



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 92.

An Act for inclosing Lands in the Parish of *Astley*,
in the County of *Worcester*. [14th May 1811.]

WHEREAS there are within the Parish of *Astley*, in the County of *Worcester*, several Woods, or Parcels of Woodland, called *Astley Wood* and *Penny Park*, containing One hundred and ninety-seven Acres, or thereabouts, now held in common by several Owners or Proprietors thereof; and there are also within the same Parish several Commons, or Waste Lands, called *Astley Common*, the *Burf*, *Longmore Hill*, and the *Little Heath*, containing One hundred and sixty-eight Acres, or thereabouts, now lying open and uninclosed: And whereas the Reverend *Denham James Joseph Cookes* Clerk, is Lord of the Manor of *Astley*, and as such, is entitled to the Soil of the said Commons or Waste Lands, called *Astley Common*, the *Burf*, *Longmore Hill*, and the *Little Heath*: And whereas the said *Denham James Joseph Cookes* is seized of the Perpetual Advowson and Right of Patronage to the Rectory of *Astley* in the same Parish, and the Reverend *Harry Thomas Foley* Clerk, is the present Rector or Incumbent of the said Rectory, and as such, entitled to all and all Manner of Tythes arising within the said Parish of *Astley*: And whereas the said *Denham James Joseph Cookes*, *Moses Harper* Esquire, *Joseph Glover* Esquire, *John Fuller* Esquire, *Catherine White* Widow, and the Trustees of the Poor of the Borough of *Bewdley*, in the said County of *Worcester*, are Owners and Proprietors of the several Woods or Woodlands, called *Astley Wood* and *Penny Park*, which they now hold in common: And whereas the Right Honourable *Thomas Lord Foley*, the said *Denham James Joseph Cookes*, *Moses Harper*, *Joseph Glover*, *John Fuller*,
[Loc. & Per.] 21 C Fuller,

Fuller, Catherine White, and also Edward Crane, John Jackson, and William Green, Gentlemen, and several other Persons are Owners and Proprietors of divers Messuages, Lands, Tenements, and Hereditaments, within the said Parish of Astley, and claim to be entitled to Rights of Common or Pasture, in and upon the said Commons and Waste Grounds, or some Part or Parts thereof: And whereas the said Woods and Woodlands, Commons and Waste Grounds, are in their present State, incapable of Improvement, and it would be very advantageous to the several Persons respectively interested therein, if the same were divided and inclosed, and specific Shares thereof allotted and set out to them, according to their respective Rights and Interests therein; but such Division, Allotment, and Inclosure, cannot be made and effected without the Aid and 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 the Authority of the same, That Richard Court, of Blackstone, in the Parish of Kidderminster, in the County of Worcester, Gentleman, and Samuel Southam, of the Parish of Alvely, in the County of Salop, Gentleman, and their Successors, to be nominated and appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing, the said Woods or Woodlands, and Commons, or Waste Grounds, hereby directed to be divided, allotted, and inclosed, and for putting this Act and the said recited Act into Execution, in such Manner and subject to such Regulations as are herein-after contained, and with such of the Powers and subject to such of the Rules, Orders, Regulations, and Provisions of the said recited Act, as are not repugnant to or varied by this Act.

For appoint-
ing an Um-
pire.

II. And for obviating the Delays and Inconveniences which might arise by any Difference of Opinion between the said Commissioners, touching any of the Matters or Things to be done in pursuance of this Act; be it further enacted, That the said *Richard Court* and *Samuel Southam*, or the Commissioners who shall carry this Act into Execution, shall at their first Meeting, to be held in pursuance of this Act, before they shall proceed to act in the Execution thereof, otherwise than by taking the Oath in that Behalf prescribed, nominate and appoint by Writing under their Hands and Seals, some fit and proper disinterested Person to act as an Umpire concerning the Premises; and in case of any such Difference of Opinion between the said Commissioners as aforesaid, the same shall be referred to and determined by such Umpire, whose Judgement and Determination therein shall be deemed and taken to be the Judgement and Determination of the said Commissioners.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as an Umpire in the Execution of this Act or the said recited Act, until he shall have taken and subscribed an Oath, in the Form or to the Effect following; that is to say,

‘ I do

“ I Do swear, that I will faithfully, impartially, and honestly, according Oath.
 “ to the best of my Skill and Judgement, execute and perform the several
 “ Trusts, Powers, and Authorities, vested and reposed in me as an Um-
 “ pire, by virtue of an Act passed in the Fifty-first Year of the Reign of
 “ King *George* the Third, intituled, *An Act for inclosing Lands in the Parishes*
 “ *of Astley, in the County of Worcester*, according to Equity and good
 “ Conscience, and without Favour or Affection, Prejudice, or Partiality,
 “ to any Person or Persons whomsoever. ‘ So help me GOD.’

Which Oath the said Commissioners are hereby authorised and required to administer to such Umpire; and the said Oath so taken and subscribed by the said Umpire, shall be annexed to and inrolled with the Award of the said Commissioners, and a Copy of the Enrollment thereof shall be admitted as legal Evidence.

