



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. II.

An Act for dividing, allotting, and inclosing the Commons and Wastes, within the Manor and Parish of *Barkefwell* in the County of *Warwick*.

[19th March 1802.]

WHEREAS there are, within the Manor and Parish of *Barkefwell* in the County of *Warwick*, certain Commons and Wastes called *Balsal Heath* and *Beech Wood*, and other Commons and Waste Lands, containing in the Whole, by Estimation, Three hundred Acres, or thereabouts: And whereas *Catherine Knightley* Widow, is Lady of the said Manor of *Barkefwell*, and as such, is entitled to the Soil of the said Commons and Waste Lands: And whereas the said *Catherine Knightley*, *John Wilmot* Esquire, *Richard Dugdale* Esquire, *William Huddesford*, *Mary Huddesford*, *George Dalton*, *John Lant*, *Catherine Lant*, and several other Persons, are Owners and Proprietors of Estates within the said Manor, and in respect thereof are entitled to Right of Common in and upon the said several Commons and Waste Lands: And whereas the said Commons and Waste Lands, in their present State, afford very little Profit or Advantage; but are capable of great Improvement; and the same would, if allotted, divided, and inclosed, be of great Advantage to the several Persons interested therein, and of publick Utility; but such Allotment, Division, and Inclosure, cannot be made and effectually established

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blished 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 all and every the Commons and Waste Lands within the said Manor and Parish, shall be set out, allotted, and divided, as soon as conveniently may be, by *John Wedge* of *Hill Bickenhill* in the County of *Warwick*, Gentleman; and that he and his Successor for the Time being, shall be and is hereby appointed the Commissioner for setting out, allotting, dividing, and inclosing the said Commons and Waste Lands, and for putting in Execution the several Powers, Authorities, and Trusts, herein-after expressed or referred to in that Behalf.

General Act
of 41 Geo. 3.
to be put in
Execution
where not re-
pugnant to
this Act.

II. And be it further enacted, That all and every the Powers, Authorities, Regulations, Restrictions, Penalties, Forfeitures, Provisions, Savings, Clauses, Matters, and Things, which in and by an Act, passed in the last Session of Parliament, 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*, are contained and enacted, and are not controuled by or repugnant to any of the Clauses, Provisions, or Regulations contained in this Act, shall be duly enforced, practised, applied, and put in Execution, for the dividing, allotting, and inclosing the said Commons and Waste Lands, so far as the same are applicable thereto respectively, as fully and effectually, to all Intents and Purposes whatsoever, as if all such Powers, Authorities, Regulations, Restrictions, Penalties, Forfeitures, Provisions, Savings, Clauses, Matters and Things, had been expressly inserted and re-enacted in this Act with relation thereto.

Power to ap-
point a new
Commissioner.

III. And be it further enacted, That if the said *John Wedge*, or any Commissioner to be appointed in his Stead, as herein-after mentioned, shall die, or shall neglect or refuse, or become incapable to act, before the Powers and Authorities hereby vested in him shall be wholly and completely executed, then and in every such Case the Persons interested in the said intended Inclosure; or the major Part of them in Value, or their Agents, who shall attend at a Meeting to be held for that Purpose at *Barkefwell* aforesaid, or within the Distance of Five Miles from the said Parish, pursuant to Notice to be given in the Parish Church of *Barkefwell* aforesaid, upon some *Sunday* immediately after Divine Service, and also in the Newspaper called *The Coventry Mercury*, at least Ten Days before such Meeting, shall from Time to Time (within One Calendar Month next after the Death, Neglect, Refusal, or Incapacity of the said Commissioner shall happen, or as soon after as Occasion may require), by Writing under their Hands, appoint One other Commissioner, not interested in the said intended Inclosure, in the Place of such Commissioner so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and every Commissioner so appointed, shall have the same Powers and Authorities as the said *John Wedge* is by this Act invested with.

Regulations
as to the Com-
missioner's
Meetings.

IV. And be it further enacted, That the Commissioner for the Time being shall, and he is hereby required to cause publick Notice to be given

given in the Parish Church of *Barkeſwell* aforeſaid, upon ſome *Sunday* immediately after Divine Service, or by Writing affixed on the Door of the ſaid Parish Church, and by Adverſement in the ſaid *Coventry Mercury* of the Time and Place of his Firſt and every ſubſequent Sitting or Meeting for the Execution of this Act, at leaſt Ten Days before every ſuch Sitting or Meeting ſhall be held (Sittings or Meetings by Adjournment only excepted), and that ſuch Firſt Meeting ſhall be held within Thirty Days next after the paſſing of this Act, or as ſoon after as conveniently may be; and the ſaid Commiſſioner ſhall and may adjourn from Time to Time, as he ſhall ſee Occaſion, for the Execution of this Act.

