



ANNO QUINQUAGESIMO QUARTO

# GEORGI II. REGIS.

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## Cap. 162.

An Act for inclosing Lands in the Parishes of *Aymestrey* and *Kingsland*, in the County of *Hereford*.  
[17th June 1814.]

**W**HEREAS there are within the several Townships of *Shirley*, *Upper Ley*, *Nether or Lower Ley*, and *Covenhope*, in the Parish of *Aymestrey*, in the County of *Hereford*, several Open and Common Fields, Commons, Heaths, and other Commonable Lands and Grounds, containing in the whole by Estimation Two hundred Acres or thereabouts, and within the several Townships of *Upper and Lower Lawton*, *West Town*, *Longford*, and *Aston*, in the Parish of *Kingland*, in the same County, several Heaths, Commons, Wastes and other Commonable Lands and Grounds, containing in the whole by Estimation One hundred and forty Acres, or thereabouts: And whereas the Reverend *Robert Henry Johnson* is or claims to be Lord of the Manor of *Shirley*; and *William Hanbury* Esquire is or claims to be Lord of the Manor of *Lye Devereux* or *Upper Ley*; and *Thomas Foley* Esquire is or claims to be Lord of the Manor of *Nether or Lower Ley*; and the said *William Hanbury* is also Lord of the Manor of *Covenhope*: And whereas *Edward Lloyd* Esquire is Lord of the Manor of *Kingland*, comprehending the said several Townships of *Upper and Lower Lawton*, *West Town*, *Longford*, and *Aston*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty King *George the Third*, intituled *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said *Robert Henry Johnson*, *William Hanbury*, *Thomas Foley*,

[Loc. & Per.]

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and

and *Edward Lloyd*, the Reverend *James Landon*, the Reverend *William Evans*, *Somerset Davies* Esquire, *Richard Heming* Esquire, *William Tanner* Esquire, *Richard Heming* the younger, Esquire, *Edward Evans* Esquire, *John Powell* Esquire, *Samuel Aston* Esquire, *Richard Hayling* Esquire, the Reverend *John Wall* Clerk, *Marianne Atherton* Widow, *John Getbin*, *John Bright*, *Joseph Edwards*, and *William Harper*, Gentlemen, and divers other Persons, are Proprietors of and interested in the said Open and Common Fields, Commons, Heaths, Wastes, and other Commonable Lands and Grounds; and it would be of great Advantage to them and the several other Persons interested in the said Open and Common Fields, Heaths, Commons, Wastes and other Commonable Lands and Grounds, if the same were divided, and specific Parts thereof allotted to and amongst the several Persons interested therein, in proportion to their respective Estates, Rights, and Interests therein, and that such Allotments should be inclosed and held in Severalty; but the several beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Richard Allerton* of *Surrey Street*, in the Parish of *Saint Clement Danes*, in the County of *Middlesex*, Gentleman, and *George Nuttall* of *Hampton Court Park*, in the County of *Hereford*, Gentleman, shall be and they are hereby appointed Commissioners for setting out, dividing, allotting, and inclosing all the Open and Common Fields, Heaths, Commons, Wastes and other Commonable Lands and Grounds in the several Townships of *Shirley*, *Upper Ley*, *Nether* or *Lower Ley*, and *Covenhope* aforesaid, and all the Commons, Heaths, Wastes, and other Commonable Lands and Grounds in the several Townships of *Upper* and *Lower Lawton*, *West Town*, *Longford*, and *Aston* aforesaid, and for putting in Execution this Act, and such of the Powers, Authorities, Directions, and Provisions contained in the said recited Act, as are not altered, controlled, or otherwise provided for or affected by this Act.

Appointment  
of Commis-  
sioners.

For the Ap-  
pointment of  
new Commis-  
sioners.

II. And be it further enacted, That in case the said *Richard Allerton* shall refuse to act or to qualify himself as a Commissioner for the Execution of this Act, or if he shall, before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, die or become incapable of acting as a Commissioner, it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment) of the several Persons interested in the said Lands and Grounds within the several Townships of *Shirley*, *Upper Ley*, *Nether* or *Lower Ley*, and *Covenhope* aforesaid, intended to be divided and allotted by virtue of this Act, who shall by themselves or their respective Agents attend the Meeting or Meetings to be appointed for that Purpose, as herein-after is mentioned, by Writing under their respective Hands, to appoint some other fit Person (not interested in the Premises) to be a Commissioner in the Place of the said *Richard Allerton*, and so from Time to Time as often as any Commissioner so to be appointed as aforesaid shall die, refuse, or become incapable to act as aforesaid; and in case the said *George Nuttall* shall refuse to act or to qualify himself as a Commissioner for the Execution of this Act, or if he shall, before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, die or become incapable of acting

as such Commissioner, it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment) of the several Persons interested in the Lands and Grounds within the said several Townships of *Upper and Lower Lawton, West Town, Longford, and Aston* aforesaid, intended to be divided and allotted by virtue of this Act, who shall by themselves or their respective Agents attend the Meeting or Meetings to be appointed for that Purpose, as herein-after is mentioned, by Writing under their respective Hands to appoint some other fit Person (not interested in the Premises) to be a Commissioner in the Place of the said *George Nuttall*, and so from Time to Time as often as any Commissioner so to be appointed as last aforesaid shall die, refuse, or become incapable to act as aforesaid; and in case any of the said Parties shall make default in appointing any such new Commissioner within One Calendar Month after the Death of any Commissioner, or his Refusal or becoming incapable to act, then the surviving or remaining Commissioner shall and he is hereby required from Time to Time, by Writing under his Hand within One Calendar Month next after the Expiration of the said One Calendar Month allowed to the respective Parties for naming such new Commissioner or Commissioners by them respectively as aforesaid, or so soon after as conveniently may be, to appoint One other Commissioner, not interested in the Premises, in the room of any such Commissioner so dying, refusing, or becoming incapable to act as aforesaid; and every Commissioner to be appointed in the Manner herein-before respectively directed, shall have the like Powers and Authorities as the Commissioners named and appointed by this Act: Provided always, that Two or more of the said Persons so respectively interested as aforesaid shall cause Notice to be given of the Time and Place of Meeting for every such Election (which Place shall be in One of the said Parishes of *Aymestrey* and *Kingsland* aforesaid, or within the Distance of Eight Miles therefrom) at least Fourteen Days before the Time of holding such Meeting; such Notice to be publicly read in the respective Parish Churches of *Aymestrey* and *Kingsland* aforesaid on some *Sunday* immediately after Divine Service, and to be inserted in the Newspaper called *The Hereford Journal*, or some other Newspaper usually circulated in the County of *Hereford*.

