



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. 15.

An Act for inclosing Lands within the Townships of *Alstonefield, Warslow, Lower Elkstone, Fawfieldhead, Hollingsclough, Heathilee, and Quarnford*, all in the Parish of *Alstonefield* in the County of *Stafford*. [16th June 1834.]

WHEREAS there are within the Townships of *Alstonefield, Warslow, Lower Elkstone, Fawfieldhead, Hollingsclough, Heathilee, and Quarnford*, in the Parish of *Alstonefield* in the County of *Stafford*, certain Open Common Fields, Beast Gates, Pastures, Common and Waste Grounds, containing in the whole Three thousand five hundred Acres or thereabouts: And whereas Sir *George Crewe* Baronet claims to be Lord of the Manors of *Alstonefield, Longnor, and Warslow* and *Quarnford*, which extend over the whole of the said Townships, and as such entitled to the Right of Soil and Minerals of and within the said Commons and Waste Lands, and claims to be Impropiator of the Great Tithes arising and accruing within the said Parish, or to certain Moduses or annual Payments in lieu thereof; and the said Sir *George Crewe* is also Patron of the Vicarage of *Alstonefield* aforesaid, and the Reverend *John Simpson* Clerk is Vicar of the said Vicarage, and as such entitled to the Small Tithes arising within the said Parish which are of right due and payable to the Vicar for the Time being, or to certain Moduses or annual Payments in lieu thereof, and also to certain Glebe Lands within the said Townships, and to certain small Payments or *Easter Dues*: And whereas the Most Noble *William Spencer Cavendish* Duke of *Devonshire*, the Right Honourable *William Carr* Lord Viscount *Beresford*, the said Sir *George Crewe*,

[Private.] Crewe,

41G.3.c.109. *Crewe, Jesse Watts Russell Esquire, Robert Newton Shawe Esquire, the Reverend Charles Thorneycroft, and divers other Persons are Owners and Proprietors of all the Messuages, Lands, Tenements, and other Hereditaments, both open and inclosed, within the said Townships of Alstonefield, Warslow, Lower Elkstone, Fawfieldhead, Hollingsclough, Heathilee, and Quarnford, and are entitled to Rights of Common and other Rights in and upon the said Fields, Pastures, and Grounds: And whereas an Act was passed in the Forty-first Year of the Reign of His Majesty King George the Third, intituled An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts: And whereas another Act was passed in the First and Second Years of the*

1 & 2 G. 4. c. 23. *Reign of His late Majesty King George the Fourth, intituled An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England: And whereas the said Fields, Pastures, and Grounds are in their present Situation incapable of any material Improvement, and it would be advantageous to the several Persons interested therein if the same were divided, allotted, and inclosed, and specific Allotments made thereof to the several Persons entitled thereto according to their respective Rights and Interests therein; but such Division, Allotment, and Inclosure cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Robert Bromley of Derby in the County of Derby, and Charles Heaton of Endon in the County of Stafford, Land Surveyors, and their Successors to be appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Open Common Fields, Beast Gates, Pastures, Common and Waste Grounds, and for putting this Act and the said recited Acts into execution, in the Manner and subject to the Rules, Orders, and Directions herein contained, and also with and subject to the Powers and Provisions of the said recited Acts, except where the same are hereby varied and altered.*

Appointment
of Commis-
sioners.

Commis-
sioners to
take an Oath.

Oath.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as such Commissioner until he shall have taken and subscribed an Oath (or, being a Quaker or Moravian or Separatist, an Affirmation,) in the Form or to the Effect following; (that is to say,)

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, or of the United Brethren called Moravians, or of the People called Separatists,* do solemnly affirm,] That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Powers and Authorities reposed in me as Commissioner by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

‘ So help me GOD.’

[*Or, being one of the People called Quakers or Moravians or Separatists, omit the Words ‘ So help me God.’*]

Which

Which Oath or Affirmation any Justice of the Peace for the said County of *Stafford* is hereby empowered to administer, and such Oath or Affirmation shall be annexed to and inrolled with the Award of the said Commissioners.

III. And be it further enacted, That if the said *Robert Bromley*, or any other Commissioner to be appointed in his Stead as herein-after mentioned, shall die, or refuse to act, or become incapacitated, or neglect for the Space of Two Calendar Months to act as a Commissioner in the Execution of this Act and the said recited Acts, before all the Powers, Authorities, and Trusts reposed and vested in the said Commissioners shall be fully executed and performed, then and in every such Case it shall be lawful for the said *Sir George Crewe*, or the Impropiator of the said Tithes for the Time being, or of his or her Husband, Guardian, Trustee, or Committee, at any Time within Thirty Days next after such Death, Refusal, Incapacity, or Neglect shall happen or be made known to him, by Writing under his Hand to appoint any other Person (not being interested in the said Division, Allotment, and Inclosure, or the Agent ordinarily intrusted with the Care, Superintendence, or Management of the Estate of any Person so interested,) to be a Commissioner for the Purposes of this Act and the said recited Acts in the Place of the said *Robert Bromley*, or of any other Commissioner to be appointed in his Stead; and if the said *Charles Heaton*, or any other Commissioner to be appointed in his Stead as herein-after mentioned, shall die, or refuse to act, or become incapacitated, or neglect for the Space of Two Calendar Months to act as a Commissioner in the Execution of this Act and the said recited Acts, before all the Powers, Authorities, and Trusts reposed and vested in the said Commissioners shall be fully executed and performed, then and in every such Case the Proprietors or Persons interested in the said Fields, Pastures, and Grounds hereby directed to be divided, allotted, and inclosed (except the Impropiator of the said Tithes in respect of such Tithes only), or the major Part of them in Value, such Value to be ascertained by the Land Tax Assessments of the said Townships of *Alstonefield, Warslow, Lower Elkstone, Fawfieldhead, Hollingsclough, Heathilee, and Quarnford*, who shall be present in Person, or by their respective Attornies or Agents, at a Meeting to be held for that Purpose within Thirty Days after such Death, Refusal, Incapacity, or Neglect shall happen or be known, (of which Meeting Notice shall be given by any Three or more of such Owners or Proprietors, or their respective Attornies or Agents, by affixing such Notice on the principal outer Door of the Parish Church of *Alstonefield* upon some *Sunday* before Divine Service, and causing the same to be inserted in the Newspaper called the *Staffordshire Advertiser*, or some other Newspaper then printed or circulated in the said County, Fourteen Days at least before such Meeting,) shall and may by Writing under their Hands nominate, elect, and appoint a proper Person (not being interested in the said Division, Allotment, and Inclosure, or the Agent ordinarily intrusted with the Care, Superintendence, or Management of the Estate of any Person so interested), to be a Commissioner in the Place and Stead of the said *Charles Heaton*, or of any other Commissioner to be appointed in his Stead; but if the said respective Parties shall neglect to make such Appointment or Appointments as aforesaid, then and in every such Case the surviving or remaining Commissioner shall and he is hereby required forthwith, by any Instrument or Writing

For appointing new Commissioners.

under

under his Hand and Seal, to appoint another Person (not interested in the Premises, or such Agent as aforesaid,) to be a Commissioner for the Purposes of this Act and the said recited Acts in the Place and Stead of the Commissioner so dying, or refusing or becoming incapable of acting, or neglecting as aforesaid; and every Person so to be appointed a Commissioner as aforesaid shall take and subscribe the Oath or Affirmation prescribed by this Act, and shall thereupon have such and the like Powers and Authorities in all respects for putting this Act and the said recited Acts into execution as if he had been named and appointed a Commissioner in and by this Act; which said several Instruments of Nomination and Appointment shall be inrolled in the same Place, and Evidence thereof given in the same Manner, as in and by the said recited Acts and this Act, or any of them, is directed concerning the Award to be made by the said Commissioners.

Appointment
of Umpire.

IV. And be it further enacted, That the said Commissioners shall (after having taken and subscribed the Oath or Affirmation prescribed by this Act, and before they proceed to any other Business touching the Execution of this Act,) and they are hereby authorized and required to nominate and appoint some fit and proper Person (not interested in the said Division, Allotment, and Inclosure, or the Agent as aforesaid of any Person so interested,) to be an Umpire between them, and in case such Person, or any other Person to be appointed as Umpire for the Purposes of this Act, shall die, or refuse or neglect for the Space of One Calendar Month to act, or shall become incapable of acting as such Umpire, the said Commissioners shall and they are hereby required forthwith to nominate and appoint another Person (not interested in the said Division, Allotment, and Inclosure, or the Agent as aforesaid of any Person so interested,) to be an Umpire for the Purposes of this Act; and when the said Commissioners shall differ or disagree in Opinion touching any Matter or Thing to be done in the Execution of this Act or the said recited Acts, then the Matter upon which such Difference shall or may arise shall be settled and determined by such Umpire, whose Determination in Writing shall be binding and conclusive upon the said Commissioners, and on all others so far as the Judgment and Determination of the said Commissioners would in such Case have been binding and conclusive; and in case any such Umpire shall neglect to settle and determine any such Difference after the same shall have been referred to him by the said Commissioners, and a written Notice under the Hands of the said Commissioners or One of them shall have been served upon him, requiring him to settle such Difference within Thirty Days from the Service of such Notice, such Neglect shall be and be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act; and for the Purpose aforesaid, but not for any other Purpose, such Umpire shall have and he is hereby vested with the same Powers and Authorities as by this Act and the said recited Acts are given to or vested in the said Commissioners.

Umpire to
take an Oath.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as such Umpire until he shall have taken and subscribed an Oath (or, being a Quaker or Moravian or Separatist, an Affirmation,) in the Form or to the Effect following; (that is to say,)

‘ I. A. B.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, or of the United Brethren called Moravians, or of the People called Separatists,* Oath. of
 ‘ do solemnly affirm,] That I will faithfully, impartially, and honestly, Umpire.
 ‘ according to the best of my Skill and Ability, execute and perform the
 ‘ Powers and Authorities reposed in me as Umpire by virtue of an Act
 ‘ passed in the Fourth Year of the Reign of His Majesty King *William*
 ‘ the Fourth, intituled [*here insert the Title of this Act*], according to
 ‘ Equity and good Conscience, and without Favour or Affection, Pre-
 ‘ judice or Partiality, to any Person or Persons whomsoever.
 ‘ So help me GOD.’

