



ANNO QUADRAGESIMO OCTAVO

GEORGI III. REGIS.

Cap. 132.

An Act for inclosing Lands in the Manor of *Horton*,
in the County of *Stafford*. [18th June 1808.]

WHEREAS there are within the Manor of *Horton*, in which are situate the Parish of *Horton*, and the several Townships of *Endon*, *Longsdon* and *Stanley*, in the Parish of *Leek*, and the Township of *Bagnall* in the Parish of *Stoke-upon-Trent*, all in the County of *Stafford*, certain Commons and Waste Grounds, containing in the Whole by Estimation, One thousand Six hundred Acres, or thereabouts: And whereas *Edmund Antrobus*, Esquire, is Lord of the said Manor, and as such is Owner of the Soil of the said Commons and Waste Grounds, and of all Mines and Minerals within and under the same, and is also Patron of the Perpetual Curacy of *Horton*: And whereas the said *Edmund Antrobus*, the Most Honourable *George Granville Leveson* Marquis of the County of *Stafford*, the Right Honourable *George* Earl of *Macclesfield*, *Sir Thomas Fletcher* Baronet, *John Sparrow*, *William Sneyd*, *John Fowler*, *John Harworth*, *Thomas Mills*, *Michael Daintry*, *William Debank Hand*, *John Daniel*, *Ralph Stevenson*, and several other Persons, are Proprietors of and interested in the said Commons and Waste Grounds: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty King *George* the Third, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And

Lord of the Manor.

Proprietors.

Act of 41 G. 3. recited.

[Loc. & Per.]

whereas

Benefit of Inclosure.

whereas it would be of great Benefit and Advantage to the several Persons who are Proprietors of and interested in the said Commons and Waste Grounds if the same were divided and inclosed, and specific Parts and Shares thereof assigned and allotted unto the several Proprietors and Persons interested, according and in proportion to their several and respective Properties, Rights, and Interests therein: but such Division, Allotment, and Inclosure cannot be effectually made and established without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Rowley*, of *Overton* in the County of *Stafford*, Gentleman, shall be and he is hereby appointed the Commissioner for setting out, dividing, and allotting the said Commons and Waste Grounds in Manner herein-after directed, and for carrying this Act into Execution, and also such of the Powers, Authorities, Directions, Rules, Orders, Clauses, and Provisions contained in the said recited Act, as are not varied or altered or otherwise provided for by this Act.

Commissioner.

For electing a new Commissioner.

II. Provided always, and be it further enacted, That if the said *Thomas Rowley*, or any Commissioner to be hereafter appointed in Manner herein after mentioned, shall, before the Execution of all the Powers and Authorities hereby and by the said recited Act in him vested, die or become incapable of acting as a Commissioner in this or under the said recited Act, or without some lawful Cause neglect to attend a Meeting for putting this Act or the said recited Act into Execution for the Space of One Calendar Month after he shall have received Notice in Writing, from any Person interested in the said Inclosure, of the passing hereof, or requiring him to attend as a Commissioner, then and in every such Case it shall be lawful for the said *Edmund Antrobus*, his Heirs and Assigns, Lord or Lords of the said Manor, and the Persons who respectively for the Time being shall be interested in the said Commons and Waste Grounds so intended to be divided and inclosed as aforesaid, or the major Part of them in Value (to be ascertained by the Land Tax Assessments) who shall attend by themselves or their Agents or Attornies at a Meeting to be called by or by the Order of One or more of the said Proprietors for that Purpose, at some convenient Place in *Leek* aforesaid, in pursuance of Notice to be given by Advertisement to be inserted in the Newspaper called *The Staffordshire Advertiser*, if then published, and if not, then in some other Newspaper circulated in the Neighbourhood of *Leek* aforesaid, and to be affixed on one of the principal outer Doors of the respective Parish Churches of *Horton*, *Leek*, and *Stoke-upon-Trent*, at least Ten Days before such Meeting, by Writing under their Hands, or the Hands of their Agents or Attornies, to nominate, elect, and appoint from Time to Time some other fit and proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Place of such Commissioner so dying, refusing, neglecting or becoming incapable to act as aforesaid; and such Commissioner when elected in Manner as aforesaid shall, after taking the Oath prescribed in that Behalf, have the same Powers and Authorities in all Respects for carrying this and the said recited Act into Execution, as if he had been originally named and appointed a Commissioner in and by this Act.

III. And

III. And be it further enacted, That all such Surveys, Admeasurements and Plans as shall be requisite and necessary to be made and taken for the Purposes of carrying this Act into Execution, shall be made and taken by *Matthew Weston* of *Rudyard Hall*, in the Parish of *Leek* afore said, and *Charles Heaton*, of *Leek* afore said, Land Surveyors, or by such other Person or Persons as the said Commissioner shall from Time to Time nominate and appoint, in case he or they shall think proper to discharge them, or either of them, or any future Surveyor.

Surveyors appointed.

