



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 29.

An Act for dividing, allotting, inclosing, and improving certain Open Meadows, Commonable Lands, and Waste Grounds, within or belonging to the Manor or Parish of *Alrewas*, in the County of *Stafford*. [15th April 1802.]

WHEREAS there are, within or belonging to the Manor or Parish of *Alrewas*, in the County of *Stafford*, certain Commonable Lands or Waste Grounds, called *Fradley Heath* and *Alrewas Hay*, and other Parcels of Commonable Land or Waste Ground, containing together by Estimation Two thousand two hundred Acres, or thereabouts; and there are also certain Open Meadows within the Manor or Parish of *Alrewas* aforesaid, commonly called the *Orgreave Meadow*, *Burway Meadow*, *Longlake Meadow*, *Statfold Meadow*, *Broadford Meadow*, *Burlake Meadow*, *Effington Meadow*, *Mickleholme Meadow*, *Salterholm Meadow*, and *New Close Meadow*, containing together about Three hundred and thirty Acres: And whereas *Thomas Anson* of *Shugborough*, in the said County of *Stafford*, Esquire, is Lord of the Manor of *Alrewas* aforesaid, and Owner of the Soil of all the said Commonable Lands or Waste Grounds; and the said *Thomas Anson*, together with the Reverend the Dean and Chapter of the Cathedral Church of *Lichfield*, the Reverend *John Drake Wainwright*, Vicar of the Parish of *Alrewas* aforesaid, [Loc. & Per.] 5 G the

the Honourable *Spencer Stanley Chichester* commonly called *Lord Spencer Stanley Chichester*, *Richard Yeld*, *Richard Hurdman*, *Thomas Dicken*, *William Baggaley*, and several other Persons, have severally for themselves and for their respective Lessees or Tenants Right of Common in and upon the said Commonable Lands or Waste Grounds; and the said *Thomas Anson*, the said Dean and Chapter of *Lichfield*, *Richard Yeld*, *John Yeld*, *Richard Wright*, *William Baggaley*, *Samuel Gillett*, and divers other Persons, are Owners of the said Open Meadows: And whereas *William Vyse* Clerk, Doctor of Laws, Prebendary of the Prebend of *Alrewas*, founded in the Cathedral Church of *Lichfield*, and *Francis Cobb* of the City of *Lichfield*, Esquire, his Lessee, are or One of them is entitled to the Tythes of Corn, Grain, and Hay, and other Great Tythes, and also to a Moiety of the Tythe of Lambs and Wool, within such Parts of the said Manor as lie within and are Part of the Parish of *Alrewas* aforesaid, or to certain customary Payments in lieu of such Tythes; and the said *John Drake Wainwright*, as Vicar, is entitled to the other Moiety of the said Tythe of Lambs and Wool, and to all other the Small Tythes within the said Parish, or to certain customary Payments in lieu thereof; and the Right Reverend the Lord Bishop of *Lichfield* and *Coventry*, in Right of his See, is Patron of the said Prebend of *Alrewas*; and the said *William Vyse*, as Prebendary of *Alrewas*, is Patron of the Vicarage of *Alrewas* aforesaid: And whereas the said Commonable Lands or Waste Grounds, and the said Open Meadows, or certain Parts thereof, are in their present State incapable of any considerable Improvement; and it would be of great Benefit to the several Persons interested therein, and of publick Utility, if the same were divided and allotted in specifick Shares among the Owners thereof, or Persons having Right of Common thereon, according to their respective Rights and Interests therein, and such Allotments inclosed and improved in the Manner herein-after directed; but as such Division, Inclosure, and Improvement cannot be effected without the Authority of Parliament; may it 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 *John Bishton* the younger, of *Kilsale* in the County of *Salop*, Gentleman, *Samuel Wyatt* of *Burton-upon-Trent* in the County of *Stafford*, Gentleman, and *Francis Robinson* of the City of *Lichfield*, Gentleman, and their Successors, to be elected and appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for setting out, dividing, allotting, and inclosing the said Commonable Lands, Waste Grounds, and Open Meadows, and for doing, ordering, and directing such Matters and Things as shall be necessary and expedient for the Purposes of this Act, and for carrying it into full Execution and Effect, subject to the Rules, Orders, and Directions herein-after contained; and that all Acts, Matters, and Things which shall be done and executed by any Two of the said Commissioners, or their Successors, shall have the same Effect, and be as valid in all Respects, as if the same were done by all the said Commissioners.

Commissioners.

Commissioners to take the following

II. Provided always, That no Person shall be capable of acting as a Commissioner in the Execution of the Powers given by this Act (unless it be in Exercise of the Powers hereby given of administering an Oath, and

and giving Notice of the First Meeting of the said Commissioners), until he shall have taken and subscribed the Oath or Affirmation following; (that is to say),

I do swear [or, being One of the People called Quakers, do solemnly affirm] that I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute the Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act, passed in the Forty-second Year of the Reign of King George the Third, intituled, [here insert the Title of the Act] according to Equity and good Conscience, and without Favour, Affection, Prejudice, or Partiality to any Person or Persons whomsoever. So help me GOD.

Oath.

Which Oath or Affirmation it shall be lawful for any One of the said Commissioners to administer, and such Commissioner is hereby required to administer the same to the other Commissioner or Commissioners respectively; and the said Oath or Affirmation so taken and subscribed as aforesaid, and also the Appointment of every new Commissioner, if any such there shall be, with the like Oath or Affirmation to be taken and subscribed as aforesaid, shall be annexed to and inrolled with the Award hereinafter directed to be made.

III. 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 Commonable Lands and Waste Grounds, and Open Meadows, 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.

General Act of 41 Geo. 3. to be put into Execution, where not repugnant to this Act.

IV. And be it further enacted, That if the said *John Bishton* the younger, or any Commissioner to be elected in the Place or Stead of him, or his Successor, shall die or refuse to act, the said *Thomas Anson*, or the Lord or Lords, Lady or Ladies of the said Manor of *Alrewas* for the Time being, within Thirty Days after such Death or Refusal shall be known by Writing under his, her, or their Hand or Hands, shall elect and appoint a new Commissioner (not interested in the said Division and Inclosure), in his Room; and that if the said *Samuel Wyatt*, or any other Commissioner to be elected in the Place or Stead of him, or his Successor, shall die or refuse to act, the Owners of the major Part of the Messuages or Tenements entitled to Allotments under this Act, who shall attend a publick Meeting to be called for that Purpose at a Time and Place in *Alrewas* aforesaid, to be fixed by the surviving Commissioner or Commissioners

Appointment of new Commissioners in case of Death or Refusal to act.

tioners (of which Meeting Notice shall be given on the Church Door of *Alrewas* aforesaid, and in the *Birmingham Gazette* and *Stafford Newspaper*, in case they shall be then published, or otherwise in Two other Newspapers usually and generally circulated in the Manor of *Alrewas* aforesaid, or in the Neighbourhood thereof, at least Twenty-Days before such Meeting), shall from Time to Time, within Forty Days after such Death or Refusal shall be known by Writing under their Hands, appoint another Commissioner, not interested in the said Division and Inclosure, in his Place; and where there are several Joint Owners of a Messuage or Tenement, the Voices of the major Part of such Joint Owners present at such Meeting shall be deemed the Voice of all the Owners of such Messuage or Tenement; and in case the said *Francis Robinson*, or any Commissioner to be elected in the Place of him or his Successor, shall die or refuse to act before he shall have executed the Powers for which he is appointed a Commissioner, the said *William Vyse*, or his Successors, Prebendaries of the said Prebend of *Alrewas* for the Time being, and the Vicar of *Alrewas* aforesaid for the Time being, shall from Time to Time, by Writing under his or their Hand or Hands respectively, within Thirty Days after such Death or Refusal shall be known, elect and appoint another Commissioner, not interested in the said Division and Inclosure, in his Room; and every such new Commissioner so to be appointed shall have the like Powers and Authority for putting this Act into Execution, as if he had been named a Commissioner in and by this Act; which said respective Writing or Writings, appointing such new Commissioner or Commissioners, shall be inrolled with the Award of the said Commissioners.

Commissioners Allowance.

V. And be it further enacted, That each of the said Commissioners who shall act in the Execution of the Trusts and Powers vested in them by this Act, shall be paid the Sum of Two Guineas for every Day he shall so act, or necessarily travel for the Purpose of acting, or be returning Home from acting, in full Satisfaction for the Trouble and Expence which he shall be put unto in the Execution of the said Trusts and Powers.

Survey to be made.

VI. And be it further enacted, That such Person or Persons as shall be appointed Surveyor or Surveyors by the said Commissioners shall, as soon as conveniently may be after such his or their Appointment, make or cause to be made a true and perfect Survey and Admeasurement, and also a Plan or Plans of the said Commonable Lands or Waste Grounds, and also of the said Open Meadows hereby directed to be divided and inclosed, and that such Survey, Admeasurement, and Plan or Plans, shall be reduced into Writing, and shall specify the Number of Acres, Roods, and Perches, Statute Measure, of the said Commonable or Waste Grounds, and of the said Open Meadows, and also the Number of Acres, Roods, and Perches, Statute Measure, belonging to each Proprietor respectively in the said Open Meadows; and shall also specify the Quantity of Acres, Roods, and Perches, Statute Measure, of which the said Part of the said Waste Lands or Grounds, called *Alrewas Hay*, doth consist, and shall therein mark out and distinguish the same from the Rest of the said Waste Lands or Commons, called *Fradley Heath*; which Surveys, Admeasurements, and Plans, shall be delivered to the said Commissioners,

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to be by them used, for the Purposes of this Act; and all such Surveys, Admeasurements, and Plans, shall, before the setting out of the Allotments herein-after directed to be made, be verified on Oath before the said Commissioners, by the Surveyor, or Surveyors, or other Persons employed in making and taking the same; which Oath the said Commissioners are hereby empowered and required to administer.

VII. Provided nevertheless, That if any Plan or Plans, Survey or Surveys, or Admeasurement or Admeasurements already made of the said Commonable Lands and Waste Grounds, or Open Meadows, or any of them, or of any of the said ancient inclosed Lands, or any Part or Parts thereof respectively, shall be produced and laid before the said Commissioners at their First Meeting, and verified on Oath by the Person or Persons who made the same, it shall be lawful for the said Commissioners to make Use of the same, without causing any new Survey, Plan, or Admeasurement to be made or taken thereof.

Commissioners may accept Surveys already made.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice in Writing under their Hands, or under the Hand of their Clerk or Clerks to be by them named and appointed, to be affixed upon the principal Door of the Parish Church of *Alrewas* aforesaid, and also to be inserted in the *Birmingham Gazette* and *Stafford Newspaper*, or in case neither of them shall be then published, then in Two other Newspapers usually circulated in the said Manor of *Alrewas*, or in the Neighbourhood thereof, of the Time and Place of their First and every subsequent Meeting for executing the Powers hereby vested in them, at least Ten Days before the Day of such Meeting, (Meetings by Adjournment only excepted); and the said Commissioners shall and may adjourn themselves from Time to Time, as they shall see Occasion, for the further Execution of this Act; and in case Two Commissioners shall not meet, at the Time and Place appointed for any Meeting, or to which any Meeting shall be so adjourned, it shall be lawful for any One of the said Commissioners present at such Time and Place to adjourn the said Meeting to be holden on any future Day, not exceeding Twenty-one Days from the Day of Adjournment; and the said Commissioner making such Adjournment, or the Clerk to the said Commissioners, is hereby required to give Notice thereof to the absent Commissioners.

Commissioners to give Notice of Meetings, &c.

IX. Provided always, and be it enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Advertisements in the said *Birmingham Gazette* and *Stafford Newspaper*, or in case neither of them shall then be published, then in some other Newspaper circulated in the said Manor of *Alrewas* aforesaid, or the Neighbourhood thereof.

How other Notices are to be given.

X. And be it further enacted, That for the Purpose of ascertaining the Boundaries between the said Waste Land called *Fradley Heath*, and the adjoining Parcel of Waste Land called *Alrewas Hay*, hereby directed to be inclosed, the said Commissioners shall and they are hereby authorized and required, at such Time or Times as they shall appoint, by giving such Notice as last aforesaid, to examine into, settle, ascertain,

Boundaries of *Fradley Heath* and *Alrewas Hay* to be ascertained.

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and determine, by the Examination of Witnesses upon Oath (which Oath any One of the said Commissioners is hereby empowered to administer), or by other proper and sufficient Enquiry, Evidence, and Satisfaction, to settle and determine, and thereupon to stake and mark out the Boundaries between the said Waste Land called *Fradley Heath*, and the adjoining Waste Land called *Alrewas Hay*, so intended to be inclosed as aforesaid, and shall in their Award to be made particularly express and describe such Boundary.

Rights of
Common to
be ascertained.

XI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, so soon as conveniently may be after the Claims of the several Persons interested in the said Commonable Lands and Waste Grounds shall have been delivered in, to examine into, settle, determine, and ascertain, by Examination of Witnesses upon Oath; (which Oath the said Commissioners, or any One of them, are or is hereby empowered to administer), or by such other Information and Means as they shall think necessary, the several and respective Rights of Common and other Interests claimed by any Person or Persons of, into, or upon the said Commonable Lands or Waste Grounds, and Open Meadows, and the Nature, Extent, and Values thereof respectively.

Settling Dis-
putes, etc.

XII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested in any of the said Lands or Grounds by this Act directed to be divided and inclosed touching their respective Rights and Interests therein, or the respective Shares and Proportions which they or any of them shall claim to be entitled to upon the said Division and Inclosure, or the Rights of Common upon the said Commonable Lands or Waste Grounds, the said Commissioners shall, and they are hereby authorized and required, by Examination of Witnesses upon Oath (which Oath the said Commissioners are hereby empowered to administer), or upon other proper and sufficient Enquiry, Evidence, and Satisfaction, to hear and determine the same, and their Determination therein shall be final, binding, and conclusive upon all Persons interested in the said Lands and Grounds hereby directed to be inclosed; except any Person or Persons interested or claiming to be interested in the said Division and Inclosure, being dissatisfied with the Determination of the said Commissioners respecting their Rights or Interests in the said Open Meadows, or their Rights of Common on the said Commonable Lands or Waste Grounds hereby directed to be inclosed, shall give Notice thereof in Writing to the said Commissioners within One Calendar Month next after such Determination, then and in such Case it shall be lawful for such Person or Persons so dissatisfied with the Commissioners Determination, to commence an Action or Actions against the said Commissioners, to try the Right at Law respecting such Interests or Rights of Common as aforesaid, and the said Plaintiff or Plaintiffs shall proceed to a Trial at Law, at the First or Second Assizes to be holden for the County of *Stafford* next after the Determination of the said Commissioners, in a feigned Action or Actions, and the Issue or Issues in such Action or Actions shall be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, if the Parties differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final and conclusive, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or order a new Trial or Trials to be had, which it shall be lawful for the Court to do, and also upon

upon sufficient Cause shewn, to put off the Trial of such Issue, as is usual in other Cases; and if the Verdict or Verdicts shall be in Favour of the said Commissioners Determination, then and in such Case the Costs of such Action or Actions shall be borne and defrayed by the Plaintiff or Plaintiffs in such Action or Actions; but in case the Verdict or Verdicts shall be given against the said Commissioners Determination, then the Costs of such Action or Actions shall be borne and paid by the Proprietors at large, and shall be levied and assessed by the Commissioners, in such Proportions, and payable at such Time and in such Manner as the said Commissioners shall direct; but if no such Notice in Writing shall be given to the said Commissioners, or if the said Action or Actions shall not be brought to Trial as aforesaid, every Determination of the said Commissioners respecting such Interests and Right of Common as aforesaid shall be allowed, and shall be final and conclusive upon all Person and Persons whomsoever.