[*Or, being one of the People called Quakers, Moravians, or Separatists, omit the Words ‘ So help me God.’*]

Which Oath or Affirmation the said Commissioners or either of them, or any Justice of the Peace for the said County of *Stafford*, are and is hereby empowered to administer; and such Oath or Affirmation, and also the Writing appointing such Umpire, shall be ennexed to and inrolled with the Award of the said Commissioners.

VI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to appoint a Clerk or Clerks Appointment
 to assist them in the Execution of the Powers of the said recited Acts of Clerk.
 and this Act, and from Time to Time to remove such Clerk or Clerks, and to appoint another or others in his or their Stead, as to such Commissioners shall seem meet.

VII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Writing Appointment
 under their Hands, with the Consent of the Lord of the said Manors for of Surveyor.
 the Time being, to nominate and appoint any Person or Persons (not interested in the said Division, Allotment, and Inclosure, or the Agent ordinarily entrusted with the Care, Superintendence, and Management of the Estate of any Person so interested, and not being a Relation by Blood or Marriage of either of the Commissioners,) to be Surveyor or Surveyors for the Purposes of the said recited Acts and this Act; and if any Surveyor to be appointed by the said Commissioners shall die, neglect or refuse to act, or become incapable of acting in the Execution of the said recited Acts and of this Act, before the Duties hereby or by the said recited Acts reposed in him or them are performed, then and in every such Case the said Commissioners shall have Power and they are hereby authorized and required, with such Consent as aforesaid, to appoint some other fit and proper Person (not interested in the said Division, Allotment, and Inclosure, or the Agent as aforesaid of any Person so interested, or such Relation as aforesaid of either of the said Commissioners,) to succeed to such Office, and so from Time to Time as often as any future Vacancy in that Office shall happen; and in case any such Surveyor shall neglect to perform any of the Duties reposed in him, and a written Notice under the Hands of the said Commissioners or One of them shall have been served upon him, or left at his last or usual Place of Abode in *England*, requiring him to perform any such Duty so neglected, within Thirty Days from the Service of such Notice, such Neglect shall be and be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act.

[*Private.*]

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VIII. Pro-

Surveyor to
take an Oath.

VIII. Provided always, and be it further enacted, That the Person or Persons so to be appointed Surveyor or Surveyors as aforesaid, before he or they shall proceed to act as such Surveyor or Surveyors, shall take and subscribe an Oath (or, being a Quaker or Quakers, Moravian or Moravians, Separatist or Separatists, shall affirm,) in the Form or to the Effect following; (that is to say,)

Oath.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, or of the United Brethren called Moravians, or of the People called Separatists,* do solemnly affirm,] That I will faithfully, impartially, and honestly do, execute, and perform the several Duties incumbent on me as Surveyor by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], according to the best of my Skill and Judgment, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.’
[*Or, being one of the People called Quakers, Moravians, or Separatists, omit the Words ‘ So help me God.’*]

Which Oath or Affirmation the said Commissioners or either of them, or any Justice of the Peace for the said County of *Stafford*, are and is hereby empowered to administer; and such Oath or Affirmation, and also the Writing appointing such Surveyor or Surveyors, shall be annexed to and inrolled with the Award of the said Commissioners, and an Office Copy of such Inrolment shall be admitted as legal Evidence on all Occasions.

Commis-
sioner may
use old Sur-
veys, &c.

IX. And be it further enacted, That in case any Person or Persons having in his, her, or their Custody any accurate Surveys, Maps, or Plans of the said Fields, Pastures, and Grounds, or of any Part or Parts thereof, or of the inclosed or other Lands within the said Townships of *Alstonefield, Warslow, Lower Elkstone, Fawfieldhead, Hollingsclough, Heathilee,* and *Quarnford*, or any of them, shall deliver such Surveys, Maps, or Plans to the said Commissioners at such Time as they may appoint, it shall be lawful for the said Commissioners to inquire into the Accuracy or Authenticity thereof on the Oath or solemn Affirmation, as well of the Person or Persons producing and delivering such Surveys, Maps, or Plans respectively, as of any other Person or Persons, (which said Oath or Affirmation the said Commissioners are hereby authorized to administer,) or by such other Means as they shall think proper; and in case the said Commissioners shall be satisfied that the same, or any or either of them, are or is accurate Surveys, Maps, or Plans, then it shall be lawful for the said Commissioners and they are hereby authorized to make use of the same as far as the same shall be available for the Purpose of carrying this Act and the said recited Acts into execution; and the said Commissioners shall or may purchase the same, or make unto the Owner or Owners of such Surveys, Maps, or Plans, or to the Person or Persons producing the same respectively, a just and fair Payment or Allowance for the same, or for the Production or Use of such Surveys, Maps, or Plans, out of the Monies to be raised for the general Purposes of this Act.

Allowance to
Commis-
sioners, Um-
pire, and
Clerk.

X. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the said Commissioners and

Umpire

Umpire and Clerk or Clerks, to be appointed by the said Commissioners as herein-before directed, shall respectively be paid for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act or the said recited Acts, during the first Two Years next after the passing of this Act the Sum of Three Pounds and Three Shillings and no more, and after the Expiration of the said Two Years, until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings and no more, for each and every Day they shall be respectively employed as aforesaid, in full Satisfaction for their Time and Trouble, and for the several Expences which they shall be put unto during their several Journies and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Room in which the Meetings shall be holden for carrying this Act and the said recited Acts into execution, and the Costs and Expences of drawing, preparing, copying, ingrossing, and inrolling the Award of the Commissioners and of Advertisements: Provided always, that the said Commissioners and each of them shall only be allowed and paid One Day's Allowance for each of their Journies and travelling Expences to every Meeting, and One Day's Allowance for each of their Journies and travelling Expences from every such Meeting to be held for the Purposes of this Act.

XI. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the Person or Persons for the Time being employed as Surveyor or Surveyors for the Purposes of this Act shall be paid and allowed for his and their Time and Trouble in surveying, measuring, mapping, or planning the Fields, Pastures, Grounds, and Lands necessary to be surveyed for the Purposes of this Act, One Shilling and Sixpence *per* Acre for the said uninclosed Fields, Pastures, and Grounds, and Nine-pence *per* Acre for the old inclosed Lands, or One Pound Eleven Shillings and Sixpence for each and every Day he or they shall be actually and wholly employed, either in surveying, measuring, mapping, or planning, or otherwise as a Surveyor for the Purposes of this Act; which said Sums of One Shilling and Sixpence *per* Acre and Nine-pence *per* Acre, or One Pound Eleven Shillings and Sixpence *per* Day, shall be in full Satisfaction for his or their Time and Trouble, and for all travelling and other Expences (except Labourers Wages) of every Description to be incurred by him or them as such Surveyor or Surveyors in and about the Execution of this Act.

Allowance to
Surveyor.

XII. And for regulating the Duration of all Meetings to be holden for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*, and that any Meeting to be holden for the Purposes of this Act of less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged as only Half a Day, and the said Commissioners and their Clerk or Clerks shall be paid accordingly; and a Book shall be kept by the said Commissioners, or their Clerk or Clerks, in which shall be entered the several Days on which the said Commissioners shall hold their Meetings, and in such Book shall also be entered at what Hour the said

Duration of
Meetings.

Restraining
Commis-
sioners from
retaining
more than
One Third
of their Al-
lowance until
after the De-
livery of the
Award.

said Commissioners and their Clerk or Clerks were respectively present at such Meeting, and at what Hour they respectively left the same; and such Book shall be signed by such Commissioners and their Clerk or Clerks at the Termination of each Meeting, and shall be open to the Inspection of any Person or Persons interested in the said Division, Allotment, and Inclosure, or his, her, or their Agents or Attornies, during all the Meetings to be held in pursuance of this Act; and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided always, that it shall not be lawful for the said Commissioners to retain or pay to themselves or their Clerk or Clerks, out of any Monies to be received by them or over which they may have any Controul in the Execution of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioners and Clerk or Clerks respectively beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Day of the Delivery of the Award herein-after directed to be made to the Clerk of the Peace of the said County of *Stafford*, or in case the Accounts of the said Commissioners shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioners or either of them, or their Clerk or Clerks, previous to the Execution of the Award herein-after directed to be made, the Commissioner or Commissioners for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or Commissioners, or of such deceased Clerk or Clerks, such Sum of Money as shall appear by the said Accounts to be due to him or them.

Proprietors
to pay their
own Ex-
pences at
Meetings.

XIII. Provided always, and be it further enacted, That the several Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act.

Notice of
Commis-
sioners
Meetings.

XIV. And be it further enacted, That the said Commissioners shall and they are hereby required to give or cause to be given public Notice in the *Staffordshire Advertiser*; or some other Newspaper or Newspapers circulated in the said County of *Stafford*, and also Notice in Writing by affixing the same on the principal outer Door of the Parish Church of *Alstonefield* aforesaid on some *Sunday* before Divine Service of the Time and Place of the First and every subsequent Meeting for the Execution of this Act, Ten Days at least before every such Meeting (Meetings by Adjournment only excepted); and all such Meetings shall be held within the Parish of *Alstonefield* aforesaid, or within Eight Miles from the Boundaries thereof; and the said Commissioners shall and may adjourn such Meetings from Time to Time as they shall see Occasion for the Execution of this Act and the said recited Acts.

One Com-
missioner
may adjourn,
and in the
Absence of
either Com-
missioner the

XV. Provided always, and be it further enacted, That if only One Commissioner shall attend at the Time and Place appointed for any such Meeting it shall be lawful for such Commissioner to adjourn such Meeting to a future Day not exceeding Fourteen Days from the Day on which such Meeting was appointed to be held, giving Notice thereof to the
absent

absent Commissioner: Provided also, that in case neither of the said Commissioners shall be present at the Time and Place appointed for any such Meeting as aforesaid, then it shall be lawful for the Clerk or Clerks to the said Commissioners to adjourn the same to any future Day not exceeding Fourteen Days from the Day on which such Meeting was appointed to be held.

Clerk may adjourn the Meeting.

XVI. And be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners in pursuance of the said recited Acts or of this Act shall be so given by Advertisement in the said Newspaper called the *Staffordshire Advertiser*, or some other Newspaper printed or circulated in the Neighbourhood of *Alstonefield* aforesaid, and also by Notice in Writing to be affixed on the principal outer Door of the Parish Church of *Alstonefield* aforesaid on some *Sunday* before Divine Service.