IV. And be it further enacted, That the said Commissioner shall cause public Notice to be given upon some *Sunday* before Divine Service, by Writing to be affixed upon one of the principal outer Doors of each of the Parish Churches of *Horton*, *Leek*, and *Stoke-upon-Trent*, and also by Advertisement to be inserted in the said Newspaper called *The Staffordshire Advertiser*, if then published, and if not then in some other Newspaper printed or circulated in the Neighbourhood of *Leek* afore said, of the Time and Place of the first and every subsequent Attendance for the Execution of this Act or the said recited Act, Ten Days at least before every such Attendance shall be held (Attendances by Adjournment only excepted); and the said Commissioner shall attend from Time to Time as he shall see Occasion, at some Place within the Manor of *Horton*, or at some other Place within the Distance of Eight Miles from the Boundary of the said Manor of *Horton*; and all other Notices necessary or requisite to be made and given by the said Commissioner in the Execution of this Act or the said recited Act, shall be made and given by Writing and Advertisement in like Manner as herein-before is mentioned.

Notice of Meetings.

V. And be it further enacted, That the said Commissioner shall be allowed the Sum of Two Pounds twelve Shillings and Sixpence for his Trouble and Expences for each Day he shall necessarily attend in the Execution of the Powers of this Act or the said recited Act, and that out of such Allowance he shall pay and defray his own Charges and Expences.

Allowance to Commissioner.

VI. And be it further enacted, That it shall not be lawful for any Person whomsoever, from and after the passing of this Act until the Execution of the Award of the said Commissioner, to cut, dig, pare, flay, get or carry away any Turf, Clay, Soil, Stone, Gorse or any Dung, in, upon or from the said Commons and Waste Grounds, or any Part thereof, without the Leave and Licence of the said Commissioner first had and obtained in Writing under his Hand, which Leave and Licence he is hereby empowered to grant under such Rules, Orders, Regulations, and Restrictions, as he shall think proper; and if any Person shall, after the passing of this Act, cut, dig, pare, flay, get or carry away any Turf, Clay, Soil, Stone, Gorse or Dung, in, upon, or from such Commons and Waste Grounds, or any Part thereof, without such Leave and Licence of the said Commissioner, or having obtained such Leave and Licence, shall act in any Manner contrary thereto, or to the Rules, Orders, Regulations, and Restrictions therein contained, then and in every such Case every such Person being convicted thereof either by his or her own Confession, or upon Oath of one credible Witness before one of His Majesty's Justices of the Peace for the said County of *Stafford*, not being interested (who may summon the Parties concerned, and examine such Witnesses upon Oath relating to the said Complaint) shall for every such Offence forfeit and pay such Sum of Money as the said Justice shall

No Turf, &c. to be cut without Leave of the Commissioner.

appoint, not exceeding the Sum of Five Pounds, which Penalty shall be recovered, paid, and applied towards the Discharge of the Costs, Charges, and Expenses of obtaining and executing this Act.

Encroachments made above 20 Years.

VII. And be it further enacted, That all Encroachments which shall have been made upon or from the said Commons and Waste Grounds without legal Interruption, or without having paid any Rent or Rents, or made any Attornment or Attornments to or for the Use of the Freeholders and Copyholders within the said Manor for Twenty Years or upwards previous to the First Day of *January* One thousand eight hundred and seven, and for which any Rent or Rents or Acknowledgment or Acknowledgments hath or have been paid to the said *Edmund Antrobus*, or his Predecessors as Lords of the said Manor within that Period, shall, with the Cottages and Buildings thereon, be deemed to belong to the said *Edmund Antrobus* as Lord of the said Manor; and all such other Encroachments as shall have been made upon or from the said Commons and Waste Grounds for Twenty Years or upwards without legal Interruption, or without having paid any Rent or Rents or made any Attornment or Attornments to or for the Use of the said Freeholders and Copyholders before the said First Day of *January*, and for which no Rent or Rents or Acknowledgment or Acknowledgments hath or have been paid to the said *Edmund Antrobus*, or his Predecessors as Lords of the said Manor within that Period, shall, with the Cottages and Buildings thereon, be deemed to belong to and are hereby vested in the several Persons who are the Owners and Proprietors thereof respectively, whether occupying by themselves or Tenants, their several and respective Heirs and Assigns.

Encroachments made within 20 Years.

VIII. And be it further enacted, That all Encroachments which shall have been made upon or from the said Commons and Waste Grounds, within Twenty Years next before the said First Day of *January*, or for which any Rent or Rents or Acknowledgment or Acknowledgments shall have been paid, or any Attornment or Attornments made to or for the Use of the Freeholders and Copyholders within the said Manor, within such Period, shall be deemed Part of such Commons and Waste Grounds; but all such last-mentioned Encroachments, with the Cottages and Buildings thereon, shall be allotted to the Person or Persons who at the Time of passing this Act shall, in his, her, or their own Right, be in Possession of, or in Receipt of or entitled to the Rents and Profits of such Encroachments, for his, her, or their Share or Proportion of the said Commons and Waste Grounds, by virtue of this Act, or so far as the same will extend in Value according to the present improved State; but in case any such last-mentioned Encroachments and Buildings shall in the Judgment of the said Commissioner be of greater Value than the Share or Proportion of the said Commons and Waste Grounds which the Person or Persons so entitled ought to have by virtue of this Act or the said recited Act, then and in such Case the said Commissioner is hereby authorized to sell and allot such Encroachments or Parts of Encroachments to such Person or Persons who, if he, she, or they was or were entitled to a sufficient Allotment from the said Commons and Waste Grounds, would be entitled to have the same allotted as aforesaid, at such Sum or Sums of Money as he shall adjudge the same to be worth in its present State, and the same shall be paid to the said Commissioner, and when received by him shall be applied towards defraying the Costs, Charges,

