



ANNO QUADRAGESIMO QUINTO

GEORGI III. REGIS.

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*Cap. 97.*

An Act for inclosing Lands in the Parish of *Hampton-in-Arden*, in the County of *Warwick*.

[2d July 1805.]

WHEREAS there are in the Parish of *Hampton in-Arden*, in the County of *Warwick*, several Open Fields, Open Meadows, Lammas, and other Commonable and Waste Lands, called *Hampton-in-Arden Open Fields*, containing Six hundred Acres or thereabouts: And whereas the King's most Excellent Majesty, in Right of His Crown, is seized to Himself, His Heirs and Successors, of the Manor of *Hampton-in-Arden*, within the said Parish, and of several Messuages, Farms, Lands, and Hereditaments lying within the said Manor, and the Right Honourable *Frances Baroness Calthorpe*, *Randle Ford*, *Benjamin Keene*, and *John Calthorpe Gough*, Esquires, as the Executors of the late Right Honourable *Henry Lord Calthorpe* deceased, are the Lessees under His said Majesty of the said Manor, and of several Messuages, Farms, and Lands lying within the said Manor; and the Devisees under the Will of *John Roche* Esquire, deceased, are also Lessees under His said Majesty of other Messuages and Lands lying within the said Manor: And whereas an Act was passed in the Forty-first Year of His present Majesty's Reign, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts*

[*Inc. & Per.*]

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of

of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts: And whereas the King's most Excellent Majesty, and also the Right Honourable Heneage Earl of Aylesford, Richard Astley Esquire, Anne England, John Wedge, William Eborall Esquire, Joseph Crockett, John Wilday, James Tandy, George Tandy, and several other Persons, are the Owners and Proprietors of the said Open and Common Fields, Open Meadows, and Lammas and Commonable Lands; and the several Persons above mentioned (except the King's Majesty) are respectively entitled to Common of Pasture for their Cattle, in, upon, and over the same, or some Part thereof: And whereas the said Open and Common Fields, Meadows and Lammas and Commonable Lands, be intermixed and dispersed, and are inconveniently situated for the Owners thereof, and it would be very advantageous to all Parties interested therein if the same and the said Waste Lands were divided and allotted to and amongst them in specific Parts, according to their respective Rights, Shares, and Interests, and such Allotments inclosed: But such Allotments, Divisions, and Inclosures cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the said Open Fields, Open Meadows, Lammas, and other Commonable and Waste Lands, called *Hampton-in-Arden Open Fields*, within the said Manor of *Hampton-in-Arden*, shall be set out, allotted, and divided, as soon as conveniently may be after the passing of this Act, by *William James of Wellesbourne*, in the said County of *Warwick*, Gentleman, and that he and his Successor or Successors shall be, and is and are hereby appointed the Commissioner or Commissioners for dividing, allotting, setting out, and inclosing the said Open Fields, Open Meadows, Lammas, and other Commonable and Waste Lands, and for putting in Execution the several Powers and Authorities hereinafter expressed and referred to in that Behalf; and that the said Commissioner or his Successor or Successors shall have Authority, if he or they shall think needful, to nominate and appoint such fit and proper Person to be an Assessor or Assistant to carry into Execution any Part or Parts of this and the said recited Act as he or they shall think necessary, who shall be paid such Compensation for his Trouble as the said Commissioner, his Successor or Successors shall direct.

▲ Commis-  
sioner ap-  
pointed.

Power in the  
Commissioner  
to appoint an  
Assessor or  
Assistant.

General Act  
of 41 G. 3. to  
be put in Exc-  
cution where  
not repugnant  
to this Act.

II. And be it further enacted, That all and every the Powers and Authorities, Regulations, Restrictions, Penalties, Forfeitures, Provisions, Clauses, Matters, and Things, which in and by the said recited Act are contained and enacted, and are not controlled 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 Open Fields, Open Meadows, Lammas, and other Commonable and Waste Lands, so far as the same are applicable thereto respectively, as fully and effectually to all Intents and Purposes whatsoever, as if all such Powers, Authorities, Regulations, Restrictions, Penalties, Forfeitures, Provisions, Clauses, Matters, and Things had been expressly inserted and re-enacted in this Act with relation thereto.

