



ANNO QUINQUAGESIMO PRIMO

# GEORGI II. REGIS.

Cap. 117.

An Act for inclosing Lands in the Parishes of *Newmarket*  
and *Cw̄m*, in the County of *Flint*.

[21st May 1811.]

WHEREAS there are within the Parish of *Newmarket*, in the County of *Flint*, divers Commons and Waste Lands, containing Eighty Acres or thereabouts; and in the Parish of *Cw̄m* in the said County, there are also divers Commons and Waste Lands: And whereas the King's Most Excellent Majesty, in Right of his Crown, is entitled to the Seigniorship of the said Commons and Waste Lands, subject to such Rights and Interests of or in all Mines of Lead Ore and other Minerals, and to such other Rights or Interests therein as belong to the Right Honourable *Robert Earl Grosvenor*: And whereas *Sir Thomas Mostyn* Baronet, *Sir Edward Pryce Lloyd* Baronet, *Sir John Williams* Baronet, the Reverend *William Davies Shipley* Clerk, Dean of *Saint Asaph*, *Barbara Young* Spinster, and several other Persons, are Owners and Proprietors of Messuages, Lands or Tenements, in the said Parish of *Cw̄m*: And the said *Sir Thomas Mostyn*, *Sir Edward Pryce Lloyd*, *James Ewer* Esquire, and divers other Persons, are Owners and Proprietors of Messuages, Lands or Tenements, in the said Parish of *Newmarket*: And whereas the Right Reverend Father in God *William* Lord Bishop of *Saint Asaph*, in Right of his See, is entitled to the Tythes arising within the said Parish of *Newmarket*, and also to a Portion of Glebe Land in the same Parish; and in Right of his See is also Patron of the Rectories of *Newmarket* and *Cw̄m*, and of the Vicarage of *Cw̄m*: And whereas the Honourable and Reverend *Daniel Finch* Clerk, is Rector of the said Parish of *Cw̄m*, and

[Loc. & Per.]

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the

Utility of Inclosure.

General Inclosure Act.

Appointment of Commissioner;

And Surveyors.

For appointing a new Commissioner in case of Death.

the Reverend *Peter Whitley* Clerk, is Vicar thereof, and as such are entitled to all the Tythes arising within the said Parish of *Crem*, and are also respectively entitled to certain Portions of Glebe Land in the same last-mentioned Parish: And whereas the said Commons and Waste Lands are, in their present State, of little Value; but if the same were divided and inclosed, and specific Parts allotted to the several Persons entitled thereto or interested therein, it would be very advantageous not only to such Persons, but such Inclosure would otherwise be of great public Utility: But the same cannot be effected and carried into Execution without the Authority of Parliament: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, 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*; 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 and with the Authority of the same, That all the said Commons and Waste Lands shall be divided and allotted by *John Calveley*, of *Stapleford*, in the County of *Chester*, Gentleman, who is hereby appointed a Commissioner for setting out, dividing and allotting the same, and for putting this Act into Execution; subject nevertheless to such Orders, Regulations and Restrictions as are hereinafter contained, and with such of the Powers and subject to such of the Rules, Directions, Regulations, and Provisions as are contained in the said recited Act, as are not hereby varied or altered.

II. And be it further enacted, That all such Surveys, Admeasurements and Plans, as shall in the Opinion of the said *John Calveley* be requisite and necessary to be made and taken for the Purposes of dividing and allotting the said Commons and Waste Lands hereby directed to be divided and allotted respectively, shall be made and taken by *John Matthews*, of *Pen y bont*, in the Parish of *Mold*, in the said County of *Flint*, Land Surveyor; and *Edward Jones*, of *Plas-Ucha*, in the Parish of *Whitford*, in the said County of *Flint*, Land Surveyor; or, in case both or either of them shall refuse or neglect to act, or shall die or become incapable of acting, by such other Persons or Person as the said Commissioner or his Successor shall from Time to Time nominate and appoint.

III. And be it further enacted, That if the said *John Calveley*, or his Successor or Successors to be appointed as hereinafter mentioned, shall die or become incapable of acting, or shall refuse to act as Commissioner in the Execution of this Act, or shall for the Space of One Calendar Month wilfully neglect to act as Commissioner, before all the Powers vested in him by this and the said recited Act are completely executed, then and from Time to Time as often as Occasion may require, it shall and may be lawful for the Majority in Value of the said Proprietors for the Time being, such Value to be ascertained by the Land Tax Assessment, by themselves or their known or reputed Agents or Attornies, who shall be present at a public Meeting to be held for that Purpose in pursuance of Notice in Writing signed by Two or more of the said Proprietors, to be affixed upon the principal outer Doors of the Parish Churches of *Newmarket* and *Crem* aforesaid, and inserted in the *Chester* Newspapers, or  
some



some or One of them, at least Fourteen Days before such Meeting, by Writing under their respective Hands or the Hands of such Agents or Attornies, to appoint a new Commissioner, not interested in the said Inclosure, in the Room of the said *John Calveley*; and every such new Commissioner so to be appointed, shall have the like Power and Authority, and shall be subject to the same Power of Removal and Restrictions, as the Person in whose Place he shall be appointed was invested with and subject to by virtue of this Act.

IV. And be it further enacted, That the said Commissioner shall, and he is hereby required to cause Notice to be given to the Commissioners of His Majesty's Woods, Forests and Land Revenues, or to the Surveyor General of His Majesty's Land Revenue for the Time being, and a like Notice to be affixed, upon some *Sunday* during or immediately after Divine Service, on the principal outer Doors of the Parish Churches of *Newmarket* and *Cām* aforesaid, and also by Advertisement to be inserted in the *Chester* Newspapers, or some or One of them, of the Time and Place of holding his First and every other Sitting for the Execution of this and the said recited Act, at least Fourteen Days before any such Sitting shall be held (Sittings by Adjournment only excepted), and every such Notice shall express the Purpose for which such Sitting is to be held; and that the said Commissioner may and he is hereby authorized to adjourn any such Sitting from Time to Time as he shall see Occasion, and every Adjournment shall be made known to Four Proprietors at least, before the Business of such Adjournment shall be proceeded in; and every Sitting of the said Commissioner for putting this Act and the said recited Act into Execution, whether by Adjournment or otherwise, shall be holden at *Newmarket* or *Cām*, or within Eight Miles thereof.

