



ANNO QUADRAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 114.

An Act for dividing, allotting, and inclosing certain Commons and Waste Lands in the Township of *Ticklerton* within the Parish of *Eaton*, in the County of *Salop*. [20th June 1801.]

WHEREAS there are in the Township of *Ticklerton*, within the Mañor and Parish of *Eaton*, in the County of *Salop*, certain Commons or Tracts of Waste Land called or known by the Name of *Haywood*, otherwise *Eyewood Common*, and *Soudley Common*, containing together by Estimation Three hundred Acres or thereabouts: And whereas *Robert Bent* Esquire, is Lord of the said Manor of *Eaton*, and as such is entitled to the Soil of the said Commons and Waste Lands: And whereas the said *Robert Bent*, and *Thomas Corfield*, *William Pinches*, *William Calcott* Clerk, the Mayor, Aldermen, and Burgeses of the Town of *Skrewsbury*, *Thomas Smith* Esquire, and others, are Owners of Messuages, Lands, and Tenements, and in respect thereof are, or claim to be entitled to Right of Common upon the said Commons and Waste Lands, or some Part thereof: And whereas the said Commons and Waste Lands in their present State are incapable of Improvement, and it would be of great Advantage to all Persons interested therein, and of publick Utility, if the same were divided and inclosed, and specifick Allotments thereof made to the severall Persons interested, according to their respective Rights and Interests therein; but as the same cannot be effected without the Aid and Authority of Parliament, may

Preamble.

Commis-
sioner.

Affessors,
Clerks, &c.

Commission-
ers, &c. to
take an Oath.

Oath.

Boundaries to
be perambu-
lated.

Claims to be
given in.

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 *Valentine Vickers* the Younger, of *Cranmere*, in the said County of *Salop*, Gentleman, shall be, and he is hereby appointed the Commissioner for putting this Act in Execution, and shall proceed in the Discharge of his Duty, without any Neglect or Delay, and in such Manner and subject to such Regulations as are herein-after prescribed; and for that Purpose he is hereby empowered from Time to Time to retain, employ, and take to his Assistance such Clerks, Surveyors, and others, as shall appear to him to be necessary and proper; and every such Commissioner, Clerk, and Surveyor, before he shall act as such, shall take and subscribe the Oath herein-after mentioned before any One of His Majesty's Justices of the Peace for the said County of *Salop* (who is hereby authorized to administer the same), which Oath shall be written upon Parchment, and subscribed by the Party swearing, and by the Justice who shall administer the same; which Parchment shall be annexed to the Award of the said Commissioner herein-after directed to be made, and shall be Evidence of its having been taken, and the said Oath shall be in the Form following:

I do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the Powers and Trusts vested in me by virtue of an Act passed in the Forty-first Year of the Reign of King *George* the Third, intituled, *An Act for dividing, allotting, and inclosing certain Commons and Waste Lands in the Township of Ticklerton, within the Parish of Eaton, in the County of Salop*, without Favour or Affection to any Person or Persons whatsoever.
So help me GOD.

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

III. And be it further enacted, That every Person, and Body Politick and Corporate, who shall have, or claim to have any Common, or other Right or Interest in, upon, to, or out of the said Commons and Waste Lands hereby directed to be inclosed, or any Part thereof, shall deliver or cause to be delivered to the said Commissioner, at such Time or Times and Place or Places as the said Commissioner shall appoint for that Purpose, an Account or Schedule in Writing signed by them, or his,

his, her, or their Attorney, Steward, or Agent, containing a Statement of such their respective Claims, Rights, or Interests, wherein shall be described at the least the Nature and Extent thereof, the Estate in respect of which such Claim shall be made, the particular computed Quantities of the same, and also the Names of the Persons in whose Occupation the same is; and no Claim shall be received by the said Commissioner after the Time appointed by him for that Purpose, unless for some legal Disability or other special Cause to be allowed of by the said Commissioner as a sufficient Excuse; and in Case any Proprietor or Proprietors shall neglect to deliver such Claim or Claims to the said Commissioner within the Time to be allowed for that Purpose as aforesaid, every one making Default therein shall, so far only as respects any Claim so neglected to be delivered, be totally barred and excluded of and from all Right and Title in or upon the said Commons and Waste Lands, and of and from all Benefit and Advantage in or to any Share or Allotment thereof, on the said intended Division.