IV. And be it further enacted, That if either of the Commissioners herein named or to be appointed by virtue of this Act shall die, refuse, or become incapacitated to act, then it shall be lawful for the several Persons intituled to and interested in the said Woods or Woodlands, Commons, or Waste Grounds, to be divided and inclosed as aforesaid, for the Time being, or the major Part of them, in Value (such Value to be ascertained by the Land Tax Assessment), attending at a Meeting to be held for that Purpose, as herein-after is mentioned, within One Calendar Month next after the Death, Refusal, or Incapacity to act of any such Commissioner, by Writing under their Hands, to appoint a new Commissioner (not interested in such Inclosure) in the Place and Stead of any such Commissioner so dying, refusing, or becoming incapacitated to act: Provided that the surviving or remaining Commissioner shall cause Notice to be given in the Parish Church of *Astley* on some *Sunday* immediately after Divine Service in the Morning, of the Time and Place of Meeting to chuse or appoint such new Commissioner, at least Ten Days before every such Meeting: Provided also, that if it shall happen that a new Commissioner shall not be appointed as aforesaid, then and so often as the Case shall happen, the surviving or remaining Commissioner shall elect and appoint the Commissioner requisite for supplying the Place of every Commissioner who shall have died or refused to act, or become incapable of acting as aforesaid; and every such new Commissioner shall have the like Powers and Authorities for carrying this Act into Execution to all Intents and Purposes, as if he had been originally named and appointed a Commissioner in this Act. Appointing
new Commis-
sioners.

V. Provided also, and be it further enacted, That if either of the said Commissioners shall neglect to attend at the First or Second Meeting appointed to be holden for putting this Act in Execution, and duly qualify himself by taking the Oath in that Behalf prescribed; or if either of the said Commissioners shall, at any Time after the said First or Second Meeting, wilfully absent himself from any Two succeeding Meetings, appointed to be holden as aforesaid, (such Meetings being known to him, by his being present at the Appointment thereof, or Notice thereof in Writing having been Eight Days previously given or left at his usual Place of Abode, by the Clerk to the said Commissioners, and such Commissioner, not being prevented by Sicknes or other reasonable Cause, to be allowed by the other Commissioner from attending at such subsequent appointed Meetings); or if any Commissioner, hereafter to be elected and appointed in Neglect to
attend Two
Meetings shall
be deemed a
Refusal to
act.

Manner aforesaid, shall not attend and qualify himself at the First or Second Meeting after his Election, to be appointed by the surviving or remaining Commissioner for putting this Act into Execution, or shall thereafter absent himself in Manner aforesaid, (having first known of such Meeting, or after such Notice, and without such Cause as herein-before mentioned); and in like Manner if any Umpire to be elected and appointed as aforesaid, shall neglect to attend at any Two succeeding Meetings to be appointed by the said Commissioners, at which his Presence shall be required by them (Eight Days Notice in Writing of the Time and Place of holding such Meetings having been given him, or left at his usual Place of Abode, and he not being prevented by Sickness or other reasonable Cause, to be allowed by the said Commissioners), every such Absence or Non-attendance shall be deemed and taken to be a Refusal to act.

Appointing
Clerk and
Surveyor.

VI. And be it further enacted, That the said Commissioners shall have Power, and they are hereby authorized to appoint some fit and proper Person to be their Clerk, for assisting them in carrying this Act into Execution, and another proper Person to be their Surveyor; and such Clerk and Surveyor from Time to Time to remove, and to nominate and appoint some other fit and proper Person to succeed them in such Offices, as to the said Commissioners shall seem meet.

Notice of
Meetings.

VII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause publick Notice to be given in the Parish Church of *Astley* 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 the Newspaper called *The Worcester Herald*, or in some other Newspaper circulated in the said County of *Worcester*, of the Time and Place of their First and every other Sitting, for the Execution of this and the said recited Act, at least Ten Days previous to every such Sitting (Sittings by Adjournment only excepted), and that such First Sitting shall be held within Sixty Days after the passing of this Act, or as soon after as conveniently may be; and the said Commissioners shall and may adjourn every or any such Sitting from Time to Time as they shall think proper, without giving any publick Notice of such Adjournment, and all the Sittings of the Commissioners shall be held within the said Parish, or within Eight Miles of the Boundary thereof.

Other No-
tices.

VIII. And be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners in pursuance of this Act, or the said recited Act, shall be so made and given by Advertisement in the said Newspaper called *The Worcester Herald*, or such other Newspaper as aforesaid.

Determining
Differences.

IX. 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 and Allotments, touching or concerning the 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 relative to the said Division, Allotment, and Inclosure, it shall and may be lawful to and for the said Commissioners or Umpire, and they are hereby authorized to examine into, hear, and determine the same: Provided

vided always, that nothing herein contained shall authorize the said Commissioners or Umpire to determine the Title to any Manors, Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever: Provided always, that the Determination of the said Commissioners or Umpire touching such Claim or Claims as aforesaid, which shall not be objected to within Two Months next after the Commissioners or Umpire shall have determined the same, or shall not be tried by any Action or Actions at Law in Manner herein-after directed, shall be final and conclusive on all Parties.

X. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners or Umpire to determine any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Incroachments as herein-after mentioned); but in case the said Commissioners or Umpire shall be of Opinion against the Right of the Person or Persons so in Possession, they or 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.

Possession not to be molested without due Course of Law.