Charges, and Expences of obtaining and executing this Act; and if any such last-mentioned Persons shall refuse or neglect to pay such Sum or Sums of Money as the said Commissioner shall so adjudge, at the Time fixed by him for that Purpose, then the said Commissioner is hereby required to allot such surplus Part of such last-mentioned Encroachments unto such other Person or Persons so entitled as he shall think proper, in Part or in full of his, her, or their Allotment or Allotments, as the Case may be, but according to the improved State: Provided always, that in case any such last-mentioned Encroachments or any Part or Parts thereof, shall in the Judgment of the said Commissioner be thought proper or more convenient to be laid to the Lands of any other Person entitled to an Allotment or Allotments from the said Commons and Waste Grounds, then and in such Case the said Commissioner is hereby required to allot such last-mentioned Encroachments, or such Part thereof as he shall think proper, according to the present improved State, unto such other Person or Persons so entitled, in Part or in full of his, her, or their Allotment or Allotments, as the Case may be.

IX. Provided always, and be it further enacted, That in case any Person or Persons shall at the Time of the passing of this Act be in Possession of, or in his, her, or their own Right, in Receipt of or entitled to the Rents and Profits of any of such last-mentioned Encroachments or Buildings, who shall not be entitled to any Allotment from the said Commons and Waste Grounds under or by virtue of this Act or the said recited Act, then and in any such Case the said Commissioner is hereby authorized to fix such Price on such Encroachments and Buildings, or such Part or Parts thereof, that he may think proper to be sold, as he shall consider a full and fair Value for the same in the present State; and in case such Person or Persons so in Possession or entitled as aforesaid, shall pay the Purchase Money or Price so fixed for the same to the said Commissioner at such Time as he shall appoint to receive the same, then and in such Case every such Encroachments with the Buildings thereon, for which the full Purchase Money shall be so paid, shall immediately thereupon be absolutely discharged of and from the Common and other Rights thereon or therein (other than such as are hereby reserved to the said *Edmund Antrobus* as Lord of the said Manor as aforesaid) and be vested in Fee Simple in and thenceforth held in Severalty by such Purchaser or Purchasers thereof respectively, as his, her, or their own Property, and shall be allotted accordingly by the said Commissioner, and the said Purchase Money shall be applied by the said Commissioner towards defraying the Charges and Expences of this Act, and carrying the same and the said recited Act into Execution; and if any such last-mentioned Person or Persons shall refuse or neglect to pay such Price as the said Commissioner shall so fix at the Time appointed by him for that Purpose, then such Encroachments with the Buildings thereon (if any) which shall not be so paid for as aforesaid, shall be allotted as Common and Waste Grounds: Provided always, that in case any such last-mentioned Encroachments, or any Part or Parts thereof, shall, in the Judgment of the said Commissioner, be thought proper or more convenient to be laid to the Lands of any Person entitled to an Allotment or Allotments from the said Commons and Waste Grounds, then and in such Case the said Commissioner is hereby required to allot such last-mentioned Encroachments, or such Part thereof as he shall think proper, according to the present improved State, unto such other Person or Persons so entitled,

[*Loc. & Per.*]

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Power for
Commissioner
to sell En-
croachments
and Cottages
as do not in-
terfere with
Proprietors, as
he shall think
proper at a
full and fair
Valuation.

in Part or in full of his, her, or their Allotment or Allotments, as the Case may be.

Surplus produced by Sales to be divided between Proprietors in Fee according to their Interests, and between the other Proprietors, as directed by Act 41 G 3.

X. Provided always, and be it enacted, That in case the Sum or Sums of Money so received by the said Commissioner shall be more than sufficient for the Purpose of defraying the Costs, Charges, and Expences of obtaining and executing this Act, then and in such Case such Surplus Money shall be divided and apportioned between the several Proprietors of and Persons interested in the Lands hereby directed to be divided and inclosed, in such Shares as shall be in Proportion to such their respective Property, Rights and Interests; and the respective Shares of such of them as shall be Tenants in Fee Simple of their respective Allotments shall be paid to them respectively; and the Shares of such other Proprietors or Persons of and in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act, in case any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Commissioner to settle Disputes.

XI. And be it further enacted, That if any Question or Dispute shall arise between any Person or Persons interested in the said Commons and Waste Grounds before the setting out and allotting the same in Manner herein-after mentioned, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have, in, upon or over the same Commons and Waste Grounds, or touching or concerning any other Matter or Thing relating to the said Division, Allotment or Inclosure, then it shall be lawful for the said Commissioner to examine into, hear, and determine the same: Provided always, that nothing herein contained shall extend or be construed to extend so as to enable the said Commissioner to determine the Title to any Lands, Tenements, or Hereditaments whatsoever.

Power to assess Costs.

XII. And be it further enacted, That in case the said Commissioner shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to him in pursuance of this Act or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made, by the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in any such Case it shall and may be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Surplus (if any) upon Demand, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and

and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

XIII. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with the Determination of the said Commissioner, touching or concerning their respective Rights or Interests, in, over or upon the said Commons and Waste Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, then and in every such Case it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the then next or at the following Assizes to be holden for the said County of *Stafford*; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioner, shall cause an Action to be brought or commenced on a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, in whose Favour such Determination shall have been made, within One Calendar Month next after such Determination of the said Commissioner shall have been made known to such Person or Persons, Body or Bodies Politic, Corporate or Collegiate, and shall proceed to Trial thereon as aforesaid; and the Defendant or Defendants in such Action or Actions shall, and he, she or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept one or more Issue or Issues whereby such Claim or Claims, and the Right or Rights thereby insisted on may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive upon and to all and every Person and Persons, Body and Bodies Politic, Corporate or Collegiate whatsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or new Trials to be had thereupon, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioner shall and he is hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioner, touching such Rights or Interests, in, over or upon the said Commons and Waste Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all and every Person and Persons, Body and Bodies Politic, Corporate or Collegiate.

