



ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 96.

An Act for inclosing Lands in the Parish of *Leek*, in the County of *Stafford*. [2d July 1805.]

WHEREAS there are within the Townships of *Leek*, *Lowe*, *Leek-frith*, and *Tittesworth*, or some of them, in the Parish of *Leek*, and Manors of *Leek* and *Fritb*, in the County of *Stafford*, certain Commons and Waste Lands, containing in the Whole, by Estimation, Three thousand Acres or thereabouts: And whereas the Right Honourable *George Earl of Macclesfield* is Lord of the said Manors, and as such is Owner of the Soil of the said Commons and Waste Lands; and is also Patron of the Vicarage of *Leek*, and *Richard Bentley*, Clerk, is Vicar of the said Vicarage: And whereas the said *George Earl of Macclesfield*, *Booth Grey*, *John Sneyd*, *Edward Thornicroft*, *Isaac Wilkinson*, *Edward Nicolls*, *Michael Daintry*, *Thomas Mills*, *John Fowler*, *Toft Chorley*, *Thomas Fenton Grosvenor*, *James Hulme*, and several other Persons, are Proprietors of and Persons interested in the said Commons and Waste Lands: And whereas an Act was passed in the Forty-first Year of the Reign of His present 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 it would be of great Benefit and Advantage to the several Persons who are Proprietors of and interested in the said Commons and Waste Lands, if the same were divided and inclosed, and specific Parts and Shares thereof assigned and

Lord of the Manors.

Proprietors.

41 Geo. 3.

Benefit of Inclosure.

[Loc. & Per.]

19 X

allotted

Commission-
ers.

allotted unto the said several Proprietors and Persons interested, according and in proportion to their several and respective Properties, Rights, and Interests therein: But such Division, Allotment, and Inclosure, cannot be effectually made and established 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 *Joseph Boulton* of *Bilney* in the County of *Nottingham*, *Thomas Rowley* of *Overton*, in the County of *Stafford*, and *Joseph Gould* of *Pilbury*, in the County of *Derby*, Gentlemen, and their Successors, to be appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for setting out, dividing, and allotting the said Commons and Waste Lands in Manner herein-after directed, and for carrying this Act into Execution, subject to the Powers, Authorities, Directions, Rules, Orders, Clauses, and Provisions, contained in the said recited Act (except in such Cases where the same are hereby varied or altered): and that all Acts, Matters, and Things, hereby or by the said recited Act directed to be done by the said Commissioners, may be done and executed by any Two of them, and the same shall be as valid and effectual as if done and executed by all the said Commissioners.

For electing
new Commis-
sioners.

II. Provided always, and be it further enacted, That when and as often as any of the Commissioners herein-before named or to be appointed in Manner herein-after mentioned, shall, before the Execution of all the Powers and Authorities hereby and by the said recited Act in them respectively vested, die or become incapable of acting as a Commissioner in this or under the said recited Act or without some lawful Cause neglect to attend a Meeting for putting this Act or the said recited Act into Execution, for the Space of One Calendar Month after he shall have received Notice in Writing from any Person interested in the said Inclosure of the passing hereof, or requiring him to attend as a Commissioner, then and in every such Case a new Commissioner or Commissioners, not being in any Manner interested in the Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, shall and may be nominated, elected, and appointed in Manner following; (that is to say) if the said *Joseph Boulton* shall die or become incapable of acting, or shall neglect or refuse to act as aforesaid, it shall be lawful for the said *George Earl of Macclesfield*, or, in case of his Death, for his Heirs or Assigns, being of full Age, or for the Guardian or Guardians of his Heirs or Assigns, then under Age, by any Instrument in Writing under his or her Hand or Hands, to appoint One other Commissioner in the room of the said *Joseph Boulton*, and so from Time to Time as often as any Commissioner, appointed by the said *George Earl of Macclesfield*, his Heirs or Assigns, or such Guardian or Guardians as aforesaid, shall die or become incapable of acting, or shall neglect or refuse to act as aforesaid; and if the said *Thomas Rowley* shall die or become incapable of acting, or shall neglect or refuse to act as aforesaid, it shall be lawful for the major Part in Value (to be ascertained by the Land Tax Assessment) of the said Proprietors or Persons interested in the Commons and Waste Lands hereby directed to be inclosed, who shall attend by themselves, or their Agents or Attornies, at a Meeting to be called by or by the Order of One or more of the said Proprietors for that Purpose, at some convenient Place in *Leek* aforesaid, in pursuance

of Notice to be given by Advertisement to be inserted in the Newspaper called *The Staffordshire Advertiser*, and in case of that Paper being discontinued, in some other Newspaper circulated in the Neighbourhood of *Leek* aforesaid, and to be affixed on One of the principal outer Doors of the Parish Church of *Leek* aforesaid, and of the Chapel at *Meerbrook*, within the said Manors, at least Ten Days before such Meeting, by Writing under their Hands to appoint, from Time to Time, some other fit and proper Person, not interested in the said Division and Inclosure, to be a Commissioner in the room of the said *Thomas Rowley*, and so from Time to Time as often as any Commissioner, appointed by the said Proprietors, or the major Part in Value of them, present at such Meeting as aforesaid, shall die or become incapable of acting, or shall neglect or refuse to act as aforesaid; and if the said *Joseph Gould* shall die or become incapable of acting, or shall neglect or refuse to act as aforesaid, it shall be lawful for the major Part in Value of the said Proprietors and Persons interested as last aforesaid, who shall attend by themselves, or their Agents or Attornies, at a Meeting to be called in like Manner as is herein-before mentioned, in case of appointing a Commissioner in the room and stead of the said *Thomas Rowley*, by Writing under their Hands, or the Hands of their Agents or Attornies, and also under the Hand of the said *George Earl of Macclesfield*, or, in case of his Death, under the Hand or Hands of his Heirs or Assigns, being of full Age, or under the Hand or Hands of the Guardian or Guardians of his Heirs or Assigns, then under Age, or his or their Agent or Attorney, to appoint some other fit and proper Person, not interested in the said Division and Inclosure, in the place of the said *Joseph Gould*, and so from Time to Time as often as any Commissioner, appointed by the said Proprietors, or the major Part in Value of them, present at such Meeting as aforesaid, and the said *George Earl of Macclesfield*, or his Heirs or Assigns, being of full Age, or the Guardian or Guardians of his Heirs or Assigns, being under Age, shall die or become incapable of acting, or shall neglect or refuse to act as aforesaid; and in case the said respective Parties, or any of them, shall make Default in appointing any such new Commissioner within Thirty-one Days next after the Death of any Commissioner, or his Refusal to act, or Neglect of Attendance shall be known, then the surviving or remaining Commissioners or Commissioner shall, and they and he are and is hereby required from Time to Time, by Writing under their or his Hands or Hand, to nominate and appoint a Commissioner or Commissioners, as the Case may require, in the room of every such Commissioner so dying, refusing to act, or neglecting to attend; and every Commissioner so to be appointed shall, after taking the Oath prescribed on that Behalf, have the like Powers and Authorities in all Respects for carrying this and the said recited Act into Execution, as if he or they had been originally named and appointed a Commissioner or Commissioners in and by this Act.

