



ANNO QUINQUAGESIMO PRIMO

# GEORGI II. REGIS.

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## Cap. 94.

An Act for inclosing Lands in the Manors and Townships of *Leighton* and *Thornton*, in the Parish of *Great Neston*, in the County of *Chester*.

[14th May 1811.]

**W**HEREAS there are within the several Manors and Townships of *Leighton* and *Thornton*, in the Parish of *Great Neston*, in the County of *Chester*, certain Commons and Waste Lands, containing Two hundred and nineteen Acres, Three Roods and Twenty-three Perches or thereabouts: And whereas Sir *Thomas Mostyn* Baronet is Lord of the said Manors of *Leighton* and *Thornton*, and as such is entitled to the Soil of the Commons or Waste Lands within the said Manors respectively: And whereas the Right Honourable the Earl of *Shrewsbury*, the said Sir *Thomas Mostyn* Baronet, *Daniel Aldersey*, and *Edward Bennet* Esquires, and some others, are Owners and Proprietors of all the Messuages, Lands and Hereditaments within the said respective Manors, and have Right of Common in, over and upon the said Commons and Waste Lands in respect thereof: And whereas the said several Commons or Waste Lands are in their present uncultivated State of little or no Value, but if divided amongst the several Persons interested therein, and the same were inclosed, great Benefit and Advantage would arise therefrom to the several Persons interested in the same; which Division and Inclosure cannot be established and rendered effectual 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*,

Utility of Inclosure.

General Inclosure Act.

[Loc. & Per.]

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and

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 all the said Commons and Waste Lands shall be divided and allotted by *John Calveley*, of *Stapleford*, in the said County of *Chester*, Gentleman, who is hereby appointed Commissioner for setting out, dividing and allotting the same, and for putting this Act in Execution; subject nevertheless to such Orders, Regulations and Directions as are hereinafter contained, and with such of the Powers and subject to such of the Rules, Directions, Regulations and Provisions contained in the said recited Act, as are not hereby varied or altered.

Appoint-  
ment of Com-  
missioners.

Appointment  
of new Com-  
missioner  
in case of  
Death.

II. And be it further enacted, That in case the said *John Calveley*, or his Successor or Successors to be appointed in Manner hereinafter mentioned, shall die, or become incapable of acting, or shall refuse to act as Commissioner as aforesaid, or shall for the Space of One Calendar Month wilfully neglect to act as Commissioner before all the Powers vested in him by this and the said recited Act are completely executed, then and from Time to Time as often as Occasion may require, it shall and may be lawful for the Majority in Value (such Value to be ascertained by the Land Tax Assessment) of the several Persons interested in the said Commons or Waste Lands, in the said Manors of *Leighton* and *Thornton* respectively, or their respective Agents or Attornies who shall be present at a Meeting to be held for that Purpose, in pursuance of Notice in Writing signed by One or more of the said Proprietors, and inserted in the *Chester* Newspapers, some or One of them, Fourteen Days at least before such Meeting, to appoint a new Commissioner (not interested in the said Inclosure) in the Room of the said *John Calveley*; and any such new Commissioner so to be appointed shall have the same Powers and Authorities by virtue of this Act as the Commissioner whom he shall so succeed had or was invested with.

Appointment  
of Surveyor.

III. And be it further enacted, That all such Surveys, Admeasurements and Plans as shall in the Opinion of the said *John Calveley* be requisite and necessary to be made and taken for the Purposes of dividing and allotting the said Commons or Waste Lands hereby directed to be divided and allotted respectively, shall be made and taken by *Edward Rogers*, of *Bryn Eithin*, in the County of *Flint*, Land Surveyor, or in case of his Death, or Refusal to act, or becoming incapable of acting, by such other Person or Persons as the said Commissioner or his Successor shall from Time to Time nominate and appoint.

Commis-  
sioner to give  
Notice of  
Sittings.