III. And

III. And be it further enacted, That if the said *William James*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, or shall neglect or refuse or become incapable to set before the Powers and Authorities hereby vested in him shall be wholly and completely executed, then and in every such Case the Surveyor General of His Majesty's Land Revenue for the Time being, shall, within Thirty Days next after the Death, Neglect, Refusal, or Incapacity of the said *William James* or his Successor, nominate and appoint One other Commissioner, (not interested in the said intended Inclosure), who shall not reside at the Time of such his Appointment, or during the Execution of this Act, at a greater Distance than Thirty Miles from the Parish of *Hampton-in-Arden*; and that if the major Part in Value of the said other Proprietors think it expedient so to do, it shall be lawful for them within Thirty Days next after the Appointment of such new Commissioner, to nominate and appoint another Commissioner to act jointly with such new Commissioner to carry into Effect such intended Inclosure; and in case the said Surveyor General shall neglect or refuse to appoint such other Commissioner within the Time herein-before limited, then and in such Case the Persons interested in the said intended Inclosure, or the major Part of them in Value, or their Agents, who shall attend at a Meeting to be held for that Purpose at *Hampton-in-Arden* aforesaid, or within Twelve Miles thereof, pursuant to Notice to be given in the Parish Church of *Hampton-in-Arden*, upon some Sunday immediately after Divine Service, and also in the Newspaper called *Aris's Birmingham Gazette*, or some other Newspaper published in the Town of *Birmingham*, at least Ten Days before such Meeting, shall by Writing under their Hands appoint One other Commissioner not interested in the said Inclosure, in the Place of such Commissioner so dying, neglecting, or refusing, or becoming incapable of acting as aforesaid; and every Commissioner when so appointed shall have the same Powers and Authorities as the said *William James* is by this Act invested with.

Power to appoint a new Commissioner.

In default of appointing one, the Persons interested, or the major Part of them to appoint.

IV. And be it further enacted, That the Commissioner or Commissioners shall, and he and they is and are hereby required to cause public Notice to be given in the Parish Church of *Hampton-in-Arden* aforesaid, upon some Sunday immediately after Divine Service, or by Writing affixed on the principal Door of the said Parish Church, and by Advertisement in *Aris's Birmingham Gazette*, or in some other Newspaper published in the Town of *Birmingham*, of the Time and Place of his and their first and every other subsequent Meeting for the Execution of this Act, at least Ten Days previous to every such Meeting (Meetings by Adjournment only excepted); and that such Meetings shall be held within the said Parish of *Hampton-in-Arden*, or within Twelve Miles thereof; and that such first Meeting shall be held within Thirty Days after the passing of this Act, or as soon after as conveniently may be; and the said Commissioner or Commissioners shall and may adjourn such Meeting from Time to Time as he or they shall see Occasion for the Execution of this Act.

Regulations as to the Commissioners Meetings.

V. And be it further enacted, That the said Commissioner or Commissioners at his or their said first Meeting shall appoint, by Writing under his or their Hand, a proper Surveyor or Surveyors, by whom the Lands and Grounds shall be surveyed and measured for the Purposes of this Act, and who shall be paid a full Recompence and Satisfaction for his or their Trouble, and for all his or their Expences and Charges whatsoever in surveying

Surveyor's Charge to be allowed and paid by the Commissioners.

surveying and measuring the said Lands and Grounds, and in planning and staking out the several Allotments intended to be made in pursuance of this Act, and in making such Maps and Plans as may be required by virtue of this Act; such Recompence and Satisfaction, to be settled, allowed, and certified by the Commissioner or Commissioners by Writing under his or their Hand or Hands.

Claims to be delivered to the Commissioners.

Commissioners to determine disputed Claims.