V. And be it further enacted, That there ſhall be paid to the Perſon by whom the Lands and Grounds ſhall be ſurveyed and admeaſured for the Purpoſes of this Act, a full Recompence and Satisfaction for his Trouble, and for all his Expences and Charges whatſoever in ſurveying and admeaſuring the ſaid Lands and Grounds, and in planning and ſtaking out the ſeveral Allotments intended to be made in purſuance of this Act, and in making ſuch Maps and Plans as may be required by virtue of this Act: Provided nevertheless, that no Proprietor of old incloſed Eſtates within the ſaid Manor, who ſhall produce to the ſaid Commiſſioner ſuch Map or Survey thereof, as ſhall to the ſaid Commiſſioner be ſo ſatisfactory as to render any new Map or Survey unneceſſary, ſhall be liable to contribute any Sum or Sums of Money towards paying the Expence of making ſuch Maps and Surveys of the Eſtates; whereof no ſatisfactory Map or Survey ſhall be produced to the ſaid Commiſſioner; but the Expence of ſuch Maps and Surveys ſhall be paid by thoſe Proprietors whoſe Eſtates require ſurveying, in ſuch Manner as the ſaid Commiſſioner ſhall direct and appoint.

Commiſſioner's and Surveyor's Allowances.

VI. And be it further enacted, That the Account of the ſaid *John Wedge*, or of the ſaid Commiſſioner to be appointed as aforeſaid, containing a true Statement of all Sums by him received and expended, or due to him for his own Trouble or Expences, ſhall at leaſt Once in every Year from the paſſing of this Act, until ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined by *Wriotheſly Digby* of *Meriden* in the County of *Warwick* aforeſaid, Eſquire, Barrifter at Law, who is hereby appointed Auditor for that Purpoſe; and in caſe of his Death or Refuſal to act, by ſuch other Barrifter at Law as ſhall be appointed for that Purpoſe, in like Manner as herein-before is provided for the Appointment of a new Commiſſioner in the Place of the ſaid *John Wedge*, and the Balance by him ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioner; 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 the ſaid *Wriotheſly Digby*, or ſuch other Auditor as aforeſaid.

For examining and ſettleing the Commiſſioner's Accounts.

VII. And be it further enacted, That all Perſons claiming to be entitled to or intereſted in the ſaid Commons and Waſte Lands, or any or either of them, ſhall, either by themſelves or their Stewards, Agents, or Attornies, deliver to the ſaid Commiſſioner an Account in Writing of ſuch their Claims, and a Particular of the Eſtates or Property in reſpect whereof ſuch Claim or Claims ſhall be made, and in whoſe Poſſeſſion or Enjoyment

Claims to be delivered to the Commiſſioner.

Commissioner
to determine
disputed
Claims.

Enjoyment the same are, and by what Tenure the same are held, within such Time or Times as the said Commissioner shall for that Purpose appoint; and if any Dispute or Difference shall arise between the Parties, or any of them, touching or concerning the respective Shares, Rights, or Interests, which they or any of them now have or claim in or to the said Commons and Waste Lands intended to be divided and inclosed as aforesaid, or touching the respective Shares or Allotments which they or any of them ought to have of or in the same, it shall be lawful for the said Commissioner, and he is hereby empowered, by Examination of Witnesses upon Oath, (which Oath the said Commissioner is hereby empowered to administer), and upon other good Proof and sufficient Enquiry, to hear and determine the same, and to make such Order therein as to the said Commissioner shall appear equitable and just; and a Copy of such Order shall be delivered to the several Persons affected thereby, or their several and respective known Agents, or left at their Dwelling Houses respectively, and such Order shall be final, binding, and conclusive, unless Notice of Dissatisfaction shall be given, and the Party dissatisfied shall proceed to a Trial at Law, as herein-after provided; provided, that no Determination of the said Commissioner shall exclude any Person from trying and asserting his Right at Law or in Equity, in respect of the Title to any of the Shares or Allotments aforesaid, so that no such Trial, or any Judgement thereupon, shall suspend or impede the Execution of this Act.

Power to try
disputed
Claims at
Law.