III. And be it further enacted, That all Surveys, Admeasurements, and Plans, requisite and necessary to be made and taken for the Purposes of carrying this Act into Execution, shall be made and taken by such Person or Persons as the said Commissioners shall from Time to Time nominate and appoint: Provided always, that until the said Commissioners shall see some Reason to the contrary, or it shall appear to them proper or necessary to employ more than One such Surveyor, the said

Surveyor
appointed.

faid Surveys, Admeasurements, and Plan, shall be made by *Matthew Weston* of *Rudyerd Hall*, in the faid Parish of *Leek*, Land Surveyor.

Notice of Meetings.

IV. And be it further enacted, That the faid Commissioners shall cause publick Notice to be given, upon some *Sunday* before or during Divine Service, by Writing to be affixed upon One of the principal outer Doors of the Parish Church of *Leek*, and of the Chapel of *Meerbrook* aforesaid, and also by Advertisement to be inserted in the faid Newspaper called *The Staffordsbire Advertiser*, and in case of that Paper being discontinued, in some other Newspaper circulated in the Neighbourhood of *Leek*, aforesaid, of the Time and Place of the First and every subsequent Meeting for the Execution of this or the faid recited Act, Eight Days at least before every such Meeting shall be held (Meetings by Adjournment only excepted) and that the faid Commissioners shall attend from Time to Time as they shall see Occasion; and the faid Commissioners shall hold all their Meetings at the Town of *Leek*, or at some other Place within the Distance of Eight Miles from the Boundary of the faid Parish of *Leek*; and that all other Notices necessary or requisite to be made and given by the faid Commissioners, in the Execution of this or the faid recited Act, shall be made and given by Writing and Advertisement, in like Manner as herein-before is mentioned.

Allowance to Commissioners.

V. And be it further enacted, That the faid Commissioners who shall act in the Execution of this Act, shall be allowed the Sum of Two Pounds and Two Shillings each, and no more for their Trouble and Expences for each and every Day they shall necessarily attend in the Execution of the Powers of this Act or the faid recited Act; and at all such Meetings the faid Commissioners shall, out of such Allowance, pay and defray their own Charges and Expences, and shall not be allowed for more than One Day each in going to or returning from any Meeting.

Commissioners, when begun to value, to proceed therein.

VI. And be it further enacted, That when the faid Commissioners shall begin to value the Commons and Waste Lands to be inclosed by virtue of this Act, or the ancient inclosed Lands and Grounds within the faid Manors and Townships, they shall proceed therein Twelve Days at least in every Calendar Month, between the Months of *March* and *November*, and in every other Month proceed or not, as Circumstances may permit, until the same shall be completed.

No Turf, &c. to be cut without Leave of Commissioners.

VII. And be it further enacted, That it shall not be lawful for any Person whomsoever, from and after the passing of this Act, until the Execution of the Award of the faid Commissioners, to cut, dig, pare, flay, get, or carry away any Turf, Soil, Gorse, or Stone, in, upon, or from the faid Commons and Waste Lands, or any Part thereof, without the Leave and Licence of the faid Commissioners first had and obtained in Writing under their Hands, which Leave and Licence they the faid Commissioners are hereby empowered to grant, under such Rules, Orders, Regulations, and Restrictions, as they shall think proper; and if any Person shall, after the passing of this Act, cut, dig, pare, flay, get, or carry away any Turf, Soil, Gorse, or Stone, in upon or from such Commons and Waste Lands, or any Part thereof, without the Leave and Licence of the faid Commissioners, or having obtained such Leave and Licence

Licence, shall act in any Manner contrary thereto, or to the Rules, Orders, Regulations, and Restrictions therein contained, every such Person being convicted thereof, either by his or her own Confession, or upon the Oath of One credible Witness before One of His Majesty's Justices of the Peace for the said County of *Stafford*, not being interested (who may summon the Parties concerned, and examine Witnesses upon Oath relating to the said Complaint) shall for every such Offence forfeit and pay such Sum of Money as the said Justice shall appoint, not exceeding the Sum of Five Pounds nor less than Forty Shillings, and it shall be lawful for such Justice, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause the said Penalty to be raised and levied by Distress and Sale of the Goods and Chattels of the Person so offending (Demand having been first made thereof) rendering the Overplus, if any, upon Demand, after deducting the Costs and Charges of such Distress and Sale, to the Person so offending; and the said Penalty, when paid or levied, shall be applied by the said Commissioners for the Purposes of this Act.

VIII. And be it further enacted, That all Encroachments which shall have been made upon or from the said Commons and Waste Lands for Twenty Years or upwards, without legal Interruption, before the First Day of *January* One thousand eight hundred and five, with the Cottages and Buildings thereon, and for which any Rents or Acknowledgements have been paid to the said *George* Earl of *Macclesfield* or his Ancestors, as Lord of the said Manors within that Period, shall be deemed to belong to, and are hereby declared to be the sole Property of the said *George* Earl of *Macclesfield*, his Heirs and Assigns; and that such other Encroachments which shall have been made upon or from the said Commons and Waste Lands for Twenty Years or upwards, without legal Interruption, before the said First Day of *January*, and for which no Rents or Acknowledgements have been paid to the said *George* Earl of *Macclesfield* or his Ancestors within that Period, shall, with the Cottages and Buildings thereon, be deemed to belong to, and are hereby declared to be the sole Property of the Person or Persons in his, her, or their own Right, occupying by themselves or Tenants the same, so that the Yearly Rents or Yearly Payments made to the Organist of *Leek* for the Time being, by the Owners or Proprietors of certain Lands or Grounds, called *The Organ Grounds*, heretofore inclosed, with the Permission of the Lord of the said Manors, by certain Persons from that Part of the said Commons and Waste Lands called *Leek Moor*, towards raising a Salary for the said Organist, shall be and remain payable to the Organist for the Time being, in like Manner as the same Rents or Payments have hitherto been made; but without Prejudice to the Estate, Right, Title, and Interest of the several and respective Persons so paying such Rents, of, in, and to the said Lands or Grounds so inclosed, subject to such Rents.