Payment of
Costs.

XIII. Provided always, That nothing in this Act contained shall authorize and empower the said Commissioners to hear and determine any Differences or Disputes which may arise touching or concerning the Title of any Person or Persons in or to the Lands or Grounds hereby directed to be divided and inclosed, or any Part thereof, or the Tythes issuing thereout.

Commissioners not to determine Titles.

XIV. And be it further enacted, That the said Commissioners for the Time being, and the Surveyor or Surveyors to be appointed in pursuance of this Act, and his and their Servants and Assistants, and all Persons by them respectively employed for the Purposes and in Execution of this Act, shall have, and they are hereby respectively invested with full Power and Authority, at any Time or Times during the Progress of the said Inclosure, to enter into, view and examine, survey and admeasure, and to do all such other Matters and Things in and upon all and every the said Commonable Lands and Waste Grounds, and Open Meadows and Pastures, and in and upon all and every the inclosed Lands within the said Manor or Parish, as shall be necessary or expedient for the Purposes of this Act.

Power to enter Lands.

XV. And be it further enacted, That all the Grass and Herbage growing, arising, and renewing upon the publick Carriage Roads and Ways to be set out in pursuance or by virtue of this Act, shall belong to and be the Property of the said *Thomas Anson*, as Lord of the Manor aforesaid.

Herbage on Roads.

XVI. Provided nevertheless, That it shall not be lawful for any Person or Persons whomsoever to graze or keep any Kind of Cattle whatsoever in or upon any of the publick Roads or Ways to be set out, over or through any of the Lands or Grounds hereby directed to be divided, allotted, and inclosed, for the Space of Seven Years next after the making and executing of the Award of the said Commissioners, on Pain of forfeiting and paying for every such Offence any Sum not exceeding Five Pounds, to be paid to the Surveyor of the Highways in the Parish of *Alrewas* aforesaid, to be by him applied in the Repairs of the Highways in the said Parish, and to be recovered and recoverable before any Justice of the Peace for the

Roads not to be grazed with Cattle for Seven Years.

the County of *Stafford*, in the same Manner as any other Penalty under this Act is directed to be recovered.

Allotments
for Gravel,
Marl, &c.

XVII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required, after they shall have set out and appointed the publick Carriage Roads and private Ways or Roads through and over the Lands and Grounds hereby directed to be divided, allotted, and inclosed, to set out and appoint such Part or Parts, Plot or Plots of the said Waste Lands, not exceeding in the Whole Three Acres Statute Measure, as the said Commissioners shall think fit, as and for publick Gravel, Stone, and Sand Pits, with convenient Road or Roads to and from the same, to be used in common by the Proprietors of Lands and Estates in the Manor or Parish of *Alrewas* aforesaid, and their Tenants, as well for their own necessary Uses as for the Repairs of the publick and private Roads within the Manor or Parish of *Alrewas* aforesaid, and not elsewhere; and that the said Commissioners shall and may, and they are hereby authorized and required, to set out and appoint such other Part or Parts, Parcel or Parcels of the said Commonable Lands and Waste Grounds, not exceeding in the Whole Two Acres, for the Use and Benefit of all and every the Person and Persons entitled to Rights of Common as aforesaid, for the Purpose of getting Marl or Soil for the Improvement of any of the said Waste Lands intended to be inclosed by virtue of this Act, and also Clods and Turfs for making and repairing the Fences thereof; and the Fences of the said Two several Allotments of Land last mentioned, shall be respectively made and at all Times hereafter kept in Repair by such Person or Persons as the said Commissioners shall direct or appoint; and the Right to the Use and Benefit of the Herbage of the said Two last mentioned Allotments of Ground respectively, and also the Right to the Residue of the Soil of the same Two last mentioned Allotments respectively, after all such Materials shall be gotten therefrom, shall belong to and be the Property of such Person or Persons to whom the said Commissioners shall allot the same respectively, and shall be occupied and enjoyed in such Manner as the said Commissioners in and by their said Award shall order, direct, or appoint.

Allotment to
the Lord.

XVIII. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award unto and for the said *Thomas Anson*, his Heirs and Assigns, as Lord of the said Manor of *Alrewas*, so much and such Part or Parts of the then Residue and Remainder of the said Commonable Lands and Waste Grounds, as shall in the Judgement of the said Commissioners (Quantity, Quality, and Situation considered), be equal in Value to One full Fourteenth Part of the said Residue, for and in lieu of, and as a full Recompence and Satisfaction for his Right or Claim to the Soil of the said Commonable Lands or Waste Grounds, and to the Mines and Minerals in and under the same; and also as a Compensation for the Extinguishment of his Coney Warren, which the said *Thomas Anson*, his Lessee or Lessees, Tenant or Tenants, hath or may or might have claimed in, or is or are entitled unto, in, over, and upon the said Commonable Lands and Waste Grounds, or any Part thereof.

XIX. And be it further enacted, That the Land or Ground set out by the Company of Proprietors of the Navigation from the *Trent* to
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the *Mersey*, (which runs through a Part of the said Commonable Lands and Waste Grounds), being Five Yards in Breadth of all such Parts of the said Commonable Lands and Waste Grounds as adjoin to the said Navigation on the North Side thereof, and intended to be appropriated by the said Company of Proprietors for the Use of the said Navigation, and also all other Plots or Parcels of the said Commonable Lands and Waste Grounds which have heretofore been appropriated for the Use of the said Navigation, shall be taken by the said *Thomas Anson* as Part of the Lands directed to be set out to him by this Act; and the said Company of Proprietors of the said Navigation shall pay or cause to be paid to the said *Thomas Anson* such annual Rents or Sums of Money as have been heretofore paid for the Lands which have been appropriated as aforesaid, and such other annual Rents or Sums of Money for the Lands and Grounds now set out for the Use of the said Navigation as shall be agreed upon between the said Company and the said *Thomas Anson*, or shall be settled and ascertained under the Provisions of the said Navigation Act; and the Rent or Rents now payable, with the Rents or Sums of Money so to be settled, shall and may be recovered and recoverable by the said *Thomas Anson*, and the Person or Persons who for the Time being may be entitled thereto, by such Ways and Means as other Rents in Arrear may by Law be recovered.

XX. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot unto and for the said *William Vyse* and his Successors, Prebendaries of the Prebend of *Alrewas* aforesaid, and to the said *John Drake Wainwright* and his Successors, Vicars of *Alrewas* aforesaid, and to their several and respective Lessees and Tenants in Severalty, according to their respective Estates and Interests therein, so much and such Part or Parts of the said Commonable Lands or Waste Grounds hereby directed to be divided, allotted, and inclosed, as in the Judgement of the said Commissioners (Quantity, Quality, and Situation considered), shall be equal in Value to a full, fair, just, and adequate Compensation and Satisfaction for and in lieu of all Tythes, both Great and Small, and all Ecclesiastical Dues and Payments whatsoever, arising, renewing, or happening, or which might arise, renew, or happen within, upon, or in respect of the said Commonable Lands or Waste Grounds hereby directed to be divided, allotted, and inclosed; (*Easter Offerings, Mortuaries, and Surplice Fees, excepted*).

Allotment to the Prebendary and Vicar, in lieu of Tythes.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, divide, and award the said Allotments to be made for and in lieu of the Great and Small Tythes of the said Commonable Lands or Waste Grounds, to and between the said *William Vyse* and his Successors, Prebendaries as aforesaid, and the said *John Drake Wainwright* and his Successors, Vicars as aforesaid, or to and between their several Lessees and Tenants, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be a proportionable, equal, and just Compensation for the several and respective Rights and Interests of the said Prebendary and his Successors, and of the said Vicar and his Successors, in and to the Great and Small Tythes arising, happening, increasing, or growing due, or which shall, may, or might arise, happen, increase, or grow due, within, upon, out

Commissioners to divide said Allotment between Prebendary and Vicar.

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of, and from the said Commonable Lands or Waste Grounds hereby directed to be divided, allotted, and inclosed.

Allotment to
be sold to pay
Expences.

XXII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required to set out and allot such Part or Parts of the said Commonable Lands and Waste Grounds, as in their Opinion will, by Sale thereof, raise a Sum of Money sufficient to pay and discharge such Part of the Charges and Expences of surveying, planning, dividing, and allotting the Lands and Grounds hereby directed to be divided, inclosed, and improved, and of obtaining and carrying this Act into Execution, as the said Commissioners shall direct, to be paid by the several Persons interested in or entitled to Rights of Common on the said Commonable Lands and Waste Grounds, and shall sell the said Allotment or Allotments to any Person or Persons for the best Price or Prices that can be gotten for the same, by publick Auction or Auctions to be holden for that Purpose, at such Time or Times as they shall think proper, of which Sale at least One Calendar Month's previous Notice shall be given, by affixing the same on the principal Door of the Parish Church of *Alrewas* aforesaid, and by Advertisement to be inserted in the *Birmingham Gazette* and *Stafford Newspaper*, in case such Newspapers shall be then published, or otherwise in Two other Newspapers generally circulated at *Alrewas* aforesaid, or in the Neighbourhood thereof; and the Person or Persons purchasing such Lands shall immediately (by Way of Deposit) pay into the Hands of the said Commissioners, or of such Person as they shall appoint, One Tenth Part of his, her, or their Purchase Money, and pay the Remainder thereof to the said Commissioners, or such Person as they shall appoint, within Three Calendar Months next after such Auction, or at such other Time as the said Commissioners shall appoint, and in Default thereof, the Money so deposited shall be forfeited, and be applied in carrying this Act into Execution; and the said Part or Parts for which the Whole of such Purchase Money shall not have been so paid shall be again put up to Sale, and sold in Manner aforesaid; and such Part or Parts for which the full Purchase Money shall be paid shall immediately thereupon be absolutely discharged of and from all Tythes and Common Right thereon, and be vested in Fee Simple in, and be inclosed and thenceforth held in Severalty by the Purchaser or Purchasers thereof respectively, his, her, and their Heirs and Assigns, as his, her, and their own absolute Property, and shall be allotted accordingly by the said Commissioners in and by their Award; and the said Consideration or Purchase Money shall be paid and applied by the said Commissioners in defraying such Part of the Expences of this Act as hereinbefore is directed to be paid and discharged by the Sale of Land as aforesaid.

Preference to
be given to
Proprietors
of adjoining
Inclosures.

XXIII. Provided always, and be it further enacted, That no such Sale or Sales as aforesaid shall be made by the said Commissioners of any Part or Parts of the said Commonable Lands or Waste Grounds intended to be inclosed by virtue of this Act, which shall immediately adjoin the old Inclosures of any Proprietor or Proprietors, where such Part or Parts intended to be sold for the Purposes of this Act do not exceed Five Acres in any One Instance, if the Proprietor or Proprietors of such adjoining Inclosures shall be desirous of becoming the Purchaser or Purchasers thereof at the said Commissioners Valuation, and shall signify such his, her,
or

or their Desire to the said Commissioners, by Writing under his, her, or their Hand or Hands, within One Week after such Sale or Sales by Auction shall be first advertised as aforesaid, and shall pay such his, her, or their Purchase Monies at such Time or Times, and with such Deposit as is herein-before directed in case of Sales by Auction, then and in such case all such Parcel or Parcels of the said Commonable Lands or Waste Grounds shall be allotted and awarded to such Proprietor or Proprietors, in such and the same Manner as is herein-before provided in case of Sales by Auction as aforesaid.

XXIV. And be it further enacted, That the said Commissioners shall divide, set out, and allot the Remainder of the said Commonable Lands or Waste Grounds unto, for, and amongst the several Persons interested therein, their respective Heirs, Successors, and Assigns, according to the Extent and Value of their respective Rights of Common, and other Rights and Interests in and upon the same respectively; and in making all and every the said Allotments, the said Commissioners shall have due Regard as well to the Quantity, Quality, and Value of the Lands so to be allotted, as to the Situation, Contiguity, and Convenience thereof to the respective Messuages or Tenements and old inclosed Lands of the several Persons to and for whom the same shall be allotted respectively; all which Allotments shall thenceforth be held and enjoyed by the several Persons to whom the same shall be made, their respective Heirs and Assigns, in Severalty, and be in full Bar and Compensation of and for all Shares, Rights, and Interests of the several Parties in, over, and upon the said Commonable Lands or Waste Grounds so to be inclosed as aforesaid; save only of and for such Rights and Interests as are herein-after reserved to or for the said Lord of the said Manor respectively.

Allotment of
Residue of the
said Waste
Lands.

XXV. And be it further enacted, That the said Commissioners shall set out and allot the said Open Meadows hereby directed to be inclosed unto and amongst the said *Thomas Anson*, the Reverend the Dean and Chapter of *Lichfield*, the said *Richard Yeld*, *John Yeld*, *Richard Wright*, *William Baggaley*, *Samuel Gillett*, and the several other Owners of and Persons interested therein, in Proportion to their several and respective Rights and Interests therein.

Allotment
of Open
Meadows.

XXVI. And be it further enacted, That the Allotment or Allotments to be made to the Prebendary of the Prebend of *Alrewas* aforesaid, and to the Vicar of the Parish of *Alrewas* aforesaid, by virtue of this Act, shall be inclosed round with Ditches and Quickset Hedges, or other proper Mounds or Fences, to be made within such Time, and for the Space of Seven Years then next following to be maintained and kept in complete Repair, by and at the Expence of all or such of the other Proprietors of the Waste Lands or Grounds by this Act directed to be inclosed, and in such Manner as the said Commissioners shall direct or appoint; but all or such Portion of the said Mounds and Fences as the said Commissioners shall direct, shall, after the Expiration of the said Seven Years, be the Property of the said Prebendary and Vicar, and be kept in Repair by the said Prebendary and his Successors, or his or their Lessee or Lessees, and the Vicar of the said Parish of *Alrewas* for the Time being for ever.

