



payable from the said Forest, Heath or Common and Waste Lands, or some Part thereof: And whereas the said Forest, Heath or Common and Waste Lands, in their present State are of little Use or Value, but the same are capable of Cultivation and Improvement, and being in the Vicinity of the Town of *Stone* and of the *Staffordshire* Potteries, which is a populous and increasing manufacturing District, it would not only be advantageous to the Persons interested in the said Forest, Heath or Common and Waste Lands, but also be of great public Utility if the same were divided, allotted and inclosed, and the several Persons interested therein are desirous that such Division, Allotment and Inclosure should take place: But as the same cannot be effected without the Aid of Parliament: May it therefore please Your Majesty, That it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Robert Harvey*, of *Dunstall* in the County of *Stafford*, Gentleman, *George Bishton*, of *Kelsall* in the County of *Salop*, Gentleman, and *John Tilsley*, of *Caverswall* in the said County of *Stafford*, Gentleman, and their Successors, to be appointed in Manner hereinafter mentioned, shall be and they are hereby constituted and appointed Commissioners for setting out, dividing, allotting and inclosing the said Forest, Heath or Common and Waste Lands, and for putting this Act into Execution, in such Manner and subject to such Regulations as are hereinafter contained, and with such Powers, and subject to such of the Rules, Orders, Directions, Authorities, Regulations, Restrictions and Provisions contained in an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*; as are not controlled by or repugnant to any of the Clauses, Provisions or Regulations contained in this Act; or otherwise provided for by this Act; and that all Acts, Matters and Things done and executed by any Two of the Commissioners named in or to be appointed by virtue of this Act, shall be to all Intents and Purposes as valid and effectual as if the same had been done and executed by all the said Commissioners.

Commissioners appointed.

Any Two Commissioners may act.

New Commissioners to be appointed upon Vacancies;

by the Lord of the Manor.

II. Provided always, and be it further enacted, That if the said *Robert Harvey* or any Person who shall from Time to Time be appointed a Commissioner by the Lord or Lords, Lady or Ladies of the said Manor for the Time being in the Manner by this Act directed, shall die, or refuse or neglect to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities and Trusts hereby vested in the Commissioners shall be fully performed and executed, then and in every such Case and as often as the same shall occur, it shall and may be lawful to and for the Lord or Lords, Lady or Ladies of the said Manor for the Time being, and he, she and they is and are hereby authorized and required, within Thirty Days next after any such Death, Refusal, Neglect or Incapacity shall be made known to him, her or them, by Notice in Writing from the surviving or remaining Commissioners or Commissioner, or their Clerk for the Time being,

or

or from any Two or more of the Persons interested in the said Division and Inclosure, by any Instrument in Writing under his, her or their Hands, to nominate and appoint a fit and proper Person to be a Commissioner in the Place and Stead of him so dying, refusing, neglecting or being incapable as aforesaid; and in case the said *George Bishton* and *John Tilsley*, or either of them, or any Person who shall from Time to Time be appointed a Commissioner by the Proprietors and Owners of Messuages, Lands, Tenements, and Hereditaments, entitled to Right of Common upon or interested in the said Forest, Heath or Common and Waste Lands hereby intended to be divided, allotted and inclosed in the Manner by this Act directed, shall die, or refuse or neglect to act, or become incapable of acting as a Commissioner in the Execution of this Act, before all the Powers, Authorities and Trusts hereby vested in the Commissioners shall be fully performed and executed, then and in every such Case, and as often as the same shall occur, the major Part in Value (such Value to be ascertained by the Rate for the Relief of the Poor of the said Parish of *Stone* for that Year) of the other Proprietors and Owners (exclusive of the Lord or Lords, Lady or Ladies of the said Manor) of Messuages, Lands, Tenements and Hereditaments entitled to Right of Common upon or interested in the said Forest, Heath or Common and Waste Lands hereby intended to be divided, allotted and inclosed; who by themselves or by their respective Agents or Attornies shall be present at a public Meeting to be convened and holden for that Purpose in the Manner hereinafter directed, such Meeting to be held within Thirty Days next after any such Death, Refusal, Neglect or Incapacity as last aforesaid shall happen, shall and may, by any Instrument in Writing under their Hands, nominate and appoint a fit and proper person to be a Commissioner in the Place and Stead of him so dying, refusing, neglecting or being incapable as last aforesaid.

by the Proprietors and Owners of Messuages, &c.

III. Provided further, and be it enacted, That if at any Time or Times it shall happen that the Lord or Lords, Lady or Ladies of the said Manor, shall not within the Time and in the Manner hereinbefore directed, nominate and appoint a new Commissioner as aforesaid, or if at any Time or Times hereafter it shall happen that such Proprietors and Owners shall not within the Time and in the Manner hereinbefore directed nominate and appoint a new Commissioner or Commissioners as aforesaid, then and in every such Case, and as often as it shall happen, it shall and may be lawful to and for the surviving or remaining Commissioners or Commissioner, as the Case may be, and they and he are and is hereby authorized and required, within Thirty Days next after the Expiration of the respective Times allowed for the Nomination and Appointment of such new and succeeding Commissioner as aforesaid, or so soon afterwards as conveniently may be, by Writing under the Hands of such surviving or remaining Commissioners or Commissioner, to nominate and appoint a fit and proper Person to be a Commissioner in the Room or Stead of the Commissioner so dying, refusing, neglecting or becoming incapable of acting as aforesaid; provided, that in all Cases the Nomination and Appointment of such new Commissioner and Commissioners shall be communicated and made known to the surviving or remaining Commissioners or Commissioner, or to their Clerk for the

The Lord of the Manor on Proprietors omitting to appoint Commissioners may.

Time

Time being, and public Notice be given thereof in the *Staffordshire Advertiser*, or in some other Newspaper printed or published or usually circulated within the said County of *Stafford*, within Ten Days next after such Nomination and Appointment respectively shall take place.

New Commissioners to have the same Powers as the Commissioners originally named. Persons interested, &c. not to be named Commissioners.

Notice of Meetings of Proprietors for appointing new Commissioners to be given.

IV. And be it further enacted, That every Person who shall be nominated and appointed a Commissioner as by this Act directed, shall, after taking the Oath prescribed by the said Act of the Forty-first Year of His present Majesty, have all such and the like Powers and Authorities for putting this Act and the said Act in execution, as if he had been originally named and appointed by this Act; provided, that no Person shall be appointed a Commissioner by virtue of this Act, or be capable of acting as such who shall be beneficially interested in the said Division and Inclosure.