Other Notices how to be given.

XVII. And be it further enacted, That all Orders and Proceedings of the said Commissioners shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the said Commissioners, and such Orders shall or may be read in Evidence in all Suits or Proceedings concerning any thing done in relation to the Execution of this Act.

Proceedings to be entered.

XVIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division, Allotment, and Inclosure touching or concerning the respective Rights or Interests which they or any of them shall have or claim to have in, to, upon, or out of the several Fields, Pastures, and Grounds hereby directed to be divided, allotted, and inclosed, or touching or concerning the respective Shares or Allotments which they or any of them ought to have of or in the same, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to examine into, hear, and determine the same.

Commissioners may settle Disputes;

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Lands, Tenements, or other Hereditaments whatsoever, nor to determine any Right between any Parties, contrary to the Possession of any such Parties (except in Cases of Encroachment made within the Period of Twenty Years as herein-after mentioned); but in case the said Commissioners shall be of opinion against the Right of the Person or Persons so in Possession they shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or shall have been recovered from such Person or Persons by Ejectment or other due Course of Law.

but not to determine Titles.

XX. And be it further enacted, That in case the said Commissioners shall, upon the hearing and determining of any Claim or Claims, or Objection or Objections, to be delivered to them in pursuance of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and they are hereby empowered, upon Application made to them

Commissioners may award Costs.

[Private.]

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for

Power to
assess Costs.

for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made by the Party or Parties whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall refuse or neglect to pay the same on Demand, then it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so refusing or neglecting to pay the same, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any), on Demand, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold.

Parties may
try their
Rights at
Law.

XXI. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, interesting or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims to the Right of Soil, or any Right of Common, or other Rights or Interest in, over, upon, or out of the said Fields, Pastures, and Grounds, or any Part or Parts thereof, it shall be lawful for the said Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioners shall have been notified in Writing to the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, against whom such Determination shall have been made, or to his, her, or their known Agent or Attorney, and the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied as aforesaid, shall proceed to a Trial at Law of the Matter so determined by the said Commissioners at the next or at the Second Assizes to be holden for the said County of *Stafford* after such Action or Actions shall have been so commenced; and the Defendant or Defendants in such Action or Actions shall and he or they is and are hereby required to name an Attorney or Attornies who shall appear thereto or file Common Bail, and accept One or more Issue or Issues whereby such Claim or Claims, Objection or Objections, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced in case the Party or Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon and to all and every Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had therein, which it shall be lawful for the Court to do in case the said Court shall think proper; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the

the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, or Interest or Interests thereby determined, according to the Event of such Trial or Trials: Provided always, that if no such Action at Law shall be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time and in the Manner herein-before for that Purpose mentioned, then the Determination of the said Commissioners shall be binding, final, and conclusive to all Intents and Purposes whatsoever.

XXII. And be it further enacted, That if any of the Parties in any Action or Actions to be brought and prosecuted in pursuance of this Act shall die pending the same, such Action or Actions shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and if any Person or Persons in whose Favour such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk or Clerks to the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties so dying might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Deaths of Parties not to abate Proceedings.

XXIII. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Right, Title, or Interest of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, into or out of any Messuages, Lands, Tenements, or other Hereditaments whatsoever for or in respect of which any Right of Soil, or any Right of Common, or other Rights or Interests in, over, or upon the Fields, Pastures, and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act or the said recited Acts, but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits; and the said Commissioners shall award the Allotment or Allotments in respect of the Messuages, Lands, Tenements, or other Hereditaments to which such Suit or Suits shall relate to the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be in the actual Enjoyment or Possession of such Messuages, Lands, Tenements, or other Hereditaments; and the same Allotment or Allotments shall follow the Event of such Suit or Suits, and may be had and taken by the Person or Persons, or Body or Bodies Politic

Trials not to delay the Execution of the Act.

Politic, Corporate, or Collegiate, who upon the Determination of such Suit or Suits shall become entitled to the same.

Deaths of Parties not to hinder Commissioners from proceeding in the Inclosure.

XXIV. And be it further enacted, That if any of the Parties interested in the said Division, Allotment, and Inclosure shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not be thereby suspended or determined, but the said Commissioners shall proceed in the Execution of the Powers given to them by this Act or the said recited Acts in such Manner as they might have done in case such Party or Parties were still living; and the Share of the Person or Persons so dying shall be allotted to the Person or Persons who by Law shall become entitled to the same, and shall be accepted, taken, and fenced by him, her, or them according to the Directions of this Act or the said recited Acts, and he, she, or they shall be liable to the Charges and Expences and the several Provisions of this Act and the said recited Acts.

Commissioners may stop up old Roads.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to stop up and discontinue or divert and turn any old or accustomed Road or Roads, Track or Tracks, Way or Ways, Path or Paths, passing or leading through or over any of the Fields, Pastures, and Grounds to be divided, allotted, and inclosed by virtue of this Act, or passing or leading through any Part of the old inclosed Lands within the said several Townships; and the Soil of the Roads, Tracks, Ways, and Paths so to be stopped up or discontinued shall be divided, allotted, and inclosed in the same Manner as the said Fields, Pastures, and Grounds are hereby directed to be divided, allotted, and inclosed, and to make such Order or Orders as to them shall seem proper for that Purpose, giving such Notices as are required by and subject to the Provisions and Directions of the said first-recited Act with respect to the stopping up or setting out any public Road or Roads: Provided always, that no such old or accustomed Road, Track, Way, or Path leading into, through, or over any old inclosed Lands shall be stopped up, discontinued, diverted, or turned without the Concurrence or Order of Two Justices of the Peace acting for the said County of *Stafford*, and not interested in the Repairs thereof; which Order shall be subject to an Appeal at the Quarter Sessions for the said County of *Stafford* in manner mentioned and contained in an Act passed in the Fifty-fifth Year of the Reign of His Majesty King George the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the said Act to the stopping up of unnecessary Roads*: Provided always, that no public Highway or Road in the said several Townships shall be shut up or discontinued until the Roads intended to be and remain public Highways shall be set out according to the Directions of the said first-recited Act, and until the same shall be properly formed and made safe and convenient for Horses, Cattle, and Carriages, and for Persons on Foot respectively: Provided also, that all private Roads, Ways, and Footpaths which shall be set out and appointed by the said Commissioners shall be made by them, and for ever after be maintained and kept in repair by such Persons; and the Expences of such Repairs shall be paid, raised, and

55 G. 3. c. 68.

and levied in such Manner and by such Ways and Means as the said Commissioners shall by their Award, or any other Writing under their Hands, order, direct, or appoint.

XXVI. And be it further enacted, That the said Commissioners shall in and by their Award order and appoint the Grass and Herbage growing and renewing on and upon all and every the private Roads to be set out by them by virtue of the said recited Acts and of this Act to be and for ever thereafter remain to and for the Use and Benefit of such Person or Persons as they the said Commissioners shall in their Judgment think best entitled to the same.

Commissioners to allot the Herbage of private Roads and Ways.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to make any public or private Roads or Highways, Path or Paths, or to widen any of the present public or private Roads or Highways, Path or Paths, through or over any of the Fields, Pastures, and Grounds intended to be divided, allotted, and inclosed by virtue of this Act, or passing or leading through any Part of the old inclosed Lands within the said several Townships or any of them, where they shall see it necessary, and for that Purpose to take a sufficient Quantity of such old inclosed Lands, (the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to any House,) and to make a full Compensation for the Value of the Land so to be taken for the making or widening of such public or private Roads or Highways, Path or Paths, either in Money (such Money to be considered as Part of the Expences of carrying this Act into execution), or by allotting and awarding unto the Person or Persons from whom any such old inclosed Lands shall be so taken an adequate Part of the said Fields, Pastures, and Grounds hereby directed to be divided, allotted, and inclosed, and also to make good and substantial Fences on each Side of such Roads or Highways, Path or Paths.

For making and widening Roads.

XXVIII. And be it further enacted, That the Charges and Expences attending the stopping up, discontinuing, diverting, turning, making, or widening of such Roads or Highways, Path or Paths, and the making of such Fences as aforesaid, shall be raised and paid in such and the like Manner as the Expences of passing and executing this Act are hereby directed to be raised and paid.

Expences of discontinuing or widening Roads.

XXIX. And be it further enacted, That the said Commissioners shall and may scour out, widen, deepen, and change the Course or Direction of all or any of such ancient Ditches, Drains, Watercourses, Tunnels, Banks, and Bridges in the said several Townships of *Alstonefield, Warslow, Lower Elkstone, Fawfieldhead, Hollingsclough, Heathilee, and Quarnford*, or any of them, as they shall think proper, and also shall and may set out and appoint such new Ditches, Drains, Watercourses, Tunnels, Banks, and Bridges, to be made of such Width, Breadth, Height, Depth, and Extent, and in such Situation and Direction, as they the said Commissioners shall think fit, as well in, through, and over the Fields, Pastures, and Grounds hereby intended to be divided, allotted, and inclosed as aforesaid, as also in, over, and through any old inclosed Lands within the said several Townships of *Alstonefield, Warslow, Lower Elkstone,*
[Private.]

Drains and Ditches.

Fawfieldhead, Hollingsclough, Heathbilee, and Quarnford, or any of them, making such Satisfaction to the Proprietors of such old inclosed Lands for the Damage done thereby as they shall adjudge reasonable; and the said Commissioners shall and may and they are hereby directed in and by their said Award to order and direct by whom, at whose Expence, at what Time, and in what Manner the said Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges shall be thereafter repaired, cleansed, scoured, and maintained; and the Expence of such Repairs, cleansing, scouring, and maintaining shall be raised and levied by such Ways and Means as the said Commissioners shall by their Award or any other Writing under their Hands direct or appoint.

Encroachments.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to inquire and determine what Encroachments have been made upon and from the said Commons and Waste Lands by any Person or Persons whomsoever; and all Encroachments taken in or made upon, from, or out of any Part of the said Commons and Waste Lands within Twenty Years next before the passing of this Act shall be deemed Part and Parcel of the said Commons and Waste Lands; and in case any Dispute shall happen or arise touching what Part or Parts of the same Commons and Waste Lands shall and may be deemed Encroachments, such Dispute shall be inquired into, heard, and determined by the said Commissioners, whose Determination shall be made a Part of and inserted in the Books containing the Proceedings under this Act, or in the Award to be made in pursuance thereof.