VIII. Provided always, and be it further enacted, That if any Person or Persons, Bodies Politick, or Corporate, making any Claim or Claims to the said Commons or Waste Lands, or any Rights or Interests therein as aforesaid, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioner, 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 Politick or Corporate, so desirous to have the same tried at Law, shall and do by themselves or their respective Stewards, Receivers, Agents, or Attornies, give Notice thereof in Writing to the said Commissioner, at his First or Second Sitting or Meeting after such Determination shall have been so made by the said Commissioner, (of which Notice the said Commissioner is hereby required, immediately on Receipt thereof, or as soon afterwards as conveniently can be done, to give Information to the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Agents, or Attornies, by Writing under his Hand, to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Agents, or Attornies respectively); then, but not otherwise, it shall be lawful for the Person or Persons, Body or Bodies Politick or Corporate, giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, and he, she, or they shall, and is and are hereby respectively required to proceed to Trial at Law for the same, at the next Assizes to be holden for the County of *Warwick*, after such Notice given as aforesaid, in a feigned Action or Actions for that Purpose, to be commenced in One of His Majesty's Courts at *Westminster*, by the Person or Persons, Body or Bodies Politick or Corporate, their respective Heirs, Successors, or Assigns, giving such Notice as aforesaid, against the adverse Party making such Claim or Objection as aforesaid, and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies
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who shall file Common Bail, or appear and accept One or more Issue or Issues, whereby all such Claim or Claims, and Rights may be properly tried and determined, (such Issue or Issues to be settled by the proper Officers of the Court wherein such Action or Actions shall be commenced, if the Parties shall differ about the same), and the Verdict or Verdicts which shall be given in the said Action or Actions, shall be final, binding and conclusive, to all and every Person and Persons, Body and Bodies Politick and Corporate 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, which it shall be lawful for the Court to do, and also upon sufficient Cause shewn to put off the Trial of such Issue, as is usual in other Cases; and after any Verdict or Verdicts shall have been obtained and not set aside by the Court, the said Commissioner shall, and he is hereby authorized and required to conform thereto in setting out and allotting the said Commons and Waste Lands, and the Costs and Charges payable by the Defendant or Defendants in such Action or Actions, if the same shall relate to any Claim or Claims in or to the said Commons or Waste Lands, which shall have been objected to by the major Part in Value of the Land Owners within the Manor aforesaid, by themselves, or by their respective Agents, shall be paid and discharged by the said Commissioner, and shall be deemed Part of the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution, and shall be raised and recovered as such.

IX. And be it further enacted, That the said Commissioner may, and he is hereby authorized and empowered to divide, direct, divert, or alter the Course of any Springs, Streams, or Currents of Water in the Commons and Waste Lands hereby intended to be inclosed, for the Use and Benefit of the several Allotments to be made in pursuance of this Act, so as thereby not to injure any Person or Persons at present entitled to the Benefit of such Water; and that the said Commissioner shall assign, set out, and appoint as many convenient Parts or Pieces of the said Lands and Grounds hereby intended to be inclosed, not exceeding Two Acres in the Whole, as he shall think proper, for the getting Gravel and Stone, or other Materials for repairing the publick Roads and Ways to be set out by virtue of this Act, to and for the Use of the Inhabitants of the said Manor, for repairing their ancient Roads; and that the Herbage growing in and upon the said Parts and Pieces of Grounds, shall be and is hereby vested in the Surveyor or Surveyors of the Highways in the said Parish for the Time being, in Trust to let and set the same for the best Rent he or they can get, and to apply the Rents and Profits thereof in repairing the said publick Roads and Ways.

Power to alter Water-courses, and set out Gravel Pits.

X. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required, (after the publick or private Roads shall be set out, and the Allotment for getting Gravel and Stone, or other Materials as aforesaid), to set out, allot, and award unto and for the said Catherine Knightley, or the Person or Persons who for the Time being shall be Lord or Lady of the said Manor of *Barkefwell*, so much, and such Part or Parts of the said Commons and Waste Lands hereby directed to be divided and inclosed, as in the Judgement of the said Commissioner shall contain, together with the Encroachments made therefrom

Allotment to the Lady of the Manor for the Soil.