Allowing Parties to try Rights by an Issue at Law.

Determination of Commissioner to be final if not objected to or no Action brought.

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

If any Party die, Proceedings not to abate.

XV. Pro.

In Cases of Deaths of Parties before Actions brought, the same to be carried on and defended in their Names.

XV. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioner with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Persons in Possession not to be molested without due Course of Law.

XVI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any of such Parties, except in Cases of Encroachments within the Period of Twenty Years, as herein-before mentioned; but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

Allotments for Watering Places and getting Stone.

XVII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and empowered, after he shall have set out and appointed the necessary public Carriage Roads and Highways through and over the said Commons and Waste Grounds hereby directed to be divided and inclosed, to assign, set out and allot such and so many Plots and Parcels of the said Commons and Waste Grounds as he shall think proper and necessary to be used for the Purpose of public Watering Places for Cattle, or for digging and getting Stone, Gravel and other Materials for the making or repairing the Bridges, Highways, and Roads within the said Manor, and for the Use of the Proprietors of Estates within the same Manor, and their Tenants for the Time being, for and in respect of their Estates within the same; and that the Herbage growing and renewing in and upon the Lands so to be set out as aforesaid shall be vested in such Person or Persons and applied to such Uses as the said Commissioner shall by his Award direct.

Not to affect Waters running to Harracles Mill.

XVIII. Provided always, and be it enacted, That nothing herein contained shall enable or empower the said Commissioner to do any Act or Acts to injure, affect or lessen the Reservoir of Water on *Longsdon-Moor* or the Pools, Streams, Springs, or Watercourses which supply the Mill called *Harracles Mill* otherwise *Horton Mill*, the Property of the said *Thomas Mills*, with Water; or any other Pool, Stream, Spring or Watercourse, without the Consent in Writing of the Person or Persons from whose Lands such

such Pool, Stream, Spring or Watercourse shall be diverted or turned, and into whose Lands the same shall be conveyed.

XIX. And whereas a Messuage or Tenement and Building was lately erected upon a small Piece of Land, Part of the said Commons and Waste Grounds, called *The Leigh*, or *Leigh Road*, and which contains Half an Acre, or thereabouts, for the Purpose of a School for the Benefit of poor Children resident within the said Manor; be it therefore enacted, That the said Commissioner shall and he is hereby authorized and required to assign, set out and allot the said Piece of Land, with the said Messuage or Tenement and Building thereon, unto Five or more Persons, being Freeholders resident in or near *Horton*, and their Heirs, together with the Curate for the Time being of the said Curacy of *Horton*, as Trustees for the same; and the said Piece of Land, Messuage or Tenement and Building thereon, shall be vested in the said Trustees and their Heirs for ever, for the like Purposes to which the same are at present applied, but under such Rules and Regulations as the said Commissioner shall in and by the said Award direct.

Allotment for School.

XX. And be it further enacted, That the said Commissioner, after he shall have set out the said public Roads and Highways, and the said Allotments for public Watering Places, getting Stone, and for other public Uses as aforesaid, and the said Allotment to the said Trustees to the said Schoolhouse, do and shall set out and allot unto and for the Lord of the said Manor of *Horton*, so much and such Part and Parts of the then Residue of the said Commons and Waste Grounds as shall, in the Judgment of the said Commissioner, be equal in Value to One full Sixteenth Part or Share of such Residue of the said Commons and Waste Grounds, in full Satisfaction for his Right and Interest in and to the Soil of the said Commons and Waste Grounds which shall be inclosed by virtue of this Act, and the Stone (except Limestone and Ironstone) Slate, Gravel, Clay and Sand within and under the same.

Allotment to the Lord of the Manor.

XXI. And be it further enacted, That such Part of the Fences as the said Commissioner shall direct to belong to the Allotment or Allotments to be made to the said *Edmund Antrobus*, as Lord of the said Manor of *Horton* as aforesaid, by virtue of this Act, shall be walled or ditched and planted with Quickset, or otherwise well and sufficiently made under the Direction of the said Commissioner within such Time, and paid for out of the Monies to be raised for the Purposes of this Act, and in such Manner as the said Commissioner shall direct and appoint; but such Walls, Hedges, Ditches, or other Mounds and Fences when made, shall for ever thereafter be maintained by the said *Edmund Antrobus*, his Heirs or Assigns.

Lords Allotments to be fenced at the Expence of the Proprietors.

XXII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, in the next Place, to divide, set out and allot all the Residue of the said Commons and Waste Grounds hereby intended to be divided and inclosed, unto, between and amongst the said *Edmund Antrobus* (as a Proprietor) and the several other Proprietors and Persons who, at the Time of making such Division and Allotment, shall be entitled to the Right of Common thereon, or otherwise interested therein, in Proportion to their several and respective Shares, Estates, Rights, Properties and Interests; and, from and after such Division and Allotment

Allotments of the Remainder to the Proprietors.

ment shall be made and perfected, it is hereby declared, that all the Soil and Stone (except Ironstone and Limestone) Slate, Gravel, Clay and Sand, lying and being within or under the said Commons and Waste Grounds, shall go and belong to the Person or Persons in or under whose Allotment and Allotments the same shall be situate.

