



ANNO TRICESIMO NONO & QUADRAGESIMO

# GEORGI III. REGIS.

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## *Cap. 92.*

An Act for dividing, allotting, and inclosing certain Waste Lands in the Manor of *Worthen*, and the Manors or Townships of *Aston Pigot* and *Aston Rogers*, in the Parish of *Worthen*, in the County of *Salop*; and for draining and otherwise improving certain inclosed Lands adjoining or near a certain Rivulet or Brook called *The Rea*, commencing at or near a certain Piece of Water called *Marion Pool*, on the Confines of the Parish of *Chirbury*, and extending through the said Parish of *Worthen* to a Bridge across the said River called *Horse Bridge*, on the Confines of the Parish of *Westbury*, in the said County, and fundry Streams or Brooks emptying themselves thereinto. [30th June. 1800.]

[*Loc. & Per.*]

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WHEREAS

Preamble.

WHEREAS there are within the Manor of *Worthen*, and the Manors or Townships of *Aston Pigot* and *Aston Rogers*, in the Parish of *Worthen*, in the County of *Salop*, several Tracts of Waste Land, containing together Three hundred and fifty Acres or thereabouts: And whereas *John Kynaston Powell* Esquire, is Lord of the said Manor of *Worthen*, and as such is entitled to the Soil of so much of the said Waste Lands as lie within the same Manor, and the Right Honourable *George Edward Henry Arthur* Earl of *Powis*, as Lord of the Lordship of *Chirbury* in the said County, or otherwise is entitled to the Soil of so much of the said Waste Lands as lie within the said Manor or Township of *Aston Pigot*; and the said Earl of *Powis*, the Right Honourable *Lloyd* Lord *Kenyon*, and *Charles Muckleston* Gentleman, severally claim, and are or one of them is entitled to the Soil of so much of the said Waste Lands as lie within the said Manor or Township of *Aston Rogers*: And whereas the said *Lloyd* Lord *Kenyon*, and *John Kynaston Powell*, and also the Most Honourable the Marquis of *Bath*, the Right Honourable the Earl of *Tankerville*, the Reverend *Richard King*, *Rowland Mainwaring*, *Samuel Amy Severne*, *Edward Jeffreys*, *Lewis Cooke*, *John Lawrence*, *Samuel Sneade*, and others, are the Owners of Messuages, Lands, and Tenements within the said Manor and Townships, and in respect thereof have a Right of Common upon the Waste Lands within the same respectively, in Proportion to the Extent and Value of their said respective Messuages, Lands, and Tenements: And whereas several inclosed Lands near or adjoining to the same Waste Lands in their present Situation are subject to Inundations, and are frequently overflowed by the Rivulet or Brook called *The Rea*, and sundry Streams or Brooks emptying themselves thereinto; and, together with the said Waste Lands, are in their present State incapable of any considerable Improvement; but it would be of great Advantage to the several Persons interested therein, and of publick Utility, if the said Rivulet or Brook were straightened, widened, and deepened, the said inclosed Lands drained, certain Embankments and other Works made thereon, and the said Waste Lands divided and inclosed, and specifick Allotments thereof were made to the several Persons interested, according to their respective Rights and Interests therein: But as such Division and Inclosure, and such Works of Drainage and Embankment, cannot be rendered effectual without the Authority of Parliament; May it 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 *Henry Bowman* of *Knockin*, in the County of *Salop*, Gentleman, and his Successor for the Time being, to be elected in the Manner herein-after mentioned, shall be, and is hereby appointed to be the Commissioner for putting this Act in Execution, and shall proceed in the Execution of his Duty, without any Neglect or Delay, and in such Manner, and subject to such Regulations, as are herein-after prescribed; and for that Purpose is hereby empowered from Time to Time to retain, employ, and to take to his Assistance, such Assessors, Clerks, Surveyors, and others, as shall appear to him to be necessary or proper, and to dismiss them, or any of them, and to appoint another or others in his or their Room from Time to Time as Occasion shall require; but every Commissioner, Assessor, Clerk, and Surveyor, shall, before he acts, take and subscribe the following Oath, before One or more

*Rea* Drainage.

Commissioner.

Clerk, &amp;c.

Commissioner,  
&c. to take an  
Oath.

of



of His Majesty's Justices of the Peace for the said County of *Salop* (who are hereby authorized collectively and individually to administer the same); and the said Oath shall be written upon Parchment, and subscribed by the Party swearing, and by the Justice; which Parchment shall be annexed to the Award of Allotment of the said Commissioner herein-after directed, and shall be Evidence of its having been taken; and the same shall be in the Words following; (*videlicet*),

I Do swear, That I will faithfully, impartially, and honestly, according  
 to the best of my Skill and Judgement, execute the Powers and Du-  
 ties vested in and prescribed to me by virtue of an Act made for divid-  
 ing, allotting, and inclosing certain Waste Lands in the Manor of Worthen,  
 and the Manors or Townships of Aston Pigot and Aston Rogers, in the  
 Parish of Worthen, in the County of Salop; and for draining and  
 otherwise improving certain inclosed Lands adjoining or near a certain Rivulet  
 or Brook called The Rea, commencing at or near a certain Piece of Water  
 called Marton Pool, on the Confines of the Parish of Chirbury, and ex-  
 tending through the said Parish of Worthen to a Bridge across the said River  
 called Horse Bridge, on the Confines of the Parish of Westbury, in the said  
 County, and sundry Streams or Brooks emptying themselves thereinto, without  
 Favour or Affection to any Person or Persons whomsoever; and I do  
 swear, That I am not directly or indirectly concerned for or employed  
 by any Person or Persons interested in the said Drainage and Inclosure;  
 or either of them.

Oath.

So help me G O D.

II. And be it further enacted, That for the Purpose of preventing Da-  
 mage by Water upon the said several Freehold Lands from the frequent  
 Inundations of the said Rivulet, Brook, and other Streams of Water or  
 Brooks emptying themselves thereinto, and for effectually carrying off the  
 same, and for the Improvement of the said Lands and Grounds, it shall  
 be lawful for the said Commissioners to take down, remove, or alter any  
 Dams, Weirs, and other Impediments on the said Rivulet or Brook  
 called *The Rea*, between the Pool called *Marton Pool*, in the said Parish of  
*Worthen*, and on the Confines of the Parish of *Chirbury*, and that Part of  
 the said Rivulet or Brook which lies Five hundred Yards below a Bridge  
 called *Horse Bridge*, situate across the said Rivulet or Brook, on the  
 Confines of the Parish of *Westbury*, or on any of the said Streams of  
 Water or Brooks running into the same, in such Manner as shall in his  
 Opinion be necessary, making full and ample Compensation for the same  
 to the respective Owners thereof; and shall and may also widen, alter,  
 change, or discontinue and stop up, the present Course of the Waters, and  
 of the present Drains and Banks, in or upon the said Lands or Grounds,  
 or any of them, or any Part or Parts thereof, as he shall see convenient;  
 and also shall and may set out, appoint, and make new Watercourses,  
 Sluices, Drains, Floodgates, Embankments, Fences, and other necessary  
 Works, in, over, and upon the said Lands or any of them, or any Part  
 or Parts thereof, or any Lands adjoining or near thereto, as he shall think  
 necessary and proper for the Purpose of effectually draining, and securing  
 from future Inundation, the said old inclosed Lands, making full and am-  
 ple Compensation to the Owners and Occupiers of the said Lands for the  
 Damage and Injury they shall respectively sustain thereby; and such Ri-  
 vulet or Brook, Watercourses, Sluices, Drains, Floodgates, Embankments,  
 Fences,

Draining and  
Embanking.



Fences, or other Works, which shall be so widened, altered, changed, set out, appointed, and made respectively, shall from Time to Time, for ever afterwards, be preserved, cleansed, scoured, amended, maintained, and kept in Repair, when and as often as Occasion shall require, by a Surveyor or Surveyors to be elected and appointed as herein-after mentioned, and the Expence thereof, (including a reasonable Allowance to the said Surveyor or Surveyors for his and their Time and Trouble therein), to be ascertained and allowed by Two of His Majesty's Justices of the Peace for the said County of *Salop*, from Time to Time as the same shall be incurred, and verified on Oath by the said Surveyor or Surveyors before the said Justices, shall be reimbursed and repaid to the said Surveyor or Surveyors, on Demand, by the Owners or Occupiers of such of the said Lands as shall be benefited by such Works of Drainage and Embankment, (but not by any Owner or Occupier of such Lands as shall receive no Benefit thereby), in Proportion only to the Benefit they shall respectively receive; which Proportion shall be ascertained by the Commissioner's Award to be made as herein-after mentioned; and in the mean Time, and until such Award shall be so made, by any other Writing under his Hand; and the Party receiving the same shall sign written Receipts or Discharges to such Occupiers for the Monies so by them respectively paid; and the same shall be deducted out of the Rent or Rents payable to his, her, or their respective Landlords; and such Landlords are hereby required, on producing such Receipts or Discharges, to allow such Deductions accordingly.

For settling  
Amount of  
Compensation  
for Damage or  
Injury.

III. And be it further enacted, That in case any of the Parties who shall be entitled to any Satisfaction or Allowance hereby directed to be made by the said Commissioner, for or by reason of, or in respect of, any such Damage or Injury as aforesaid, shall be dissatisfied with the Sum which the said Commissioner shall tender or offer to him, her, or them, for the same, then the said Commissioner, at the Requisition in Writing of such Party or Parties to him made within Fourteen Days next after any such Tender or Offer, shall by Warrant under his Hand and Seal, directed to the Sheriff of the County of *Salop*, (who is hereby required to obey the same), cause a disinterested Jury of the same County to be summoned, who shall on Oath enquire into, ascertain, settle, and return a Verdict of the Amount of such Damage or Injury, and the same shall be final and conclusive, and shall not be removed or removable in any Manner whatsoever; and in case the said Verdict shall not be for a greater Sum than the said Commissioner shall have tendered to the said Party or Parties, then such Party or Parties shall pay and bear all the Costs and Expences attending such Jury, Inquiry, and Verdict, and the said Commissioner may deduct the same out of the Sum so given by the said Verdict; but if the said Verdict shall be for a greater Sum than as aforesaid, then the said Costs and Expences shall be paid by the said Commissioner, and be by him charged in his Account.