Vicars Al-
lotment to
be Ring-
fenced by
other Pro-
prieters.

XXVII. And

Encroachments to be deemed Part of Waste;

XXVII. And be it further enacted, That all Encroachments taken or made from or on any Part of the said Commonable Lands or Waste Grounds, the Right of which hath been preserved to the Commoners by Entry or Payment of Acknowledgement to them, shall be deemed Part and Parcels of the Waste Grounds respectively directed to be divided and allotted under the Powers of this Act; and so much and such Parts thereof as have been so taken by any Messuage Owner entitled to any Allotment of the said Commonable Lands or Waste Grounds under this present Act, or by his, her, or their respective Ancestor or Ancestors, the Right of which hath been preserved as aforesaid, shall be deemed and considered as Part of the Share to be allotted to the Persons so respectively enjoying the same, at such Rate and Value as the said Commissioners shall estimate the same; but if such Encroachments do not lie adjoining to their other ancient Estates, the said Commissioners shall have Power to allot the same to him or them, or to any other Person entitled to an Allotment, to whom the same shall lie convenient, under this Act, as Part of his, her, or their Allotment; and shall make the Person so deprived thereof such Allotment in Land as shall in their Judgement be an adequate Satisfaction for any Improvements made thereon.

but not to extend to Lands inclosed for a certain Period.

XXVIII. Provided always, and be it enacted, That nothing herein contained shall be construed to give to the said Commissioners Power to allot, divide, or disturb any Lands or Cottages heretofore Parcel of the Wastes of the said Manor, which have been inclosed or erected for Twenty Years or upwards, and the Right to which hath not been preserved by such Entries and Payments as aforesaid; but such last mentioned Lands and Cottages shall be deemed ancient Inclosures and Erections, and be henceforth for ever enjoyed in the same Manner as they are at present, against all Persons and Claims whatsoever.

Allotments of Waste to be Freehold or Copyhold, but no Fines for Copyhold Allotments.

XXIX. And be it further enacted and declared, That the several Allotments of the said Commonable Lands or Waste Grounds so to be made as aforesaid, shall be deemed, held, and enjoyed by the several Persons to whom the same shall be allotted, as Freehold, if the Messuages or Tenements in respect of which the Allotments are respectively made, are Freehold; and as Copyhold, if the Messuages or Tenements, in respect of which the Allotments are respectively made are Copyhold; but no Fine or Fines shall at any Time hereafter be due or payable to the Lord of the Manor of *Alrewas* aforesaid, for any Allotment or Allotments to be made in respect of any Messuage or Messuages, Tenement or Tenements, or the Sites thereof, being of Copyhold Tenure.

Allotments of Meadow in lieu of Copyhold Lands to be Copyhold.

Allotments Copyhold to be taken up.

XXX. And be it further enacted, That such Part and Parts of the said Open Meadows or Lands as shall be allotted in lieu or in respect of Copyhold Lands, shall be deemed to be of Copyhold Tenure, and to be lying within, and to be holden of the Manor or Manors respectively in which such Copyhold Lands are lying, by the like Rents, Customs, and Services, as are due for or in respect of such Copyhold Lands; and that all and every Person and Persons unto and for whom any such Allotment or Allotments of the said Commonable Lands, Waste Grounds, or Open Meadows, shall be made and awarded for and in respect or in lieu of any such Copyhold or Customary Messuage, Buildings, Lands,
or

or Tenements as aforesaid, shall, and they are hereby required, within Twelve Calendar Months next after the Execution of the said Award of the said Commissioners, to be admitted Tenant or Tenants of and for the same to the Lord or Lords of the said Manor of *Alrewas* for the Time being, without being subject or liable to the Payment of any Fine or other Charge to the Lord or Lords, Steward or Stewards of the said Manor, for and in respect of such Admission, save and except the usual and accustomed Fees to such Steward or Stewards for his or their Trouble therein; and from and after every such Admission as aforesaid, the said Copyhold Lands and Premises shall for ever thereafter be deemed and taken to be of, and shall be held under and subject to the same Tenure, Rents, Payments, Fines, Heriots, Customs, and Services, as the Messuages, Cottages or Tenements, Lands, and Premises, for and in respect whereof the same Lands and Premises shall be allotted, are now holden; save only that no Fine or Fines shall be at any Time hereafter due and payable to the Lord or Lords of the said Manor of *Alrewas*, for any Allotment or Allotments of the said Commonable Lands or Waste Grounds to be made for and in respect of any Messuage or Messuages, Buildings, Lands, or Tenements, being of Copyhold or Customary Tenure.

XXXI. And be it further enacted, That if any Person or Persons shall after the passing of this Act, cut, dig, pare, grave, flay, or carry away any Turves, Flags, Whinns, or Furze, in, upon, or from the said Commonable Lands, Waste Grounds, or Open Meadows hereby directed to be inclosed, without or contrary to the Licence of the said Commissioners first had and obtained in Writing for that Purpose (which Licence the said Commissioners are hereby empowered to grant, under such Rules, Orders, Regulations, and Restrictions, as they shall think proper to insert therein), then and in every such Case the said Commissioners, upon due Proof made before them on Oath, which Oath any One of the said Commissioners is hereby authorized to administer, shall and they are hereby required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Forty Shillings to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending in the Premises, rendering the Overplus (if any), upon Demand, to the Person or Persons whose Goods and Chattels shall be so distrained, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards the Payment of the Costs and Charges of obtaining and executing this Act.

No Turves to be cut, without Leave of the Commissioners.

XXXII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to defeat, lessen, or prejudice the Right, Title, or Interest of the said *William Vyse*, or his Successors, Prebendaries of the said Prebend of *Alrewas*, or his Lessee or Lessees, nor of the said *John Drake Wainwright*, Vicar of the said Parish, or his Successors, Vicars of the said Parish for the Time being, of, in, or to any Great or Small Tythes, Moduses, Surplice Fees, *Easter Dues*, or other Payments or Profits whatsoever, arising, growing, renewing, or payable for the said Open Meadows, or within or out of the ancient or old inclosed Lands or Grounds, within the Parish of *Alrewas* aforesaid, or within, out of, and from any other Lands or Grounds within the said

Prebendary or Vicar not to be affected as to Right to Tythes of old Inclosures.

[*Loc. & Per.*]

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Manor

Manor or Parish, other than and except the said Waste Lands or Grounds called *Fradley Heath* (for and in lieu of all Great and Small Tythes in, over, and upon which an Allotment is herein-before directed to be made by the said Commissioners to and for the Persons severally entitled thereto), but the same shall continue, remain, and be due and payable in like Manner as the same was and were before the passing of this Act, or as the same would, could, or might have been had, taken, collected, or received, in case this Act had not been made.

Bodies Politick, &c.
to grant
Leases of
Allotments
for Twenty-
one Years.

XXXIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politick and Corporate, and all Trustees of any Charity, and every Person and Persons to whom any Allotment or Allotments shall be made of any Part or Parts of the said Commonable Lands or Waste Grounds by virtue of this Act, in respect of any Messuages, Tenements, or Hereditaments, whereof such Person or Persons is or are seised in Right of any Church or Chapel, or as Trustee or Trustees of any Charity, or as Tenants in Tail or for Life, or any Husband in Right of his Wife, or the Guardian of any Infant, to make any Lease or Leases of any Part or Parts of the said Commonable Lands or Waste Grounds which shall be allotted to him, her, or them (so that the Consent of the Lord of the Manor of any Copyhold Lands be first had and obtained by Licence or otherwise, according to the Custom of such Manor), for any Term or Number of Years, not exceeding Twenty-one Years, or for such Term or Number of Years as they may have therein respectively; and so that the same do commence in Possession and not in Reversion; and so that such Lease or Leases be not made dispunishable of Waste; and so that there be reserved in all and every such Lease and Leases the best and most improved annual Rent that can be reasonably gotten for the same, to be paid by Half-yearly Payments, without taking any Sum of Money, or other Consideration, by Way of Fine, Income, or Foregift; and so as in all and every such Lease and Leases there be contained a Power of Re-entry for Non-payment of such Rent; and so that such Rent or Rents to be thereby reserved be made payable to the Person or Persons granting such Lease or Leases, and the several other Persons who may in Succession be entitled to the same Hereditaments, Lands, and Premises; and so that the Lessee or Lessees do at the same Time execute a Counterpart of such Lease or Leases: Provided always, that no Lease shall be made or granted by the said Dean and Chapter, nor by the Prebendary of the Prebend of *Alrewas* aforesaid, or his Successors, other than according to the local Statutes of the said Cathedral Church of *Lichfield*; nor by the Vicar of *Alrewas* aforesaid, or his Successors, other than for a Term of Twenty-one Years, to commence and be computed from Twelve Calendar Months after the passing of this Act, nor that without the Consent of the said Bishop, and also of the Prebendary of the Prebend of *Alrewas* aforesaid, for the Time being.

For making
Drains, etc.

XXXIV. And be it further enacted, That for the Purpose of improving the said Commonable Lands or Waste Grounds and Open Meadows, or any other Lands in the said Manor and Parish of *Alrewas*, and to prevent the same from being overflowed with Water in Times of Flood, the said Commissioners shall and may cause and order to be scoured out, widened, diverted, or altered, all such ancient Brooks, Ditches, Drains, Water-courses, Tunnels, Water-Gates, Banks, and Bridges, in the Parish or Manor of *Alrewas* aforesaid; and also shall and may make, erect, set out, and

and appoint such new Ditches, Drains, Watercourses, Banks, and Bridges, as well in, through, and over the Lands and Grounds hereby directed to be divided and inclosed as aforesaid, as also in, over, and through any ancient Inclosures, or any other Lands and Grounds within the Manor or Parish of *Alrewas* aforesaid (making such Satisfaction to the Proprietors of such ancient Inclosures, or other Lands and Grounds not hereby directed to be divided and inclosed, for the Damage done thereby, as they shall think just and equitable), of such Depth and Breadth, and in such Directions, as the said Commissioners shall think proper; and the said Commissioners shall, and they are hereby required, in and by the said Award herein-after mentioned, to order and award by whom, at whose Expence, at what Time, and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Banks, and Bridges shall be made, and thereafter repaired, cleansed, scoured, and maintained; and also shall and may order, direct, and award all or any of the said Streams, Springs of Water, and Watercourses, within the said Lands and Grounds hereby directed to be divided and inclosed, to be carried, conveyed, or turned in such Courses, and through, over, and across such Part of the said Lands and Grounds hereby directed to be divided and inclosed, as the said Commissioners shall in their Discretion judge proper for the watering the several Allotments to be made as aforesaid.

XXXV. Provided also, and it is hereby further enacted and declared, That nothing in this Act contained shall extend to empower or be construed to empower the said Commissioners, or any other Commissioner or Commissioners to be appointed by virtue of this Act, or any other Person, to take down any Mill, or to remove or alter the Flood Gates, Dams, or Wears of or belonging thereto, or to take away or divert any of the Streams, Rivulets, or Brooks from the same, without the Consent in Writing of the Owner and Owners thereof respectively; but that all such Streams, Rivulets, and Brooks which now flow to such Mills respectively shall continue so to do, in as full and ample Manner, in all Respects, as they now do, may, or can; save and except such Flood and Drain Waters as may be necessary to be conveyed and carried off by the Sides of such Mills, in order the more effectually to prevent the said Lands from being overflowed in Time of Floods, according to the true Intent and Meaning of this Act. Mills not to be prejudiced.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners and Surveyor or Surveyors respectively, or any other Person or Persons by them, or either of them, authorized or employed, to enter, search for, get, lay, and carry away such Stone or other Materials for the Purpose of making and repairing all and every such Ditches, Drains, Tunnels, Banks, and Bridges, as may be necessary for the Purposes of this Act, in, upon, from, and through any Lands within the said Manor or Parish of *Alrewas*, as the said Commissioners shall think proper, making reasonable Satisfaction to the Owners and Occupiers of the Lands in, upon, from, or through which such Stone or other Materials shall be searched for, gotten, laid, or carried, for the Damages to be occasioned thereby, in such Manner as Satisfaction is by this Act directed to be made for any other Damages to be occasioned by the Execution of this Act. Power to get Materials.

XXXVII. And

Drains to be kept open by Owners or Occupiers of Lands.

XXXVII. And be it further enacted, That the Owner or Owners, Occupier or Occupiers of the several Lands hereby directed to be divided, allotted, inclosed, and improved as aforesaid, shall make and keep the Fences, Ditches, Drains, Watercourses, Tunnels, Banks, and Bridges of and belonging to his and their respective Lands, of such Width and Depth as the same shall have been made or directed to be made by the said Commissioners; and also shall from Time to Time, as Occasion may require, cause the same to be well and sufficiently scoured, cleansed, maintained, and repaired, in such Manner as the said Commissioners shall order and direct; and if any such Owner or Occupier shall refuse or neglect to keep such his or her Fences, Drains, Ditches, Watercourses, Tunnels, Banks, and Bridges of such Depth and Width, and in such Manner as shall be ordered by the said Commissioners, it shall be lawful for any Person or Persons injured by such Refusal or Neglect to exhibit a Complaint in Writing against the Person or Persons so refusing or neglecting, before any Justice of the Peace for the County of *Stafford*, not interested in the Premises, who may summon the Parties concerned, enquire into the Nature of the Complaint, and examine Witnesses upon Oath, which Oath such Justice is hereby authorized and empowered to administer; and after such Summons and Examinations shall and may, if he shall see Cause, order, direct, or appoint the Person or Persons exhibiting such Complaint, to repair, cleanse, scour, and maintain the Ditches, Drains, Banks, Bridges, and Fences of the Person or Persons so refusing or neglecting; and also shall and may, by Warrant under his Hand and Seal, directed to the Person or Persons exhibiting such Complaint, cause the Charges and Expences of repairing, cleansing, scouring, or maintaining the Ditches, Drains, Banks, Bridges, or Fences of the Person or Persons so refusing or neglecting, Demand thereof being first made by the said Complainant or Complainants, in the Presence of One credible Witness, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale.

Tenants to give up allotted or exchanged Lands, having Satisfaction for the same.