V. Provided further, That previous Notice of all Meetings of the said Proprietors and Owners for appointing a new Commissioner or Commissioners as aforesaid, shall be given by some Two or more of such Proprietors or Owners, or their respective Agents, or by the surviving or remaining Commissioners or Commissioner for putting this Act in Execution, or by the Clerk for the Time being to the said Commissioners, such Notice stating the particular Purpose of the Meeting, and to be affixed on one of the outer Doors of the Parish Church of *Stone* aforesaid, and to be inserted in the *Staffordshire Advertiser* or some other Newspaper printed or published or usually circulated in the said County of *Stafford*, Fourteen Days at the least previous to the Day of Meeting, and no such Meeting shall be legal unless such Notices shall be given in the Manner hereby directed.

Commissioners to appoint a Clerk and Surveyor.

VI. And be it further enacted, That the said Commissioners shall have full Power and they are hereby authorized to appoint a Clerk, and also a Surveyor or Surveyors, to assist them in the Execution of this Act and the said Act, and such Clerk and Surveyors respectively from Time to Time to remove, and to make any new Appointment whenever such Removal or any other Vacancy in the said Offices respectively shall take place, and to fix the Salary, Allowance and Compensation to be made to such Clerk and Surveyors respectively, for their Trouble, Charges and Expences respectively.

Notice to be given of the Meetings of the Commissioners.

VII. And be it further enacted, That the said Commissioners shall and they are hereby required, with all convenient Speed after the passing of this Act, to give public Notice in the Parish Church of *Stone* aforesaid, upon some Sunday immediately after Divine Service, or by Notice in Writing under their Hands to be fixed on one of the outer Doors of the said Church immediately before Divine Service, and also to give Notice in the *Staffordshire Advertiser* or some other Newspaper printed or published or usually circulated within the said County of *Stafford*, of the Time and Place of their first Meeting for carrying this Act into Execution, and shall give Notice in like manner of their Second and Third Meetings for executing the Powers vested in them, Twenty Days at least before such First, Second, and Third Meetings respectively, and

of

of each and every subsequent Meeting the said Commissioners shall give Notice in manner aforesaid Ten Days at least before such last mentioned Meetings; and in case Two of the said Commissioners shall not attend at the Time and Place appointed for any Meeting in pursuance of this Act, or to which any such Meeting shall be adjourned, it shall be lawful for the Commissioner who shall attend, and to and for the Clerk to the said Commissioners, in case none of the said Commissioners shall attend, to adjourn such Meeting from Time to Time to any future Day not exceeding Fourteen Days from the Day of such Adjournment, and to such Place as to the said Commissioner or Clerk shall seem most convenient; and the Person making such Adjournment is hereby required to give timely Notice thereof to the absent Commissioners, and to leave at the Time and Place of such Meeting at which any Adjournment shall be made, Notice under his Hand when and where such adjourned Meeting is to be held from Time to Time; but no further or other Notice shall be necessary to be given of any such Adjournment: Provided always, that all Meetings to be holden by the said Commissioners for carrying this Act or the said Act into Execution, shall be holden within the Parish of *Stone* aforesaid, or within Eight Miles of the same.

VIII. Provided always, and be it further enacted, That all other Notices necessary or required to be given by or in pursuance of this Act, or by or in pursuance of the said Act, shall be given or published in the *Staffordshire Advertiser*, or in some other Newspaper printed or published or usually circulated in the said County of *Stafford*, and that all Meetings whatsoever of the said Proprietors and Owners under or in pursuance of this Act, or of the said Act, shall be held within the said Parish of *Stone*, or within Eight Miles thereof; and that such Proprietors and Owners, and their respective Attornies and Agents, shall pay their own Expences at all such Meetings.

Other Notices how to be given.

IX. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested in the said Division and Inclosure, touching or respecting the Rights and Interests which they or any of them shall have or claim to have in, to, out of or upon the said Forest, Heath or Common and Waste Lands hereby intended to be divided, allotted and inclosed, or any Part or Parts thereof, or any Objection shall be taken or made by any of the said Parties to the Claim or Claims of any Person or Persons, Party or Parties therein, or touching or concerning the Tythes so claimed by the said *John Flewell*, *William Nicholls*, and *Richard Hand*, or any other Matter or Thing relating to the said Division and Inclosure, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to institute an Inquiry into, and to examine, hear and determine the same, upon proper and sufficient Inquiry and Evidence; provided that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Lands, Tenements or Hereditaments whatsoever, in right or in respect of which such Right of Common or other Claims shall be made.

Commissioners to determine Disputes and Objections;

but not to authorize them to determine Titles.

X. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine  
[*Loc. & Per.*]

Commissioners not to determine any

Rights con-  
trary to  
Possession.

any Right between any Parties, contrary to the Possession of any such Parties; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been taken from such Person or Persons by Ejectment or other due Course of Law.

Commission-  
ers may  
award Costs;

XI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any such Disputes, Differences, Claims or Objections, see Cause to award Costs, it shall and may be lawful for the said Commissioners to settle, assess and award such Costs and Charges as they shall think reasonable, to be paid to the Person or Persons Party or Parties, in whose Favour any such Determination shall be made, by the Person or Persons, Party or Parties whose Claim or Claims, Objection or Objections, shall be hereby disallowed or over-ruled; and in case of any Refusal or Neglect to pay the said Costs and Charges, pursuant to the Order in Writing of the said Commissioners, then and in such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person whomsoever, to cause such Costs and Charges, and all Expences occasioned by the Nonpayment thereof, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Party or Parties so neglecting or refusing to pay such Costs and Charges, rendering the Overplus, if any, upon Demand, to the Person or Persons, Party or Parties whose Goods and Chattels shall have been so distrained and sold, after deducting all Costs, Charges and Expences attending such Distress and Sale; and in case there shall be no Goods and Chattels whereof to levy the same, then and in such Case it shall be lawful for the Person or Persons, Party or Parties in whose Favour such Costs shall be awarded, to recover the same by Action or Actions of Debt or on the Case, in which it shall be sufficient to declare, that the Defendant or Defendants is or are indebted to him or them in the Sum specified in the Order made by the said Commissioners, and in virtue of such Order, without setting forth any other of the Proceedings had therein.

or in default  
thereof to be  
recovered by  
Action at  
Law.

Power to try  
disputed  
Claims at  
Law.