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within Twenty Years last past; (a Schedule of which, with the yearly Sums to be paid by each Person for the same set opposite to their several and respective Names, is annexed to this Act, under the Title of the First Schedule), One full Twentieth Part, (Quantity and Quality considered), of all the said Commons and Waste Lands within the said Manor, (including such Encroachments), in lieu of the Rights and Interests claimed by the said *Catherine Knightley*, as Lady of the said Manor of *Barkefwell*, of, in, and to the Soil of the Remainder of the said Commons and Waste Lands hereby directed to be divided and inclosed, exclusive of her and their Right to the Timber and other Trees now growing in the said Commons and Waste Lands, which the Lord or Lady of the said Manor for the Time being is to be at Liberty to cut down and dispose of at any Time or Times within Six Calendar Months from the Execution of the Award herein-after mentioned.

Leases to be granted to the Cottagers of their Encroachments, made within Twenty Years.

XI. And be it further enacted, That the several Persons now in Possession of any of the said Cottages, and the Encroachments occupied therewith, made within the last Twenty Years, shall be and are hereby entitled to hold the same, subject to the accustomed Payments to the Lord or Lady of the said Manor, (particularized in the said First Schedule), for the Term of Twenty-one Years from the Date of the Award herein-after mentioned; and that the said *Catherine Knightley*, or the Lord or Lady of the said Manor for the Time being, shall, at the Request, Costs, and Charges of the several Persons now in Possession of such Cottages and Encroachments, their Executors, Administrators, or Assigns, execute Leases thereof to them respectively for the said Term of Twenty-one Years, at the usual and accustomed Rents, on such Lessees executing Counterparts of such Leases.

Allotments to be made for Cottages erected above Twenty Years under certain Regulations.

XII. And be it further enacted, That the said Commissioner shall, out of the Residue of the said Twentieth Part of the said Commons and Waste Lands, so to be allotted to the Lord or Lady of the Manor aforesaid, assign and appoint unto each and every of the Cottages which have been erected upon the said Commons and Waste Lands, more than Twenty Years, (a Schedule of which, together with the yearly Sums payable by each Person for the same, set opposite to their several and respective Names, is annexed to this Act, under the Title of the Second Schedule), such Part or Proportion of the said Residue of the said Twentieth Part, as shall in the Judgement of the said Commissioner be necessary and proper to add to the Convenience and Comfort of the Occupiers thereof, and that the said *Catherine Knightley*, or the Lord or Lady of the said Manor for the Time being, shall, at the Request, Cost, and Charges of the said Cottagers, execute to them respectively a Lease of their present Cottages, and also of such Piece of Land as the said Commissioner shall add thereto, at the respective Rents now payable for the said Cottages, together with such additional Rent for the new Allotment as the said Commissioner shall fix, for any Term or Number of Years not exceeding Fifty Years nor less than Twenty-one Years from the Date of the said Award, as the said Commissioner shall direct or appoint, and that the Lessee or Lessees of the said Cottages shall execute Counterparts of such Leases: Provided always, that no Person who shall refuse to execute a Counterpart of any Lease herein-before directed to be made of the said Cottages, shall

shall on any Account be entitled thereto, or to the Benefits to arise thereby.

XIII. And be it further enacted, That the said Commissioner shall, and is hereby authorized and required in the next Place to set out, allot, and award all the Residue of the said Commons and Waste Lands unto and amongst the said *Catherine Knightley, John Wilmot, Richard Dugdale, William Huddesford, Mary Huddesford, George Dalton, John Lant, Catherine Lant*, and the several other Persons, Owners, and Proprietors of Lands, Tenements, and Hereditaments within the said Manor and Parish, and all other Persons having Right of Common in and upon the said Commons and Waste Lands, if any such there are, rateably and in Proportion to the Value of their respective Lands, Tenements, and Hereditaments, in Right whereof they are severally entitled to such Right of Common as aforesaid; and the said Commissioner shall order, fix, settle, and set out each Person's Share and Allotment, and the Divisions and Boundaries thereof respectively.

Allotment of
the Residue.