Encroachments made above Twenty Years.

IX. And be it further enacted, That all Encroachments which shall have been made upon or from the said Commons and Waste Lands, within Twenty Years next before the said First Day of *January*, shall be deemed Part thereof; but all such last-mentioned Encroachments, with the Buildings thereon, shall be allotted to the Person or Persons who at the Time of making the Allotments under this Act, shall in his

Encroachments made under Twenty Years.

or their own Right be in Possession of, or in Receipt of or entitled to the Rents and Profits of such Encroachments, for his, her, or their Share or Proportion of the said Commons and Waste Lands, by virtue of this Act, or so far as the same will extend in Value according to its original State when inclosed, or to the Value of the Waste Lands adjoining; but in case any such last-mentioned Encroachments shall in the Judgement of the said Commissioners be of greater Value than the Share or Proportion of the said Commons or Waste Lands, which the Person or Persons so entitled ought to have by virtue of this Act, or in case it shall so happen that the Person or Persons who at the Time of making the said Allotments under this Act, shall, in his, her, or their own Right be in the Possession or Receipt of or entitled to the Rents and Profits of any such last-mentioned Encroachments, and shall not be entitled to any Allotment from the said Commons and Waste Lands, under or by virtue of this or the said recited Act, then and in either of the said Cases the said Commissioners are hereby authorized to sell and allot such Encroachments or Parts of Encroachments to such Person or Persons who, if he, she, or they was or were entitled to a sufficient Allotment from the said Commons and Waste Lands, would be entitled to have the same allotted as aforesaid, at such Sum of Money as they shall adjudge the same would produce, and the said Commissioners shall receive and apply the same for the Purposes of this Act; and if any such last-mentioned Person shall refuse or neglect to pay such Sum or Sums of Money as the said Commissioners shall so adjudge, at the Time fixed by them for that Purpose, then such Encroachments which shall not be so paid for as aforesaid, shall be allotted as Common and Waste Land: Provided always, that in case any such last-mentioned Encroachments shall, in the Judgement of the said Commissioners, be thought proper or more convenient to be laid to the Lands of any Person entitled to an Allotment or Allotments from the said Commons and Waste Lands, then and in such Case the said Commissioners are hereby required to allot such last mentioned Encroachments, or such Part thereof as they shall think proper, unto such other Person or Persons so entitled, in part or in full, of his, her, or their Allotment or Allotments, as the Case may be, and shall be at liberty to order and direct such Allowance or Compensation to be made by the Person to whom the same shall be so allotted, to the Person or Persons from whom such Encroachments shall be taken, as to the said Commissioners shall seem reasonable, if any.

Commission-
ers to settle
Disputes.

X And be it further enacted, That if any Question or Dispute shall arise between any Person or Persons interested in the said Commons and Waste Lands before the setting out and allotting the same, in Manner herein-after mentioned, touching the Extent, Identity, or Possession of any Plot, Parcel, or Portion thereof, or touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in, upon, or over the same Commons and Waste Lands, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, then it shall be lawful for the said Commissioners to examine into, hear, and determine the same: Provided always, that nothing herein contained

shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

XI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited 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 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 Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby respectively authorized and required, by Warrant under their Hands directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to
assess Costs.

XII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Allotment, shall be dissatisfied with the Determination of the said Commissioners, touching or concerning their respective Rights or Interests in, over, or upon the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next or at the following Assizes to be holden for the said County of *Stafford*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioner, shall cause an Action to be brought or commenced on a signed Issue, against the Person or Persons in whose Favour such Determination shall have been made, within One Calendar Month next after such Determination of the said Commissioners shall have been made known to such Person or Persons, and shall proceed to Trial therein as aforesaid; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, 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 the said Action or Actions shall be commenced, in case the 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 and Persons 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

Allowing the
Parties to try
their Rights
by an Issue at
Law.

Determina-
tion of Com-
missioners to
be made, if
not objected
to or no Ac-
tion brought.

had thereupon, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners, touching such Rights or Interests in, over, or upon the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive to all Parties.

If any of the
Parties die,
Proceedings
not to abate.

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

Allotments
for Watering
Places, and
getting
Stones, &c.

XIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered (after they shall have set out and appointed the necessary publick Carriage Roads and Highways through and over the said Commons and Waste Lands, hereby directed to be divided and inclosed) to assign, set out, and allot such and so many Plots and Parcels of the said Commons and Waste Lands, as they shall think proper and necessary to be used for the Purpose of publick Watering Places for Cattle, or for digging and getting Stone, Gravel, and other Materials for the making or repairing the Bridges, Highways, and Roads within the said Manors and Townships, and every of them, and for the Use of the Proprietors of Estates within the same Manors and Townships, and their Tenants for the Time being, for and in respect of their Estates within the same; and that the Herbage growing and renewing in and upon the Lands so to be set out as aforesaid, shall be vested in such Person or Persons, and applied to such Uses, as the said Commissioners shall by their Award direct and appoint.

Allotments
to the Trust-
ees of Leek
Poor House.

XV. And whereas *Michael Dainty, Richard Smith, Thomas Phillips, John Fowler*, and several other Persons, as Trustees of the Poor House or House of Industry in *Leek* aforesaid, did, some Time since, with the Consent and Permission of the said *George Earl of Macclesfield*, inclose from *Leek Moor*, Part of the said Commons and Waste Lands hereby directed to be inclosed, a Piece of Land lying upon and adjoining the northwardly Side of the Turnpike Road leading from *Leek* to *Ashton*, containing about Two Acres and a Half or thereabouts, and converted the same into a Garden for the Use of the said Poor House or House of Industry; be it therefore enacted, That the said Commissioners shall and they are hereby authorized and required to assign, set out, and allot the said Piece of Land so inclosed, unto the said Trustees and their Heirs, in lieu of the Right of Common which they would otherwise be entitled unto upon the said Commons and Waste Lands to be inclosed according to the Trusts already declared of and concerning the said Poor House or House of Industry, and as appurtenant therunto; but if they shall not consider the same a sufficient Compensation for such Right, then to make such Addition thereto as they shall think proper.

XVI. And

XVI. And be it further enacted, That the said Commissioners, after they shall set out the said publick Roads and Highways, and the said Allotments for publick Watering Places, getting Stone, and for other publick Uses as aforesaid, and the said Allotment to the said Trustees of the said Poor House, and before any Sale or Sales shall be had (pursuant to the Power herein-after given for that Purpose) do and shall set out and allot unto and for the said *George* Earl of *Macclesfield* and his Heirs, as Lord of the said Manors of *Leek* and *Frith*, so much, and such Part and Parts of the then Residue of the said Commons and Waste Lands, as shall in the Judgement of the said Commissioners be equal in Value to One full Sixteenth Part or Share of such Residue of the said Commons and Waste Lands, in Satisfaction for his Right and Interest in the Soil of the said Commons and Waste Lands and the Stone (except Ironstone), Slate, Gravel, Clay, and Sand, within and under the same.

