



ANNO QUINQUAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. xlvii.

An Act to amend Two Acts, passed in the Fifty-second and Fifty-fourth Years of His present Majesty, for inclosing the Forest of *Delamere*, in the County of *Chester*. [8th May 1818.]

WHEREAS an Act was passed in the Fifty-second Year of His present Majesty's Reign, intituled *An Act for inclosing the Forest of Delamere, in the County of Chester*, whereby certain Persons therein named were appointed Commissioners for carrying the said Act into Execution, and it was thereby, amongst other Things, enacted, that it should be lawful for the said Commissioners, and they were thereby authorized and empowered, to set out, allot, and sell, at such Time or Times as the said Commissioners should think proper, by public Sale or Auction, to the best Bidder or Bidders, in such Lot or Lots as the said Commissioners should think proper, such Part or Parts of that Moiety of the said Forest which is thereinbefore directed to be divided amongst the several Persons claiming Rights and Interests therein, as the said Commissioners should think necessary for raising a Sum or Sums of Money sufficient to pay all the Charges and Expences attending the carrying the said Act into Execution or incident thereto; such Sale or Sales to be made after such Notice and in such Manner as in the said Act is particularly mentioned; and it was thereby further enacted, that the Money arising by such Sale or Sales should be applied for and towards defraying the Expences of carrying the said Act into Execution, and if any Surplus should remain of the said

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52G.3.c.136.

Purchase Money, after all such Charges and Expences as aforesaid should have been fully paid and satisfied, the same should be applied by the said Commissioners or by their Surveyor, from Time to Time, at the Discretion of the said Commissioners, in or towards the making, repairing, and amending such of the Carriage or Horse Roads upon or over the said Forest, as the said Commissioners should adjudge and direct to be made or repaired and amended at the general Expence of the Owners or Occupiers of the respective Shares or Allotments of the said Forest so intended to be divided and inclosed as aforesaid: And whereas an Act was passed
 54 G.3. c.99. in the Fifty-fourth Year of His Majesty's Reign, intituled *An Act for altering and amending an Act of the Fifty-second Year of His present Majesty's Reign, for inclosing the Forest of Delamere, in the County of Chester*, whereby amongst other Things it was enacted, that so much of the said recited Act as enacts that the first Award of the said Commissioners should be made within Two Years next after receiving the Survey of the said Forest from the Surveyor, and that the final Award of the said Commissioners should be made within Three Years next after the passing of the said Act, should be repealed; and that in lieu and stead thereof the first Award of the said Commissioners should be made and executed within the Period of Two Years from the First Day of *January* then next, and that the final Award of the said Commissioners should be made and executed within the Period of Three Years from the said First Day of *January* then next: And whereas the said Commissioners have proceeded in the Execution of the Powers and Authorities vested in them by the said Acts, and in pursuance thereof have made considerable Progress towards the Completion of the several Fences, Boundaries, and public Highways and Roads which it has been deemed proper to construct in and over the said Forest, and have also made considerable Progress towards the Completion of the several Works necessary for the Drainage of the Lands to be inclosed; and in further pursuance of the Provisions of the first of the said recited Acts, the said Commissioners have divided the said Forest into Two Moieties, as therein directed, and have set apart, and by their first Award in Writing, bearing Date the Thirty-first Day of *December* One thousand eight hundred and sixteen, allotted One of such Moieties unto His Majesty, His Heirs and Successors, for the Considerations and Purposes in the said Act mentioned; and in further pursuance of the said Act, the said Commissioners have separated and set apart, out of the other Moiety of the said Forest, a Parcel of Land of the Yearly Value of Two hundred Pounds, and have by their further Award in Writing, bearing Date the First Day of *October* One thousand eight hundred and seventeen, allotted the same to His Majesty, His Heirs and Successors, for the Purpose of erecting a Church, endowing the same, building a Parsonage House, with suitable Outbuildings and Curtilage thereto belonging, and a Cemetery or Burial Ground for the said Church, as by the said first-recited Act is also directed: And whereas the said Commissioners, in further pursuance of the Power and Directions of the said Acts, have made Sale of such Parts of the Lands within the said Forest as it was judged expedient to sell, in order to raise Money sufficient for defraying all the Charges and Expences attending the carrying of the said several Acts into Execution, or incident thereunto, and the Monies produced by such Sales have been paid into the Hands of the said Commissioners, and have been in part applied by them for the Purposes directed by the said Act: And whereas since the Completion of the said Sales it has been found, that in consequence of the Diminution