Commissioner to give Notice of Meetings.

V. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioner, in pursuance of this or the said recited Act, shall be made and given by Advertisement to be inserted in the *Chester* Newspapers, or some or One of them; and the said Commissioners of His Majesty's Woods, Forests and Land Revenues, or the Surveyor General, shall have at least Fourteen Days' Notice of all Sittings and Adjournments, when any Proceeding is to be carried on wherein His Majesty, His Heirs and Successors, shall be interested.

Other Notices how to be given.

VI. Provided always, and be it further enacted, That if the said Commissioner, upon the Production of any Map or Survey of any of the ancient inclosed Lands within the said Parishes, shall be dissatisfied therewith, it shall and may be lawful for the said Commissioner, or such Person or Persons as he may think proper to appoint, at the Expence of any Proprietor or Proprietors so producing any such Map or Survey, to examine, survey, admeasure and plan such Part or Parts of any such ancient inclosed Lands, for the better Satisfaction of the said Commissioner; and also that if the said Proprietors, or any of them, shall neglect or omit to deliver to the Commissioner, when called upon for that Purpose, a Map, Survey and Admeasurement of the ancient inclosed Lands, in respect of which they respectively claim or are entitled to a Right of Common upon the Commons and Waste Lands hereby intended to be inclosed, it shall and may be lawful for the said Commissioner, or the Person or Persons to be appointed by him, at any Time or

Power to Commissioner to survey any ancient inclosed Lands.

Times



Times whatsoever, to make a proper Survey, Admeasurement and Plan of all and every or any such ancient inclosed Lands, and that the Costs and Charges attending the same shall be paid, borne and discharged by such Proprietor or Proprietors respectively, in such Manner as the said Commissioner shall direct or appoint.

Commis-  
sioner to  
settle Dis-  
putes, &c.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division and Inclosure intended to be made in pursuance of this Act, or touching or concerning their Rights or Claims, Estates or Interests in or upon the said Commons and Waste Lands, or any of them, or to or in any Mines of Stone or other Minerals, in, upon or under the same, or touching or concerning any Share or Shares, Proportion or Proportions, which they or any of them ought to have or shall claim to have, in lieu of their Rights of Common, or other Rights or Interests upon or arising from the said Commons and Waste Lands, or any of them, on the said intended Division and Inclosure, it shall and may be lawful for the said Commissioner, and he is hereby authorized and required to examine into, hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine any Difference or Dispute which may arise touching or concerning the Title of any Person or Persons to any Messuages, Lands or Hereditaments whatsoever.

Not Titles.

Nor Right of  
Possession.

VIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties, contrary to the Possession of any such Parties (except in cases of Encroachments, as hereinafter mentioned); but in case the said Commissioner shall be of opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon, until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Power to  
assess Costs.

IX. And be it further enacted, That in case the said Commissioner shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of the said recited Act or of this Act, see Cause to award any Costs, it shall and may be lawful for the said Commissioner, and he is hereby empowered, on Application made to him for that Purpose, to settle, assess and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner 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 such Case it shall and may be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) on 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.

X. Provided



X. Provided always nevertheless, and be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, making any Claim or Claims to the Soil of the said Commons and Waste Lands, or to any Rights of Common or other Rights or Interests in, over or upon the same or any Part thereof, or to any Mines of Stone, or other Mines or Minerals in, upon or under the same, or to any Compensation to be made by the said Commissioner for Limestone and Building-stone herein after mentioned, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioner, and shall be desirous of having such Claim or Claims, Rights, or Interests respectively, tried at Law, and shall by himself, herself or themselves respectively, or his, her or their Agent or Agents, Attorney or Attornies respectively, give Notice in Writing to the said Commissioner within Fourteen Days next after such Determination shall have been so made (of which Notice the said Commissioner is hereby required to give immediate Information, by Writing under his Hand, to the adverse Party or Parties, or his, her or their Agent or Agents, Attorney or Attornies respectively, to be delivered to or left at the usual Place of Abode of such Party or Parties, or his, her or their Agent or Agents, Attorney or Attornies respectively, and to make an Entry of such Notice in the Book of Proceedings by him openly kept under the Authority of this Act) then it shall be lawful for the Party or Parties so dissatisfied as aforesaid, to proceed to a Trial at Law of the Matter or Matters in Question, at the then next or second Assizes to be holden for the County of *Salop*, or for the County of *Chester*; and for that Purpose the Person or Persons who shall be dissatisfied with such Determination, shall within Three Calendar Months from the Time of such Notice being given as aforesaid, cause an Action to be brought upon a feigned Issue or Issues in one of His Majesty's Courts of Record at *Westminster*, against the Party or Parties in whose Favour such Determination as aforesaid shall have been made; and the Defendant or Defendants in such Action or Actions, shall forthwith name an Attorney or Attornies, who shall appear thereto, and accept One or more Issue or Issues, whereby such Claim or Claims, Right or Rights, Interest or Interests may be tried and determined, such Issue or Issues to be settled by the proper Officer or Officers of the Court wherein such Action or Actions shall be commenced, if the Parties differ about the same; and the Verdict or Verdicts which shall be given in the said Action or Actions, shall be final and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politic, Corporate or Collegiate; and the Costs of such Action or Actions shall follow such Verdict, and be taxed and recovered in such Manner, as Costs in other Actions in the same Court; and after any Verdict or Verdicts shall have been so obtained, and not set aside by the Court, the said Commissioner shall and he is hereby authorized and 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 it shall be lawful for the Court in which any Action commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action, or to award a new Trial therein, although the Time hereinbefore limited for the Trial of such Action may be thereby exceeded; but all such Determinations of the said Commissioner as shall not be objected to, or being objected to, if the dissatisfied Party or Parties respectively shall not give such Notice within such Time as aforesaid, or giving such Notice shall not cause such Action

Allowing  
Parties to try  
their Rights  
at Law.



or Actions to be brought and proceeded in conformably to the Directions of this Act, shall be binding, final and conclusive upon all Parties interessed.