IV. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be inserted in the *Chester* Newspapers or some or One of them, of the Time and Place of holding his First and Second Sitting to put this Act into Execution, at least Fourteen Days before every such Sitting; and shall also cause Ten Days' Notice at least to be given in Writing, and affixed on the principal outer Door of the Parish Church of *Great Neston* aforesaid, of every subsequent Meeting for the like Purposes (Sittings by Adjournment only excepted); and that all Sittings of the said Commissioner shall be held within the Manor or  
respective

respective Manors for which such Sittings shall be from Time to Time appointed, or at some convenient Place or Places, within Eight Miles thereof.

V. And be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioner shall be by Advertisement in the *Chester* Newspapers; and signed by himself, or by his Clerk or Clerks by his Order. Other Notices how to be given.

VI. 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 Inclosures, touching or concerning their respective Rights and Interests therein, or touching or concerning any Matter or Thing relating to the said intended Division, Allotment and Inclosure, it shall be lawful for the said Commissioner and he is hereby authorized and required to hear and determine the same: Provided always, that nothing in this Act contained shall authorise the said Commissioner to determine the Title to any Messuages, Lands, Tenements or Hereditaments whatsoever. Commissioner to settle Disputes.

VII. And be it further enacted, That in case the said Commissioner shall upon the Hearing and Determination of any Difference or Dispute, or of any Claim or Claims, Objection or Objections to be delivered to him in pursuance of this or of the said recited Act, see cause to award any Costs, it shall be lawful for the said Commissioner and he is hereby empowered, 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 such Determination shall be made, by the Person or Persons against whom any such Determination shall have been made; and in case any Person or Persons who shall be liable and ordered 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 or Warrants under his Hand, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) of the Monies arising from such Sale (after deducting the Costs and Charges attending such Sale and Distress) to the Person or Persons whose Goods and Chattels shall have been so distrained and sold. Power to assess Costs.

VIII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested as aforesaid, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim or Claims of any Rights of Common, or other Rights or Interests in, over, upon or out of the Commons or Waste Lands intended to be divided, allotted and inclosed in pursuance of this Act, 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 Commissioner, at the First or Second Assizes to be holden for the County of *Chester* next after the Determination of the said Commissioner; and for that Purpose the Person or Persons who shall be dissatisfied with such Determination, shall cause an Action to be brought Allowing Parties to try their Rights at Law.

brought upon a feigned Issue, in the Court of King's Bench at *Westminster*, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the said Court, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall have been given in such Actions shall be final, binding and conclusive upon all and every Person or Persons whomsoever, unless the said Court shall set aside such Verdict or Verdicts and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and that after such Verdict or Verdicts shall be 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 or Trials: Provided always, that the Determination of the said Commissioner, touching such Claim or Claims to such Rights of Common, or other Rights and Interests over, upon or out of the said Commons or Waste Lands hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be binding, final, and conclusive upon all Parties interested.

Provision in  
case of Death  
of Parties  
before Action  
brought.

IX. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this or the said recited 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.

Death of  
Parties not  
to abate  
Action.

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

XI. Pro.

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

Commis-  
sioner to in-  
quire and de-  
termine re-  
specting En-  
croachments.

XII. Provided also, and be it further enacted, That none of the present Roads in, over or upon the said Commons or Waste Lands, hereby directed to be divided and allotted, shall be shut up and discontinued until the said Commissioner shall have caused the public Roads to be set out in Manner directed by the said recited Act.

Roads.

XIII. And for preventing all Disputes and Differences which may arise touching the Repairs of the public Highways and Roads which shall be set out and appointed in pursuance of this Act or of the said recited Act, be it further enacted, That the said Commissioner shall and he is hereby authorized and required to determine and adjudge what Part or Parts of the said Highways and Roads so to be set out and appointed shall or do belong to each of the said Townships of *Leighton* and *Thornton*; and the said Commissioner shall, in and by his general Award, order and direct by which of the said Townships respectively such Highways and Roads shall be maintained, amended and kept in Repair, and the Owners or Occupiers for the Time being in each of such Townships respectively shall, from and after the Execution of the said general Award of the said Commissioner, maintain, amend and keep such respective public Highways and Roads in Repair as shall be so determined and adjudged to belong to such Townships respectively, in the same Manner as ancient and common public Highways and Roads are by Law to be amended and kept in Repair.

