



ANNO QUINQUAGESIMO PRIMO.

GEORGII III. REGIS.

Cap. 54.

An Act for inclosing Lands in the Township of *Cholmondeston*, in the Parish of *Acton*, in the County of *Chester*. [6th May 1811.]

WHEREAS there are in the Township of *Cholmondeston*, in the Parish of *Acton*, in the County of *Chester*, a Common named *Cholmondeston Green*, and other Commonable Lands, containing One hundred and seventy-one Acres or thereabouts: And whereas *George Harley Drummond* Esquire, is Lord of the Manor of *Cholmondeston* aforesaid, and as such is entitled to the Soil of the said Common and other Commonable Lands: And whereas the said *George Harley Drummond* and others are the Owners and Proprietors of divers inclosed Lands, Tenements, and Hereditaments, within the said Township of *Cholmondeston*, in respect whereof they are entitled to Rights of Common and other Rights in, over, and upon, the said Common and other Commonable Lands: 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*: And whereas the said Common and other Commonable Lands in the Township of *Cholmondeston* aforesaid, are in their present State incapable of any considerable Improvement, and the same if divided, allotted, and inclosed might be greatly improved: 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,

41 G. 3. c. 109.

[*Loc. & Per.*] 12 A and

Commissioner appointed.

and Commons in this present Parliament assembled, and by the Authority of the same, That *Joseph Hill* of *Cholmondeley*, in the County of *Chester*, Land Surveyor, shall be and is hereby appointed the Commissioner for dividing, allotting, and inclosing the said Common called *Cholmondeston Green*, and all other the Commonable Lands in the Township of *Cholmondeston* aforesaid, and for putting this Act and the said recited Act into Execution, in such Manner and subject to such Regulations as are hereinafter contained, and with such of the Powers and subject to such of the Rules, Orders, Directions, Authorities, Regulations, Restrictions, and Provisions, contained in the said recited Act as are not controuled by, repugnant to, or otherwise provided for, by any of the Clauses, Provisions, and Regulations contained in this Act.

Power to appoint a new Commissioner.

II. And be it further enacted, That in case the said *Joseph Hill* or any Commissioner to be appointed in Manner hereinafter mentioned shall die, or shall neglect or refuse or become incapable to act as a Commissioner in the Execution of this Act, at any Time or Times before the same shall be wholly and completely executed, then and in every such Case it shall be lawful for the said *George Harley Drummond*, his Heirs and Assigns, Lord of the said Manor of *Cholmondeston* for the Time being, by any Writing or Writings under his, her, or their Hand or Hands, to nominate and appoint a proper Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room and Stead of the Commissioner so dying, neglecting, refusing, or becoming incapable to act as aforesaid: And every Person who shall be nominated and appointed a Commissioner as aforesaid, shall have the like Powers and Authorities for putting this and the said recited Act into Execution as if he had been appointed a Commissioner in and by this Act.

Commissioner's Sittings.

III. And be it further enacted, That the said Commissioner shall and is hereby required to cause publick Notice to be given in the Parish Church of *Acton* aforesaid upon some *Sunday* immediately after Divine Service, or by Writing to be affixed on the principal Door of the said Parish Church, and by Advertisement in some Newspaper circulated in the said County of *Chester*, of the Time and Place of his first and every other Sitting for the Execution of this and the said recited Act, at least Fourteen Days previous to every such Sitting, (Sittings by Adjournment only excepted), and that such First Sitting shall be held within Thirty Days after the passing of this Act, or as soon after as conveniently may be, and the said Commissioner shall and may adjourn every or any such Sitting from Time to Time as he shall think proper, without giving any publick Notice of such Adjournment, and all the Sittings of the said Commissioner shall be held within the said Township of *Cholmondeston*, or within Eight Miles of the Boundary thereof.

How Notices to be given.

IV. And be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioner in pursuance of this Act or the said recited Act, shall be so made and given by Advertisement in the *Chester Chronicle*, or if that Newspaper shall not then be published, in such other Newspaper as aforesaid.

Appointments for Surveyor.