The Level of  
Water in  
*Marston Pool*  
not to be low-  
ered.

IV. Provided always, and be it further enacted, That nothing herein contained shall empower any Person or Persons to let or draw off, or in any Manner or by any Means to lower or reduce the Level of the Water, which shall be in the said *Marston Pool*, or to cut off, divert, or alter any of the Streams, Springs, Watercourses, or Waters running into or feeding the same, or contributing to the Increase or Continuance thereof, nor shall



the said Water therein, or any of the said last-mentioned Streams, Springs, Watercourses, or Waters, (either by virtue of this Act or otherwise), be hereafter diminished, lowered, or diverted by any Person or Persons whomsoever, in any Manner or by any Means whatever, so as to reduce, lessen, or otherwise injure the Stream called *Hailsford Brook*, which issues out of, or is fed or increased by or from, the said Pool, and runs Westerly towards the Town of *Montgomery*.

V. And be it further enacted, That the Person or Persons to be appointed Surveyor or Surveyors of the said Works of Drainage and Embankment as aforesaid, shall from Time to Time, (after the Award shall have been executed by the said Commissioner as herein-after directed), for ever hereafter be elected and appointed, and shall be removable and may be removed, and another or others appointed in his and their Stead, at a publick Meeting or Meetings within the said Parish of *Wortben*, (of which, and of the Purpose for holding the same, such previous Notice shall be given by some Two or more of the Freeholders or other Persons interested in the said Embankment and Drainage as is herein-after required to be given of a Meeting for the Election of a new Commissioner), by such of the said Freeholders and other Persons interested as aforesaid, liable to the Payment of the aforesaid Shares and Proportions, as shall attend, either personally or by their respective Husbands, Guardians, Trustees, Committees, Attornies, or Agents, or the major Part in Value of them, (such Value to be ascertained by the Rate specified and set forth in the said Award of the said Commissioner as aforesaid), and such Freeholders and other Persons interested as aforesaid, or such major Part of them, may at any such Meeting or Meetings from Time to Time allow the said Surveyors, or any of them, such reasonable Salary or Salaries for his or their Trouble in the Execution of their Duty, as shall at such Meeting be thought proper; which shall be, and is hereby declared to be, Part of the Expences of cleansing, repairing, and maintaining the said Watercourses, Floodgates, Sluices, Drains, Banks, and other Works aforesaid; but until such Award shall be so made by the said Commissioner, such Surveyor or Surveyors shall be nominated and appointed, and in case of Removal another or others appointed in his or their Place and Stead, by the said Commissioner.

Appointing  
Surveyor to  
keep Banks,  
etc. in Repair.

VI. And be it further enacted, That if any sudden Breach or Injury shall happen to the said Watercourses, Sluices, Drains, Floodgates, Embankments, Fences, or other Works, or any of them, which may require an immediate Stoppage, Repair, or Amendment, then any Owner or Occupier of any Land or Tenement liable to contribute to the Expence thereof, may without Delay, upon giving or sending Notice of such Breach or Injury to the said Surveyor or Surveyors, or any of them, proceed to and in the said Stoppage, Repair, and Amendment, until One of the said Surveyors shall come and take the Direction and Management thereof; and if the said Surveyor or Surveyors shall not without Delay do or cause to be done such Acts, Deeds, and Things as shall be necessary and proper for the effectual Preservation, cleansing, amending, maintaining, and keeping in Repair the said Watercourses, Floodgates, Fences, and other Works, after taking such Direction and Management as aforesaid, or after having had Three Days Notice in Writing of any Matter or Thing defective or want-

Parties inter-  
ested may  
stop up sudden  
Breaches.

[*Loc. & Per.*]

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Surveyor may  
be fined for  
Neglect.

ing therein, then any of such Owners or Occupiers may do the same or cause it to be done; and as well the Expence thereof as of every such Stoppage, Repair, and Amendment of any sudden Breach or Injury as aforesaid, (including a reasonable Charge for Trouble and Loss of Time), shall be ascertained in Manner aforesaid, and shall be repaid unto him, her, or them, by the said Surveyor or Surveyors; and every such Surveyor who shall neglect or refuse to do his Duty in the Premises, and who shall be convicted thereof, either by his own Confession or on the Oath of a credible Witness, before any Justice of the Peace for the said County of *Salop*, (who is hereby authorized and required to hear and determine the same), shall forfeit and pay any Sum not exceeding Twenty Pounds nor less than Twenty Shillings, as such Justice shall adjudge and order; and such Penalty shall be paid into the Hands of such Owner or Occupier as the said Justice shall direct and appoint, and be applied by him towards the Expence of preserving, repairing, and maintaining the Embankments, Floodgates, and other Works aforesaid, in such Manner as any such Majority of Freeholders so assembled as aforesaid shall appoint.

Penalty on  
Persons de-  
stroying or da-  
maging Works  
of Drainage.

VII. And be it further enacted, That all and every Person and Persons who shall unlawfully, wilfully, or maliciously spoil, damage, injure, or destroy any Watercourse, Sluice, Drain, Floodgate, Weir, Embankment, Fence, or other Work which shall be made, erected, widened, or altered in pursuance of this Act, for the preserving, draining, or improving of any of the said inclosed Lands, shall, on Conviction at any Assizes, or any General Quarter Sessions of the Peace, of or for the said County of *Salop*, be deemed guilty of Felony, or if any Person or Persons shall in any Manner dam or stop up, damage or injure any Watercourse, Sluice, Drain, Floodgate, Weir, Embankment, Fence, or other Work aforesaid, or wilfully throw, lay, place, or suffer to be continued, any Matter or Thing for that Purpose, or for impeding or which shall impede the Course of the Water therein, or draw or pull up, open, shut, or let down any of the Floodgates or Sluices, for the Purpose of doing or occasioning any Injury or Damage, or whereby any Injury or Damage shall happen to any of the said Lands, or any other Lands near or adjoining the same, or to any of the Owners or Occupiers thereof, or shall plant any Tree or Trees in any of the said Embankments, or so near thereto as to injure the same, every such Person, being convicted thereof by his or her voluntary Confession, or on the Oath of a credible Witness, before any Justice of the Peace for the said County of *Salop*, not interested in the Premises, (who is hereby authorized and required to hear and determine the same), shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Ten Shillings, as such Justice shall adjudge and order, over and besides the Amount of the Damage thereby done, which Damage shall be ascertained by such Justice; and the said Forfeiture and Amount of Damage shall be paid unto the said Commissioner if it be received before the Execution of the Award, but if afterwards, then to the Surveyor or Surveyors, or One of them, and such Part thereof as shall be necessary shall be applied in the rectifying and repairing the said Embankments and other Works aforesaid, and the Remainder thereof paid to the Person or Persons so injured, in such Manner as the said Justice shall direct.

VIII. And



VIII. And be it further enacted, That the said Surveyor shall, during the Whole of the Months of *November, December, January, and February* only, in every Year after the said Drainage and Embankment shall be completed, keep open the said Sluices, Floodgates, and other such like Works, for the more effectual watering and improving the said Lands; and every such Surveyor who shall neglect or refuse so to do, shall be punishable and punishable; and every such Fine or Forfeiture shall be recoverable and be recovered, and applied, in such Manner as is hereby directed with respect to any Fine or Forfeiture for damaging or injuring the said Sluices or other Works as aforesaid, or any of them.

Surveyor in certain Months to open Floodgates.

Penalty for Neglect.

IX. And be it further enacted, That the Owners of the Lands liable to contribute to the Preservation and Maintenance of the said Floodgates, Embankments, and other Works, or the major Part in Value, (such Value to be ascertained according to the respective Shares and Proportions which the said Commissioner shall in his Award direct for that Purpose), or such of them as shall be assembled at any publick Meeting or Meetings for that Purpose, to be convened by the Lord of the said Manor of *Wortben* for the Time being; and any Five or more Owners of the said Lands, at any Time after the Execution of the Award by the said Commissioner, shall and may make and give such Orders and Directions (not being repugnant to Law) as to them shall appear proper and necessary, for the more effectual draining and improving the said Lands, and the same at any subsequent Meeting or Meetings to alter, revoke, and renew, as Circumstances shall require; and the Non-observance, Non-performance, or Breach of such Orders and Directions shall be punishable and punishable; and every such Fine and Forfeiture shall be recoverable, and be recovered and applied in such Manner as is hereby directed with respect to any Fine or Forfeiture, for wilfully occasioning any Injury or Damage to any of the said Lands.

Owners at Meetings to make Orders for draining and improving Lands.

X. And be it further enacted, That the said Commissioner, with the Lord of the Manors and other Persons interested therein, or with such of them, or such of their respective Agents, Stewards, or Bailiffs, as shall attend, shall, at such Time or Times as such Commissioner shall appoint, publickly in the Day Time ride or perambulate the several Boundaries of the Waste Lands hereby intended to be inclosed, or such Part or Parts thereof as the said Commissioner shall think proper for carrying the Purposes of this Act into Execution; and the said Commissioner shall set out, ascertain, and fix, by Marks of Stakes or otherwise, the Boundaries of the said Waste Lands within the said Manors, and the Commons and Waste Lands within the Manors, Parishes, Townships, or other Districts adjoining thereto.

Boundaries to be perambulated.

XI. And be it further enacted, That every Person, and Body Politick and Corporate, who shall have or claim to have any Common or other Right in, upon, or to the said Waste Lands hereby directed to be inclosed, or any of them, shall deliver or cause to be delivered to the said Commissioner or his Clerk, (who shall respectively immediately minute thereon the Time of receiving the same, subscribe his Name thereto, and file the same), at such Time or Times, and Place or Places, as the said Commissioners shall appoint for that Purpose, a Schedule in Writing signed by such Person, or his, her, or their Attorney, Steward, or other Agent, containing

Claims to be given in.



containing an Account of his, her, or their Right or Claim, wherein shall be described at the least the Nature and Extent thereof, the Estate in Right whereof such Claim shall be made, the Names of the Persons then in the Occupation, and the computed Quantity of the same; and no Claim shall be received after such Time or Times so appointed by the said Commissioner for receiving of Claims, unless such good Reason shall be offered as shall induce the said Commissioner to receive the same; and in case of Non-compliance therewith, every one making Default therein shall, so far only as respects any Claim so neglected, be totally barred and excluded of and from all Right and Title in or upon the said Waste Lands, and of and from all Benefit and Advantage in or to any Share or Allotment on the said intended Division.

