



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. 6.

An Act to amend an Act passed in the Fourth Year of the Reign of His present Majesty, for inclosing certain Lands within the Parish of *Alstonefield* in the County of *Stafford*. [19th May 1836.]

WHEREAS it is expedient to amend an Act made in the Fourth Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act for inclosing Lands within the Townships of Alstonefield, Warslow, Lower Elkstone, Fawfieldhead, Hollinsclough, Heathlee, and Quarnford, all in the Parish of Alstonefield in the County of Stafford*: And whereas in the said Act the Words "Fields, Pastures, and Grounds" are in many of the Clauses and Provisions thereof inserted by way of describing the Open Common Fields, Meadows, Pastures, Common and Waste Grounds intended to be inclosed and allotted under the said Act, instead of the Words "Open Common Fields, Meadows, Pastures, Commons, and Waste Grounds," which latter Set of descriptive Words ought to have been and were intended to be used in the said Act, and it is right that in all such Cases the former Set of Words should be taken and construed to convey the same Meaning as the latter Set of Words, and be held of the same Force and Effect; but the same 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 wheresoever

[Private.] 4W.4. c.15.

Declaring
the Mean-
ing of cer-
tain Words
in former
Act.

throughout the said Act the Words "Fields, Pastures, and Grounds" do occur collectively as Words of Description, the same shall be taken and be construed to mean "Open Common Fields, Meadows, Pastures, Common and Waste Grounds," and shall be held to be and be of the very same Force and Effect as if the latter Set of Words had actually been inserted in the said Act in the Place of the former Set of Words, and also shall be taken in a conjunctive Sense where the former occur conjunctively, and disjunctively where the former occur disjunctively.

Certain
Words in
former Act
altered.

II. Provided always, and be it further enacted, That in the several Sections and Parts of Sections of the said Act next herein-after mentioned, wherein the Words "Fields, Pastures, and Grounds" occur, the same shall be taken and be construed and held to mean as follows; (that is to say,) in the Thirty-fourth, Thirty-fifth, Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth, Forty-first, Seventy-fifth, and Seventy-sixth Sections respectively, the same as if the Words there inserted had been "Common and Waste Grounds," and likewise in the Forty-third Section, in the Places in which the same a First, a Third, a Fourth, and a Fifth Time occur, the like Meaning; and that where the Word "Part" occurs in the said Forty-third Section of the said Act the same shall be taken and construed to mean "Part or Parts."

Proviso to be
added, by
which the
Open Fields,
Meadows,
and Pas-
tures are to
be rated to
pay the Ex-
pence of
inclosing
them.

III. And be it further enacted, That after the Words "as the Case may be," at the End of the Forty-third Section of the said Act, the following Proviso shall be added, and the same shall be taken and considered as if there inserted and made; (that is to say,) provided always, that no Part or Parts of the said Open Common Fields, Meadows, and Pastures shall be marked, set out, and allotted to be sold for the Purpose last aforesaid; but the Owners and Proprietors respectively of the said Open Common Fields, Meadows, and Pastures shall be rated towards the Costs, Charges, and Expences of and under the said Act, in such Parts or Proportions as the said Commissioners shall deem proper, by a Rate or Rates to be made by the said Commissioners, and levied upon the said Owners and Proprietors respectively, in like Manner as in the Case of Deficiency the general Rate upon all the several Persons interested is next herein-after provided to be made and levied.

Additional
Words to
Section 44 of
former Act.

IV. And be it further enacted, That after the Words in the Forty-fourth Section of the said Act "shall not," and before the Words "be sufficient to defray," the Words following shall be added, and be taken as if the same had been there inserted in the said Act; (that is to say,) the Words, "together with the said Rate or Rates to be made upon the Owners and Proprietors of the said Open Common Fields, Meadows, and Pastures."

Indemnity to
Purchasers
of Land.

V. And be it further enacted, That when any Sale shall have been made of any Part of the said Common and Waste Grounds, pursuant to the said recited Act or this Act, the Purchaser or Purchasers thereof or of any Part thereof, his, her, or their Heirs, Executors, Administrators, or Assigns, shall not be bound to see to the Application of his, her, or their Purchase Money or respective Purchase Monies, or to inquire into the Necessity or Propriety of any such Sale or Sales, or be affected by

express Notice that any such Sale or Sales was or were unnecessary or improper.

VI. And be it further enacted, That if after the Extinguishment of the Right of Common in, over, and upon the said Lands and Waste Grounds any of the Owners or Occupiers of Lands within the said Townships of *Alstonefield, Warslow, Lower Elkstone, Fawfieldhead, Hollingsclough, Heathilee, and Quarnford*, or any of them, shall permit his, her, or their Cattle or other Stock to go, depasture, or feed on any of the Lands or Grounds so exonerated or discharged from Rights of Common, then it shall and may be lawful for any other of the Owners or Occupiers of Land within the said Townships, or any of them, with the Consent of the said Commissioners or their Successors, to distrain such Cattle being upon such Lands or Grounds, and impound the same until the Person or Persons so offending shall pay to the Person or Persons so distraining such Sum of Money as any One or more Justice or Justices of the Peace for the said County shall by Writing or Writings under his or their Hand or Hands order and direct, not exceeding the Sum of Five Pounds for each of the said Cattle so distrained; and in case the same shall not be paid before the Meeting of the said Commissioners after such distraining or impounding, then any One or more Justice or Justices of the Peace for the said County of *Stafford* is and are hereby authorized and empowered, upon Proof of such Offence or Offences having been committed, and of Nonpayment of the Penalty hereby imposed, to cause the Cattle so distrained or impounded, or such Part thereof as they shall think necessary, or any other Goods and Chattels of the Person or Persons so offending, to be sold for raising and paying the Penalty aforesaid, together with the Costs and Charges attending such Distress and Sale, rendering the Surplus, if any, on Demand, to the Owner or Owners of such Cattle or other Stock.

Cattle feeding on Land over which Right of Common is extinguished may be distrained.

VII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and all other Expences of carrying this Act into execution, shall be raised in the same Manner, and be borne and defrayed by the same Persons, as the Costs, Charges, and Expences incident to and attending the obtaining and passing of the said Act of the Fourth Year of the Reign of His present Majesty King *William* the Fourth, or of carrying the same into execution, are thereby and by this Act directed to be raised, borne, and defrayed.

For paying Expences of the Act.

VIII. 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.

Act to be printed by King's Printers.

