



ANNO QUADRAGESIMO SEPTIMO

GEORGI III. REGIS.

Cap. 20.

An Act for inclosing Lands in the Liberty or Township of *Basford*, in the Parish of *Cheddleton*, in the County of *Stafford*. [23d March 1807.]

WHEREAS there are within the Liberty or Township of *Basford*, in the Parish of *Cheddleton*, in the County of *Stafford*, several Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, called by the several Names of *The Over Sheep Field*, *The Lower Sheep Field*, *The Lowe Field*, *The Eyes*, *The Westage*, *The Whirlow Crew*, *The Town Meadow*, *The Towers Meadow*, *The Far Bridge Cliffe*, *The Near Bridge Cliffe*, and *The Bridge End*, containing in the whole Three hundred and fifty-nine Acres, or thereabouts; of which the Right Honourable *Thomas Earl of Wilton*, *Booth Grey*, *Edward Thornicroft*, and *George Blount*, Esquires, or some of them, are the Owners and Proprietors, in Doles, Plots, Sheep Gates, Parts, or certain Proportions: And whereas the said *Edward Thornicroft*, Esquire, and *Ralph Leek*, Gentlemen, are entitled to the Tythes of Corn and other Tythes, or Moduses or other Payments in lieu of Tythes arising, issuing, and payable out of certain Parts of the said Lands and Grounds intended to be divided, allotted, and inclosed, and other Parts thereof are Tythe-free, or the said Owners and Proprietors are entitled to the Tythes arising therefrom: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, [Loc. & Per.] 4 F intituled,

Act of
4: G. 3. re-
cited.

Advantage of
Inclosure.

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 a general Division, Allotment, and Inclosure, and also Exchanges of the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, intended to be hereby divided and allotted; and also an Extinguishment of Tythes, Moduses or other Payments in lieu of Tythes, issuing out of the same, to and amongst the several Owners and Proprietors thereof, and Persons interested therein, according to their respective Rights and Interests, would be of great Advantage to the several Parties interested therein: But such Division, Allotment, Inclosure, or Exchange and Extinguishment, cannot be effectually completed without the Aid 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 *Joseph Gould* of *Pilsbury* in the County of *Derby*, Gentleman, shall be and he is hereby appointed the Commissioner for setting out, dividing, and allotting the several Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, within the Liberty or Township of *Basford* aforesaid, in manner herein-after directed, and for carrying this Act into Execution; subject to the Powers, Authorities, Directions, Rules, Orders, Clauses, and Provisions contained in the said recited Act, except in such Cases where the same are hereby varied or altered.

Commissioner.

For electing
a new Com-
missioner.

II. Provided always, and be it further enacted, That if the said *Joseph Gould*, or any Commissioner to be hereafter appointed in manner herein-after mentioned, shall, previous to the making and completing of the Division and Award to be made by the said Commissioner, die, refuse, neglect, or become incapable of acting as a Commissioner in the Execution of this or the said recited Act, then it shall be lawful for the major Part in Value of the said Proprietors or Persons interested in the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, hereby intended to be divided and allotted, who shall attend by themselves, or their Agents or Attornies, at a Meeting to be called by or by the Order of any one or more of the said Proprietors for that Purpose, at some convenient Place in *Basford* aforesaid, or within Eight Miles thereof, in pursuance of Notice to be given by any One or more of the said Proprietors, to the other Proprietors, in Writing, to be left at their respective Dwelling Houses, or with their known Agent or Attorney, by any Instrument in Writing under their Hands, or the Hands of their Agents or Attornies, to nominate, elect, and appoint, from Time to Time, some other fit and proper Person, not interested in the said Division and Inclosure, to be a Commissioner in the place of such Commissioner so dying, refusing, neglecting, or becoming incapable to act as aforesaid; which said Commissioner, when elected in manner aforesaid, shall, after taking the Oath prescribed in that behalf, have the same Powers and Authorities in all respects, for carrying this and the said recited Act into Execution, as if he had been originally named and appointed a Commissioner in and by this Act.