Encroachments to be allotted to Persons in Possession.

XXXI. Provided always, and be it further enacted, That the Lands comprised in any Encroachments hereby directed to be divided, allotted, and inclosed as aforesaid shall (without Regard paid to any Improvement since made thereon) be allotted to the Person or Persons in Possession thereof, so far as he, she, or they shall be entitled by virtue hereof to any Allotment of equal or sufficient Value, and in that Case the Value of such Encroachments shall, according to the Circumstances, be deemed a partial or entire Compensation for the Allotment or Allotments to which such Person or Persons shall be entitled by virtue hereof; but if such Person or Persons shall not be entitled to any Allotment, or to any Allotment equivalent in Value to such Encroachments, then the Whole or the Surplus of such Encroachments, as the Case may require, shall be deemed Part of the Land to be divided, allotted, inclosed, or disposed of by virtue hereof.

In what Case Right of Common to be disallowed.

XXXII. Provided always, and be it further enacted, That no Person or Persons possessing or enjoying any Encroachment whatever shall in respect thereof be entitled to any Allotment out of any of the Commons and Waste Grounds to be inclosed and allotted by virtue of this Act, if such Encroachment shall at any Time within Sixty Years now last past have been Part and Parcel of the said Commons and Waste Grounds.

If the Commissioners set out any of the En-

XXXIII. Provided also, and be it further enacted, That in case the said Commissioners or Umpire shall find it necessary or expedient to set out the Whole or any Part or Parts of any such Inclosures and Encroachments

ments as aforesaid for public or private Roads, Ways, or Drains, or to allot the same, or any Part or Parts thereof, to any other Person or Persons whomsoever, then and in such Case it shall and may be lawful for the said Commissioners or Umpire to set out the same for such Roads, Ways, or Drains, or to allot the same in such Manner as to them or him shall seem meet and convenient, making such Compensation and Satisfaction to the Lord or Lords, Lady or Ladies of the Manors of *Alstonefield*, *Longnor*, and *Warslow*, and *Quarnford* aforesaid, for the Time being, as the said Commissioners or Umpire shall deem equitable and just.

encroachments for public Roads, then Compensation shall be made to the Lord of the Manor.

XXXIV. And be it further enacted, That if any Person or Persons shall after the passing of this Act cut, dig, pare, plough, get, or take away any of the Turf or Soil upon or from any of the said Fields, Pastures, and Grounds to be divided, allotted, and inclosed by virtue of this Act, for any Use or Purpose whatsoever, (other than and except the Lord or Lords, Lady or Ladies of the Manors of *Alstonefield*, *Longnor*, and *Warslow*, and *Quarnford* aforesaid, for the Time being, for the Purpose of opening any Mine or Mines, or digging or searching for any Minerals,) then and in every such Case, upon due Proof made before any Justice of the Peace for the said County of *Stafford* on Oath (which Oath the said Justice is hereby empowered to administer), such Justice shall and he is hereby required by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause any Sum or Sums of Money not exceeding Five Pounds for each Offence to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending in the Premises, rendering the Surplus (if any), on Demand, to the Person or Persons whose Goods and Chattels shall be distrained and sold after deducting the Costs and Charges attending such Distress and Sale; and the Money to be levied as aforesaid shall be applied towards the Payment of the Costs, Charges, and Expences of obtaining and executing this Act.

Penalty on Persons digging or carrying away Turf, &c.

XXXV. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award One or more Piece or Pieces of Ground, Part of the Fields, Pastures, and Grounds hereby intended to be divided, allotted, and inclosed, in such convenient Situation or Situations as they shall think proper within the said Townships of *Alstonefield*, *Warslow*, *Lower Elkstone*, *Fawfieldhead*, *Hollingsclough*, *Heathilee*, and *Quarnford*, some or one of them, not exceeding Thirty Acres in the whole, to be used for the Purposes of public Watering Places for Cattle, and also for getting Stone, Gravel, Sand, Clay, and other Materials for building or repairing any Houses, or other Buildings, Bridges, Walls, Fences, Drains, Watercourses, and other Conveniences, and for repairing the Highways and Roads, and making and repairing Meers within the said Townships of *Alstonefield*, *Warslow*, *Lower Elkstone*, *Fawfieldhead*, *Hollingsclough*, *Heathilee*, and *Quarnford*, or any of them, and for such other Uses and Purposes for the general Benefit and Advantage of the Inhabitants within the said Townships of *Alstonefield*, *Warslow*, *Lower Elkstone*, *Fawfieldhead*, *Hollingsclough*, *Heathilee*, and *Quarnford*, as the said Commissioners shall direct; and that as well the said Lands so to be set out, as the Herbage growing and renewing in and upon the same, shall be vested in such Person or Persons, and applied to such Uses, as the said Commissioners shall in and by their said Award direct or appoint.

Allotment for public Watering Places.

XXXVI. And

Allotment to
the Lord of
the Manor.

XXXVI. And be it further enacted, That the said Commissioners in the next place shall and they are hereby required to set out, allot, and award unto and for the said Sir *George Crewe*, or other the Lord or Lady for the Time being of the said Manors of *Alstonefield*, *Longnor*, and *Warslow* and *Quarnford*, so much and such Parts of the then Residue of the said Fields, Pastures, and Grounds hereby intended to be divided, allotted, and inclosed, as shall, in the Judgment of the said Commissioners, be equal in Value to One full Eighteenth Part of the said Residue, for and in lieu of and as a full Recompence and Satisfaction for his Right or Claim to the Soil of the said Common and Waste Grounds.

Allotment to
the Vicar for
Glebe.

XXXVII. And be it further enacted, That the said Commissioners shall and they are hereby required in the next place to set out, allot, and award unto and for the said *John Simpson* as such Vicar as aforesaid, and his Successors Vicars for the Time being, so much and such Parts of the said Fields, Pastures, and Grounds hereby directed to be divided, allotted, and inclosed as shall in the Judgment of the said Commissioners be a full Compensation for all his uninclosed Glebe Lands and Right of Common belonging to him the said *John Simpson* as such Vicar as aforesaid.

Allotment to
the Lay Im-
propriator for
Tithes, &c.

XXXVIII. And be it further enacted, That the said Commissioners shall and they are hereby required in the next place to assign, set out, allot, and award unto and for the said Sir *George Crewe*, or other the Impropiator or Impropiators of the Great Tithes for the Time being, such Parcel or Parcels of the said Fields, Pastures, and Grounds hereby directed to be divided, allotted, and inclosed as shall, in the Judgment of the said Commissioners, (Quantity, Quality, and Situation considered,) be of the full and clear yearly Value of Four hundred Pounds; which said last-mentioned Allotment or Allotments so to be made to the said Sir *George Crewe* shall be in lieu of and as a full Compensation and Satisfaction for all his Tithes as such Impropiator as aforesaid, both Great and Small, and all Moduses (if any) and other Payments in lieu of Tithes arising, growing, renewing, increasing, payable, or happening, or to arise, grow, renew, increase, become payable, or happen, within, from, or in respect of the said respective Fields, Pastures, and Grounds hereby directed to be divided, allotted, and inclosed, or any of them, or any Part thereof, and also of and from the Messuages, Tenements, old inclosed Lands, and other Hereditaments within the said several Townships.

Allotment to
the Vicar for
Tithes.

XXXIX. And whereas the Sum received by the said Vicar of the said Vicarage for Tithes or Moduses and other annual Payments in lieu of the same has never exceeded in any One Year the Sum of One hundred and twenty Pounds, and Disputes having from Time to Time arisen as to the Amount of Tithes, Moduses, and annual Payments due to the said Vicar, it is expedient that the same should be settled; be it further enacted, That for the settling of such Disputes, and for granting full Compensation to the said Vicar for such Tithes, Moduses, and annual Payments, the said Commissioners shall and they are hereby required in the next place to set out, allot, and award unto and for the said *John Simpson*, or other his Successors, Vicars for the Time being, so much and such Part of the said Fields, Pastures, and Grounds as (Quantity, Quality, and Situation considered,) shall in the Judgment of the said Commissioners be of the full

full and clear yearly Value of Three hundred Pounds; which said last-mentioned Allotment or Allotments so to be made to the said *John Simpson* and his Successors shall be in lieu of and as a full Compensation and Satisfaction for all Manner of Tithes, Payments for Tithes, and all Ecclesiastical Rights, Dues, Payments, and Demands whatsoever arising, renewing, or payable within the said Townships of *Alstonefield, Warslow, Lower Elkstone, Fawfieldhead, Hollingsclough, Heathilee, and Quarnford*, or any of them, to which the said *John Simpson* or his Successors is or are, can or may be entitled as Vicars as aforesaid (Surplice Fees only excepted).

XL. And be it further enacted, That until the Fifth Day of *April* next after the several Allotments to the said Impropiator and Vicar respectively shall be set out, allotted, and awarded, the said Impropiator for the Time being and the said Vicar and his Successors shall be entitled to, and shall have, receive, and take, such and the same Tithes and Moduses or other Payments as they or either of them could, might, or ought to have done in case this Act had not been passed.

Tithes to continue payable for a certain Time.

XLI. And be it further enacted, That it shall be lawful for the Vicar for the Time being of the said Vicarage, and for all other Person or Persons to whom any Allotment shall be made from the Fields, Pastures, and Grounds hereby authorized to be divided, allotted, and inclosed, with respect to any Lands or Hereditaments belonging to any Church, Chapel, or other Ecclesiastical Living or Benefice, by Indenture under his or their Hand and Seal, with the Consent and Approbation of the Bishop of the Diocese, and of the Patron of the said Vicarage, Church, Chapel, or other Ecclesiastical Living or Benefice for the Time being respectively, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to him or them by virtue of this Act to any Person or Persons whatsoever for any Term not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the passing of this Act, so that the Rent or Rents for the same shall be thereby reserved and made payable to the Vicar or other Incumbent or Person entitled for the Time being, by Four equal quarterly Payments in every Year, and so that there be thereby also reserved and made payable the best and most improved Rent or Rents that can be reasonably had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for making or granting any such Lease or Demise, and so that no Lessee by any such Lease or Demise be made dispunishable for Waste by any express Words to be therein contained, and so that there be inserted in every such Lease a Power of Re-enty on Nonpayment of the Rent or Rents to be thereby reserved within a reasonable Time to be therein limited after the same shall become due, and so that a Counterpart of such Lease or Leases be duly executed by the Lessee or Lessees to whom such Lease shall be so made as aforesaid; and every such Lease shall be valid and effectual to all Intents and Purposes, any thing in this Act or the said recited Acts, or in any Law or Usage, to the contrary notwithstanding.