XI. And be it further enacted, That in case the said Commissioners or Umpire shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners or Umpire, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners or Umpire 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 to and for the said Commissioners and they are hereby authorized and required by Warrant under their Hands and Seals, directed to any 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) upon Demand, unto 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.

Assessing Costs.

XII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the Division, Allotment, and Inclosure hereby directed to be made, or intended so to be, shall be dissatisfied with any Determination of the said Commissioners or Umpire touching or concerning any Right or Rights, Claim or Claims in, to, over, or upon the Woods or Woodlands, and Commons or Waste Grounds hereby directed to be divided, allotted, and inclosed, or of any Right of Common, or other Rights or Interests in, to, over, or upon the same or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire, and for that Purpose to bring or cause an Action to be brought, upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners

Allowing a Trial at Law.

missioners or Umpire, and the Defendant or Defendants in such Action shall, and he, she, and they is and are hereby required to appoint an Attorney or Attornies, who shall appear thereto or file common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties or their Attornies 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 *Worcester*, after the making the Determination of the said Commissioners or Umpire, 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 qualified or less Right, or Rights or Interests than was or were claimed by such Party, then it shall and may 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 or Persons whomsoever (unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or Finding and Indorsement, 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 Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial: Provided always, that the Determination of the said Commissioners or Umpire touching such Rights or Interests in, over, or upon the said Woods or Woodlands, and Commons or Waste Grounds respectively, hereby directed to be divided, allotted, and inclosed, or any Part thereof, in all Cases where the same shall not be objected to, or where the same, being objected to, and the Party or Parties objecting shall not cause such Action at Law to be brought or proceeded in as aforesaid, shall be final and conclusive to and upon all Parties interested therein: Provided also, that no such Action, Verdict, or new Trial, while the same shall be depending, shall in any wise impede or delay the said Commissioners in the Execution of the Powers vested in them by this or the said recited Act, 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 depending.

Actions not
to abate by
Death of Parties,

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

ing, 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, Body or Bodies Politick 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 Commissioners 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.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized at any Time or Times before the Execution of the said Award, by Notice in Writing under their Hands, to be affixed upon the principal Outer Door of the Church of the said Parish of *Astley*, to order and direct all or any Part of the Rights of Common, and other Interests in, over, and upon the Commons or Waste Grounds to be divided, allotted, and inclosed as aforesaid, or any Part or Parts thereof to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Writing; and that all such Rights as the said Commissioners shall, by such Order, direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time specified in such Notice, cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly, any Law or Usage to the contrary notwithstanding.

Extinguishing Rights of Common.

XV. And be it further enacted, That in order to shorten Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted, and the Lands and Grounds in the adjoining Parishes, it shall be lawful for the said Commissioners, with the Consent in Writing, under the Hands of the Lords or Ladies of the Manor or Manors, and of the Majority in Value (such Value to be ascertained by the Land-Tax Assessment) of the Landholders interested in any Lands, Hereditaments, or Waste Grounds adjoining to the said Parish of *Astley*, and also under the Hand of any Owner of any adjoining Land, upon which any such Fence shall be intended to be made, to set out, ascertain, and determine the Boundary Fences to be made between the Woods or Woodlands, Commons or Waste Grounds respectively, by this Act directed to be divided and allotted, and the Lands adjoining thereto, as they shall judge proper for the Purposes aforesaid; and after such Boundary Fences shall be so set out, ascertained, and determined, the same shall be fenced by such Persons in such Manner and at such Times as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundary between the Lands and Grounds hereby directed to be divided and inclosed, and such adjoining Parish or Parishes, any Law, Usage, or Custom, to the contrary notwithstanding.

Determining Boundaries.

XVI. And

Encroach-
ments within
Twenty
Years.

XVI. And be it further enacted, That all Encroachments which have been made upon the said Woods or Woodlands, and Commons or Waste Grounds respectively, or any Part thereof, within Twenty Years last before the passing of this Act, shall be deemed Part of the said Woods or Woodlands, and Commons or Waste Grounds respectively to be divided, allotted, and inclosed by virtue of this Act: Provided nevertheless, that all such Encroachments shall be allotted to the Person or Persons who shall at the Time of making the said Allotments, be in the Possession or Receipt or entitled to the Rents and Profits of such Encroachments, as the Whole, or Part of the Shares or Proportions of the said Woods or Woodlands, and Commons or Waste Grounds respectively, to which such Person or Persons shall be entitled by virtue of this Act, without considering the Value of any Erection thereon; and in case such Person shall not be entitled to any Allotment, or to an Allotment equal to the Value of such Encroachments, but shall be willing to purchase the same, then the said Commissioners shall ascertain the Price thereof, or such Part thereof as shall exceed the Rights of the Possessor or Possessors thereof, in and upon the said Woods or Woodlands, and Commons or Waste Grounds respectively; and in the ascertaining of such Price, the said Commissioners or Umpire shall not value the Buildings thereon, but shall value the Land only, and upon such Person or Persons paying the Price so fixed to the said Commissioners, or one of them, or to such other Person or Persons, and at such Place and Places, at such Time or Times as the said Commissioners shall for that Purpose appoint, and taking a Receipt to be signed by the said Commissioners, for the same, every such Encroachment or such Part thereof as shall be so purchased, and all Buildings and Improvements thereon shall thereupon by virtue of this Act, become vested in such Purchaser or Purchasers, and his and their respective Heirs and Assigns, without any further or other Conveyance or Assurance whatsoever, and after such Payment such Purchaser or Purchasers shall not be bound to see to the due Application thereof; and the said Commissioners shall apply all such Purchase Money in such and in the same Manner as all other Monies hereby directed or authorized to be levied or raised for defraying the Expences of obtaining and passing this Act, and of carrying the same into Execution, as are herein directed to be applied.