IV. And be it further enacted, That all Objections (if any such there shall be) to the said Boundaries so perambulated, and to the said Claims so to be made as aforesaid, or any of them, either wholly or in part, shall be made in Writing, at such Time and Place, or Times and Places, as the said Commissioner shall appoint for that Purpose; and such of the said Objections as shall be made to any Boundary shall specify and describe the Part or Parts thereby objected to, and what ought to be deemed the true Line or Lines of Boundary instead thereof; and such as shall be made to any Claim of Common or other Right or Interest shall specify the particular Part objected to, in Case the same shall not extend to the Whole thereof.

Objections to Boundaries, and Claims to be given to the Commissioner.

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

Inspection of Claims and Objections.

VI. And be it further enacted, That the said Commissioner alone, shall, as well by Examination of Witnesses upon Oath (which Oath the said Commissioner is hereby empowered to administer) as upon other proper and sufficient legal Evidence and Enquiry, examine into, hear, and

Objections to be determined.

and finally determine all and every such Claim and Claims so to be made and objected to as aforesaid, and also ascertain and determine all and every Part and Parts of such Boundaries so perambulated and objected to as aforesaid; and the Determination therein, as also every Claim which shall be so delivered and not objected to as aforesaid, and all and every Part and Parts of such Boundaries which shall be so perambulated and not objected to as aforesaid, shall be valid, final, binding, and conclusive, and stand confirmed, finally and conclusively, unto, upon, and against all Parties and Persons, and Bodies Corporate or Politick whatsoever, and shall not be further litigated, controverted, or disputed, save and except as herein-after mentioned to the contrary; but no such Determination of the said Commissioner shall hinder or prevent any of the Parties from trying their Rights at Law, or in Equity, with any other of the said Parties, in respect to any Matter of Title in any Action or Suit now or hereafter to be commenced, so as the said Commissioner shall not be made Party to any such Suit, and so that no such Action or Suit shall impede or delay the said Commissioner in the Execution of the Power vested in him by this Act, but the Division and Inclosure shall be proceeded in notwithstanding such Action or Suit.

Commissioner to give Costs.

VII. And be it further enacted, That the said Commissioner shall, and he is hereby empowered in all Cases of Claims and Objections heard and determined by him, to assess such Costs and Charges as the said Commissioner shall think reasonable upon the Party or Parties against whom he shall determine to be paid, to the Person or Persons, or for their Use, in whose Favour such Determination or Determinations shall be made, and by Warrant under the Hand and Seal of the said Commissioner, to levy such Costs and Charges by Distress and Sale of the Goods and Chattels of the Person or Persons charged therewith, which Warrant he the said Commissioner is hereby authorized to direct and deliver, or cause to be delivered, to the Constable of the Parish, Township, or Place where in the said Party or Parties may usually live and inhabit, and which said Constable is hereby required on Receipt thereof to execute the same, rendering the Overplus (if any) after deducting the reasonable Charges and Expences attending such Warrant, Distress, and Sale to the Person or Persons distrained upon.

Power to summon Witnesses.

VIII. And be it further enacted, That it shall be lawful for the said Commissioner, from Time to Time, as he shall see Occasion, by any Writing under his Hand, to summon and require any Person or Persons to appear before him, at a Day and Place in such Writing to be named, then and there to testify the Truth touching any Matter to be determined by him, by virtue of this Act; and to cause a true Copy of such Writing to be served upon such Person required to testify as aforesaid, or to be left at his or her last or usual Place of Abode, and every such Person so summoned who shall not (except for some sufficient Excuse) appear pursuant to such Summons, or shall refuse to be sworn and examined, the reasonable Charges of his or her Attendance to be settled by the said Commissioner, being to him or her tendered or paid, and being thereof convicted before any One Justice of the Peace for the said County of *Salop.* shall forfeit and pay any Sum of Money not exceeding Sixty Pounds, as such Justice shall think reasonable, to be levied by Warrant under

under the Hand and Seal of any such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons so convicted, together with reasonable Costs; and which Penalty, when recovered, shall be paid to the Party or Parties who caused such Witness or Witnesses to be summoned, or shall be applied towards Payment of the Costs and Expences of obtaining and executing this Act as the said Commissioner shall order and direct.

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

Value of
Rights to be
ascertained.