of the Price of Labour, and the Determination of the Commissioners to abandon some expensive Lines of Road which had been projected, but which have since been found to be unnecessary, the Expences attending the Completion of the Roads and Drainage to be executed in pursuance of the said Act, will fall considerably short of the Sum at which they were originally estimated; and accordingly it is apprehended, that after defraying all the Expences attending the carrying the said Act into Execution, a Balance or Surplus will remain in the Hands of the said Commissioners, much more than sufficient for the Purposes to which such Surplus is by the said recited Acts directed to be applied, namely, the making, repairing, and amending the Carriage or Horse Roads upon or over the said Forest: And whereas the said Acts contain no Provision for the Disposal of such Surplus, except as above mentioned, and the said Commissioners have been prevented executing their final Award within the Time prescribed for that Purpose by the said Act of the Fifty-fourth Year of the Reign of His present Majesty, for want of a proper Authority for enabling them to dispose of such Surplus; and it is reasonable that such Surplus should be divided amongst the King's most Excellent Majesty, in Right of the ancient Inclosures called the Old and New Pales, in the said first-recited Act mentioned, and the several other Persons who have established Claims to Allotments on the said Forest, in proportion to the Value of such Allotments; and it is also expedient, under the Circumstances before stated, that the Time limited by the said Acts for making the final Award of the said Commissioners, should be extended, and that the said Acts should in some other respects be altered and amended; but such Division of the said Surplus Monies and other Objects cannot be effected without the 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 the said recited Acts, and all and every the Clauses, Powers, Provisions, Penalties, Articles, Matters, and Things therein contained, save and except such Parts thereof as are hereby altered, varied, or repealed, shall be and remain in full Force and Virtue, and shall be as good, valid, and effectual, for carrying the said recited Acts and this Act into Execution, as if the same had been repeated and re-enacted in the Body of this Act.

Acts of 52
and 54 G. 3.
confirmed;
except as
hereby
altered.

II. And be it further enacted, That so much of the said recited Act of the Fifty-second Year of the Reign of His present Majesty, as enacts, that if any Surplus shall remain of the said Purchase Money, after all such Charges and Expences as aforesaid shall have been fully paid and satisfied, the same shall be applied by the said Commissioners or by their Surveyor from Time to Time, at the Discretion of the said Commissioners, in or towards the making, repairing, and amending such of the said Carriage or Horse Roads upon or over the said Forest as the said Commissioners shall adjudge and direct to be made or repaired and amended, at the general Expence of the Owners or Occupiers of the respective Shares or Allotments of the said Forest so intended to be divided and inclosed as aforesaid, shall be and the same is hereby repealed and declared to be null and void.

Clause in
52 G. 3. as
to Appli-
cation of
Surplus
Money,
repealed.

III. And be it further enacted, That in lieu and instead thereof, the said Commissioners shall, in the first Place, set apart and retain out of the said Surplus

Application
of such Sur-
plus Money.

Surplus of the said Purchase Money such Sum of Money as shall in their Judgment be sufficient to defray the Expences of obtaining this Act (which Expences are hereby directed to be in the first Place paid and satisfied thereout), and also all Expences attending the Execution of this and the said recited Acts, and of making the final Award of the said Commissioners, or any supplementary Award or Awards, and all Costs and Charges incidental thereto; and do and shall, within Six Calendar Months next after the passing of this Act, pay and divide all the Residue and Surplus which shall then remain of the said Purchase Money, unto, between, and among the King's most Excellent Majesty, His Heirs and Successors, in respect of His Allotment for the Old and New Pale, and the several other Persons and Bodies Politic, Corporate, or Collegiate, who have established their Claims to Allotments in and upon the Second Moiety of the said Forest, under the said recited Acts, according to the several and respective Rights and Interests of such Person and Persons therein, and in proportion to the Value of such Allotments at the Time they were set out by the said Commissioners, and which Value, for the Purposes of the said Division, shall be wholly determined by them the said Commissioners; and such proportionate Parts and Shares of such Residue and Surplus Money shall be paid to the King's most Excellent Majesty, and to such of the said Proprietors who shall be seised in Fee Simple of the Estates in Right of which they shall have had such Allotments made to them, and to their respective Heirs and Assigns; but the Shares of such of them as shall not be seised in Fee Simple as aforesaid, shall be applied and disposed of in the same Manner as any Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase or Exchange of other Lands, Tenements, or Hereditaments, to be settled to the same Uses, is by the said recited Act of the Forty-first Year of the Reign of His present Majesty, directed to be disposed of.