Allotments to the Earl of Macclesfield as Lord of the Manors of Leek and Frith.

XVII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required in the next place to sell and dispose of, pursuant to the Directions of the said recited Act, so much and such Part and Parts of the said Commons and Waste Lands intended to be divided, allotted, and inclosed, by virtue of this Act, which they shall think best adapted for Sale, and most for the Benefit of the Proprietors and Persons interested therein, to be disposed of by publick Auction or otherwise, as they the said Commissioners shall think sufficient for the Purpose of defraying the Whole of the Costs, Charges, and Expences of preparing and obtaining this Act, and of surveying, admeasuring, and valuing, as well the ancient inclosed Lands, Tenements, and Hereditaments within the said Townships, as the said Commons and Waste Lands intended to be divided and inclosed by virtue of this Act, and of dividing and allotting such Commons and Waste Lands and of preparing and inrolling the Award of the said Commissioners, and all the Charges and Expences of the said Commissioners, their Clerks, Assistants, and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioners in and about the Premises, either before or after the Execution of the said Award, and all the Expences of setting out, forming, completing, and repairing the publick Carriage Roads and Highways to be set out and appointed by the said Commissioners, and all other Expences of carrying this and the said recited Act into Execution, or incident to the obtaining hereof.

Commissioners to sell to defray Expences.

XVIII. Provided always, and be it further enacted, That in case the said Commissioners shall find that they have not sold sufficient Quantity of the said Commons and Waste Lands to pay and defray the Whole of such Costs, Charges, and Expences, then and in such Case the several and respective Persons interested in the said Commons and Waste Lands so intended to be divided and inclosed (except the said *George* Earl of *Macclesfield*, in respect of his said One-sixteenth Share as Lord of the said Manors, the Vicar of *Leek*, the Curate of *Meerbrook*, and the Trustees of *Leek* Poor House) shall pay and contribute such Sum and Sums of Money towards paying the Remainder of the said Costs, Charges, and Expences, in proportion and according to the Value of their several and respective Shares and Interests in and to the said Commons and

If not sufficient sold to pay Expences, Remainder to be raised by a Rate.

Waste Lands, at such Time and Place or Times and Places as the said Commissioners shall, either before or after the Execution of the said Award, by Notice or Notices in Writing under their Hands, direct or appoint, and the said Commissioners shall and they are hereby authorized to make a Rate or Assessment thereof accordingly under their Hands; and if the said Commissioners shall happen to raise more Money by Sale as aforesaid, than will pay and defray the Whole of the said Costs, Charges, and Expences, then and in that Case such Overplus shall be divided amongst the Proprietors interested in the said Commons and Waste Lands (except as before excepted) according to their several and respective Interests therein, or otherwise shall be paid into the Bank of *England*, in the Manner directed by the said recited Act, with respect to Money thereby directed to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

If more Money raised by Sale than necessary, how to be disposed of.

Allotment of the Remainder to Proprietors.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next place, to divide, set out, and allot, all the Residue of the said Commons and Waste Lands hereby intended to be divided and inclosed, unto, between, and amongst the several Persons who, at the Time of making such Division and Allotment, shall be entitled thereto or interested therein, and in proportion to their several and respective Shares, Estates, Rights, Properties, and Interests, (except the said *George Earl of Macclesfield* and his Heirs, as Lord of the said Manors and Owner of the Soil of the said Commons and Waste Lands); and from and after such Division and Allotment shall be made and perfected, it is hereby declared, that all the Soil, Stone (except Ironstone), Slate, Gravel, Clay, and Sand, lying and being within or under the said Commons and Waste Lands, shall go and belong to the Person and Persons in or under whose Allotment and Allotments the same shall happen to be.

Lands that can be shewn to have been Common within Seventy Years, not to have any Allotment.

XX. Provided always, and be it further enacted, That in making the Divisions and Allotments herein-before mentioned, the said Commissioners shall not have any Regard to any Lands or Hereditaments which shall be shewn to their Satisfaction to have been Common or Waste Land within Seventy Years next before the First Day of *January* One thousand eight hundred and five, it not being intended that the Owners or Proprietors thereof shall have any Allotment in respect of the same; and that the said Commissioners, in making their Valuations of Property in order to the Division and Inclosure of the said Commons and Waste Lands, shall not value the Houses or other Buildings, but only the Ground whereon the same are erected, and consider the Situations thereof; and the said Commissioners shall and they are hereby authorized and required, in and by their said Award, to specify and declare the several Allotments to be by them made of the said Commons and Waste Lands intended to be hereby inclosed, to belong to, and to be deemed and taken at all Times, after the Execution of the said Award, as Part and Parcel of some one and which of the said Townships, and that the said Allotments shall at all Times thereafter be deemed and taken for all Purposes of Parliamentary and Parochial Rates and Payments, to be

be situate in, and to be Part and Parcel of such of the said Townships respectively, to which the same Allotments shall, in and by the said Award of the said Commissioners, be specified and declared to belong.

XXI. And whereas there are within the Townships of *Leek* and *Lowe* several Messuages, Lands, and Tenements, which are called *Town Lands*, and have been immemorially let by the Freeholders of and within the said Townships, and the Rents received and applied for the publick Purposes and Benefit of the said Freeholders and Inhabitants of *Leek* and *Lowe*, but the same are not vested in any particular Trustees; be it therefore enacted, That the said Commissioners shall and they are hereby authorized and required, not only to assign and set out such Allotment or Allotments from the said Commons and Waste Lands, as they shall adjudge such Messuages, Lands, and Tenements entitled unto, but also to nominate, out of the said Freeholders resident in *Leek* or *Lowe*, Seven Persons as Trustees, in whom and their Heirs not only such Allotment or Allotments, but also the said Messuages, Lands, Tenements, and Hereditaments, so called *Town Lands*, the Rents and Profits whereof have been received and applied as aforesaid, shall be vested for the like Purposes to which they are at present applied, but under such Rules and Regulations as the said Commissioners shall, in and by their said Award, direct and appoint.

Allotments in respect of Leek Town Lands.