Death of Parties not abate any Action.

XI. And be it further enacted, That if any Person or Persons, by or for whom any Claim or Claims, or Right of Common, shall be made, shall happen to die before the said intended Division and Inclosure shall be made and perfected and before the said Commissioner shall have made his Award touching the same, then and in such Case the Powers and Authorities hereby given to the said Commissioner shall not be anywise determined, suspended or affected by such Death or Deaths, but that the said Commissioner shall and may proceed in and execute the said Powers and Authorities, and every of them, in such and the like Manner as he could or might have done if such Person or Persons had not died; and if any of the Parties, in every 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.

Provision in Cases of Deaths of Parties before Action brought.

XII. Provided always, and be it further enacted, That if any Person or Persons, in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioner with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Power for the Crown to appoint Assistant Commissioner.

XIII. And be it further enacted, That the said Commissioners of His Majesty's Woods, Forests and Land Revenues, or the said Surveyor General of His Majesty's Land Revenue for the Time being, may from Time to Time, by Writing under their or his Hands or Hand, nominate and appoint an Assistant Commissioner to carry this Act into Execution, as far as relates to His Majesty's Rights and Interests to and in the said Commons and Waste Lands; and such Assistant Commissioner, before he proceeds to the Execution hereof, shall take the same Oath as the Commissioner hereby appointed or hereafter to be appointed, is required to take; and such Assistant Commissioner shall be paid at the Rate of Two Pounds and Two Shillings for every Day that he shall be actually employed in the Execution of the Duty hereby in him reposed, including the Days of travelling to and from his Place of Abode, in full Satisfaction for his Trouble and Expences, and shall bear and pay his own Expences during the Time he shall be so employed.

XIV. And

XIV. And for the more just and regular Division, Allotment and Distribution of the said Commons and Waste Lands, by this Act directed to be divided, allotted and inclosed; be it further enacted, That the said Commissioner shall and he is hereby required, as soon as conveniently may be after the passing of this Act, to value all the Lands and Grounds by this Act directed to be divided, allotted and inclosed, and also all the ancient inclosed Lands and Grounds having Right of Common over the same; which Valuation, and the Particulars thereof, shall be reduced into Writing, and signed by the said Commissioner, and shall be lodged with such Person resident in *Newmarket* or *Crém*, as the said Commissioner shall appoint, for the Inspection of the several Proprietors or their Agents; and any Person or Persons interested shall be entitled to a Copy of such Valuation, on Demand, paying for such Copy a reasonable Price to be ascertained by the said Commissioner; and the said Commissioner shall give or cause to be given Fourteen Days Notice, to be affixed upon the principal outer Doors of the Parish Churches of *Newmarket* and *Crém* aforesaid, upon some *Sunday* immediately before Divine Service, of the Time and Place by him appointed for receiving and hearing any Objections that may be made to such Valuation or Quality, and the said Commissioner shall hear and determine all such Objections.

Quality of  
the Land to  
be published.

XV. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby required to enquire and determine what Encroachments have been made upon and from the said Commons and Waste Lands, by any Person or Persons whomsoever; and that all Encroachments taken in, or made upon, from or out of any Part of the said Commons and Waste Lands, within Twenty Years next before the passing of this Act, shall be deemed Part and Parcel of the said Commons and Waste Lands; and in case any Dispute shall happen or arise, touching what Part or Parts of the same Commons and Waste Lands shall and may be deemed Encroachments, such Disputes shall be enquired into, heard and determined by the said Commissioner.

Commissioner  
to enquire  
and deter-  
mine respect-  
ing En-  
croachments.

XVI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioner to alter or change the Course of any ancient Watercourse or Land Drain for the Purposes aforesaid, or for any other Purpose or Purposes whatsoever, without the Consent in Writing of the Proprietor or Proprietors of such Lands and Hereditaments into whose Land such Water shall be conveyed, or who shall or may be deprived of or prejudiced in the Use or Benefit to be derived from the Water or Drainage which otherwise might have passed through his, her or their Lands, if the Direction of such Watercourse or Land Drain had not been changed or altered, but that the same shall be and remain as the same hath heretofore usually been.

Not to alter  
Water-  
courses, &c.

XVII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, to set out, allot and award unto the respective Surveyor or Surveyors for the Time being of the Highways, in each of the said Parishes of *Newmarket* and *Crém*, such Plots of the said Commons and Waste Lands in each of the said Parishes, not exceeding in the whole Ten Statute Acres in each Parish, in such Places within each Parish as he shall judge most expedient, with convenient Roads to and from the same, to be used and enjoyed for ever hereafter by the Proprietors.

Allotments  
for getting  
Materials,  
&c.