The Vicar, with Consent of the Bishop of the Diocese and Patron of the Living, may lease Allotments.

XLII. Provided always, and be it further enacted, That in case any such Lease or Leases so to be granted as aforesaid shall by any Means become forfeited or void, or be surrendered, before the Expiration of the Term

When Leases granted become void before the

[Private.]

granted

Expiration of the Term, the Vicar may grant a new Lease.

granted by such Lease, then and in such Case and as often as the same shall happen it shall be lawful for the Vicar of the said Vicarage for the Time being, and for all other Person or Persons to whom any Allotment shall be made as aforesaid, by and with the Consent and Approbation of the Bishop of the Diocese, and of the Patron of the said Vicarage, Church, Chapel, or other Ecclesiastical Living or Benefice for the Time being respectively, to grant a new Lease of or to demise all or any Part or Parts of the Allotment or Allotments so to be set out and allotted as aforesaid, such last-mentioned Lease to continue for such Term of Years as shall from the Time of such Avoidance, Forfeiture, or Surrender be then to come and unexpired of the Term granted by such original Lease, subject nevertheless to the Provisions, Conditions, and Covenants contained in such original Lease, and then remaining unperformed and capable of taking effect.

Allotment to be sold for defraying Expences of Act.

XLIII. And be it further enacted, That the said Commissioners shall, after the said respective Allotments shall have been so made for public Watering Places for Cattle, and for getting Stone, Gravel, Sand, Clay, and other Materials, and also to the Lord of the said Manors, and to the Vicar and Impropiator or Impropiators as aforesaid, mark and set out and allot so much and such Part of the said Fields, Pastures, and Grounds as they shall judge sufficient in Value, when sold, to defray the Costs, Charges, and Expences attending the applying for and obtaining and passing this Act, and carrying the same and the said recited Acts into effect, and of surveying, measuring, planning, valuing, dividing, and allotting the said Fields, Pastures, and Grounds, and of preparing and depositing their Award, and all other the Costs, Charges, and Expences arising and accruing in the course of carrying the Powers in this Act and the said recited Acts contained into full and complete Execution and Effect, and shall sell so much and such Part of the said Fields, Pastures, and Grounds by public Auction to any Person or Persons for the best Price or Prices that can be reasonably had or gotten for the same, and in One or more Lot or Lots, as the said Commissioners shall in that Behalf determine; and the said Commissioners shall, on Payment of the Purchase Money for such Part of the said Fields, Pastures, and Grounds so to be sold as aforesaid, and they are hereby authorized and empowered, by Indenture or Indentures under their Hands and Seals duly executed and attested (such Conveyance or Conveyances to be prepared at the Expence of the Purchaser or Purchasers), to convey, assure, and confirm, by way of Lease and Release, or by Deed of Feoffment, the same unto or to the Use of the Purchaser or Purchasers thereof, his, her, and their Heirs and Assigns for ever, or unto such Person or Persons, and to and for such Uses, Ends, Intents, and Purposes, and upon and for such Trusts, as such Purchaser or Purchasers shall by such Deeds of Lease and Release, or Deed of Feoffment, direct or appoint; and every such Conveyance shall be valid and effectual in the Law, according to the Form and Effect of such Conveyance or Conveyances, any thing in the said first-recited Act to the contrary notwithstanding, and the Money arising by such Sale or Sales shall be applied by the said Commissioners for the Purposes above mentioned; and in case any Surplus shall remain after Payment of all such Costs, Charges, and Expences as aforesaid, then and in such Case such surplus Money shall be divided and apportioned between the several Persons interested in the said Fields, Pastures, and Grounds hereby

directed to be divided, allotted, and inclosed, in such Shares as shall be in proportion to their respective Rights and Interests; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of all others of such Persons shall be paid, applied, and disposed of in manner directed by this Act in Cases where any Money to be paid for the Purchase or Exchange of Land is directed to be paid into the Bank of *England*, and to be laid out in the Purchase or Exchange of other Lands, Tenements, or Hereditaments to be settled to the same Uses: Provided always, that if within Two Calendar Months after the setting out the said Land so to be sold as aforesaid the said Commissioners shall receive an Application in Writing from any Person or Persons whose Lands or Premises adjoin the said Land so to be sold as aforesaid, stating his, her, or their Desire to purchase the same, the said Commissioners shall, before they shall sell and dispose of such Land as aforesaid to any other Person or Persons, first offer the same to the Person or Persons whose Lands or Premises shall so adjoin thereto at such Sum or Sums of Money as between indifferent Persons they shall consider a fair Price or Prices for the same; and if the said Commissioners shall receive more than One such Application, then and in such Case they shall make such Offers as aforesaid in such Order and Rotation as they shall think proper until the same shall be sold; and if such Person or Persons respectively shall then and thereupon refuse or shall not agree to purchase the same, on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Stafford* (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Land, stating that such Offer was made by or on the Behalf of the said Commissioners, and that such Offer was then and thereupon refused or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or was not agreed to by the Person or Persons to whom such Offer was made, as the Case may be.

XLIV. Provided always, and be it further enacted, That in case the Money arising by the Sale or Sales to be made in pursuance of this Act shall not be sufficient to defray all the Costs, Charges, and Expences aforesaid, then such Deficiencies shall be raised upon the several Persons interested in the said Division, Allotment, and Inclosure (save and except the said Lay Impropiator and Vicar) in such Shares and Proportions as shall be settled, adjusted, and determined by the said Commissioners according to the several Rights and Interests of such Persons, and the same shall be paid at such Times and in such Manner as the said Commissioners shall direct, nominate, and appoint; and the said Commissioners shall and they are hereby authorized to make a Rate or Assessment accordingly under their Hands, which Rate or Assessment shall be binding and conclusive on all Persons thereby charged and made liable, and on their respective Heirs, Executors, Administrators, and Assigns; and in case any Person herein-before made subject to the Payment of any Money towards such Charges and Expences as aforesaid shall neglect or refuse to pay his or her Share or Proportion thereof within the Time to be appointed as aforesaid, or at any Time after, upon Demand, the same shall

If the Money arising by Sale of Land be inadequate, the Deficiency to be raised by Rate.

shall and may be levied and recovered by Distress and Sale in the Manner directed by the said firstly herein-before recited Act.

Allotment of the Residue.

XLV. And be it further enacted, That the said Commissioners shall and they are hereby required, after making the several Allotments herein-before directed, to divide, set out, allot, and award in Severalty the Residue of the said Fields, Pastures, and Grounds unto and amongst the several Owners and Proprietors thereof and Persons interested therein according to the Value of their several and respective Messuages, Lands, Tenements, and other Hereditaments, and other Rights and Interests therein respectively, (Quantity, Quality, and Situation considered,) and in such Shares and Proportions as the said Commissioners shall in their Judgment and Opinion think most just, equitable, and convenient; which said Allotments so to be made and set out by the said Commissioners as aforesaid shall be in full Recompence and Satisfaction for the several and respective Claims, Rights, Shares, and Interests of the said Owners and Proprietors respectively of, in, and upon the said Fields, Pastures, and Grounds hereby directed to be divided, allotted, and inclosed as aforesaid.

Power to allot ancient Inclosures or Parts of ancient Inclosures.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners, by and with the Consent in Writing and at the Request of the respective Owners of any Messuages, Lands, Tenements, and other Hereditaments, or any Part or Parts thereof, held in Severalty within the said several Townships, to order and direct such Messuages, Lands, Tenements, and other Hereditaments so aforesaid held in Severalty to be considered as allottable Lands, and Part and Parcel of the Fields, Pastures, and Grounds by this Act directed to be divided, allotted, and inclosed, and such Allowances shall be made to the respective Owners of such Messuages, Lands, Tenements, and other Hereditaments in Severalty, on account of Situation or other beneficial Circumstances thereof, as the said Commissioners shall adjudge to be just and reasonable; and the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the said respective Owners of such Messuages, Lands, Tenements, and other Hereditaments held in Severalty, in lieu thereof, so much and such Part or Parts of the Fields, Pastures, and Grounds hereby directed to be divided, allotted, and inclosed as they shall think reasonable and just, subject to the Rules, Orders, and Directions in this Act and the said recited Acts mentioned.

Allotments on account of Interests that have been or may be sold.

XLVII. And be it further enacted, That if any Person or Persons, being the Owner or Owners of any Estate, Right, Title, or Interest within the said several Townships, shall sell such his, her, or their Estate, Right, Title, or Interest as aforesaid in, over, and upon the Fields, Pastures, and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, or any Allotment or Allotments to be made in lieu thereof, to any Person or Persons whomsoever, and shall give Notice thereof to the said Commissioners by Writing under his or their Hand or Hands at least Three Calendar Months before Notice shall be given by the said Commissioners of the Time appointed for executing their Award, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, to make an Allotment or

Allotments

Allotments of the Fields, Pastures, and Grounds unto the Vendee or Purchaser, Vendees or Purchasers, in such Sale or Sales, or to his, her, or their Heirs or Assigns, for or in respect of such Estate, Right, Interest, or Property so sold as aforesaid; and every such Vendee or Purchaser, and his, her, and their Heirs and Assigns, shall, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to him, her, or them as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor or Vendors in every such Sale might or could have held and enjoyed the same in case such Sale had not been made; and it shall be lawful for any of such Owners or Proprietors as aforesaid entitled to Right of Pasturage or Common upon or over the Fields, Pastures, and Grounds hereby directed to be divided, allotted, and inclosed, to sell any such Rights of Pasturage or Common separate and apart from the Property to which such Right of Pasturage or Common is appurtenant.

XLVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized to assign, set out, and allot unto any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall or may be entitled to any Fee-farm Rents, Chief Rents, Quit Rents, or other dry and unimprovable Rents or Payments whatsoever, from or out of the said Fields, Pastures, and Grounds directed by this Act to be divided, allotted, and inclosed, or from or out of any Messuages, Lands, Tenements, or other Hereditaments belonging to any of the said Owners or Proprietors or Persons interested as aforesaid, and entitled to any Allotment or Allotments under and by virtue of this Act, such Portion or Portions of the said Fields, Pastures, and Grounds, or of the Allotment or Allotments of such Owners or Proprietors or Persons interested as aforesaid, as in the Judgment of the said Commissioners shall be equivalent in Value to the Fee Simple and Inheritance of any such Rents or Payments, and in lieu of and full Satisfaction for the same: Provided nevertheless, that the Fields, Pastures, and Grounds so to be set out and allotted as a Compensation or Equivalent for any such Rents or Payments in respect of any Messuages, Lands, Tenements, or other Hereditaments as before mentioned, shall be deducted out of or taken from the several or respective Allotments of the Person or Persons who now pay or shall or may at the Time of such Allotments be liable to pay such respective Rents or Payments: Provided also, that the Allotment and Allotments so to be made or set out in lieu of or in satisfaction for any such Rents or Payments as aforesaid shall be and remain to such and the same Uses, and to and for such and the same Estates, and with and under such and the same Powers and Authorities, and subject to such and the same Wills, Limitations, Conditions, Settlements, Provisoos, Remainders, Reversions, Mortgages, Debts, Charges, and Incumbrances, as the Rents or other Payments in lieu or respect whereof such Allotment or Allotments respectively shall be made at or immediately preceding the making thereof shall or may stand limited or liable to, or would have been liable to in case this Act had not been passed.

Allotments
in lieu of
Rents, &c.

XLIX. And be it further enacted, That the Allotments to be set out and allotted to the said Sir *George Crewe* as Impropiator, and to the said *John Simpson* as Vicar, in lieu of his Tithes, shall, save and except such Parts and Sides thereof as the said Commissioners shall order and direct to be fenced by any of the Owners or Proprietors whose Allotments

For fencing
certain Al-
lotments.

[Private.]

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shall

shall adjoin thereto, be ring-fenced, and fenced against any public Carriage Roads with Stone Walls of the Height of Five Feet, and of the Breadth of One Foot and Eight Inches at the Bottom, to be constructed in a substantial and workmanlike Manner, with customary opening and good Wooden Gates, properly set up and hung upon proper Stone Posts, in such Parts of the Allotments as the Commissioners shall think proper, and the Expence thereof shall be raised and paid in such and the like Manner as any Expences of passing and executing this Act are herein directed to be raised and paid; and such Walls, Fences, and Gates shall for ever after the making thereof be maintained and kept in repair by the said Lay Impropiator and Vicar respectively, and their Heirs and Successors.

The other Allotments, how to be fenced.

L. And be it further enacted, That all the other Allotments to be made by virtue of this Act shall be inclosed, hedged, ditched, and otherwise fenced, and such Fences for ever thereafter repaired, by and at the Expence of the respective Persons to whom the same shall be allotted, within such Times and in such Proportions and Manner as the said Commissioners shall direct.

Equalizing the Share of Boundary Fences.

LI. Provided always, and be it further enacted, That if, owing to the Situation or other Circumstances of any Allotment or Allotments, it shall happen that the Proprietor or Proprietors thereof shall not have a proportionate Share of Boundary Fencing thereto, it shall be lawful for the said Commissioners, where they shall judge it reasonable, to ascertain and appoint any Sum or Sums of Money to be contributed and paid by such Proprietor or Proprietors towards the Expences of the Boundary Fencing of such other or others of the said Proprietors who may happen to have too great a Proportion thereof, in order that the Expence of Boundary Fencing may be brought as near as may be to a just and equal Proportion (due Regard being had to the necessary subdivision Fences within the respective Allotments); and the Money to be ascertained and appointed shall be levied and recovered in the same Manner as any general Expences of obtaining and executing this Act are hereby or by the said recited Acts directed to be levied and recovered.

Commissioners before Execution of their Award may make Alterations in Allotments or Fences.

LII. Provided also, and be it further enacted, That it shall be lawful for the said Commissioners at any Time before executing their Award to make such Alterations in the Allotments and Fences which they may have set out and ordered, or in the private Roads made over or to such Allotments, as they shall think right and expedient; and in case any Person or Persons shall be injured by such Alterations, on account of any Expences he, she, or they may have incurred, the said Commissioners shall ascertain and determine what Recompence shall be made to him, her, or them, and shall direct by whom and in what Manner such Recompence shall be made.

Roads not to be depastured.

LIII. And be it further enacted, That no Person or Persons whomsoever shall at any Time after the passing this Act permit any Sort of Cattle, Sheep, or Swine, or Geese, to graze in any Highway, Lane, or Passage adjoining to any Inclosure to be awarded and allotted by virtue of this Act or the said recited Acts; and any Owner or Proprietor of Lands within the said several Townships, and his, her, their, or any of their

their Servants and Labourers, is and are hereby empowered to take and impound all such Cattle, Sheep, or Swine, or Geese, so found grazing as aforesaid, as Cattle Damage feasant.

LIV. And be it further enacted, That if any Person or Persons, at the Time of such Division, Allotment, and Inclosure, shall be entitled to any present inclosed Lands within the said Townships of *Alstonefield, Warslow, Lower Elkstone, Fawfieldhead, Hollingsclough, Heathilee, and Quarnford*, or any of them, or to any Allotment or Allotments to be made by virtue of this Act, as Tenants in Common or Joint Tenants, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, at the Request of any One or more of such Person or Persons so entitled as aforesaid, to divide and make Partition of the present inclosed Lands and new Allotment or Allotments to which such Persons shall be entitled as Tenants in Common or as Joint Tenants as aforesaid to and amongst the several Persons who shall be entitled to the same respectively, and in their Award or Instrument they the said Commissioners shall declare and set forth the particular Parts and Shares assigned and allotted to each Person respectively; and immediately after the Execution of such Award, Deed, or Instrument, the Person or Persons to whom such Parts or Shares shall be so allotted and assigned as aforesaid shall hold the same in Severalty, so as such Division and Partition shall be made with the Consent and Approbation of any One or more of the Owners and Proprietors interested therein; and such Division and Partition so to be made with the Consent and Approbation aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Power for Commissioners to make Partition of undivided Lands.

LV. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the Townships of *Alstonefield, Warslow, Lower Elkstone, Fawfieldhead, Hollingsclough, Heathilee, and Quarnford*, or any of them, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments whatsoever in the same Townships, or within any adjoining Parish, Township, or Place, so that every such Exchange be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the respective Owners or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owners or Proprietors shall be Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Curtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors of any such Lands, Tenements, or Hereditaments holden for Years determinable as aforesaid, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or for other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself (such Consent to be respectively testified by Writing under the Common Seal of such Bodies Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively); and every such Exchange to be so made shall be good, valid,

Exchanges.

valid, and effectual in the Law; provided that no such Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

Costs of Exchanges.

LVI. And be it further enacted, That the Costs, Charges, and Expences attending the making of any Exchange or Partitions which shall be made by virtue of this and the said first-recited Act shall be borne and defrayed by the respective Parties making such Exchange or Partitions distinct and apart from the other Expences attending the Execution of this and the said recited Acts, in such Manner as the said Commissioners shall order and direct; and the same shall and may be recovered in manner directed by the said recited Act with respect to Persons refusing or neglecting to pay his, her, or their Proportion of the Costs and Expences of obtaining Inclosure Acts, and of carrying the same into execution.

Tenants to give up exchanged Lands on receiving such Compensation as the Commissioners shall direct.

LVII. And be it further enacted, That every Tenant and Occupier under any Lease or Agreement for any Term of Years at Rack or extended Rent now subsisting of any Lands, Tenements, or Hereditaments which shall be exchanged by virtue of this Act, shall immediately upon being required by the said Commissioners, or within such Time as the said Commissioners shall appoint, and under and subject to such Orders and Regulations relative to quitting the same as the said Commissioners shall direct, deliver up the full and peaceable Possession of such exchanged Lands, Tenements, or Hereditaments to the Person or Persons to or with whom the same shall be respectively exchanged; but the Tenants or Occupiers of such exchanged Lands, Tenements, or Hereditaments shall receive from the respective Owners and Proprietors thereof, or from such other Person or Persons as the said Commissioners shall order and direct to pay the same, such Satisfaction as the said Commissioners shall ascertain, order, direct, or appoint to be paid to such Tenants respectively as an Equivalent for the Loss or Losses they shall respectively sustain thereby; and if the Money to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Thirty Days after Demand made thereof, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered and required, to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment thereof: Provided always; that if there shall be any Lease or Agreement of Lands, Part of which shall be in the aforesaid Townships and Part in any adjoining Parish or Township, every such Lease or Agreement at Rack or extended Rent now subsisting may be vacated; but where any Land shall be taken in exchange, which Land shall be under Lease or Agreement, and wholly situate in any adjoining Parish, the Lease or Agreement of such last-mentioned Lands shall not be vacated.

Allotments to be of the same Tenure as former Property.

LVIII. And be it further enacted, That the Fields, Pastures, and Grounds which shall be allotted or exchanged to any of the said Proprietors in respect of any Messuages, Lands, Tenements, or other Hereditaments, or other Right in or upon the said Fields, Pastures, and

Grounds

Grounds hereby intended to be divided, allotted, and inclosed or exchanged, shall be held by the same Tenures, Customs, Rents, and Services by which the Messuages, Lands, Tenements, and other Hereditaments, or other Right in respect whereof such Allotment shall be made or exchanged, are now held.

LIX. And be it further enacted, That from and immediately after the Allotments herein-before directed shall be marked and staked out, and the said Commissioners shall have directed the same to be entered upon by the Persons for whom the same shall be intended, or at such other Time or Times as the said Commissioners shall appoint, every Lease or other Agreement at Rack Rent or extended Rent subsisting of all or any Part or Parts of the Fields, Pastures, or Grounds hereby directed to be divided, allotted, and inclosed, or of the Tithes, Dues, Moduses, or Compositions hereby intended to be extinguished, shall cease and be void, the Person or Persons who hath or have made any such Lease or Agreement making such Satisfaction to his, her, or their respective Lessee or Lessees, Tenant or Tenants, as the said Commissioners shall ascertain as reasonable, and by the said Award, or any Writing under their Hands, direct to be paid to such Lessee or Lessees, Tenant or Tenants, on account thereof or as an Equivalent for the same (except in such Cases where the Parties themselves shall have otherwise fixed or agreed concerning such Satisfaction); and it shall be lawful for the said Commissioners and they are hereby authorized, by Writing under their Hands, to ascertain and determine what Rent, or Share or Proportion of Rent, shall be paid by the several Tenants of the Fields, Pastures, and Grounds to be inclosed by virtue of this Act, and of the Tithes, Dues, Payments, and Compositions hereby intended to be extinguished, for their respective Holdings, to the respective Owners of the Premises, from the passing of this Act until the said Allotments shall be marked, staked out, and entered upon as aforesaid, which Determination shall be binding and conclusive upon all such Tenants and Owners respectively.