Fencing other Allotments.

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

Allotments in lieu of Quit or other Rents.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioner, at the Request and with the Consent of the Parties interested, to be signified by Writing under their respective Hands, to assign and set out unto such Person or Persons as are entitled to any Fee Farm Rents, Chief Rents, Quit Rents, or other dry and unimproveable Rents, arising or payable from or out of any Lands, or Hereditaments belonging to any of the Proprietors of or Persons interested in the said Commons and Waste Grounds hereby intended to be inclosed, such Portion or Portions of the Allotment or Allotments to be made from off the said Commons and Waste Grounds to such Person or Persons respectively who shall be desirous of being exonerated from any such Rents as aforesaid, as shall in the Judgment of the said Commissioner be equivalent to the Fee Simple and Inheritance of such Rents, and in lieu of and in full Compensation for all the Fee Farm Rents, Chief Rents, Quit Rents, or other dry and unimproveable Rents arising or due or payable, or which could or might arise or become due or payable from or out of any Lands or Hereditaments belonging to any of the Proprietors of or Persons interested in the said Commons and Waste Grounds hereby intended to be inclosed, and that such Rents to be respectively compensated for as aforesaid, and the Lands to be allotted in lieu thereof, shall be specified in the Award of the said Commissioner: Provided nevertheless, that no Allotment or Allotments shall be made from off the said Commons and Waste Grounds hereby intended to be divided, and inclosed for or in lieu of any Fee Farm Rents, Chief Rents, Quit Rents, or other dry and unimproveable Rents held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent (signified as aforesaid) of the Patron thereof, and of the Bishop of the Diocese in which the Lands, Tenements, or Hereditaments out of which such Rents shall arise or be payable shall lie and be situate.

Allotments in respect of Tythe free Lands to be Tythe-free.

XXV. Provided further, That all and every Allotment or Allotments which shall be made from off the said Commons and Waste Grounds hereby intended to be divided and inclosed, to be set out for and in respect of any Messuages, Lands, and Hereditaments which are wholly or in Part Tythe-free or exempt from Tythes, shall in like Manner also be Tythe-free or exempt from such Tythes; and that all and every such Allotment or Allotments to be set out for and in respect of any Messuages, Lands, and Hereditaments which are subject to any Tythes, Moduses, or other Payments in lieu of Tythes, shall, as well as the Messuages, Lands, or Hereditaments

ditaments in respect of which the same shall be so set out, be and remain likewise subject to the like Tythes, Moduses, or other Payments in lieu of Tythes.

XXVI. And be it further enacted, That the said Commissioner shall and may from Time to Time, as he shall think proper, deliver to the several Persons interested in the several Divisions and Allotments to be set out under this Act, Possession of their respective Allotments hereby directed to be made and set out, notwithstanding the Award of the said Commissioner shall not then be made and executed: Provided always, that it shall be lawful for the said Commissioner, at any Time before the executing his said Award, to make such Alteration in all or any of the Allotments and Fences which he may have set out and ordered, and also in every private Road or Roads made over any such Allotment or Allotments, as he shall think right and expedient; and in case any Person or Persons shall be injured by any such Alterations, on account of any Expences he, she, or they may have incurred, then and in every such Case the said Commissioner shall ascertain and determine what Recompence shall be made to him, her, or them, and shall direct by whom and in what Manner such Recompence shall be made, and such Recompence is hereby directed to be made accordingly.

Commissioner
to deliver Possession of Allotments.

XXVII. And be it further enacted, That all and every the Allotments to be made to the Owners or Proprietors of Estates within the said Manor of *Horton*, in Right of or in respect of any Freehold Messuages, Lands, or Hereditaments, shall, from and immediately after the Execution of the Award of the said Commissioner, be and be deemed Freehold; and all and every the Allotments, to be made in Right of or in respect of any Copyhold Messuages, Lands, or Hereditaments, by virtue of this Act, shall, from and after the Execution of the said Award, be and be deemed Copyhold, and shall be held as such by Copy of Court Roll, at the Will of the Lord of the said Manor, according to the Custom of such Manor, and under and subject to the same Tenures, Rents, Payments, Fines, Heriots, Customs, and Services, as the Copyhold Messuages, Lands, or Hereditaments respectively, for or in respect whereof such Allotments shall be made, are now held; and the said Commissioner shall and he is hereby authorized to ascertain, delineate, and distinguish, in his Survey, Map, and Award, all such Copyhold Allotments, with their respective Boundaries and Abutments from the Freehold Allotments; and all and every Person and Persons to whom any such Copyhold Allotment or Allotments shall be made, shall, within Twelve Calendar Months next after the Execution of the Award of the said Commissioner, be respectively admitted Copyhold Tenants to the Lands so allotted to them; and on each of such Admissions the nominal Fine of One Shilling only shall be paid, together with the accustomed Charges and Fees to the Steward, Juries, and Bailiffs of the Court of the said Manor, but such nominal Fine shall not hereafter be cited as a Precedent on any future Occasion of Fines to be taken in respect of such Allotments, or entered in the Court Rolls of the said Manor; and if any Person or Persons to whom such Allotment or Allotments shall be made, shall, within the Time above limited, refuse or neglect to be admitted a Copyhold Tenant or Copyhold Tenants thereof respectively as before mentioned, then and in every such Case it shall and may be lawful for the Lord of the said Manor for the Time being to enter upon the Allotment or

Allotments to be of the same Tenure as the Lands for which they are allotted, and the different Kinds of Tenures to be ascertained.