XXXVIII. And be it further enacted, That all and every Tenant and Occupier under any Lease or Agreement for any Term of Years of any old Inclosures within the said Manor or Parish of *Alrewas*, which shall be allotted or exchanged by virtue of this Act, shall, immediately after the signing of the Award of the said Commissioners (or within such further Time as the said Commissioners shall appoint, and whereof Notice in Writing shall be given for that Purpose), give and resign up the full and peaceable Possession of such allotted or exchanged Lands to the Person or Persons to or with whom the same shall be respectively allotted or exchanged, such respective Tenants and Occupiers of such allotted or exchanged Lands receiving from the said respective Owners and Proprietors thereof such Satisfaction as the said Commissioners shall ascertain, order, direct, or appoint to be paid to such Tenant or Tenants respectively on Account thereof, as an Equivalent for the Loss or Losses, he, she, or they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Fourteen Days after Demand made thereof, it shall and may be lawful to and for the said Commissioners, and they are hereby required, to raise and levy the same for the Use and Benefit of the Person or Persons

sons entitled thereto, by such Ways and Means as so much of the Costs, Charges, and Expences of obtaining and executing this Act as shall be charged to the Owners or Proprietors of the said Open Meadows may be raised and recovered: Provided always, that if there shall be any Lease of Lands, Part of which lie in the said Manor or Parish and Part in an adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease, and situated in an adjoining Parish, the Lease of such last mentioned Land shall not be vacated.

XXXIX. And be it further enacted, That no Sheep or Lambs shall be depastured or kept in any of the new Inclosures to be made by virtue of this Act, during the Space of Seven Years from the Execution of the Award of the said Commissioners, unless the Person or Persons respectively keeping such Sheep or Lambs shall first effectually, at his, her, or their own Expence, guard and fence the Quickset Fences adjoining to such Inclosure, so as effectually to prevent any Damage or Injury from being done to the said Fences or Quicksets, by such Sheep or Lambs.

No Sheep or Lambs to be depastured in new Inclosures, etc.

XL. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to revoke, make void, annul, or alter any Will, Settlement, or Surrender, or to prejudice any Person or Persons having any Estate, Right, or Claim of Dower or Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Messuages, Buildings, Lands, or Grounds to be inclosed, divided, allotted, improved, or exchanged as aforesaid, or any of them respectively (other than such Leases and Agreements as herein-before mentioned); but that the several Lands and Grounds to be set out and allotted, and the several Messuages, Lands, Tenements, and Hereditaments to be divided or exchanged in pursuance of this Act, shall, immediately after making such Allotments, Partitions, or Exchanges, be remain, and enure, and the several Persons to whom the same shall be allotted or assigned, or given by Partition or in Exchange as aforesaid, shall from thenceforth stand and be seized thereof, to such Estates, Uses, and Trusts, and subject to such Wills, Deeds, Surrenders, Limitations, Remainders, Powers, and Provisoos, Charges, Tenures, Rents, Services, and Incumbrances (save in respect of such Leases or Agreements at Rack Rents as aforesaid), as the several Messuages, Lands, Tenements, and Hereditaments in respect or in lieu whereof such Allotments, Partitions, and Exchanges respectively shall be made as aforesaid, would have been subject and liable to be charged with or affected by in case this Act had not been made, but subject nevertheless to such Leases and Charges as shall be made thereof or thereon respectively in pursuance of any of the Powers given by this Act.

Wills, Settlements, etc. not to be prejudiced.

XLI. And be it further enacted, That the Award to be made by the said Commissioners shall express and contain the several Matters and Things by this Act required and directed to be set forth and ascertained therein, and shall be deposited in the Parish Church of *Alrevas* aforesaid, or in such other Place as the said Commissioners shall appoint.

Award.

[Loc. & Per.]

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XLII. And

Proprietors,
with Consent
of Commis-
sioners, may
inclose Parcels
of Land, etc.

XLII. And, for the more speedily inclosing and improving the said Commonable Lands or Waste Grounds, be it further enacted, That it shall and may be lawful for the said Commissioners, if they shall find it convenient and expedient so to do, before the Survey shall be completed, and the Rights and Interests of each and every of the Proprietors fully ascertained, to set out and allot to any of such Proprietors such Plots and Parcels of the said Commonable Lands or Waste Grounds as they shall think proper, for the Growth of Potatoes or otherwise; and by Writing under their Hands to empower such Proprietors respectively to fence and occupy and enjoy the same in Severalty, paying such annual Rents in respect thereof, until the Execution of the said Award or Instrument, or until the Whole of the Allotments to be made by virtue of this Act shall be ascertained or staked out, as the said Commissioners shall fix and appoint; such Rents to be applied by the said Commissioners towards the Payment of the Expences of obtaining this Act, and carrying the same into Execution, and to be recovered in the same Manner as the general Expences of obtaining and executing this Act may be recovered by the said Commissioners; and in case the Fences of any such Allotment shall be wilfully damaged or spoiled, or any Trespasses shall be committed, then the Person or Persons committing the Fact shall be deemed a wilful Trespasser or Trespassers, and be liable to answer Damages and full Costs of Suit in respect thereof to the Party or Parties injured thereby.

Expences of
the Act, how
to be defrayed.

XLIII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the dividing, setting out, allotting, and improving the said Commonable Lands and Waste Grounds hereby directed to be divided and inclosed, such Proportion of the Costs, Charges, and Expences incident to and attending the forming the publick Roads, and of procuring and passing this Act, and all other Charges and Expences of carrying the same into Execution, as in the Judgement of the said Commissioners ought to be charged to the Account of the Inclosure of the said Commonable Lands and Waste Grounds, shall be defrayed and discharged out of the Money arising by the Sale of such Part or Parts of the said Commonable Lands and Waste Grounds as shall be allotted for that Purpose as aforesaid, as far as such Money will extend, in such Shares and Proportions as the said Commissioners shall think equitable; and that such Proportions of the said respective Costs, Charges, and Expences, as in the Judgement of the said Commissioners ought to be charged to the Account of the Owners or Persons interested in the said Open Meadows hereby directed to be inclosed, and to the Owners or Proprietors of such old inclosed or other Lands within the said Manor or Parish of *Alrewas* aforesaid, as shall be exchanged by virtue of this Act (other than and except the Vicar of the Parish of *Alrewas* aforesaid, and also other than and except the Churchwardens and Overseers of the Poor of *Alrewas* aforesaid, in respect of any Allotment or Allotments of the said Open Meadows to be made to them as such Churchwardens and Overseers as aforesaid, also other than and except such of the Owners or Persons interested in the said Open Meadows, whose respective Shares or Parts thereof shall not exceed One Acre of Land), shall be defrayed, paid, and discharged by the Owners of or Persons interested in such Open Meadows and old inclosed and other Lands, in Proportion to the Benefit and Im-
provements

provements which will arise to or in respect of the said Lands respectively, such Proportions to be settled and determined by the said Commissioners, by any Writing or Writings under their Hands, which shall be binding and conclusive; and in case any Person shall refuse or neglect to pay his or her Share or Proportion of such Charges and Expences, then and in every such Case the said Commissioners shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay as aforesaid, rendering the Surplus (if any) to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; or otherwise it shall be lawful for the said Commissioners, or any Person or Persons authorized by them, to enter into and upon the Premises so to be allotted to the Persons refusing or neglecting to pay as aforesaid, or any Part thereof, or any other of the Lands, Tenements, or Hereditaments which shall be exchanged or improved by virtue of this Act, belonging to such Persons so refusing or neglecting as aforesaid, and to receive and take the Rents, Issues, and Profits thereof, until thereby or therewith the Share or Proportion of the Charges and Expences which ought to be paid by such Person, and all Interest on such Share or Proportion to be computed from the Time the same shall by the said Commissioners be directed to be paid as aforesaid, and all Costs and Expences occasioned by or attending such Entry upon and Receipt of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

XLIV: Provided always, and be it further enacted, That in case the Money to arise by Sale of Part of the said Commonable Lands and Waste Grounds as before directed, shall not be sufficient to pay and discharge such Part of the Costs and Charges of obtaining and executing this Act as shall be directed by the said Commissioners to be paid and borne by the Persons interested in the said Commonable Lands and Waste Grounds, the Part or Parts of such Costs, Charges, and Expences which shall not be so raised, shall be paid, borne, and defrayed by such of the Owners and Proprietors of the said Commonable Lands and Waste Grounds, and in such Shares and Proportions as the said Commissioners shall direct, and shall be recovered and levied in like Manner as the other Costs, Charges, and Expences to be paid by the Owners of the said Open Meadows are by this Act authorized to be levied and recovered.

Expence of Act how to be made good, in case of Deficiency.

XLV. And be it further enacted, That if any Person or Persons shall advance any Sum of Money for the Purpose of defraying the Expences of obtaining and passing this Act, or of carrying the same into Execution, every such Person shall be repaid or allowed the same, with Interest at the Rate of Five Pounds *per Centum per Annum*, out of the First Monies to be raised for defraying the Expences of this Act.

Money advanced to be repaid with Interest.

XLVI. And be it further enacted, That it shall be lawful for the Guardians, Husbands, Trustees, Committees, or Attornies of any of the Owners of any Lands which shall be divided, allotted, inclosed, exchanged, or improved under this Act, being Minors, Idiots, Lunatics, under Coverture, beyond the Seas, or otherwise incapable to act for themselves

Powers to borrow Money.

themselves respectively, and also for every the Owners of any such Lands, being Tenants in Tail or for Life, or Trustees thereof for any charitable or other Use or Purpose whatsoever (other than and except the Vicar of the Parish of *Alrewas* aforesaid), by any Deed or Deeds duly executed under their respective Hands and Seals, to charge the Land which shall be so divided, allotted, inclosed, or exchanged, with any Sum or Sums of Money not exceeding Three Pounds for every Acre of such Land, to be paid to such Person or Persons as the said Commissioners shall appoint, in order to be applied and disposed of for the Purposes of this Act; and for securing the Repayment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease, demise, or surrender the Lands liable to be charged therewith as aforesaid, unto such Person or Persons respectively as shall advance such Money, for any Term or Number of Years, so as such Grant, Mortgage, Lease, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or resurrendered when such Sum or Sums of Money, and the Interest thereof, shall be paid off and discharged; and every such Grant, Mortgage, Lease, Demise, and Surrender respectively to be made in pursuance of this Act, shall be good, valid, and effectual in Law for the Purposes thereby intended; and the Receipt or Receipts of the Person or Persons to whom such Money so to be borrowed shall be appointed to be paid as aforesaid, shall be a sufficient Discharge to the Person or Persons lending the same; and the Interest of all Monies to be borrowed by any Person entitled to the said mortgaged Premises in Tail, or for Life only, shall be paid and kept down by the Person or Persons who for the Time being shall be in Possession of or entitled to the Rents and Profits of the said Lands to be charged with such Money as aforesaid, so that no Person afterwards becoming entitled in Possession to such Lands, or the Rents and Profits thereof, shall be subject or liable to pay any further or larger Arrear of Interest than for One Year preceding the Time when the Title to such Possession shall accrue or commence.

Tenants for Life may charge Allotments by Will.

XLVII. And be it further enacted, That it shall be lawful for any Tenant for Life (except as aforesaid) not being such under any Lease with Rent reserved, and for any Tenant in Tail of any Lands or Grounds to be divided, allotted, inclosed, or exchanged by virtue of this Act, by any Deed or Deeds in Writing, or by his or her last Will and Testament in Writing duly executed, to charge such Lands and Grounds respectively with such Sum or Sums of Money as shall be appointed by the said Commissioners to be paid, and which shall accordingly have been paid by such Tenant for Life or in Tail for his or her Share or Proportion of the Expences in consequence of this Act, not exceeding Three Pounds for every Acre of such Lands and Grounds, and by such Deed or Deeds, or last Will, to direct and appoint the Money to be charged on such Lands or Grounds to be paid to such Person or Persons as he, she, or they shall think proper, with Interest for the same, to commence from the Day of the Death of such Tenant for Life or in Tail respectively.

Restraining Tenant for Life, etc. from charging their Estates, etc.

XLVIII. Provided always, and be it further enacted, That it shall not be lawful for any such Tenant in Tail or for Life, Husbands, Guardians, Trustees, Committees, or Attornies, who shall be entitled to any Allotment or Allotments of the Lands and Grounds hereby directed to be divided,

vided, allotted, and inclosed, or interested in or entitled unto any Lands or Grounds in the Manor or Parish of *Alrewas* aforesaid, which shall be exchanged by virtue of this Act, to charge any such Allotment or Allotments, Lands or Grounds, with any further or larger Sum of Money than the said Commissioners shall find sufficient to pay and defray the respective Shares and Proportions of the Money to be charged on him, her, or them, (if any such shall be charged), and also the Charges and Expences of new fencing his, her, or their Allotments; and such Sum of Money shall be paid to such Person or Persons as the said Commissioners shall appoint, to be applied and disposed of only for the Purposes of this Act; any Thing herein contained to the contrary notwithstanding.

XLIX. And be it further enacted, That it shall and may be lawful to and for any Person or Persons interested, or to become interested in the said Commonable Lands or Waste Grounds to be inclosed by virtue of this Act, at any Time before the Execution of the Award of the Commissioners, to sell and dispose of, or to complete any Contract or Contracts for Sale of all such Rights, Interest, and Property, which he, she, or they now have, or hath, or shall or may hereafter have, in or to any Right of Common, or other Interest in and upon the said Commonable Lands or Waste Grounds, or any of them, or in or to any Allotment or Allotments to be made in respect thereof by virtue of this Act, separately from such Tenements or Estates in Right or respect whereof he, she, or they is or are, or shall be so entitled; and that in case of any such Sale, or Contract of Sale, previously to the Execution of the said Award, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, to allot 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 Allotment or Allotments so to be laid out in lieu of the Right of Common or other Interest so by him, her, or them purchased as aforesaid, and shall and may have, use, and exercise, every Act of Ownership in, upon, and to the same, in as full, large, ample, and beneficial 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 mentioned and contained in this Act.

Persons may sell Common Rights previous to the Execution of the Award.

L. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Damage or Injury done to any Lands or Hereditaments, by virtue of the Powers of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, or if any Surplus shall remain of the Money to be raised by Sale of Land as aforesaid, and any Share or Proportion thereof shall belong to any such Corporation, or other Person or Persons as last aforesaid, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, signified by an Order, on a

Application of Monies to be paid to incapacitated Persons, &c.