Leases at
Rack Rent
to be void.

LX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease of any Lands, Tenements, or Hereditaments within the said Townships or any of them, but the Persons entitled to such beneficial Lease shall and may hold and enjoy their respective Allotments to be made in respect of such Lands, Tenements, or Hereditaments for such Terms and under such Rents and Covenants as may be specified in their respective Leases.

Beneficial
Leases not
to be made
void.

LXI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having Right or Claim of Dower, Jointure, Portion, Debt, Rents, or Incumbrances out of, upon, or affecting any of the Messuages, Lands, Tenements, or other Hereditaments, Fields, Pastures, or Grounds to be divided, allotted, inclosed, or exchanged as aforesaid, or any Part or Parts thereof respectively, but that the Messuages, Lands, Tenements, or other Hereditaments, Fields, Pastures, or Grounds, which shall be allotted or given in exchange by virtue of this Act, shall be subject to and chargeable with, and the Person or Persons to whom the same shall be

Wills and
Settlements
not to be
affected.

[Private.]

so allotted or given in exchange shall be seised thereof, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and none other, as the Messuages, Lands, Tenements, and Hereditaments whereof such Person was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioners, or for which or in respect thereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by in case this Act had not been passed.

Lands held by different Tenures by the same Proprietors to be distinguished.

LXII. And be it further enacted, That in case any Person interested in the Fields, Pastures, and Grounds hereby authorized to be divided, allotted, and inclosed shall hold his or her Messuages, Lands, Tenements, or other Hereditaments by different Tenures, or for, by, or under different Estates or Titles, the said Commissioners shall, upon the Request in Writing of such Proprietor or Proprietors, inquire into, ascertain, and determine the Messuages, Lands, Tenements, or other Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively, and shall set out distinct Allotments of the Fields, Pastures, and Grounds hereby authorized to be divided, allotted, and inclosed in respect of the Messuages, Lands, Tenements, or other Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively.

Lands held by different Tenures, omitted to be distinguished by the Award, may afterwards be distinguished by a separate Instrument.

LXIII. And be it further enacted, That where, from the Want of necessary Information before the said Commissioners, or from any other Cause, the Award of the said Commissioners shall have omitted to distinguish the Messuages, Lands, Tenements, or other Hereditaments held by such different Tenures, or for or by or under such different Estates or Titles as herein-before mentioned, it shall be lawful for the said Commissioners at any Time within Twelve Calendar Months after the Execution of their Award, upon Request in Writing to them made by any Proprietor of any such Allotments, Messuages, Lands, Tenements, or other Hereditaments, to do all such Acts as may be necessary for supplying such Omission, and for that Purpose to examine Witnesses, and in every other respect to proceed and act as if their said Award had not been made, and by any Deed or Instrument under their Hands and Seals to distinguish and set out the Allotments, Messuages, Lands, Tenements, and other Hereditaments held by different Tenures, or for, by, or under different Estates or Titles respectively, in the same Manner as the said Commissioners are by this Act authorized and required, to do in Cases where such Allotments, Messuages, Lands, Tenements, or other Hereditaments are directed to be ascertained, distinguished, and set out by their said Award; and every such separate Instrument shall have the same Force and Effect as if it were contained in the said Award; and such Instrument shall be deposited and Evidence thereof shall be given in the same Manner as by the said first-recited Act is directed with respect to Awards made by Commissioners under Acts of Inclosure; and all Expences which shall be reasonably incurred in or about such subsequent Inquiry and separate Instrument as aforesaid shall be paid by the Party who shall have requested the said Commissioners to make and execute the same, or by his Heirs, Executors, or Administrators.

LXIV. And

LXIV. And be it further enacted, That the said Commissioners may if they shall think proper, as soon after the passing of this Act as may be, by some Writing or Writings under their Hands, order and direct the Course of Husbandry that shall be used in all the said Fields hereby directed to be divided, allotted, and inclosed, and from Time to Time to alter or amend such Orders and Directions, or give new ones, as shall appear to them necessary and proper, until the Time when they shall have made and completed the said intended Division, Allotment, and Inclosure, as well with respect to laying down, ploughing, sowing, reaping of Crops, fallowing, and tilling thereof, as to the cleaning, weeding, stocking, and eating the Fallows or Stubbles, and may in and by the same or any such other Writing as aforesaid set and impose such Penalties on every Person not conforming to such Orders and Directions, and for doing or committing any Damage, Waste, or Destruction in or upon the said Fields, as they the said Commissioners at the Time of making such Orders and Directions shall think reasonable, not exceeding the Sum of Five Pounds *per* Acre, which Penalties shall be recovered and applied in manner directed by the said first-recited Act; and all such Orders of the said Commissioners shall be final, binding, and conclusive upon all Parties interested, and upon their several and respective Farmers and Tenants.

Commissioners to direct Course of Husbandry.

LXV. And be it further enacted, That unless the said Commissioners shall by any Writing under their Hands, or in and by their said Award, make any Order to the contrary, all the Tillage Parts of the Open Fields which shall be fallow or sown with Corn upon Fallow at the Time when such Division, Allotment, and Inclosure shall take place shall continue in Possession of the respective Occupiers and Tenants thereof respectively until the next ensuing Harvest, and the Crops thereof shall then be reaped or cut by such Occupiers or Tenants respectively, who may enter thereon, and till and cultivate the same at their Pleasure, every such Occupier and Tenant paying to the Proprietor to whom the same shall be allotted, before he shall reap or cut such his Crop, such Satisfaction for the Standage of such Crop, and Damage done by the cultivating of such Land, and reaping or cutting and taking away any such Crop, as the said Commissioners in and by such Writing as aforesaid, or by their said Award, shall direct or appoint: Provided always, that the said Commissioners may, if they think proper, make and give any other Order and Direction in the Premises which they shall see more equal and convenient, either by any such Writing as aforesaid or by their said Award.

Commissioners may settle Satisfaction for Standage of Crops, and give Orders therein.

LXVI. And be it further enacted, That no Sheep or Lambs, Horses, Asses, horned Cattle, Pigs, or Geese shall be depastured or kept in any of the new intended Inclosures during the Space of Seven Years from the Execution of the Award of the said Commissioners, unless the Persons respectively so depasturing or keeping such Sheep or Lambs, Horses, Asses, horned Cattle, Pigs, or Geese therein, do at their own Expence staffhold the same, or effectually guard and fence the Quickset Hedges on any other Person's Allotment adjoining to such Inclosures respectively in which Sheep or Lambs, Horses, Asses, horned Cattle, Pigs, or Geese shall be depastured and kept as aforesaid, so as to prevent any Damages or Injury being done to such Fences or Quicksets by any such Sheep or Lambs, Horses, Asses, horned Cattle, Pigs, or Geese; and in case any Person or Persons shall turn or keep any Sheep or Lambs, Horses, Asses, horned

No Sheep or Lambs to be kept in the Inclosures during the Space of Seven Years.

Power to impound Cattle unless Quicksets are protected.

horned Cattle, Pigs, or Geese, within the Time aforesaid, on any of the said new Inclosures, without having first sufficiently guarded and protected the Quickset Hedges by such Staffholds or other good Protection as aforesaid, it shall be lawful for the Owner or Occupier of any adjoining Allotment or Inclosure, or his or her Servant or Labourer, to enter the Allotment or Inclosure where such Cattle or Geese shall be so turned or kept as aforesaid, and take, drive away, and impound the same as Cattle Damage feasant.

Power to borrow Money.

LXVII. And be it further enacted, That it shall be lawful for the said Commissioners to borrow and take up at Interest of any Person or Persons willing to advance and lend the same such Sum or Sums of Money as shall from Time to Time be necessary for defraying the Charges and Expences of obtaining and passing this Act, and of executing the same and the said recited Acts.

Persons advancing Money to be repaid with Interest.

LXVIII. And be it further enacted, That if any Person or Persons interested in the Fields, Pastures, and Grounds hereby directed to be divided, allotted; and inclosed, or any other Person or Persons, shall advance and pay any Money in discharge of the Fees or other Expences of obtaining or executing this Act, the Money so paid or advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same.

Application of Compensation Money if amounting to 200*l.*

LXIX. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said recited Act of the Forty-first Year of the Reign of His Majesty King *George* the Third, or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall be lawful for the said Commissioners out of such Sum to defray such Proportion of the Expence of passing this Act, and of carrying the same and the said recited Acts into execution, as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee, in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged; or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioners be proper to be made, and shall be made under their Direction, upon any Lands to be by virtue of this Act allotted to such Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life

or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon Application to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied, either in the Purchase or Redemption of the Land Tax, or in or towards the Payment and Discharge of any Debt or Debts or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or to the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part or Parts thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the aforementioned Lands, Tenements, or Hereditaments stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

1 G. 4. c. 35.

LXX. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of

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

[Private.]

the said Commissioners, to be signified in Writing under their Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, such Nomination to be approved of by the said Commissioners (and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties); and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under
20l.

LXXI. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his, her, or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

For settling
Commission-
ers Accounts.