XII. Provided always, and be it further enacted, That in case any Person or Persons, Party or Parties interested or claiming to be interested in the said Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims, to Right of Common, or other Rights or Interests in, over or upon the said Forest, Heath or Common and Waste Lands hereby directed to be divided, allotted and inclosed, or any Part or Parts thereof, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and shall by themselves respectively or by their respective Agents or Attornies, give or cause to be given Notice in Writing of such Dissatisfaction and Intention to the said Commissioners, or any of them, and to the Person or Persons, Party or Parties, or his, her or their Agent or Attorney, in whose Favour such Determination shall have been made, within one Calendar Month next after such Determination of the said Commissioners, then and in every such Case it shall and may be lawful to and for the Person or Persons,  
Party

Party or Parties giving such Notice as aforesaid, to proceed to a Trial at Law of the Matter and Question, Matters and Questions so determined by the said Commissioners, at the First Assizes to be holden for the said County of *Stafford*, next after the Expiration of Three Calendar Months from the Time of such Determination being made by the said Commissioners, and for that Purpose the Person or Persons, Party or Parties so dissatisfied with the Determination of the said Commissioners, and giving such Notice as aforesaid, shall within one Calendar Month next after such Notice shall be given, cause an Action to be brought in one of His Majesty's Courts of Record at *Westminster* upon a feigned Issue, against the Person or Persons, Party or Parties in whose Favour such Determination shall have been made, 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 and Claims, Objection and Objections, and the Right or Rights, Interest or Interests thereby insisted upon 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 brought, in case the Parties or their Attornies cannot agree upon the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons, Party and Parties whomsoever, unless the Court wherein such Action or Actions shall be brought or be depending shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had therein, which it shall be lawful for the Court to do, and also for the same Court or the Court of Nisi Prius, upon sufficient Cause shewn, to put off the Trial of such Action or Actions as is usual in other Cases, although the Time hereinbefore limited for the Trial of such Action or Actions may be thereby exceeded; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioners shall and they are 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 Commissioners, touching all such Claims, Matters and Things hereinbefore referred to them, which shall not be objected to in manner before mentioned, or being objected to, the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Persons and Parties whomsoever.

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

Death of Parties not to affect Suits or Proceedings.

XIV. Provided also, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such

Allowing Actions to be brought after Deaths of Parties in certain Cases.

such Action or Actions, it shall be awful 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 Commissioners with Notice of such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living, and it shall therein be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Right of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Suits not to impede the Execution of the Act.

XV. And be it further enacted, That no Action, Suit or Proceeding to be brought or commenced in pursuance of this Act, shall delay, impede or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them in and by this Act or the said Act; provided that the General Award of the said Commissioners shall not be executed before such Actions, Suits and Proceedings are finally determined.

Open Places against Roads may be inclosed.

XVI. And be it further enacted, That all open Places, Patches and small Parcels of Land lying against or next to any public Road or Lane within any Part of the said Manor, and which in the Judgment of the said Commissioners may be conveniently inclosed without incommoding such Roads or Lanes respectively, or the public Intercourse thereon, or rendering the same of less Width than Thirty Feet, shall be deemed Part of the Waste Lands to be divided, allotted and inclosed by virtue of this Act.

Power to stop Roads between or over old Inclosures.

XVII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to divert or stop up any old Carriage Road, Driftway, Bridleway, or Footpath, public or private, leading between, through and over any of the old Inclosures in the said Manor, or in any adjoining Manor or District interested in the said Division and Inclosure, subject to such Concurrence, Appeal, and other Provisions as is and are mentioned in the said Act in that behalf; and the Soil of the Roads and Ways so to be stopped up, shall be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act.

Encroachments how to be allotted.

XVIII. And be it further enacted, That all Encroachments made within Twenty Years next before the passing of this Act, in, upon or from any Part of the said Forest, Heath or Common, shall be deemed Part thereof, and the same shall be divided and allotted accordingly: Provided nevertheless, that all and every such Encroachments shall be allotted to the Lord or Lords, Lady or Ladies of the said Manor, at a Valuation to be put upon the same by the said Commissioners, without considering or estimating the Value of any Erections or other Improvements made thereon but the Land only, and that after the Rate of so much



much Money per Acre as the same shall in their Estimation be worth, having Reference to the next adjoining Part of the said Forest, Heath or Common, or to an average Value of the Whole in the Discretion of the said Commissioners; and upon Payment of the Amount of such Valuation to the said Commissioners, at such Time or Times as they shall appoint for that Purpose (whose Receipt and Receipts shall be a valid and sufficient Discharge and Discharges for the same to all Intents and Purposes whatsoever), every such Encroachment shall immediately vest in the Lord or Lords, Lady or Ladies of the said Manor in Fee Simple, and be allotted and awarded to him, her, or them accordingly; and the said Commissioners shall and they are hereby required to apply the Monies arising from the said Encroachments for and towards the Expences of obtaining and passing this Act, and of carrying the same into Execution, and the same to be applied in such and in the like Manner as any other Monies to be raised for those Purposes are herein directed to be applied; and in case any Dispute or Difference shall arise touching any such Encroachments or the Extent thereof, such Disputes shall be settled and determined by the said Commissioners.

XIX. Provided always, and be it further enacted, That the several Persons who at the Time of the Allotment being made of such Encroachments as aforesaid, shall be in the actual Possession thereof respectively, or in Receipt of the Rents and Profits thereof respectively, and their respective Assigns, shall and may and they are hereby respectively authorized to continue to possess, hold and enjoy the said Encroachments respectively, under and as Tenants to the Lord or Lords, Lady or Ladies of the said Manor, for any Term to be settled by the Commissioners, not exceeding Twenty-one Years from the Time of such Allotment being made by them as aforesaid, at such Rents and upon such Terms as the said Commissioners shall fix and settle in that behalf respectively, and which they are hereby authorized and required to fix and settle, and to certify in Writing under their Hands at the Time of making such Allotment as aforesaid, and the same to be also specified in their General Award; and the Lord and Lords, Lady and Ladies of the said Manor shall and is and are hereby required, upon the Application and at the Costs and Charges of the respective Persons who shall be entitled, to hold and enjoy such Encroachments in manner aforesaid, to grant Leases of the said Encroachments respectively to such Person and Persons respectively, upon the Terms and according to the Provisions hereinbefore contained in that behalf: Provided further, and if it shall happen that any of the said Encroachments, or any Cottage formerly erected upon the said Forest, Heath or Common, and belonging to the Lord of the said Manor, shall, upon the setting out and dividing the said Forest, Heath or Common and Waste Lands under and in pursuance of this Act, be situated in the midst of any particular Person's or Party's Allotment or lie between the same, and his, her, or their old inclosed Lands, or shall be otherwise deemed and allowed by the said Commissioners to be an inconvenient Intervention of Property, then and in every such Case, upon the Application of the Person or Persons, Party or Parties interested therein, it shall and may be lawful for the said Commissioners, and they are hereby fully authorized and required to allot the Cottages and En-

Persons in Possession of the Encroachments to have Leases.