Inspection of  
Claims and  
Objections.

XII. And be it further enacted, That the said Commissioner shall leave the said Claims, or a fair Copy or a full Abstract of them, for Inspection; at such convenient Place or respective Places in or near the Town of *Worben* as he shall think proper, during the Space of Fourteen Days previous to the Time which shall be appointed for receiving Objections thereto; and shall also leave the said Objections, or a fair Copy or a full Abstract of them, for Inspection, at some such convenient Place or Places as aforesaid, during the Space of Twenty-one Days previous to hearing any Evidence or Allegations thereon, or respecting any Boundary or Claim thereby objected to, or shall deliver the said last mentioned Copy or Abstract to the respective Parties affected thereby, Fourteen Days at the least previous to such hearing, exclusive of the Day of delivering such Notice, and the Day on which the Business is to be heard; and the said Claims and Objections, or Copies or Abstracts, so respectively left or delivered as aforesaid, shall every Day, between the Hours of Ten in the Forenoon and Four in the Afternoon (*Sundays* excepted) during the said Times they shall be so left respectively be open (*gratis*) to the Inspection of all Parties interested or affected, or claiming to be interested or affected, in or by the said Perambulation, Division, or Inclosure, and their respective Attornies, Stewards, or Agents.

Value of  
Rights to be  
ascertained.

XIII. And be it further enacted, That the said Commissioner shall, according to the best of his Skill and Judgement, and by such Ways and Means as he shall think proper, ascertain and settle the Value respectively of the Right of Common, and other Right and Property, of each Person, Body Corporate or Politick, in the said Waste Lands.

Roads, &c.

XIV. And be it further enacted, That the said Commissioner shall and may change, turn, and divert any publick and private Roads and Ways within the said Parish of *Worben*, for making the same more convenient to the Publick or Persons interested therein, and for shortening or making more convenient the Roads or Ways to be set out and appointed over the said Lands, or otherwise benefiting the Publick or the Parties interested in the said intended Inclosure, making full Satisfaction to the Owners and Occupiers of the old inclosed Lands for the Damages respectively done to them thereby, and not doing the same without the Consent in Writing of such Owners respectively; and shall and may also set out and appoint such proper and convenient publick and private Carriage and other Roads and Ways, and also such Wells, Watering Places, Quarries, Gravel Pits, Sand Pits, Turbaries, and other Works and Conveniences, and make and erect



erect such Bridges, in, through, over, and upon the said Lands hereby directed to be divided and inclosed, and divert, alter, change, and fix the Courses and Currents of all or any of the Rivers, Brooks, Streams, or Springs of Water or Watercourses within the said Lands, and also in the old inclosed Lands within, adjoining, or near thereto, for the Purpose of watering the Lands, or otherwise for the general Benefit and Accommodation of the respective Proprietors thereof, as he the said Commissioner shall think proper, making reasonable Satisfaction for the Damage to be done thereby to any Person or Persons; all which publick Carriage Roads shall be of the Breadth of Forty Feet at least, and shall be well and sufficiently fenced out on both Sides by such of the Owners and Proprietors of the said Lands, or by the said Commissioner, and within such Time (not exceeding Two Years from the Execution of the Award herein-after directed to be made) as he the said Commissioner shall appoint; and no Person or Persons shall erect any Gate across any of the said publick Carriage Roads, or plant any Trees in or near the Hedges on the Sides thereof at a less Distance than Fifty Yards from each other.

XV. And be it further enacted, That the said Commissioner shall, from Time to Time by Writing under his Hand, returned to and filed in the Court of Quarter Sessions for the said County of *Salop*, appoint some proper Person or Persons to be Surveyor or Surveyors of the publick Carriage Roads, who shall cause the same to be well and effectually made, and shall be allowed such Salary or Reward for his or their Trouble therein, as the said Commissioner shall, by Writing under his Hand, from Time to Time direct; which Salary, and all Expences (over and above the Statute Duty) of making the said Roads, shall be defrayed by and out of the Monies to be raised by Sale of Lands as herein-after mentioned; and that no Person (other than those who are and shall be entitled to the Lands so to be inclosed) shall be chargeable (over and above their proportionable Part of the Statute Duty) towards making the said publick Carriage Roads, until the same shall be rendered fit for the Passage of Travellers and Carriages, and shall have been certified so to be by the said Surveyor by Writing under his Hand, delivered to the Justices at the General Quarter Sessions of the Peace to be holden for the said County of *Salop*, to be there filed and kept on Record, within Two Years after the Execution of the Commissioner's Award, unless sufficient Reason be given, to the Satisfaction of the said Justices, that further Time is necessary, in which Case the said Justices may allow such further Time for doing the same as they shall think proper, not exceeding One other Year; and every such Surveyor who shall refuse or neglect to deliver in such Certificate within the Time before limited, shall forfeit and pay any Sum, not exceeding Twenty Pounds, nor less than Ten Pounds; and every such Penalty shall be paid to the Surveyors for the Time being of the Highways within the said Manors, and be applied by them, respectively in the Repair of the said Highways, in such Proportions as the said Justices in Sessions, or Two Justices of the said County out of Sessions, not interested in the said Inclosure, shall direct.

Surveyor of  
the Roads.

XVI. And be it further enacted, That after such Certificate shall have been delivered to the said Justices, and by them allowed and confirmed, the said publick Roads shall be, from Time to Time, supported and kept

How Roads  
are to be main-  
tained.

[*Loc. & Per.*]

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in



in Repair in the same Manner as the other publick Roads within the said Manor and Townships respectively are by Law to be amended and kept in Repair; and all such private Ways or Roads, and all such Bridges, Watering Places and other Works aforesaid, shall be made and supported by and at the Expence of all or such of the Proprietors of the said Lands, and in such Manner as the said Commissioner shall by his said Award, and by any Writing or Writings under his Hand in the mean Time and until the said Award shall be made, order, direct, or appoint; and that after the making the Roads and Ways so to be set out and appointed, it shall not be lawful for any Person to use any other Road or Way, either publick or private, over or upon the said Waste Lands, or any of them; and all former Roads and Ways which shall not be set out and appointed as the said Roads and Ways through or over the said Waste Lands, shall be deemed Part of the Lands hereby intended to be divided and inclosed; but none of the present Roads, Wells, or Watering Places, shall be stopped up and discontinued, or any of the present Bridges removed, until other sufficient Roads, Wells, Watering Places, and Bridges shall be set out, made, and provided by virtue of this Act in lieu thereof.

Lands to be  
sold for de-  
fraying Part  
of the Ex-  
pences.

XVII. And be it further enacted, That the said Commissioner shall and may mark and set out such Part or Parts of the said Waste Lands respectively, as in his Opinion will, by Sale thereof, raise a Sum of Money sufficient to pay and discharge all such Charges and Expences as are herein-after directed to be paid and discharged out of the same, and shall have Regard to the Proportion which ought to be borne by each Manor or District respectively; and such Part or Parts of the said Waste Lands to sell to any Person or Persons for the best Price or Prices that can be gotten for the same, by publick Auction or Auctions to be holden for that Purpose, (of which Four Weeks previous Notice shall be given in like Manner as is herein directed for the Meetings of the said Commissioner); and the Person or Persons so purchasing the same, shall immediately (by Way of Deposit), pay into the Hands of the said Commissioner or such Person as he shall direct or appoint, One Seventh Part of his, her, or their Purchase Money, and pay the Remainder thereof within Three Calendar Months next after, or within such other reasonable and proper Time as he the said Commissioner shall appoint; and in Default thereof, the Money so deposited shall be forfeited, and be applied in carrying this Act into Execution, and the said Allotment or Allotments for which the Whole of such Purchase Money shall not have been so paid, or of which there shall be no Sale at such Auction, shall be again put up to Sale in Manner aforesaid, or the said Commissioner may sell and dispose thereof for the best Price or Prices that can be gotten by private Contract for the same; and every Allotment for which the full Purchase Money shall be paid, shall immediately thereupon become absolutely discharged of and from all Common and other Right thereon, and vest in the Purchaser thereof in Fee Simple, to, for, or upon such Uses, Trusts, Intents, and Purposes, as he or she shall from Time to Time, by any Deed or Deeds, or by his or her last Will and Testament, duly executed and attested respectively, direct, limit, or appoint; and in Default of, and until such Direction, Limitation, or Appointment shall be made, and so far as any such Direction, Limitation, or Appointment, if incomplete, shall not extend to the Use of such Purchaser, his or her Heirs and Assigns; and the same shall be inclosed and thenceforth held in Severalty by such



such Purchaser as his or her private and absolute Property, and shall be allotted accordingly by the said Commissioner in and by his Award; and the said Purchase Money shall be applied in defraying the Charges and Expences directed to be paid and discharged by Sale of Land as hereinafter mentioned.

XVIII. And be it further enacted, That after the publick Highways, Wells, Watering Places, Drains, and Watercourses, Quarries, and other necessary publick Conveniences, shall be set out and fixed, and the Lands to be sold for defraying the Expences shall be set out and appointed as aforesaid, he the said Commissioner shall set out and allot One full Fifteenth Part of the Waste Lands within the said Manor of *Worthen* unto and for the Lord of the said Manor; a like Part of the Waste Lands, within the said Manor or Township of *Aston Pigot*, unto the said Earl of *Powis*, his Heirs and Assigns; and a like Part of the Waste Lands, within the said Manor or Township of *Aston Rogers*, unto and for such of them the said Earl of *Powis*, *Lloyd Lord Kenyon*, and *Charles Muckleston*, as are or is the Owners or Owner of the Soil thereof, their or his Heirs and Assigns, in lieu of and as a Compensation for their respective Rights and Interests in, to, and upon the Soil of such Waste Lands, within the said Manors and Townships respectively, over and beside what they shall be entitled unto in respect of their Freehold Lands; and the said Commissioner shall also divide, set out, and allot, in Severalty, the Remainder of the said Waste Lands, and also the Soil and Herbage of the Roads and Ways (except publick Carriage Roads), unto, for, and amongst the said several Persons interested therein, their respective Heirs, Successors, and Assigns, according to the real Extent and Value of their respective Shares, Rights of Common, and other Rights and Interests in or upon the same; and in making the said Allotments shall have due Regard, as well to the Quantity, Quality, and Value of the Lands to be allotted; as to the Situation, Contiguity, and Convenience of the same, to the respective Messuages and Tenements, or old inclosed Lands, of the several Parties to or for whom the same shall be respectively allotted.