X. And be it further enacted, That the said Commissioner shall and may change, turn, widen, and divert any publick and private Roads and Ways within the said Manor and Parish of *Eaton*, for making the same more convenient to the Publick, or Persons interested therein; and for shortening or making more convenient the Roads or Ways to be set out and appointed over the said Lands, or otherwise benefiting the Publick and the Parties interested in the said intended Inclosure, making full Satisfaction to the Owners and Occupiers of the old inclosed Lands for the Damages respectively done to them thereby, and shall and may also set out and appoint such proper and convenient publick and private Carriage and other Roads and Ways, in, and over the said Common and Waste Lands, and also in the old inclosed Lands adjoining or near thereto, for the general Benefit and Accommodation of the respective Proprietors thereof, as the said Commissioner shall think proper, making full Satisfaction for the Damage to be done thereby to any Person or Persons: Provided, That no publick Carriage Roads shall be made through any inclosed Lands without the Consent of the Proprietors, or Persons seised thereof in Possession; all which publick Carriage Roads shall be of the Breadth of Forty Feet at least, and shall be well and sufficiently fenced out on both Sides as the said Commissioner shall appoint; and no Person or Persons shall erect any Gate across any of the said publick Carriage Roads, except in such Place or Places as shall bound the said Manor of *Eaton*, and not there without the Consent of the Lord of the said Manor; or plant any Trees in or near the Hedges on the Sides thereof, at a less Distance than Fifty Yards from each other.

Roads, &c.
to be set out.

XI. And be it further enacted, That the said Commissioner shall, from Time to Time, by Writing under his Hand, returned to and filed in the Court of Quarter Sessions for the said County of *Salop*, appoint some proper Person or Persons to be Surveyor or Surveyors of the publick Carriage Roads, to be set out and appointed in pursuance of this Act, who shall cause the same to be well and effectually made, and shall be allowed such Salary or Reward for his or their Trouble therein, as the said Commissioner shall, by Writing under his Hand, from Time to Time direct; which Salary, and all Expences over and above the Statute Duty, of making the said Roads, shall be defrayed by and out of

Surveyor of
Roads.

the Monies to be raised by Sale of Land as herein-after mentioned; and that no Person, other than the Proprietors of the Lands to be inclosed, shall be chargeable, over and above their proportionable Part of the Statute Duty towards making the said publick Carriage Roads, until the same shall have been rendered fit for the Passage of Travellers and Carriages, and shall have been certified so to be by the said Surveyor by Writing under his Hand, delivered at the General Quarter Sessions of the Peace, to be holden for the said County of *Salop*, to be there filed and kept on Record within Two Years after the Execution of the Commissioner's Award; unless sufficient Reason be given to the Satisfaction of the said Court that further Time is necessary; in which Case the Justices then assembled may allow such further Time for doing the same as they shall think proper, not exceeding One other Year, and every such Surveyor who shall refuse or neglect to deliver in such Certificate within the Time before limited, shall forfeit and pay the Sum of Twenty-Pounds to the Surveyor for the Time being of the Highways within the said Township of *Ticklerton*, to be recovered by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*, and to be applied by him in the Repair of the said Highways.

How Roads
are to be
maintained.

XII. And be it further enacted, That when such Certificate shall have been delivered to the said Justices, and shall have been by them allowed, confirmed, and filed, the said publick Roads shall be from Time to Time supported and kept in Repair in the same Manner as the other publick Highways within the said Township of *Ticklerton* are by Law to be amended and kept in Repair; and all such private Ways and Roads shall be made and supported by and at the Expence of all or such of the Proprietors of the said Commons and Waste Lands, and in such Manner as the said Commissioner shall by his said Award order, direct, or appoint; and that after the making of the Roads and Ways so to be set out and appointed, it shall not be lawful for any Person to use any other Road or Way, either publick or private, over or upon the said Commons and Waste Lands, or any of them; and all former Roads and Ways which shall not be set out and appointed as the Roads and Ways through or over the said Commons and Waste Lands, shall be deemed Part of the Lands hereby intended to be divided and inclosed: Provided that nothing herein contained shall authorize the said Commissioner or any other Person to alter or change any Turnpike Road.

Lands to be
sold for de-
fraying Ex-
pences.

XIII. And be it further enacted, That the said Commissioner, after setting out the Roads and Ways as herein-before mentioned, shall in the next place, and he is hereby authorized and required to ascertain, mark, and set out so much and such Parts and Parcels of the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, as will in his Judgement produce by Sale thereof a Sum sufficient to defray the Expences and Charges attending the applying for and obtaining and passing this Act; and also the Costs, Charges, and Expences of first forming and making such publick Roads as aforesaid; and of preparing and enrolling the Award of the said Commissioner as herein-after mentioned, and also the Charges of such Sale and the necessary Expences attending the same, and all other necessary Costs, Charges, and Expences incident to and attending the said intended Allotment and

Division, and the Execution of the other Powers contained in this Act, to be ascertained by the said Commissioner; and that immediately after having ascertained, marked, and set out the Parts and Parcels for the Purposes aforesaid, the said Parts and Parcels shall be vested in the said Commissioner, who shall, and he is hereby authorized and required, at such Time or Times as to him shall seem meet, to cause the same to be put up to Sale, and to be sold and disposed of in Fee, by publick Auction, in such Lot or Lots, Parcel or Parcels, and subject to such Conditions as to him shall seem convenient, giving Twenty-one Days Notice of such Sale as herein-after directed.