XXII. And whereas the said *Thomas Mills* is entitled to Tythe Hay of and from certain Lands in *Leek* and *Lowe*, in the Parish of *Leek* aforesaid; and the Vicar of *Leek* is entitled to the Tythes of Corn of Seventeen Days Work of Land, lying within the same Townships, or one of them; be it therefore enacted, That it shall be lawful for the said Commissioners, with the Consent of the said *Thomas Mills*, and the Owners or Proprietors of such Lands or Grounds subject to Tythe Hay as aforesaid, so far as respects the same, and likewise with the Consent of the Vicar of *Leek*, the Lord Bishop of *Litchfield* and *Coventry*, and the said *George Earl of Macclesfield*, or his Heirs, as Patron of the Vicarage of *Leek*, and the Owners or Proprietors of such Lands so subject to Tythes of Corn as aforesaid, so far as respects the same, to be signified by Writing under their Hands respectively to assign and set out unto the said *Thomas Mills* and his Heirs, or unto the Vicar of *Leek* aforesaid, and his Successors, such Portion or Portions of the Allotment or Allotments to be made from off the said Commons and Waste Lands, to such Person or Persons whose Lands are so subject to Tythe Hay or Tythe Corn as aforesaid, who shall be desirous of being exonerated and discharged from any such Tythes as aforesaid, as shall in the Judgment of the said Commissioners be a full Satisfaction and Compensation, not only for the Tythes of such Lands and Grounds so subject thereto as aforesaid; but of the Allotment or Allotments to be made in respect of such Lands or Grounds; and that such Tythes to be compensated for as aforesaid, and the Lands to be allotted in respect thereof, shall be specified in the Award of the said Commissioners.

Thomas Mills, Esq. entitled to Tythe Hay in Leek and Lowe, &c. Vicar of Leek to Tythe Corn of 17 Days Work of Land. Commissioners to make Allotments in Discharge of such Tythes, if required.

XXIII. Provided always, That nothing in this Act contained shall extend or be construed to extend to impeach or prejudice the Right or Claim of the said *Thomas Mills* or his Heirs, or of the said Vicar of *Leek* and his Successors, to the said respective Tythes, or to the Tythes of the

Not to prejudice such Tythes if not compensated for.

Allotment

Allotment or Allotments to be set out in Right of the said Lands respectively, where, from, and out of which such Tythes are arising; but that such Rights or Claims respectively if not compensated for as aforesaid, shall continue and remain as if this Act had not been made.

Allotments in lieu of Quit or other Rents.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners, with the Consent of the Parties interested, to be signified by Writing under their respective Hands, to assign and set out unto such Person or Persons as are entitled to any Fee Farm Rents, Chief Rents, Quit Rents, or other dry or unimprovable Rents, arising or payable from or out of any Lands, Tythes, or Hereditaments, belonging to any of the Proprietors of or Persons interested in the said Commons and Waste Lands hereby intended to be inclosed, such Portion or Portions of the Allotment or Allotments, to be made from off the said Commons and Waste Lands, to such Person or Persons respectively who shall be desirous of being exonerated from any such Rents as aforesaid, as shall in the Judgement of the said Commissioners be equivalent to the Fee Simple and Inheritance of such Rents, and in lieu of and in full Satisfaction for the same, and that such Rents to be compensated for as aforesaid, and the Lands to be allotted in lieu thereof, shall be specified in the Award of the said Commissioners; and that such Lands so to be set out respectively shall be subject to such and the same Uses, Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Rents for which the same Lands so respectively allotted as aforesaid were, at or immediately before the Execution of the Award of the said Commissioners, or would have been subject to, charged with, or affected by, in case this Act had not been made.

Allotments to the Lord to be inclosed and fenced at the Expence of the other Proprietors.

XXV. And be it further enacted, That such Part of the Ring Fences, as the said Commissioners shall direct to belong to the Allotment or Allotments to be made to the said *George Earl of Macclesfield* and his Heirs, as Lord of the said Manors as aforesaid, by virtue of this Act, shall be walled or ditched, and quickset, or otherwise well and sufficiently made under the Direction of the said Commissioners, within such Time, and paid for out of the Monies to be raised by Sale of Parts of the Commons or Waste Lands, by this Act intended to be inclosed or otherwise raised for the Purpose of this Act, as the said Commissioners shall direct or appoint; but such Wall, Hedges, Ditches, or other Mounds or Fences, when made, shall for ever thereafter be maintained by the said Earl, his Heirs or Assigns.

Commissioners to set out Part of the Lord's Sixteenth Share to his Cottages, if required, and it can conveniently be done.

XXVI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required to set out and allot any Part of the said Sixteenth Share of the said Commons and Waste Lands, to be allotted to the said *George Earl of Macclesfield* as Lord of the said Manors (if the said Earl shall require the same, and it can be conveniently done) adjoining or contiguous to such of the said Encroachments, which, according to the Directions of this Act, shall be deemed to be the sole Property of the said *George Earl of Macclesfield* as have any Cottages or Buildings thereon, not exceeding Four Acres to each such Encroachment; and in that Case to make such Allowance to the said *George Earl of Macclesfield*, out of the Monies

Monies to be raised for the Purposes of this Act, as they in their Judgment shall deem an Equivalent for the Difference it would make, by reducing the Fencing of the said Allotment or Allotments, for the said One-sixteenth Share as aforesaid.

XXVII. And be it further enacted, That such of the Ring Fences as the said Commissioners shall direct to belong to the Allotment or Allotments to be made to the Vicar of *Leek* and the Curate of *Meerbrook* by virtue of this Act, for or in Right of their Homestead, Curtilages, and Glebe Lands respectively, shall be walled or ditched and quickset, or otherwise well and sufficiently made, under the Directions of the said Commissioners, in such Time and Manner, and to be paid for out of the Monies to be raised by Sale of Part of the said Commons and Waste Lands to be sold for the Purposes of this Act, as the said Commissioners shall direct; but such Fences when made, shall for ever thereafter be kept in Repair by the said Vicar and Curate and their Successors respectively.

Fencing
the Vicar's
Allotment.

XXVIII. And be it further enacted, That the several other Allotments to be made by virtue of this Act, shall be well and sufficiently inclosed, walled, hedged, ditched, and fenced, at the Expence of the respective Proprietors to whom such Fences shall be allotted or directed to belong, to the Satisfaction of, and within such Time as the said Commissioners shall, by their said Award or any other Writing under their Hands, direct or appoint.

Fencing other
Allotment.