III. Provided always, and be it enacted, That if either of the Commissioners hereby nominated shall refuse or neglect to attend at the first Meeting appointed to be holden for carrying this Act into Execution, and duly qualify himself by taking and subscribing the Oath prescribed in that Behalf; or if either of the said Commissioners shall at any Time after the said first Meeting wilfully absent himself from any Three following successive Meetings appointed to be holden by virtue of this Act, or having been absent from Two successive Meetings, shall not attend during the whole of the Third or next succeeding Meeting, such Meetings being known to him either by his being present at the Appointment thereof, or Notice thereof in Writing having been given to him, or left at his last or usual Place of Abode, by the Clerk to the said Commissioners, or by any Three or more of the Persons interested in the Premises, and such Commissioner not having been prevented by Sickness or other reasonable Cause, to be allowed by the other Commissioner, from attending or continuing at such Meetings; or if any Commissioner, to be nominated and appointed as by this Act directed, shall not attend and qualify himself to act as a Commissioner in the Execution of this Act, at the first Meeting of the said

Neglect of Commissioners to attend Meetings considered as a Refusal to act.

said Commissioner after his Nomination or Appointment, or shall thereafter wilfully absent himself from Three following successive Meetings to be holden by virtue of this Act, or having been absent from Two successive Meetings, shall not attend during the whole of the Third or next succeeding Meeting, such Meetings being known to him, either by his being present at the Appointment thereof, or Notice thereof in Writing having been given to him or left at his last or usual Place of Abode by the Clerk to the said Commissioners, or by any Three or more of the Persons interested in the Premises, and such Commissioner not being prevented by Sickness or other reasonable Cause, to be allowed by the other Commissioner from attending or continuing at such Meetings, then and in every of such Cases, such Absence or Non-attendance shall be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act.

Umpire.

IV. And for the Purpose of settling and determining any Difference or Dispute which may arise between the said Commissioners, touching or concerning any of the Matters and Things to be by them determined and performed, or executed in pursuance of the said recited Act or this Act; be it further enacted, That *John Cheese* of *Lyons Hall*, in the said County of *Hereford*, Gentleman, shall be and he is hereby appointed to act as an Umpire, and he is hereby authorized and required to hear and determine every such Difference or Dispute as may arise between the said Commissioners touching any Act, Matter, or Thing relating to the said Division, Allotment, and Inclosure, or to any of the Purposes of this Act; and the Judgement and Determination of the said Umpire therein shall be deemed and considered to be the Judgement and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned in the said Division and Inclosure, so far as the Judgement and Acts of the said Commissioners are by the said recited Act and this Act made final and conclusive.

For the Appointment of new Umpire.

V. And be it further enacted, That if the said *John Cheese*, or any future Umpire to be appointed as herein-after is mentioned, shall refuse to act or to qualify himself as an Umpire under this Act, or shall die or become incapable of acting before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, then the said Commissioners shall, before they shall proceed further in the Execution of this Act, and they are hereby authorized to appoint, by Writing under their Hands, some other fit Person (not interested in the Premises) to be an Umpire in the Place of the Umpire so refusing to act, or to qualify, or dying or becoming incapable of acting; and if the Commissioners cannot agree in the choice of a Person to supply the Place of Umpire, on any such Vacancy, then each of the said Commissioners is hereby required to set down in Writing the Name of some fit Person, not interested in the Premises, whom he shall propose to fill such Vacancy; and the Names so set down being written on Papers of the same Size and Kind, and folded up in the same Form, or as nearly as may be to the same Size, Kind, and Form, shall at some Meeting of the Commissioners for the Execution of this Act, of which due Notice shall have been given, be put together in a Box or Glafs, from which some indifferent Person shall at such Meeting publicly, and in the Presence of all Persons interested who shall choose to attend, draw out One of such Papers, and the Person whose Name shall be written on the Paper first drawn out shall be the Umpire; and the said Commissioners

missioners are hereby required to certify, by Writing under their Hands, the Choice and Appointment of such Person to be Umpire accordingly; and every Umpire to be appointed in the Manner herein-before directed, shall have the like Powers and Authorities as are by this Act vested in the Umpire hereby appointed.

VI. Provided always, and be it further enacted, That the Instrument and Certificate of the Appointment of every Commissioner and Umpire to be elected and appointed by virtue of this Act, shall be enrolled with the Award of the Commissioners; and a Copy of such Instrument or Certificate, attested by the proper Officer of the Court where the same shall be enrolled, shall be full and sufficient Evidence thereof in all Courts whatsoever.

Appointment of Commissioners and Umpire to be enrolled, and Copy to be Evidence.

VII. And be it further enacted, That *Frederick Young of Surrey Street* Surveyor. afore said, Surveyor, shall be the Surveyor for the Purposes of this Act, within the said several Townships of *Shirley, Upper Ley, Nether or Lower Ley, and Covenhope* afore said, for and during the Will and Pleasure of the said Commissioners; and that *George Watts of Leominster*, in the said County of *Hereford*, Surveyor, shall be the Surveyor for the Purposes of this Act, within the said several Townships of *Upper and Lower Lawton, West Town, Longford, and Aston* afore said, for and during the Will and Pleasure of the Commissioners; and on the Death or Removal of the said *Frederick Young* and *George Watts* respectively, it shall be lawful for the said Commissioners by Writing under their Hands, to appoint One or more fit and proper Person or Persons, not interested in the Premises, to be Surveyor or Surveyors in their stead respectively, for and during the Will and Pleasure of the said Commissioners; and on any future Vacancy, in like Manner to appoint some other Surveyor or Surveyors, and so from Time to Time, as often as there shall be occasion.

Surveyor.

VIII. And be it further enacted, That no Person shall be capable of acting as Umpire or Surveyor in the Execution of this Act, until he shall have taken and subscribed an Oath in the Form following; *videlicet*,

Umpire's and Surveyor's Oath.

‘ I Do sincerely promise and swear, That I will act in the Execution of the Powers, Authorities, and Trusts, reposed in me, as Umpire or Surveyor [*as the Case may be*] by virtue of an Act passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*], truly, impartially, and honestly, according to the best of my Skill, Judgement, and Ability, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.

‘ So help me GOD.’

And either of the Commissioners is hereby authorized to administer the said Oath to every such Umpire and Surveyor; and the Oath so taken and subscribed by each Umpire or Surveyor, shall be annexed to and enrolled with the Award of the said Commissioners.

IX. And be it further enacted, That the said Commissioners shall, and they are hereby directed to cause public Notice to be affixed on the principal Outer Doors of each of the Parish Churches of *Aymestrey* and *Kingstand* afore said, of the Time and Place of their First and every other Meeting for the Execution of this Act, at least Eight Days before any such Meeting

Commissioners to give Notice of Meetings.

[*Loc. & Per.*]

One Commissioner or Clerk may adjourn.

Place of Meeting.

In what Manner Notices in general are to be given.

Commissioners to determine Differences;

but not Titles.

Power to award Cofts.

ing shall be holden (Meetings by Adjournment excepted); and the said Commissioners may and they are hereby authorized to adjourn any such Meeting from Time to Time and Place to Place, as they shall see occasion; and in case both the said Commissioners shall not meet at the Time and Place appointed for any such Meeting, or to which any such Meeting shall be adjourned, it shall be lawful for the Commissioner present at such Time and Place, or if no Commissioner shall then attend, for the Clerk to the said Commissioners (which Clerk they are hereby authorized to appoint) to adjourn such Meeting to any future Day, not exceeding Twenty-eight Days from the Day of Adjournment, to be holden at the same or any other convenient Place, and so from Time to Time until both the said Commissioners shall meet; and the Commissioner or Clerk making such Adjournment, is hereby required to give Notice thereof to the absent Commissioner or Commissioners; provided that all the Meetings of the Commissioners shall be holden within One of the said Parishes of *Aymestrey* and *Kingland*, or within the Distance of Eight Miles therefrom.