prietors for the Time being of Lands and Hereditaments within such of the said Parishes of *Newmarket* and *Cwm*, and their Tenants respectively, for the Purpose of getting Limestone, Building-stone, Gravel and Sand, for the Use, Benefit or Improvement of such of the said Lands or Hereditaments, and of such of the Allotments to be set out under the Authority of this Act, and for the Repairs of such Highways, Private Roads and Paths, as are respectively situate within the Parish where such Limestone, Building-stone, Gravel and Sand shall be obtained, and shall be respectively vested in the respective Surveyor or Surveyors of the Highways of each of the said Parishes for the Time being, for ever, in Trust for the Purposes aforesaid; and the getting and raising such Stone, Gravel and Sand, and the Grass and Herbage of the said Plots respectively, shall be and are hereby declared to be subject to such Regulations and Restrictions as the said Commissioner shall by his General Award make, order, direct or appoint, or as, consistently with such Regulations, Orders and Restrictions, shall from Time to Time be made by order of the Vestry of the Parish, for whose Use such Plot or Plots shall be respectively set out as aforesaid, for that Purpose first legally convened; and such Plots and Roads respectively shall be properly fenced off, and the Expence of such Fences shall be raised and paid in the same Manner as the Expences of passing and carrying this Act into Execution: Provided always, that such Stone, Gravel and Sand, or any of them, shall not directly or indirectly be sold or disposed of to any Person or Persons whomsoever, or conveyed out of the Parish where the same lie, under any Pretence whatsoever: Provided always, that the said Commissioner shall, prior to setting out such Plots as aforesaid, ascertain and pay, out of the first Monies to be raised by virtue of this Act, to the said *Earl Grosvenor*, his Heirs and Assigns, in case he shall be entitled thereto, such Sum of Money as the said Commissioner shall determine to be a sufficient Compensation for the same; and the said Commissioner may, where Occasion shall require, set out and appoint Springs and Pools and other Watering Places for Cattle and Beasts within the said Parishes of *Newmarket* and *Cwm*, and each of them, upon the said Commons and Waste Lands aforesaid, for the common Use and Benefit of all Owners and Occupiers of Messuages, Tenements, Lands and Hereditaments, within the said Parishes of *Newmarket* and *Cwm*, respectively.

Allotments  
to His Ma-  
jesty.

XVIII. And be it further enacted, That the said Commissioner shall (after the Boundaries directed to be set out by the said recited Act shall have been ascertained and fully determined, and after setting out the Roads and Ways, which by the said recited Act he is authorized to set out, and the several Allotments for getting Materials, and for Watering Places, as hereinbefore mentioned, and before any other Allotment shall be set out), assign, set out and allot, unto and for the Use of the King's most Excellent Majesty, his Heirs and Successors, with the Concurrence and Approbation in Writing of the said Assistant Commissioner, and not otherwise, so much and such Part or Parts of all the said Commons and Waste Lands hereby directed to be inclosed, as shall be equal to one full Twentieth Part or Share in Value thereof respectively, for and in lieu, Satisfaction and Extinction of the Rights and Interests of His Majesty, his Heirs and Successors, in, over and upon the Soil of the said Commons and Waste Lands so directed to be divided and inclosed as aforesaid, and for his Consent to the Division and Inclosure thereof.



XIX. And be it further enacted, That after setting out of the Roads and Ways, and other the Allotments before directed to be made, it shall and may be lawful for the said Commissioner, and he is hereby authorized, empowered and required, as soon as conveniently may be, to appropriate, mark and set out, by proper Stakes or Landmarks, so much and such Part or Parts of the said Commons and Waste Lands as to him shall seem competent, necessary and sufficient, to be sold as hereinafter mentioned; which Part or Parts of the said Commons and Waste Lands so to be appropriated, marked and set out to be sold, shall be inclosed at the Expence of the Purchaser or Purchasers thereof, by a Boundary Fence or Ditch to be made round the Outside thereof, according to the Order and Direction of the said Commissioner, and shall be disposed of in such Way and Manner as hereinafter is directed, (that is to say) the said Commissioner shall and he is hereby authorized and required, as soon as may be after the same shall be appropriated, marked and set out as aforesaid, and at such convenient Times and Places as to him shall seem meet, to cause all such Part or Parts of the said Commons and Waste Lands as shall be so appropriated, marked and set out as aforesaid, to be put up to public Sale or Auction, in such Lots or Parcels as to him shall seem fit and expedient, and the same shall be accordingly sold and disposed of in such Way and Manner, and under and subject to such Directions as are contained in the said recited Act, and upon Payment to the said Commissioner of the Purchase Money for which the same shall be sold, the said Commissioner shall, in and by his General Award, allot and appoint the Part or Parts of the said Commons and Waste Lands, which shall be so sold as aforesaid, unto the respective Purchasers thereof, or to such Person or Persons as he, she or they shall respectively direct; and all and every such Part and Parts of the said Commons and Waste Lands as shall be so sold, allotted and appointed as aforesaid, shall, from and immediately after the Execution of the said General Award of the said Commissioner, become and the same is and are hereby declared to be vested in the Person or Persons to whom the same shall be so allotted and appointed, and his, her and their Heirs and Assigns for ever.

Commissioner to set out Part of the Commons, to pay Expences.

XX. And be it further enacted, That the said Commissioner shall in the next place assign, set out and allot in Severalty, the Residue of the said Commons and Waste Lands hereby directed to be inclosed, unto and amongst the several Persons, Owners and Proprietors of Lands and Hereditaments within the said Parishes of *Newmarket* and *Cwm*, (save and except such Person or Persons who may claim any Allotment or Allotments in right or by virtue of any Inclosures or Encroachments which have been taken from and made upon the said Commons and Waste Lands at any Time within Sixty Years last past, before the passing of this Act) rateably and in due Proportion to the true and real Value of their respective Messuages, Tenements, Lands and Hereditaments, in respect whereof they are severally entitled to such Right of Common as aforesaid, such Value to be ascertained and fixed by the said Commissioner, who shall not upon any Account, or under any Pretence, give any undue Preference to any of the Parties interested in the said Division, in their or any of their Allotments or Shares of the said Commons and Waste Lands aforesaid; but the said Commissioner, in making the Division and Allotment thereof, shall have due Regard to the Situation and Convenience of the Land to be allotted, and shall and he is hereby required, where the same can be

Allotments of the Residue to the several Proprietors, except Persons who may claim Allotments by virtue of Encroachment made within 60 Years last past.

Commissioner to have Regard to Convenience and Situation,

[*Loc. & Per.*]

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done,



tion, and to set out Allotments contiguous to every principal Farm, &c.