XXIX. And be it further enacted, That the said Commissioners shall and may, from Time to Time as they shall find it convenient, deliver to the several Persons interested in the several Divisions and Allotments to be set out under this Act, Possession of their respective Allotments hereby directed to be made and set out, although the Award of the said Commissioners shall not then be made and executed: Provided always, that it shall be lawful for the said Commissioners, at any Time before the executing their said Award, to make any Alteration in all or any of the Allotments and Fences which they may have set out and ordered, or private Roads laid or to be laid over or to such Allotment or Allotments that they shall think right and expedient; and in case any Person or Persons be injured by any such Alterations on Account of any Expences he, she, or they may have been at, 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, and which is hereby directed to be made accordingly.

Commissioners to deliver
Possession of
the Allotments.

XXX. And be it further enacted, That no Sheep or Lambs shall be depastured or kept in any of the Allotments to be made by virtue of this Act, where Quick Fences shall be planted, during the Space of Seven Years next after the Execution of the said Award, unless the Person or Persons so keeping the same shall first, at his, her, or their own Expence, make and maintain a Fence sufficient to guard the young Quick Fences round such Allotments from being cropped, hurt, or damaged, by such Sheep or Lambs, whether such Quick Fences be planted or set by or belong to the Owner or Occupier, or Owners or Occupiers, of such Allotment or Allotments as aforesaid, or the Owner or Occupier, or Owners and Occupiers, of the Allotment or Allotments adjoining thereto; and the Persons respectively depasturing or keeping, or turning such Sheep or Lambs into any of the said Allotments, not having first well and sufficiently guarded all such Quick Fences as aforesaid,

No Sheep to
be kept in the
Inclosures,
unless, &c.
for first Seven
Years.

said, shall pay for every such Offence any Sum of Money not exceeding the Sum of Five Pounds nor less than Forty Shillings, as shall be adjudged and determined by any of his Majesty's Justices of the Peace for the said County of *Stafford*, not interested therein, the same to be recovered and levied in the same Manner as is herein-before directed respecting the Penalty for the cutting of Turf or getting of Stone as aforesaid, but to be applied to the Use of the Person whose Quicks shall or may be damaged for want of such guarding as aforesaid.

Not to pre-
judice any
Will, Settle-
ment, &c.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will, Settlement, or other Deed, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Estates, Debts, Rents or Incumbrances, out of, upon, or affecting any of the Lands and Hereditaments to be divided, allotted, and inclosed, or which shall be exchanged by virtue of this Act or the said recited Act, or any Part or Parts thereof respectively; but that the respective Persons to whom any Lands or Hereditaments shall be divided, allotted, or given in exchange, by virtue of this Act or the said recited Act, shall be seised thereof to such and the same Uses, and for such and the same Estates, and under and subject to such and the same Settlements, Limitations, Remainders, Jointures, Rents, Charges, and Incumbrances, and under such and the same Restrictions, Covenants, and Agreements, as the several Messuages, Lands, Tenements, or 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 lieu or respect whereof such Division, Allotment, or Exchange shall be made as aforesaid, would have been subject to, charged with, or affected by, in case the said Act had not been made.

For vacating
Leases at
Rack Rent.

XXXII. And be it further enacted, That the said Commissioners may and they are hereby directed and authorized (on Application made to them for that Purpose) to declare void every Lease or Leases, Agreement or Agreements, at Rack Rent now subsisting, or which may affect any of the Lands to be inclosed, exchanged, or divided, within the said Townships, or any of them, by virtue of this Act or the said recited Act, and the same shall accordingly cease at such Time or Times as the said Commissioners shall, by Writing under their Hands, order and appoint; and the said Commissioners are hereby empowered to adjudge and determine what Recompence and Satisfaction shall be made by the respective Owners and Proprietors to the Lessee or Lessees, Tenant or Tenants, respectively, for the avoiding such Lease or Leases, Agreement or Agreements, as the said Commissioners shall deem adequate to the Benefit and Interest which the said Lessee or Lessees, Tenant or Tenants, had or derived under the said Lease or Leases, Agreement or Agreements, before the passing of this Act, or which such Lessee or Lessees, Tenant or Tenants could or might have had or enjoyed had not this Act been made or passed, and also by whom and at what Time such Recompence and Satisfaction shall be made; and in case such Recompence and Satisfaction shall not be made accordingly, then it shall be lawful to and for such Lessee or Lessees, Tenant or Tenants, to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case: Provided always, that if there shall be any such Lease of Lands, Part of which shall lie in the said Townships or any of them, and Part in any adjoining Parish or Township, all and every such

Lease or Leases upon Rack Rent may be vacated; but where any Lands shall have been taken in exchange, which Lands shall be under such Lease or Agreement, and wholly situate in any adjoining Parish or Township, such last-mentioned Lease or Agreement shall not be vacated.

XXXIII. Provided always; and be it further enacted, That if any Person or Persons hath or have sold, or contracted or agreed to sell, or shall, at any Time before the Execution of the Award of the said Commissioners, sell, contract, or agree to sell his, her, or their Right, Interest, or Property, in, over, or upon the said Commons and Waste Lands, or any Part thereof, to any other Person or Persons, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby directed, authorized, and required, to make an Allotment of Land to the Purchaser or Purchasers in such Sale, Contract, or Agreement, or to his, her, or their Heirs or Assigns, for or in respect of such Right, Interest, or Property so sold, contracted, or agreed to be sold, as aforesaid; and every such Purchaser or Purchasers, his, her, or their Heirs or Assigns, shall and may, 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, Contract, or Agreement, might, could, or ought to have held and enjoyed the same, in case such Sale, Contract, or Agreement had not been made, or such Right, Interest, or Property had been vested in such Vendee at the Time of making such Allotment as aforesaid.

In case any Person shall sell his Common Right, the Allotment to be made to the Purchaser.

XXXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in all Cases where in their Judgement it shall appear to be requisite or proper, or for the more convenient Occupation of the Lands and Tenements within the said Manors and Townships, to divert and turn any old or accustomed Road or Way, or Path, passing or leading through or over any Part of the old Inclosure within the said Manors and Townships, or to stop up or discontinue such Roads, Ways, and Passages, as to the said Commissioners shall seem meet and proper: Provided always, that no such Road, Way, or Path, shall be diverted, turned, stopped up, or discontinued, without such Concurrence and Order, and subject to such Appeal as is mentioned or referred to in and by the said recited Act.