Surveyors
appointed.

III. And be it further enacted, That all such Surveys, Admeasurements, and Plans as have been made by *Matthew Weston* and *Charles Heaton*, of the said Lands and Grounds, shall be made use of by the said

Commissioner for the Purposes of dividing, allotting, and inclosing the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, hereby directed to be divided and allotted; and if any other Surveys, Admeasurements, and Plans, shall in the Opinion of the said Commissioner, be requisite and necessary to be made and taken for the Purposes aforesaid, the same shall be made and taken by the said *Matthew Weston* and *Charles Heaton*, or such Person or Persons as the said Commissioner or his Successors, to be appointed in Manner aforesaid, shall from Time to Time nominate and appoint.

IV. And be it further enacted, That all Notices necessary or requisite to be made and given by the said Commissioner in the Execution of this and the said recited Act, shall be by Writing under the Hand of the said Commissioner, to be left as aforesaid, and that such Notice shall be given of the Time and Place of the first and every subsequent Attendance for the Execution of this Act, Fourteen Days at least before every such Attendance shall be held (Attendances by Adjournment only excepted); and that the said Commissioner shall attend from Time to Time as he shall see Occasion.

Notice of
Commissioner's
Attendances.

V. Provided always, and be it further enacted, That the said Proprietors, their Attendants or Agents, shall pay their own Expences, when they or any of them shall attend the said Commissioner at any of the Sittings or Attendances to be holden in pursuance of this Act.

Proprietors
to pay their
own Ex-
pences.

VI. And be it further enacted, That the said Commissioner shall be allowed the Sum of Two Pounds and Two Shillings for his Trouble and Expences for each and every Day he shall necessarily attend in the Execution of the Powers of this or the said recited Act, and that at all Attendances to be held in pursuance of this and the said recited Act, the Commissioner shall, out of such Allowance, pay and defray his own Charges and Expences.

Allowance to
Commissioner.

VII. And be it further enacted, That if any Question or Dispute shall arise betwen any of the said Proprietors of the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, before the setting out and allotting the same in Manner herein-after mentioned, touching the Extent, Identity, or Possession of any Dole, Plot, Parcel, or Portion thereof, or touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in, upon, or over the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, then it shall be lawful for the said Commissioner to examine into, hear, and determine the same: Provided always that nothing herein contained shall authorize the said Commissioner to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Commissioner
to settle
Disputes.

VIII. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said

Power to as-
sess Costs.

said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in every such Case it shall be lawful for the said Commissioner, and his Successor or Successors, and he and they is and are hereby respectively authorized and required, by Warrant under his or their respective Hands directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Allowing
Parties to try
their Rights
by an Issue
at Law.

IX. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Allotment, shall be dissatisfied with the Determination of the said Commissioner, touching or concerning their respective Rights or Interests in, over, or upon the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the then next or at the following Assizes to be holden for the said County of *Stafford*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioner, shall cause an Action to be brought or commenced on a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within One Calendar Month next after such Determination of the said Commissioner shall be made known to such Person or Persons, and shall proceed to Trial thereon as aforesaid; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon and to all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or new 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 shall be obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioner touching such Rights or Interests, in, over, or upon the said Open Fields, Undivided inclosed Lands or Grounds, and

Open

Determina-
tion of Com-
missioner to
be final, if not

Open Pastures, hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing, such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive to all Parties.

objected to, or no Action brought.

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

If any of the Parties die, Proceedings not to abate.