XIV. And be it further enacted, That all Encroachments, which, by the Inclosure or Fencing of any Part of the said Commons or Waste Lands, shall have been made at any Time within Twenty Years before the passing of this Act, shall be deemed Part thereof, and shall be divided and allotted accordingly; but any such Inclosure which may have been made for the Space of Twenty Years and upwards, although originally Encroachments, shall be deemed and considered as old Inclosures, and not subject to the Powers and Operations of this Act; and in case any Dispute shall arise touching any such Encroachment or Encroachments, or the Extent thereof, such Dispute shall be determined by the said Commissioner, whose Determination shall be final and conclusive.

Encroach-  
ments made  
within Twenty  
Years deemed  
Common.

XV. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby required to set out, allot, and award, out of the said Commons or Waste Lands so intended to be divided, allotted, and inclosed as aforesaid, such Plot or Plots of the same Commons or Waste Lands in each of the said Manors, not exceeding in the whole Six Acres in each Manor or Township, and in such Place or Places within each Manor or Township as he shall judge most expedient,

Allotments  
for Materials  
and Water-  
ing-places.

as and for public Sand, Marl, Clay, or Gravel Pits, with convenient Roads thereto, to be used for Repairs of the public and private Roads, directed to be made within each of the said Manors or Townships, and also to direct the Ponds now open, or any of them, to be continued, or to set out, allot and award such Plot or Plots as and for a Pond or Ponds in each of the said Manors or Townships for Water and watering Cattle, with convenient Ways thereto, and to award and direct to whom the Herbage of such Allotment shall belong.

Allotment to  
the Lord of  
the Manors.

XVI. And be it further enacted, That after setting out the necessary and proper Roads pursuant to the said recited Act, the said Commissioner shall and he is authorized and required to set out, allot and award unto and for the said Sir *Thomas Mostyn* Baronet, or his Heirs, as Lord of the said Manors of *Leighton* and *Thornton* aforesaid, so much and such Part or Parts of the said Commons or Waste Lands within the same Manors hereby directed to be divided and allotted, as in the Judgment of the said Commissioner shall be equal in Value to One-fifteenth Part of the whole of the same Commons or Waste Lands, for and in lieu of and as a Recompence and Compensation for all Right to the Soil which the said Sir *Thomas Mostyn* now hath or might, or of Right ought to have in the said Commons or Waste Lands, as Lord of the said Manors of *Leighton* and *Thornton* respectively, over and above and exclusive of all such further and other Shares or Allotments which he is or may be entitled unto in respect of his Freehold Estates having Right of Common in or upon the said Commons or Waste Lands.

Allotments  
of the Residue  
to the several  
Proprietors.

XVII. And be it further enacted, That the said Commissioner shall and he is hereby required and authorized, after making such Allotments as aforesaid, to divide, set out and allot all the Residue and Remainder of the said Commons or Waste Lands hereby directed to be divided, allotted and inclosed between and amongst the said Earl of *Shrewsbury*, Sir *Thomas Mostyn*, *Daniel Aldersey*, *Edward Bennett*, and the several other Persons interested therein, in such Quantities, Shares and Proportions, and in such Manner as the said Commissioner shall adjudge and determine to be a just and full Compensation and Satisfaction for, and equal to their several and respective Rights and Interests of, in and over the said Commons or Waste Lands (Quantity, Quality, and Situation considered).

Rates for de-  
fraying the  
Expences.

XVIII. And be it further enacted, That all and every the Costs, Charges, and Expences incident to or attending the obtaining and passing this Act, and of the Surveys, Admeasurements and Plans of the said Commons or Waste Lands hereby directed to be inclosed, and of all other Surveys, Plans and Admeasurements which shall be made by the Order of the said Commissioner, and also of valuing, dividing, setting out and allotting the said Commons or Waste Lands or any Part thereof, and of forming, making and completing the public Roads, Ways and Watering-places which shall be set out and appointed by virtue of this or the said recited Act, and of preparing, inrolling, and depositing the Award of the said Commissioner, and making a Copy thereof and all other the Costs, Charges and Expences of the said Commissioner, and of the several Persons employed and consulted by the said Com-