X. And be it further enacted, That all other Notices requisite or necessary to be made and given by the said Commissioners, including Notices of Adjourned Meetings, shall be made and given by Advertisement to be inserted in the said Newspaper called *The Hereford Journal*, or in some other Newspaper usually circulated in the said County of *Hereford*.

XI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties that now are, or shall before the making of the Award of the said Commissioners, be interested or claim to be interested in the said intended Division and Allotments, or any of them, touching and concerning the respective Shares and Proportions which they or any of them shall claim or ought to have in any of the said Lands and Grounds hereby directed to be divided and allotted, or in the said intended Division and Allotments, it shall be lawful for the said Commissioners and Umpire, and they respectively are hereby authorized and required to examine into, hear and determine the same; provided that nothing herein contained shall authorize the said Commissioners or Umpire to determine the Title to any Lands, Tenements, or Hereditaments whatsoever.

XII. 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, Matter or Thing to be heard and determined by them respectively, in pursuance of this or the said recited Act, see cause to award any Cofts, it shall be lawful for the said Commissioners and Umpire, and they respectively are hereby empowered, upon Application made to them or him for that Purpose, to settle, assess, and award such Cofts and Charges as they or he shall think reasonable, to be paid to the Party or Parties in whose Favour their or his Determination shall be made, by the Person or Persons, Body or Bodies Politic or Corporate, whose Claim or Claims, Objection or Objections shall be thereby disallowed or overruled; and in case the Person or Persons, Body or Bodies Politic or Corporate, who shall be liable to pay such Cofts and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized

rized and required by Warrant under their Hands and Seals, 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, Body or Bodies Politic or Corporate, so neglecting or refusing to pay the same; rendering the Overplus (if any) upon Demand, to the Person or Persons, Body or Bodies Politic or Corporate, whose Goods and Chattels have been distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

XIII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or allotted by virtue of this Act, or any Right or Interest therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners or Umpire, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate so desirous to have the same tried at Law, shall by themselves or their respective Stewards, Receivers, Attornies or Agents, give or cause to be given, Notice thereof in Writing to the said Commissioners, or One of them, within One Calendar Month next after such Determination shall have been so made by the said Commissioners or Umpire, of which Notice the said Commissioners are hereby required immediately on Receipt thereof, or as soon afterwards as may conveniently be done, to give Information to the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Attornies or Agents, by Writing under their respective Hands (to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies or Agents as aforesaid); then it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, and he, she, or they is and are hereby required to proceed to a Trial or Trials at Law of the same, at the First Assizes to be holden for the County of *Hereford* next after the Expiration of Three Calendar Months from the Time when such Notice as aforesaid shall have been given, in a feigned Action or Actions for that Purpose, to be commenced in His Majesty's Court of King's Bench, Common Pleas, or Exchequer, at *Westminster*, by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, giving such Notice as aforesaid, against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested in the said Division and Allotments, in whose Favour such Determination shall have been made; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall file Common Bail, or appear and accept One or more Issue or Issues, whereby the Claim or Claims, Rights and Interests in question, may be properly tried and determined (such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties shall differ about the same); 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, Interest or Interests than was or were claimed by such Party, then it shall be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the Postea, in addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs of such Action or Actions shall abide

Persons dissatisfied with the Commissioners or Umpire's Determination, may try their Rights by an Issue at Law.

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 upon and to all and every Body and Bodies Politic, Corporate, and Collegiate, and Person and 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 thereupon (which it shall be lawful for the Court to do, as is usual in other Cases); and after such Verdict or Verdicts, or Special Finding and Indorsement shall be obtained, the same not being set aside by the Court, the said Commissioners shall and they are hereby authorized and required to act in conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, Interest or Interests thereby determined according to such Verdict or Verdicts, or Finding and Indorsement as aforesaid: Provided always, that it shall be lawful for the Court in which any Actions commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action although the Time herein-before limited for the Trial of such Action may be thereby exceeded; but if no such Notice as aforesaid shall be given, or being given, if no such Action or Actions shall be brought or commenced by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, giving such Notice within the Time aforesaid, or if such Action or Actions shall not be proceeded in to a Trial or Trials at the First Assizes which shall be holden for the said County of *Hereford* after the Expiration of Three Calendar Months from the Day of giving such Notice, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case the Determination of the said Commissioners or Umpire shall be final, binding, and conclusive, unto and upon all Parties whomsoever.

Actions not  
to abate by  
the Death of  
a Party.

Actions may  
be brought  
after Death  
of Parties.

XIV. Provided always, and be it further enacted, That if any of the Parties in any Action or Actions to be brought and prosecuted in pursuance of this Act, shall die pending the same, such Action or Actions 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 as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any 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 Politic, Corporate, or Collegiate respectively, who might have brought such Action 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 Notice of such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall be incumbent on the Heir or Heirs or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead; and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

XV. Provided



XV. Provided always, and be it further enacted, That no such Difference, Dispute, or Proceeding touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioners in the Execution of this Act; but the Division or Allotment hereby directed to be made, shall be proceeded in notwithstanding any such Difference, Dispute, or Proceeding.

Trials not to suspend the Execution of the Powers of the Act.

XVI. Provided always, and be it further enacted, That nothing herein contained shall authorize the said Commissioners or Umpire to determine any Right between any of the Parties interested in the said Lands and Grounds, contrary to the Possession of any of such Parties; but in case the said Commissioners or Umpire shall be of opinion against the Right of the Person or Persons so in Possession, they respectively shall forbear to make any Determination thereupon, until the Possession shall have been duly taken from such Person or Persons by Ejectment or other due Course of Law.

Persons in Possession not to be dispossessed but by course of Law.

XVII. And be it further enacted, That it shall be lawful to and for the said Commissioners at any Time when they in their Judgement shall think it convenient and proper by Notice for that Purpose under their Hands, to be affixed on the principal Outer Doors of the respective Parish Churches of *Aymestrey* and *Kingsland* afore said, on some *Sunday* before, and there to remain until after Divine Service, to order the Right of Common in, upon, and over the Lands and Grounds hereby directed to be divided and allotted, or any of them, to be extinguished either in Whole or in Part, or to be suspended; and from and after the Time to be mentioned in and fixed by any such Notice, all such Right of Common as shall thereby be directed to be extinguished or suspended, shall cease and be extinguished, or shall be suspended according to and as shall be expressed in and directed by such Notice.

Commissioners may extinguish or suspend Rights of Common

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 acting in and for the Division of the said County of *Hereford*, in which the said several Townships respectively are situate (subject to Appeal as in the said recited Act is mentioned) to stop up, turn, widen, or alter any old public or private Roads or Ways within any Part of the said several Townships which they shall deem unnecessary, or as they shall think proper; and such Roads so stopped up or turned shall be deemed and taken as Part of the Lands hereby directed to be divided, allotted, and inclosed.

Commissioners may stop up and alter Roads.