Commissioners to divert Roads.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall adjudge it right or expedient, and in case they shall be requested so to do by any Tenant for Life or in Tail, or other Person being in Possession of, but not having the absolute Estate or Interest in any Messuages, Lands, Tenements, Tythes, or Hereditaments, within the said Manors and Townships (such Request being in Writing under the Hand or Hands of such Person or Persons) to sell and dispose of so much of the respective Allotment or Allotments to be made to such Person or Persons, in respect of such Messuages, Lands, Tenements, Tythes, or Hereditaments, as shall, in the Judgement of the said Commissioners, be equal in Value to the respective Proportions of any Part of the Expence of the obtaining and putting into Execution this and the said recited Act, which such Person or Persons may be charged with, and the Expence of fencing, ditching, and inclosing the Allotment or Allotments of such Person or Persons; and the said Commissioners shall assign, allot, and award the said Lands so to be sold, to such Person or

Commissioners may deduct from Allotments to Tenants for Life, &c. for Expences.

Persons

Persons as they shall think proper, upon Payment of the Value thereof by such Person or Persons to the said Commissioners, who shall apply the same in or to the Payment of such Expences, and in fencing, ditching, and inclosing, the said Allotment or Allotments respectively.

Exchanges
may be made.

XXXVI. 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 said Parish of *Leek*, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever, within the said Parish, or within any adjoining Parish, Hamlet, Township, or Place, provided that all such Exchanges be ascertained, specified, and declared in the said Award, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors, of the Lands, Tenements, or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politick, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunaticks, 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 testified in Writing under the Common Seal of the Body Politick, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no 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 be and be situate,

Expences of
Exchanges
and Parti-
tions to be
borne by the
Persons mak-
ing them.

XXXVII. Provided always, and be it further enacted, That the Costs, Charges, and Expences attending the making of any Exchange or Exchanges, Partition or Partitions, Sale or Sales, to be made by virtue of this or the said recited Act, shall be borne, paid, and defrayed by the several Persons making such Exchanges, Partitions, or Purchases (save and except the Sales hereby directed for raising Money for defraying the Expences of this and the said recited Act, and for carrying the same into Execution) in such Shares and Proportions as the said Commissioners shall, in and by their said Award, order and direct: Provided always, that the said Proprietors, their Attornies and Agents, shall pay their own Expences, when they or any of them shall attend the said Commissioners at any Meeting to be holden in pursuance of this Act.

For allowing
Interest on
Money ad-
vanced.

XXXVIII. And be it further enacted, That in case any Person or Persons shall advance any Sum or Sums of Money for the Purpose of defraying the Expences of obtaining and passing this Act, and of carrying the same into Execution, every such Person shall be repaid the same, together with lawful Interest from the Time of advancing thereof, out of the first Monies that shall be raised for defraying such Expences under and by

virtue of this Act, which Sum or Sums of Money so to be advanced as aforesaid, and the Interest thereof, shall be a Charge upon the said Commons and Waste Lands hereby intended to be divided and inclosed, until the same shall be raised and repaid.

XXXIX. And whereas the said *George Earl of Macclesfield* and his Ancestors, as Lord of the said *Manors*, have immemorially enjoyed the sole Right and Property of, in, and to certain Springs of Water, arising in that Part of the said Commons and Waste Lands called *Leek Moor*, and of searching and sinking for Springs and Waters within that Part of the same Waste Lands; and the Ancestors of the said Earl have at a very considerable Expence, made Two Reservoirs, called *The Upper Reservoir*, and *The Lower Reservoir*, and other Waterworks within and under the same Commons, and have inclosed a small Piece of Land adjoining the Lower Reservoir, for the Purpose of guarding the Dam thereof, and have conducted and conveyed the said Springs and Waters from the Heads thereof, by Means of Soughs or Pipes into the said Reservoir, and from the said Lower Reservoir, through Pipes laid under the Highway leading to or under the Streets of the Town of *Leek* aforesaid, and Places adjacent thereto, for supplying the Inhabitants thereof with Water; be it therefore enacted, That the said Reservoirs and Works so made as aforesaid, and Six Yards of Land in Breadth against such Parts of the said Upper Reservoir as abuts to the said Common, measuring from the Outside of the Fence thereof, for the Purposes of Repairs or otherwise, together with a sufficient Carriage Road from the same Reservoir to the Turnpike Road leading from *Leek* aforesaid to *Buxton*, to be set out by the said Commissioners, and the Lands already inclosed for guarding the Dam of the said Lower Reservoir, and all Springs and Waters running, falling, or flowing into such Reservoirs, or which can or may be conveniently conducted and conveyed thereunto (save and except the Spring which flows down to and by *Towlchurch*, and also save and except another Spring rising into a Well made on the southwardly Side of the Turnpike Road leading from *Leek* to *Ashborne*, nearly opposite to a Cottage in the Possession of *Edward Tatton*, and which runs into the Lands of the said *Thomas Fenton Grosvenor*, called *The Moor House Estate*, and likewise certain Springs flowing from near *Edge End Barn* to *Hare Gate*, the Residence of *Mary Cholley*); and the Right, Liberty, and Privilege of coming upon the Lands so inclosed as aforesaid, called *The Organ Ground*, to open, cleanse, repair, amend, or alter the present Soughs, Works, and Gutters, or to make any other Soughs, Works, or Gutters, shall be and the same are hereby expressly reserved to the said *George Earl of Macclesfield* and his Heirs and Assigns, in such and the like Manner as the said Earl and his Ancestors have used, exercised, and enjoyed the same, and as if this Act had not been passed.

Lord of the
Moor or en-
titled to
Springs etc.

Certain
Springs, etc.
reserved to the
Lord.

XL. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, obstruct, lessen, or defeat the Right, Power, Liberty, and Privilege, which the Ancestors of the said *George Earl of Macclesfield* have enjoyed, and which the said Earl doth now enjoy, and is entitled to by Prescription of supplying the Inhabitants of the Town of *Leek* aforesaid with Water, or at any Time after the said intended Division and Inclosure, of entering into and upon any Allotment or Allotments which shall be made in pursuance of this Act or the said recited Act, upon any Part of the said

Not to pre-
judice the
Lord's in-
herent Rights
thereto.

Commons and Waste Lands called *Leek Moor*, for the Purpose of sinking or searching for any Springs or Waters, or of making Soughs, laying Pipes, and doing any Kind of Work in such Allotment or Allotments, or in the Road leading to or under the Streets in the Town of *Leek* aforesaid, or Places adjacent, which may be necessary for conducting and conveying any Springs or Waters into or from the said Reservoirs, for the Supply of the Inhabitants of *Leek* aforesaid with Water, or to empower any Person or Persons to make any Reservoir or Pools of Water, or lay any Pipe or Pipes within any Allotment or Allotments to be set out upon or from any of the said Commons and Waste Lands intended to be divided and inclosed by virtue of this Act or the said recited Act, for the Purpose of supplying the Town of *Leek* with Water, or to do any Act to injure, affect, or lessen the Force of the said Springs or Waters, but that such Rights, Liberties, and Privileges herein-before mentioned, shall be and remain to the said *George Earl of Macclesfield* and his Heirs, and shall be held and enjoyed by him, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he the said Earl might or could have enjoyed the same before the making or passing of this Act, the said *George Earl of Macclesfield* and his Heirs, making Compensation and Satisfaction to the Owners or Occupiers for the Time being of the said Lands so to be inclosed as aforesaid, which shall be broke up or damaged by exercising the Liberties and Privileges last above mentioned.