Within Sixty
Years.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, by Examination of Witnesses upon Oath, (which Oath the said Commissioners are hereby authorized to administer), and by such other legal Ways and Means as they shall think proper, to enquire into and determine what Enclosures have been made upon, or taken from the said Woods or Woodlands, Commons or Waste Lands, hereby directed to be divided, allotted, and inclosed within Sixty Years previous to the passing of this Act; and that no Owner or Owners of any Inclosure or Inclosures which shall be proved to the Satisfaction of the said Commissioners, or in Case of their differing in Opinion, of the said Umpire, to have been taken from or made upon the said Woods or Woodlands, Commons or Waste Lands, for a less Space than Sixty Years, shall in respect thereof be entitled to have or claim any Allotment or Allotments in or upon the said Woods or Woodlands, Commons, or Waste Lands.

Roads.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, with the Concurrence and Order of Two Justices of the Peace,

Peace, acting in and for the said County of *Worcester*, (in Manner and Subject to Appeal as in the said recited Act is mentioned), to divert, stop, discontinue, alter, or change any publick Carriage or private Roads or Footways leading into, through, upon, or over the said Woods or Woodlands, and Commons or Waste Lands, and also the old Inclosures lying within the said Manor and Parish of *Astley*, as to them shall appear useles and unnecessary; and that such publick Carriage Roads as shall be so stopped up and discontinued, shall be deemed Part of the Woods or Woodlands, and Commons or Waste Grounds, to be divided, allotted, and inclosed, pursuant to this Act.

XIX. And be it further enacted, That the said Commissioners shall and may (if they 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 Surveyors of the Highways of the said Parish of *Astley*, such Parcel or Parcels of the Woods or Woodlands, and Commons or Waste Grounds hereby intended to be divided, allotted, and inclosed, as they shall think most proper for digging and getting up Stone or Gravel for the Repair of the Highways and public and private Roads within the said Parish of *Astley*, the Herbage or Produce of which Allotment to be made to such Surveyors shall be appropriated in such Manner as the said Commissioners shall in and by such Award direct and appoint.

Allotment for
Gravel Pits.

XX. And be it further enacted, That the said Commissioners (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 said *Denham James Joseph Cookes*, the Lord of the said Manor of *Astley*, such Part or Parts of the said Commons or Waste Grounds hereby directed to be inclosed, as shall contain or be equal in Value to One full Fifteenth Part or Share of the said Commons or Waste Grounds situated within the said Manor (after deducting the Extent or Value of the Allotments for publick and private Roads, and for other general Purposes), which Allotment shall be taken and accepted by the said 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 Commons or Waste Grounds; 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.

Allotment to
Lord of Ma-
nor.

XXI. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby required to allot and set out Sixty Yards square of the said Commons or Waste Lands for the Purpose of erecting and building a Poor House thereon, and making a Garden thereto, for the Use of the Poor of the said Parish of *Astley*, to be used and disposed of from Time to Time as the Parishioners and Inhabitants of *Astley* aforesaid, at their Vestry Meetings, shall from Time to Time order and direct.

Poor.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required in the next Place to assign, set out, and allot all the Residue and Remainder of the said Commons or

Residue.

[*Loc. & Per.*]

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Waste

Waste Grounds by this Act directed to be divided, allotted, and inclosed, unto the several Persons who are, or shall, or may be Owners or Proprietors thereof, and the Persons intitled to, or having Right of Common, or other Rights or Interests therein and thereon, in such Shares, Quantities, Proportions, and Manner as the said Commissioners shall adjudge and determine to be a fair, just, and reasonable Compensation for their several and respective Shares, Property, Rights of Common, and other Rights of, in, to and over the same Commons or Waste Grounds.

Allotment of Woodlands.

XXIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or in case they shall differ as aforesaid, for the said Umpire to set out, allot, appoint, and award specific Shares of the Whole of the said Woods or Woodlands called *Astley Wood* and *Penny Park*, now held by the several Proprietors thereof as Tenants in Common, unto and amongst the Proprietors thereof in Severalty, in Proportion to their respective Rights, Estates, and Interests therein, subject to such Roads as the said Commissioners shall think proper to set out in and over the same; and the same Woods or Woodlands shall, upon the Allotment thereof, respectively go and remain 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, as the same are now held in Common by the several Proprietors thereof.

Fencing Allotments.

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

Small Allotments to be fenced in one Parcel in common.

XXV. And be it further enacted, That where any Parcels of Commons or Waste Grounds to be allotted for any Right of depasturing Cattle, or other common Rights in any of the said Commons or Waste Grounds shall be so small that the same cannot be conveniently or advantageously fenced off or separated, it shall be lawful to and for the said Commissioners to allot and set apart all such Pieces or Parcels of Commons or Waste Grounds in some one or more convenient Place or Places, to be held and enjoyed by the Owners thereof in common, and by their Award to direct and appoint by whom, or under what Regulations, and in what Manner the same shall from thenceforth be respectively held, occupied, and enjoyed.