Allotment to  
the Lord of  
the Manor.

Allotment of  
the Residue.

XIX. And be it further enacted, That all Cottages, Erections, Encroachments, and Inclosures which have been erected and made upon or taken out of, the said Waste Lands, by any Freeholder or Freeholders, his, her, or their Tenant or Tenants, in respect of, or laid unto and occupied with his, her, or their Freehold Messuages, Lands, or Tenements within the said Manors and Townships respectively, for the Space of Twenty Years or upwards before the passing of this Act, and for which no Rent or Amerciament hath been paid or Attornment made to the Lords of the said Manors, or the said Earl of *Powis*, *Lloyd Lord Kenyon*, and *Charles Muckleston*, or any of them as Lord or Owner of the Soil of the said Waste Lands, within the said Townships respectively, shall be deemed and are hereby declared to be the sole and exclusive Property of such Freeholder or Freeholders respectively; and that all other Cottages, Erections, Encroachments, and Inclosures, which shall have been erected and made upon or taken out of the said Waste Lands, for the Space of Twenty Years or upwards before the passing of this Act, shall be deemed and are hereby declared to be the sole and exclusive Property of the Lords of the said Manors and Owners of the Soil of the same Waste Lands respectively,

Encroach-  
ments of 20  
Years stand-  
ing.



respectively, or such Person or Persons as shall claim the same by Conveyance from them or any of their Predecessors, as such Lords or Owners respectively, or shall otherwise have a lawful Title thereto; but no Allotment shall be made for or in lieu of any Common Right which shall be claimed in respect of any such Cottages, Erections, Encroachments, and Inclosures.

Encroachments under 20 Years.

XX. And be it further enacted, That all Encroachments and Inclosures made upon or taken out of the said Waste Lands within Twenty Years next before the passing of this Act, shall be deemed Parts and Parcels of the said Lands; and such of them as shall have been made before the First Day of *January* One thousand seven hundred and ninety-nine, by any such Freeholder or Freeholders as aforesaid, his, her, or their Tenant or Tenants, in respect of, or laid unto and occupied with such his, her, or their said Freeholds, and for which no Rent or Amerciament hath been paid or Attornment made to such Lords or Owners of the Soil respectively, shall, with all Buildings and Erections thereon, be set out and allotted unto such Freeholder or Freeholders, and Owners of the Soil of the said Waste Lands as shall be in Possession thereof respectively, in part or in full of the Allotments herein-before directed to be made to him, her, or them, in case the same shall not, in the Opinion of the said Commissioner, be more than equivalent thereto, (in which Case a competent Part thereof shall be so set out and allotted), and the Remainder of the said Encroachments and Inclosures so made before the First Day of *January* One thousand seven hundred and ninety-nine, and within Twenty Years before the passing of this Act as aforesaid, with all Buildings and Erections thereon, shall be set out and allotted unto the Lords of the said Manors respectively, in part or in full of their said respective Allotments, as the Case may require; and in the Valuation of such Encroachment or Inclosure, either to the said Lord or other Owner, or any Freeholder to whom they shall be respectively allotted, the Buildings or Erections thereon shall not be included, nor the Lands estimated at any higher Rate than the same would have been valued at if they were in their original uninclosed and unimproved State.

Allotments, etc. to be staked out and Schedules left for Inspection.

XXI. And be it further enacted, That when and as the said Commissioner shall have fixed on such Division and Allotment as aforesaid, and such Orders and Directions respecting the Roads, Wells, Waters, Drains, Embankments, and other Works and Conveniencies as aforesaid, and respecting fencing the Allotments as herein-after directed, in the said Manors and Townships, or any of them, he shall stake and mark out all and every of the said Roads, Drains, Embankments, Allotments, and other Works accordingly, and shall swear all Surveyors and other Persons who shall assist him, to be true, just, and faithful therein, and in shewing the said Allotments to the Parties interested; and the said Commissioner shall also from Time to Time leave a Schedule or Schedules, of a Description of the said Roads, Drains, Embankments, Allotments, and other Works, and of the said Orders and Directions, at some convenient Place or Places within or near the said Manor of *Worthen*, for the Inspection of the Parties concerned, during the Space of One Calendar Month; and the said Commissioner shall afterwards hear and determine all Objections that shall be made thereto, and make such Alteration therein as he shall on Consideration think proper.

XXII. And



XXII. And be it further enacted, That the said several Allotments shall, upon, and from and after such Day or Days respectively as the said Commissioner shall specify for that Purpose in and by the said Award, or by any Writing under his Hand before such Award shall be made, absolutely vest in the respective Parties then entitled to the said respective Rights of Soil, Rights of Common, and other Rights and Interests in, over, and upon the said Waste and other Lands so allotted in Bar and Extinguishment of, and in full Satisfaction and Compensation for the said respective Rights and Interest, and shall be accepted accordingly.

Allotments to be in Bar of former Rights.

XXIII. And be it further enacted, That the several Allotments to be made in pursuance of this Act, shall be inclosed and Ring-fenced, with Ditches and Quickset Hedges, or other proper Fences, as soon after the same are staked or marked out as conveniently may be, and within such Time, and in such Manner, as the said Commissioner shall appoint; and that the said several Fences shall be made and for ever afterwards repaired, supported, and maintained, by or at the Expence of the several Proprietors of the Allotments to be set out by virtue of this Act, in such Shares and Proportions as the said Commissioner shall direct and appoint; and in case any Person shall neglect or refuse to make such Hedges, Ditches, and Fences within the Time and in Manner aforesaid, then and in every such Case it shall be lawful for the Person or Persons interested in the Lands next adjoining such unfenced Land, to exhibit a Complaint in Writing against the Person who ought to have fenced the same, before any One of His Majesty's Justices of the Peace for the County of *Salop*, not interested in the Lands to be inclosed as aforesaid, who shall thereupon summon the Persons concerned, and enquire into the Complaint, and examine all proper Witnesses upon Oath, and after such Summons and Examination had and taken, shall and may, if he shall see Cause, authorize the Person or Persons exhibiting such Complaint as aforesaid to make such Fences, and when the same shall be so made, such Justice shall and may ascertain the Costs and Charges of doing thereof, (and also of obtaining such Authority, and a reasonable Allowance for Trouble and Loss of Time), and by Warrant under his Hand and Seal, directed to the Person or Persons exhibiting such Complaint as aforesaid, or to any other Person or Persons, cause the Costs and Charges so ascertained to be levied by Distress and Sale of the Goods and Chattels of the Person so refusing or neglecting as aforesaid, rendering the Overplus (if any) to such Owner thereof, after deducting the Charges of such Distress and Sale, or otherwise shall and may, by any Writing under his Hand and Seal, authorize and empower the Person or Persons exhibiting such Complaint as aforesaid, to enter into and upon the Premises so to be allotted to such Person or Persons refusing to pay as aforesaid, and to receive and take the Rents and Profits thereof respectively, until thereby or therewith the Costs and Charges of making, repairing, and maintaining the Fences of the Person or Persons so neglecting or refusing as aforesaid, and also all Costs and Charges occasioned by or attending such Entry upon and Perception of the Rents and Profits of the same Premises, shall respectively be fully paid and satisfied.

Allotments how to be fenced.

XXIV. Provided always, That if, through Situation or other Circumstances of any Allotment or Allotments, it shall happen that the Proprietor thereof shall not have a proportionable Share of Boundary Fencing

For proportioning Boundary Fences.

[*Loc. & Per.*]

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thereto,



thereto, it shall be lawful for the said Commissioner, where he shall judge it reasonable, to ascertain and appoint any Sum or Sums of Money to be paid by such Proprietor towards the Boundary Fencing of such other or others of the said Proprietors as may happen to have too great a Proportion thereof, in order that the Expences of the Boundary Fencing may be brought as near as may be to a just and equal Proportion; and the Money so to be ascertained and appointed, shall be levied and recovered in such and the same Manner as last herein-before mentioned with respect to the Expence of making and raising Fences where Parties neglect or refuse so to do.

Gaps to be left.

XXV. Provided also, That the said Commissioner shall appoint convenient Gaps or Openings to be left where necessary in the Fences of the said Inclosures for the Space of Twelve Calendar Months next after the Expiration of the Time which shall be appointed or allowed for inclosing the same, for the Passage of Cattle, Carts, and Carriages, unless the several Parties interested therein shall agree that the same shall be sooner made up; and that the said Allotments fenced with or separated from any other Allotments by Quicksets, shall not be depastured with Sheep at any Time within the first Seven Years after the same Allotments shall have been so fenced, or such shorter Time (if any) as the said Commissioner shall at any Time limit by Writing under his Hand; and any Person or Persons may impound any Sheep that shall be found depasturing in any of the said Allotments at any Time or Times within the said Term, and demand, recover, and receive Damages for the same, as in Cases of any Trespas by Sheep or Cattle, although they shall not have broken or entered into his, her, or their Allotment.

Allotments not to be depastured with Sheep for 7 Years.

Map and Admeasurement of Commons.

XXVI. And be it further enacted, That the said Commissioner shall cause such Maps and Admeasurements to be made of the Lands hereby directed to be divided and inclosed, and also of the Lands in respect whereof Common or other Right shall be duly claimed; or of such Part thereof as he shall think necessary, and also of the Lands intended to be drained and embanked, and every Part thereof; all which Maps and Admeasurements shall be made and reduced into Writing, as soon as conveniently may be, by such Person or Persons as the said Commissioner shall from Time to Time appoint or employ for that Purpose; and shall shew all such Rivers, Streams of Water, Watercourses, Wells, Watering Places, Waters, Roads, Bridges, Quarries, Gravel and Sand Pits, Turbaries, and other Matters and Things on the said Lands, as the said Commissioner shall direct, and are usually or ought to be shewn on Maps of Landed Property, and shall be verified upon Oath before the said Commissioner by the Person or Persons who shall be respectively employed therein.

Objections to Boundaries and Claims, and of all other Disputes, to be given to the Commissioner.