XI. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required to set out, assign, and allot unto the several Owners and Proprietors of Tythes, or Person or Persons entitled to any Modus or Moduses or other Payments in lieu of such Tythes, or any of them, issuing and payable out of any of the said Lands and Grounds within the Liberty or Township of *Basford* aforesaid, intended to be hereby divided and allotted, their Heirs and Assigns, so much and such Part and Parcel of the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, hereby intended to be divided, allotted, and inclosed; as are subject and liable to the Payment of any Tythe, Modus or other Payment in lieu of Tythes, as shall in the Judgement of the said Commissioner be equal in Value to such Tythe, Modus or other Payment (after the Deduction thereout for the Roads to be made in pursuance of the said recited Act, and also the Allotments for Watering Places, and for getting Materials for the Repairs of the Roads and other Purposes) for and in lieu and in full Compensation for all the Tythes, Moduses, or other Payments arising, or due or payable, or which could or might arise, or become due or payable, out of or for such of the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, as are subject and liable thereto respectively.

Allotments to the Owners of Tythes, or Payments in lieu thereof.

XII. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required, after the several Allotments herein-before directed shall have been set out and made, and likewise for any other Rights and Interests not herein mentioned and provided for, which shall be claimed and allowed by the said Commissioner, or determined as aforesaid, to set out, allot, and divide all the then Residue of the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, within the said Liberty or Township of *Basford*, directed by this Act to be divided, allotted, and inclosed as aforesaid, and laid in Severalty, unto and amongst the said several Proprietors thereof and Persons interested therein, in Proportion to the true and real Value of their several and respective Shares and Interests, to be ascertained and adjusted by such Ways and Means, and in such Manner as to the said Commissioner shall seem just and expedient.

Allotment of the Residue amongst Proprietors.

XIII. And be it further enacted, That the said Commissioner shall and may, from Time to Time, as he shall find convenient, deliver to the several Persons interested in the several Divisions and Allotments to be set out under this Act, Possession of their respective Allotments hereby directed to be made and set out; and such Possession so delivered shall be kept and retained by the several Persons entitled thereto, against all

Commissioner to deliver Possession of Allotments.

[Loc. & Per.]

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Persons

Persons whomsoever, although the Award herein-after directed shall not then be made and executed.

No Sheep to be depastured the first Seven Years, except under certain Restrictions.

XIV. And be it further enacted, That no Cattle, Sheep, or Lambs, shall be depastured or kept on any of the Allotments to be made by virtue of this Act, where Quick Fences shall be planted, during the Space of Seven Years next after the Execution of the said Award, unless the Person or Persons so-keeping the same shall first at his, her, or their own Expence, make and maintain a Fence sufficient to guard the young Quick Fences round such Allotments from being cropped, hurt, or damaged by such Cattle, Sheep, or Lambs, whether such Quick Fences be planted or set by the Owner or Occupier of such Allotments as aforesaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto, and the Persons respectively depasturing, or keeping or turning such Cattle, Sheep, or Lambs, into any of the said Allotments, not having first well and sufficiently guarded such Quick Fences aforesaid, shall pay for every such Offence any Sum of Money not exceeding Five Pounds, as shall be adjudged and determined by any One or more of His Majesty's Justices of the Peace for the said County of *Stafford*, not interested in the same, who may summon the Parties concerned, and examine Witnesses upon Oath relating to the said Complaint; and it shall be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal or Hands and Seals, directed to any Person or Persons whomsoever, to cause the said Penalty to be raised and levied by Distress and Sale of the Goods and Chattels of the Person so offending (Demand having been first made thereof) rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of such Distress and Sale, to the Person so offending; and the said Penalty, when paid or levied, shall be applied by the said Commissioner for the Purposes of this Act.

Trees, Plants, &c. on the Allotments, not to be cut or lopped without Consent of Commissioner.