Allotments belonging to the Person or Persons so refusing or neglecting to be admitted Tenant thereof as aforesaid, as and for a Forfeiture, and to hold the same as in case of other forfeited Estates within the said Manor.

No Sheep to be kept in Allotments for 7 Years without guarding Quicks.

XXVIII. And be it further enacted, That no Sheep or Lambs shall be depastured or kept in any of the Allotments to be made by virtue of this Act, where Quick Fences shall be planted, during the Space of Seven Years next after the Execution of the said Award, unless the Person or Persons so keeping the same shall first, at his, her, or their own Expence, make and maintain a Fence sufficient to guard the young Quick Fences round such Allotments from being cropped, hurt or damaged by such Sheep or Lambs, whether such Quick Fences be planted or set by or belong to the Owner or Occupier or Owners or Occupiers of such Allotment or Allotments as aforesaid, or the Owner or Occupier or Owners or Occupiers of the Allotment or Allotments adjoining thereto; and if the Persons respectively so depasturing or keeping or turning such Sheep or Lambs into any of the said Allotments shall not have first well and sufficiently guarded all such Quick Fences as aforesaid, then and in every such Case every such Person so offending shall forfeit and pay for every such Offence any Sum of Money not exceeding the Sum of Five Pounds, and such Penalty shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any of His Majesty's Justices of the Peace for the said County of *Stafford*, which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath (which Oath such Justice is hereby empowered to administer); and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalty when recovered shall be paid to the Person whose Quicks shall or may be damaged for want of such guarding as aforesaid.

Not to prejudice any Will, Settlement, &c.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will, Settlement, or other Deed, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Estates, Debts, Rents, or Incumbrances, out of, upon or affecting any of the Lands and Hereditaments to be divided, allotted, and inclosed, or which shall be exchanged or partitioned by virtue of this Act or the said recited Act, or any Part or Parts thereof respectively, but that the respective Persons to whom any Lands or Hereditaments shall be so allotted or given in Exchange or by Partition shall be seised thereof to such and the same Uses, and for such and the same Estates, and under and subject to such and the same Settlements, Limitations, Remainders, Jointures, Rents, Charges, and Incumbrances, and under such and the same Restrictions, Covenants, and Agreements, as the several Messuages, Lands, Tenements, or Hereditaments whereof such Person was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioner, or for which or in lieu or in respect whereof such Allotment, Exchange or Partition shall be made as aforesaid, would have been subject to, charged with or affected by, in case this Act had not been made.

XXX. And

XXX. And be it further enacted, That the said Commissioner may and he is hereby directed and authorized (on Application made to him for that Purpose in Writing by any of the Parties interested) to declare void any Lease or Leases at Rack Rent now subsisting, granted for any Term not exceeding Twenty-one Years, which may affect any of the Lands to be inclosed, exchanged or divided within the said Manor by virtue of this Act or the said recited Act (and the same shall accordingly cease at such Time or Times as the said Commissioner shall by Writing under his Hand order and appoint); and the said Commissioner is hereby empowered to adjudge and determine what Recompence and Satisfaction shall be made to the Lessee or Lessees of every such Lease or Leases, and by whom and at what Time such Recompence and Satisfaction shall be made; and in case such Recompence and Satisfaction shall not be made accordingly, then it shall be lawful to and for such Lessee or Lessees to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case: Provided always, that if there shall be any such Lease of Lands as aforesaid, Part of which shall lie in the said Manor, and Part in any adjoining Manor, Parish or Township, all and every such Lease or Leases may be vacated, but where any Lands shall have been taken in Exchange, which Lands shall be under Lease and wholly situate in any adjoining Manor, Parish or Township, such last-mentioned Lease shall not be vacated.

For vacating
Leases at Rack
Rent.

XXXI. Provided always, and be it further enacted, That if any Person or Persons hath or have sold, or contracted or agreed to sell, or shall at any Time before the Execution of the Award of the said Commissioner sell, contract or agree to sell, his, her or their Right, Interest or Property, in, over or upon the said Commons and Waste Grounds, or any Part thereof, to any other Person or Persons, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required to make an Allotment of Land to the Purchaser or Purchasers in such Sale, Contract or Agreement, or to his, her or their Heirs or Assigns, for or in respect of such Right, Interest or Property so sold, contracted or agreed to be sold as aforesaid; and every such Purchaser or Purchasers, his, her or their Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her or them as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor or Vendors in every such Sale, Contract or Agreement might, could or ought to have held and enjoyed the same, in case such Sale, Contract or Agreement had not been made.

In case any
Person shall
sell his Com-
mon Right,
the Allotment
to be made to
the Purchaser.

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

Commissioner
may divert
Roads.