Commissioner in carrying the several Powers of this and the said recited Act into Execution, or in any Way concerning the same, either before or after the Execution of the said Award, shall be paid, borne and defrayed by the several Owners or Proprietors of and the Persons interested in the said Commons or Waste Lands, in such Shares, Parts and Proportions, and shall be paid to such Person or Persons, and at such Time or Times, Place or Places, and in such Manner as the said Commissioner shall, from Time to Time in and by any Writing or Writings under his Hand, or in and by his said Award, and either previous to or after the Execution of the same, order, direct and appoint, according to the Value of their respective Allotments of the said Commons or Waste Lands; and the said Commissioner is hereby authorized and required from Time to Time; and at any Time or Times hereafter, as often as he shall deem it necessary and proper, to make and form Estimates of all such Costs, Charges and Expences, and to raise the Amount of such Estimates by a Rate or Rates accordingly, and shall in every such Rate express the Purpose to which the same is to be applied, and in case any such Proprietor or Proprietors shall refuse or neglect to pay his, her or their Share, Part or Proportion, Shares, Parts or Proportions of such Costs, Charges and Expences, according to such Order, Direction and Appointment as aforesaid, then and in such Case the same shall and may be levied and recovered in Manner directed by the said recited Act.

XIX. Provided, and be it further enacted and declared, That if at the Time of the Execution of the Award of the said Commissioner there shall remain due from any Person or Persons any Sum or Sums of Money which shall have been ordered, directed or appointed to be paid by virtue of this Act, it shall and may be lawful for the said Commissioner and he is hereby authorized and required to levy and raise the same in like Manner as he might and could have done before the Execution of his Award.

Power to levy in case of Non-payment of Rates.

XX. Provided always, and be it further enacted, That the Money which shall be advanced by any Person or Persons for the Purpose of defraying the Charges and Expences incident to and attending the obtaining and passing this Act, or which shall be advanced or lent to the said Commissioner for carrying the same into Execution, shall be repaid with lawful Interest from the Time such Money shall have been actually advanced, to the Person or Persons who shall have advanced the same, his, her or their Executors or Administrators, out of the first Monies to be raised under and by virtue of this Act for defraying the Expences of obtaining and executing the same.

For repaying Money advanced with Interest.

XXI. Provided always, and be it further enacted, That in case it shall happen that the same Person or Persons is or are seized of Messuages, Lands or Hereditaments for Life only, and of the Fee Simple and Inheritance of other Messuages, Lands or Hereditaments within the said Manors of *Leighton* and *Tbornton*, or either of them respectively, and any other Person or Persons having or claiming to have Rights or Interests in the Lands and Grounds hereby directed to be divided and inclosed; and shall be entitled or claim to be entitled to Right of Common in respect of both such Estates, then and in such Case the said Commissioner, upon the Request in Writing of such Person or Persons, or of his, her or their Agent or Attorney, shall set out and allot the Share or Proportion of such Person

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

Person or Persons in respect of his, her or their different Estates, in distinct and separate Parcels from each other, so that the Proportion of Common Lands awarded in respect of the Messuages, Lands and Hereditaments held for Life, or settled Estate, be no way intermixed with, but kept separate from the Portion awarded in respect of the unsettled Estate.

Leases at  
Rack Rent  
to be void.

XXII. And be it further enacted, That the said Commissioner may and he is hereby directed and authorized to declare void all and every Lease and Leases and all other Agreements and Tenures at Will, or Rack-rent subsisting of any Messuages, Lands or Tenements, in respect whereof any Allotment shall be made in pursuance of this Act, so far as such Lease or Leases may operate to demise or let all or any Part of the said Commons or Waste Lands, or Right of Common thereon; and the said Commissioner is hereby empowered to order and adjudge such Satisfaction as to him shall appear reasonable to be made to such Lessee or Lessees, and to order, adjudge and determine by whom such Satisfaction shall be made.

Other Lease-  
holders en-  
titled to  
Right of  
Common, to  
hold the same  
during their  
Leases, on  
Condition  
they inclose  
and fence in  
their Allot-  
ments.