[*Loc. & Per.*]

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Petition

Petition to be preferred in a summary Way, by the Corporation or Person or Persons as aforesaid, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the Estates in respect of which such Money shall be paid, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, with the like Direction and Approbation of the said Court, in the Purchase of Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Estate in respect of which such Money shall be paid, stood settled or limited, or such of them as, at the Time of making such Conveyance and Settlement, shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the Mean Time, and until such Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made; but if any Money to be paid shall be less than Two hundred Pounds and exceed Twenty Pounds, then and in all such Cases the same shall, (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of such Estates, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands), be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the said Court of Chancery; and where such Money so directed to be paid as herein-before last mentioned, shall not exceed Twenty Pounds, then, and in all such Cases, the same shall be applied to and for the Uses of the Person or Persons entitled to the Rents and Profits of the Estates, in respect whereof such Money shall be paid, in such Manner as the said Commissioners shall think fit; or in case of Lunacy or Infancy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled as aforesaid, whose Receipts shall be good Discharges for the same; and in case the said Commissioners shall find any Difficulty in obtaining such Purchase in Lands or Hereditaments, which may

Application
of such Mo-
ney, being
less than
200*l.* and ex-
ceeding 20*l.*

Application
of such Mo-
ney being less
than 20*l.*

may be equal in Value to such Sum not exceeding Two hundred Pounds, as herein-before directed to be paid into the Bank as aforesaid, or which Purchase may be disadvantageous in other Respects, they the said Commissioners may apply such Sum of Money towards defraying the Expences of passing and executing this Act, so far as the Proportion of the Party entitled to such Sum shall amount to; and if there shall be any Surplus of such Two hundred Pounds, the said Commissioners may apply such Surplus, after such Application, in Diminution of the Sum allowed to be charged on the Estate for the Purpose of inclosing or improving the same.

LI. 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 Act, then and in every such Case, (except in such Cases where the Orders, Directions, or Determinations of the said Commissioners are directed to be final, binding, and conclusive, and except in such Cases where an Issue at Law shall or is to be tried, as herein before mentioned), such Person or Persons may appeal to any General Quarter Sessions of the Peace, to be holden for the said County of *Stafford*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, or any Two of them, and to the Party or Parties concerned, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises), in such Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant, to levy the Costs and Damages 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 Surplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; and in Case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable.

LII. Provided always, That nothing in this Act contained shall extend to hinder, debar, defeat, or in any Way alter or prejudice the Right, Title, or Interest of the said *Thomas Anson*, or any future Lord or Lords, Lady or Ladies of the Manor of *Alrewas* aforesaid, in or to the Seignories, Rights, Royalties, and Profits incident and belonging to the said Manor of *Alrewas*, other than and except in respect to such Right of Soil, and to the Mines and Minerals in and under the said Commonable Lands and Waste Grounds, Common Right, Right of Warren for Conies or Rabbits, as are intended to be barred by this Act; nor the Right of holding Courts Leet, Courts Baron, or Customary Courts for the said Manor of *Alrewas*, or of having, receiving, or taking all such Fines, Heriots, Amerciaments, Fees, or other Perquisites, Profits, or Appurtenances of or belonging to the said Manor and to such Courts, in respect of the Messuages and ancient Estates of the said

Saving of
Rights to
Lord of the
Manor, etc.

said Freeholders or Copyholders of the said Manor, and according to the Custom thereof, in like Manner as the same have been heretofore usually held and enjoyed or received by the said *Thomas Anson*, or those under whom he claims the same.

General
Saving.

LIII. Saving nevertheless 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, and their Heirs, Executors, Administrators, and Successors, and all Persons claiming under them, all such Estate, Right, Title, and Interest (other than such as are meant and intended to be barred and destroyed by this Act), of, in, to, or in respect of the Lands and Hereditaments to be divided, inclosed, improved, or exchanged by virtue of this Act, as he, they, and every of them, might or could have held and enjoyed in case this Act had not been made.

Publick Act.

LIV. 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.

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tioners (of which Meeting Notice shall be given on the Church Door of *Alrewas* aforesaid, and in the *Birmingham Gazette* and *Stafford Newspaper*, in case they shall be then published, or otherwise in Two other Newspapers usually and generally circulated in the Manor of *Alrewas* aforesaid, or in the Neighbourhood thereof, at least Twenty Days before such Meeting), shall from Time to Time, within Forty Days after such Death or Refusal shall be known by Writing under their Hands, appoint another Commissioner, not interested in the said Division and Inclosure, in his Place; and where there are several Joint Owners of a Messuage or Tenement, the Voices of the major Part of such Joint Owners present at such Meeting shall be deemed the Voice of all the Owners of such Messuage or Tenement; and in case the said *Francis Robinson*, or any Commissioner to be elected in the Place of him or his Successor, shall die or refuse to act before he shall have executed the Powers for which he is appointed a Commissioner, the said *William Vyse*, or his Successors, Prebendaries of the said Prebend of *Alrewas* for the Time being, and the Vicar of *Alrewas* aforesaid for the Time being, shall from Time to Time, by Writing under his or their Hand or Hands respectively, within Thirty Days after such Death or Refusal shall be known, elect and appoint another Commissioner, not interested in the said Division and Inclosure, in his Room; and every such new Commissioner so to be appointed shall have the like Powers and Authority for putting this Act into Execution, as if he had been named a Commissioner in and by this Act; which said respective Writing or Writings, appointing such new Commissioner or Commissioners, shall be inrolled with the Award of the said Commissioners.

Commissioners Allowance.

V. And be it further enacted, That each of the said Commissioners who shall act in the Execution of the Trusts and Powers vested in them by this Act, shall be paid the Sum of Two Guineas for every Day he shall so act, or necessarily travel for the Purpose of acting, or be returning Home from acting, in full Satisfaction for the Trouble and Expence which he shall be put unto in the Execution of the said Trusts and Powers.

Survey to be made.

VI. And be it further enacted, That such Person or Persons as shall be appointed Surveyor or Surveyors by the said Commissioners shall, as soon as conveniently may be after such his or their Appointment, make or cause to be made a true and perfect Survey and Admeasurement, and also a Plan or Plans of the said Commonable Lands or Waste Grounds, and also of the said Open Meadows hereby directed to be divided and inclosed, and that such Survey, Admeasurement, and Plan or Plans, shall be reduced into Writing, and shall specify the Number of Acres, Roods, and Perches, Statute Measure, of the said Commonable or Waste Grounds, and of the said Open Meadows, and also the Number of Acres, Roods, and Perches, Statute Measure, belonging to each Proprietor respectively in the said Open Meadows; and shall also specify the Quantity of Acres, Roods, and Perches, Statute Measure, of which the said Part of the said Waste Lands or Grounds, called *Alrewas Hay*, doth consist, and shall therein mark out and distinguish the same from the Rest of the said Waste Lands or Commons, called *Fradley Heath*; which Surveys, Admeasurements, and Plans, shall be delivered to the said Commissioners,

to

to be by them used, for the Purposes of this Act; and all such Surveys, Admeasurements, and Plans, shall, before the setting out of the Allotments herein-after directed to be made, be verified on Oath before the said Commissioners, by the Surveyor or Surveyors, or other Persons employed in making and taking the same; which Oath the said Commissioners are hereby empowered and required to administer.

VII. Provided nevertheless, That if any Plan or Plans, Survey or Surveys, or Admeasurement or Admeasurements already made of the said Commonable Lands and Waste Grounds, or Open Meadows, or any of them, or of any of the said ancient inclosed Lands, or any Part or Parts thereof respectively, shall be produced and laid before the said Commissioners at their First Meeting, and verified on Oath by the Person or Persons who made the same, it shall be lawful for the said Commissioners to make Use of the same, without causing any new Survey, Plan, or Admeasurement to be made or taken thereof.

Commissioners may accept Surveys already made.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice in Writing under their Hands, or under the Hand of their Clerk or Clerks to be by them named and appointed, to be affixed upon the principal Door of the Parish Church of *Alrewas* aforesaid, and also to be inserted in the *Birmingham Gazette* and *Stafford Newspaper*, or in case neither of them shall be then published, then in Two other Newspapers usually circulated in the said Manor of *Alrewas*, or in the Neighbourhood thereof, of the Time and Place of their First and every subsequent Meeting for executing the Powers hereby vested in them, at least Ten Days before the Day of such Meeting, (Meetings by Adjournment only excepted); and the said Commissioners shall and may adjourn themselves from Time to Time, as they shall see Occasion, for the further Execution of this Act; and in case Two Commissioners shall not meet at the Time and Place appointed for any Meeting, or to which any Meeting shall be so adjourned, it shall be lawful for any One of the said Commissioners present at such Time and Place to adjourn the said Meeting to be holden on any future Day, not exceeding Twenty-one Days from the Day of Adjournment; and the said Commissioner making such Adjournment, or the Clerk to the said Commissioners, is hereby required to give Notice thereof to the absent Commissioners.

Commissioners to give Notice of Meetings, &c.

IX. Provided always, and be it enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Advertisements in the said *Birmingham Gazette* and *Stafford Newspaper*, or in case neither of them shall then be published, then in some other Newspaper circulated in the said Manor of *Alrewas* aforesaid, or the Neighbourhood thereof.

How other Notices are to be given.

X. And be it further enacted, That for the Purpose of ascertaining the Boundaries between the said Waste Land called *Fradley Heath*, and the adjoining Parcel of Waste Land called *Alrewas Hay*, hereby directed to be inclosed, the said Commissioners shall and they are hereby authorized and required, at such Time or Times as they shall appoint, by giving such Notice as last aforesaid, to examine into, settle, ascertain,

Boundaries of *Fradley Heath* and *Alrewas Hay* to be ascertained.

[Loc. & Per.]

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and

and determine, by the Examination of Witnesses upon Oath (which Oath any One of the said Commissioners is hereby empowered to administer), or by other proper and sufficient Enquiry, Evidence, and Satisfaction, to settle and determine, and thereupon to stake and mark out the Boundaries between the said Waste Land called *Fradley Heath*, and the adjoining Waste Land called *Alrewas Hay*, so intended to be inclosed as aforesaid, and shall in their Award to be made particularly express and describe such Boundary:

Rights of
Common to
be ascertained.

XI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, so soon as conveniently may be after the Claims of the several Persons interested in the said Commonable Lands and Waste Grounds shall have been delivered in, to examine into, settle, determine, and ascertain, by Examination of Witnesses upon Oath, (which Oath the said Commissioners, or any One of them, are or is hereby empowered to administer), or by such other Information and Means as they shall think necessary, the several and respective Rights of Common and other Interests claimed by any Person or Persons of, into, or upon the said Commonable Lands or Waste Grounds, and Open Meadows, and the Nature, Extent, and Values thereof respectively.

Settling Dis-
putes, etc.

XII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested in any of the said Lands or Grounds by this Act directed to be divided and inclosed touching their respective Rights and Interests therein, or the respective Shares and Proportions which they or any of them shall claim to be entitled to upon the said Division and Inclosure, or the Rights of Common upon the said Commonable Lands or Waste Grounds, the said Commissioners shall, and they are hereby authorized and required, by Examination of Witnesses upon Oath (which Oath the said Commissioners are hereby empowered to administer), or upon other proper and sufficient Enquiry, Evidence, and Satisfaction, to hear and determine the same, and their Determination therein shall be final, binding, and conclusive upon all Persons interested in the said Lands and Grounds hereby directed to be inclosed; except any Person or Persons interested or claiming to be interested in the said Division and Inclosure, being dissatisfied with the Determination of the said Commissioners respecting their Rights or Interests in the said Open Meadows, or their Rights of Common on the said Commonable Lands or Waste Grounds hereby directed to be inclosed, shall give Notice thereof in Writing to the said Commissioners within One Calendar Month next after such Determination, then and in such Case it shall be lawful for such Person or Persons so dissatisfied with the Commissioners Determination, to commence an Action or Actions against the said Commissioners, to try the Right at Law respecting such Interests or Rights of Common as aforesaid, and the said Plaintiff or Plaintiffs shall proceed to a Trial at Law, at the First or Second Assizes to be holden for the County of *Stafford* next after the Determination of the said Commissioners, in a feigned Action or Actions, and the Issue or Issues in such Action or Actions shall be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, if the Parties differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final and conclusive, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or order a new Trial or Trials to be had, which it shall be lawful for the Court to do, and also
upon

upon sufficient Cause shewn, to put off the Trial of such Issue, as is usual in other Cases; and if the Verdict or Verdicts shall be in Favour of the said Commissioners Determination, then and in such Case the Costs of such Action or Actions shall be borne and defrayed by the Plaintiff or Plaintiffs in such Action or Actions; but in case the Verdict or Verdicts shall be given against the said Commissioners Determination, then the Costs of such Action or Actions shall be borne and paid by the Proprietors at large, and shall be levied and assessed by the Commissioners, in such Proportions, and payable at such Time and in such Manner as the said Commissioners shall direct; but if no such Notice in Writing shall be given to the said Commissioners, or if the said Action or Actions shall not be brought to Trial as aforesaid, every Determination of the said Commissioners respecting such Interests and Right of Common as aforesaid shall be allowed, and shall be final and conclusive upon all Person and Persons whomsoever.

Payment of
Costs.

XIII. Provided always, That nothing in this Act contained shall authorize and empower the said Commissioners to hear and determine any Differences or Disputes which may arise touching or concerning the Title of any Person or Persons in or to the Lands or Grounds hereby directed to be divided and inclosed, or any Part thereof, or the Tythes issuing thereout.

Commissioners not to determine Titles.

XIV. And be it further enacted, That the said Commissioners for the Time being, and the Surveyor or Surveyors to be appointed in pursuance of this Act, and his and their Servants and Assistants, and all Persons by them respectively employed for the Purposes and in Execution of this Act, shall have, and they are hereby respectively invested with full Power and Authority, at any Time or Times during the Progress of the said Inclosure, to enter into, view and examine, survey and admeasure, and to do all such other Matters and Things in and upon all and every the said Commonable Lands and Waste Grounds, and Open Meadows and Pastures, and in and upon all and every the inclosed Lands within the said Manor or Parish, as shall be necessary or expedient for the Purposes of this Act.

Power to enter Lands.

XV. And be it further enacted, That all the Grass and Herbage growing, arising, and renewing upon the publick Carriage Roads and Ways to be set out in pursuance or by virtue of this Act, shall belong to and be the Property of the said *Thomas Anson*, as Lord of the Manor aforesaid.

Herbage on Roads.

XVI. Provided nevertheless, That it shall not be lawful for any Person or Persons whomsoever to graze or keep any Kind of Cattle whatsoever in or upon any of the publick Roads or Ways to be set out, over or through any of the Lands or Grounds hereby directed to be divided, allotted, and inclosed, for the Space of Seven Years next after the making and executing of the Award of the said Commissioners; on Pain of forfeiting and paying for every such Offence any Sum not exceeding Five Pounds, to be paid to the Surveyor of the Highways in the Parish of *Alrewas* aforesaid, to be by him applied in the Repairs of the Highways in the said Parish, and to be recovered and recoverable before any Justice of the Peace for the

Roads not to be grazed with Cattle for Seven Years.

the County of *Stafford*, in the same Manner as any other Penalty under this Act is directed to be recovered.

Allotments
for Gravel,
Marl, &c.