XIV. And whereas there are within the said Manor and Parish, several wide Parts of Lanes and Slangs, and Pieces or Parcels of Land which have been encroached from the said Commons or Waste Lands, and laid to Lands adjoining, and other Pieces or Parcels of Land that might, to the Advantage of all Persons interested therein, be sold to such Person or Persons as should be willing or desirous to become Purchasers thereof; be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and empowered to sell such wide Parts of Lanes and Slangs of Land, and Pieces or Parcels of Land which have been encroached from the said Commons and Waste Lands, and laid to adjoining Lands, and other Pieces and Parcels of Land; by publick Sale or Auction; to the best Bidder or Bidders, in such Lot or Lots, and subject to such Conditions of Sale, as the said Commissioner shall think proper, giving Fourteen Days Notice at least of the Time and Place of such Sale in the *Coventry Mercury*, and repeating the said Notice Twice at least in the same Paper; and the Purchaser or Purchasers of all or any Part of the said wide Parts of Lanes and Slangs, and Pieces and Parcels of Land so directed to be sold as aforesaid, shall pay his, her, or their Purchase Money into the Hands of the said Commissioner, and immediately after Payment thereof, such Purchaser or Purchasers shall be absolutely seized of an Estate of Inheritance in Fee Simple, of and in the Lands and Hereditaments so by him, her, or them purchased, free from all Incumbrances whatsoever, and also free from the Payment of any Part of the Expence of obtaining or putting into Execution this Act, or of making any new Roads which may by the said Commissioner be directed to be made in pursuance thereof: Provided nevertheless, that previous to the publishing any Advertisement for Sale of any Part of the said wide Parts of Lanes and Slangs, and Pieces or Parcels of Land lying before any Messuages, Tenements, and Lands belonging to any Person or Persons whomsoever, the said Commissioner shall, and he is hereby directed and required to deliver unto such Person or Persons before whose Lands and Tenements the same shall be, or his, her, or their known Agent or Attorney, a Description and an Estimate in Writing, under the Hand of the said Commissioner, of the Value of such Part or Parts of the said wide Parts of Lanes and Slangs, and Pieces or Parcels of Land so intended
to

Commissioner
may sell cer-
tain Waste
Lands.

to be sold for the Purposes aforesaid, (Quantity, Quality, Situation, and Convenience considered), in order that such Person or Persons may have an Option of purchasing the same by private Contract; and that in case such Person or Persons shall, within Fourteen Days from the Delivery of such Notice, pay or cause to be paid to the said Commissioner for the Purposes aforesaid, the Amount of such Estimate or Valuation, then such Parts of the said Lands so intended to be sold as aforesaid, shall not be advertised for Sale or sold by publick Auction, but from and immediately after Payment of the Purchase Money, the Person or Persons paying the same shall be absolutely seized of an Estate of Inheritance in Fee Simple, of and in the Lands and Hereditaments contained in such Description and Estimate, free from all Incumbrances whatsoever, and also free from any Part of the Expences aforesaid; and the Monies so to be received from such Person or Persons, making such private Contracts, and also the Monies to be received from the said Sales to be made by Auction, shall be applied by the said Commissioner towards defraying the Expences of this Act: Provided, that the said Commissioner and Surveyor shall not be compelled or required by virtue of this Act, to repair any Roads or Highways already made, in or through, or over any of the Lanes, Slings, Pieces, or Parcels of Land last mentioned.

Expences of Exchanges, &c. to be borne by the Parties interested therein.

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

Allotments to be of the same Tenure, and enure to the same Uses as the Estates in lieu of which they were made,

XVI. And be it further enacted, That the several Plots or Parcels of the said Commons and Waste Lands, which upon the said Division shall be assigned, allotted, and awarded to the several Parties interested in the Premises, and also the several Messuages, Lands, Tenements, old Inclosures, and new Allotments, and other Hereditaments which shall be exchanged by virtue of this Act, shall immediately after such Allotments and Exchanges be of the same Tenure, and be held under the same Services, and the Person or Persons, Bodies Politick or Corporate, to whom the same shall be respectively allotted, and with whom the same shall be respectively exchanged as aforesaid, shall from thenceforth stand and be seized or possessed thereof to such and the same Uses, Estates, Trusts, and Purposes, and subject to such and the same Wills, Settlements, Limitations, Powers, Remainders, Leases, (except such Leases at Rack Rent, as shall by the said Commissioner be ordered to be vacated as herein-after directed), Charges, Tenures, Rents, Services, and Incumbrances, as the several and respective Messuages, Lands, Tenements, old Inclosures, or other Hereditaments, in lieu whereof such new Allotments or exchanged Premises shall be respectively made or taken as aforesaid, now are, or should or would be held under, or subject or liable to be charged with or affected by in case this Act had not been made; and every Lease and Leases at Rack Rent now subsisting, of all and every, or any Part or Parts of the said Lands and Grounds hereby intended to be allotted, divided, and inclosed, and all other Agreements for any Term or Number of Years at Rack Rent, or from Year to Year, or at Will, shall at such Time or Times as the said Commissioner shall direct, by any Instrument in Writing under his Hand, cease

except Leases at Rack Rent.

cease and be void, the respective Lessors or Landlords making such Satisfaction to their Lessees or Tenants as shall be agreed upon between them, or as the said Commissioner shall, upon Application made to him in Writing by either Party, ascertain, order, direct, and appoint to be paid to such Lessees or Tenants, as an Equivalent for the Loss or Losses he or they shall respectively suffer by the Determination of the same, according to the Direction of the said Commissioner: Provided that nothing herein contained shall be construed to extend to make void the Leases of any Messuages, Lands, Tenements, and Hereditaments, within the said Manor, except the Commons and Waste Lands so intended to be inclosed.