XIV. And be it further enacted, That the said Commissioner shall and may, and he is hereby fully and effectually enabled and empowered, by Feoffment, or by Lease and Release, to convey the Parts and Parcels of the said Open or Common and Waste Lands, so hereby authorized to be sold and disposed of as aforesaid, unto the respective Purchasers thereof in Fee Simple; and that immediately after the said Commissioner shall have executed any such Conveyance as aforesaid, the respective Purchaser or Purchasers of the Lands and Premises comprized in such Conveyance shall be, and become absolutely seised of such Parts and Parcels of Premises, and to and for the Use of him, her, and them, and his, her, and their Heirs and Assigns for ever, freed and absolutely discharged from all Incumbrances; and that the Receipt of the said Commissioner for the Purchase Money shall be an effectual Discharge to the respective Purchasers, none of whom shall be obliged to see to the Application or be accountable or answerable for the Misapplication or Non-application of such Purchase Money, or any Part thereof.

Commissioner
er to convey
to Purchasers.

XV. And be it further enacted, That the Money which shall arise by such Sale or Sales, shall be received by the said Commissioner, and shall be appropriated and applied by him for the Uses and Purposes herein-before in that Behalf mentioned, and for which such Sale or Sales are hereby authorized: Provided always, That in Case the Money arising by Sale of Land as aforesaid shall not be sufficient to defray all the Charges and Expences aforesaid, then the Deficiency shall be made up by the several Persons interested in the said Lands and Premises, and shall be paid in such Shares and Proportions, and within such Time, and to such Person and Persons as the said Commissioner shall direct, nominate, and appoint; or in case any Expences shall be incurred in the Execution of any of the Powers and Provisions of this Act, which ought to be borne and defrayed by any particular Person or Persons, and not out of the Money to be raised for the general Purposes of this Act, then the same shall be paid in such Shares and Proportions, and by such Person or Persons, and within such Time, and to such Person or Persons, as the said Commissioner shall direct, nominate, and appoint; and in case any Person who shall be subject to the Payment of any Money towards such Charges and Expences as aforesaid, shall neglect 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 and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Person, wheresoever the same may be found, by Warrant under the Hand and Seal of the said Commissioner (which Warrant the said Commissioner is hereby

Application
of Monies
arising from
Sale.

hereby empowered to grant), upon Proof on Oath of such Neglect and Refusal, and of such Demand as aforesaid (which Oath the said Commissioner is hereby empowered to administer), and the Overplus (if any) after deducting the Charges of such Distress and Sale shall be returned to the Person whose Goods and Chattels shall have been so distrained and sold.

Persons advancing Monies to be repaid with Interest.

XVI. And be it further enacted, That if any Person or Persons shall advance any Sum or Sums of Money for defraying the Expences of applying for, obtaining, and passing this Act, or of carrying the same into Execution, every such Person shall be repaid the same with Interest, after the Rate of Five Pounds *per Centum per Annum*, out of the first Monies that shall be raised or received by the said Commissioner, by virtue of this Act, for defraying such Expences.

Allotment to the Lord of the Manor.

XVII. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required to set out and allot unto the said *Robert Bent*, as Lord of the said Manor of *Eaton*, one full Fourteenth Part of the said Commons and Waste Lands, in lieu of and as a Compensation for his Right and Interest to the Soil of the said Commons and Waste Lands, over and above what he shall be entitled to in respect of his inclosed Lands.

Allotment of the Residue.

XVIII. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required to divide, set out, and allot all the Residue and Remainder of the said Commons and Waste Lands, unto and amongst the said *Robert Bent*, and the several other Persons interested therein, according to the real Extent and Value of their respective Shares, Rights of Common, and other Rights and Interests in or upon the same; whether the Lands in respect of which such Rights of Common shall be claimed, are situate in the Township of *Ticklerton*, or in any other Township or Place; and in estimating, laying out, and making the said several Allotments, due Regard shall be had to the Whole of the Lands both in and out of the said Township of *Ticklerton*, which are entitled to any Right of Common on the said Commons and Waste Lands, and also to the Quantity and Quality of the Lands to be allotted, and also to the Situation and Contiguity of the same to the respective inclosed Lands of the several Parties to or for whom the same shall be respectively allotted, and to the general Convenience of all entitled to any Share of the said Commons and Waste Lands, as far as Circumstances will permit.