Fencing Glebe Allotments.

XXVI. And be it further enacted, That all and every Parcel and Parcels of Commons or Waste Lands which shall be allotted in pursuance of this Act for the Rights of Common belonging or appertaining to the Rectory or Glebe Lands of *Astley*, shall be well and effectually inclosed and fenced round in such Manner as the said Commissioners shall direct, at the Expence of the several Owners of and Persons interested in the said Commons or Waste Grounds; and after such Fences shall have been so made, the same shall for ever thereafter be preserved, maintained, and kept in Repair at the Expence of the Person entitled to such Allotments.

XXVII. And

XXVII. And be it further enacted, That it shall be lawful 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, demise, mortgage, 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 Commissioners, and every such Gift, Grant, Bargain, Sale, Demise, Mortgage, Limitation, Conveyance, and Assurance shall be of the same Force and Validity as if made after the Execution of the said Award; and also that it shall be lawful for the Owners or Proprietors of any common Rights upon the Commons or Waste Grounds hereby directed to be divided, allotted, and inclosed, to sell and dispose of the same, or of the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separate and distinct from the Estate in Right of which they, he, or she are or is entitled to the same, in like Manner as they, he, or she might have done at any Time after the Execution of the said Award.

Proprietors may sell their Interest in the Allotment, before the Award.

XXVIII. And be it further enacted, That all and every the Lessee or Lessees of any Lands, Tenements, and Hereditaments, at Rack Rent, entitled to Right of Common in or upon the Commons or Waste Grounds intended to be inclosed under the Powers of this Act, their respective Executors, Administrators, and Assigns, shall hold and enjoy the Woods or Woodlands, and Commons or Waste Grounds, allotted to their Lessors, in respect thereof, for and during the Continuance of their respective Terms and Interests in such their respective Leases, (unless any such Lessee shall otherwise agree with his or her Lessor respecting the same), paying to the Lessors an additional or Increase of Rent for the same, on Account of the Expences such Lessors may be put unto, in consequence of this Act; and in case any such Lessors or Lessees do not within Three Calendar Months next after their respective Allotments shall be staked out and ascertained, agree upon the Quantum of such additional or Increase of Rent, so to be paid, it shall be lawful for the said Commissioners, and they are hereby required, to fix and settle what additional Rent shall be thereafter paid, by every such Lessee to the respective Person and Persons entitled to the Reversion of any such Allotment, for or in respect of the Expences which such Person or Persons shall be put unto in fencing or other necessary Improvements of the said Commons or Waste Grounds, so to be allotted as aforesaid.

Lessees at Rack Rent may hold the Allotment, on paying additional Rent.

XXIX. And be it further enacted and declared, That the several Commons or Waste Grounds 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 Lands, Tenements, and Hereditaments, in respect of which the Allotments so made were previously held, and the several Commons or Waste Grounds which shall respectively be allotted by virtue of this Act, shall upon the Allotment thereof respectively, go and remain to such and the same Persons, for such and the same Estates and Interests, and to such and the same Intents and Purposes, and be 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 Hereditaments in respect whereof the same Commons or Waste Grounds shall be respectively allotted, would belong or stand or be limited to or upon, or subject unto, if such Allotment thereof had not been made,

Allotments to be of same Tenure.

made, or this Act had not been passed; except as to such Leases and Agreements for Leases, at Rack Rent, as shall be determined under the Provisions in that Behalf herein contained; and the Covenants or Clauses in any other Leases or Agreements, whereby the Proprietor of the Lands, in lieu of which such Allotment shall be made, is authorized to enclose, or cause to be enclosed, the said Commons or Waste Grounds, or any Part thereof, without making any Compensation to the Tenant or Occupier of such Lands.

Exchanges.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, and Hereditaments, new Allotments, or old Inclosures whatsoever within the said Parish of *Astley*, in Lieu of and in Exchange for any other Lands, Tenements, and Hereditaments, new Allotments, or old Inclosures whatsoever within the said Parish, or within any adjoining Parish, Hamlet, Manor, Township, or Place: Provided all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners be a Body or Bodies Politick, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or in Fee Tail, General or Special, or for Life, 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 Uses or other Uses, Husbands, Committees, or Attornies, of or acting for any such Owners as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politick, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively, or by signing the Award of the said Commissioners, or other Instrument; and the said Commissioners, by their Award, or by any other Writing under their Hands and Seals, shall and may ratify and confirm all or any Exchanges which have been heretofore made and acquiesced in, of any Messuages, Tenements, or Hereditaments within the said Parish, which shall appear to them just and reasonable; and that all and every Exchange and Exchanges so to be made, and such former Exchanges which shall be so ratified and confirmed as aforesaid, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, and the Property so exchanged shall afterwards be enjoyed by the Persons taking and accepting the same, subject to the same Uses, Trusts, and Estates as the Lands or other Property in Lieu whereof the same were so taken in Exchange, now, are, or would have been subject to, in Case the same had remained unexchanged: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

Expences of Exchanges by whom to be paid.