XXVII. And be it further enacted, That all Objections (if any there shall be) to the said Boundaries so perambulated, and Claims so made as aforesaid, and every other Difference and Dispute touching the said Inclosure, Drainage, or Embankment, or either of them, either wholly or in Part, shall be made in Writing by the Person or Persons objecting, in like Manner as is herein-before directed for and concerning the Delivery of Claims, at such Time or Place, or Times and Places, as the said Commissioner



missioner shall appoint for that Purpose, and shall be signed and filed in the Order they shall be received by him or his Clerk; and such of the said Objections as shall be made to any Boundary, shall specify and describe the Part or Parts thereof objected to, and what ought to be deemed the true Line or Lines of Boundary instead thereof; and such as shall be made to any Claim, Difference, or Dispute, shall specify the particular Part objected to, in case the same shall not extend to the Whole thereof.

XXVII. And be it further enacted, That the said Commissioner shall, by Examination of Witnesses upon Oath, and every other proper and legal Evidence and Enquiry, examine into, hear, and finally determine every Claim so made and objected to as aforesaid, and also ascertain and determine every Part of the Boundaries so perambulated and objected to as aforesaid, and every other Difference or Dispute touching or concerning the said Inclosure, Drainage, or Embankment; and his Determination therein, as also every Part of such Boundaries and Claims so respectively perambulated and delivered, and every other Act and Thing touching the Execution of this Act not objected to as aforesaid, shall be valid, final, binding, and conclusive, and stand confirmed, finally and conclusively, unto, upon, and against all Parties and Persons, and Bodies Corporate or Politick, whatsoever, and shall not be further litigated, controverted, or disputed.

Objections, &c.  
to be determined by  
Commissioner.

XXIX. Provided always, and be it further enacted, That it shall be lawful for the Parties to any Dispute respecting any Claim or Boundary, or other Difference or Dispute, touching or concerning any of the Proceedings under this Act, to refer the same from Time to Time, by any Writing signed by them or their respective Attornies, Stewards, or Agents, to the Determination of any Referee, or Two or more Referees, who shall be willing to undertake the same, either with or without an Umpire, as they shall think proper, which said Referee or Referees shall, after taking the Oath herein-before directed to be taken by the said Commissioner, proceed therein in the same Manner as the said Commissioner is hereby directed in similar Cases, and finally determine the same within such reasonable Time as shall be stipulated for that Purpose by the said Commissioner, who shall be at Liberty to enlarge such Time, if it shall appear to him to be proper so to do or it shall be lawful for any of the said Persons to have the same tried at Law, at the then next or at the Second Assizes to be holden for the said County of *Salop*, upon a feigned Issue, which shall be settled by the proper Officer of the Court in which the said Action shall be commenced, if the Parties shall differ about the same; and all Proceedings in such Action shall be subject to the Rules and Course of the Court in which the same shall be brought, with Liberty to the Parties interested therein respectively, to tender any Bill of Exceptions or Demurrer to Evidence, and to proceed therein respectively in the usual Manner, or to make such Application for the Purpose of setting aside any Verdict, or for the obtaining of a new Trial, as are usual or allowed in the ordinary Course of an Action at Law; and every such Decision under any such Reference or Action, shall be final and conclusive, and the said Commissioner shall act in Conformity thereto, and allow or disallow the  
Boundary

Claims may  
be settled by  
Referees or  
tried at Law.



Boundary or Claim, Difference or Dispute, involved therein or affected thereby accordingly.

Disputes as to  
Titles, not to  
retard Inclo-  
sure.

XXX. Provided always, and be it further enacted, That if any Dispute shall arise between any Persons respecting the Right or Title to all or any Part of the said Waste Lands, or any Messuage, Land, or Tenement, to which any Common or other Right in, to, or upon the said Waste Lands, or any Part thereof, or any other Matter or Thing touching the said Inclosure, Drainage, or Embankment, shall belong or appertain, the same shall not retard the said intended Division, Drainage, or Embankment, but the same shall be proceeded in as if such Dispute had not arisen; and in case the Dispute refers to an Allotment, the same shall be made in respect thereof separate and apart from any other Allotment.

Power to enter  
Lands.

XXXI. And be it further enacted, That the said Commissioner for the Time being, and Surveyors to be appointed in pursuance of this Act, their Servants and Assistants, and all Persons employed by them respectively, shall have, and they are hereby vested with full Power and Authority, at any Time or Times whatever to enter into, view, and examine, survey and admeasure, all and every the said Lands and Grounds hereby directed to be divided and inclosed, embanked and drained; and also such other ancient inclosed Lands and Grounds as shall be necessary for effecting the Purposes of this Act.

Detached or  
outer Pieces  
of Land, &c.  
may be al-  
lotted.

XXXII. And be it further enacted; That it shall be lawful for the said Commissioner, so far as he shall think proper, (having Regard to Quantity, Quality, Situation, and Convenience, as aforesaid), to set out and allot all or any Part or Parts of the Lands which shall be cut off from the Body of the respective Farms or Tenements of the Owners thereof by any Road, Watercourse, Drainage, Embankment, or other Work, or which shall otherwise lie detached therefrom, or be in the outer Part of his, her, or their connected Property, to any other Owner or Owners of Lands adjoining or near thereto, or to include the same, or any Part thereof, in the Lands hereby directed to be sold, and to set out and allot to the said Owners of such first-mentioned Lands in lieu thereof, so much of the said Waste Lands, or the Lands of any other Owner or Owners, as shall in the Opinion of the said Commissioner be equal in Value thereto; and also to set out and allot all or any of the said Lands, in any one or more of the intercommoning Districts, within the said Manors and Townships, or any of them, for Lands in any other of the said Districts, for making the Freehold Property of the respective Parties to whom the same shall be respectively allotted, more compact and valuable.

Boundaries  
may be  
straightened.

XXXIII. And be it further enacted, That for the Purpose of making the Boundaries of the said Manors, Townships, Districts, and Places more compact, regular, and certain, the said Commissioner shall and may alter, straighten, ascertain, and fix the same, or any of them, in such Part or Parts as shall appear to him to be feasible, convenient, and proper, having due Regard to, and making no Alteration in the Value of the Lands and Hereditaments at present comprising each District or Place, and not injuring the Owners of Tythes or other Property therein or adjoining thereto.

XXXIV. And



XXXIV. And be it further enacted, That the said Commissioner shall <sup>Award.</sup> prepare, either wholly for the said Manors and Townships, or separately for each Manor or Township, or otherwise as he shall think proper, an Award in Writing under his Hand and Seal, containing proper Maps and Descriptions of the said Parts of the said Boundaries so altered; and of the several Allotments of the Waste Lands, and also of the Drains and Embankments aforesaid, together with such Orders and Directions as are hereby required to be inserted therein, and all such other Orders, Directions, Matters, and Things, as he shall think necessary or proper to be inserted therein for carrying this Act into Execution, and fully effecting the Purposes thereof; which said Award shall be fairly ingrossed or written on Parchment, and read over in the Presence of the Proprietors who may attend at a Special Meeting, by the said Commissioner for that Purpose, (of which Ten Days Notice shall be given in One of the *Shrewsbury* Newspapers); and shall be executed by the said Commissioner at such Meeting, which Execution shall be proclaimed the next *Sunday* at the Parish Church of *Worthen* aforesaid, from which Time only the said Award shall be considered as complete; and the said Award shall, within Six Calendar Months next after the Execution thereof, be delivered to the Clerk of the Peace for the said County of *Salop*, who shall deposit and keep the same with the Records of the said County, and shall be paid One Guinea Fee with the same if but One, and Half a Guinea Fee with each if more than One; and the said Awards or Award, and the several Allotments, Drains, Embankments, Orders, Directions, Determinations, Matters, and Things, therein expressed or contained, shall and are hereby declared to be binding, final, and conclusive, unto and upon all Parties and Persons whomsoever; and the Clerk of the Peace for the said County of *Salop* shall permit the said Award to be inspected at all reasonable Times, upon being paid One Shilling by each Person for each Inspection; and also to make out, attest, and deliver to any Person or Persons requiring the same, a Copy or Copies thereof, or any Part thereof, upon being paid for every such Copy after the Rate of Two-pence for every Seventy-two Words thereof, exclusive of the Stamp Duty, or after such other Rate as the Court of Quarter Session for the said County shall, from Time to Time previous to such Requisition, settle for the same; and the said Award, or any Copy or Copies thereof, duly attested by the Clerk of the Peace as aforesaid, shall be admitted and allowed as legal Evidence in all Courts and Places, and at all Times whatsoever.

XXXV. And be it further enacted, That it shall be lawful for the Owners <sup>Exchanges,</sup> of any Messuages, Lands, Tenements, Tythes, or Hereditaments, within <sup>etc.</sup> the said Parish of *Worthen*, or the Husbands, Guardians, Trustees, Committees, or Attornies, or Persons acting as Guardians, Trustees, Committees, or Attornies, for and on Behalf of any such Owners who are Femes Covert, Minors, Lunaticks, beyond the Seas, or under any other legal Disability or Incapacity, and also for any of the said Owners being Tenants in Tail, or for Life or Lives only, or for Years determinable on One or more Life or Lives, by any Deed or Deeds duly executed, (by and with the Consent and Approbation of the said Commissioner), at any Time or Times to exchange all or any of his, her, or their Messuages, Lands, Tenements, Tythes, or Hereditaments within the said Parish of *Worthen*, or any Parish, Township, or Place adjoining thereto, for any other Messuages, Lands, Tenements, or Hereditaments,

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within the said Parish of *Worthen*, or any adjoining Parish, Township, or Place, and also to divide or make Partition of, and hold in Severalty, or convey in Exchange, all or any of the Messuages, Lands, Tenements, Tythes, or Hereditaments within the said Parish of *Worthen*, of which any such Owners shall be seised as joint Tenants, Coparceners, or Tenants in Common; and such Division, Partition, or Conveyance in Exchange, shall and may be made, with such Consent as aforesaid; by the major Part in Value of such Owners so seised as Coparceners, Tenants in Common, or Joint Tenants; and that all and every such Exchanges and Partitions which shall be so made, shall be good and effectual in Law, notwithstanding any Disability or Incapacity in the Parties, or any Uses, Wills, Settlements, or other Incumbrances affecting the same; but no Exchange shall be made of any Messuage, Land, Tenement, Tythe, or Hereditament, belonging to any Church or Chapel, without the Consent of the Bishop of the Diocess, and of the Patron of such Church or Chapel for the Time being respectively.