XXIII. And be it further enacted, That the several Lessees or Tenants, who under any other Kind of Lease or Leases have any Messuages, Tenements, Lands or other Hereditaments in respect whereof any Allotment or Allotments shall be made as aforesaid (except such as have only Right of Common upon the said Commons or Waste Lands whilst the same remain uninclosed, and except Leases at Will or at Rack-rent), shall, during the Continuance of their respective Leases, have, hold and enjoy the respective Allotment or Allotments of the said Commons or Waste Lands which shall be set out for and in respect of such Messuages, Tenements, Lands and Hereditaments, but upon Condition nevertheless that such Lessee or Lessees, Tenant or Tenants do and shall well and sufficiently inclose, ditch and fence out such Allotment and Allotments within One Year next after the general Award of the said Commissioner shall have been executed, and also do and shall pay his or their Share and Shares proportionate to their respective Leasehold Interests of all Charges and Expences relating thereto, to be settled by the said Commissioner, and the Reversioner shall pay the Residue of such Charges and Expences for and in respect of such Messuages, Lands, Tenements and Hereditaments in Lease respectively; and if any of the said Lessees or Tenants shall refuse or neglect well and sufficiently to inclose, fence and ditch out such Allotment or Allotments of the said Commons or Waste Lands so to be set out as aforesaid within the Time hereinbefore limited, and to pay their several and respective proportionate Shares of the Charges and Expences aforesaid, according to the true Intent and Meaning of this Act, then all such Allotments of the said Commons or Waste Lands as shall at the End of One Year next after the Execution of such Award as aforesaid be found uninclosed or not well and sufficiently fenced and ditched as aforesaid, shall go, revert and remain unto, and vest in Possession in the Proprietors of the Reversion of such Leasehold Messuages, Tenements, Lands and Hereditaments, exonerated and absolutely discharged from such Leases; and the said Proprietors are in such Case hereby ordered and authorized to inclose, ditch and fence in the same within One Year next after such Neglect or Refusal, and to pay all the Charges and Expences thereof; and the Allotment or Allotments of the said Commons or Waste Lands which shall be set out to the said Leaseholders respectively

In case of  
Refusal or  
Neglect in the  
Lessees to in-  
close and  
fence, the  
Reversioners  
to take the  
Allotments.



as aforesaid, shall nevertheless, from and after the Determination of their Leases respectively, go, revert and remain to the respective Owners of the Messuages, Lands, Tenements and Hereditaments, in respect of which the same shall be allotted, who shall respectively enjoy the same Estate and Estates in such Allotments, whether vested in Possession or Reversion, as he, she or they may have in the Messuages, Tenements Lands and Hereditaments, for or in respect whereof such Allotments shall be made as aforesaid.

XXIV. And be it further enacted, That all Allotments which shall be made in respect of any Messuages, Tenements, Lands and Hereditaments in Grant or Lease where the Grantee or Grantees, Lessee or Lessees, Tenant or Tenants, is or are not entitled to Right of Common upon the said Commons or Waste Lands any longer than whilst the same shall be open and uninclosed, shall be held, inclosed and enjoyed by the Grantor or Grantors, or Owner or Owners of the said Messuages, Tenements, Lands and Hereditaments so in Grant or Lease respectively; according to their several Estates and Interests therein respectively; and the Grantees, Lessees or Tenants shall have no Right to such Allotment or Allotments, or any Part thereof; and it shall be lawful for the said Commissioner to determine upon and settle all Contracts, Covenants, Agreements, Claims and Demands whatsoever, touching the said Commons or Waste Lands, or any Part or Parcel thereof, or any Right or Benefit of, in or to the same, between all, and every or any Landlord and Tenant or Landlords and Tenants respectively.

Where Lessees are entitled to Right of Common only whilst uninclosed, the Allotments to go to the Lessors.

Commissioner to settle between Landlords and Tenants.

XXV. And be it further enacted, That all and every Person and Persons to or for whom any Allotment or Allotments of any Part or Parts of the said Commons or Waste Lands shall be set out, allotted or awarded shall respectively, at his, her and their own Expence, fence in and inclose the same in such Manner and within such Time as the said Commissioner shall, in and by his Award or any other Writing under his Hand, direct or appoint; and such Fences shall for ever afterwards be preserved and kept up by the Owner or Owners of the said Allotment or Allotments respectively.