XV. And be it further enacted, That until the said Divisions and Allotments shall be made as aforesaid, no Trees, Plants, Shrubs, or Hedges now standing, growing, or being in and upon the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, shall, without the Consent of the said Commissioner, be lopped, topped, cut down, or grubbed up, but shall be left for the Benefit of the Person and Persons to whom the Land whereon the same are growing shall be allotted by virtue of this Act, and the Person and Persons for whose Benefit the same shall be left, shall pay or make to the former Owner or Owners thereof, such Sum or Sums of Money, or other Satisfaction for the Trees, Plants, Shrubs, or Hedges, within Ten Days after such Money or other Satisfaction shall have been respectively demanded, as the said Commissioner shall direct and appoint; and in case any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be paid to the Person or Persons entitled thereto, if seized in Fee of such Lands; and in case such Person shall be Tenant for Life of such Lands, such Surplus shall be paid into the Bank of *England*, in the Manner directed by the said recited Act, with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Heredi-

Hereditaments, to be settled to the same Uses; but in case the former Owner of any such Trees, Plants, Shrubs, or Hedges, shall obtain the Consent of the said Commissioner for cutting, grubbing up, and removing the same, it shall be lawful for such Person, at any reasonable Time or Times, within the Space of Three Calendar Months after the said Allotments shall be made, to enter into and upon the Lands and Grounds upon which such Trees, Plants, Shrubs, or Hedges shall be standing, growing, and being, and to fell, grub up, and cut down, and with Horses and Carriages to carry away the same at his Will and Pleasure, to and for his own Use and Benefit, such Person levelling all such Ground as shall be broken up by him for that Purpose.

XVI. And be it further enacted, That the said Commissioner shall and he is hereby empowered, by Writing under his Hand, to ascertain and order what Recompence in Money shall be paid, and by whom, to any Occupier or Occupiers of any of the Arable Lands by this Act intended to be allotted and laid in Severalty, which shall be left planted with Clover or other Grass Seeds, or which shall, during the Summer of the Year next preceding the passing of this Act, have lain in fallow, or have been folded or dunged, for the Profit and Advantage which any Person or Persons to whom the said Lands so planted, fallowed, folded or dunged shall be allotted, will obtain thereby; and if such Recompence shall not be paid at the Time appointed by the Commissioner, then the said Commissioner may and shall, by Warrant under his Hand and Seal, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons required to make such Recompence as aforesaid, together with the Costs and Charges of every Distress and Sale, rendering the Overplus (if any) to the Owners of such Goods and Chattels.

Recompence
for Lands
planted or
fallowed.

XVII. And be it further enacted, That in the meantime and until such Division and Allotment shall be made as aforesaid, all the Pasture, Tillage, and other Lands hereby intended to be divided and allotted, shall be stocked with such Cattle, and sown by the respective Owners or Occupiers thereof with such Sorts of Corn, Grain, Grass, and other Seeds, and shall be kept, ordered, and continued in such Course of Management, Tith, and Husbandry, as the said Commissioner shall, by any Writing under his Hand, in that Behalf, order, direct, and appoint, any Usage or Custom of stocking, tilling, or sowing to the contrary notwithstanding; and that it shall be lawful for the said Commissioner to settle, ascertain, and appoint, by Writing under his Hand, what Recompence shall be paid to the Owner or Owners of any Crop of Corn or Grass growing in or upon the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, at the Time of staking out the several Allotments hereby directed to be made, for the Value of the said Crop, by the Person or Persons to whom the Land on which such Crop shall then be growing, shall be allotted, or otherwise that the Owner or Owners of such Crop shall be at Liberty to cut, reap, gather, lead, and carry away the same within the Time to be limited by the said Commissioner, without any Molestation or Hindrance from the Person or Persons to whom the Lands on which the said Crop shall be growing, shall or may be allotted by virtue of this Act.

Course of
Husbandry.

XVIII. Provided always, and be it further enacted, That if any Person or Persons hath or have sold, or contracted or agreed to sell, or shall,

In case any
Person shall
sell his Allot-
ment, the

same to be
awarded to
the Pur-
chaser.

at any Time before the Execution of the Award of the said Commissioner, sell, contract, or agree to sell, his, her, or their Right, Interest, or Property, in over, or upon the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, or any Part thereof, to any other Person or Persons, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby directed, authorized, and required to make an Allotment of Land to the Purchaser or Purchasers in such Sale, Contract, or Agreement, or to his, her, or their Heirs or Assigns, for or in respect of such Right, Interest, or Property so sold, contracted, or agreed to be sold as aforesaid; and every such Purchaser or Purchasers, his, her, or their Heirs or Assigns, shall and may, from after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor or Vendors in every such Sale, Contract, or Agreement, might, could, or ought to have held and enjoyed the same, in case such Sale, Contract, or Agreement had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotments as aforesaid.