This Act not  
to prejudice  
any Wills,  
Deeds, &c.

XXXVI. And be it further enacted, That nothing herein contained shall extend to annul, revoke, or alter any Will, Deed, or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Portion, Debt, or Incumbrance, out of, upon, or affecting any of the Lands or Hereditaments to be divided and inclosed, partitioned or exchanged in pursuance of this Act, but that the several Lands and Hereditaments to be set out and allotted, or divided, partitioned, or given in Exchange in pursuance of this Act, shall immediately after the vesting of such Allotments, or making such Partitions and Exchanges respectively, be, remain, and enure, and the several Parties to or for whom the same shall be allotted, or shall be given in Exchange or Partition as aforesaid, shall thenceforth stand and be seised thereof to such Estates, Uses, and Trusts, and subject to such Wills, Deeds, Settlements, Limitations, Remainders, Tenures, Rents, Services, Charges, and Incumbrances, as the several Lands and Hereditaments in lieu or in respect whereof such Allotments, Divisions, Partitions, and Exchanges shall be made as aforesaid, would have been subject and liable to be charged with or affected by in case this Act had not been made.

Certain Leases  
to be void.

XXXVII. Provided always, and be it further enacted, That all Leases and Agreements for any Term or Terms at Rack Rent now subsisting, of all or any Part of the said Waste Lands, or of the said Messuages, Lands, Tenements, Tythes, or Hereditaments which shall be so wholly or in Part exchanged, or in respect whereof any Allotment shall be made to the Proprietor in pursuance of this Act, and which, in consequence of such Allotment or Exchange, the said Commissioner shall be of Opinion will be improper to continue after, and in consequence of such Allotment or Exchange being made or taking Effect, shall cease, determine, and be void on such Day or Days respectively, within One Year after the signing of the said Award, respecting the same Lands, Grounds, Tythes, or Hereditaments, as the said Commissioner shall fix for that Purpose, in or by any Writing or Writings under his Hand; and such Leases or Agreements so ceasing or made void, shall be delivered up to be cancelled at such Time or Times as the said Commissioner shall order by any such Writing, and the respective Owners of the Premises so leased or agreed for, shall make such reasonable Satisfaction to their respective Lessees or Tenants.



nants on Account thereof, and as an Equivalent for the Loss or Losses he, she, or they shall respectively suffer on Account of the Determination of their respective Leases or Terms, as the said Commissioner shall in and by the said Award ascertain and direct; and that all such subsisting Leases or Agreements for any Term or Terms at Rack Rent as shall not be made void as aforesaid, shall continue; and in such respective Cases the said Commissioner shall determine and direct, whether all or any of the Land so allotted or exchanged shall be respectively inclosed, and held or occupied by the said Proprietors or by their respective Tenants, as he shall think most proper; and the several Lessees or Tenants, during the Continuance of their respective Terms, shall pay such greater or less Rent to their respective Lessors or Landlords, and for such Time or Times as the said Commissioner shall, in and by any Writing under his Hand, direct; which Rent shall be recoverable in the same Manner in every Respect as the Rent originally reserved or made payable for their respective Tenements would have been if this Act had not been passed.

XXXVIII. Provided also, and be it further enacted, That the Lessees or Tenants of any Lands held under any Lease or Agreement for any Term or Terms unexpired, which shall be benefited and improved by the said Drainage and Embankment, shall pay such greater Rent to their respective Lessors or Landlords, and for such Time or Times, as the said Commissioner shall, on the Application in Writing of such Lessors or Landlords, in and by any Writing under his Hand direct; which Rent shall be recoverable in the same Manner in every Respect as the Rent originally reserved or made payable by such Lease or Agreement, as a Compensation for the Expence such Lessors or Landlords shall incur in the making of such Drainage and Embankment.

Advanced Rents to be paid to Landlords for Improvement by Drainage.

XXXIX. Provided also, and be it further enacted, That it shall be lawful for any Person entitled in Right or in respect of any Church or Chapel to any Allotment or Allotments of the Lands hereby intended to be divided and allotted, (by and with the Consent of the Lord Bishop of the Diocese in which such Church or Chapel is situate, and of the Patron of such Church or Chapel, for the Time being respectively), by Writing under his Hand and Seal, by and with the Consent of the said Commissioner, testified in Writing under his Hand and Seal, to make any Lease or Leases of their respective Allotments, or any Part thereof, for any Term not exceeding Twenty-one Years from the staking out and finally settling the Allotments so to be leased; so as every such Lease shall commence or take place within One Year next after the Date thereof; and the most improved annual Rent which can be gotten be made Half Yearly for the same, and so that no Fine, Premium, or Foregift be taken for making the same; and that such Lease be not made dispunishable for Waste, but contain all usual and reasonable Covenants, and the usual Powers of Re-entry on Non-payment of Rent, or Non-performance of any of the said Covenants; and so as the Lessee or Lessees do execute a Counterpart thereof; and every Lease so made as aforesaid shall be valid and effectual.

Power to lease Allotments.

XL. Provided also, and be it further enacted, That the Allotments to be made, and the Lands to be drained or otherwise improved by virtue of this Act, to and for Females Covert, Minors, Lunaticks, Persons beyond the Seas, Tenants in Tail, and Tenants for Life only, (except the Persons

Power to borrow Money.



to whom any Land shall be allotted by virtue of this Act, in right or in respect of any Church or Chapel), shall be and they are hereby respectively charged with such Sum or Sums of Money as the said Commissioner shall in his Discretion judge necessary, and by Writing under his Hand allow, for defraying their respective Expences under this Act, not exceeding Four Pounds for each Statute Acre of the said Lands respectively; and it shall be lawful for such Persons, or any of them, their respective Husbands, Guardians, Trustees, Committees, Attornies, Executors, or Administrators, by any Deed or Will, to grant, mortgage, lease, demise, devise, or otherwise subject the said Lands unto any Person or Persons, his, her, and their respective Executors, Administrators, or Assigns, for any Term or Number of Years, for securing the Payment of all, or such Part or Parts of the said Sum or Sums of Money respectively, as the said Commissioner shall certify from Time to Time by Writing under his Hand, to be laid out and expended in the Premises, with Interest for the same at such Rate as the said Commissioner shall in such Writing allow; but every such Grant, Demise, Devise, or Charge, shall cease and be void when such Sum or Sums thereby secured, with the Interest thereof, shall be fully satisfied and paid; and such of them as shall be made by or on the Part of any Tenant for Life or Tenant in Tail, shall contain a Covenant to pay and keep down the Interest of the said Money to be thereby respectively secured, during the Life or Lives of the Person or Persons so entitled for the Time being to such mortgaged Premises, and no Person or Persons afterwards becoming possessed thereof, shall be subject or liable to pay any further or larger Arrears of Interest than for One Year preceding the Time when the Title to such Possession shall accrue and commence; and every such Grant, Mortgage, Lease, Demise, Devise, or Charge, so made, shall also be valid and effectual.

Expences of  
the Act, etc.  
how to be  
paid.

XLI. And be it further enacted, That such Part of the Costs, Charges, and Expences of obtaining and carrying this Act into Execution, as is incident to and attending upon the said Inclosure, and in the Judgement of the said Commissioner ought to be charged to the Account of the said Waste Lands; shall be defrayed and discharged by and out of the Money arising by the Sale of such Part or Parts of the said Lands as shall be allotted for that Purpose as aforesaid, in such Shares and Proportions as the said Commissioner shall think equitable; and that such Part of the respective Costs, Charges, and Expences of obtaining and carrying this Act into Execution as is incident to and attending upon the said Drainage and Inclosure, and in the Judgement of the said Commissioner ought to be charged to the Account of such old inclosed Lands as shall be benefited by such Works of Drainage or Embankment, shall be defrayed, paid, and discharged by the Owners of such old inclosed Lands (except of such Lands as are held in right or in respect of any Church or Chapel) in proportion to the Benefit and Improvement which will arise to or in such Lands respectively, such Proportion to be settled and determined by the said Commissioner by any Writing or Writings under his Hand; but in case the Purchase Money arising from any such Sale of Lands as aforesaid shall be insufficient to defray the Costs, Charges, and Expences for which the same is hereby directed to be appropriated, that then such Deficiency shall be made up by such of the said Proprietors or Persons (except the Owners of any Lands held in right or in respect of any Church or Chapel) and in such Shares and Proportions, and shall be paid to such Person or Persons, and within such Time or Times, as the said Commissioner



tioner shall by any Writing or Writings under his Hand order, direct, and appoint.

XLIII. And be it further enacted, That if any Person or Persons shall advance and pay any Sum or Sums of Money for the Purpose of defraying the Expences previous to obtaining and passing this Act, or afterwards of carrying the same into Execution, every such Person shall be repaid the same with Interest after the Rate of Five Pounds *per Centum per Annum*, out of the first Monies which shall be raised for defraying any Expences by virtue of this Act.

Persons advancing Money to be repaid with Interest.

XLIII. And be it further enacted, That the said Commissioner shall fairly and regularly enter, or cause to be entered, in a Book or Books to be provided and kept for that Purpose, a true Account or Accounts of all Monies whatever received from the Proprietors or others during the Progress of the said Inclosure and Drainage respectively, and also of all the Charges, Expences, and Disbursements which shall accrue or be made by virtue of this Act, and in carrying the same into Execution, and for what Purposes, making such Distinctions therein as shall be necessary for dividing the said Expences in Manner herein-before directed; and shall and may charge therein, for his own Trouble and Travelling, and other personal Expences, at the Rate of Two Pounds and Two Shillings *per Day* for every Day he shall travel or attend for the Purposes of this Act, and no more; which Book and Books of Account shall be kept at the Office of his Clerk, open at all reasonable Times during the Progress of the said Inclosure and Drainage respectively, and till all the Accounts are finally settled, for the Inspection of any of the Proprietors, without Fee or Reward; and the said Commissioner shall lay the said Books of Accounts, with all Vouchers and Papers relating thereto, before any Three or more of the said Proprietors, to be nominated by the major Part in Value of the said Proprietors, by themselves or Proxies, present at a Meeting to be held for that Purpose, of the Time, Place, and Purpose whereof such previous Notice shall be given as is herein directed for the first Meeting of the said Commissioner; and the said Proprietors so nominated, or the major Part of them, shall and may, from Time to Time and at all seasonable Times, inspect and examine the said Accounts, together with the Vouchers, Bills, Charges, Papers, and Writings belonging thereto, and also all other Accounts of Bills and Charges of any other Person or Persons employed or concerned in obtaining this Act, or in the Execution thereof, or otherwise relating thereto; and on approving thereof, to settle, allow, and sign the same; and in case the said Commissioner and his Clerk shall neglect to provide and keep such Book of Accounts as aforesaid, or refuse the Inspection thereof to any of the Proprietors at reasonable Times in Manner before-mentioned, and shall be convicted thereof, upon the Oath of One or more credible Witness or Witnesses, not interested in the intended Inclosure and Drainage, before any Justice of the Peace of the said County of *Salop*, or of such other County or Place where such Commissioner or Clerk so offending shall be or reside, not interested therein, every such Commissioner or Clerk so causing such Neglect or Refusal, and convicted as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds; and if he or they shall make Default in paying such Sum for the Space of Ten Days next after such Conviction, and an Order in Writing served personally upon or left at his House, the same shall be le-

Books of Accounts to be left with the Clerk for the Proprietors Inspection.



vied by Distress and Sale of the Goods and Chattels of the Party and Parties so offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, after such Penalty and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Money arising by such Forfeiture or Penalty shall be paid and applied to or for the Use of such Proprietor or Person interested making the Complaint.