XVII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required, after they shall have set out and appointed the publick Carriage Roads and private Ways or Roads through and over the Lands and Grounds hereby directed to be divided, allotted, and inclosed, to set out and appoint such Part or Parts, Plot or Plots of the said Waste Lands, not exceeding in the Whole Three Acres Statute Measure, as the said Commissioners shall think fit, as and for publick Gravel, Stone, and Sand Pits, with convenient Road or Roads to and from the same, to be used in common by the Proprietors of Lands and Estates in the Manor or Parish of *Alrewas* aforesaid, and their Tenants, as well for their own necessary Uses as for the Repairs of the publick and private Roads within the Manor or Parish of *Alrewas* aforesaid, and not elsewhere; and that the said Commissioners shall and may, and they are hereby authorized and required, to set out and appoint such other Part or Parts, Parcel or Parcels of the said Commonable Lands and Waste Grounds, not exceeding in the Whole Two Acres, for the Use and Benefit of all and every the Person and Persons entitled to Rights of Common as aforesaid, for the Purpose of getting Marl or Soil for the Improvement of any of the said Waste Lands intended to be inclosed by virtue of this Act, and also Clods and Turfs for making and repairing the Fences thereof; and the Fences of the said Two several Allotments of Land last mentioned, shall be respectively made and at all Times hereafter kept in Repair by such Person or Persons as the said Commissioners shall direct or appoint; and the Right to the Use and Benefit of the Herbage of the said Two last mentioned Allotments of Ground respectively, and also the Right to the Residue of the Soil of the same Two last mentioned Allotments respectively, after all such Materials shall be gotten therefrom, shall belong to and be the Property of such Person or Persons to whom the said Commissioners shall allot the same respectively, and shall be occupied and enjoyed in such Manner as the said Commissioners in and by their said Award shall order, direct, or appoint.

Allotment to
the Lord.

XVIII. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and award unto and for the said *Thomas Anson*, his Heirs and Assigns, as Lord of the said Manor of *Alrewas*, so much and such Part or Parts of the then Residue and Remainder of the said Commonable Lands and Waste Grounds, as shall in the Judgement of the said Commissioners (Quantity, Quality, and Situation considered), be equal in Value to One full Fourteenth Part of the said Residue, for and in lieu of, and as a full Recompence and Satisfaction for his Right or Claim to the Soil of the said Commonable Lands or Waste Grounds, and to the Mines and Minerals in and under the same; and also as a Compensation for the Extinguishment of his Coney Warren, which the said *Thomas Anson*, his Lessee or Lessees, Tenant or Tenants, hath or may or might have claimed in, or is or are entitled unto, in, over, and upon the said Commonable Lands and Waste Grounds, or any Part thereof.

XIX. And be it further enacted, That the Land or Ground set out by the Company of Proprietors of the Navigation from the *Trent* to
the

the *Mersey*, (which runs through a Part of the said Commonable Lands and Waste Grounds), being Five Yards in Breadth of all such Parts of the said Commonable Lands and Waste Grounds as adjoin to the said Navigation on the North Side thereof, and intended to be appropriated by the said Company of Proprietors for the Use of the said Navigation, and also all other Plots or Parcels of the said Commonable Lands and Waste Grounds which have heretofore been appropriated for the Use of the said Navigation, shall be taken by the said *Thomas Anson* as Part of the Lands directed to be set out to him by this Act; and the said Company of Proprietors of the said Navigation shall pay or cause to be paid to the said *Thomas Anson* such annual Rents or Sums of Money as have been heretofore paid for the Lands which have been appropriated as aforesaid, and such other annual Rents or Sums of Money for the Lands and Grounds now set out for the Use of the said Navigation as shall be agreed upon between the said Company and the said *Thomas Anson*, or shall be settled and ascertained under the Provisions of the said Navigation Act; and the Rent or Rents now payable, with the Rents or Sums of Money so to be settled, shall and may be recovered and recoverable by the said *Thomas Anson*, and the Person or Persons who for the Time being may be entitled thereto, by such Ways and Means as other Rents in Arrear may by Law be recovered.

XX. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot unto and for the said *William Vyse* and his Successors, Prebendaries of the Prebend of *Alrewas* aforesaid, and to the said *John Drake Wainwright* and his Successors, Vicars of *Alrewas* aforesaid, and to their several and respective Lessees and Tenants in Severalty, according to their respective Estates and Interests therein, so much and such Part or Parts of the said Commonable Lands or Waste Grounds hereby directed to be divided, allotted, and inclosed, as in the Judgement of the said Commissioners (Quantity, Quality, and Situation considered), shall be equal in Value to a full, fair, just, and adequate Compensation and Satisfaction for and in lieu of all Tythes, both Great and Small, and all Ecclesiastical Dues and Payments whatsoever, arising, renewing, or happening, or which might arise, renew, or happen within, upon, or in respect of the said Commonable Lands or Waste Grounds hereby directed to be divided, allotted, and inclosed, (*Easter Offerings*, *Mortuaries*, and *Surplice Fees*, excepted).

Allotment to the Prebendary and Vicar, in lieu of Tythes.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out, divide, and award the said Allotments to be made for and in lieu of the Great and Small Tythes of the said Commonable Lands or Waste Grounds, to and between the said *William Vyse* and his Successors, Prebendaries as aforesaid, and the said *John Drake Wainwright* and his Successors, Vicars as aforesaid, or to and between their several Lessees and Tenants, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be a proportionable, equal, and just Compensation for the several and respective Rights and Interests of the said Prebendary and his Successors, and of the said Vicar and his Successors, in and to the Great and Small Tythes arising, happening, increasing, or growing due, or which shall, may, or might arise, happen, increase, or grow due, within, upon, out

Commissioners to divide said Allotment between Prebendary and Vicar.

[*Loc. & Per.*]

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of,

of, and from the said Commonable Lands or Waste Grounds hereby directed to be divided, allotted, and inclosed.

Allotment to
be sold to pay
Expences.

XXII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required to set out and allot such Part or Parts of the said Commonable Lands and Waste Grounds, as in their Opinion will, by Sale thereof, raise a Sum of Money sufficient to pay and discharge such Part of the Charges and Expences of surveying, planning, dividing, and allotting the Lands and Grounds hereby directed to be divided, inclosed, and improved, and of obtaining and carrying this Act into Execution, as the said Commissioners shall direct, to be paid by the several Persons interested in or entitled to Rights of Common on the said Commonable Lands and Waste Grounds, and shall sell the said Allotment or Allotments to any Person or Persons for the best Price or Prices that can be gotten for the same, by publick Auction or Auctions to be holden for that Purpose, at such Time or Times as they shall think proper, of which Sale at least One Calendar Month's previous Notice shall be given, by affixing the same on the principal Door of the Parish Church of *Alrewas* aforesaid, and by Advertisement to be inserted in the *Birmingham Gazette* and *Stafford Newspaper*, in case such Newspapers shall be then published, or otherwise in Two other Newspapers generally circulated at *Alrewas* aforesaid, or in the Neighbourhood thereof; and the Person or Persons purchasing such Lands shall immediately (by Way of Deposit) pay into the Hands of the said Commissioners, or of such Person as they shall appoint, One Tenth Part of his, her, or their Purchase Money, and pay the Remainder thereof to the said Commissioners, or such Person as they shall appoint, within Three Calendar Months next after such Auction, or at such other Time as the said Commissioners shall appoint, and in Default thereof, the Money so deposited shall be forfeited, and be applied in carrying this Act into Execution; and the said Part or Parts for which the Whole of such Purchase Money shall not have been so paid shall be again put up to Sale, and sold in Manner aforesaid; and such Part or Parts for which the full Purchase Money shall be paid shall immediately thereupon be absolutely discharged of and from all Tythes and Common Right thereon, and be vested in Fee Simple in, and be inclosed and thenceforth held in Severalty by the Purchaser or Purchasers thereof respectively, his, her, and their Heirs and Assigns, as his, her, and their own absolute Property, and shall be allotted accordingly by the said Commissioners in and by their Award; and the said Consideration or Purchase Money shall be paid and applied by the said Commissioners in defraying such Part of the Expences of this Act as hereinbefore is directed to be paid and discharged by the Sale of Land as aforesaid.

Preference to
be given to
Proprietors
of adjoining
Inclosures.

XXIII. Provided always, and be it further enacted, That no such Sale or Sales as aforesaid shall be made by the said Commissioners of any Part or Parts of the said Commonable Lands or Waste Grounds intended to be inclosed by virtue of this Act, which shall immediately adjoin the old Inclosures of any Proprietor or Proprietors, where such Part or Parts intended to be sold for the Purposes of this Act do not exceed Five Acres in any One Instance, if the Proprietor or Proprietors of such adjoining Inclosures shall be desirous of becoming the Purchaser or Purchasers thereof at the said Commissioners Valuation, and shall signify such his, her,
or

or their Desire to the said Commissioners, by Writing under his, her, or their Hand or Hands, within One Week after such Sale or Sales by Auction shall be first advertised as aforesaid, and shall pay such his, her, or their Purchase Monies at such Time or Times, and with such Deposit as is herein-before directed in case of Sales by Auction, then and in such case all such Parcel or Parcels of the said Commonable Lands or Waste Grounds shall be allotted and awarded to such Proprietor or Proprietors, in such and the same Manner as is herein-before provided in case of Sales by Auction as aforesaid.

XXIV. And be it further enacted, That the said Commissioners shall divide, set out, and allot the Remainder of the said Commonable Lands or Waste Grounds unto, for, and amongst the several Persons interested therein, their respective Heirs, Successors, and Assigns, according to the Extent and Value of their respective Rights of Common, and other Rights and Interests in and upon the same respectively; and in making all and every the said Allotments, the said Commissioners shall have due Regard as well to the Quantity, Quality, and Value of the Lands so to be allotted, as to the Situation, Contiguity, and Convenience thereof to the respective Messuages or Tenements and old inclosed Lands of the several Persons to and for whom the same shall be allotted respectively; all which Allotments shall thenceforth be held and enjoyed by the several Persons to whom the same shall be made, their respective Heirs and Assigns, in Severalty, and be in full Bar and Compensation of and for all Shares, Rights, and Interests of the several Parties in, over, and upon the said Commonable Lands or Waste Grounds so to be inclosed as aforesaid; save only of and for such Rights and Interests as are herein-after reserved to or for the said Lord of the said Manor respectively.

Allotment of
Residue of the
said Waste
Lands.

XXV. And be it further enacted, That the said Commissioners shall set out and allot the said Open Meadows hereby directed to be inclosed unto and amongst the said *Thomas Anson*, the Reverend the Dean and Chapter of *Lichfield*, the said *Richard Yeld*, *John Yeld*, *Richard Wright*, *William Baggaley*, *Samuel Gillett*, and the several other Owners of and Persons interested therein, in Proportion to their several and respective Rights and Interests therein.

Allotment
of Open
Meadows.

XXVI. And be it further enacted, That the Allotment or Allotments to be made to the Prebendary of the Prebend of *Alrewas* aforesaid, and to the Vicar of the Parish of *Alrewas* aforesaid, by virtue of this Act, shall be inclosed round with Ditches and Quickset Hedges, or other proper Mounds or Fences, to be made within such Time, and for the Space of Seven Years then next following to be maintained and kept in complete Repair, by and at the Expence of all or such of the other Proprietors of the Waste Lands or Grounds by this Act directed to be inclosed, and in such Manner as the said Commissioners shall direct or appoint; but all or such Portion of the said Mounds and Fences as the said Commissioners shall direct, shall, after the Expiration of the said Seven Years, be the Property of the said Prebendary and Vicar, and be kept in Repair by the said Prebendary and his Successors, or his or their Lessee or Lessees, and the Vicar of the said Parish of *Alrewas* for the Time being for ever.

Vicars Al-
lotment to
be Ring-
fenced by
other Pro-
prietors.

XXVII. And

Encroachments to be deemed Part of Waste;

XXVII. And be it further enacted, That all Encroachments taken or made from or on any Part of the said Commonable Lands or Waste Grounds, the Right of which hath been preserved to the Commoners by Entry or Payment of Acknowledgement to them, shall be deemed Part and Parcels of the Waste Grounds respectively directed to be divided and allotted under the Powers of this Act; and so much and such Parts thereof as have been so taken by any Messuage Owner entitled to any Allotment of the said Commonable Lands or Waste Grounds under this present Act, or by his, her, or their respective Ancestor or Ancestors, the Right of which hath been preserved as aforesaid, shall be deemed and considered as Part of the Share to be allotted to the Persons so respectively enjoying the same, at such Rate and Value as the said Commissioners shall estimate the same; but if such Encroachments do not lie adjoining to their other ancient Estates, the said Commissioners shall have Power to allot the same to him or them, or to any other Person entitled to an Allotment, to whom the same shall lie convenient, under this Act, as Part of his, her, or their Allotment, and shall make the Person so deprived thereof such Allotment in Land as shall in their Judgement be an adequate Satisfaction for any Improvements made thereon.

but not to extend to Lands inclosed for a certain Period.

XXVIII. Provided always, and be it enacted, That nothing herein contained shall be construed to give to the said Commissioners Power to allot, divide, or disturb any Lands or Cottages heretofore Parcel of the Wastes of the said Manor, which have been inclosed or erected for Twenty Years or upwards, and the Right to which hath not been preserved by such Entries and Payments as aforesaid; but such last mentioned Lands and Cottages shall be deemed ancient Inclosures and Erections, and be henceforth for ever enjoyed in the same Manner as they are at present, against all Persons and Claims whatsoever.

Allotments of Waste to be Freehold or Copyhold, but no Fines for Copyhold Allotments.

XXIX. And be it further enacted and declared, That the several Allotments of the said Commonable Lands or Waste Grounds so to be made as aforesaid, shall be deemed, held, and enjoyed by the several Persons to whom the same shall be allotted, as Freehold, if the Messuages or Tenements in respect of which the Allotments are respectively made, are Freehold; and as Copyhold, if the Messuages or Tenements, in respect of which the Allotments are respectively made are Copyhold; but no Fine or Fines shall at any Time hereafter be due or payable to the Lord of the Manor of *Alrewas* aforesaid, for any Allotment or Allotments to be made in respect of any Messuage or Messuages, Tenement or Tenements, or the Sites thereof, being of Copyhold Tenure.

Allotments of Meadow in lieu of Copyhold Lands to be Copyhold.

Allotments Copyhold to be taken up.