In case of Sales of Common Right, the Share of Surplus to be paid to the Vendor.

IV. Provided always, and be it further enacted, That if any Person shall have sold or disposed of, or shall at any Time before the final Division or Distribution of such Part of the said Surplus Monies as is hereby directed to be divided and distributed as aforesaid, shall be made by the said Commissioners, sell or dispose of his or her Right, Interest, and Property in, to, over, or upon the Lands by the said Acts directed to be divided and allotted, the Share or Shares of and in the said Surplus Monies which shall in pursuance of this Act be payable in respect of the Allotment which, or the Interest in which, shall be so sold or disposed of, shall, notwithstanding such Sale or Disposition, be paid and payable unto the Person or Persons to whom such Allotment or Allotments was or were originally made, and to his, her, or their Heirs or Assigns; and that the Receipt or Receipts of the Surveyor General for the Time being of His Majesty's Woods, Forests, and Land Revenues, and of the Person or Persons to whom such Allotment or Allotments was or were respectively originally made, his, her, or their Heirs or Assigns, shall in all Cases be a sufficient and absolute Discharge to the said Commissioners for the Money so to be paid to him, her, or them, without the said Commissioners being obliged to inquire into the Right or Title of the Person or Persons to whom such Money shall be paid, to receive the same.

Disposition in case of a further Surplus.

V. Provided always, That if after the Defraying and Payment of all the Expences of obtaining this Act, and of carrying the same and the said recited

recited Acts into Execution, and all Costs and Charges incidental thereto, there shall remain any Surplus of the Money herein-before directed to be set apart and retained for those Purposes, the same shall, within Six Calendar Months after the signing of the final Award of the said Commissioners, be paid to and divided between the King's most Excellent Majesty and the several other Persons, Bodies Politic, Corporate, and Collegiate, who shall have established their Claims to Allotments in and upon the said Forest, in the Proportions and Manner, and subject to the Provisoes and Regulations, herein-before mentioned and contained of and concerning the Money so directed to be divided amongst them as aforesaid.

VI. And whereas the Allotment which has been made to His Majesty, in pursuance of the first of the said recited Acts, comprizes amongst other Lands Two separate Inclosures or Parcels of Land, the one whereof is called *Harewood Hill* Allotment, and contains Thirty-nine Acres Three Roods and Twenty-two Perches, more or less, and the other is called *Lobs Slack* Allotment, and contains Eighteen Acres Three Roods and Four Perches, more or less: And whereas the said Two Parcels of Land lie detached from the other Lands awarded to His Majesty, and are in some respects inconvenient to be held therewith, for the Purposes in the said recited Acts mentioned; be it therefore further enacted, That it shall and may be lawful to and for His Majesty, His Heirs and Successors, absolutely to make sale and dispose of the said Parcels of Land called *Harewood Hill* and *Lobs Slack* Allotments, or any Part or Parts thereof respectively, and to grant and convey the Premises so sold, and the Fee Simple and Inheritance thereof, unto such Person or Persons as may become the Purchaser or Purchasers thereof, and his, her, or their Heirs or Assigns, any Thing contained in the said recited Acts to the contrary notwithstanding; and that such Purchaser or Purchasers shall not, by reason of such Purchase, incur or become liable to any Forfeiture, Penalty, or Incapacity, in respect of the Premises so purchased by him, her, or them, or any Part thereof, or the Grant or Conveyance thereof, under or by virtue of any Enactment in the said recited Acts contained, or otherwise howsoever.

His Majesty empowered to sell the Lobs Slack and Harewood Hill Allotments.

VII. And be it further enacted, That so much of the said recited Act of the Fifty-fourth Year of His present Majesty's Reign, as enacts, that the final Award of the said Commissioners shall be made and executed within the Period of Three Years from the First Day of *January* then next, shall be and the same is hereby repealed, and declared to be null and void to all Intents and Purposes whatsoever.

Term for making final Award, repealed.

VIII. And be it further enacted, That in lieu and instead thereof, the final Award of the said Commissioners shall be made and executed on or before the First Day of *January* One thousand eight hundred and twenty.

Award when to be made.