Encroachments or Cottages may be exchanged.

encroachments so circumstanced to such Person or Persons, Party or Parties respectively, and thereupon to set out and allot to the Lord or Lords, Lady or Ladies of the said Manor, a full and fair Equivalent by way of Exchange, to be settled and determined by the said Commissioners, for such Cottages and Encroachments respectively, estimated upon the actual Value thereof at the Time, from and out of each such Person's or Party's Allotment respectively, under and by virtue of this Act, to whom such Cottages and Encroachments respectively shall be so allotted, or with the Consent of such Person or Persons, Party or Parties respectively, but not otherwise, from the old inclosed Lands of such Person or Persons, Party or Parties respectively within the said Manor; provided that such Equivalent, in respect to any Encroachment made within Twenty Years next before the passing of this Act, shall be subject to the same Conditions and Right of Lease in favour of the Person or Persons in the actual Possession of such Encroachments respectively, or in Receipt of the Rents and Profits thereof at the Time of such Allotment as are hereinbefore declared in respect of such Encroachments, and would have attached thereon respectively had no such Exchange taken place, or in lieu thereof such Compensation in Money shall be made and paid to them respectively by the Lord or Lords, Lady or Ladies of the said Manor, as shall be adjudged by the said Commissioners.

Allotment for  
Repairs of  
Roads, &c.

XX. And be it further enacted, That the said Commissioners, after setting out, appointing and allotting in pursuance of the said Act, all such public Carriage Roads and Highways in, through and over the said Forest, Heath or Common and Waste Lands hereby intended to be divided, allotted and inclosed as they shall judge necessary, shall set out, appoint and allot unto the Surveyor or Surveyors of the Highways for the Hamlet of *Motherfall* aforesaid for the Time being, such Part and Parts of the said Forest, Heath or Common and Waste Lands, for common Watering Places, and for getting Stone, Gravel and Materials for making and repairing Roads; and the Allotment and Allotments so to be set out, appointed and allotted as aforesaid, shall for ever thereafter be used by the said Surveyors for the Time being, and by the Lord and Lords, Lady and Ladies of the said Manor, and the Proprietors of such Messuages, Lands and Tenements as are entitled to Right of Common, or otherwise interested in the said Forest, Heath or Common and Waste Lands hereby intended to be divided, allotted and inclosed, and their Tenants for the Time being, in such Manner and under such Rules and Regulations as the said Commissioners shall in and by their Award direct and appoint.

Commissioners to determine how the Expences of the Act are to be raised.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby fully authorized to settle and determine whether the Costs, Charges and Expences of or incident to the obtaining and passing this Act, and of carrying the same into Execution, in every respect (after appropriating the Monies to arise from the said Encroachments as aforesaid) shall be raised and paid by Sale of a sufficient Part of the said Forest, Heath or Common and Waste Lands hereby intended to be divided, allotted and inclosed, or shall be raised and paid by the several Persons and Parties interested in the Division, Allotment and Inclosure thereof, in

in proportion to their respective Allotments, Shares, Rights and Interests therein, or shall be raised and paid wholly or in part by either or both of the said Ways and Means; provided, that if at the Time of the Execution of the General Award, of the said Commissioners there shall remain any Sum or Sums of Money due in arrear or unpaid from any Person or Persons, Party or Parties which shall have been adjudged or ordered to be paid by virtue of this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and required to levy and raise the same in like manner as they might or could have done before the Execution of their Award: Provided always, and in case there shall be any Surplus Monies from all or any of the Ways and Means aforesaid, after all the said Costs, Charges and Expences of obtaining and passing this Act, and of carrying the same and the said Act into Execution in every Respect as aforesaid, shall be fully paid and satisfied, such Surplus Monies shall be equally distributed by the said Commissioners amongst the several Persons and Parties interested in the said Forest, Heath or Common and Waste Lands, in Proportion to their several Rights and Interests therein; and the Share and Proportion of every Person and Party who shall be seized in Fee Simple of the several Allotments to be made to them respectively by virtue of this Act, shall be paid to such Person and Persons, Party and Parties respectively; and in other Cases the same shall be applied and disposed of by the said Commissioners according to the Directions and Provisions contained in the said Act, in respect to Money paid for the Purchase of Land or Timber growing thereon, and which ought to be laid out in the Purchase of other Hereditaments to be settled to the same Uses.

Arrears may be enforced after Execution of Award.

Application of Surplus Monies.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto and for the said *John Flewell, William Nicholls, and Richard Hand* respectively, according to their respective Shares, Rights and Interests therein and thereunto, such Parcel or Parcels of the said Forest, Heath or Common and Waste Lands, as shall in the Judgment of the said Commissioners be a full Compensation and Satisfaction to the said *John Flewell, William Nicholls, and Richard Hand*; for all their said Tythes of Corn and Grain, arising or renewing upon or payable from, or for or in respect of the said Forest, Heath or Common and Waste Lands, or such Parts or Part thereof as shall be subject thereto.

Directing Satisfaction to be made for Tythes of the Commissioners.

XXIII. And be it further enacted, That the said Commissioners shall set out, allot and award to and for the Lord or Lords, Lady or Ladies of the said Manor for the Time being, One full Twelfth Part or Share of the Whole of the said Forest, Heath or Common and Waste Lands intended to be divided, allotted and inclosed under and by virtue of this Act, the Quality and Quantity as well as the Situation thereof being duly considered, which shall remain after the several public Carriage Roads and Highways, and the Allotments hereinbefore authorized to be made and set out for public or common Purposes and for Tythes as aforesaid, and also such Part or Parts of the said Forest, Heath or Common and Waste Lands as shall be set out by the said Commissioners for Sale for the Purpose of defraying the Expences of obtaining and passing this

Allotment to the Lord of the Manor.

this Act, and of carrying the same and the said Act into Execution, or any Part thereof as aforesaid, in case the same or any Part thereof shall be determined to be raised by that Mode pursuant to the Powers hereinbefore contained, are deducted therefrom, such Allotment or Allotments to the Lord or Lords, Lady or Ladies of the said Manor, to be and to be deemed and taken in Recompence and full Satisfaction for the Right and Interest of the Lord or Lords, Lady or Ladies of the said Manor, in and to the Soil of the said Forest, Heath or Common and Waste Lands so to be divided, allotted, and inclosed under and by virtue of this Act, and for his, her or their aforesaid Right or Claim of cutting Underwood and of Rabbit Warren thereon, but exclusive of such other Shares and Proportions thereof as he, she or they shall be entitled to in respect of his, her or their Messuages, Lands, and Tenements, to which a Right of Common or other Rights on the said Forest, Heath or Common and Waste Lands so to be divided, allotted and inclosed, is appurtenant, appendant or belonging.