Encroachments of Twenty Years standing.

XIX. And be it further enacted, That all Cottages, Erections, Encroachments, and Inclosures, which have been erected and made upon or taken out of the said Commons and Waste Lands, by any Freeholder or Freeholders, his, her, or their Tenant or Tenants, for the Space of Twenty Years or upwards, before the passing of this Act, without any Interruption, and for which no Rent or Amerciament hath been paid to the Lord of the said Manor, shall be deemed, and are hereby declared to be the sole and exclusive Property of such Freeholder or Freeholders respectively, and that all other Cottages, Erections, Encroachments, and Inclosures which have been erected and made upon or taken out of the said

said Commons and Waste Lands for the Space of Twenty Years or upwards before the passing of this Act, shall be deemed and are hereby declared to be the sole and exclusive Property of the Lord of the said Manor; but no Allotment shall be made for or in lieu of any common Right which shall be claimed in respect of any such Cottages, Erections, Encroachments, or Inclosures.

XX. And be it further enacted, That all Encroachments and Inclosures made upon or taken out of the said Commons and Waste Lands within Twenty Years next before the passing of this Act, shall be deemed Parts and Parcels of the said Commons and Waste Lands; but such of them as shall have been made by any Freeholder or Freeholders as aforesaid, his, her, or their Tenant or Tenants in respect of, or laid unto, and occupied with his or their said inclosed Land, and for which no Rent or Amerciament hath been paid to the Lord of the said Manor, shall, with all the Buildings and Erections thereon, be set out and allotted to such Freeholder or Freeholders as shall be in Possession thereof respectively, in Part or in full of the Allotments herein-before directed to be made to him, her, or them, in Case the same shall not in the Opinion of the said Commissioner be more than equivalent thereto (in which Case a competent Part thereof only shall be so set out and allotted); and the Remainder of all Encroachments and Inclosures whatever, together with all Buildings and Erections thereupon, shall be set out and allotted unto the Lord of the said Manor, in Part or in full of his said Allotment as the Case may require; and in the Valuation of such Encroachment or Inclosure either to the Lord of the said Manor, or other Owner and Freeholder, the Buildings or Erections thereon shall not be included.

Encroachments under Twenty Years.

XXI. And be it further enacted, That when and as the said Commissioner shall have fixed on such Division and Allotment as aforesaid, and such Orders respecting the Roads, and also respecting fencing the said Allotments as the said Commissioner may think proper, he shall stake and mark out all and every the said Allotments and Roads; and the said Commissioner shall also from Time to Time leave a Schedule or Schedules, or a Description of the said Roads and Allotments, and of the said Orders, at some convenient Place or Places within or near the said Manor of *Eaton*, for the Inspection of the Parties concerned, during the Space of Twenty-one Days; and the said Commissioner shall afterwards hear and determine all Objections that shall be made thereto, and make such Alteration therein as he shall on Consideration think proper.

Description of Allotments.

XXII. And be it further enacted, That after the said several Allotments shall be set out and allotted, all Right of Common in, over, and upon the said Commons and Waste Lands, shall cease and determine upon such Day or Days as the said Commissioner shall appoint for that Purpose in and by his Award, or by any Writing under his Hand before such Award shall be made, of which previous Notice shall be given by the said Commissioner, by affixing the same in Writing upon the outer Door of the Parish Church of *Eaton* aforesaid, on some *Sunday*, Ten Days at the least before the Day or Days so appointed.

Allotments to bar former Rights.

Allotments
how to be
fenced.