XXX. And be it further enacted, That such Part and Parts of the said Open Meadows or Lands as shall be allotted in lieu or in respect of Copyhold Lands, shall be deemed to be of Copyhold Tenure, and to be lying within, and to be holden of the Manor or Manors respectively in which such Copyhold Lands are lying, by the like Rents, Customs, and Services, as are due for or in respect of such Copyhold Lands; and that all and every Person and Persons unto and for whom any such Allotment or Allotments of the said Commonable Lands, Waste Grounds, or Open Meadows, shall be made and awarded for and in respect or in lieu of any such Copyhold or Customary Messuage, Buildings, Lands,

or

or Tenements as aforesaid, shall, and they are hereby required, within Twelve Calendar Months next after the Execution of the said Award of the said Commissioners, to be admitted Tenant or Tenants of and for the same to the Lord or Lords of the said Manor of *Alrewas* for the Time being, without being subject or liable to the Payment of any Fine or other Charge to the Lord or Lords, Steward or Stewards of the said Manor, for and in respect of such Admission, save and except the usual and accustomed Fees to such Steward or Stewards for his or their Trouble therein; and from and after every such Admission as aforesaid, the said Copyhold Lands and Premises shall for ever thereafter be deemed and taken to be of, and shall be held under and subject to the same Tenure, Rents, Payments, Fines, Heriots, Customs, and Services, as the Messuages, Cottages or Tenements, Lands, and Premises, for and in respect whereof the same Lands and Premises shall be allotted, are now holden; save only that no Fine or Fines shall be at any Time hereafter due and payable to the Lord or Lords of the said Manor of *Alrewas*, for any Allotment or Allotments of the said Commonable Lands or Waste Grounds to be made for and in respect of any Messuage or Messuages, Buildings, Lands, or Tenements, being of Copyhold or Customary Tenure.

XXXI. And be it further enacted, That if any Person or Persons shall after the passing of this Act, cut, dig, pare, grave, flay, or carry away any Turves, Flags, Whinns, or Furze, in, upon, or from the said Commonable Lands, Waste Grounds, or Open Meadows hereby directed to be inclosed, without or contrary to the Licence of the said Commissioners first had and obtained in Writing for that Purpose (which Licence the said Commissioners are hereby empowered to grant, under such Rules, Orders, Regulations, and Restrictions, as they shall think proper to insert therein), then and in every such Case the said Commissioners, upon due Proof made before them on Oath, which Oath any One of the said Commissioners is hereby authorized to administer, shall and they are hereby required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Forty Shillings to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending in the Premises, rendering the Overplus (if any), upon Demand, to the Person or Persons whose Goods and Chattels shall be so distrained, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards the Payment of the Costs and Charges of obtaining and executing this Act.

No Turves to be cut, without Leave of the Commissioners.

XXXII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to defeat, lessen, or prejudice the Right, Title, or Interest of the said *William Vyse*, or his Successors, Prebendaries of the said Prebend of *Alrewas*, or his Lessee or Lessees, nor of the said *John Drake Wainwright*, Vicar of the said Parish, or his Successors, Vicars of the said Parish for the Time being, of, in, or to any Great or Small Tythes, Moduses, Surplice Fees, *Easter Dues*, or other Payments or Profits whatsoever, arising, growing, renewing, or payable for the said Open Meadows, or within or out of the ancient or old inclosed Lands or Grounds, within the Parish of *Alrewas* aforesaid, or within, out of, and from any other Lands or Grounds within the said

Prebendary or Vicar not to be affected as to Right to Tythes of old Inclosures.

Manor or Parish, other than and except the said Waste Lands or Grounds called *Fradley Heath* (for and in lieu of all Great and Small Tythes in, over, and upon which an Allotment is herein-before directed to be made by the said Commissioners to and for the Persons severally entitled thereto), but the same shall continue, remain, and be due and payable in like Manner as the same was and were before the passing of this Act, or as the same would, could, or might have been had, taken, collected, or received, in case this Act had not been made.

Bodies Politick, &c. to grant Leases of Allotments for Twenty-one Years.

XXXIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politick and Corporate, and all Trustees of any Charity, and every Person and Persons to whom any Allotment or Allotments shall be made of any Part or Parts of the said Commonable Lands or Waste Grounds by virtue of this Act, in respect of any Messuages, Tenements, or Hereditaments, whereof such Person or Persons is or are seised in Right of any Church or Chapel, or as Trustee or Trustees of any Charity, or as Tenants in Tail or for Life, or any Husband in Right of his Wife, or the Guardian of any Infant, to make any Lease or Leases of any Part or Parts of the said Commonable Lands or Waste Grounds which shall be allotted to him, her, or them (so that the Consent of the Lord of the Manor of any Copyhold Lands be first had and obtained by Licence or otherwise, according to the Custom of such Manor), for any Term or Number of Years, not exceeding Twenty-one Years, or for such Term or Number of Years as they may have therein respectively; and so that the same do commence in Possession and not in Reversion; and so that such Lease or Leases be not made dispunishable of Waste; and so that there be reserved in all and every such Lease and Leases the best and most improved annual Rent that can be reasonably gotten for the same, to be paid by Half-yearly Payments, without taking any Sum of Money, or other Consideration, by Way of Fine, Income, or Foregift; and so as in all and every such Lease and Leases there be contained a Power of Re-entry for Non-payment of such Rent; and so that such Rent or Rents to be thereby reserved be made payable to the Person or Persons granting such Lease or Leases, and the several other Persons who may in Succession be entitled to the same Hereditaments, Lands, and Premises; and so that the Lessee or Lessees do at the same Time execute a Counterpart of such Lease or Leases: Provided always, that no Lease shall be made or granted by the said Dean and Chapter, nor by the Prebendary of the Prebend of *Alrewas* aforesaid, or his Successors, other than according to the local Statutes of the said Cathedral Church of *Lichfield*; nor by the Vicar of *Alrewas* aforesaid, or his Successors, other than for a Term of Twenty-one Years, to commence and be computed from Twelve Calendar Months after the passing of this Act, nor that without the Consent of the said Bishop, and also of the Prebendary of the Prebend of *Alrewas* aforesaid, for the Time being.

For making Drains, etc.

XXXIV. And be it further enacted, That for the Purpose of improving the said Commonable Lands or Waste Grounds and Open Meadows, or any other Lands in the said Manor and Parish of *Alrewas*, and to prevent the same from being overflowed with Water in Times of Flood, the said Commissioners shall and may cause and order to be scoured out, widened, diverted, or altered, all such ancient Brooks, Ditches, Drains, Watercourses, Tunnels, Water Gates, Banks, and Bridges, in the Parish or Manor of *Alrewas* aforesaid; and also shall and may make, erect, set out, and

and appoint such new Ditches, Drains, Watercourses, Banks, and Bridges, as well in, through, and over the Lands and Grounds hereby directed to be divided and inclosed as aforesaid, as also in, over, and through any ancient Inclosures, or any other Lands and Grounds within the Manor or Parish of *Alrewas* aforesaid (making such Satisfaction to the Proprietors of such ancient Inclosures, or other Lands and Grounds not hereby directed to be divided and inclosed, for the Damage done thereby, as they shall think just and equitable), of such Depth and Breadth, and in such Directions, as the said Commissioners shall think proper; and the said Commissioners shall, and they are hereby required, in and by the said Award herein-after mentioned, to order and award by whom, at whose Expence, at what Time, and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Banks, and Bridges shall be made, and thereafter repaired, cleansed, scoured, and maintained; and also shall and may order, direct, and award all or any of the said Streams, Springs of Water, and Watercourses, within the said Lands and Grounds hereby directed to be divided and inclosed, to be carried, conveyed, or turned in such Courses, and through, over, and across such Part of the said Lands and Grounds hereby directed to be divided and inclosed, as the said Commissioners shall in their Discretion judge proper for the watering the several Allotments to be made as aforesaid.

XXXV. Provided also, and it is hereby further enacted and declared, That nothing in this Act contained shall extend to empower or be construed to empower the said Commissioners, or any other Commissioner or Commissioners to be appointed by virtue of this Act, or any other Person, to take down any Mill, or to remove or alter the Flood Gates, Dams, or Weirs of or belonging thereto, or to take away or divert any of the Streams, Rivulets, or Brooks from the same, without the Consent in Writing of the Owner and Owners thereof respectively; but that all such Streams, Rivulets, and Brooks which now flow to such Mills respectively shall continue so to do, in as full and ample Manner, in all Respects, as they now do, may, or can; save and except such Flood and Drain Waters as may be necessary to be conveyed and carried off by the Sides of such Mills, in order the more effectually to prevent the said Lands from being overflowed in Time of Floods, according to the true Intent and Meaning of this Act. Mills not to be prejudiced.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners and Surveyor or Surveyors respectively, or any other Person or Persons by them, or either of them, authorized or employed, to enter, search for, get, lay, and carry away such Stone or other Materials for the Purpose of making and repairing all and every such Ditches, Drains, Tunnels, Banks, and Bridges, as may be necessary for the Purposes of this Act, in, upon, from, and through any Lands within the said Manor or Parish of *Alrewas*, as the said Commissioners shall think proper, making reasonable Satisfaction to the Owners and Occupiers of the Lands in, upon, from, or through which such Stone or other Materials shall be searched for, gotten, laid, or carried, for the Damages to be occasioned thereby, in such Manner as Satisfaction is by this Act directed to be made for any other Damages to be occasioned by the Execution of this Act. Power to get Materials.

XXXVII. And

Drains to be kept open by Owners or Occupiers of Lands.

XXXVII. And be it further enacted, That the Owner or Owners, Occupier or Occupiers of the several Lands hereby directed to be divided, allotted, inclosed, and improved as aforesaid, shall make and keep the Fences, Ditches, Drains, Watercourses, Tunnels, Banks, and Bridges of and belonging to his and their respective Lands, of such Width and Depth as the same shall have been made or directed to be made by the said Commissioners; and also shall from Time to Time, as Occasion may require, cause the same to be well and sufficiently scoured, cleansed, maintained, and repaired, in such Manner as the said Commissioners shall order and direct; and if any such Owner or Occupier shall refuse or neglect to keep such his or her Fences, Drains, Ditches, Watercourses, Tunnels, Banks, and Bridges of such Depth and Width, and in such Manner as shall be ordered by the said Commissioners, it shall be lawful for any Person or Persons injured by such Refusal or Neglect to exhibit a Complaint in Writing against the Person or Persons so refusing or neglecting, before any Justice of the Peace for the County of *Stafford*, not interested in the Premises, who may summon the Parties concerned, enquire into the Nature of the Complaint, and examine Witnesses upon Oath, which Oath such Justice is hereby authorized and empowered to administer; and after such Summons and Examinations shall and may, if he shall see Cause, order, direct, or appoint the Person or Persons exhibiting such Complaint, to repair, cleanse, scour, and maintain the Ditches, Drains, Banks, Bridges, and Fences of the Person or Persons so refusing or neglecting; and also shall and may, by Warrant under his Hand and Seal, directed to the Person or Persons exhibiting such Complaint, cause the Charges and Expences of repairing, cleansing, scouring, or maintaining the Ditches, Drains, Banks, Bridges, or Fences of the Person or Persons so refusing or neglecting, Demand thereof being first made by the said Complainant or Complainants, in the Presence of One credible Witness, to be leyed by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale.

Tenants to give up allotted or exchanged Lands, having Satisfaction for the same.

XXXVIII. And be it further enacted, That all and every Tenant and Occupier under any Lease or Agreement for any Term of Years of any old Inclosures within the said Manor or Parish of *Alrewas*, which shall be allotted or exchanged by virtue of this Act, shall, immediately after the signing of the Award of the said Commissioners (or within such further Time as the said Commissioners shall appoint, and whereof Notice in Writing shall be given for that Purpose), give and resign up the full and peaceable Possession of such allotted or exchanged Lands to the Person or Persons to or with whom the same shall be respectively allotted or exchanged, such respective Tenants and Occupiers of such allotted or exchanged Lands receiving from the said respective Owners and Proprietors thereof such Satisfaction as the said Commissioners shall ascertain, order, direct, or appoint to be paid to such Tenant or Tenants respectively on Account thereof, as an Equivalent for the Loss or Losses, he, she, or they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Fourteen Days after Demand made thereof, it shall and may be lawful to and for the said Commissioners, and they are hereby required, to raise and levy the same for the Use and Benefit of the Person or Persons

sons entitled thereto, by such Ways and Means as so much of the Costs, Charges, and Expences of obtaining and executing this Act as shall be charged to the Owners or Proprietors of the said Open Meadows may be raised and recovered: Provided always, that if there shall be any Lease of Lands, Part of which lie in the said Manor or Parish and Part in an adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease, and situated in an adjoining Parish, the Lease of such last mentioned Land shall not be vacated.

XXXIX. And be it further enacted, That no Sheep or Lambs shall be depastured or kept in any of the new Inclosures to be made by virtue of this Act, during the Space of Seven Years from the Execution of the Award of the said Commissioners, unless the Person or Persons respectively keeping such Sheep or Lambs shall first effectually, at his, her, or their own Expence, guard and fence the Quickset Fences adjoining to such Inclosure, so as effectually to prevent any Damage or Injury from being done to the said Fences or Quicksets, by such Sheep or Lambs.

No Sheep or Lambs to be depastured in new Inclosures, etc.

XL. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to revoke, make void, annul, or alter any Will, Settlement, or Surrender, or to prejudice any Person or Persons having any Estate, Right, or Claim of Dower or Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Messuages, Buildings, Lands, or Grounds to be inclosed, divided, allotted, improved, or exchanged as aforesaid, or any of them respectively (other than such Leases and Agreements as herein-before mentioned); but that the several Lands and Grounds to be set out and allotted, and the several Messuages, Lands, Tenements, and Hereditaments to be divided or exchanged in pursuance of this Act, shall, immediately after making such Allotments, Partitions, or Exchanges, be remain, and enure, and the several Persons to whom the same shall be allotted or assigned, or given by Partition or in Exchange as aforesaid, shall from thenceforth stand and be seised thereof, to such Estates, Uses, and Trusts, and subject to such Wills, Deeds, Surrenders, Limitations, Remainders, Powers, and Provisoos, Charges, Tenures, Rents, Services, and Incumbrances (save in respect of such Leases or Agreements at Rack Rents as aforesaid), as the several Messuages, Lands, Tenements, and Hereditaments in respect or in lieu whereof such Allotments, Partitions, and Exchanges respectively shall be made as aforesaid, would have been subject and liable to be charged with or affected by in case this Act had not been made, but subject nevertheless to such Leases and Charges as shall be made thereof or thereon respectively in pursuance of any of the Powers given by this Act.

Wills, Settlements, etc. not to be prejudiced.

XLI. And be it further enacted, That the Award to be made by the said Commissioners shall express and contain the several Matters and Things by this Act required and directed to be set forth and ascertained therein, and shall be deposited in the Parish Church of *Alrewas* aforesaid, or in such other Place as the said Commissioners shall appoint.

Award.