Commissioner to determine to what Townships the Parts of the Common, which shall be sold, shall belong.

done, to set out and allot the Share or Shares of every Person so claiming and having Rights and Interests as aforesaid, in One or more Parcel or Parcels, and contiguous to every such Person's principal Farm and Estate respectively.

XXI. Provided always, and be it further enacted, That the said Commissioner shall determine and adjudge to what Townships or Divisions respectively, within the said Parishes, such Part or Parts of the said Commons and Waste Lands as shall be so sold, shall belong (having a due Regard to the Proportion and Value of the several Messuages, Lands, Tenements and Hereditaments in each Township, Division or Place respectively, having a Right of Common upon the said Commons and Waste Lands), and such Determination and Adjudication shall be final and conclusive to all Intents and Purposes, and such Part or Parts as shall be so sold shall be accordingly allotted and awarded to be in such Townships or Divisions respectively; and that from and immediately after the Execution of the General Award of the said Commissioner, all and every the said Part or Parts of the said Commons and Waste Lands which shall be so sold as aforesaid, shall be and the same are hereby declared to be and lie within, and shall be deemed and taken as Part and Parcel of such several Townships or Divisions respectively as the same shall be so appointed and awarded to be in as aforesaid, to and for all Intents and Purposes whatsoever.

Allotments to Tenants for Life and in Fee Simple to be distinct.

XXII. Provided also, and be it further enacted, That if it shall happen that the same Person or Persons is or are seised of Messuages, Lands or Hereditaments for Life only, and of the Fee Simple and Inheritance of other Messuages, Lands or Hereditaments, within the said several Parishes of *Newmarket* and *Cām*, or either of them, and any other Person or Persons having or claiming to have Rights or Interests in the Lands and Grounds hereby directed to be divided and inclosed, shall be entitled or claim to be entitled to Right of Common in respect of both such Estates; then and in such Case the said Commissioner, upon the Request in Writing of such Person or Persons, or of his, her or their Agent or Attorney, shall set out and allot the Share or Proportion of such Person or Persons, in respect of his, her or their different Estates, in distinct and separate Parcels from each other, so that the Proportion of Common Land awarded in respect of the Messuages, Lands or Hereditaments held for Life, or settled Estate, be no way intermixed with, but kept separate from the Portion awarded in respect of unsettled Estates.

Fencing Clergyman's Allotments.

XXIII. Provided always, and be it further enacted, That the several and respective Allotments which shall be made to any Rector or Vicar in respect of any Glebe Land, shall be inclosed and fenced in a proper and substantial Manner by an outward Ring Fence, and that the Expence of making and completing the same shall be paid by the Commissioner out of the Monies heretofore directed to be raised and provided for defraying the Expences of obtaining and executing this Act.

Commissioner empowered to make Alterations

XXIV. And be it further enacted, That it shall be lawful for the said Commissioner, at any Time not exceeding Twelve Calendar Months next after the said Allotments shall be set out, to make such Alterations

in



in the Allotments and Fences which he may have set out and ordered, as he shall think right and expedient; and in case any Person or Persons shall happen to be injured by such Alterations, or on account of any Expences he, she or they might have been at, the said Commissioner 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.

in the Allotments before Execution of Award.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Woods, Forests and Land Revenues, or for the said Surveyor General of His Majesty's Land Revenue, at any Time before or after the Execution of the said Award, to contract and agree with any Person or Persons, or any Bodies Politic or Corporate, for the Sale of all or any Allotments or Allotment to be made to His Majesty, His Heirs and Successors, by virtue of this Act, for the best Prices or Consideration in Money which the said Commissioners or Surveyor General shall be able to procure for the same; and the Purchase Money arising from such Sale shall be paid into the Bank of *England*, to the Account of the Commissioners of His Majesty's Treasury, in like Manner as the Monies arising from the Sale of certain Parts of the Property of the Crown, authorized by the Act passed in the Forty-eighth Year of His present Majesty, intituled, *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*, are directed to be paid; and the Sale of such Allotments or Allotment shall be made in the same Manner and Form, and under the like Rules, Regulations and Provisions, and shall be to all Intents and Purposes as valid and effectual, as if the same were made under the said last-recited Act; and if such Sale shall be made before the Execution of the said Award, it shall be lawful for the said Commissioner hereby appointed, with the Consent of the said Assistant Commissioner, and he is hereby authorized and required to assign, set out and allot such Allotments or Allotment to the Purchasers or Purchaser thereof, their Heirs or Assigns, or other Persons or Person who shall be entitled thereto by virtue of such Sale, and they, he, she or they shall, immediately after the Execution of the said Award as aforesaid, have, hold, use and enjoy such Allotments or Allotment, and shall use and exercise any Act of Ownership in and upon the same, in as full, large, ample and beneficial a Manner, to all Intents and Purposes, as His Majesty, his Heirs or Successors, or his or their Lessees or Grantees could or might have done in case such Sale had not been made; but subject nevertheless to the Right or Interest in or to any Mines, Ores, Minerals, Coal, Limestone or other Stone or Matters whatsoever in or under the same, as hereinafter saved and reserved.

King's Allotments may be sold before Execution of Award.

XXVI. Provided always, and be it further enacted, That if any Person hath sold or shall at any Time before the Execution of the said Award sell his or her Interest or Property in, over or upon the Lands and Grounds hereby intended to be divided, allotted and inclosed, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser, or to his or her Heirs or Assigns, for and in respect of such Right, Interest and Property so sold.

If Persons sell before the Award is executed, the Allotment to be made to the Purchasers.

XXVII. And



Notice for producing Schedule and Map of intended Allotments to be given.