Not to alter
the Course of
the superfluous
Waters.

XLI. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to change, alter, or divert the Course of the Waste or superfluous Water flowing from the said Reservoirs now or hereafter to be made, so as to defeat or prejudice the Right hitherto immemorially enjoyed of irrigating certain Lands on the South-West Side of the Town of *Leek*.

Springs of
Water to be
carried
through
Allotments.

XLII. Provided also, and be it further enacted, That, for the better enabling the said Commissioners to supply the Allotments to be made by virtue of this Act with Water, where the same shall in their Judgement be wanting or necessary, the said Commissioners shall and they are hereby empowered to direct, order, and award, all or any of the Springs or Waters in the said Commons and Waste Lands (other than the several Springs and Waters hereby reserved and excepted) to be carried and conveyed, or diverted, in such Manner, and in such Courses and Directions, and through such Allotments, as they shall in their Discretion think proper; provided, that such Springs of Water be not diverted or turned without the Consent of the Owner or Owners of the Lands from which such Springs shall be diverted, and into whole Lands the same shall be turned.

Mines reserved to the
Lord of the
Manor, with
Power to
work them.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to defeat, lessen, or prejudice the Right, Title, or Interest of the said *George Earl of Macclesfield*, as Lord of the said Manors of *Leek* and *Frith*, his Heirs or Assigns, to the Mines, Beds, Veins, and Seams of Coal, Cannel, Slack, Ironstone, or other Mines and Minerals, in or under the said Commons or Waste Lands hereby intended to be inclosed (save and except Stone, Slate, Gravel, Clay, and Sand) or to any Seigniories or Royalties incident or belonging to the said Manors, the same being hereby reserved to him the said Earl, his Heirs and Assigns, as Lord of the said Manors, with full and free Liberty, Power, and Authority, for him and them, from
Time

Time to Time and at all Times hereafter, to have, hold, win, work, and enjoy all Mines, Beds, Veins, and Seams of Coal, Cannel, Slack, Ironstone, and other Mines and Minerals, of what Nature or Kind soever (save and except as aforesaid) within and under the said Commons and Waste Lands hereby intended to be inclosed, together with all convenient and necessary Roads, Ways, and Passages, and Liberty of laying, making, and repairing Waggon Ways and other Ways, in, over, and along the same, or any of them, or any Part thereof, and of searching for, winning, and working the said Mines and Minerals, and leading and carrying away the Coal, Cannel, Slack, Ironstone, or other Produce thereof, and sinking, digging, and making Pits, Shafts, Pit Rooms, Heap Rooms, Stand Yards, Air Pits, Drifts, Levels, Ways and Watercourses, and of erecting and using Fire Engines or other Engines, and of altering, changing, pulling down, and carrying away the same, or any of the Materials thereof, and to have and use any Stone got in the sinking Pits or Shafts, or working or getting the said Minerals so reserved as aforesaid, for the Uses and Purposes of the said Works, and not for Sale, at his and their own free Will and Pleasure, and to do, employ, use, and exercise all such other Machines, Acts, and Things, either now in use or hereafter to be invented, as may be necessary and convenient for the full and complete Enjoyment thereof, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he or they could or might have done in case this Act had not been made, he and they making and allowing to the several Owners or Occupiers of such Allotments respectively, a reasonable and adequate Recompence and Satisfaction for all such Damages as shall from Time to Time be done thereto, or to any Erections or Buildings that may at any Time of working or getting the said Mines and Minerals, or exercising the Privileges aforesaid, be erected or built thereupon, by or in the Use or Exercise of any such Right, Title, Interest, Liberty, Power, or Authority, in Proportion to the Loss thereby sustained, according to their Rights and Interests therein.

XLIV. Provided always, and be it further enacted, That it shall be lawful for the several Owners or Occupiers of such Allotments respectively, or their Servants or Workmen, at any Time or Times during the working of the said Mines or any of them, by the Ropes, Hooks, or other Engines used in any Pit or Pits that may be sunk in any of the said Lands to be divided, allotted, and inclosed, to ride and go down any such Pit or Pits, Shaft or Shafts, not exceeding one in any one Day, into the said Mines to view and see the Works within and under the same, and by the said Ways or Means to ascend and be drawn up the said Pit or Pits by the Workmen or Servants of the Person or Persons working or getting the said Coals, if required, or by any other Person or Persons brought by any such Owners or Occupiers.

XLV. And be it further enacted, That once at least in each and every Year during the Execution of this Act (the first Year to be computed from the Day of the passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace acting in and for the said County of *Stafford*, and

Commissioners to lay their Accounts before Two Justices once every Year.

not interested in the Premises, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and the 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 Justices.

Award to be deposited.

XLVI. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act, shall be deposited and kept within the Parish Church of *Leek* aforesaid, to the end that Recourse may be had thereto by any Person or Persons interested in the said Inclosure.

Appeal to the Quarter Sessions.

XLVII. And be it further enacted, That if any Person or Persons shall think him, her, or themselves, aggrieved by any Thing done in pursuance of this Act or the said recited Act, then and in such Case (except as to such Claims, Matters, and Things as are herein-before directed or authorized to be tried, settled or determined by the Verdict of a Jury, or where any of the Clauses or Provisions of the said recited Act or of this Act shall express that the same shall be final) he, she, or they may appeal to any General Quarter Sessions of the Peace which be held for the said County of *Stafford*, within Six Calendar Months next after the Cause of Complaint shall have arisen, giving Ten Days Notice of such Appeal to the said Commissioners; and the Justices at the said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and make such Orders therein, and award such Costs, as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs 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 Surplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and which Determination of the said Justices shall be final and conclusive upon all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

General Saving.

XLVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title and Interest (other than such as are meant and intended to be compensated for, barred, or destroyed by this Act, of, in, to, or in respect of the Commons and Waste Lands and Hereditaments to be divided, allotted, inclosed, or exchanged by virtue of this or the said recited Act) as he, she, they, or any of them might or could have had or enjoyed in case this Act had not been made.

Act may be given in Evidence.

XLIX. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence by all Judges, Justices, and others.