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XLII. And

Proprietors,
with Consent
of Commis-
sioners, may
inclose Parcels
of Land, etc.

XLII. And, for the more speedily inclosing and improving the said Commonable Lands or Waste Grounds, be it further enacted, That it shall and may be lawful for the said Commissioners, if they shall find it convenient and expedient so to do, before the Survey shall be completed, and the Rights and Interests of each and every of the Proprietors fully ascertained, to set out and allot to any of such Proprietors such Plots and Parcels of the said Commonable Lands or Waste Grounds as they shall think proper, for the Growth of Potatoes or otherwise; and by Writing under their Hands to empower such Proprietors respectively to fence and occupy and enjoy the same in Severalty, paying such annual Rents in respect thereof, until the Execution of the said Award or Instrument, or until the Whole of the Allotments to be made by virtue of this Act shall be ascertained or staked out, as the said Commissioners shall fix and appoint; such Rents to be applied by the said Commissioners towards the Payment of the Expences of obtaining this Act, and carrying the same into Execution, and to be recovered in the same Manner as the general Expences of obtaining and executing this Act may be recovered by the said Commissioners; and in case the Fences of any such Allotment shall be wilfully damaged or spoiled, or any Trespasses shall be committed, then the Person or Persons committing the Fact shall be deemed a wilful Trespasser or Trespassers, and be liable to answer Damages and full Costs of Suit in respect thereof to the Party or Parties injured thereby.

Expences of
the Act, how
to be defrayed.

XLIII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the dividing, setting out, allotting, and improving the said Commonable Lands and Waste Grounds hereby directed to be divided and inclosed, such Proportion of the Costs, Charges, and Expences incident to and attending the forming the publick Roads, and of procuring and passing this Act, and all other Charges and Expences of carrying the same into Execution, as in the Judgement of the said Commissioners ought to be charged to the Account of the Inclosure of the said Commonable Lands and Waste Grounds, shall be defrayed and discharged out of the Money arising by the Sale of such Part or Parts of the said Commonable Lands and Waste Grounds as shall be allotted for that Purpose as aforesaid, as far as such Money will extend, in such Shares and Proportions as the said Commissioners shall think equitable; and that such Proportions of the said respective Costs, Charges, and Expences, as in the Judgement of the said Commissioners ought to be charged to the Account of the Owners or Persons interested in the said Open Meadows hereby directed to be inclosed, and to the Owners or Proprietors of such old inclosed or other Lands within the said Manor or Parish of *Alrewas* aforesaid, as shall be exchanged by virtue of this Act (other than and except the Vicar of the Parish of *Alrewas* aforesaid, and also other than and except the Churchwardens and Overseers of the Poor of *Alrewas* aforesaid, in respect of any Allotment or Allotments of the said Open Meadows to be made to them as such Churchwardens and Overseers as aforesaid, also other than and except such of the Owners or Persons interested in the said Open Meadows, whose respective Shares or Parts thereof shall not exceed One Acre of Land), shall be defrayed, paid, and discharged by the Owners of or Persons interested in such Open Meadows and old inclosed and other Lands, in Proportion to the Benefit and Improvements

provements which will arise to or in respect of the said Lands respectively, such Proportions to be settled and determined by the said Commissioners, by any Writing or Writings under their Hands, which shall be binding and conclusive; and in case any Person shall refuse or neglect to pay his or her Share or Proportion of such Charges and Expences, then and in every such Case the said Commissioners shall and may, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay as aforesaid, rendering the Surplus (if any) to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; or otherwise it shall be lawful for the said Commissioners, or any Person or Persons authorized by them, to enter into and upon the Premises so to be allotted to the Persons refusing or neglecting to pay as aforesaid, or any Part thereof, or any other of the Lands, Tenements, or Hereditaments which shall be exchanged or improved by virtue of this Act, belonging to such Persons so refusing or neglecting as aforesaid, and to receive and take the Rents, Issues, and Profits thereof, until thereby or therewith the Share or Proportion of the Charges and Expences which ought to be paid by such Person, and all Interest on such Share or Proportion to be computed from the Time the same shall by the said Commissioners be directed to be paid as aforesaid, and all Costs and Expences occasioned by or attending such Entry upon and Receipt of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

XLIV. Provided always, and be it further enacted, That in case the Money to arise by Sale of Part of the said Commonable Lands and Waste Grounds as before directed, shall not be sufficient to pay and discharge such Part of the Costs and Charges of obtaining and executing this Act as shall be directed by the said Commissioners to be paid and borne by the Persons interested in the said Commonable Lands and Waste Grounds, the Part or Parts of such Costs, Charges, and Expences which shall not be so raised, shall be paid, borne, and defrayed by such of the Owners and Proprietors of the said Commonable Lands and Waste Grounds, and in such Shares and Proportions as the said Commissioners shall direct, and shall be recovered and levied in like Manner as the other Costs, Charges, and Expences to be paid by the Owners of the said Open Meadows are by this Act authorized to be levied and recovered.

Expence of Act how to be made good, in case of Deficiency.

XLV. And be it further enacted, That if any Person or Persons shall advance any Sum of Money for the Purpose of defraying the Expences of obtaining and passing this Act, or of carrying the same into Execution, every such Person shall be repaid or allowed the same, with Interest at the Rate of Five Pounds *per Centum per Annum*, out of the First Monies to be raised for defraying the Expences of this Act.

Money advanced to be repaid with Interest.

XLVI. And be it further enacted, That it shall be lawful for the Guardiáns, Husbands, Trustees, Committees, or Attornies of any of the Owners of any Lands which shall be divided, allotted, inclosed, exchanged, or improved under this Act, being Minors, Idiots, Lunaticks, under Coverture, beyond the Seas, or otherwise incapable to act for themselves

Powers to borrow Money.

themselves respectively, and also for every the Owners of any such Lands, being Tenants in Tail or for Life, or Trustees thereof for any charitable or other Use or Purpose whatsoever (other than and except the Vicar of the Parish of *Alrewas* aforesaid), by any Deed or Deeds duly executed under their respective Hands and Seals, to charge the Land which shall be so divided, allotted, inclosed, or exchanged, with any Sum or Sums of Money not exceeding Three Pounds for every Acre of such Land, to be paid to such Person or Persons as the said Commissioners shall appoint, in order to be applied and disposed of for the Purposes of this Act; and for securing the Repayment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease, demise, or surrender the Lands liable to be charged therewith as aforesaid, unto such Person or Persons respectively as shall advance such Money, for any Term or Number of Years, so as such Grant, Mortgage, Lease, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or resurrendered when such Sum or Sums of Money, and the Interest thereof, shall be paid off and discharged; and every such Grant, Mortgage, Lease, Demise, and Surrender respectively to be made in pursuance of this Act, shall be good, valid, and effectual in Law for the Purposes thereby intended; and the Receipt or Receipts of the Person or Persons to whom such Money so to be borrowed shall be appointed to be paid as aforesaid, shall be a sufficient Discharge to the Person or Persons lending the same; and the Interest of all Monies to be borrowed by any Person entitled to the said mortgaged Premises in Tail, or for Life only, shall be paid and kept down by the Person or Persons who for the Time being shall be in Possession of or entitled to the Rents and Profits of the said Lands to be charged with such Money as aforesaid, so that no Person afterwards becoming entitled in Possession to such Lands, or the Rents and Profits thereof, shall be subject or liable to pay any further or larger Arrear of Interest than for One Year preceding the Time when the Title to such Possession shall accrue or commence.

Tenants for Life may charge Allotments by Will.

XLVII. And be it further enacted, That it shall be lawful for any Tenant for Life (except as aforesaid) not being such under any Lease with Rent reserved, and for any Tenant in Tail of any Lands or Grounds to be divided, allotted, inclosed, or exchanged by virtue of this Act, by any Deed or Deeds in Writing, or by his or her last Will and Testament in Writing duly executed, to charge such Lands and Grounds respectively with such Sum or Sums of Money as shall be appointed by the said Commissioners to be paid, and which shall accordingly have been paid by such Tenant for Life or in Tail for his or her Share or Proportion of the Expences in consequence of this Act, not exceeding Three Pounds for every Acre of such Lands and Grounds, and by such Deed or Deeds, or last Will, to direct and appoint the Money to be charged on such Lands or Grounds to be paid to such Person or Persons as he, she, or they shall think proper, with Interest for the same, to commence from the Day of the Death of such Tenant for Life or in Tail respectively.

Restraining Tenant for Life, etc. from charging their Estates, etc.

XLVIII. Provided always, and be it further enacted, That it shall not be lawful for any such Tenant in Tail or for Life, Husbands, Guardians, Trustees, Committees, or Attornies, who shall be entitled to any Allotment or Allotments of the Lands and Grounds hereby directed to be divided,

vided, allotted, and inclosed, or interested in or entitled unto any Lands or Grounds in the Manor or Parish of *Alrewas* aforesaid, which shall be exchanged by virtue of this Act, to charge any such Allotment or Allotments, Lands or Grounds, with any further or larger Sum of Money than the said Commissioners shall find sufficient to pay and defray the respective Shares and Proportions of the Money to be charged on him, her, or them, (if any such shall be charged), and also the Charges and Expences of new fencing his, her, or their Allotments; and such Sum of Money shall be paid to such Person or Persons as the said Commissioners shall appoint, to be applied and disposed of only for the Purposes of this Act; any Thing herein contained to the contrary notwithstanding.

XLIX. And be it further enacted, That it shall and may be lawful to and for any Person or Persons interested, or to become interested in the said Commonable Lands or Waste Grounds to be inclosed by virtue of this Act, at any Time before the Execution of the Award of the Commissioners; to sell and dispose of, or to complete any Contract or Contracts for Sale of all such Rights, Interest, and Property, which he, she, or they now have, or hath, or shall or may hereafter have, in or to any Right of Common, or other Interest in and upon the said Commonable Lands or Waste Grounds, or any of them, or in or to any Allotment or Allotments to be made in respect thereof by virtue of this Act, separately from such Tenements or Estates in Right or respect whereof he, she, or they is or are, or shall be so entitled; and that in case of any such Sale, or Contract of Sale, previously to the Execution of the said Award, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, to allot 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 Allotment or Allotments so to be laid out in lieu of the Right of Common or other Interest so by him, her, or them purchased as aforesaid, and shall and may have, use, and exercise, every Act of Ownership in, upon, and to the same, in as full, large, ample, and beneficial 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 mentioned and contained in this Act.

Persons may sell Common Rights previous to the Execution of the Award.

L. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Damage or Injury done to any Lands or Hereditaments, by virtue of the Powers of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, or if any Surplus shall remain of the Money to be raised by Sale of Land as aforesaid, and any Share or Proportion thereof shall belong to any such Corporation, or other Person or Persons as last aforesaid, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, signified by an Order, on a

Application of Monies to be paid to incapacitated Persons, &c.

[*Loc. & Per.*]

5 M

Petition

Petition to be preferred in a summary Way, by the Corporation or Person or Persons as aforesaid, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the Estates in respect of which such Money shall be paid, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, with the like Direction and Approbation of the said Court, in the Purchase of Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Estate in respect of which such Money shall be paid, stood settled or limited, or such of them as, at the Time of making such Conveyance and Settlement, shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the Mean Time, and until such Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made; but if any Money to be paid shall be less than Two hundred Pounds and exceed Twenty Pounds, then and in all such Cases the same shall, (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of such Estates, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands), be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the said Court of Chancery; and where such Money so directed to be paid as herein-before last mentioned, shall not exceed Twenty Pounds, then, and in all such Cases, the same shall be applied to and for the Uses of the Person or Persons entitled to the Rents and Profits of the Estates, in respect whereof such Money shall be paid, in such Manner as the said Commissioners shall think fit; or in case of Lunacy or Infancy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled as aforesaid, whose Receipts shall be good Discharges for the same; and in case the said Commissioners shall find any Difficulty in obtaining such Purchase in Lands or Hereditaments, which may

Application
of such Mo-
ney, being
less than
200*l.* and ex-
ceeding 20*l.*

Application
of such Mo-
ney being less
than 20*l.*

may be equal in Value to such Sum not exceeding Two hundred Pounds, as herein before directed to be paid into the Bank as aforesaid, or which Purchase may be disadvantageous in other Respects, they the said Commissioners may apply such Sum of Money towards defraying the Expences of passing and executing this Act, so far as the Proportion of the Party entitled to such Sum shall amount to; and if there shall be any Surplus of such Two hundred Pounds, the said Commissioners may apply such Surplus, after such Application, in Diminution of the Sum allowed to be charged on the Estate for the Purpose of inclosing or improving the same.

LI. 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 Act, then and in every such Case, (except in such Cases where the Orders, Directions, or Determinations of the said Commissioners are directed to be final, binding, and conclusive, and except in such Cases where an Issue at Law shall or is to be tried, as herein before mentioned), such Person or Persons may appeal to any General Quarter Sessions of the Peace, to be holden for the said County of *Stafford*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, or any Two of them, and to the Party or Parties concerned, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises), in such Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant, to levy the Costs and Damages 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 Surplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; and in Case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable.

LII. Provided always, That nothing in this Act contained shall extend to hinder, debar, defeat, or in any Way alter or prejudice the Right, Title, or Interest of the said *Thomas Anson*, or any future Lord or Lords, Lady or Ladies of the Manor of *Alrewas* aforesaid, in or to the Seignories, Rights, Royalties, and Profits incident and belonging to the said Manor of *Alrewas*, other than and except in respect to such Right of Soil, and to the Mines and Minerals in and under the said Commonable Lands and Waste Grounds, Common Right, Right of Warren for Conies or Rabbits, as are intended to be barred by this Act; nor the Right of holding Courts Leet, Courts Baron, or Customary Courts for the said Manor of *Alrewas*, or of having, receiving, or taking all such Fines, Heriots, Amerciaments, Fees, or other Perquisites, Profits, or Appurtenances of or belonging to the said Manor and to such Courts, in respect of the Messuages and ancient Estates of the

Saving of
Rights to
Lord of the
Manor, etc.

said

faid Freeholders or Copyholders of the faid Mañor, and according to the Custom thereof, in like Manner as the fame have been heretofore ufually held and enjoyed or received by the faid *Thomas Anfon*, or thofe under whom he claims the fame.

General
Saving.

LIII. Saving nevertheless 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, and their Heirs, Executors, Administrators, and Successors, and all Persons claiming under them, all such Estate, Right, Title, and Interest (other than such as are meant and intended to be barred and destroyed by this Act), of, in, to, or in respect of the Lands and Hereditaments to be divided, inclosed, improved, or exchanged by virtue of this Act, as he, they, and every of them, might or could have held and enjoyed in case this Act had not been made.

Publick Act.

LIV. 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.

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