XXXI. Provided always, and be it further enacted, That the Costs, Charges, and Expences attending the making of any Exchange or Exchanges, Partition or Partitions, Sale or Sales to be made by Virtue of this

or

or the said recited Act, shall be borne, paid, and defrayed by the several Persons making such Exchanges, Partitions, or Purchases, in such Shares and Proportions as the said Commissioners shall, in and by their said Award, order and direct.

XXXII. 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 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 Messuages, Buildings, Lands, or Grounds to be divided, allotted, inclosed, or exchanged in pursuance of this or the said recited Act, or any Part or Parts thereof respectively, but that the respective Persons to whom any Lands or Hereditaments shall be allotted or given in Exchange by virtue of this Act, shall remain seized thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Charges, and Incumbrances, and no other, as the Messuages, Buildings, Lands, Grounds, and Hereditaments whereof such Person was seized or possessed at or immediately before the Execution of the Award of the said Commissioners, or for which, or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been made.

Wills and Settlements not to be affected.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Impropiator of *Astley* aforesaid, or the Rector of *Astley* aforesaid for the Time being, in or to any Tythes arising or renewing out of or payable in respect of the Woods or Woodlands, Tenements or Hereditaments lying within the said Parish of *Astley*, save and except as is hereinbefore mentioned as to the Commons or Waste Grounds aforesaid, for the Term aforesaid.

Tythes of Woodlands not to be prejudiced.

XXXIV. And be it further enacted, That the Costs, Charges, and Expences occasioned by or incident to, and attending the obtaining, soliciting, and passing this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting of the Woods and Woodlands, and Commons and Waste Lands, to be divided and allotted by virtue of this Act, and of preparing and enrolling the Award of the said Commissioners, and all Costs and Charges that the said Commissioners or Umpire shall be put unto in respect of any Appeal or Appeals against their Decisions in the Execution of this Act, either before or after the Execution of the said Award, and all the Expences of forming, making, repairing, or completing the public Carriage Roads, Highways, and Bridges to be set out and appointed by the said Commissioners, by virtue or in pursuance of this or the said recited Act, and the Compensation or Allowance to be made to the Clerk and Surveyor to the said Commissioners for their Attendance on and Business done for the said Commissioners or Umpire in the Execution of this and the said recited Act, and all other Expences of carrying this Act into full and complete Execution, shall, unless otherwise directed by this Act or by the said Commissioners, be borne and defrayed by the several Persons (save and except the said *Harry Thomas Foley*, or the Rector of *Astley* aforesaid for the Time being) to whom any Allotment or Allotments of the said Woods or Woodlands, Commons or Waste Grounds respectively shall be

How Expences of Act to be defrayed.

made by virtue of this Act, in such Shares and Proportions, and shall be paid within such Time and to such Person or Persons as the said Commissioners or the said Umpire shall settle, direct, nominate, and appoint; and the said Commissioners are hereby authorized and empowered from Time to Time to make and form Estimates of all such Costs, Charges, and Expences, and to raise the Amount of such Estimates at any Time after the Allotments shall have been staked out and confirmed, either before or after the Execution of their Award, as they shall deem necessary; and in Case any Person or Persons interested as aforesaid (except the Rector of *Astley* for the Time being) shall refuse or neglect to pay his, her, or their Share or Proportion, Shares or Proportions of such Costs, Charges, and Expences, or any Part thereof, at the Time or Times and to the Person or Persons to be appointed for that Purpose by the said Commissioners, then the same shall and may be levied and recovered in the Manner directed by the said recited Act.

Or by Sale of
Land.

XXXV. And be it further enacted, That if the said Commissioners shall think fit to raise a Sum of Money to defray the Whole or any Part of the Costs, Charges, and Expences aforesaid by Sale of Woods or Woodlands, and Commons or Waste Grounds respectively, as herein-after mentioned, it shall and may be lawful for the said Commissioners, if they shall think proper to do so, as soon after the passing of this Act as conveniently may be, and after and from Time to Time as they shall see Occasion, before the Execution of their Award, to sell by publick Auction or private Contract such Part or Parts of the said Woods or Woodlands, and Commons or Waste Grounds hereby directed to be divided, allotted, and inclosed, as they shall deem expedient for the Purposes aforesaid, such Sale to be subject to the Regulations and Directions mentioned in the said recited Act, and to apply the Money which shall arise by such Sale in defraying such Costs, Charges, and Expences as aforesaid; and all and every Part and Parts of the said Woods or Woodlands, and Commons or Waste Grounds which shall be so sold by the said Commissioners for such Purpose or Purposes, shall, upon the respective Purchaser or Purchasers thereof paying his, her, or their Purchase Money for the same to the said Commissioners, or One of them, or to such Person or Persons, and at such Place and Time, Places or Times as the said Commissioners shall for that Purpose appoint, and taking a Receipt or Receipts to be signed by the said Commissioners for the same, by virtue of this Act, become vested absolutely in such Purchaser or Purchasers, and his, her, or their respective Heirs, without any further or other Conveyance or Assurance thereof whatsoever, and after such Payment such Purchaser or Purchasers shall not be bound to see to the due Application thereof, but be for ever thereof discharged: Provided always, that no such Sale or Sales as aforesaid shall be made by the said Commissioners of any Part or Parts of the said Commons or Waste Lands intended to be inclosed by virtue of this Act, which shall immediately adjoin the old Inclosures of any Proprietor or Proprietors, and lie between such Inclosures and any publick Road now used or to be laid out as aforesaid, so as the same do not exceed Two Acres in Quantity in any One Instance; and provided such Proprietor or Proprietors shall be desirous of becoming the Purchaser or Purchasers thereof, at the said Commissioners Valuation, and shall signify such his, her, or their Desire to the said Commissioners, by Writing under his, her, or their Hand or Hands, within Three Calendar Months after the said Roads shall be set out, and shall pay
such

such his, her, or their Purchase Money at such Time or Times, and with such Deposits as herein, or in, and by the said recited Act is directed, in Cases of Sales by Auction, and in such Case all such Parts and Parcels of the said Commons or Waste Lands shall be allotted and awarded to such Proprietor or Proprietors in such and the same Manner as is herein-before provided in case of Sales by Auction as aforesaid.