XIX. And be it further enacted, That when and so soon as any of the public Carriage Roads to be set out in pursuance of the said recited Act shall be completed and put into good and sufficient Repair, it shall be lawful for the Justices of the Peace of and for the said County of *Hereford*, at their Special Sessions, to declare such Road or Roads to be fully and sufficiently formed, completed, and repaired; from which Time and for ever thereafter, such Road or Roads shall be supported and kept in Repair by such Persons, and in like Manner as the public Roads within the said several Townships respectively now are or ought by Law to be amended and kept in Repair.

Justices at Sessions may declare new Roads completed

Commis-  
sioners to  
make Drains,  
&c.

XX. And be it further enacted, That the said Commissioners shall and may scour and widen all such ancient Brooks, Ditches, Drains, Water-courses, Tunnels and Bridges within the said several Townships, and also shall and may set out and make such new Ditches, Drains or Water-courses, Tunnels, Water-Gates, Banks and Bridges, as well in, through, and over the Lands and Grounds hereby directed to be divided and inclosed, as also in, over, and through any ancient Inclosures, or other Lands and Grounds within the said several Townships, of such Breadth and Depth, and in such Directions as the said Commissioners shall think proper; (provided that no such Works shall be made upon any inclosed Lands without the previous Consent of the Owners or Persons seised of such inclosed Lands, and that no Brooks, Drains, Watercourses, Tunnels, Water-Gates, Banks or Bridges shall be diverted or altered without the Consent of the Owner or Owners of the Lands from which and into which any Water shall be conveyed by the said Brooks, Drains, Water-courses or Tunnels respectively; such Consent to be testified by Writing under their respective Hands); and the said Commissioners shall and may, and they are hereby directed in and by their said Award, to order and direct by whom, at whose Expence, at what Time and Times, and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Water Gates, Banks and Bridges shall be made and thereafter repaired, cleansed, scoured, and maintained.

Allotments  
for Materials  
for Roads.

XXI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required (after making the necessary Drains, and setting out the Roads and Ways directed and authorized to be made and set out by the said recited Act and by this Act) to allot and award unto the respective Surveyors for the Time being of the Highways in the several Townships of *Shirley, Upper Ley, Nether or Lower Ley, and Covenhope* aforesaid, such Parcel or Parcels of the Lands within those Townships hereby directed to be divided and allotted, not exceeding in the whole One Acre, as they the said Commissioners shall think most proper, for the digging for and getting of Stone, Gravel, and other Materials for the Repairs of the Highways and public and private Roads within the same Townships respectively, and for such other Uses and Purposes as the said Commissioners shall direct; and the Herbage and Produce of the said Parcel or Parcels of Land shall be awarded to such Person or Persons, and for such Purposes as the said Commissioners shall in and by their Award order and direct.

Allotment  
for Sale.

XXII. And be it further enacted, That the said Commissioners shall ascertain, mark, and set out so much and such Part or Parts of the Lands and Grounds within the said several Townships of *Shirley, Upper Ley, Nether or Lower Ley, and Covenhope* aforesaid, hereby directed to be divided and allotted, as they shall deem sufficient by Sale thereof to raise a competent Sum of Money to defray all the Costs, Charges, and Expences of passing this Act and of carrying the same into Execution, so far as regards those Townships, according to the particular Directions herein-after contained in that Behalf; and shall also ascertain, mark, and set out, so much and such Part or Parts of the Lands and Grounds within the said several Townships of *Upper and Lower Lawton, West Town, Longford, and Aston* aforesaid, hereby directed to be divided and allotted, as they shall deem sufficient by Sale thereof, to raise a competent Sum of Money

to defray all the Costs, Charges, and Expences of passing this Act, and of carrying the same into Execution, so far as regards those Townships, according to the particular Directions herein-after contained in that Behalf.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award to and for the Lords of the said respective Manors within which the Heaths, Commons, Wastes and other Lands hereby directed to be divided and allotted are situate, such Part and Parts of the Lands and Grounds hereby directed to be divided and inclosed, and lying within the said several Manors respectively, as shall in the Judgement of the said Commissioners be equal in Value to One-sixteenth Part of all the Heaths, Commons, and Waste Lands within the said Manors respectively.

Allotment to  
Lords of Ma-  
nors.

XXIV. And be it further enacted, That the said Commissioners shall also set out, allot, and award unto and for the Lords of the said respective Manors for the Time being, such Part or Parts of the Lands and Grounds hereby directed to be divided and allotted, as shall in the Judgement of the said Commissioners be a just and fair Equivalent and Compensation for enfranchising and making Freehold all such Allotment or Allotments of the Lands and Grounds hereby directed to be divided and allotted, as shall by virtue of this Act be made to the Copyhold or Customary Tenants of the said Manors respectively, in lieu of their respective Rights and Interests therein.

Allotments  
to Lords of  
Manors for  
Enfranchise-  
ments of  
Copyhold  
Allotment.

XXV. Provided always, and be it further enacted, That if any such Copyhold or Customary Tenant or Tenants shall be desirous that the Equivalent and Compensation for the enfranchising and making Freehold his, her, or their Allotment or Allotments as aforesaid, shall be made and given in Money and not in Land as aforesaid, and of such Desire shall give Notice in Writing to the said Commissioners at a Meeting to be held by them for that Purpose, then and in such Case the said Commissioners shall and they are hereby authorized to direct the Compensation in Money, which shall be paid and given by such Copyhold or Customary Tenant or Tenants for the enfranchising and making Freehold his, her, or their said Allotment or Allotments respectively, which Compensation in Money shall be paid and applied in the Manner directed by the said Act of the Forty-first Year of the Reign of His present Majesty, with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Copyhold  
Tenants to  
have the Op-  
tion of en-  
franchising  
their Allo-  
ments by a  
Money Pay-  
ment.

XXVI. And be it further enacted, That from and after such Allotment or Allotments shall be so set out and allotted, or such Compensation in Money shall be so paid as an Equivalent for the enfranchising and making Freehold such Copyhold Allotment or Allotments as aforesaid, all such Allotment or Allotments shall be enfranchised, and become and be and for ever continue of Freehold Tenure, discharged of and from all Fines, Quit Rents, and other Services, and shall vest in such and the same Person and Persons, for such and the same Estate and Estates, and to, for, upon, with, under, and subject to such and the same Uses, Trusts, In-  
tents,

Allotments  
to Copyhold  
Tenants  
made Free-  
hold.

tents, Purposes, Charges, Powers, Provisoos, Conditions, Limitations, Remainders, and Reversions, as the Copyhold or Customary Messuages, Lands, and Hereditaments respectively, in respect whereof such Allotment or Allotments shall be made, would have been vested in or devised or limited to, for, upon, with, under, or subject to, if the same had been Freehold Messuages, Lands, and Hereditaments.

Allotment  
of Residue.

XXVII. And be it further enacted, That the said Commissioners shall immediately after making such Allotments as herein-before are directed to be made, divide, set out, allot, and award all the Residue of the Lands and Grounds hereby directed to be divided and allotted, unto and amongst the several Persons interested therein, in such Quantities, Shares, and Proportions as by the said Commissioners shall be adjudged and determined to be a fair, just, and reasonable Compensation and Satisfaction for their several and respective Rights of Common, and other Rights and Interests therein.

Allotments  
to be laid out  
by Commis-  
sioners as near  
to Houses,  
&c. as Cir-  
cumstances  
will admit of.