[*Loc. & Per.*]

28 K

XXXIII. And

Commissioner
may sell Part
All tments to
Tenants for
Life, &c. for
Expences.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioner, in case he shall be requested by Writing under the Hand or Hands of any Person or Persons being Tenant for Life or in Tail, or other Person being in Possession of but not having the absolute Estate or Interest in any Messuages, Lands, Tenements, or Hereditaments within the said Manor, to sell and dispose of so much of the respective Allotment or Allotments to be made to such Person or Persons in respect of such Messuages, Lands, Tenements or Hereditaments, as shall in the Judgment of the said Commissioner be equal in Value to the respective Proportions of the Expences of obtaining and putting into Execution this Act and the said recited Act which such Person or Persons may be charged with, and the Expences of fencing, ditching and inclosing the Allotment or Allotments of such Person or Persons; and the said Commissioner shall assign, allot and award the said Lands to be sold to such Person or Persons as he shall think proper, upon Payment of the Value thereof by such Person or Persons to the said Commissioner, who shall apply the same in or towards the Payment of such Expences, and in fencing, ditching, and inclosing the said Allotment or Allotments respectively.

Disposal of
Surplus Mo-
ney.

XXXIV. And be it further enacted, That in case any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be paid to the Person or Persons entitled thereto, if seized in Fee of such Lands, or otherwise such Surplus shall be paid into the Bank of *England* in the Manner directed by the said recited Act, with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Expences of
Act, &c. to
be raised by
Rate, &c.

XXXV. And be it further enacted, That the Costs, Charges and Expences of making such of the Fences for inclosing the Allotments herein directed to be made to the said *Edmund Antrobus*, his Heirs and Assigns, as Lord of the Manor aforesaid, as shall by the Award of the said Commissioner be directed to belong thereto, and to be maintained by the said Lord as aforesaid, and all the Costs, Charges and Expences incident to and attending the obtaining this Act, and of surveying, admeasuring, planning, and valuing the Old inclosed Lands and Grounds within the said Manor, and also of surveying, admeasuring, planning and valuing, dividing and allotting the Commons and Waste Grounds to be divided and allotted by virtue of this Act or the said recited Act, and of preparing and enrolling the Award of the said Commissioner, and all the Charges and Expences of the said Commissioner, his Assistants, Surveyors and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioner in and about the Premises either before or after the Execution of the said Award, and all Expences of forming, completing and repairing the public Carriage Roads and Highways to be set out and appointed by the said Commissioner, and all other Expences of carrying this Act into Execution (save and except the Expences of Exchanges, Partitions or Compensations by Allotment in lieu of Rents, and the ascertaining and measuring the Encroachments in and to which Rights have been gained which are herein-after mentioned and directed to be otherwise borne and paid) shall be borne and defrayed by the several Persons being Proprietors of Lands or Grounds to whom any Allotment or Allotments shall be made by virtue of this Act, (save and except the said

Edmund

Edmund Antrobus, his Heirs or Assigns, for or in respect of the Allotment or Allotments to be set out, and made to him and them in lieu of Soil as Lord of the Manor aforesaid); which said Costs, Charges, and Expences, together with the Proportions thereof to be paid by the several Persons hereby made liable to the Payment thereof, shall be adjusted and settled by the said Commissioner; and the said Commissioner is hereby authorized and empowered from Time to Time to make and form Estimates of all such Costs, Charges, and Expences, and to raise the Amount of such Estimates by a Rate or Rates from Time to Time as he shall deem necessary and proper in Manner directed in and by the said recited Act.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Manor of *Horton* and the several Townships of *Endon*, *Longsdon*, and *Stanley*, in the said Parish of *Leek*, and in the Township of *Bagnall*, in the said Parish of *Stoke-upon-Trent* respectively, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments whatsoever within the said Manor, Townships, Parishes, and Places respectively, or within any adjoining Township, Parish, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants, in Fee Simple or in Fee Tail, General or Special, or for Life, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges, shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange and Exchanges so to be made, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

XXXVII. Provided always, and be it further enacted, That the Costs, Charges and Expences attending the making of any Exchange or Exchanges, Partition or Partitions, or Allotment or Allotments in lieu of or Compensation for any Rents to be made by virtue of this Act or the said recited Act, or in surveying and ascertaining any Encroachments which may have been made from the said Commons and Waste Grounds within the said Manor for upwards of Twenty Years, and to which any Persons may have become entitled in Manner aforesaid, shall be borne, paid, and defrayed by the several Persons making such Exchanges and Partitions or Compensations, and who may have become entitled to any such Encroachments as aforesaid, in such Shares and Proportions as the said Commissioner shall, in and by any

For making Exchanges.

Expences of Exchanges and Partitions to be borne by the Persons making them.

any Rate or Rates to be by the said Commissioner from Time to Time made, and as he shall order and direct, and which shall be raised and levied in the like Manner as Expences for obtaining any Act are in and by the said recited Act directed to be levied.

Proprietors
and Agents to
pay their own
Expences.

XXXVIII. Provided always, That the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioner at any Meeting to be holden in pursuance of this Act.

For allowing
Interest on
Money ad-
vanced.

XXXIX. And be it further enacted, That in case any Person or Persons shall advance any Sum or Sums of Money for the Purpose of defraying the Expences of obtaining and passing this Act or carrying the same into Execution, every such Person shall be repaid the same, together with lawful Interest from the Time of advancing thereof, out of the Monies that shall be raised for defraying such Expences; which Sum or Sums of Money so to be advanced as aforesaid, and the Interest thereof, shall be a Charge upon the said Commons and Waste Grounds hereby intended to be divided and inclosed, until the same shall be raised and repaid.