V. And be it further enacted, That the said *Joseph Hill* shall be and is hereby appointed the Surveyor for the Purposes of this Act and the said recited Act, and in case the said *Joseph Hill* or any other Surveyor to be appointed

appointed as herein-after mentioned shall die, neglect, refuse, or become incapable to act as a Surveyor in the Execution of this Act, before the same shall be wholly and completely executed, then and in every such Case it shall be lawful for the Commissioner for the Time being by Writing under his Hand to nominate and appoint some fit and proper Person to be the Surveyor for the Purposes of this Act and of the said recited Act, in the Place or Stead of the Surveyor so for the Time being dying, neglecting, refusing, or becoming incapable to act as aforesaid; and every such Surveyor shall be paid a full Recompence or Satisfaction for his Trouble and for all his Expences and Charges whatsoever in surveying and measuring the said Common and other Commonable Lands hereby directed to be divided, allotted, and inclosed, and in planning and staking out the several Allotments, public and private Roads and Ways, Quarries, Boundaries, and Land Marks, which are or ought to be made in pursuance of this Act or the said recited Act, and in making such Maps and Plans as may be required by virtue thereof, such Recompence and Satisfaction to be from Time to Time settled, allowed, and certified, by the said Commissioner by Writing under his Hand.

VI. And be it further enacted, That the said Commissioner shall have Power, and he is hereby authorized to appoint some fit and proper Person to be Clerk for assisting him in carrying this Act and the said recited Act into Execution, and such Clerk from Time to Time to remove and nominate and appoint some other fit and proper Person to succeed him in such Office as to the said Commissioner shall seem meet.

Appointment
of Clerk.

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 intended Division, Allotment, and Inclosure, touching or concerning their respective Rights and Interests which they or any of them shall have or claim to have of or in the same, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioner, and he is hereby authorized to examine into, hear, and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioner to determine the Title to any Manors, Messuages, Cottages, Lands, Tenements, or Hereditaments, whatsoever, nor any Right between any Parties contrary to the Possession of any such Parties, (except in Cases of Encroachments made within Twenty Years as herein-before 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 Possession shall have been given up by or recovered from such Person or Persons by Ejectment, or other due Course of Law.

Commissioner
may determine
disputed
Claims.

VIII. 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 this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner upon 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 dis-

Commissioner
may award
Costs on dis-
puted Claims.

allowed.

allowed or over-ruled ; 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 be lawful for the said Commissioner, and he is hereby authorized and required by Warrant under his Hand and Seal, 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 try
disputed
Claims at
Law.

IX. 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, Allotments, and Inclosure, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Rights of Common, or other Rights or Interests in, over, or upon the said Common and other Commonable Lands or any Part thereof, and shall by Writing under his, her, or their Hand or Hands, signify the same to the said Commissioner, together with the Grounds or Reasons of his, her, or their Dissatisfaction within Thirty Days next after such Determination shall be made, 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 Commissioner ; 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 in one of His Majesty's Courts at *Westminster*, upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Two Calendar Months next after such Determination of the said Commissioner, and the Defendant or Defendants in such Action shall, and he, she, or they, is or are hereby required to appoint any 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 or their Attorneys shall differ about the same, and the Plaintiff or Plaintiffs in such Action or Actions shall proceed therein so as to have the same tried and determined at the First or Second Assizes at the latest to be holden for the said County of *Chester*, after the making of the Determination of the said Commissioner, which shall be thereby disputed unless the Court shall think fit to grant further Time ; and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any more qualified or less Right or Rights or Interests than was or were claimed by such Party, then it shall be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the Postea in addition to the Verdict given on the Issue or Issues joined, but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such Special Finding had been made ; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such Special Finding and Indorsement, or such Special Finding and Indorsement, if any such shall be made, shall be 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 Finding and Indorsement

ment, and order a new Trial or Trials to be had, which it shall be lawful for the Court to do upon Cause shewn as in other Cases), and that after such Verdict or Verdicts obtained and not set aside by the Court, the said Commissioner shall and he is 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 : Provided always, that the Determination of the said Commissioner touching such Rights or Interests in, over, or upon, the said Commons and Commonable Lands hereby directed to be divided, allotted, and inclosed, or any Part thereof, in all Cases where the same shall not in due Time be objected to, (or where the same being objected to the Party or Parties objecting shall not cause such Action at Law to be proceeded in as aforesaid), shall be final and conclusive to and upon all Persons interested therein : Provided also, that no such Action, Verdict or new Trial, while the same shall be depending shall in anywise impede or delay the said Commissioner in the Execution of the Powers hereby vested in him, but the Division, Allotment, and Inclosure, hereby directed to be made, shall be proceeded with in such and the same Manner as if no such Action, Suit, or Matter were pending.

X. 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 ; and if any Person or Persons in whose Favour any such Determination shall as aforesaid have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons 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 said Commissioner, or his Clerk, 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 be thereupon incumbent upon 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 thereupon had 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.

Actions may be proceeded in and brought after the Deaths of Parties.