XXVIII. And be it further enacted, That the Allotment or Allotments to be made to any Person or Persons having Houses or Homesteads or Lands, which adjoin to the Lands and Grounds hereby directed to be divided and allotted, shall be laid by the said Commissioners either in the Front of or as near to such Houses, Homesteads, or Lands, as Circumstances will admit of, and so far as may be consistent with the general Convenience of the several Proprietors.

Meeting for  
Objections  
to Allot-  
ments, such  
Objections to  
be deter-  
mined by the  
Commis-  
sioners.

XXIX. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Shares, Rights, and Interests of the said Proprietors, in the Lands and Grounds to be divided and allotted by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, and such proposed Allotment or Allotments shall be staked and marked out; the said Commissioners shall hold a Meeting at some convenient Time and Place, when and where the Proprietors may be informed of such intended Allotments, and see the Scheme thereof set out and delineated upon a Map to be produced for their Inspection; and if any of the said Proprietors shall upon such Inspection be dissatisfied with any of the proposed Allotments, the said Commissioners shall, at such Time and Place as last aforesaid, or at some other Time and Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections of any Proprietor or Proprietors against any such Allotments, and shall forthwith or as soon after as conveniently may be, determine the same, and such Determination being reduced into Writing and signed by them, shall be binding and conclusive upon all Parties interested in any such Allotment or Allotments.

Allotments  
to be fenced.

XXX. And be it further enacted, That the several Allotments to be made by virtue of this Act, shall be inclosed, hedged, ditched, and fenced, and such Fences shall be for ever thereafter repaired by and at the Expence of the respective Persons to whom the same shall be allotted, within such Time and in such Proportions and Manner as the said Commissioners shall direct: Provided always, that convenient Gaps and Openings shall be left in the said Fences and Inclosures, for such Space of Time next ensuing the Execution of the Award of the said Commissioners, for the  
Passage

Gaps to be  
left.

Passage of Carts, Carriages, and Cattle, as the said Commissioners shall in and by their said Award direct and appoint.

XXXI. And be it further enacted, That where any Person or Persons shall be seised or possessed of Lands or other Hereditaments in the said several Townships or any of them, held by different Tenures, or by or under different Estates or Titles, the said Commissioners shall and they are hereby authorized and required upon the Request of the Person so seised or possessed respectively, to enquire into and ascertain and determine by the Examination of Witnesses on Oath or other sufficient Evidence, the respective Lands or other Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively, and to set out distinct Allotments of the Lands and Grounds hereby directed to be divided and allotted, in respect of the Lands or other Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively; and the said Commissioners are hereby authorized and required upon such Request as aforesaid, to distinguish, ascertain, and set out by Metes and Bounds, the Buildings and old Inclosures in the said several Townships respectively held by such several Tenures, and for, by, or under such different Estates or Titles; and all the Lands and other Hereditaments to be so ascertained, distinguished, and set out, shall be declared, set forth, and described in the Award of the said Commissioners.

Land held by different Tenures or Titles by the same Proprietor to be distinguished.

XXXII. And be it further enacted, That where the Proprietor or Proprietors of any Allotment, Land, or other Hereditaments in the said several Townships, or any of them, shall hold his, her, or their respective Lands and Hereditaments by different Tenures, or for, by, or under different Estates or Titles; and where from want of the necessary Information before the said Commissioners, or from any other Cause, the Award of the said Commissioners shall have omitted to distinguish the Lands or other Hereditaments holden by such several Tenures, or for, by, or under such different Estates or Titles, or to set out and award several and distinct Allotments for any such respective Lands or other Hereditaments as herein-before is required; it shall be lawful for the said Commissioners, and they are hereby authorized at any Time, and from Time to Time within Twelve Calendar Months after the Date and Execution of their Award, upon Request in Writing to them made by the respective Proprietors of any such Lands or other Hereditaments, to do all such Acts as shall be necessary for supplying any such Omission, and for that Purpose to examine Witnesses, and to proceed as if their Award had not been made, and by any Deed or Instrument under their Hands and Seals to distinguish, ascertain, and set out the Lands and Hereditaments held by different Tenures, or for, by, or under different Estates or Titles respectively, in the same Manner as they are hereby authorized and required to do in Cases where such Lands and Hereditaments are directed to be ascertained, distinguished, and set out by the General Award; and every such separate Instrument shall be inrolled in the same Place as the General Award shall be inrolled; and Evidence thereof shall be given in the same Manner as by the said Act of the Forty-first Year of His present Majesty and this Act or either of them respectively is directed concerning the said General Award of the said Commissioners; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry and separate

Lands he'd by different Tenures or Titles, omitted to be distinguished by the Award, may be afterwards distinguished by a separate Instrument.

Instrument as aforesaid, shall be paid by the Person or Persons who shall have requested the said Commissioners to make and execute the same, or by his or their Heirs, Executors, or Administrators.

Proprietors  
may sell Al-  
lotments be-  
fore Award  
and Common  
Rights se-  
parate.

XXXIII. And be it further enacted, That it shall 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, demise, surrender, 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 Commissioners; and every such Gift, Grant, Bargain, Sale, Demise, Surrender, 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 any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and allotted, 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, separately and distinctly from the Estate in Right of which they, he, or she are or is entitled to the same, in such Manner as they, he, or she might have done at any Time after the Execution of the said Award.

Power of  
Exchange.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners to assign and set out, allot and award, any Lands, Tenements, or other Hereditaments, within the said several Townships or Parishes, or any of them, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments, within the said several Townships or Parishes, or any of them, or any other Townships or Parishes adjoining thereto, so as every such Exchange be ascertained, declared, and set forth in the Award of the said Commissioners, and be made with the Consent and Approbation of the respective Proprietors or other Person or Persons, Bodies Politic, Corporate, or Collegiate, seised or possessed of the Hereditaments, which shall be so exchanged, whether such Proprietor or Proprietors be Tenant or Tenants in Fee Simple, in Tail or for Life or Lives, or for Years determinable on a Life or Lives (by and with the Consent of the Lessor or Lessors, but not otherwise) or by and with the Consent of the Husbands, Trustees, or Guardians, Committees, or Attornies of or for any such Proprietors, who at the Time of making any such Exchange shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity of acting for themselves, or of the major Part of the Trustees for any charitable or public Use respectively, and so as every such Exchange of Lands, Tenements, or Hereditaments holden in Right of any Church, Chapel, or other Ecclesiastical Benefice, be made with the Consent of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments shall arise or be situate, and the Patron or Patrons thereof for the Time being, and so as every such Exchange of any Copyhold Lands or Tenements be made with the Consent of the Lord or Lords of the Manor or Manors whereof the same shall be holden; such Consents to be respectively testified by Writing under the Hands of the consenting Parties, or under the Common Seal of any of them, being a Corporation Aggregate, and that every such Exchange so to be made and declared, shall be for ever good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided always, that every Person and Persons to whom any Copyhold Lands or

1

Tenements

Tenements shall be allotted in exchange, shall within Six Calendar Months next after the Execution of the said Award, be admitted Copyhold Tenant or Tenants of the Lands or Tenements so allotted.