VI. And be it further enacted, That all Persons claiming to be entitled to or interested in the said Open Fields, Open Meadows, Lammas, and other Commonable and Waste Lands, or any or either of them, or claiming to be entitled to or interested in Rights of Common or Depasture for Cattle in and over the same, or any of them, shall, either by themselves, their Stewards, Agents or Attornies, deliver to the said Commissioner or Commissioners an Account in Writing of such their Claims, and a Particular of their Estates or Property in respect whereof such Claim or Claims shall be made, and in whole Possession or Enjoyment the same are held, within such Time or Times as the said Commissioner or Commissioners shall for that Purpose appoint; and if any Dispute or Difference shall arise between the Parties, or any of them, touching or concerning the respective Shares, Rights, or Interests, which they or any of them now have or claim in or to the said Open Fields, Open Meadows, Lammas, and other Commonable and Waste Lands, intended to be divided and inclosed as aforesaid, or touching the respective Shares or Allotments which they or any of them ought to have of or in the same, it shall be lawful for the said Commissioner or Commissioners, and he and they is and are hereby empowered to hear and determine the same, and to make such Order therein as to the said Commissioner or Commissioners shall appear equitable and just, and a Copy of such Order shall be delivered to the several Persons affected thereby, or their several respective known Agents, or left at their Dwelling Houses respectively, and such Order shall be final, binding, and conclusive, unless Notice of Dissatisfaction shall be given to the said Commissioner or Commissioners in Writing, and the Party dissatisfied shall proceed to a Trial at Law, as herein-after provided: Provided always, that nothing herein contained shall authorize or empower the said Commissioner or Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Power to assess Costs.

VII. And be it further enacted, That in case the said Commissioner or Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him or them in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner or Commissioners, and he or they is or are hereby empowered, upon Application made to him or them for that Purpose, to settle, assess, and award such Costs and Charges as he or they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner or Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioner or Commissioners, and he or they is or are hereby authorized and required, by Warrant under his or their Hand or Hands, directed to any Person or Persons whomsoever, to cause such Costs and

and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

VIII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politick or Corporate, making any Claim or Claims to any Part of the aforesaid Open Fields, Open Meadows, Lamm-s and other Commonable and Waste Lands, or any Rights or Interests therein as aforesaid, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the aforesaid Commissioner or Commissioners, and shall be desirous of having such Claim or Claims, Rights and Interests, respectively tried at Law, and the Person or Persons, Bodies Politick or Corporate, so desirous to have the same tried at Law, shall and do by themselves, or their respective Stewards, Agents or Attornies, give Notice thereof in Writing to the said Commissioner or Commissioners at his or their First or Second Meeting after such Determination shall have been so made by the said Commissioner or Commissioners (of which Notice the said Commissioner or Commissioners is or are hereby required immediately upon Receipt hereof, or as soon afterwards as conveniently may be done, to give Information to the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Agents or Attornies, by Writing under his or their Hand or Hands, to be delivered to or at the usual Places of Abode of such Party or Parties, Stewards, Receivers, Agents or Attornies respectively) then, but not otherwise, it shall and may be lawful for the Person or Persons, Body or Bodies Politick or Corporate, giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, and he, she, or they shall, and is and are hereby respectively required to proceed to Trial at Law for the same, at the First or Second Assizes to be holden for the County of *Warwick*, after such Notice given as aforesaid in a feigned Action or Actions for that Purpose, to be commenced in One of His Majesty's Courts at *Westminster* by the Person or Persons, Body or Bodies Politick or Corporate, their respective Heirs, Successors, or Assigns, giving such Notice aforesaid against the adverse Party making such Claim or Objection as aforesaid; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies who shall file common Bail, or appear and accept one or more Issue or Issues, whereby all such Claim or Claims and Rights may be properly tried and determined (such Issue or Issues to be settled by the proper Officers of the Court wherein such Action or Actions shall be commenced, if the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive to all and every Person and Persons, Body and Bodies Politick and Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or new Trials to be had, which it shall be lawful for the Court to do, and also upon sufficient Cause shewn to put off the Trial of such Issue, as is usual in other Cases; and after any Verdict or Verdicts shall have been obtained, and not set aside by the Court. the said Commissioner or Commissioners shall, and he and they is and are hereby authorized and required to conform thereto, in letting out and allotting the said Open Fields, Open Meadows, Lamm-s and other Commonable and Waste Lands; and the Costs and Charges payable

Power to try  
disputed  
Claims at  
Law.

payable by the Defendant or Defendants in such Action or Actions, if the same shall relate to any Claim or Claims in or to the said Open Fields, Open Meadows, Lammas and other Commonable and Waste Lands, which shall have been objected to by the major Part in Value of the Land Owners within the Manor aforesaid, by themselves or by their respective Agents, shall be paid and discharged by the said Commissioner or Commissioners, and shall be deemed Part of the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution, and shall be raised and recovered as such.