XI. And be it further enacted, That all Inclosures and Encroachments which at any Time within Twenty Years now last past have been made from and upon the said Common and other Commonable Lands hereby directed to be divided, allotted and inclosed, shall be deemed Part thereof, and shall be divided and allotted accordingly.

Encroachments within 20 Years Part of the Waste.

XII. Provided nevertheless, and be it enacted, That such of the said Inclosures and Encroachments as adjoin to or abut upon any Lands or Tenements having Right of Common upon the said Common and other Commonable Lands, shall be allotted to the Owner or Owners of such adjoining Lands or Tenements, either as the Whole or Part of the Share or Proportion to which he, she, or they will be entitled by virtue of this Act ;

Encroachments in certain Cases to be allotted to the Owners of the Lands adjoining.

[Loc. & Per.]

12 B

and

and in case any such Inclosures or Encroachments shall in the Judgement of the said Commissioner be of greater Value than his, her, or their Share and Proportion of the said Common and other Commonable Lands, then the Person or Persons to whom any such Inclosures or Encroachments shall be allotted shall pay to the said Commissioner, at or within such Time as he shall appoint, such Sum of Money as the said Commissioner shall adjudge to be the Value of such Inclosures or Encroachments, over and above the Value of the Allotment or Allotments to which such Person or Persons shall be entitled, and the same shall be applied towards Payment of the Expences of obtaining and executing this Act.

Encroachments for 20 Years not to be allotted.

XIII. Provided always, and be it further enacted, That no Inclosure or Encroachment which shall have been made from or upon the said Common or other Commonable Lands, or any Part or Parts thereof, for Twenty Years or upwards, antecedent to the passing of this Act, shall be thrown open, divided, allotted, or inclosed under the Provisions of this present Act, or the Provisions of the said recited Act; nor shall any such Inclosure or Encroachment as last aforesaid, nor the Houses, Cottages, Buildings, and other Erections thereupon, be considered as Part of the said Common or other Commonable Lands, nor shall the Title or Titles derived under such Inclosure or Encroachment be disturbed by this Act or any Thing herein contained.

Date of Encroachments to be determined by Commissioner.

XIV. And be it further enacted and declared, That if any Dispute shall arise as to the Space of Time during which any such Inclosures or Encroachments shall have been made or subsisted, the same shall be examined into and determined by the said Commissioner.

Power for the Commissioner and Two Justices of the Peace to alter Roads.

XV. And be it further enacted, That it shall be lawful for the said Commissioner, with the Concurrence and Order of Two Justices of the Peace acting in and for the County of *Chester*, in such Manner and subject to such Appeal as in the said recited Act is mentioned, to divert, stop, discontinue, alter, or change any Publick, Carriage, or Private Roads, or Footways passing or leading into, through, or over the said Common and other Commonable Lands; and the old Inclosures lying within the said Township of *Cholmondeston*, as to them shall appear useless and unnecessary, and that such Publick, Carriage, and Private Roads and Footways as shall be so stopped up, shall be deemed Part of the Lands to be divided, allotted, and inclosed pursuant to this Act.

Allotment for getting Materials to repair Roads.

XVI. And be it further enacted, That the said Commissioner shall, if he shall think necessary (but not otherwise) after setting out the Roads and Ways in Manner directed by the said recited Act, allot and award unto the Surveyor of the Highways of the said Parish of *Acton* such Parcel or Parcels of the said Common and other Commonable Lands hereby directed to be divided, allotted, and inclosed, not exceeding Two Roods, as he shall think most proper for digging and getting up Stone or Gravel for the Repair of the Highways and Publick and Private Roads within the said Township of *Cholmondeston*, the Herbage or Produce of which Allotment to such Surveyor shall be appropriated in such Manner as the said Commissioner shall, in and by such Award, direct and appoint.

XVII. Provided

XVII. Provided always, and be it further enacted, That nothing in this Act, or the said recited Act contained, shall authorize the said Commissioner to make any Division or Allotment of any Pond, Pool, or Piece of Water upon the said Common or other Commonable Lands hereby intended to be divided, allotted, and inclosed; but every such Pond, Pool, or Piece of Water, and the Land and Soil thereof respectively, shall be and remain the sole and separate Property of the Lord of the said Manor of *Cholmondeston*.

Ponds on the Common to belong to the Lord of the Manor.