Commission-
ers to lay Ac-
counts before
One or more
Justices once
every Year.

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

Award to be
deposited.

XLI. And be it further enacted, That the Award to be made by the said Commissioner, when enrolled in Manner directed by the said recited Act, shall be deposited and kept within the Parish Church of *Horton* aforesaid, to the End that Recourse may be had thereto by any Person or Persons interested in the said Inclosure.

Appeal to
the Quarter
Sessions.

XLII. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act or the said recited Act (other than and except such Orders and Determinations of the said Commissioner as are by the said recited Act or this Act declared to be final or conclusive, and except in such Cases wherein an Issue at Law shall be tried as herein-before mentioned) then and in every such Case he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be holden for the said County of *Stafford* within Four Calendar Months next after the Cause of Complaint shall have arisen, by giving Ten Days Notice in Writing of such Appeal and of the Matter thereof to the said Commissioner and to the Party or Parties concerned; and the Justices at the said General Quarter Sessions are hereby required

to hear and determine the Matter of such Appeal, and to make such Orders therein, and award such Costs as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Surplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and the Determination of the said Justices therein shall be final and conclusive upon all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*; but in case such Appeal shall appear to the said Justices frivolous, vexations, or without Foundation, then and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner last mentioned.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said *Edmund Antrobus*, his Heirs or Assigns; as Lord of the said Manor of *Horton*, or any future Lord or Lords thereof, in or to any of the Royalties or Seignories incident or belonging to the said Manor, but that he the said *Edmund Antrobus*, his Heirs or Assigns, as Lord of the said Manor, and all other succeeding Lords of the said Manor for the Time being, shall and may at all Times for ever hereafter hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Waifs, Estrays and Forfeitures; and that nothing in this Act contained shall be construed to prejudice, lessen or defeat the Right, Title or Interest of the said *Edmund Antrobus*, his Heirs and Assigns, as Lord of the said Manor of *Horton*, to the Mines, Beds, Veins and Seams of Coal, Cannel Slack, Ironstone, Limestone, or other Mines or Minerals in or under the said Commons and Waste Grounds hereby intended to be inclosed (save and except all other Stone, Slate, Gravel, Clay, and Sand) the same being hereby reserved to him the said *Edmund Antrobus*, his Heirs and Assigns, as Lord of the said Manor, with full and free Liberty, Power and Authority for him and them from Time to Time and at all Times hereafter to hold, win, work and enjoy all Mines, Beds, Veins and Seams of Coal, Cannel Slack, Ironstone, Limestone, and other Mines and Minerals of what Nature or Kind soever (save and except as aforesaid) within and under the said Commons and Waste Grounds hereby intended to be inclosed, together with all convenient and necessary Roads, Ways and Passages, and Liberty of laying, making, and repairing Waggonways and other Ways, in, over, and along the same, or any Part thereof, and of searching for, winning and working the said Mines and Minerals, and leading and carrying away the Coal, Cannel Slack, Ironstone, Limestone, or other Produce thereof, (except as aforesaid) and sinking, digging and making Pits, Shafts, Pit Rooms, Heap Rooms, Stand Yards, Air Pits, Drifts, Levels, Ways and Watercourses (except such as supply *Haracles* otherwise *Horton* Mill as aforesaid) and of erecting and using Fire Engines or other Engines, and of altering, changing, pulling down and carrying away the same, or any of the Materials thereof, and to have and use any Stone got in the Sinking Pits or Shafts, or working or getting the said Minerals so reserved

Saving to the
Lord of the
Manor.

as aforesaid for the Uses and Purposes of the said Works, but not for Sale, at his, her or their own free Will and Pleasure, and to do, employ, use and exercise all such other Machines, Acts and Things either now in Use or hereafter to be invented, as may be necessary and convenient for the full and complete Enjoyment thereof, in as full, ample and beneficial a Manner, to all Intents and Purposes, as he or they could or might have done in case this Act had not been made, he and they making and allowing to the several Owners or Occupiers of such Allotments respectively reasonable and adequate Recompence and Satisfaction for all such Damages as shall from Time to Time be done thereto, or to any Erections or Buildings that may at the Time of working or getting the said Mines and Minerals, or exercising the Privileges aforesaid, be erected or built thereupon, by or in the Use or Exercise of any such Right, Title, Interest, Liberty, Power, or Authority, in Proportion to the Loss thereby sustained by them respectively.

Power to view
Mines Once
a Day.

XLIV. Provided always, and be it further enacted, That it shall be lawful for the several Owners or Occupiers of such Allotments respectively, or their Servants or Workmen, at any Time or Times during the working of the said Mines or any of them, by the Ropes, Hooks, or other Engines used in any Pit or Pits, that may be sunk in any of the said Lands to be divided, allotted and inclosed, to ride and go down any such Pit or Pits, Shaft or Shafts, not exceeding Once in any One Day, into the said Mines, to view and see the Works within and under the same, and by the said Ways or Means to ascend and be drawn up the said Pit or Pits by the Workmen or Servants of the Person or Persons working or getting the said Coals (if required) or by any other Person or Persons brought by any such Owners or Occupiers.

General
Saving.

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

Act may be
given in Evi-
dence.

XLVI. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty; and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1808.