XXXV. And be it further enacted, That all Costs, Charges, and Expences attending any Exchanges or Partitions to be made by virtue of this Act of the said Act of the Forty-first Year of His present Majesty's Reign, shall be paid, borne, and defrayed by the several Persons whose Estates shall be sold, exchanged, and parted, in such Manner and Proportions as the said Commissioners shall by any Writing under their Hands order and direct, and shall be recovered in such Manner as herein-before is provided for levying the Costs and Charges which shall be assessed or allowed by the said Commissioners or Umpire.

Payment of  
Expences of  
Sales and Ex-  
changes.

XXXVI. Provided always, and be it further enacted, That all the Allotments to be set out and made by virtue of this Act, in respect of any Property granted or demised or held by any Leases or Agreements for any Term or Number of Years not exceeding Twenty-one Years at Rack Rent, shall be allotted to the respective Lessors or Owners of such Property, and shall be held and enjoyed by them respectively, free from all Right, Title, and Interest of their respective Lessees or Tenants by virtue of or under such Leases or Agreements; and such respective Lessors or Owners shall make such Abatement of the Rents reserved or made payable by such Leases or Agreements respectively, by and on account of their taking such Allotment or Allotments respectively, as the said Commissioners shall adjudge and determine to be just and reasonable, and shall by their Award or any other Writing under their Hands direct and appoint.

Allotments  
to be made to  
Lessors.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered with the Consent in Writing of the respective Lords of the Manor or Manors of which any Messuages, Cottages, Lands, or Tenements in the several Townships aforesaid are or shall be holden by Copy of Court Roll, and of the Customary Tenant or Tenants by whom any such Messuages, Cottages, Lands, or Tenements shall be respectively holden, or of the Husbands, Trustees or Guardians, Committees or Attornies of and for any such Lord or Lords, Tenant or Tenants, being Femés Covert, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, in and by the Award of the said Commissioners, to declare any such Copyhold or Customary Messuages, Cottages, Lands, or Tenements to be enfranchised, and the Tenures by which the same are holden, and the Fines, Heriots, and other Services incident thereto, to be discharged and extinguished; and that the same Messuages, Cottages, Lands, or Tenements, or any Part or Parts thereof respectively, shall thenceforth be holden of the Lord or Lords of the same respective Manors, either by the Rents which shall have been theretofore paid or payable in respect thereof, or by any other Rent or Rents to be by the said Commissioners ascertained, or without Rent, and in lieu of and Compensation for every such Enfranchisement, to award to the respective Lord or Lords of the same Manor or Manors respectively, such Sum and Sums of Money to be applied in the Manner herein-after directed, or to assign and set out to and for such Lord or Lords respectively such Compensation by Part of the Copyhold Lands and Tenements to be enfranchised, or by and out of any of the Lands and Tenements hereby directed

Power to en-  
franchise  
Copyholds.

to be divided and allotted, or any other Lands, Tenements, or Hereditaments of any such Customary or Copyhold Tenant or Tenants respectively, in the said several Townships, as shall in the Judgement of the said Commissioners be an Equivalent and Satisfaction for the Customary Payments, Burthens, and Services to which such Copyhold Messuages, Cottages, Lands, or Tenements respectively shall have been subject or liable; and the Lord or Lords for the Time being of the Manor or Manors to whom any such ancient Rents shall have been reserved and continued, or any other Rent assigned, shall have the like Powers and Remedies for the Recovery of such Rents respectively, as by the Laws of *England* are given for the Recovery of Rents Seck, Rents of Affize, and Chief Rents; and from and after the Execution of the said Award shall be made and executed, and such Sum of Money or other Compensation shall be paid or assigned in exchange for such Copyhold Tenure, the Lands and Tenements in the said Award comprized and thereby expressed to be enfranchised, shall be held, possessed, and enjoyed by the Owner or Owners thereof paying or making such Compensation, their respective Heirs or Assigns, or other Persons claiming in Reversion or Remainder of the Lord or Lords of such Manors respectively, in free and common Socage, discharged of the Tenure by Copy of Court Roll, and of all Services and Duties incident to such Tenure, and of all other Services and Payments, except the Rent or Rents which may be continued or reserved to such Lord or Lords in respect thereof; and the Lands or other Hereditaments so to be assigned to such Lord or Lords, shall be by him or them, and by his or their Heirs, Successors or Assigns, or by the Person or Persons who shall be entitled in Reversion or Remainder to such Manor or Manors respectively held and enjoyed in Compensation for the Tenure so to be extinguished, for such and the like Estates, and upon and for such and the like Uses, Trusts, Intents, and Purposes, as the Manor or Manors of which the Copyhold Hereditaments so enfranchised shall be holden shall at the Time of every such Enfranchisement stand settled and limited.

Application  
of Money to  
be received  
for Enfran-  
chisement.

XXXVIII. Provided always, and be it further enacted, That the Money to be received for the Enfranchisement of any Copyhold Messuages, Cottages, Lands, or Tenements in pursuance of this Act, shall be paid to the Lord or Lords of the Manor or Manors respectively, of whom the Copyhold Hereditaments so to be enfranchised shall at the Time of the Enfranchisement thereof be holden, where such Lord or Lords shall be seized of such Manor or Manors in Fee Simple; and in all other Cases the Money to be received for any such Enfranchisement shall be paid and applied in the Manner directed by the said Act of the Forty-first Year of the Reign of His present Majesty, with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Settlements,  
&c. not to  
be affected,  
or Wills re-  
voked.

XXXIX. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend or be construed or judged to extend to revoke, make void, annul or alter any Settlement, Deed, Will, or Lease, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge or Incumbrance whatsoever, in, out of, upon or affecting any of the Lands, Tenements, or Hereditaments



Hereditaments hereby directed to be divided and allotted, or which shall be exchanged or assigned in Compensation for any other Estate or Right in pursuance of this Act respectively; but that 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 by virtue of this Act, shall immediately after such Allotment, Exchange, or Assignment 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, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances in all respects, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Assignments, and Exchanges shall have been made, should or would have stood severally limited, settled, vested, or subject or liable to, or been held by, in case the same had not been allotted, assigned, or exchanged, and this Act had not been made, save and except where any of the Provisions of this Act are to the contrary, and subject nevertheless to all such Mortgages and Sales as shall be made by Authority of this Act, or of the said Act of the Forty-first Year of the Reign of His present Majesty.

Allotments and exchanged Lands to remain to the same Uses.

XL. And be it further enacted, That in the mean Time, and until such Divisions and Allotments thereof shall be made as aforesaid, all the Tillage and Pasture Lands within the said several Townships of *Shirley, Upper Ley, Nether or Lower Ley, and Covenhope* aforesaid, hereby directed to be divided and inclosed, shall be stocked with such Cattle, and sown by the respective Owner or Owners, Occupier or Occupiers thereof, with such Sort of Corn or Grain, and shall be kept, ordered, and continued in such Course of Husbandry as the said Commissioners by any Writing or Writings under their Hands in that Behalf shall award, order, direct, or appoint, any Usage or Custom of stocking or sowing to the contrary notwithstanding; and every Occupier of any such Tillage and Pasture Lands who shall refuse or neglect to comply with any such Direction of the said Commissioners, shall forfeit and pay a Sum not exceeding Ten Pounds for every Acre of the Land or Ground which shall be used contrary to any such Direction, and so in Proportion, in each Case, for a greater or less Quantity than an Acre, to be levied and recovered in the Manner hereby directed for the Recovery of Costs and Charges which may be awarded by the said Commissioners upon the Determination of disputed Claims.