XXXVI. And be it further enacted, That in case such Part or Parts of the said Woods or Woodlands, and Commons or Waste Grounds hereby directed to be sold, shall produce more Money than will be required for defraying the Charges and Expences hereby directed to be defrayed thereout respectively, then and in such Case the Surplus Money arising by such Sale or Sales shall be divided and apportioned between the several Proprietors of the Woods or Woodlands, and Commons or Waste Lands hereby directed to be divided, allotted, and inclosed, according to their several and respective Interests therein, and paid to them, in case they shall be seized in Fee Simple, or Fee Tail, General or Special, of their several Allotments, or in case any of the Parties shall not be so seized, the Shares of such last mentioned Parties shall be paid into the Bank of *England* in the Manner directed by the said recited Act, in respect of Money thereby directed to be paid into the Bank for the Purchase of the Woods or Woodlands, and Commons or Waste Lands, 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.

Application
of Surplus.

XXXVII. And be it further enacted, That such Part of the said last-mentioned Charges and Expences as shall not have been raised by such Sale or Sales as aforesaid, shall be raised by a Rate or Rates as aforesaid, and the same shall be paid by the several Owners or Persons interested in the said Woods or Woodlands, and Commons or Waste Grounds respectively, in Proportion, as near as may be, to the annual Value of the Allotments to be made to them respectively, such annual Value to be ascertained by the said Commissioners, or in case of their differing in regard thereto, by the said Umpire; and the Shares of the said Costs, Charges, and Expences to be paid and borne by the respective Owners and Persons interested as aforesaid, shall be ascertained and determined by the said Commissioners, and shall be paid at such Time and Place, or Times and Places, to such Person or Persons, and in such Manner as the said Commissioners shall by any Writing under their Hands, to be affixed on the principal outer Door of the said Parish Church of *Astley* aforesaid on some *Sunday* during Divine Service, at least Fourteen Days before the Time appointed for such Payment, order and direct; and in Default of Payment thereof, or of any Part or Parts thereof, according to such Direction or Appointment as aforesaid, the same shall and may be recovered, with Interest, from the Time when the same ought to have been paid, in the Manner directed or authorized by the said recited Act.

Or by a pro-
portionate
Rate.

XXXVIII. And be it further enacted, That it shall be lawful for the respective Persons or Proprietors seized or entitled of or to any Estate for Life or Lives, or for Years determinable on any Life or Lives, or of Inheritance of, in, or to any Messuages, Tenements, Lands, or Hereditaments in anywise affected by this Act, or any Rate or Charge to be imposed thereon by virtue thereof, whenever such Rate shall be laid by the said Commis-

Proprietors
may borrow
Money on
Mortgage.

tioners in pursuance of this Act, and for the Husbands, Guardians, Trustees, Committees, or Attornies of any such Proprietors, being Femmes Covert, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves, at any Time or Times either before or after the Execution of the said Award, with the Consent of the said Commissioners in Writing under their Hands, to charge such respective Allotments or exchanged Lands with such Sum and Sums of Money, not exceeding the Sum of Ten Pounds for each Acre thereof wherewith they shall be charged and stand rated in the Rate or Rates hereby directed or authorized to be made by the said Commissioners for the Purposes aforesaid, and also with the Expences of preparing Deeds requisite and necessary for securing the same; and the same, when raised, to be paid to such Person or Persons as the said Commissioners shall appoint, in order to be applied and disposed of for the Purposes aforesaid, with lawful Interest for such Sum and Sums of Money; and for better securing the Payment of such Sum or Sums of Money, with Interest, to convey, by way of Mortgage, without Impeachment of Waste, any such respective Allotments and exchanged Lands as aforesaid, or any of them, or any Part or Parts thereof, to the Person or Persons who shall respectively lay out and expend such Sum or Sums of Money, or to cause the same to be laid out and expended, or to such Person or Persons as he, she, or they, his, her, or their Executors or Administrators shall respectively appoint, so that every such Conveyance, by way of Mortgage as aforesaid, be made with a Proviso that no Person in Remainder or Reversion who should become entitled in Possession to the Hereditaments and Premises therein comprized, shall be liable to pay any further or larger Arrear of Interest on the Money so secured than for One Year preceding the Time at which the Title to such Possession shall have commenced; and every such Conveyance or Surrender, by Way of Mortgage, as shall be made in pursuance of this Act, either before or after the Execution of the said Award, shall be good, valid, and effectual in the Law for the Purposes thereby intended, and the Person or Persons lending the same shall not be bound to see to the due Application thereof.