XXVII. And be it further enacted, That when and as soon as the said Commissioner shall have ascertained the respective Shares, Rights and Interests of the said Proprietors in the said Commons and Waste Lands to be inclosed by virtue of this Act, and also the respective Shares and Proportions by him proposed to be allotted to such Proprietors respectively, the said Commissioner shall give Notice in Manner aforesaid of some convenient Time and Place, when and where all Proprietors and Persons interested may peruse a Schedule of such intended Allotments, and a Map or Plan whereon the same shall be set out and delineated, and may have and receive at their Expence a Copy of such Schedule, as far as the same relates to such Proprietors respectively; and a Copy of such Map or Plan and Schedule, as far as relates to the Allotments to be made to His Majesty, shall by the said Commissioner, Fourteen Days at the least previously to the Time of Meeting for the Perusal of such Schedule, Map or Plan, be transmitted to the said Commissioners of His Majesty's Woods, Forests and Land Revenues, or the said Surveyor General of His Majesty's Land Revenue.

Allotments to be of the same Tenure as the ancient inclosed Lands for which they shall be allotted.

XXVIII. And be it further enacted, That all and singular the Commons, Heath and Waste Grounds, which shall be allotted under and by virtue of this Act, shall (immediately after such Allotments are made) be held by and be subject to such and the same Tenures, Customs, Heriots, Rents and Services, as the several and respective Messuages, Buildings, Lands, Tenements and Hereditaments, in respect whereof such allotted Lands shall be made, are now subject to.

Power to make Exchanges.

XXIX. And be it further enacted, That it shall and may be lawful for the said Commissioner to set out, allot and award any Lands, Tenements or Hereditaments whatsoever within the said Parishes of *Newmarket* and *Crem*, or either of them, in lieu of and in exchange for any other Lands, Tenements and Hereditaments whatsoever within the said Parishes or either of them, or within any adjoining Parish, Hamlet or Township; provided that all such Exchanges be ascertained, specified and declared in the Award of the said Commissioner, 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 Politic, 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 any 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 Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any 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 Politic, 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



Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments so to be exchanged, shall lie and be situate.

XXX. Provided always, and be it further enacted, That all Costs, Charges and Expences attending the making any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioner shall by his said Award order and direct.

Costs of Exchanges to be borne by the Parties.

XXXI. Provided always, and be it further enacted, That the Lord Bishop of *Saint Asaph* for the Time being, and his Successors, shall have full Power and Authority from Time to Time to grant any Lease or Leases of all or any Part of the Allotment and Allotments herein directed to be made to him and them, either for Three Lives or for Twenty-one Years, in such Manner and Form in all Respects as the said Lord Bishop of *Saint Asaph* and his Successors are by Law enabled to lease their Lands and Estates within the said County of *Flint*.

Power for the Bishop to grant Leases.

XXXII. Provided also, and be it further enacted, That nothing in this or the said recited Act contained, shall extend or be construed to extend to revoke, make void, alter or annul any Will, Deed or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents or Incumbrances, out of, upon, or affecting any of the Lands, Grounds and Hereditaments to be divided and allotted, or which shall be exchanged or assigned in compensation for any other Estate or Right, by virtue of this or the said recited Act, or any Part or Parts thereof respectively, but as well the Lands allotted as the Tenements and other Hereditaments which shall be assigned in exchange, or in compensation for any other Estate or Right, shall, immediately after such Allotment, Exchange or Assignment shall be made, be vested, remain and enure, and the several Persons to whom the same shall be allotted, assigned or given in exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, and subject and liable to such and the same Wills, Deeds, Settlements, Dowers, Jointures, Portions, Debts, Rents or Incumbrances, as the Messuages, Tenements, Lands, Grounds and Hereditaments, in respect whereof such Allotments, Assignments and Exchanges shall be made, would have been subject to be charged with or affected by in case this Act had not been passed.

Wills and Settlements not to be affected.

XXXIII. And be it further enacted, That for the Encouragement of Agriculture, the said Commons and Waste Lands hereby directed to be divided and allotted, shall be and are hereby declared to be freed and discharged from all Great Tythes to become due in respect of the Two First Crops of Grain which shall arise or be gotten therefrom, provided such Crops be raised within Four Years next after the passing of this Act; and the several Proprietors of the said new inclosed Lands and Grounds, as well as the said new inclosed Lands and Grounds, shall from thenceforth be subject to the Payment of Tythes, both Great and Small, in the like Manner as the other Lands and Grounds within the said respective Parishes were subject or liable to before the passing of this Act.

The first Crops of Grain to be exempt from the Payment of Great Tythes, if raised within Four Years after the passing of this Act.



Money arising from the Sale of the Common, to be applied for paying Expences of the passing the Act and carrying it into Execution.

XXXIV. And be it further enacted, That the Monies which shall arise by or from Sale or Sales of the Allotments hereinbefore directed to be set out and inclosed for the Purpose of Sale, shall be appropriated and applied by the said Commissioner (so far as the same will extend) in and towards the Payment of the Charges and Expences incident to and attending, or which may be occasioned by the soliciting, obtaining, and passing this Act, and the said intended Division of the said Commons and Waste Lands, and of setting out, making, forming, erecting, cutting and opening the Highways, Roads, Drains and Watercourses which the said Commissioner shall direct to be made or set out, or in anywise relating thereto; and in case there shall be any Surplus of the Monies arising by or from such Sale or Sales as aforesaid, after Payment of all such Charges and Expences as aforesaid, such Surplus Monies shall be divided between the several Persons interested in the said Lands and Grounds, in proportion to their respective Interests and Property therein; and the Shares of such of them as shall be Tenants in Fee Simple, shall be paid to them respectively; and the Shares of such other Persons respectively, shall be applied in the Manner directed by the said recited Act, with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands or Hereditaments, to be settled to the same Uses.

Power to borrow Money before any Sale made, and to repay the same with Interest out of the first Monies.

XXXV. And be it further enacted, That in case it shall be found necessary before such Sale can be effected, to raise any Sum or Sums of Money for defraying the Expences aforesaid, it shall be lawful for the said Commissioner to borrow and take up at Interest such Sum or Sums of Money as he shall from Time to Time think necessary for the Purposes aforesaid; which Money so to be borrowed shall be paid with Interest at the Rate of Five Pounds *per Centum per Annum* out of the Money to be raised by such Sale as aforesaid.

Commissioner's Allowance.