Leases as to inclosed Lands not to be affected.

XVII. And be it further enacted, That it shall be lawful for any Person or Persons interested in the said Commons and Waste Lands to be inclosed by virtue of this Act, at any Time before the Execution of the Award herein-after directed to be made by the said Commissioner, or at any Time afterwards, to sell and dispose of all such Estate, Right, Title, Interest, and Property, which he, she, or they now hath or have, or shall or may hereafter have in or to any Right of Common in and upon the said Commons and Waste Lands, or in and to any Allotment or Allotments to be made in respect thereof by virtue of this Act, separate and apart from such Estate in Right whereof he, she, or they is, are, or shall be so entitled; and that in case of any such Sale previous to the Execution of such Award, it shall be lawful for the said Commissioner, and he is hereby authorized and required to allot the same to the Purchaser or Purchasers thereof respectively, who shall and may immediately after the Execution of such Award as aforesaid, have, hold, use, and enjoy such Allotments so to be allotted and laid out in lieu of the Right of Common so by him, her, or them purchased as aforesaid, in as full, large, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as the former Proprietor or Vendor thereof could or might have done in case such Sale or Sales had not been made; but subject nevertheless to the several Rules, Orders, Conditions, and Restrictions, contained in or authorized by this Act: Provided always, that all Costs, Charges, and Expences attending such Sale and Disposition as aforesaid, shall be paid and borne by the several Persons making such Purchase or Purchases, in such Manner as the said Commissioner shall by his said Award order and direct.

Rights of Common may be sold separate from the Lands to which they are appurtenant.

XVIII. And be it further enacted, That all the Land and Ground to be allotted to the Reverend *Thomas Cattell*, as Rector of *Barkefwell* aforesaid, shall within the Space of Twelve Calendar Months after signing the Award herein-after directed to be made, be inclosed and ring-fenced with Quickset Hedges and Ditches, and sufficiently guarded with substantial Posts and Rails, in such Manner as the said Commissioner shall order and appoint; and that such Fence, and the Guard Mounds thereof, shall be made by and at the Expence of the several Proprietors and Owners of the Lands and Grounds in the Parish of *Barkefwell* aforesaid, (except the Rector of *Barkefwell* aforesaid), in such Shares and Proportions as the said Commissioner shall award or direct; and the said Fence, so to be made as aforesaid, shall, after the same shall have been made, be preserved and maintained by and at the Expence of the Rector of *Barkefwell* aforesaid, and his Successors for ever.

Fencing the Rector's Allotment.

Allotments to
be fenced.

XIX. And be it further enacted, That the several Allotments to be made in pursuance of this Act, shall be inclosed and ring-fenced with Ditches and Quickset Hedges, or other proper Mounds and Fences as soon after the same are staked or marked out as conveniently may be, and within such Time and in such Manner as the said Commissioner shall direct or appoint; and that the several Fences to be made as aforesaid, shall be made and for ever afterwards repaired, supported, and maintained by or at the Expence of the several Proprietors of the Allotments to be set out by virtue of this Act, in such Shares and Proportions as the said Commissioner shall direct and appoint.

Commissioner's
Award.