Proprietors to fence their Allotments.

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

Power for Proprietors to sell their Allotments.

XXVII. And be it further enacted, That nothing in this or the said recited Act contained shall extend or be construed to extend to revoke, make void, alter or annul any Will, Deed or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents or Incumbrances out of, upon or affecting any of the Lands, Grounds and Hereditaments to be divided and allotted, or which shall be exchanged or assigned in Compensation for any other Estate or Right by virtue of this or the said recited Act, or any Part or Parts thereof respectively, but as well the Lands allotted as the Tenements and other Hereditaments which shall be assigned in Exchange or in Compensation for any other Estate or Right, shall, immediately after

Wills and Settlements not to be affected.

such Allotment, Exchange or Assignment shall be made, be vested remain and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall thenceforth stand and be seised, and possessed thereof respectively, and subject and liable to such and the same Wills, Deeds, Settlements, Dowers, Jointures, Portions, Debts, Rents or Incumbrances, as the Messuages, Tenements, Lands, Grounds, and Hereditaments, in respect whereof such Allotments, Assignments and Exchanges shall be made, would have been subject to be charged with or affected by in case this Act had not been passed, except as to such Leases or Agreements for Leases at Rack-rent, or from Year to Year, as shall be determined by virtue of this Act, or where any of the Provisions of the said recited Act or of this Act shall be to the contrary, and also except such Charges and Incumbrances as shall be made thereon by virtue of this Act.

Commis-  
sioner's Al-  
lowance.

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

Commis-  
sioner to lay  
his Accounts  
before Two  
Justices.

XXIX. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof), the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all and every Sum or Sums of Money by him received and expended, or due to him for his own Trouble and Expences in the Execution of this and the said recited Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before any Two or more of His Majesty's Justices of the Peace for the said County of *Chester* (not interested in the said intended Division and Inclosure), to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed in Writing by such Justices.

Persons ag-  
grieved may  
appeal to the  
Quarter Ses-  
sions.

XXX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act (other than and except such Determinations of the Commissioner as are hereby or by the said recited Act declared to be final, binding or conclusive, and except in such Cases where an Issue at Law may be tried as hereinbefore is mentioned), then and in every such Case, he, she or they may appeal to the General Quarter Sessions of the Peace, to be holden in and for the said County of *Chester*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Party or Parties concerned, Fourteen Day's Notice in Writing of such Appeal, and of the Matters thereof; and the Justices (not interested in the Premises) in such Sessions assembled are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Damages and Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy such Damages and Costs by Distress and Sale of the Goods and Chattels of the Party or Parties

Parties made 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 every Order and Determination of the Justices upon every such Appeal shall be final and conclusive, and shall not be removed or removable by *Certiorari* or any other Writ or Process whatsoever into any of his Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid.