XXXVI. And be it further enacted, That the said Commissioner shall be allowed the Sum of Two Pounds and Two Shillings for every Day he shall be actually employed in any Business required of him as Commissioner by the said recited Act or this Act, including Days of necessary travelling, as well as others, in full Satisfaction for his Time, Trouble and Expences respecting such Business.

Commissioner to lay his Accounts before Two Justices.

XXXVII. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioner shall, and he is hereby required to make a true and just Statement or Account of all and every Sum or Sums of Money by him received and expended, or due to him for his own Trouble and Expences, in the Execution of this and the said recited Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before any Two or more of His Majesty's Justices of the Peace in and for the said County of *Flint* (not interested in the said intended Division and Inclosure) 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 of the said Commissioner; and no Charge or Item in such Accounts shall be

binding



binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed in Writing by such Justices.

XXXVIII. And be it further enacted, That the Award to be made by the said Commissioner shall be executed and published within the Space of Three Years from the passing of this Act, and when inrolled in Manner directed by the said recited Act, shall be deposited in a Tin Box, and kept for public Inspection in the Office of the Clerk of the Peace for the said County of *Flint*; and Duplicates thereof shall be written on Parchment, and lodged in the Parish Churches of *Newmarket* and *Cwm* aforesaid, for the Perusal of all Persons interested therein.

Award to be deposited.

XXXIX. And be it further enacted, That the said Commissioner shall and he is hereby required to make an Extract on Parchment, under his Hand and Seal, of so much of his Award as shall contain an accurate Description of the Allotment or Allotments to be made to His Majesty, together with such Regulations and Provisions relative to such Allotment or Allotments, or to any other Rights or Interests of His Majesty as may be contained in such Award, and also a Map or Plan of such Allotment or Allotments, and transmit the same to the said Commissioners of His Majesty's Woods, Forests and Land Revenues, or to the said Surveyor General of His Majesty's Land Revenue for the Time being, within Six Calendar Months next after the making and executing the said Award, to be by them or him filed and kept among the Muniments of their or his Office, and to be produced and admitted in Evidence on all Occasions where any Question, Doubt or Controversy may arise, relating to or affecting the Rights and Interest of His Majesty, His Heirs and Successors.

Extract of so much of the Award as relates to the King's Allotments, to be sent to the Surveyor General.

XL. And be it further enacted, That it shall be lawful for the said Commissioner hereby appointed, with the Concurrence of such Assistant Commissioner as shall be appointed by the said Commissioners of His Majesty's Woods, Forests and Land Revenues, or the said Surveyor General of His Majesty's Land Revenue as aforesaid, previously to making of such Survey, to direct proper Meerstones to be fixed in such Places as such Commissioner hereby appointed, with such Concurrence as aforesaid, shall think proper, in order to ascertain and perpetuate the Limits of the said Commons and Waste Lands; and as well the Maps or Plans hereinbefore mentioned, as the said Duplicates thereof respectively, shall specify and distinguish therein such Meerstones; and as well such Maps or Plans, as such Duplicates as aforesaid, shall at all Times hereafter be admitted and allowed upon all Occasions as legal Evidence.

For putting down Meerstones.

XLI. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved, by any Thing done in pursuance of this or the said recited Act, other than and except such Determinations of the Commissioner as are hereby or by the said recited Act declared to be final, binding or conclusive, and except in such Cases where an Issue at Law may be tried, as hereinbefore is mentioned, then and in every such Case he, she or they may appeal to the General Quarter Sessions of the Peace to be holden in and for the said County of *Flint*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner, and to the Party or Parties concerned, Fourteen Days' Notice in Writing of such Appeal, and of the Matters thereof; and the Justices (not interested in the Premises) in such Sessions

Persons aggrieved may appeal to the Quarter Sessions.



Sessions assembled, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Damages and Costs, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy such Damages and Costs by Distress and Sale of the Goods and Chattels of the Party or Parties made 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 Warrant, Distress and Sale; and every Order and Determination of the said Justices, upon every such Appeal, shall be final and conclusive, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious or without Foundation, then and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid.

Saving the Rights of His Majesty to the Mines of Lead, &c. within his Seigniority.

XLII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or defeat the Right or Interest of His Majesty, his Heirs or Successors, in and to all or any of the Mines, Ores, Minerals, Coal and Stone, of what Nature or Kind soever, in or under the said Commons and Waste Lands, or any Part or Parts thereof; but His said Majesty, his Heirs and Successors, and his and their Lessee or Lessees, Agents, Servants, Colliers, Miners and other Workmen, shall henceforth respectively enter into, have, hold and enjoy, search and work all Mines and Mine Works, Pits, Holes, Beds, Veins, and other Bearings of Mines, Ores, Minerals, Coal and Stone whatsoever, in such Parts of the said Commons and Waste Lands as are within His said Majesty's Seigniority, as fully and effectually as he or they might have done before the passing of this Act, and for that Purpose shall and may use all Pits, Shafts, Levels, Soughs and Tunnels already opened and sunk in the said Commons and Waste Lands, and all Machines, Engines and Buildings therein erected or standing as fully and effectually as His said Majesty, his Heirs or Successors, might have done before the passing of this Act; and that it shall be lawful for His said Majesty, his Heirs and Successors, and his and their Lessee and Lessees, Agents, Servants, Miners, Colliers, and other Workmen respectively, to sink, dig, delve, drive and work all and every or any Number of the Pits, Shafts, Levels, Soughs and Tunnels, which they shall respectively think necessary for discovering, searching for, raising or getting any Mines, Ores, Minerals, Coal and Stone whatsoever, to which His said Majesty shall immediately before the passing of this Act be entitled, in or under such Parts of the said Commons and Waste Lands as are situate within his Seigniority; and to dig and raise Clay for making and burning of Bricks, Tiles, Gutters and Ridges, in and upon such Parts of the said Commons and Waste Lands as are situate within His said Majesty's Seigniority, as well before as after the same shall have been inclosed, for the Use of any Colliery or Collieries, now opened, or hereafter to be opened therein, and for repairing any old or erecting any new Building which may be necessary for carrying on or working any Mine or Mines whatsoever; and also to erect any Number of Steam and other Engines, Machine and Machines, of what Nature or Kind soever, which he or they shall think necessary for the Use, Convenience or Advantage of any Mine or Mines whatsoever, in or upon the same Premises