XVIII. And be it further enacted, That the said Commissioner (after setting out such Publick and Private Roads and Ways, and such other Allotments for publick or general Purposes as are by the said recited Act directed to be set out) shall assign, set out, and allot unto the Lord of the said Manor of *Cholmondeston*, such Part or Parts of the said Common and other Commonable Lands hereby directed to be divided, allotted, and inclosed, as shall contain or be equal in Value to One-twentieth Part or Share of the said Common and other Commonable Lands situate within the said Manor, after deducting the Extent or Value of the said Allotments for Publick and Private Roads, and for other general Purposes; which Allotment shall be taken and accepted by the Lord of the said Manor as a full Compensation or Satisfaction of or for his Right and Interest in and to the Soil of the said Common and other Commonable Lands; and such Allotment, when so set out as aforesaid, shall be deemed and taken to be Part and Parcel of the said Manor, and shall from thenceforth remain and be to the like Uses and upon the like Trusts as the same Manor then is and stands limited.

Allotments to the Lord of the Manor.

XIX. And be it further enacted, That the said Commissioner shall then assign, set out; and allot the Residue and Remainder of the said Common and other Commonable Lands hereby directed to be divided, allotted, and inclosed, unto and amongst all and every Persons and Person having any Right or Rights of Common, or other Rights or Interests in, over, or upon the same, or any Part thereof, in such Parts and Shares, and in such Manner as the said Commissioner shall think fit and adjudge, and determine to be proportionate to the Value of his, her, or their respective Shares, Rights of Common, or other Rights or Interests in, over, or upon the said Common and other Commonable Lands, or any Part thereof.

Allotments of the Residue.

XX. And be it further enacted, That the several Lands, Tenements, and Hereditaments which shall be respectively allotted by virtue of this Act, shall from and immediately after the Allotments thereof become and be of such and the same Tenure or Tenures as the Land, Tenements, and Hereditaments in respect of which the Allotment so made were previously held; and the several Lands, Tenements, and Hereditaments which shall be respectively allotted or exchanged by virtue of this Act, or the said recited Act, shall from and after the making of such Allotments and Exchanges respectively be, remain, and enure to such and the same Persons for such and the same Estates and Interests, and to such and the same Uses upon such and the same Trusts, and to and for such and the same Intents and Purposes, and under and subject to such and the same Powers, Provisoes, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Provisions of every Kind, and in such and the same Manner as the Lands, Tenements, and Hereditaments

Allotments to be of the same Tenures as the Lands in respect of which they are made, and allotted and exchanged Lands to be subject to the same Uses as the Lands in respect and in lieu of which they were allotted and exchanged.

taments

taments in respect or in lieu whereof such Allotments or Exchanges shall be respectively made, were and stood severally limited and settled, or subject and liable unto at the Time of making such Allotments or Exchanges respectively.

Compensation to be made to Tenants deprived of Common Rights.

XXI. And be it further enacted, That where any Lease or Leases, or Agreement for a Lease or Leases for the letting or holding of any of the Lands, Tenements, or Hereditaments, in respect of which any Allotment or Allotments shall be made by virtue of this Act, at Rack Rent, for any Term or Number of Years not exceeding Twenty-one Years, shall either in expresse Terms, or virtually, include or comprize any Rights of Common, or other Rights or Interests for or in lieu of which the same Allotment or Allotments shall be made; then and in every such Case the respective Owners and Proprietors of the same Lands, Tenements, or Hereditaments, shall allow and abate to such Lessee or Lessees, Tenant or Tenants, such Portion of his or their Rent or Rents as the said Commissioner shall ascertain and direct to be paid as a reasonable Compensation or Satisfaction to him or them for the Deprivation of such Rights of Common, or other Rights or Interests as aforesaid; and that where any such Lease or Agreement shall be for any longer Term than Twenty-one Years, or shall have been granted in Consideration of Buildings or other Improvements being made on the Lands thereby demised; or where any Fine, Premium, or other valuable Consideration shall have been given for the granting of the same; then and in every such Case as last aforesaid, the Lessee or Lessees shall hold and enjoy, during the Remainder of the Term in such Lease or Agreement, any Allotment or Allotments to be made in respect of the Premises therein comprized, paying to his or their Lessor or Lessors respectively such additional Rent or Rents as the said Commissioner shall under all Circumstances deem reasonable.

Allowance to Commissioner and Clerk.

XXII. And be it further enacted, That the said Commissioner shall be allowed the Sum of Two Pounds Twelve Shillings and Sixpence *per* Day, and no more; and the Clerk for the Time being to be appointed shall be allowed such Sum as the said Commissioner shall think fit, for their respective Trouble and Expences for each and every Day they shall respectively act in the Execution of this Act, and at all such Sittings such Commissioner and Clerk respectively shall out of such Allowances pay and defray their own Charges and Expences.