XXXI. And be it further enacted, that the Award to be made by the said Commissioner, when inrolled in Manner directed by the said recited Act, and such Plans or Survey as may be annexed thereto, shall be deposited in the Parish Church of *Neston* aforesaid, for the Perusal of all Persons interested therein. Award to be deposited.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained shall defeat, prejudice, or affect the Rights and Interests of the said Sir *Thomas Mostyn*, his Heirs or Assigns, or any Person or Persons claiming or to claim by, from, or under, or in Trust for him, or by, from, or under his or any of his Ancestors, of and to all Mines of Lead and Coal, and all other Mines, and all Ores, Minerals and Fossils of what Nature or Kind soever; and also all Quarries of Lime and Stone in or under the said Commons or Waste Lands intended to be divided and allotted as aforesaid; but that the said Sir *Thomas Mostyn*, his Heirs and Assigns, and such other Person and Persons as aforesaid, and his and their Lessees, Tenants, Agents, Servants, Miners and Workmen, shall and may from Time to Time and at all Times hereafter, have, hold, use, enjoy, search for and work all Mines and Seams of Lead and Coal, and all other Mines, Ores, Minerals and Fossils whatsoever, and all Quarries of Stone, as fully and effectually to all Intents and Purposes as he could or might have done before the passing of this Act; and for that Purpose it shall and may be lawful to and for the said Sir *Thomas Mostyn*, his Heirs and Assigns, and such other Person or Persons as aforesaid, and his and their Lessees, Tenants, Agents, Servants, Miners and Workmen, from Time to Time, and at all Times after the passing of this Act, and as well before the said Commons or Waste Lands shall be divided and inclosed, as afterwards, to make, sink, dig, drive, and work all such Pits, Shafts, Levels, Soughs, Tunnels and Way-gates, as he or they shall think necessary for searching for, discovering and working any Mines of Lead and Coal, and any other Mines, or for the raising or getting of Lead and Coal, and any Ores and Fossils whatsoever, in or under the said Commons or Waste Lands, and also to dig and raise Clay for the making and burning of Bricks and Tiles for the Use of any such Mine or Mines, or for the repairing of any old or the erecting of any new Buildings, which may be necessary for carrying on or working the same; and also to erect any Number of Steam-Engines and other Engines and any Kind of Machinery whatsoever in or upon the said Commons or Waste Lands or any Part thereof, for the Use of such Mine or Mines and for the raising, getting, washing, smelting, or manufacturing of any Ores, Minerals and Fossils; and also all Stones, Rubbish, Earth and Soil which shall be raised or gotten out of such Mines or Quarries in or upon the said Saving the Rights of Sir Thomas Mostyn Baronet, to the Minerals, &c.

said Commons or Waste Lands; and to make, burn or convert Coal and Culm into Charcoal and Coke; and also to collect Water upon the said Commons or Waste Lands, for the Purpose of washing and manufacturing any Ores, Minerals or Fossils to be dug, gotten, or raised in or from the same; and also to make and use all necessary and convenient Ways, Roads, Passages and Railways in, through, upon and over the said Commons or Waste Lands, when inclosed, for the Use of any Mines or Quarries which shall or may be sunk, or made or worked in any Part or Parts thereof, and with Carts, Waggons and other Carriages to take and carry away the Lead, Coals, Ores, Minerals, Fossils and Stones there to be found and raised as aforesaid; and to do all other Acts which shall be reasonable and necessary, or useful and convenient, in and upon the same Commons or Waste Lands, for the searching for and discovering and working any Mine or Mines of Lead or Coal, and for the raising and manufacturing, taking away, removing, selling, and disposing of all Lead, Coal, Ores, Minerals, Fossils or Stones whatsoever, without any Molestation or Interruption whatever, in such and the like Manner as if this Act had not been made.

Saving to Sir Thomas Mostyn Baronet, his Right of Jurisdiction, &c.

XXXIII. Provided also, and it is hereby further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to prejudice, defeat, injure or lessen the Right and Interest of the said Sir *Thomas Mostyn*, as Lord of the said Manors of *Leighton* and *Thornton*, or of his Lessee or Lessees, Steward, or Stewards, or other Officers for the Time being, or in or to the Seigniories and Royalties incident and belonging to the same, but that the said Sir *Thomas Mostyn*, his Heirs and Assigns, and his and their Lessee or Lessees, Steward or Stewards, or other Officers thereof for the Time being, shall and may from Time to Time and at all Times hereafter hold and enjoy all the Rents, Services, Courts, Perquisites and Profits of Courts, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties Privileges, Pre-eminences, Manorial Jurisdictions and Appurtenances whatsoever to the same, or to the Stewards or other Officers thereof incident or appendant, belonging or appertaining, except Right of Common or of Soil, and Quarries, Springs, and other Matters, not being Mines or Minerals; which Quarries, Springs and other Matters, not being Mines or Minerals, shall belong to the several Persons, Bodies Politic or Corporate, to whom any Allotments shall be made by virtue of this Act.

General Saving of Rights.

XXXIV. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politic, Corporate or Collegiate, his, her or their Heirs, Executors or Administrators (except such whose Rights are hereby intended to be barred) all such Right, Title, and Interest as they, any, or every of them had and enjoyed, of, in, to or out of the said 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.

Act to be printed by the King's Printer.

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

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