Allotment to the Lord of the Manor to be in a particular Part of the Common.

XXIV. Provided always, and be it further enacted, That the Allotment or Allotments so to be made to and for the Lord or Lords, Lady or Ladies of the said Manor as aforesaid, shall comprize a certain Wood called *The Short Oaks* lying above certain Pools belonging to the said *Thomas Swinnerton*, near the Village of *Motherfall* aforesaid, called *The Bigg Pool* and *Little Pool*; and the said Commissioners are hereby directed and required to act in conformity to the aforesaid Directions, in regard to such Allotment or Allotments to the Lord or Lords, Lady or Ladies of the said Manor; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Allotments of the Residue.

XXV. And be it further enacted, That the said Commissioners shall set out, allot and award all the Residue of the said Forest, Heath or Common and Waste Lands intended to be divided, allotted and inclosed under and by virtue of this Act, after the several Allotments hereinbefore directed or authorized to be made as aforesaid, shall have been first made and set out unto and amongst the several Persons and Parties interested in the said Forest, Heath or Common and Waste Lands, in such Quantities, Shares and Proportions as the said Commissioners shall judge and determine to be just, equivalent and adequate to their respective Rights and Interests in the said Forest, Heath or Common and Waste Lands, and in lieu thereof, having a due Regard as well to the Quality and Quantity as to the Situation of the same; and the said Commissioners shall with all convenient Speed after such setting out and allotting the said Forest, Heath or Common and Waste Lands is completed, deliver or cause to be delivered to each of the several Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments interested in the said Division and Inclosure or to their respective Agent, a Ticket or Note in Writing, signed by the said Commissioners or their Clerk, specifying the Quantity in Statute Measure, and the Situation of the Allotment or Allotments set out and allotted to or for the Person or Persons, Party or Parties whose Allotment or Allotments shall be specified in such Ticket or Note, and which part of the Hedges or Fences they shall be respectively required to make and repair, in order that each of the

the said Parties interested in the said Division may have an Opportunity of considering the Justice, Equity and local Convenience of such Division, before the said Commissioners shall make and publish their General Award.

XXVI. And be it further enacted, That from and after passing of this Act, no Person shall pare, dig, or take away any Sods, Turves or Soil, or cut or destroy any Underwood in, upon or from any Part of the said Heath or Common or Waste Lands, until the same shall be set out and allotted as aforesaid, under a Penalty not exceeding Forty Shillings for every such Offence.

No Person shall dig Sods or Turves, &c.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered at any Time or Times before the Execution of their said General Award, by Notice in Writing under their Hands, to be fixed upon one of the outer Doors of the Parish Church of *Stone* aforesaid, to order and direct all or any of the Rights of Common in, over and upon the said Forest, Heath or Common and Waste Lands, or any Part or Parts thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Notice; and thereupon all such Rights of Common so ordered and directed to be extinguished or the Exercise thereof to be suspended, shall cease, determine and be extinguished or the Exercise thereof be suspended, according to such Notice; and it shall be lawful for the said Commissioners, in case they shall judge it expedient, to let by Auction the Pasturage of the said Forest, Heath or Common and Waste Lands, or any Part thereof, for such intermediate Time previous to the allotting thereof, as they may think right, and the Monies thence arising shall be applied by the said Commissioners towards the Expences of passing and executing this Act.

Rights of Common may be suspended before Execution of Award.

XXVIII. And be it further enacted, That it shall and may be lawful for any Person or Persons, Party or Parties who shall be entitled to any Allotment or Allotments under or by virtue of this Act, or who shall be entitled to any Common Right or other Right in or upon the said Forest, Heath or Common and Waste Lands so to be divided; allotted and inclosed in pursuance thereof, to give, grant, bargain, sell, demise, mortgage, limit, devise, convey, assure and dispose of the same for all or any Part of his, her or their Estate and Interest therein or Right thereto, separately and distinctly from the Messuages, Lands, Tenements or Hereditaments in right of which he, she, or they is or are entitled to the same, at any Time before the Execution of the General Award of the said Commissioners; and any such Gift, Grant, Bargain, Sale, Demise, Mortgage, Limitation, Devise, Assurance and Disposition thereof, as well by Will as by any other Instrument or Assurance, shall be of the same Force and Validity as if made after the Execution of the said Award; and the said Commissioners are hereby authorized and required to award all and every such Allotment and Allotments so sold or disposed of, to the Purchaser or Purchasers thereof, or other Person or Persons, Party or Parties entitled to the same by virtue of any such Sale or Disposition.

Allotment may be conveyed, &c. before the Execution of Award.

In case any Allotment shall be sold, the same to be awarded to the Purchaser;

Purchase Monies being paid to the Person, or to the Commissioners in Trust for him.

Expences of Exchanges to be borne by the particular Parties.

Allotments to be made to Landlords.

Allotments to be of the same Tenure as the Estate in right of

XXIX. Provided always, and be it further enacted, That if any Person or Persons, Party or Parties hath or have sold or contracted or agreed to sell, or shall at any Time before the Execution of the General Award to be made by the said Commissioners sell or contract or agree to sell his, her or their Right, Interest or Share, or any Part thereof, in, over and upon the said Forest, Heath or Common and Waste Lands, to any other Person or Persons, Party or Parties, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, directed, and required to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, Contract, or Agreement, or to his, her or their Heirs, Successors and Assigns, for and in respect of such Right, Interest and Share so sold, or contracted or agreed to be sold as aforesaid; and any such Vendee or Purchaser, or his, her or their Heirs, Successors and Assigns, shall and may, from and after the Execution of the said Award, having duly paid to the Vendor the Purchase or Consideration Monies mentioned in such Contract or Agreement, or paying the same into the Hands of the said Commissioners (whose Receipt shall in that Case be a sufficient Discharge), in Trust for the Person or Persons, Party or Parties entitled to such Purchase or Consideration Monies, hold and enjoy the Land to be allotted to him, her or them as aforesaid, in the same full and beneficial Manner to all Intents and Purposes, as the Vendor 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, or such Rights, Interests or Share had been vested in such Vendor at the Time of making such Allotment.

XXX. Provided always, and be it further enacted, That the Costs, Charges and Expences attending the making of any Exchanges or Partitions by virtue of this Act or of the said Act (except as to any Cottages under the Powers hereinbefore given) shall be borne, paid and defrayed by the several Persons and Parties making such Exchanges and Partitions in such Shares and Proportions as the said Commissioners shall direct.