Premises or any Part thereof; and to place, stack up, and lay all Lead, Copper, Iron and other Ores, Coal, Stone, and other Minerals and Matters which shall be gotten and raised, and all Rubbish, Earth and Soil, upon the same Premises; and to make, burn or convert Coal and Culm into Charcoal or Coke; and also to have, make and use all convenient Ways, Roads and Railways in, upon and over the same Premises, either before or after the same shall be inclosed, for the Use of any Colliery or Mines sunk or made in any Part or Parts thereof, and with Carts, Waggons and other Carriages to fetch, take and carry away the Lead, Copper and Iron Ores, Coal and Stone, and all other Mines and Minerals whatsoever, there to be found and raised as aforesaid, and to do all other reasonable and necessary Acts and Things in and upon the same Premises, either before or after the Inclosure thereof, for the discovering, getting, working, converting, removing, carrying away, selling and disposing of all Mines, Coal, Stone and other Minerals whatsoever, without any Molestation or Interruption whatsoever, in such and the like Manner as if this Act had not been passed.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or defeat the Right of *Robert Earl Grosvenor*, his Heirs or Assigns, or any Person or Persons claiming or to claim by, from, or under, or in Trust for him, them or any of them, or by, from or under any of the Ancestors of the said *Robert Earl Grosvenor*, in and to all Mines of Lead and Lead Ore in or under the said Commons and Waste Lands; but the said *Robert Earl Grosvenor*, his Heirs and Assigns, and such other Person and Persons as aforesaid, and their Lessee or Lessees, Agents, Servants, Miners, and other Workmen, shall and may from Time to Time and at all Times hereafter, enter into, have, hold, enjoy, search and work all Mines of Lead and Lead Ore, and Mine Works, Pits, Holes, Beds, Veins, and other Bearings of Mines of Lead and Lead Ore whatsoever, as fully and effectually, to all Intents and Purposes, as they could have had, held and enjoyed the same immediately before the passing of this Act; and for that Purpose shall and may use all Shafts, Pits, Levels, Soughs and Tunnels, already opened and sunk in any of the said Commons and Waste Lands, and all Machines, Engines and Buildings, thereon erected or standing together, with full and free Liberty for the said *Robert Earl Grosvenor*, his Heirs and Assigns, and all other Persons who shall hereafter for the Time being be entitled to the Mines of Lead and Lead Ore in or under the same Premises, and his and their Lessee and Lessees, and their and every of their Agents, Servants, Miners and other Workmen, to sink, dig, delve, drive and work all and every or any Number of Pits, Shafts, Levels, Soughs and Tunnels, which they shall think necessary for discovering, searching for, raising or getting any Mines of Lead and Lead Ore whatsoever in or under the same Premises, and for repairing any old or erecting any new Building which maybe necessary for carrying on or working any Mine or Mines of Lead or Lead Ore whatsoever; and also to erect any Number of Steam or other Engines, Machine or Machines, of what Nature or Kind soever, which they shall think necessary for the Use, Convenience or Advantage of any Mine or Mines of Lead and Lead Ore whatsoever, in or under the same Premises or any Part thereof; and to place, stack up and lay all Lead and Lead Ore which shall be gotten and raised, and all Rubbish, Earth and Soil, upon the same Premises; and to have, make and use all convenient Ways, Roads and Railways in, upon and

Saving the Rights of *Earl Grosvenor*, his Heirs and Assigns, to all Mines of Lead, &c. in the Lands to be inclosed.



over the same Premises, whether inclosed or not, for the Use of any Mines of Lead and Lead Ore, sunk or made, or which may be sunk or made in any Part or Parts thereof, and with Carts, Waggon and other Carriages to fetch, take and carry away the Lead and Lead Ore there to be found and raised as aforesaid, and to do all other reasonable and necessary Acts and Things in and upon the same Premises when inclosed, for the discovering, getting, working, converting, removing, carrying away, selling and disposing of all Mines of Lead and Lead Ore whatsoever, without any Molestation or Interruption whatsoever, in such and the like Manner as if this Act had not been passed.

Saving to  
His Majesty  
His Rights of  
Jurisdiction,  
&c.

XLIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to defeat, lessen or prejudice the Right, Title or Interest of His Majesty, his Heirs or Successors, or of his or their Lessee or Lessees, Steward or Stewards, or other Officers for the Time being, of, in or to the Seigniories or Royalties belonging to His Majesty, but that His said Majesty, his Heirs and Successors, and his and their Lessee and Lessees, Steward and Stewards for the Time being, shall and may from Time to Time and at all Times hereafter, hold and enjoy all the Rents, Services, Courts, Perquisites and Profits of Courts, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Privileges, Pre-eminences, Jurisdictions and Appurtenances whatsoever to His said Majesty, or to the Stewards or other Officers thereof, incident or appendant, belonging or appertaining, except Rights of Common or of Soil and Quarries, Springs Mines, Minerals and other Matters, not being the Mines, Minerals, and Privileges hereinbefore reserved, which Quarries, Springs and other Matters, not being the Mines, Minerals, and Privileges hereinbefore reserved, shall belong to the several Persons, Bodies Politic or Corporate, to whom any Allotments shall be made by virtue of this Act, and which said Mines or Minerals shall continue to belong to such Person or Persons, Body or Bodies Politic or Corporate, as was or were lawfully entitled to the same, before the passing of this Act.

General Sav-  
ing of Rights.

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

Act to be  
printed by  
the King's  
Printer.

XLVI. 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 thereof by all Judges, Justices and others.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1811.