Regulations as to course of Husbandry in Shirley, Upper and Lower Ley, and Covenhope.

XLI. And be it further enacted, That the several Proprietors whose Allotments on the said Division and Inclosure shall have been ploughed, sown, or manured, by the Direction of the said Commissioners, shall pay unto the several Persons who shall have ploughed, sown, or manured the same, such several and respective Sums of Money, and at such Times, as the said Commissioners shall think reasonable, and by any Writing under their Hands shall ascertain, order, and direct; and in case any of the Sums of Money shall not be paid at the Time so ordered by the said Commissioners, the same shall be levied and recovered in the Manner hereby directed for the Recovery of Costs and Charges which may be awarded by the said Commissioners upon the Determination of disputed Claims.

Satisfaction to be made for Tillage in Shirley, Upper and Lower Ley, and Covenhope.

[*Loc. & Per.*]

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XLII. And

To fence  
against  
Lambs,  
Sheep,  
and Goats.

XLII. And be it further enacted, That no Lambs, Sheep, or Goats shall be depastured in any of the said intended new Inclosures, during the Space of Seven Years from the Execution of the Award of the said Commissioners, unless the Persons respectively so depasturing or keeping Lambs, Sheep, or Goats do, at their own Expence, effectually guard and fence their Neighbour's Quicksets adjoining to such Inclosures respectively, in which Lambs, Sheep, or Goats shall be depastured or kept as aforesaid, so as to prevent any Damage or Injury from being done to such Fence or Fences and Quicksets by any such Lambs, Sheep, or Goats.

Money ad-  
vanced for  
Expences to  
be repaid  
with Interest.

XLIII. And be it further enacted, That if any Person shall pay or advance any Sum or Sums of Money for the Purpose of defraying the Costs, Charges, and Expences of obtaining and passing this Act, and of carrying the same into Execution, the Money so paid and advanced shall be repaid and satisfied by the said Commissioners, together with lawful Interest for the same, out of the first Monies that shall be raised for defraying such Costs, Charges, and Expences by virtue of this Act.

Allowance to  
Commis-  
sioners, Um-  
pire and  
Clerk.

XLIV. And be it further enacted, That each of the said Commissioners and the Umpire acting in the Execution of the Trusts and Powers hereby vested in them, shall be allowed and paid in Satisfaction for his Trouble and Expences the Sum of Three Guineas and no more, for every Day on which he shall be employed in travelling to, attending in, or returning from so acting; and that the Clerk to be employed by the said Commissioners shall be allowed and paid in Satisfaction for his Trouble and Expences, such Sum, not exceeding Two Guineas, as they shall direct, for every Day on which he shall be employed in travelling to, attending in, or returning from acting; and that at all Meetings to be held in pursuance of this Act the said Commissioners, Umpire, and Clerk, and every Proprietor and other Person attending such Meetings, shall pay their own Expences.

Lands  
allotted for  
Sale to be  
sold for Pay-  
ment of Ex-  
pences.

XLV. And be it further enacted, That the Allotments herein-before directed to be set out for Sale as aforesaid shall consist of such Part and Parts of the said Heaths, Commons, Wastes and other Commonable Lands and Grounds as the said Commissioners shall deem most eligible for Sale for the Purposes aforesaid, and as will, in the Judgement of the said Commissioners, be sufficient by the Sale thereof to raise sufficient Sums of Money to defray and discharge all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of preparing and depositing the Award to be made by the said Commissioners, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds to be divided and allotted by virtue of this Act, and all Charges of the said Commissioners, their Clerk, Assistants, and Servants, and all the other necessary Expences of the several Persons to be employed by the said Commissioners in and about the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways to be set out and appointed by the said Commissioners, in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, and all other Expences of carrying this Act into Execution, in regard to the Lands and Grounds within the said several Townships respectively; and the said Commissioners shall and they are hereby

hereby required to sell the Lands and Grounds so marked and set out, in such Allotments as to them shall seem right and proper, to any Person or Persons for the best Price or Prices that can be gotten for the same, by public Auction or Auctions to be holden for that Purpose, of which Auction or Auctions respectively Six Weeks previous Notice shall be given, and the Person or Persons so purchasing the same at such public Auction or Auctions shall immediately pay (by way of Deposit) into the Hands of the said Commissioners or of such Person or Persons as they shall direct and appoint, One-tenth Part of his, her, or their Purchase Money, and shall pay the Remainder thereof within Six Calendar Months next after the said Sale, or at such other Time as the said Commissioners shall appoint; and in Default thereof the Money so deposited shall be forfeited, and shall be applied in carrying this Act into Execution; and the Allotments for which the whole of such Purchase Money shall not have been so paid, or for which there shall be no Bidding at such Auction, shall be again put up to Sale and sold by public Auction in Manner aforesaid, or by private Contract, for the best Price or Prices that can be gotten for the same; and every Allotment for which the full Purchase Money shall be paid shall immediately thereupon be absolutely discharged of and from all Common and other Rights thereon or therein, and shall be conveyed and assured by the said Commissioners to the Purchaser or Purchasers, his, her, or their Heirs or Assigns or otherwise, as he, she, or they shall direct or appoint; and the Lands so conveyed shall thereupon become absolutely vested in the Purchaser or Purchasers thereof, in Fee Simple or otherwise, according to the Form and Effect of such Conveyance, and shall be inclosed and accordingly be held and enjoyed in Severalty; and the said Purchase Money shall be applied by the said Commissioners in defraying such Costs, Charges, and Expences respectively as aforesaid.

XLVI. And be it further enacted, That in case such Parts of the said Heaths, Commons, Wastes, and other Commonable Lands and Grounds hereby directed to be sold, as herein-before mentioned, shall be sold for more Money than will be required to defray such Costs, Charges, and Expences as aforesaid, then and in such Case such Surplus Money shall be divided and apportioned between the several Proprietors of and Persons interested in the Lands hereby directed to be divided and allotted, in such Shares as shall be in Proportion to such their respective Rights and Interests; and the respective Shares of such of them as shall be Tenants in Fee Simple of their respective Allotments, shall be paid to them respectively; and the Shares of such other Proprietors or Persons of and in such Surplus Money, shall be applied and disposed of in Manner directed by the said recited Act, in Cases where any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Surplus produced by Sales to be divided between the Proprietors.

XLVII. And be it further enacted, That in case the Money which shall be raised by Sale of the Lands hereby directed to be sold, within the said several Townships of *Shirley*, *Upper Ley*, *Nether* or *Lower Ley*, and *Covenhope* aforesaid, shall be insufficient to defray all the Costs, Charges, and Expences herein-before directed or provided to be paid thereout, the

Provisions for surplus Expences in respect to Shirley, Upper and

Deficiency

Lower Ley,  
and Coven-  
hope.

Deficiency shall be borne and defrayed by the several Persons to whom any Allotment or Allotments within the same several Townships shall be made by virtue of this Act, and shall be paid in such Proportions, at such Time and Place, and to such Person or Persons as the said Commissioners shall appoint, either before or after the Execution of the said Award; and in Default of Payment thereof, the same shall be recoverable in such Manner as by the said Act of the Forty-first Year of His present Majesty is provided in that Behalf.