Actions not to abate by the Death of the Party.

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

Power to alter Water-courses and set out Gravel-pits.

X. And be it further enacted, That the said Commissioner or Commissioners may, and he and they is and are hereby authorized and empowered to divide, direct, divert, or alter the Course of any Springs, Stream, or Currents of Water, in the said Open Fields, Open Meadows, Lammas and other Commonable and Waste Lands, hereby intended to be inclosed for the Use and Benefit of the several Allotments to be made in pursuance of this Act, so that no such Springs, Streams, or Currents of Water be diverted or turned without the Consent in Writing of the Owner or Owners of the Lands or Grounds from whose Lands, and into whose Lands, the same shall be diverted or turned, and so as thereby not to injure any Person or Persons at present entitled to the Benefit of such Water, in respect of any old inclosed Land adjoining thereto, not being alienated or exchanged by virtue of this Act; and that the said Commissioner or Commissioners shall assign, set out, and appoint, to the Surveyor of the Highways for the Time being, and to his Successors, as many convenient Parts or Pieces of the said Lands and Grounds hereby intended to be inclosed, not exceeding Two Acres in the Whole, as he or they shall think proper for the getting Gravel, Stone, or other Materials for repairing the publick Roads and Ways to be set out by virtue of this Act, to and for the Use of the Inhabitants of the said Manor, for repairing their ancient Roads; and that the Herbage growing upon the said Pieces of Land, and also in the publick Roads and Lanes within the said Manor, shall be and is hereby vested in the Surveyor or Surveyors of the Highways in the said Manor for the Time being, in Trust to set and let the same for the best Rent he or they can procure, and to apply the Rents and Profits thereof in repairing the said publick Roads and Ways within the said Manor.

Allotment to the King as Lord of the Manor, for the Soil.

XI. And be it further enacted, That the said Commissioner or Commissioners shall, and he and they is and are hereby authorized and required, after the publick and private Roads shall be set out, and the Allotments for getting Gravel, Stone, and other Materials as aforesaid, to set out, allot, and award unto and for the King's Majesty, His Heirs and Successors, or the Person or Persons who for the Time being shall be Lord or Lords of the said Manor of *Hampton-in-Arden*, One-twentieth Part in Value of the said Waste Lands hereby directed to be divided and inclosed, unless the same shall be sold by the said Commissioner or Commissioners as herein-after mentioned, in lieu of the Rights and Interests claimed by

the King's Majesty, as Lord of the said Manor of *Hampton-in-Arden*, of, in, and to the Soil of the said Waste Lands hereby directed to be divided and inclosed; but in case the said Waste Lands shall be sold by the said Commissioner or Commissioners as herein-after mentioned, then the said Commissioner or Commissioners shall set apart One-twentieth Part of the Money arising from the Sale thereof, and apply the same towards defraying His Majesty's Share of the Charges and Expences of obtaining this Act, and of carrying the same into Execution.