IX. And be it further enacted, That in case either of the Awards of the said Commissioners shall happen to be deficient in not setting out distinct Allotments to any Proprietor or Person entitled thereto, or shall in any other respect be defective or incomplete, then the said Commissioners shall and may at their Discretion, on Request made in Writing, within Six Calendar Months next after the Execution of the final Award, by any Proprietor or Person interested therein or affected thereby, do every Thing

Commissioners may make Supplemental Awards within Six Months after final Award.

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that

that shall be necessary or proper; and proceed and act in every respect for supplying every such Omission and Defect, as if the Award or Awards had not been made; and upon supplying any such Deficiency or Defect, and rectifying such Incompleteness in such Award, the said Commissioners shall and may set forth, specify, and include the same, and the subject Matter or Matters thereof, in a supplemental Award or Awards, to be made and executed by the said Commissioners within Twelve Calendar Months after the Time hereby limited for making their final Award; which Instrument or Instruments shall be as binding, conclusive, and effectual, as if the same, and the subject Matter or Matters thereof, had been Part of or included in the said original Award or Awards by the said recited Acts and hereby directed to be made, and shall be executed, enrolled, and deposited in like Manner as is required with respect to the original Award or Awards respectively; and the reasonable Expences of and attending such supplemental Award or Awards shall be paid and borne, either by the Party or Parties making such Request as aforesaid, or the Parties interested therein, in such Shares and Proportions as the said Commissioners shall by such their supplemental Award direct, or otherwise shall be paid by the said Commissioners, and be charged to the general Expences of executing this and the said recited Acts, as to the said Commissioners shall appear most just and reasonable.

Persons charged with Repair of Watercourses to have liberty to enter other Allotments for that Purpose.

X. And be it further enacted, That in case the said Commissioners shall, by their Award or Awards to be made in pursuance of this or the said recited Acts, order and direct any Person or Persons to make, repair, cleanse, scour, or maintain any Brooks, Streams, Drains, Watercourses, Tunnels, Watergates, Banks, or Ditches, for the Purpose of draining any Part of the Lands by the said Acts directed to be inclosed and allotted as aforesaid, or any of the Bogs, Turbaries, Meers, or Pools of Water thereon, it shall be lawful for such Person or Persons, and his or their Servants or Workmen, from Time to Time and at all seasonable Times to enter into and upon any Allotment or Allotments, or other Lands, through which such Brooks, Streams, Drains, Watercourses, Tunnels, Banks, or Ditches, as he or they shall be so ordered to make, repair, cleanse, scour, or maintain, shall flow or pass, and to go and continue upon or along the Banks or Sides thereof, for the Purpose of so making, repairing, cleansing, scouring, or maintaining such Brooks, Streams, Drains, Watercourses, Tunnels, Banks, or Ditches, without any Leave from the Owners or Occupiers of such Lands or Allotments, and without making them any Compensation in respect thereof, but causing as little Damage or Inconvenience to such Owners or Proprietors as shall be possible in effecting the Purposes aforesaid.

Penalty on selling Stone out of the Limits of the Forest, repealed.

XI. And be it further enacted, That so much of the said first-recited Act as enacts, that any Sum or Sums of Money, not exceeding Forty Shillings, shall be levied by Distress and Sale of the Goods and Chattels of any Person or Persons who shall sell, or convey out of the Limits of the said Forest, any Stone, Gravel, Sand, Marl, Clay, or other Materials, that may be found or raised upon the said Allotments therein-before directed to be set out for the common Use of the said Forest as aforesaid, shall be and the same is hereby repealed.

Penalty on taking Stone out of the Forest.

XII. And be it further enacted, in lieu and instead thereof, That in case any Person or Persons shall sell or convey out of the Limits of the said Forest

Forest (as such Limits existed at the Time of passing the said first-recited Act) any such Stone, Gravel, Sand, Marl, Clay, or other Materials in the said Act mentioned, the Person or Persons so offending, on such Proof as in the said Act mentioned, shall forfeit and pay any Sum or Sums of Money not exceeding Ten Pounds, for each and every Cart Load of Stone, Gravel, Sand, Marl, Clay, or other Materials, which shall be so sold or conveyed out of the Limits of the said Forest; which Penalty shall be levied by the Ways and Means in the said Act mentioned, on his, her, or their Goods and Chattels; and that the Money so to be levied by way of Penalty as aforesaid, shall be paid unto the Surveyors of the Highways of the several Townships within the said Forest, in equal Shares, and shall be by such Surveyors applied for the Repairs of the public Roads of their Townships respectively.

XIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

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