Monies received when amounting to 50<sup>l</sup> to be put in a Banker's Hands, or such other Person or Persons as shall be approved by a Majority of the Proprietors.

XLIV. And be it further enacted, That all the Monies to be raised and received under and by virtue of the Powers of this Act during the Progress of the said intended Drainage and Inclosure, shall, from Time to Time as often as the same shall amount to the Sum of Fifty Pounds, be paid to and deposited in the Hands of some Banker, or such other Person or Persons as shall be approved of by a Majority in Value of the Proprietors who shall be present at the first Meeting of the said Commissioner, and in the Notice of which Meeting shall be expressed the Intention of then appointing such Banker, or such other Person or Persons; and no such Monies deposited or paid into the Hands of such Banker, or other Person or Persons to be appointed as aforesaid, shall be issued or paid by him or them without an Order in Writing under the Hand of the said Commissioner, specifying the Person or Persons to whom the same are respectively payable, and the Service or Consideration for which the same are due; and that the Balance (if any) upon the final Settlement of all Accounts in anywise concerning the Business of the said intended Inclosure and Drainage, shall (except as herein-after mentioned) be immediately paid to the several Proprietors and Persons interested, in Proportion to the several Sums respectively paid and advanced by them, or in Proportion to their several Rights and Interests in the Land sold for Payment of the Expences as aforesaid, as the Case may be.

Application of Monies to be paid to incapacitated Persons.

XLV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Damage or Injury done to any Lands or Hereditaments by virtue of the Powers of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, or if any Surplus shall remain of the Money to be raised by Sale of Land as aforesaid, and any Share or Proportion thereof shall belong to any such Corporation, or other Person or Persons as aforesaid, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be invested in the Purchase of Lands or Hereditaments, which shall be conveyed and settled upon and subject to the like Uses, Trusts, and Limitations, as the Lands or Hereditaments to which such Injury or Damage shall be done, or the Lands or Hereditaments in respect of which such Money shall be paid, were settled, limited, or assured; and in the mean Time, and until such Purchase can be made, such Money shall be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Commissioner, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons entitled to such Lands or Hereditaments, either in or towards the Purchase of Land Tax, or towards the Discharge of any Debts or Incumbrances affecting the same



same Lands or Hereditaments, or any others standing settled therewith, or until the same shall, upon the like Application in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Lands or Hereditaments, to be settled to the like Uses; and in the mean Time, and until such Order can be made, such Money may, by Order of the said Court, be laid out in the Name of the Accountant General in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, and the Dividends or Interest arising therefrom shall, by Order of the said Court, be paid to such Person or Persons as would for the Time being be entitled to the Rents and Profits of such Lands or Hereditaments to be purchased, conveyed, and settled; and in case the said Commissioner shall find any Difficulty in obtaining such Purchase in Lands or Hereditaments, which may be equal in Value to such Sum, not exceeding Two hundred Pounds, as herein-before directed to be paid into the Bank as aforesaid, or which Purchase may be disadvantageous in other Respects, he the said Commissioner shall apply such Sum of Money towards defraying the Expences of passing and executing this Act, so far as the Proportion of the Party entitled thereto shall amount to; and if there shall be any Surplus of the said Sum of Two hundred Pounds, then and in such Case such Surplus shall and may be applied in Diminution of the Sum allowed to be charged upon such Estate, after such Application as aforesaid: Provided always, That if any such Money shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the said Lands or Hereditaments, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Priority of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioner (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery: Provided also, That where such Money shall be less than Twenty Pounds, then and in such Case the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands or Hereditaments, in such Manner as the said Commissioner shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

XLVI. And be it further enacted, That if the said Commissioner hereby appointed or to be elected in Manner herein-after mentioned, shall die, or resign, or be incapable to act, then and so often the major Part in Value (such Value to be ascertained by the then Land Tax Assessment)

Appointment  
of a new Com-  
missioner.



ment) of the Persons interested in the said Inclosure, Drainage, and Embankment for the Time being, who shall attend, either personally or by their respective Agents, Husbands, Guardians, Trustees, Committees, or Attornies, shall and may, within One Calendar Month, next after such Death, Resignation, or Incapacity, or as soon after as conveniently may be or Occasion require, at a publick Meeting to be appointed and holden as herein mentioned with regard to the Meetings of the Commissioner, elect another fit Person (not interested in the said Inclosure, Drainage, or Embankment) to be a Commissioner in the Room of him or them so deceased or resigned, or become incapable; and every such Commissioner so elected shall have the same Powers and Authorities for executing this Act respectively, as if he had been herein nominated and appointed a Commissioner.

Delivering up  
Books and  
Accounts.

XLVII. And be it further enacted, That all and every the Books, Accounts, and other Papers and Proceedings relating to the Execution of this Act, which shall have been in the Custody, Keeping, or Possession of any Person or Persons dying before the Execution of the Award, and also in the Custody, Keeping, or Possession of any such Person or Persons who hath or have resigned, or hath or have been or shall be removed from such Office or Offices, Employ or Employs respectively, or in the Custody, Keeping, or Possession of the Executors, Administrators, or other legal Representatives of any Person or Persons who hath, or have, or shall die during his or their holding such Office or Offices, Employ or Employs, or after his or their Resignation or Removal from the same, or in the Custody, Keeping, or Possession of his or their respective Agent or Attorney, or of any other Person or Persons whomsoever, shall be deemed and are hereby declared to be the Property of the Lords of the said Manors and Proprietors aforesaid for the Time being and in Succession, as Records of and belonging to them; for their Use and Inspection, and shall be placed and deposited with and remain in their Custody, Keeping, and Possession, or of such other Officer or Person as shall from Time to Time be elected and appointed as Successors to the Person or Persons so dying, or who shall resign or be removed as aforesaid.

Penalty on re-  
fusing to de-  
liver up Books  
and Accounts.

XLVIII. And be it further enacted, That all and every the Person or Persons aforesaid, at any Time having in his, her, or their Custody, Keeping, or Possession any such Books, Accounts, or other Papers and Proceedings aforesaid, relating to the Execution of this Act, shall, within the Space of One Calendar Month next after Notice in Writing, signed by Two or more of His Majesty's Justices of the Peace for the said County of *Salop* respectively, or a true Copy thereof, given to or left at the usual Place of Abode of such Person or Persons, (upon being paid or tendered all reasonable Demands which they or any of them shall or may have in consequence of having held any Office or Offices, Employ or Employs, pursuant to this Act, to be settled and allowed by the said Justices), deliver and give up the same unto such Person or Persons as such Notice shall order and appoint to receive and keep the same, whose Receipt for the same shall be a good and sufficient Discharge to such Person or Persons so delivering up the same; and if any such Person or Persons now or at any Time hereafter having in his, her, or their Custody, Keeping, or Possession, any such Books, Accounts, or other Papers and Proceedings, shall refuse or neglect so to deliver the same within the Time limited by  
such



such Notice and Demand made, he or they shall for such Offence forfeit and pay the Sum of Twenty Pounds of lawful Money of Great Britain, to any Person or Persons interested in the Premises, who shall sue for the same, and shall be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, in which no *Essoign*, Protection, or Wager of Law, or more than One *Impar lance*, shall be allowed.

XLIX. And be it further enacted, That publick Notice shall be given upon some *Sunday*, by Writing to be affixed on some publick Door of the Parish Church of *Worthen* aforesaid, and also by an Advertisement in the *Shrewsbury* Newspapers, or some other publick Newspapers circulated in the same County, of the respective Times and Places which the said Commissioner shall fix for perambulating Boundaries, receiving Claims or Objections, and determining Disputes respecting any of the said Boundaries or Claims, or respecting any Cottages, Erections, Encroachments, Inclosures, Allotments, Roads, Drains, and other Works, and the Orders and Directions which shall be contained in the said Schedule as aforesaid, and also for nominating a Committee of Proprietors for examining the Commissioner's Accounts, or for electing any Commissioner, Assessor, Clerk, or Surveyor, or for the more effectual draining and improving the said Lands, Ten Days at least before each such Time respectively; and publick Notice shall be given in like Manner of the respective Times and Places which the said Commissioner shall fix for leaving the said Claims and Objections, or Copies or Abstracts thereof, and also the Maps, Particulars, and Schedules, to be inspected as aforesaid, previous to their being so left respectively; and the Business may be adjourned to such Time and Place, or Times and Places, as the said Commissioner shall think most convenient, without any further Notice; and in case the said Commissioner shall not attend at the Time and Place appointed for transacting any such Business as aforesaid, or at any Adjournment thereof, then and so often it shall be lawful for his Clerk, for the Time being, to appoint such future Time and Place as he shall think proper for proceeding therein, without any Notice.

Notice of Meetings.

Adjournment.