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

Partitions
and Ex-
changes may
be made of
settled
Estates.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioner, by any Writing or Writings under his Hand and Seal, to make Partition of all or any Messuages, Lands, Tenements, or Hereditaments, within the said Parish, of which the Proprietor shall be seised in Coparcenary, Tenancy in Common, or as Joint Tenants, between and among the same Proprietors, in Proportion to their respective Shares and Interests therein, by and with the Consent in Writing of the Persons so seised in Possession, or of the Husbands, Guardians, Trustees, Committees, or Attornies, or for such of them as shall be Females Covert, Minors, Lunatics, or beyond the Seas, or under any other legal Disability or Incapacity, testified in Writing under their respective Hands: And it shall also be lawful for the Owners of any Messuages, Lands, Tenements, or other Hereditaments within the said Parish, or the Husbands, Guardians, Trustees, Committees, or Attornies, or other Persons acting as Guardians, Trustees, Committees, or Attornies for and on Behalf of any such Owners or Proprietors who are Females Covert, Minors, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity, and also for any of the said Owners, being Tenants in Tail, or for Life or Lives only, or for Years determinable on One or more Life or Lives, by and with the Consent and Approbation of the said Commissioner to make Exchanges of any ancient Messuages, Lands, Tenements,

Tenements, or Hereditaments, or any Part or Parcel thereof, for any other ancient Messuages, Lands, Tenements, or Hereditaments lying within the said Manor or Parish or in any other Manor or Parish immediately adjoining thereto; and that all such Exchanges may be made, either by a separate Deed or Deeds between the Parties, by and with the Consent and Approbation of the said Commissioner, signified by his being a Party thereto, or may, by the said Commissioner, be inserted in, and made Part of his said Award, and shall be good and effectual in the Law to all Parties, and to all Intents and Purposes whatsoever, notwithstanding any Want of Title in the Parties thereto: Provided, That no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church or Chapel, without the Consent of the Lord Bishop of the Diocese, and of the Patron of such Church or Chapel for the Time being respectively.

XXV. Provided also, That all Costs, Charges, and Expences attending the making of any such Partitions and Exchanges as aforesaid, shall be paid and borne by the several Persons interested therein, in such Manner and Proportions as the said Commissioner shall appoint.

Expences of Partitions, &c. how to be paid.

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

Settlements, &c. not to be affected.

XXVII. And be it further enacted, That as soon as conveniently may be after such Division and Allotment of the said Commons and Waste Lands hereby directed to be divided and inclosed, shall be made and completed, the said Commissioner shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express in Statute Measure the Quantity of the Acres, Roods, and Perches contained in the said Commons and Waste Lands so intended to be inclosed as aforesaid, and the Quantity and Contents of each and every Part and Parcel thereof assigned or allotted to the said several Parties entitled to any Common Right, Right of Soil, or other Right or Property within the same, and also a Description of the Situation, Buttals, and Boundaries of such Parcels and Allotments respectively, and shall describe all Manner of publick Highways and private Roads or

Award to be made:

Ways

Ways as aforesaid, to be set out, directed, or appointed, under this Act, or such old publick or private Roads or Ways which, under the Powers of this Act, may be diverted, turned, widened, changed, and shut up, and shall also contain proper Orders and Directions concerning the laying out, making, maintaining, cleansing, and keeping in Repair the publick and private Roads and Ways, Hedges, Fences, Ditches, Water courses, and Drains, through, in, over, and upon the said Commons and Waste Lands hereby intended to be inclosed, and, if proper and necessary, the said Lands already inclosed: And the same Award shall also set forth all such Orders, Regulations, and Determinations, as are in and by this Act mentioned, directed, required, or authorized to be made and established; and such Orders and Regulations and Determinations, as shall be thought necessary by the said Commissioner, to be inserted therein, agreeably to the Tenor and true Meaning of this Act: And the said Award shall be fairly and distinctly ingrossed or written on Parchment; and the Ingrossment of the said Award shall be read over by the said Commissioner in the Presence of such of the said Proprietors as shall attend at a Special General Meeting, to be called for that Purpose, by a Notice, specifying the Time, Place, and Purpose of such Meeting, to be inserted in the *Shrewsbury Papers*; or if such Newspapers shall not be then published, in some other Newspaper published or generally circulated in the County of *Salop*; Fourteen Days at the least previous to such Meeting; and the said Award shall be executed by the said Commissioner, in the Presence of the Proprietors at such last mentioned Meeting; and the Execution of the said Award shall be proclaimed the following Sunday in the Parish Church of *Eaton*, aforesaid, immediately after Divine Service, and from the Time of such Proclamation only, and not before, the said Award shall be considered as complete: And the said Award shall, together with an Affidavit, sworn before any of His Majesty's Justices of the Peace for the said County of *Salop* (which Oath the said Justices are hereby empowered to administer) of the Proclamation as above in the Parish Church of *Eaton*, within Six Calendar Months next after the Execution thereof, be brought to the Court of General Quarter Sessions; and thereby an Order of the said Court, delivered to the Clerk of the Peace for the said County of *Salop*, to be lodged and kept among the Records of the said County; and there shall be given to such Clerk of the Peace the Sum of One Guinea, as his Fee for lodging and keeping the same: And the said Award, and the several Allotments, Orders, Directions, Determinations, Matters, and Things therein expressed or contained shall and are hereby declared to be binding, final, and conclusive, unto and upon all Parties and Persons whatsoever; and the Clerk of the Peace for the said County of *Salop* shall permit the said Award to be inspected at all reasonable Times, upon being paid One Shilling for each Inspection, and also shall make out, attest, and deliver to any Person or Persons requiring the same, a Copy or Copies thereof, or of any Part thereof, upon being paid for every such Copy after the Rate of Two-pence for every Seventy-two Words thereof, exclusive of the Stamp Duty, or after such other Rate as the Court of Quarter Sessions for the said County shall from Time to Time settle the same: And the said Award, or any Copy or Copies thereof duly attested by the Clerk of the Peace, shall be admitted and allowed as legal Evidence in all Courts and Places whatsoever.