Leases at
Rack Rent to
be void.

XIX. And be it further enacted, That the said Commissioner may, and he is hereby directed and authorized (on Application made to him for that Purpose) to declare void every Lease or Leases, Agreement or Agreements, at Rack Rent now subsisting, or which may affect any of the Lands to be inclosed, exchanged, or divided, within the said Liberty or Township of *Basford*, by virtue of this Act or the said recited Act, and the same shall accordingly cease at such Time or Times as the said Commissioner shall, by Writing under his Hand, order and appoint; and the said Commissioner is hereby empowered to adjudge and determine such Recompence and Satisfaction to be made to the Lessee or Lessees, Tenant or Tenants respectively, for the avoiding such Lease or Leases, Agreement or Agreements, as the said Commissioner shall deem adequate to the Benefit and Interest which the said Lessee or Lessees, Tenant or Tenants, had or derived under the said Lease or Leases, Agreement or Agreements, before the passing of this Act, or which such Lessee or Lessees, Tenant or Tenants, could or might have had or enjoyed had not this Act been made or passed, and also by whom and at what Time such Recompence and Satisfaction shall be made; and in case such Recompence and Satisfaction shall not be made accordingly, then it shall be lawful to and for such Lessee or Lessees, Tenant or Tenants, to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case: Provided always, that if there shall be any such Lease of Lands, Part of which shall lie in the said Liberty or Township of *Basford*, and Part in any adjoining Parish or Township, all and every such Lease or Leases upon Rack Rent may be vacated; but where any Lands shall have been taken in exchange, which Lands shall be under any such Lease or Agreement, and wholly situate in an adjoining Parish or Township, such last mentioned Lease or Agreement shall not be vacated.

Commissioner
may alter
Roads
through an-
cient Inclo-
sures, with

XX. And be it further enacted, That in case it shall appear to the said Commissioner that there are or is any publick Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, in, through, over, or on the Sides of any of the old inclosed Lands or other Lands within the said Liberty or Township of *Basford*, which may in the Judgement of the
said

said Commissioner be diverted and turned, without Inconvenience to the Publick, into any other publick Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, or be otherwise diverted or turned, so as to make the same more convenient to the Publick, or else stopped up and destroyed as superfluous and unnecessary, it shall be lawful for the said Commissioner (with the Concurrence and Order of Two Justices of the Peace acting in and for the Division of the said County, in which the said Liberty or Township of *Basford* is situate, subject to Appeals, as in the said recited Act is mentioned) in and by his said Award, to order and direct such publick Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, to be altered, turned, diverted, stopped up, or destroyed, in such manner as the said Commissioner shall think proper and reasonable.

the Consent
of Two Ma-
gistrates.

XXI. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act and incident thereto, and of surveying, admeasuring, and valuing, dividing, and allotting the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, hereby directed to be divided and allotted, and of forming and making the publick Roads, publick or common Drains, Sewers, Watercourses, Watering Places for Cattle, Wells, Bridges, and other Conveniencies, and of preparing and inrolling the Award of the said Commissioner, and all other the Costs, Charges, and Expences of the said Commissioner, and of the several Persons employed by him either before or after the Execution of the said Award, in, about, or concerning the Execution of this Act, shall be paid, borne, and defrayed by the said several Proprietors respectively, in such Proportions as the said Commissioner shall direct and appoint, the Shares and Proportions of all which Costs, Charges, and Expences shall be borne by the said respective Owner and Persons interested as aforesaid, and paid to such Person or Persons, and at such Time or Times, either before or after the Execution of the said Award, as the said Commissioner shall direct or appoint; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion of such Costs, Charges, and Expences, according to such Direction or Appointment as aforesaid, then and in such Case the same shall and may be recovered in the Manner directed in and by the said recited Act.

