minerals, and of loading and carrying away the Coal, Iron, Lead, and other Minerals, and of making Pits, Shafts, Pitrooms, and Heaprooms, Drifts, Levels, Ways, and Watercourses, and of erecting and using Fire Engines and other Engines, and of altering, changing, pulling down, and carrying away the same or any of the Materials thereof, at his own free Will and Pleasure, and also full Power to do all such other Works, Acts, and Things, either now in use or hereafter to be invented, as may be necessary or convenient for the full and complete Enjoyments of the Rights hereby reserved, in the most full, ample, and beneficial Manner, to all Intents and Purposes: Provided always, that it shall not be lawful for the Lord of the said Honor or Lordship for the Time being to sink or search in the Lands of other Persons for Limestone only; but in case in the searching for or getting of Coal, Ironstone, Lead, or any other Minerals, save Limestone, in or under the said Common or Waste Lands, any Vein or Veins, Bed or Beds of Limestone, shall be opened thereby, or found and discovered therein or thereunder, then and in that Case it shall be lawful for him to get and carry away the same, and to continue to work all the Limestone which may be found and discovered, and to have such and the same full and complete Powers for the working and getting thereof as are herein-before reserved to him with respect to the said Mines of Coal, Iron, and Lead.

Satisfaction to be made for Damage in working Mines.

XCIII. Provided also, and be it enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall suffer or sustain any Loss or Damage in his, her, or their respective Allotments, or any Buildings to be erected, made, or constructed thereon, or any Part thereof, by the sinking, searching for, winning, or working of any Mines of Coal, Iron, Lead, or other Minerals therein, or the laying or repairing Waggon Ways or other Ways, or by loading or carrying away the Coal, Iron, Lead, or other Minerals to be gotten thereout, or making Drifts, Levels, or Watercourses, erecting or using Fire or other Engines, Pitrooms, or other the Liberties and Powers hereby given and reserved to the Lord of the said Honor or Lordship for the Time being, then and in every such Case the Lord of the said Honor or Lordship, his Heirs, Executors, Administrators, or Assigns, shall pay full Satisfaction for all such Damage, Spoil of Ground, and other Loss to be occasioned thereby, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who for the Time being shall be in possession of such Grounds or Allotments at the Time of doing such Damage, Spoil, or Loss.

General Saving.

XCIV. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all other Persons, Bodies Politic, Corporate, and Collegiate, their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest, Claim and Demand, (other than and except such as are expressly barred and compensated for and extinguished by this Act,) which they or any of them could or might have had in, to, or in respect of the Lands hereby authorized to be divided, allotted, and inclosed, in case this Act had not been passed.

XCV. And

XCV. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall extend to Females as well as Males:

The Word "Month" shall mean Calendar Month:

The Word "Lands" shall include Tenements and Hereditaments:

The Expression "Lands to be inclosed" shall be understood to mean the Lands by this Act authorized to be divided, allotted, and inclosed:

The Expression "the Inclosure Expences Fund" shall be understood to mean the Monies by this Act authorized to be raised for defraying the Expences of obtaining this Act and carrying the same into execution:

The Expression "the Commissioner" shall mean the Commissioner appointed and for the Time being acting by virtue of this Act.

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

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Declaration by Commissioner or Surveyor.

I *A. B.* do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Powers and Authorities vested and reposed in me as a Commissioner [*or* Surveyor, *as the Case may be*], by virtue of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Malice, to any Person whomsoever.

SCHEDULE (B.)

Form of Conveyance by Commissioner.

I the Commissioner acting in execution of an Act of Parliament passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], by virtue of the Power and Authority to me given by the said Act, and in consideration of the Sum of paid into my Hands by which Sum is the whole Purchase Money agreed to be paid by him to me for the Purchase of the Lands and Hereditaments herein-after described, being Part and Parcel of the Lands by the said Act authorized to be sold and disposed of by me, and the Receipt of which said Sum I do hereby acknowledge, do by this Deed under my Hand and Seal, by the Direction of the said testified by his Execution of these Presents, grant and convey unto his Heirs and Assigns, all that [*here describe the Premises*] together with the Appurtenances to the said Premises belonging, and the Fee Simple and Inheritance thereof in possession, to have and to hold the same unto the said his Heirs and Assigns [*here state the Uses, Trusts, and Purposes of the Conveyance, as the Case may require*]. In witness whereof I have hereunto set my Hand and Seal, this Day of .

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1845.