XXXI. Provided and always, and be it further enacted, That the Allotments to be made and set out by virtue of this Act, in right of any Messuages, Lands, Tenements or Hereditaments held under Lease from Year to Year, or for any Term of Years not exceeding Twenty-one Years at Rack Rent, shall be allotted and set out to the respective Landlords or Lessors, and shall be held and enjoyed by them free from all Right and Interest of their respective Lessees or Tenants; and such Landlords or Lessors respectively shall make such Abatements out of the Rents reserved by such Leases respectively, or such other Compensation or Satisfaction on account of the Determination of the Common Rights comprized therein, as the said Commissioners shall judge reasonable, and shall in and by their said Award or by any other Writing under their Hands ascertain, direct or appoint.

XXXII. And be it further enacted and declared, That all and every the Allotment and Allotments of Lands and Grounds which shall be set out and allotted by virtue or in pursuance of this Act or of the said Act shall, from and after the Execution of the General Award by the said Commissioners,

tioners, become and be of the same Tenure, and be held under the same Rents and Services, and in the same Manner as the several and respective Lands, Tenements and Hereditaments in respect whereof such Allotment or Allotments shall be respectively allotted and set out, are and have heretofore been holden and are subject to respectively. which they were made.

XXXIII. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter or annul any Will, Settlement or Deed whatsoever, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Annuity, Portion, Debt, Rent, Charge or Incumbrance in, out of, upon or affecting any of the Lands, Tenements or Hereditaments hereby directed to be divided, allotted, inclosed or exchanged respectively in pursuance of this Act or of the said Act, or any Part or Parts thereof respectively; but that the several Messuages, Cottages, Lands, Tenements and Hereditaments which shall be so allotted or exchanged respectively, shall, immediately after the Execution of the Award of the said Commissioners, be vested in and remain, continue and enure, and be held and enjoyed by the several Persons and Parties to whom the same shall be allotted or given in exchange respectively, and they shall respectively thenceforth stand and be seised and possessed thereof respectively to, for and upon such and the same Uses, Estates, Interests, Trusts, Intents and Purposes, and subject and liable to the same Wills, Limitations, Estates, Conditions, Settlements, Provisoes, Remainders, Reversions, Debts, Charges, and Incumbrances of every Kind, as the Lands, Tenements, and Hereditaments for or in respect of which such Allotments and Exchanges respectively shall be made, would have been subject to, charged with or affected by at or immediately before the Execution of the said Award, in case this Act had not been made, and subject always to such Mortgages, Charges and Incumbrances as shall be made in pursuance of this Act or of the said Act. Wills, Settlements, &c. not to be affected.

XXXIV. And be it further enacted, That where the Proprietor or Proprietors of any Messuages, Lands, Tenements or Hereditaments, in right of which any Allotment shall be made by virtue of this Act, shall hold their respective Messuages, Lands, Tenements or Hereditaments by different Tenures, or for, by or under different Estates or different Titles, the said Commissioners shall ascertain and distinguish the Messuages, Lands, Tenements or Hereditaments so held by different Tenures, or for, by or under different Estates or different Titles, and shall accordingly in their Award set out and appoint distinct and separate Allotments for such respective Messuages, Lands, Tenements and Hereditaments. Separate Allotments to be made for Lands held by different Titles, &c.

XXXV. Provided always, and be it further enacted, That where from want of the necessary Information before the said Commissioners or from any other Cause, the General Award of the said Commissioners shall have omitted to distinguish the Messuages, Lands, Tenements or Hereditaments so holden by the said Proprietor or Proprietors by different Tenures, or for, by or under different Estates or Titles as aforesaid, Lands held by different Titles, &c. omitted to be distinguished by the Award may be afterwards de-  
said,

clared by a  
separate In-  
strument.

said, or shall have omitted to set out and award several and distinct Allotments for any such Messuages, Lands, Tenements, or Hereditaments as hereinbefore directed and required, it shall and may be lawful for the said Commissioners and they are hereby authorized, at any Time and from Time to Time within Seven Years after the Date and Execution of their Award, upon Request in Writing to them made by the respective Proprietors of any such Messuages, Lands, Tenements or Hereditaments, to do all such Acts as shall be necessary for supplying any such Omission, and for that Purpose to examine Witnesses, and to proceed as if their Award had not been made; and by any Deed or Instrument under their Hands and Seals to distinguish, ascertain, and set out the Messuages, Lands, Tenements and Hereditaments so held by different Tenures, or for, by or under different Estates or Titles respectively, and the several and distinct Allotments in respect thereof respectively, in the same Manner as they are hereby authorized and required to do in Cases where such Messuages, Lands, Tenements and Hereditaments are directed to be ascertained, distinguished and set out by the General Award; and every such separate Instrument shall be inrolled in the same Place as the General Award shall be inrolled, and Evidence given thereof in the same Manner as by the said Act and this Act is directed concerning the said General Award; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry and separate Instruments as aforesaid, shall be paid by the Person or Persons, Party or Parties, who shall have requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators.

Not to preju-  
dice certain  
Rights.

XXXVI. Provided always, That nothing herein contained, or any Act, Matter, or Thing to be done in pursuance hereof, shall in anywise affect or prejudice any Right which the said *Thomas Swinnerton* now possesses or has heretofore exercised over the different Waters which run from any Springs on the said Forest, Heath or Common, into the said Pools, called *The Big Pool* and *Little Pool*, or certain other Pools used as Reservoirs to a certain Flint Mill belonging to the said *Thomas Swinnerton*, and occupied by *John Adderley* as his Tenant, or to the Waters now rented by *William Nicholls* by and under the said *Thomas Swinnerton*, or any of them, but the same Rights respectively shall and may be fully exercised and enjoyed by the said *Thomas Swinnerton*, his Heirs and Assigns, as heretofore; and nothing herein contained shall be construed to authorize any Person or Persons, Party or Parties, to alter, divert, or change the present Course of the said Waters or Springs, or any of them.

Allotments to  
be fenced as  
directed by  
the Commis-  
sioners.

XXXVII. And be it further enacted, That the several Allotments to be made by virtue of this Act shall be inclosed, hedged, ditched, and fenced at the Expence of the respective Proprietors and Persons to whom such Fences shall be allotted or directed to belong, in such Manner and Proportion as the said Commissioners shall by their Award or any other Writing under their Hands direct or appoint.

XXXVIII. And



XXXVIII. And be it further enacted, That all and every the Powers and Provisions contained in the said Act for charging any Allotment or Allotments or exchanged Lands with the Expences of obtaining and executing this Act, shall and may be exercised in like Manner upon and over any of the old inclosed Lands, Tenements and Hereditaments for or in respect of which any Allotment or Allotments shall be made by virtue of this Act, in case the Person or Persons, Party, or Parties respectively so empowered by the said Act to charge such Allotment and Allotments, shall deem it necessary and expedient to include or to subject such old inclosed Lands, Tenements and Hereditaments, or any Part thereof, in the Mortgage or Mortgages, Security or Securities to be so made.