Commis-  
sioners may  
compel  
Payments  
after the  
Execution of  
the Award.

XLVIII. Provided always, and be it further enacted, That if at the Time of the Execution of the Award of the said Commissioners, there shall remain due from any Person or Persons, Bodies Politic, Corporate, or Collegiate, any Sum or Sums of Money which shall have been adjudged or ordered to be paid by virtue of this Act, it shall be lawful for the said Commissioners, and they are hereby authorized and required to levy and raise the same in like Manner as they might and could have done before the Execution of their Award.

Commis-  
sioners to  
account.

XLIX. And be it further enacted, That the said Commissioners shall, and they are hereby respectively required to keep or cause to be kept, a just and true Statement and Account of all Sums of Money which shall be raised or received, and laid out or expended by them or their Order, or for their Use, under or by virtue or in the Execution of this Act, and of what shall be due and owing to them for their Trouble and Expences, and shall truly and regularly enter all the Particulars of such Statements and Accounts in a Book to be provided for that Purpose; and such Accounts, together with the Vouchers relating thereto, shall at least once in every Year from the passing of this Act, during the Execution thereof, be examined and settled by the Reverend *Thomas Alban* of *Brierly*, in the said County of *Hereford*, Clerk, who is hereby appointed Auditor for that Purpose; and in case of his Death or Refusal to act, by such other fit and proper Person as shall be appointed Auditor in his stead by the Majority in value, according to the Land Tax Assessment, of the Proprietors of all the Lands and Grounds hereby directed to be divided and allotted, at a Meeting to be holden in like Manner as is herein-before directed with respect to the Meetings of the Proprietors for the Purpose of appointing new Commissioners; and such Auditor for the Time being shall from Time to Time state in Writing under his Hand, the Balance of the said Accounts in such Books as aforesaid; and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by such Auditor; and also that such Book of Accounts shall be kept at the Office of the Clerk of the said Commissioners, and shall be open to the Inspection of any of the said Proprietors or their Agents, at all reasonable Times during the Progress of the said Division and Allotment, and until the said Accounts shall have been finally settled and allowed; and in case the said Commissioners or their Clerk shall refuse or neglect so to do, the Commissioner or Commissioners and Clerk respectively so refusing or neglecting, shall for every such Refusal or Neglect forfeit and pay to any Person who shall sue for the same the Sum of Ten Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

L. And be it further enacted, That the General Award to be made Award.  
by the said Commissioners, pursuant to the Directions of the said Act of  
the Forty-first Year of His present Majesty's Reign and this Act, shall be  
executed by the said Commissioners within Three Years after the passing  
of this Act, and shall be enrolled with the Clerk of the Peace for the  
County of *Hereford*, within Six Calendar Months after the Execution  
thereof by the said Commissioners, or as soon after as conveniently may  
be; and the said Original Award, and such Plans or Surveys as may be  
annexed thereto, shall be lodged and deposited in the Parish Church of  
*Kingsland* aforesaid, to the end that Recourse may be had thereto by any  
Person or Persons interested; which said Award and Plans and every other  
Writing and Instrument to be lodged with the said Award, shall and may  
be inspected at all seasonable Times, upon reasonable Notice given by the  
Party requiring such Inspection.

LI. And be it further enacted, That if any Person or Persons shall Power to  
appeal.  
think himself, herself, or themselves aggrieved by any Thing done in pur-  
suance of the said Act of the Forty-first Year of His present Majesty or of  
this Act (other than and except such Claims, Matters, and Things, as  
are by this Act directed or authorized to be ascertained, settled, tried, or  
determined by the Verdict of a Jury, or whereby any of the Provisions of  
the said Act or this Act, the Determinations, Acts, or Proceedings of the  
said Commissioners are directed to be final and conclusive) he, she, or  
they may appeal to any General Quarter Sessions of the Peace which shall  
be holden for the County of *Hereford*, within Six Calendar Months next  
after the Cause of Complaint shall have arisen, giving Notice in Writing  
of every such Appeal by affixing such Notice, expressing the Cause of  
Complaint, upon the principal Doors of each of the said Parish Churches  
of *Aymestrey* and *Kingsland*, Fourteen Days at least before such General  
Quarter Sessions; and the Justices of the Peace assembled at such Quarter  
Sessions, or at any subsequent General Quarter Sessions to which the said  
Justices shall adjourn any such Appeal, either for the want of such Notice  
having been given as aforesaid, or for any other Cause which to the said  
Justices shall seem a sufficient Cause to adjourn such Appeals, are hereby  
authorized to hear and determine the same, 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 the Damages  
and Costs which shall be so awarded, by Distress and Sale of the Goods  
and Chattels of the Party or Parties awarded to pay the same, rendering  
the Overplus (if any) upon Demand to the Owner or Owners of such  
Goods and Chattels, after deducting the reasonable Charges of every such  
Distress and Sale; and the Order and Determination of the said Justices  
upon such Appeal shall be final and conclusive to all Parties concerned,  
and shall not be removed or removable by Certiorari or any Process or  
Writ whatsoever, into any of His Majesty's Courts of Record at *West-*  
*minster*, or elsewhere.

LII. Provided always, and it is hereby further enacted and declared, Saving Ma-  
norial Rights.  
That nothing herein contained shall any otherwise prejudice, lessen, or  
defeat the Right, Title, or Interest of the Lord or Lords of the said  
several and respective Manors for the Time being, of, to, or in any  
Royalties, Franchises, Privileges, Courts, Escheats, Forfeitures, Services,  
Rights, or Appurtenances whatsoever, incident or belonging to the said  
Manors

Manors respectively, than as the Intent and Purposes of the Division and Allotments hereby authorized to be made shall absolutely require.

General Saving.

LIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and every Person and Persons, Bodies Politic or Corporate, his, her, or their Heirs, Successors, Executors, Administrators and Assigns, (other than and except the respective Persons to whom any Allotment or Allotments of Land or other Compensation shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, and except such other Rights and Interests as the Intent and Purposes of the Division, Allotment, Inclosure, and Exchanges hereby authorized to be made, shall absolutely require to be barred, destroyed or extinguished, by this Act), all such Estates, Rights, and Interests, as they or any of them had or enjoyed, of, in, and to, or in respect of the Lands and Grounds hereby directed to be divided and allotted before the passing of this Act, or could or might have enjoyed if this Act had not been made.

Evidence Clause.

LIV. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and that a Copy thereof, so printed by any of them, shall be admitted as Evidence thereof by all Justices, Judges, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1814.

General Saving.

LIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and every Person and Persons, Bodies Politic or Corporate, his, her, or their Heirs, Successors, Executors, Administrators and Assigns, (other than and except the respective Persons to whom any Allotment or Allotments of Land or other Compensation shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, and except such other Rights and Interests as the Intent and Purposes of the Division, Allotment, Inclosure, and Exchanges hereby authorized to be made, shall absolutely require to be barred, destroyed or extinguished, by this Act), all such Estates, Rights, and Interests, as they or any of them had or enjoyed, of, in, and to, or in respect of the Lands and Grounds hereby directed to be divided and allotted before the passing of this Act, or could or might have enjoyed if this Act had not been made.