L. And be it further enacted, That in all Cases where by this Act any Person is to take an Oath, the Person or Persons before whom the same is to be made or taken, is and are hereby respectively empowered to administer such Oath; and that it shall be lawful for the said Commissioner, Referees, Arbitrators, and Justices of the Peace, and every of them respectively, and he and they is and are hereby respectively required, from Time to Time, at his or their own Will, or at the Request of any of the Parties interested in any disputed Claim, or other Matter or Thing to be heard, determined, ascertained, ordered, or directed by or before such Commissioner, Referees, Arbitrators, or Justice respectively, by any Writing under his or their Hand or Hands, to summon and require any Person or Persons to appear before him or them respectively, at such Time and Place in such Writing mentioned, to testify the Truth and give Evidence upon Oath before him or them touching any Matter in Difference or Dispute between any of the said Persons interested, or concerning any Matter or Thing wherein any Doubt or Difficulty shall occur before the said Commissioner, Referees, Arbitrators, or Justice, or any of them; and if any Person so summoned as aforesaid, and having been paid or tendered a sufficient Sum of Money, in the Judgement of the said

Power to summon Witnesses.

[*Loc. & Per.*]

29 B

Person



Person or Persons issuing such Summons, to defray the Charges of his or her Attendance, shall, without any reasonable Excuse to be allowed as such by the said Person or Persons so issuing the said Summons, refuse or neglect to appear pursuant to the said Summons, or appearing shall refuse to be sworn, or being sworn, shall refuse to be examined and give Evidence touching the Premises, then and in every such Case every such Person shall, for every such Neglect or Refusal, be liable to be proceeded against in the same Manner as he or she would, if he or she had neglected to obey a Subpoena to appear on a Trial in any of His Majesty's Courts of Record at *Westminster*; or the said Commissioner, Referees, Arbitrators, or Justice, shall impose upon him, her, or them, to the Use of the Person or Persons on whose Behalf he, she, or they was or were so summoned, a Fine not exceeding Ten Pounds, nor less than Twenty Shillings, together with such further Sum of Money as shall have been paid to such Person or Persons so summoned, to discharge or bear, his, her, or their Charges of Attendance as aforesaid respectively.

Recovery of  
Costs, &c.

LI. And be it further enacted, That all Costs, Charges, Rates, Assessments, Expences, Fines, Forfeitures, and Penalties, and all Sums for Satisfaction for Damage or Injury sustained, which shall be charged, imposed, or directed to be paid or made payable by virtue of this Act towards the said Inclosure, Drainage, Embankment, or other Works, and not hereby otherwise directed to be recovered, shall be levied by Distress and Sale of the Goods and Chattels of the Person or Persons liable thereto respectively, (together with the Interest thereof, after the Rate of Five Pounds *per Centum per Annum*, from the Time such Payment ought to have been made to the Time of the Recovery thereof, and all reasonable Costs and Charges attending such Distress and Sale), by Warrant under the Hand and Seal of the said Commissioner, Referees, Arbitrators, or of any Justice of the Peace for the said County of *Salop*; and in case sufficient Distress cannot be found, the Person or Persons respectively so liable thereto, shall and may, by like Warrant, be committed to the Common Gaol or House of Correction of or for the said County of *Salop*, for any Time not exceeding One Year, or until the said Interest, Costs, Charges, or Expences, Fine, Penalty, or Forfeiture shall be paid; but if the said Costs, Charges, or Expences so to be recovered, shall be payable from any Owner or Occupier of any of the said Lands or Tenements, then the said Commissioner or Justice shall and may, if the Party or Parties to whom the same shall be payable shall desire the same, authorize such Party or Parties (or if such Party shall be the said Commissioner, then any other Person or Persons) by Writing under his Hand and Seal, to enter into and upon any of the said Lands or Tenements, or either of them, of or belonging to, or in the Occupation of the Person or Persons so making Default as aforesaid, and to receive and take the Rents and Profits thereof, until thereby or therewith the same Costs, Charges, and Expences, with all the Costs, Charges, and Expences occasioned by or attending such Entry and Perception, shall be fully paid and satisfied; and if any such Costs, Charges, and Expences shall be due and payable from any Owner of any such Lands or Tenements, and shall be paid by the Occupier thereof, every such Occupier shall have a Receipt or Discharge for the same, and may deduct the same out of his Rent, and such Owner is hereby required to allow such Deduction upon Production of such Receipt or Discharge.

Distress not to  
be unlawful  
for Want of  
Form.

LII. And be it further enacted, That in case any Action shall be brought on account of any Distress or other Proceeding, made, had, or

done



done by virtue of this Act, it shall be lawful for the Defendant or Defendants to set forth generally in his, her, or their Plea, Avowry, or Justification, that the same was done by or under the Authority of this Act, and to give in Evidence all Matters necessary to make out his, her, or their Authority, Right, or Title, without specially pleading the same; and that no Summons, Order, Verdict, Assessment, Conviction, Warrant, Distress, or other Proceeding under this Act, by or before the said Commissioner or Referees, or any Justice of the Peace, shall be quashed, vacated, void or voidable, for Want of Form only, nor be removed or removeable into any Court of Record; nor, in case of any Irregularity in any such Distress, or any Sale thereupon or Proceeding therein, shall any of the Parties concerned be deemed a Trespasser or Trespassers *ab initio*, but the Party or Parties injured thereby shall and may, on giving the said other Party or Parties Notice in Writing of intending to commence an Action thereon, recover full Satisfaction for the Special Damage in an Action upon the Case, if no sufficient Tender of Amends shall have been made to him, her, or them, before such Action brought, and not otherwise; and every Conviction under this Act shall and may be drawn up in the following Form or to the like Effect:

County of } BE it remembered, That on the . . . Day of Form of Con-  
*Salop.* } in the Year of Our Lord  
*A. B.* of . . . is convicted before me, the Commissioner  
 authorized to put in Execution an Act for [*Here insert the Title of this*  
*Act*] [*or, before me One of His Majesty's Justices of the Peace for the*  
 said County] upon the Information [*or, Complaint*] of *I. K.* [*or, on*  
 his own Confession, *as the Case may be*] of [*Here specify the Offence, and*  
*when and where committed*] and is thereupon adjudged to have forfeited  
 the Sum of . . . to be distributed [*or, applied*] as the Law  
 directs [*or, to be paid to* . . . [*as the Case shall be*] [*or, in*  
*Cases where the Amount of any Damage done is to be ascertained, together*  
 with the Sum of . . . as a Recompence for the  
 Damage occasioned thereby, *or, that has been sustained by the said*  
*I. K.*] [*or, in case of any Penalty, and I do thereupon impose upon the*  
 said *A. B.* to the Use of the said *I. K.* a Fine of  
 [*and if the Party were summoned as a Witness*], together with the  
 Sum of . . . which was paid to the said *I. K.* by  
 the said *A. B.* to defray his or her Charges of Attendance]. Given  
 under my Hand and Seal, the Day and Year first above written.

LIII. Provided always, and be it further enacted, That nothing herein  
 contained shall prejudice, lessen, or defeat, any Right, Title, or Interest  
 which the said Lord or Lords, or the Person or Persons who shall or may  
 hereafter be entitled as Lord or Lords of the said Manor, or respective  
 Manors, or as Owner or Owners of the Soil of the said Waste Lands,  
 now have or hath, or shall hereafter have in or to any Mines, Ores, Coals,  
 Metals, or Minerals whatsoever, in or under the said Waste Lands, or  
 any Part or Parcel thereof, but that it shall be lawful to and for the said  
 Lord or Lords, and the Owner and Owners, their Heirs and Assigns re-  
 spectively, in and upon the said Waste Lands, at any Time or Times  
 hereafter, according to their respective Rights therein, to delve, search  
 for, get up, make merchantable, and take and carry away, with all or  
 any Manner of Carriages, to their own respective Uses, the said Mines,  
 Ores, Coals, Metals, and Minerals, or any Part thereof, and to make,  
 erect, and use any Roads, Ways, Sumps, Levels, Warehouses, Smithies,  
 Engines, Machines, and other Conveniences and Erections, and to do  
 any other Acts which shall be necessary or proper for all or any of those  
 Purposes;

Reservation of  
 Mines.



Purposes; and the same Warehouses, Smithies, Engines, Machines, and other Conveniences or Erections, or any of them, at any Time or Times to alter, take down, remove, re-erect, and take and carry away, at their respective Pleasure, they the said Lords, their Heirs and Assigns, and the future Lord and Lords, Owner and Owners, his or their Heirs and Assigns respectively, making full Satisfaction from Time to Time to the respective Owners and Occupiers of the said Allotments of the said Waste Lands, for the Spoil and Damage which shall be done or occasioned thereon by the Exercise of all or any of the said Powers, such Satisfaction (in case the Parties disagree) to be settled and determined by Two indifferent Persons, to be nominated and appointed Arbitrators for that Purpose, the one by the Party so exercising such Powers, and the other by the Party to whom such Satisfaction is to be made, or in case the said Arbitrators cannot agree therein, then by such Third indifferent Person as they the said Parties or Arbitrators shall nominate as Umpire therein; and every such Determination of the said Arbitrators and Umpire respectively shall be final and conclusive unto and upon all Parties.

Saving Manorial Rights.

LIV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to give unto the Lords of the said Manors, or either of them, any further or other Manorial Rights, Title, or Interest, than those they now respectively are entitled unto, nor to defeat, lessen, prejudice, or affect their Right, Title, or Interest, of, in, or to the 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, Forfeitures, and all other Royalties, Jurisdictions, Privileges, Pre-eminences, and Appurtenances whatsoever, incident, belonging, or appertaining to the said Manors respectively, (other than and except those meant and intended to be barred, destroyed, or extinguished by virtue of this Act), but that the same and every of them shall remain and be enjoyed by the said Lord and Lords of the said Manors respectively, in as full, ample, and beneficial Manner, to all Intents and Purposes, as they could or might have held and enjoyed the same respectively in case this Act had not been passed.

General Saving of Rights.

LV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Corporate and Politick, his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest, (other than those meant and intended to be barred and destroyed by this Act), as they, every, or any of them had and enjoyed of, in, to, or out of the said Waste Lands, or any Part thereof, before the passing of this Act, or could or might have had or enjoyed in case this Act had not been made.

This Act not to extend to Bromlow, Meadowtown, or Medicott.

Publick Act.

LVI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to the Waste Lands within the Townships of *Bromlow*, *Meadowtown*, or *Medicott*, or any of them.

LVII. And be it further enacted, That this Act shall be deemed, taken, and allowed to be a Publick Act, and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without being specially pleaded.

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