Expences of this Act.

XXIII. And be it further enacted, That all the Costs, Charges, and Expences of soliciting and passing this Act, and of surveying, admeasuring, and valuing the said Common and other Commonable Lands hereby directed to be divided, allotted, and inclosed, and of dividing, allotting, and inclosing the same; and of forming and making the publick Roads, public or common Drains, Sewers, Water-courses, Bridges, and other Conveniences and Allotments for public or general Purposes which shall be set out or made by virtue of this Act, or the said recited Act, and of preparing and enrolling the Award of the said Commissioner, and all other the Costs, Charges, and Expences of the said Commissioner, and of the several Persons employed by him either before or after the Execution of the said Award, in, about, or concerning the Execution of this Act, or the said recited Act, and not herein otherwise directed to be paid, shall be borne and paid by all the Owners of or Persons interested in the said Common and other Com-

monable

monable Lands, in Proportion, as near as may be, to their respective Estates and Interests (due Regard being had to the Expences occasioned by each Person's Estate), and the Shares and Proportions of the said Costs, Charges, and Expences to be borne by the said respective Owners and Persons interested shall be settled and ascertained by the said Commissioner, and shall be paid to such Person or Persons at such Time or Times either before or after the Execution of the said Award as the said Commissioner shall from Time to Time direct or appoint, by Writing under his Hand affixed on the principal Door of the Church of the said Parish of *Acton*; and in Case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of the said Costs, Charges, and Expences, according to such Direction and Appointment as aforesaid, the said Commissioner shall and may raise and levy the same by such Remedies, Ways, and Means as are in that Behalf provided or mentioned in and by the said recited Act.

XXIV. Provided always, and be it further enacted, That the Costs, Charges, and Expences attending the making of any Exchange or Exchanges to be made by virtue of the said recited Act, shall be borne, paid, and defrayed by the several Persons making such Exchange in such Shares and Properties as the said Commissioner shall order and direct.

Expences of Exchanges shall be borne by the Persons making them.

XXV. Provided always, and be it further enacted, That the said several Owners or Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioner at any of his Sittings to be held in pursuance of the said recited Act or of this Act.

Proprietors to pay their own Expences at Meetings.

XXVI. And be it further enacted, That it shall and may be lawful to and for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, sell, mortgage, demise, limit, convey, and assure the same for all or any Part of his, her, or their Estate or Interest therein or Right thereto, at any Time before the Execution of the Award of the said Commissioner; and every such Gift, Grant, Bargain, Sale, Mortgage, Demise, Limitation, Conveyance, and Assurance, shall be of the same Force and Validity as if made after the Execution of the said Award.

Proprietors may sell or mortgage their Allotments before the Execution of the Award.

XXVII. And be it further enacted, That within Six Calendar Months after the Award to be made by the said Commissioner shall have been inrolled in Manner directed by the said recited Act, a Copy thereof, fairly transcribed in a Book, and signed by the proper Officer of the Court, wherein such Award shall be inrolled, or by the Clerk of the Peace of the said County of *Chester*, or his Deputy, if the same shall be inrolled with him, shall be deposited in the Parish Church of *Acton* aforesaid, so that Recourse may at any Time or Times be had thereto by any Person or Persons interested in the Premises.

A Copy of the Award to be deposited in *Acton* Church.

XXVIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act, to be computed from the Day of passing thereof, the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received or expended, or due to him for his own Trouble

Commissioner to account.

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 him laid before Two Justices of the Peace for the said County of *Chester*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Books of Accounts to be kept in the Office of the Clerk to the said Commissioner, and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in the Law, unless the same shall have been duly allowed by the said Justices.

Appeal to the
Quarter
Sessions.

XXIX. 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 Act, or the said recited Act, (other than and except such Orders and Determinations of the said Commissioner as are herein directed to be final, binding, and conclusive, and except in such Cases as are directed or authorized to be tried or determined by an Issue at Law, as herein-before mentioned,) then, and in every such Case, he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the County of *Chester*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and the Party or Parties concerned Ten Days Notice in Writing of such Appeal, and of the Matters thereof; and the Justices (not interested in the Premises) in their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs and Damages as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatever into any of His Majesty's Courts of Record at *Westminster*, or elsewhere, but in Case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid.

General
Saving.

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

XXXI. And

XXXI. 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.

A Copy
printed by
the King's
Printer to be
Evidence.

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