Expences of
the Act, &c.

XXII. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any old inclosed Lands, Tenements, or Hereditaments whatsoever, within the said Liberty or Township of *Basford*, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments whatsoever within the said Liberty or Township, or within the said Parish of *Cheddleton*, or within any adjoining Parish, Hamlet, Chapelry, Manor, Township, or Place; provided that all such Exchanges of any Messuages, Tenements, Dwelling Houses, or Homesteads, and of all Gardens, Orchards, and old Inclosures adjoining thereto, be made with the Consent of the Owner or Owners, Proprietor or Proprietors, of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politick, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for chari-

For making
Exchanges.

table or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing, under the Common Seal of the Body Politick, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron of such Church, Chapel, or Benefice, and also of the Lord Bishop of the Diocese, in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate; and all such Exchanges shall be ascertained, specified, and declared in the Award of the said Commissioner.

Costs of Exchanges by whom to be paid.

XXIII. And be it further enacted, That all Costs, Charges, and Expences attending the making of any Exchanges and Partitions by virtue of this or the said recited Act, shall be paid, borne, and defrayed by the several Persons making such Exchanges and Partitions, in such Manner and in such Proportions as the said Commissioner shall by his Award order or direct.

This Act not to affect Wills, &c.

XXIV. Provided always, That nothing in this Act contained shall extend, or be construed to extend, make void, alter, or annul any Will or Settlement; or to prejudice any Person, or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance, out of, upon, or affecting any of the Lands or Hereditaments to be divided, allotted, or exchanged, by virtue of the said recited Act, or of this Act, or any Part thereof; but that each and every Proprietor shall stand and be seised of the several Lands and Hereditaments to be allotted to, or exchanged with him or her, as aforesaid, to such and the same Uses, and subject to such and the same Wills, Jointures, Rents, and Charges, and no other, as the Lands or Hereditaments whereof such Proprietor was seised or possessed at or immediately before the signing and sealing of the said Award, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been made.

Persons advancing Money to be allowed Interest.

XXV. And be it further enacted, That in case any Person or Persons shall advance any Sum or Sums of Money for the Purpose of defraying the Expences of obtaining and passing this Act, and of carrying the same into Execution, every such Person shall be repaid the same, together with lawful Interest from the Time of advancing thereof, out of the first Monies that shall be raised for defraying such Expences under and by virtue of this Act, which Sum or Sums of Money to be advanced as aforesaid, and the Interest thereof, shall be a Charge upon the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures, hereby intended to be divided and inclosed, until the same shall be raised and repaid.

XXVI. And

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

Commissioner to account.

XXVII. And be it further enacted, That the Award to be made by the said Commissioner, when inrolled in Manner directed by the said recited Act, shall be deposited in a Tin Box, and kept in the Parish Church of *Cheddleton* aforesaid, in the said County.

Award to be deposited.

XXVIII. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, then and in such Case, (except as to such Claims, Matters, and Things as are herein-before or by the said recited Act directed or authorized to be tried, settled, or determined by the Verdict of a Jury, or where any of the Clauses or Provisions of the said recited Act or of this Act shall express that the same shall be final and conclusive) he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be held for the said County of *Stafford*, within four Calendar Months next after the Cause of Complaint shall have arisen, giving Fourteen Days Notice of such Appeal to the said Commissioner; and the Justices at the General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and make such Orders therein, and award such Costs, as to them in their Discretion shall seem reasonable and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Appeal to the Quarter Sessions.

XXIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them, or in Reversion or Remainder after them)

General Saving.

them) all such Right, Title, and Interest, as they, every, or any of them could or ought to have had and enjoyed in, to, or out of the said Open Fields, Undivided inclosed Lands or Grounds, and Open Pastures hereby directed to be divided and allotted, in case this Act had not been made.

Act may be
Evidence.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1807.