XX. And be it further enacted, That as soon as conveniently may be after the said Commissioner shall have completed and finished the respective Allotments and Divisions of the said Commons and Waste Lands hereby intended to be divided and inclosed, and the several other Matters and Things to be done by him pursuant to the Directions of this Act, he the said Commissioner shall form and draw up an Award or Instrument in Writing, which shall express and contain the Quantity in Statute Measure, of Acres, Roods, and Perches, contained in the Whole of the Commons and Waste Lands hereby intended to be divided and inclosed, and the Quantity of each and every Parcel thereof, set out and allotted to each and every of the Parties entitled to and interested in the same respectively, and describing the Situation, Abuttals, and Boundaries of every such Allotment respectively, with proper Orders and Directions for mounding, hedging, fencing, draining, and ditching the several Allotments, and for keeping and maintaining such Hedges, Ditches, Fences, and Drains in Repair, and also for making and laying out proper publick and private Roads, Causeways, Bridges, Drains, Watercourses, Watering Places, and other Conveniencies, in, through, and over the said Lands so to be inclosed, and Directions for making, repairing, and maintaining the same; and shall also express and contain such Orders, Regulations, and Determinations as shall be proper and necessary to be inserted therein, for the perfecting and completing the said intended Division and Inclosure, as to him shall seem requisite and expedient, and conformable to the Purport and Tenor of this Act, Two Parts of which said Award or Instrument shall be fairly ingrossed or written upon Parchment, and such Plans of the new Inclosure as may by the said Commissioner be deemed necessary for the Explanation thereof, shall be fairly made and annexed thereto, and One Part shall be read over in the Presence of the Proprietors who may attend at a Special General Meeting to be held for that Purpose, of which Ten Days Notice in the *Coventry Mercury* shall be given, and the said Two Parts shall be executed by the said Commissioner under his Hand and Seal at such Meeting, or as soon after as conveniently may be, which Execution shall be proclaimed the next *Sunday* in the Parish Church of *Barkefwell* aforesaid, from which Time only the said Award shall be considered as complete; and One Part thereof shall be deposited in the aforesaid Church of *Barkefwell*, in the common Chest there, or in such other Place as the said Commissioner shall direct, under the Care of the Rector and Churchwardens of the said Parish, to be open at all seasonable Times for all Persons who may be interested therein, to inspect and peruse the same, and the other Part of the said Award shall, within Twelve Calendar Months next after the Execution thereof, be deposited with the Clerk of the Peace for the County of *Warwick*, and for which a Fee of One Guinea,

Guinea, and no more, shall be paid, and a true Copy of such Award, or of any Part thereof signed by the said Clerk of the Peace or his Deputy, for which no more than Four-pence *per* Sheet shall be paid, each Sheet to contain Seventy-two Words, and also each Part of the said original Award or Instrument shall be allowed as good and legal Evidence; and the said Clerk of the Peace and his Deputy shall permit and suffer any Person or Persons whomsoever, from Time to Time and at all Times within the Office Hours of Attendance, to peruse or inspect the Part of the said Award or Instrument deposited in the Office of the Clerk of the Peace as aforesaid, upon paying for every such Perusal or Inspection One Shilling, and no more; and the several Allotments, Exchanges, Partitions, Sales, and Divisions, so made or authorized by the said Commissioner, and expressed in such Award or Instrument in Writing, so executed and deposited as aforesaid, together with all Orders, Regulations, and Determinations therein contained, respecting the Premises, shall be and are hereby declared to be binding and conclusive unto and upon all and every the Parties entitled unto or interested in the several and respective Lands, Grounds, and Hereditaments, intended to be allotted, divided, inclosed, sold, exchanged, or otherwise disposed of under the Powers of this Act.

XXI. And be it further enacted, That no Sheep or Lambs shall be kept in any of the said new Inclosures during the Space of Three Years from the Execution of the said Award, unless the Person or Persons keeping such Sheep or Lambs do at his, her, or their own Expence fence his, her, or their Neighbour's Quicksets adjoining the Inclosures whereon such Sheep or Lambs shall be kept, so as to prevent any Damage being done to such Quicksets by such Sheep or Lambs.

For preventing young Fences being damaged by Sheep.

XXII. And be it further enacted, That the Charges and Expences incident to and attending the passing of this Act, and of the surveying, allotting, and dividing the Commons and Waste Lands so intended to be inclosed, and of preparing and depositing the Award of the said Commissioner, and the Duplicate thereof, and of forming and making the several publick Bridle and Footways, and private Ways, Causeways, Bridges, Watercourses, and Drains, and all other the Charges and Expences in and about the Premises, shall be borne and defrayed by the Owners and Proprietors of the Lands and Grounds so to be inclosed, except the Rector of *Barkefwell*, by a Rate or Rates in Proportion to their several Shares and Interests therein, to be settled, ascertained, and determined by the said Commissioner, and that the said Commissioner shall and may order and appoint to what Person or Persons, and within what Time or Times the several Sums to be settled, rated, or ascertained as aforesaid, shall be paid.

Expences of the Act.