The Powers of the recited Act for charging Allotments with Expences, to extend to old inclosed Lands

XXXIX. And be it further enacted, That if any Person during the Space of Seven Years from the Execution of the said Commissioners Award, shall keep or depasture, or permit to be kept or depastured, any Sheep, Lambs, Horses, Mules, Asses, Cows, Calves, or other Cattle, Geese or Pigs in the Roads or Lanes to be set out by virtue of this Act or of the said Act, or in any of the Allotments to be made in pursuance of this Act (unless he, she, or they shall first effectually fence and guard the adjoining Allotment or Allotments belonging to any other Person or Persons from any Injury or Damage to their Quicksets or new planted Hedges or Fences) every Person offending in any of the Cases aforesaid, shall upon Conviction thereof forfeit and pay for every such Offence the Sum of Forty Shillings, to be paid to the Person or Persons, Party or Parties injured, the same to be levied and recovered in the Manner directed by the said Act in the Case of Penalties and Forfeitures.

Regulation as to the Sheep, &c. being kept in the Inclosures for Seven Years.

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

Commissioners to lay Accounts before one Justice to be audited.

XLI. And be it further enacted, That the said Commissioners shall and they are hereby required, before the Time of executing their General Award, to submit and lay all such Statements or Accounts, with the Vouchers relating to the same, before a General Meeting of the Persons and Parties interested or concerned in the said Division and Inclosure, either by themselves or by their respective Agents or Attornies, such Meeting to be convened in the Manner hereinbefore directed as to other  
[Loc. & Per.]

Accounts to be submitted to a General Meeting previous to the Execution of Award.

public Meetings for the Appointment of new Commissioners; and the said Statements or Accounts, or a true Copy thereof, shall be delivered to the Persons present at such Meeting; or to such Person or Persons as they or the major Part of them in Value shall appoint to receive the same; and if the Persons so assembled, or the major Part of them in Value shall think proper, the said Accounts shall be then passed, settled, and allowed, and shall not be appealed against unless any Three or more Persons or Parties interested therein shall join and concur in such Appeal, and the same to be carried on by and at the Costs and Charges of the particular Persons and Parties so appealing.

Money advanced for obtaining or carrying this Act into Execution to be repaid with Interest.

XLII. And be it further enacted, That if any Person or Persons shall advance or lend any Sum or Sums of Money for or towards defraying the Expences of obtaining and passing this Act, or for or towards carrying the same into Execution, every such Person and Persons shall be repaid the Monies so lent or advanced, with Interest from the Time or respective Times of Advancement, until repaid, at and after the Rate of Five Pounds *per Centum per Annum*, out of the first Monies which shall be raised and received for the Purposes of this Act, and the Sum and Sums of Money so lent or advanced shall be and be deemed to be a Charge on the Monies to be raised and received by the Commissioners in pursuance of this Act.

The Award, after being inrolled, to be deposited in the Parish Chest of Stone.

XLIII. And it is hereby further enacted, That within Three Calendar Months next after the General Award of the said Commissioners shall be inrolled, the same shall be deposited in the Parish Chest of the Parish of *Stone* aforesaid, wherein the Papers and Books relating to the said Parish are usually kept, and that the same shall be open to the Inspection and Resort of all Persons and Parties interested or claiming any Estate, Right or Title under such Award at all reasonable Times, paying for such Inspection and Perusal One Shilling and no more, under the Penalty or Forfeiture of Ten Shillings for each Refusal on the Part of the Person or Persons having the Custody or Keeping of such Award for the Time being.

Appeal to the Quarter Sessions,

XLIV. And be it further enacted, That if any Person or Persons, Party or Parties, shall think himself, herself, or themselves aggrieved by any Matter or Thing done in Pursuance of this Act or of the said Act, (other than and except in Cases where by any of the Provisions of the said Act or of this Act the Determinations, Acts, Orders, or Proceedings of the said Commissioners are directed to be final and conclusive, and except in such Cases where any Issue at Law is authorized to be tried, as herein mentioned,) then and in every such Case he, she, or they may appeal (but in the Case of any Appeal against the Commissioners' Accounts after the same shall have been passed and allowed at a General Meeting as aforesaid, not less than Three Persons interested therein joining or concurring in such Appeal as aforesaid) to the 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, on giving to the said Commissioners Thirty Days Notice in Writing of such Appeal, and of the Grounds and Matters thereof; and

of the said  
Commissioners  
to be made  
in Writing  
to the said  
Sessions  
within the  
said Time

and the Justices (not interested in the Premises) in such Sessions assembled, are hereby authorized and required to hear and determine the Matter of every such Appeal; and to make such Order and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant, to levy the Costs and Damages which 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 Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and the Order and Determination of the said Justices upon every such Appeal shall be final and conclusive to and upon all Parties concerned, and shall not be removed or removable by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; and in case such Appeal shall appear to the said Justices to be frivolous, vexatious, 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 the said Justices in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid.

XLIV. Provided always, and be it further enacted and declared, That nothing in this Act contained shall be construed or adjudged to defeat, lessen, or prejudice the Right, Title, or Interest of the said *Thomas Swinnerton* as Lord of the said Manor, or any succeeding Lord or Lords, Lady or Ladies of the said Manor for the Time being, or his, her, or their Lessees or Assigns or any of them, of, in and to all Mines, Minerals, and Quarries, of what Nature or Kind soever, within or under the said Forest, Heath or Common and Waste Lands, and every Part and Parts thereof hereby intended to be divided, allotted, and inclosed, or of, in and to the Seigniories, Royalties, Franchises, and Liberties incident and belonging to the said Manor; but that the said *Thomas Swinnerton*, and the succeeding Lord or Lords, Lady or Ladies, Owner or Owners of the said Manor for the Time being, and all and every Person and Persons claiming by, from, or under or in trust for him, her or them or any of them, shall and may at all Times hereafter have, hold, take, and enjoy all Quit Rents and other Rents, Services, Courts, Requisites and Profits of Courts, Rights and Liberties, but not the exclusive Privilege of Hunting, Hawking and Fowling, Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent; Deodands, Waifs, Estrays, Forfeitures, Escheats and all other Royalties, Immunities, Liberties, Franchises, Privileges, Pre-eminences, Jurisdictions, Profits, Revenues, Commodities, Emoluments, Advantages, Rights, Members and Appurtenances whatsoever to the said Manor, or to the Lord or Lords, Lady or Ladies thereof for the Time being, incident, appertaining or belonging, or which have been anciently used, exercised and enjoyed by the Lord or Lords, Lady or Ladies of the said Manor (other than and except such Right of Soil, Rock Stone (not deemed Free Stone, Flag Stone or the like) Clay, Sand and Gravel, and Right of Common and other Rights, for which Compensation is hereinbefore directed to be made, and as is and are by this Act intant and intended to be barred, destroyed, and extinguished) in as full, large, ample