LXXII. And be it further enacted, That once at least in every Three Calendar Months during the Execution of this Act (to be computed from the Day of passing this Act) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended or applied in the Execution of this Act, or due to them and to any other Person or Persons to be employed by them in carrying this Act into execution for their Trouble and Expences in the Execution of this Act; and in every such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum shall have been paid or disbursed; and such Statement and Account when so made, together with the Vouchers relating thereto, shall once at least in every Three Calendar Months be by them laid before any One or more of His Majesty's Justices of the Peace for the said County of *Stafford* (not interested in the Premises), to be by him or them examined and balanced; and such Balance shall be by such Justice or Justices stated in the Book of Accounts to be kept in the Office of the Clerk or Clerks to the said Commissioners; and an Abstract of such Account so examined and balanced shall, within Fourteen Days after the same shall have been so examined and balanced, be published in the *Staffordshire Advertiser*, or in some other Newspaper printed and circulated within the said County of *Stafford*; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices, and until such Account or the Abstract thereof shall

shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

LXXIII. And be it further enacted, That the Award to be made by the said Commissioners in pursuance of the said first-recited Act or of this Act shall be made, executed, and published within Five Years from the passing of this Act, and together with a proper Map or Maps, Plan or Plans annexed thereto, shall be deemed and taken to be well and effectually enrolled according to the Directions of the said first-recited Act, if the same, together with a Map or Maps, Plan or Plans annexed thereto, shall, within the Time mentioned by the same Act for such Enrolment, be deposited with the Clerk of the Peace for the said County of *Stafford*; and such Clerk shall be paid, on the Delivery thereof, the Sum of One Pound One Shilling and no more; and such Clerk shall and he is hereby required to keep such Award so deposited with him with the Records of the said County of *Stafford*, to the end that recourse may be had thereto by any Person or Persons interested therein, for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and a true Copy of the said original Award, with the Map or Maps, Plan or Plans annexed thereto, shall be deposited and kept in the Parish Church of *Alstonefield* aforesaid, or in such other Place or Places as the said Commissioners shall in and by their said Award direct and appoint.

LXXIV. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any thing done or omitted to be done in pursuance of this Act or the said recited Acts (other than and except such Orders and Determinations of the said Commissioners as are by this Act or the said recited Acts directed to be final, binding, and conclusive, and except in such Cases where an Issue at Law shall be tried as herein-before mentioned), then and in every such Case he, she, or they may appeal to the General or Quarter Sessions of the Peace which will be holden for the said County within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and the Party or Parties concerned Ten Days Notice in Writing of such Appeal and of the Matter thereof (except with respect to the Accounts of the said Commissioners, which, notwithstanding the same shall have been examined and balanced and published as aforesaid, may be appealed against at any Time within Six Calendar Months from the Day of the Enrolment of the said Award at the Office of the Clerk of the Peace for the said County of *Stafford*, on giving to the said Commissioners such Notice as last aforesaid); and the Justices (not interested in the Premises) in their said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and make such Order and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive on all Parties concerned, and shall not be removed or

Persons aggrieved may appeal to the Quarter Sessions.

removable.

removable by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

Coals and Minerals reserved to the Lord of the Manors, making Satisfaction for Damages.

LXXV. And whereas the said Sir *George Crewe* is now entitled as Lord of the said Manors of *Alstonefield*, *Longnor*, and *Warslow*, and *Quarnford*, unto all Beds and Mines of Coal, Ironstone, Copper, Lead, and other Minerals in or under the said Fields, Pastures, and Grounds intended by this Act to be divided, allotted, and inclosed; be it therefore enacted, That it shall and may be lawful for the said Sir *George Crewe*, his Heirs and Assigns, and all other Person or Persons who shall be Lord or Lords of the said Manors for the Time being, from Time to Time and at all Times for ever hereafter to have and enjoy the said Beds and Mines, and also for his and their Servants, Agents, or Workmen to dig for, get, and work, for the only separate Use and Benefit of him the said Sir *George Crewe*, his Heirs and Assigns, and all other Person or Persons who shall be Lord or Lords of the said Manors for the Time being, all such Beds and Mines, and from Time to Time to cut, sink, dig, and make Pits, drive Soughs, and erect Engines and other Machines, plumb, dial, level, and bore, and do all such other Work in and upon such Part or Places of the Allotments of the said Fields, Pastures, and Grounds, for getting, working, unwatering, and carrying on such Mines in the said Allotments, as he or they shall think proper, and to have and use convenient and necessary Places upon the said Allotments for the laying of such Coal, Ironstone, Lead, Copper, and other Minerals whatsoever to be gotten out and dug in and upon the same, and also for the laying of all Soil and Rubbish to be dug and gotten by setting, sinking, making, and digging such Pits and driving such Soughs, and erecting such Engines and other Machines, and doing such other Work for the Purposes aforesaid; and also free Way and Passage from Time to Time and at all Times for ever hereafter into, through, and over the said Allotments for the said Sir *George Crewe*, his Heirs and Assigns, and all other Person or Persons, Lord or Lords of the said Manors for the Time being, and his and their Servants, Agents, and Workmen, and for all other Persons whomsoever, in the most convenient Directions to and from all or any of the said Works to any Cut or Canal, Railway, Stone or other Road which now is or hereafter may be made, or to the most convenient public or private Road, with or without Wains, Waggons, Carts, Carriages, and Horses for the Purposes of taking and carrying away necessary and proper Materials, Engines, Machines, or other Materials or Things whatsoever to and from all Mines and Soughs in the said Allotments of the said Fields, Pastures, and Grounds, and for working and carrying on the same, and also for the Purpose of fetching, taking, and carrying away all such Coal, Ironstone, Lead, Copper, and other Minerals to be dug and gotten in the said Allotments (doing as little Damage as may be in the Exercise of any such Rights as aforesaid); and the Person or Persons who for the Time being shall be Owner or Owners, Occupier or Occupiers of the Ground wherein such Pits or Soughs shall be so as aforesaid made, driven, or worked, or such Engines or Machines erected, or such Coal, Ironstone, Lead, Copper, and other Minerals or Rubbish laid, or such Ways and Passages made and used, having

having full and adequate Satisfaction made to him, her, or them, upon Demand, by the said Sir *George Crewe*, his Heirs or Assigns, and all other Person or Persons, Lord or Lords of the said Manors for the Time being, or the Lessees of him or them, for the Damage from Time to Time to be done therein; and in case such Damage shall not be settled and agreed between the said Lord of the Manors aforesaid, or his Agents, and such Landowner or Landowners and Occupiers who from Time to Time shall sustain the same, then and in such Case, once in every Year, or as often as it shall so happen, it shall be lawful for the said Sir *George Crewe*, his Heirs and Assigns, or such other Person or Persons, Lord or Lords of the said Manors for the Time being, or the Lessees of him or them, or the Person or Persons claiming under him or them, or the Agent or Agents of him or them to be employed by him or them, to choose and appoint one Person, and for such Landowner or Landowners whose Lands shall be so damaged as aforesaid to choose and appoint one other Person, to settle such Damages; and that it shall be lawful for either Party once in every Year, or as often as it shall be necessary, to call such Reference as aforesaid, by giving Ten Days Notice in Writing to the other of the said Parties of any Intention so to do; and the Referees in such Case shall and they are hereby required to enter such Land, and carefully view the Loss or Losses which such Landowner or Landowners, Occupier or Occupiers, shall have sustained as aforesaid, and make out their Award in Writing respecting the same within Three Calendar Months after their Appointment; and in case such Referees shall not settle the same within that Time, then an Umpire shall be chosen by them (and in case of their Disagreement in the Choice of such Umpire he shall be chosen by the Clerk of the Peace for the said County of *Stafford* for the Time being), who is hereby required as soon as conveniently may be after his Appointment to settle, ascertain, and finally determine such Damages and Satisfaction to be made to such Landowner or Landowners, Occupier or Occupiers, within One Calendar Month from the making of such Award, or Notice thereof given to the said Sir *George Crewe*, his Heirs or Assigns, or the Lord or Lords of the said Manors for the Time being, or the Lessees of him or them, or any Person or Persons claiming under him or them, or the Agent or Agents of him or them; and the said Arbitrators or Umpire for the determining such Satisfaction shall, where they or he think it necessary, order and direct the Person or Persons so working such Mines, or making or using any such Way or Ways as aforesaid, to fence off such Part or Parts of the Lands or Grounds so made use of for the Purpose aforesaid as they the said Arbitrators or Umpire shall in their or his Discretion think reasonable and necessary; and in case either of the said Parties shall refuse or neglect, before the Expiration of the said Ten Days after Notice as aforesaid, to nominate and appoint an Arbitrator as aforesaid, or such Arbitrator being nominated shall refuse to act, then it shall be lawful for the Arbitrator nominated and appointed by and on the Behalf of the other Party to proceed in manner herein-before mentioned to hear, settle, and finally determine the same, which Determination or Arbitration of the said Arbitrator, reduced into Writing and signed by him, shall be binding and conclusive to and upon all Parties as effectually as if such Determination had been made by Two Arbitrators indifferently nominated by both Parties, or by an Umpire appointed by such Arbitrators as aforesaid; and the said Award when made shall and is hereby directed to be

[*Private.*]

made a Rule or Order of His Majesty's Court of King's Bench, if the Person or Persons sustaining such Damage shall think fit and require the same: Provided always, that nothing herein contained shall extend or be construed to extend to prevent any Person or Persons to whom any Allotment or Allotments shall be made by virtue of this Act from getting and carrying away Stone, Gravel, Sand, or Clay from or under such Allotment or Allotments, for his, her, or their Use.

This Act not to affect the Rights of the Lords of the Manors to Seignories, &c.

LXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, or defeat the Right, Title, and Interest of the Lord or Lords, Lady or Ladies of the said Manors of *Alstonefield*, *Longnor* and *Warslow*, and *Quarnford*, for the Time being, or of any other Person or Persons claiming any Manor or reputed Manor within the same or any of them, of, in, or to any Seignories, Royalties, Fisheries, Manorial Rights, and other Rights, Customs, or Services incident to or belonging to the said Manors; but that such Lord or Lords, Lady or Ladies for the Time being, and all and every Person and Persons claiming Interest for him or them as Lord or Lords of the said Manors, shall and may at all Times hereafter have, hold, receive, take, and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Fines, Mines, Minerals, Royalties, Privileges, and Jurisdictions to the said Manors, or the Lord or Lords, Lady or Ladies thereof, or any claiming under him or them, incident, belonging, appending, or appertaining (except the Right of Soil of the said Fields, Pastures, and Grounds for which Compensation is herein-before directed to be made), in as full, large, ample, and beneficial a Manner to all Intents and Purposes as the same might have been held or enjoyed in case this Act had not been passed.

General Saving.

LXXVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all Bodies Politic, Corporate, and Collegiate, and their Successors, and to all and every other Person or Persons, his and their Heirs, Executors, and Administrators, all such Estate, Right, Title, and Interests (except the several Persons, and Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of this Act or the said recited Acts, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them or in Remainder after them,) as he, they, every or any of them, could or ought to have had and enjoyed of, in, to or in respect of the Lands hereby directed to be divided, allotted, and inclosed in case this Act had not been passed.

Act to be printed by the King's Printers.

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

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1834.