XXIII. Provided always, and be it further enacted, That if any of the Proprietors of, or Persons interested in the Commons and Waste Lands hereby directed to be divided and inclosed, or any other Person or Persons whomsoever, shall advance and pay any Money in Discharge of the Fees or other Expences in and about the obtaining this Act, the same Sum or Sums of Money, together with Interest after the Rate of Five Pounds *per Centum per Annum*, shall be repaid and satisfied to the Person or Persons so advancing or paying the same, out of the Monies which shall be first raised to defray the Expences by virtue hereof.

Money advanced for obtaining the Act, to be repaid with Interest.

XXIV. Pro-

Appeals to
the Quarter
Sessions.

XXIV. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Thing done in pursuance of this Act, then and in every such Case (except in such Cases where the Orders, Directions, or Determinations of the said Commissioner are directed to be final, binding, or conclusive, and also except when a Verdict shall be had as herein before provided), such Person may appeal to any General Quarter Sessions of the Peace which shall be held for the County of *Warwick*, within Six Calendar Months next after the Cause of Complaint shall have arisen, and the Justices at such Sessions are hereby required to hear and determine the Matter of such Appeal, and to make such Order therein, and award such Costs, as to them in their Discretion shall seem reasonable, and by 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 to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determination of the said Justices shall be final, binding, and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

General
Saving.

XXV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and 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 Lands, 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 Inclosure hereby authorized, shall absolutely require to be barred, destroyed, or extinguished by this Act), all such Estates, Rights, and Interests, as they, every, or any of them, had or enjoyed of, in, and to or in respect of the Commons and Wastes hereby directed to be divided and inclosed, before the passing of this Act, or could or might have had or enjoyed if this Act had not been made.

Publick Act.

XXVI. And be it further enacted, That this Act shall be deemed a publick Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons, without the same being specially pleaded.

The FIRST SCHEDULE

ABOVE REFERRED TO.

		£.	s.	d.
Simon Granger	House, Garden, and Pleck	—	—	6
Francis Eden	House and Garden	—	—	6
George Smith	House and Garden	—	1	—
		<hr/>		
		—	2	—
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The SECOND SCHEDULE

ABOVE REFERRED TO.

		£.	s.	d.
Isaac Lewis	House, Garden, and Pleck	—	1	—
Edward Pitman	House, Garden, and Pleck	—	3	—
Widow Cannon	House, Garden, and Pleck	—	5	—
William Lapworth	House, Garden, and Pleck	—	1	—
William Court	House and Garden	—	1	—
William Sherwood	House and Garden	—	2	6
Mary Woodwards	House, Garden, and Pleck	—	1	—
Charles Parsons	House and Garden	—	1	—
Thomas Whitehead	House and Garden	—	1	—
Joseph Titmouse	House, Garden, and Pleck	—	2	—
John Staplin	House and Garden	—	1	6
John Nicholls	House, Garden, and Pleck	—	2	6
Edward Shakespear	House, Garden, and Pleck	—	1	—
Francis Allen	House and Garden	—	1	—
Charles Higginson	House, Garden, and Pleck	—	1	—
Nathaniel Arnold	House, Garden, and Pleck	—	2	6
William Gibbs	House, Garden, and Pleck	—	—	6
William Wilday	House, Garden, and Pleck	—	—	6
Samuel Scrivenor	House and Garden	—	—	6
Widow Brookes	House, Garden, and Pleck	—	—	6
William Pinks	House, Garden, and Pleck	—	2	—
Joseph Adkins	House, Garden, and Pleck	—	—	6
Richard Lancaster	House, Garden, and Pleck	—	1	—
Andrew Court	House, Garden, and Pleck	—	—	6
William Lynes	House and Garden	—	—	6
Thomas Court	House and Garden	—	—	6
William Walker	House, Garden, and Pleck	—	1	—
Thomas Scrivenor	House, Garden, and Pleck	—	1	—
Thomas Eaves	House, Garden, and Pleck	—	—	6
[Loc. & Per.]				Thomas

		£.	s.	d.
Thomas Hands	- - House, Garden, and Pleck	—	1	—
John Scrivenor	- - House, Garden, and Pleck	—	2	—
Timothy Corbett	- - House and Garden	—	1	—
Samuel Butler	- - House, Garden, and Pleck	—	—	6
John Moore	- - House, Garden, and Pleck	—	1	—
Thomas Eaves	- - House, Garden, and Pleck	—	1	—
Widow Tidman	- - House, Garden, and Pleck	—	1	6
Richard Harris	- - House, Garden, and Pleck	—	5	—
Thomas Lowe	- - House and Garden	—	1	—
Joseph Monton	- - House and Garden	—	1	—
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