Saving to the Lord of the Manor of all Mines and Royalties.

ample and beneficial a Manner to all Intents and Purposes as he, she or they could or might have held and enjoyed the same in case this Act had not been made; and that the said *Thomas Swinnerton*, and the Lord or Lords, Lady or Ladies, Owner or Owners of the said Manor for the Time being, and all and every Person and Persons claiming by, from or under or in trust for him, her or them, shall and may from Time to Time and at all Times hereafter have, hold, work, take and enjoy all Mines, Minerals and Quarries, of what Nature or Kind soever, within or under the said Forest, Heath or Common and Waste Lands so intended to be divided and inclosed as aforesaid, as well those not opened and found as those already opened or found, together with all convenient and necessary Ways and Wayleaves in, through, over and along the same Lands and Grounds, or any Part or Parts thereof, not only before but also at all Times after the same shall be divided, allotted, and inclosed in pursuance of this Act, and full and free Liberty at all Times hereafter of making, preparing, laying, repairing and using any new Road or Roads, Railway or Railways, Waggonway or Waggonways, or other Way or Ways whatsoever in, through, over and along the same, or any Part thereof, and for that Purpose to take away and remove any Hedges, Fences, Trees, Partitions or other Obstructions which shall be made for dividing or inclosing the said Forest, Heath or Common and Waste Lands, or which shall be standing or growing thereon, and to do every Act either now in use or hereafter to be invented or practised, which shall be necessary and convenient to be done for the Purpose of searching for, draining, obtaining, winning, working, leading and carrying away the said Mines, Minerals and Quarries or any of them within and under the said Forest, Heath or Common and Waste Lands, and also of leading and carrying all Iron, Wood, Materials and Things unto the said Mines and Quarries needful, necessary or proper for the draining, winning, working and use of the same respectively, and of making Pit Shafts, Pit Rooms, Heap Rooms, Drifts, Levels, Water-courses and other Drains, and of erecting, setting up and using Fire Engines and other Engines, Buildings, Workshops and other necessary and convenient Works, Buildings, Erections, Liberties, Powers and Authorities, Matters and Things either now in use or hereafter to be invented, known or practised, together also with full and free Liberty, Power and Authority from Time to Time and at all Times, at his, her, and their Will and Pleasure to remove and take away and convert to his, her, and their own Use and Uses, all and every the Rails, Sleepers, Iron, Timber and other Materials of the said Waggonways and other Ways, Pits, Shafts, Fire Engines and other Engines, Shops and other Works, Buildings and other Erections, Matters and Things whatsoever, to be laid, placed, built, erected, or brought as aforesaid, and to use, exercise, and enjoy as well all and singular the Rights, Privileges, Powers, and Authorities aforesaid, as all other Powers, Privileges, and Authorities whatsoever, for all or any of the Purposes aforesaid, as fully, extensively, and beneficially, and in the same Manner as if this Act had not been made.

XLVI. Provided always, and be it enacted, That in case the said *Thomas Swinnerton*, or the succeeding Lord or Lords, Lady or Ladies of the

Satisfaction  
to be made  
for Damage

the

the said Manor, or any Person or Persons claiming under him, her, or them, shall, after the Expiration of Fourteen Years from the Time of passing this Act, win or work any Mine or Mines, Minerals or Quarries within or under any of the Allotments or Inclosures so to be made and allotted as aforesaid, or lead or carry away the Produce or from any such Mines, Minerals or Quarries as aforesaid, or otherwise exercise any of the Rights, Powers, Privileges and Authorities aforesaid, then and in such Case the said *Thomas Swinnerton*, and the Lord or Lords, Lady or Ladies of the said Manor for the Time being, or such Person or Persons claiming under him, her, or them, shall be subject to and make a reasonable Satisfaction for the Damage and Spoil of Ground from Time to Time occasioned thereby, after the Expiration of the said Period or Term of Fourteen Years, but not before, to the Person or Persons who shall be in Possession of such Ground at the Time or Times of such Damage or Spoil being done.

in working  
Mines after  
Fourteen  
Years.

XLVII. And be it further enacted and declared, That in case the Lord or Lords, Lady or Ladies of the said Manor, or any Person or Persons interested or concerned in the said Division and Inclosure to be made by virtue of this Act, or in any Matter or Thing relating to the same, shall at any Time be under Coverture, Minors, Lunatics or beyond the Seas, or be under any other Disability or Incapacity of acting for themselves, then and in every such Case the Husbands, Guardians, Trustees, Committees or Attornies acting for and on behalf of such Lord or Lords, Lady or Ladies of the said Manor, and such other Person and Persons respectively as aforesaid, shall be and are hereby declared competent to do, perform and execute for and on behalf of such disabled and incapacitated Person and Persons respectively, all and every Act and Acts, Matters and Things requisite or necessary in pursuance of or authorized by this Act, and for carrying the same into Execution, as fully and effectually to all Intents and Purposes as the Person or Persons respectively for and on whose Behalf the same shall be done, performed and executed, could or might have done, performed and executed such Acts, Matters and Things themselves, in case no such Disability or Incapacity existed.

Husbands,  
Guardians,  
&c. may act  
for Persons  
under Disa-  
bility.

XLVIII. Saving always to the King's Most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Body and Bodies Politic, Corporate and Collegiate, his, her, and their respective Heirs, Successors, Executors and Administrators (other than and except the several Person and Persons to whom any Allotment or Allotments or other Compensation shall be made by virtue of this Act, in respect of the Right, Interest or Property for which such Allotment or Allotments, or other Compensation shall be made, and except such other Rights and Interests as is or are meant and intended, or which the Intents and Purposes of this Act shall absolutely require to be barred, destroyed, or extinguished) all such Estates, Rights, Titles, Interests, Claims and Demands in and to, out of, over or in respect of the said Forest, Heath or Common and Waste Lands hereby directed to be divided, allotted, and inclosed, as they respectively had and enjoyed before the passing of this Act,

General  
Saving.

or could or might have had and enjoyed in case this Act had not been made.

Act to be printed by the King's Printer, and a Copy to be Evidence.

XLIX. 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.

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