XXVIII. And be it further enacted, That all the Meetings to be held for the Execution of this Act, shall be alternately at the *Plough Inn*, or at some other convenient House in *Church Stretton*, in the said County, and at the Dwelling House of *Robert Morris*, or at some other convenient House at *Hope Bowdler*, in the said County; and that publick Notice shall be given at least Eight Days previous to every such Meeting, of the Time and Place of holding the same, in the *Shrewsbury Papers*, and also by affixing a Notice in Writing on the Door of the Parish Church of *Eaton*, upon some One *Sunday* previous to such Meeting; but the Business of any One Meeting may be adjourned to any other Day the said Commissioner shall think proper, not exceeding Ten Days from the Time of such Adjournment, without any Notice being given of such adjourned Meeting.

Places of
holding
Meetings.

XXIX. And be it further enacted, That the said Commissioner shall, and he is hereby required to enter in a Book, to be provided for that Purpose, an Account of all Monies whatever received from the Proprietors and others in the Execution of this Act, during the Progress of the Division and Inclosure hereby directed to be made, and also of all the Charges, Expences, and Disbursements, which shall accrue or be made by virtue of this Act, and in carrying the same into Execution, which Book of Accounts shall be kept at the Office of the Clerk of the said Commissioner, open at all seasonable Times during the Progress of the said Inclosure, and till the Accounts are finally settled, for the Inspection of any of the Proprietors without Fee or Reward, and in case the said Commissioner or Clerk shall neglect to provide and keep such Book of Accounts as aforesaid, or refuse the Inspection thereof to any of the Proprietors at seasonable Times, in Manner before-mentioned, and shall be convicted thereof upon the Oath of One or more credible Witness or Witnesses not interested in the intended Division and Inclosure, before any Justice of the Peace acting in and for the said County, Division, or Place where such Commissioner or Clerk so offending shall be or reside, such Commissioner or Clerk so offending shall forfeit and pay to any Person or Persons who shall sue for the same, the Sum of Fifty Pounds for every such Offence, to be recovered by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Books of
Account to
be left with
the Clerk for
the Proprie-
tors' Inspec-
tion.

XXX. And be it further enacted, That all the Monies to be raised and received under and by virtue of the Powers of this Act, during the Progress of the intended Division and Inclosure, shall from Time to Time, as often as the same shall amount to the Sum of Fifty Pounds, be paid to and deposited in the Hands of some Banker, or such other Person or Persons as shall be approved of by a Majority in Value of the Proprietors who shall be present in Person, or by their Agents, at the First Meeting of the said Commissioner, and in the Notice of which Meeting shall be expressed the Intention of their appointing such Banker or such other Person or Persons; and no such Monies deposited or paid into the Hands of such Banker, or other Person or Persons, to be applied as aforesaid, shall be issued or paid by him or them, without an Order in Writing under the Hand of the said Commissioner, specifying the Person or Persons to whom the same are respectively payable, and the Service or Consideration for which the same are due; and that the Balance (if any) upon the final Settlement of all Accounts in anywise concerning

Monies re-
ceived, when
amounting to
50^l. to be put
in a Banker's
Hands, or
such other
Person as
shall be ap-
proved by a
Majority of
the Proprie-
tors.

the Business of the said Division and Inclosure, shall be immediately repaid and returned to the several Proprietors or Persons interested, in Proportion to the several Sums respectively paid and advanced by them, or in Proportion to their respective Shares, Rights, and Interests upon the said Commons and Waste Lands.

Directing
Monies paid
in respect of
settled
Estates
amounting
to 200 l. to
be paid into
the Bank of
England, and
invested in
the Purchase
of other
Estates.