Not to deduct
Land, and
borrow Mo-
ney.

XXXIX. Provided always, and be it further enacted, That in all Cases where any Land shall be deducted from the Allotment of any of the said Proprietors or Persons towards Payment of Expences as aforesaid, it shall not be lawful for the said Commissioners to deduct from any such Allotment any further or greater Quantity of Land than would be equal in Value to the Sum of Money that such Proprietor or Proprietors is or are, by this or the said recited Act, empowered to borrow and charge on his, her, or their Allotments or exchanged Lands; nor shall it be lawful for the Proprietor or Persons from whose Allotment Land shall be deducted as aforesaid, to charge his, her, or their Allotments or exchanged Lands, by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences.

For repaying
Money ad-
vanced, with
Interest.

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

XLI. And

XLI. And be it further enacted, That there shall be paid to each of the said Commissioners and Umpire, as a Recompence for their Pains and Trouble, the Sum of Three Guineas for each and every Day of their Attendance touching the Execution of this Act, and no more, and that neither of the Commissioners or Umpire shall require or be entitled to receive any Fee, Reward, or Gratuity whatsoever, except the said Sum of Three Guineas each *per Day*; and that at all Meetings to be held in pursuance of this Act, the said Commissioners shall pay their own Expences, and that the said Proprietors, their Attornies and Agents, shall pay their own Expences, when they or any of them shall attend the said Commissioners, at any of their Meetings to be held in pursuance of this Act; and that the Surveyor or Surveyors, and Clerk, appointed and to be appointed by the said Commissioners, shall be paid such Sum and Sums of Money *per Day*, or otherwise, for their respective Pains and Trouble in attending the said Commissioners, in the Execution of this Act, as to the said Commissioners shall seem just and reasonable.

Allowance to
Commission-
ers.

XLII. 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 Commissioners shall and are hereby required to make a true and just Statement or Account of all Sums of Money by them received or expended, or due to them, for their own Trouble and Expences, or to their Clerk or Surveyor, in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before Two Justices of the Peace for the said County of *Worcester*, 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 Commissioners, and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by the said Justices.

Auditing
Commission-
ers Account.

XLIII. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act, shall, together with such Plans or Surveys as may be annexed thereto, be lodged and deposited in the Parish Church of *Astley* aforesaid, to the End that Recourse may be had thereto by any Person or Persons interested in the said Division or Inclosure.

Depositing
Award.

XLIV. And be it further enacted, That all Persons who shall think themselves aggrieved by any Thing which shall be done in pursuance of this Act, or of the said recited Act, (except in such Cases where the Order and Determination of the said Commissioners or Umpire are herein or therein declared to be final, binding, and conclusive, or where an Issue at Law may be tried, as herein-before mentioned), every such Person may appeal to the Justices of the Peace for the said County of *Worcester*, at the General Quarter Sessions to be held within Four Calendar Months next after the Cause of such Complaint shall have arisen, the Person or Persons so appealing, first giving Ten Days Notice thereof in Writing to the Party or Parties appealed against, and entering into a Recognizance with Two sufficient Sureties, before a Justice of the Peace for the same County, conditioned to prosecute such Appeal with Effect, and to pay the Costs to be awarded by such Justices to be paid by such Appellants respectively; and

Appeal.

the said Justices in their said Quarter Sessions, are hereby authorized and required to hear and determine such Appeal, and to give such Costs to either Party as they shall think reasonable, and to make such Order therein as to them shall appear just; which Order shall be final and conclusive to all Parties, and shall not be removed or removeable by *Certiorari* or any other Writ, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Saving Rights
of Lord of
Manor.

XLV. Provided always, and be it further enacted, That nothing in this Act contained, shall extend or be construed to extend, to prejudice, alter, vary, affect, lessen, abridge, diminish, defeat, or determine, any of the Rights and Interests of the Lord of the said Manor for the Time being, in or to the Seigniories, Royalties, Rights, and Services, incident and belonging to the said Manor, but that such Lord of the said Manor, for the Time being, shall and may from Time to Time, and at all Times hereafter, exercise and enjoy all Rents, Services, Courts, Perquisites, and Profits of Courts, Mines, Goods and Chattels of Felons, Fugitives, Felons of themselves, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Jurisdictions, Rights, and Pre-eminences whatsoever, to the said Manor, or to the Lord thereof for the Time being, incident, appendant, appurtenant, or belonging, or in anywise appertaining, (except such Rights for which Compensations shall have been made by virtue of this Act), in as full, large, ample, and beneficial a Manner, as they have heretofore been held, exercised, or enjoyed, or might or could have been held, exercised, or enjoyed, in case this Act had not been made.

General Sav-
ing.

XLVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Politick, and Corporate, his, her, and their Successors, Heirs, Executors, and Administrators, (other than and except the several Persons, Bodies Politick, and Corporate, to and amongst whom the said Woods or Woodlands, and Commons or Waste Lands, shall be allotted and divided, in pursuance of this Act), all such Right, Title, and Interest (except such as are hereby intended to be barred and destroyed) as they, every, or any of them, had and enjoyed, of, in, to, or out of the said Woods or Woodlands, and Commons or Waste Lands, at the Time of passing this Act, or could or might have had or enjoyed, in case this Act had not been made.

Public Act.

XLVII. 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.

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