XXXI. And be it further enacted, That if any Money, part of the Surplus Money arising by the Sale of Estates herein-before directed to be sold, shall be payable to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, such Money shall, in Case the same shall amount to the Sum of Two hundred Pounds or upwards, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the said Commissioner, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes, or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled, to, for, and upon such and the like Uses, Trusts, Intents, and Purposes; and in the same Manner as the Hereditaments in respect of which the Money shall be so payable, stood settled or limited, or such of them as, at the Time of making such Conveyance and Settlement, shall be existing undetermined and capable of taking Effect: and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, 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; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, 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 the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in Case such Purchase or Settlement were made.

Directing
Monies paid
in respect of
settled
Estates not
amounting to
200 l. to be
laid out in

XXXII. Provided always, and be it further enacted, That if any such Money so agreed, adjudged, or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid; shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the
Person

Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved by the said Commissioner, (such Nomination and Approbation to be signified in Writing, under the Hands of the nominating and approving Parties), in order that such principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the Court of Chancery.

of other Estates.

XXXIII. Provided also, and be it further enacted, That where such Money so agreed, adjudged, or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, in respect of which the Money shall be so payable, in such Manner as the said Commissioner shall think fit; or in Case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Directing Monies not amounting to 20 £. payable in respect of settled Estates to be paid to the Persons in Possession.

XXXIV. And be it further enacted, That if the said Commissioner hereby appointed, or to be elected as is herein-after mentioned, shall die, or resign, or be incapable of acting, then and so often the major Part in Value (such Value to be ascertained by the Land Tax Assessment of the last Year) of the Persons interested in such Inclosure who shall attend, either personally or by their respective Agents or Attornies, shall and may, within One Calendar Month next after such Death, Resignation, or Incapacity shall happen, or as soon after as conveniently may be, at a publick Meeting to be appointed by the Lord of the said Manor, and holden as herein-before mentioned with Regard to the Meetings of the Commissioner, elect another fit Person to be a Commissioner in the Room of the Commissioner so deceased, or resigned, or become incapacitated; and every such Commissioner so elected shall have the same Powers and Authorities for executing this Act, as if he had been herein nominated and appointed a Commissioner.

On Death or Resignation another Commissioner to be chosen.

XXXV. And be it further enacted, That it shall be lawful for all or any of the Parties who shall be entitled to any Common Right in, to, or upon the said Commons and Waste Lands hereby directed to be inclosed, to sell and convey, or contract and agree to sell and convey, all Right or Interest to such Common, or other Right, or any Part thereof, separate and apart from the Messuages, Lands, Tenements, or Hereditaments, to which the same is or are respectively appendant or appurtenant.

Common Right may be sold.

XXXVI. And be it further enacted, That all and every Person or Persons who shall think himself, herself, or themselves aggrieved by any

Allowing Appeals to the Quarter Sessions.

Thing

Thing done in pursuance of this Act, then and in every such Case (except in such Cases where the Orders, Determinations, or Award of the said Commissioner are or is directed to be final, binding, and conclusive upon all Parties and Persons whatsoever), he, she, or they shall or may appeal, on giving Ten Days previous Notice thereof to the next General Quarter Sessions of the Peace, to be holden in and for the County of *Salop*, within Six Calendar Months next after the Cause of Complaint shall have arisen, and the Justices in their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs, and Damages as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs which shall be 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) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale, which Determination of the Justices shall be final and conclusive to and upon all Parties concerned, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Reservation
of Manorial
Right.

XXXVII. Provided always, and be it further enacted and declared, That nothing herein contained shall extend, or be construed to extend, to defeat, lessen, prejudice, or affect the Right, Title, or Interest, of the said *Robert Bent*, or the Lord of the said Manor of *Eaton*, for the Time being, of, in, or to the Seigniories and Royalties incident and belonging to the said Manor, or of, in, and to the Rents, Services, Courts, Perquisites, and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, Free Warrens, Fisheries, and Game, and all other Jurisdictions Privileges, and Appurtenances whatsoever, incident, belonging, or appertaining to the said Manor; other than and except those meant and intended to be barred, destroyed, and extinguished by virtue of this Act; but that the same and every of them shall remain and be enjoyed by the said *Robert Bent*, and any future Lord of the said Manor, in as full, ample, and beneficial Manner, to all Intents and Purposes, as he could have held or enjoyed the same, in Case this Act had not been passed.

General
Saving of
Rights.

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

Publick Act.

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

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