XII. And whereas there are within the said Manor many small Pieces of Waste Lands which lie very much dispersed, and there are also several Greens, Stripes, or Slings of Land, and several wide Parts of Lanes, amounting in the whole to Twenty Acres or thereabouts, that might, to the Advantage of all Persons interested therein, be sold to such Person or Persons as should be willing or desirous to become Purchasers thereof; be it further enacted, That it shall be lawful for the said Commissioner or Commissioners, if he or they shall think proper, and he and they is and are hereby authorized and empowered to sell all or any Part or Parts of such several Pieces of Waste Lands, Greens, Stripes, or Slings of Land, and wide Parts of Lanes, by publick Sale or Auction, to the best Bidder or Bidders, in such Lot and Lots, and subject to such Conditions of Sale as the said Commissioner or Commissioners shall think proper, giving Twenty-one Days Notice at least of the Time and Place of such Sale in *Aris's Birmingham Gazette*, or some other Newspaper published in the Town of *Birmingham*, and repeating the said Notice Thrice at least in the said Newspaper; and the Purchaser or Purchasers of all or any Part of the said Pieces of Waste Lands, Greens, Stripes or Slings of Land, and wide Parts of Lanes so directed to be sold as aforesaid, shall pay his, her, or their Purchase Money into the Hands of the said Commissioner or Commissioners, and immediately after Payment thereof, such Purchaser or Purchasers shall be absolutely seized of an Estate of Inheritance in Fee Simple of and in the Lands and Hereditaments so by him, her, or them purchased, free from all Incumbrances whatsoever, (Land Tax only excepted), and also free from the Payment of any Part of the Expence of obtaining or putting into Execution this Act, or of making any new Roads which may by the said Commissioner or Commissioners be directed to be made in pursuance thereof, so far as respects such Land he, she, or they may so purchase: Provided nevertheless, that previous to the publishing any Advertisement for Sale of any Part of the said Waste Lands, Greens, Stripes or Slings of Land and wide Parts of Lanes lying before or adjoining any Messuages, Tenements, and Lands belonging to any Person or Persons whomsoever, the said Commissioner or Commissioners shall, and he or they is and are hereby directed and required to deliver unto such Person or Persons before or adjoining whose Messuages, Lands, and Tenements the same shall be, his, her, or their known Agent or Attorney, a Description and an Estimate in Writing, under the Hand or Hands of the said Commissioner or Commissioners, of the Value of such Part or Parts of the said Waste Lands, Greens, Stripes or Slings of Land, and wide Parts of Lanes to intended to be sold for the Purpose aforesaid, in order that such Person or Persons may have an Option of purchasing the same by private Contract; and that in case such Person or Persons shall, within Twenty-one Days from the Delivery of such Notice, pay or cause to be paid to the said Commissioner or Commissioners for the Purposes aforesaid, the Amount of such

Commissioners may sell certain Waste Lands.

such Estimate or Valuation, then such Parts of the said Lands so intended to be sold as aforesaid shall not be advertised for Sale or sold by publick Auction, but from and immediately after Payment of the Purchase Money, the Person or Persons paying the same shall be absolutely seized of an Estate of Inheritance in Fee Simple of and in the Lands and Hereditaments contained in such Description and Estimate, free from all Incumbrances whatsoever, (Land Tax only excepted), and also free from any Part of the Expences as aforesaid; and the Monies so to be received from such Person or Persons making such private Contract or Contracts, and also the Monies to be received from the aforesaid Sales to be made by Auction, shall be applied by the said Commissioner or Commissioners towards defraying the Expences of this Act, so far as relates to the Persons interested in the Lands which may be so sold: Provided that the said Commissioner or Commissioners, Surveyor or Surveyors, shall not be compelled or required by virtue of this Act to repair any Roads or Highways already made in or through or over any of the said Lanes, Waste Lands, Greens, Stripes or Slings of Land, and wide Parts of Lanes last mentioned, except the Road now used as a publick Road leading from a Piece of Land called *The Hogs Ditches*, belonging to the said *John Wedge*, in a Northern Direction to or towards *Diddington* Open Fields.

Allotment of  
the Residue.

XIII. And be it further enacted, That the said Commissioner or Commissioners shall and he or they is or are hereby authorized and required in the next Place to assign, set out, and allot all the Residue and Remainder of the said Open Fields, Open Meadows, Lammas, and other Commonable Lands, (except such of the Waste Lands as the Commissioner or Commissioners may think proper to be sold as aforesaid) by this Act directed to be divided and inclosed, unto the King's Majesty, and the several other Persons who are, shall, or may be Owners or Proprietors thereof, whether Freeholders or Copyholders, and Persons entitled to or having Rights of Common or other Interest therein and thereon, in such Shares, Quantities, and Proportions, and in such Manner as the said Commissioner or Commissioners shall adjudge and determine to be a fair, just, and reasonable Compensation and Satisfaction, and equal in Value to their several and respective Shares, Properties, Rights of Common, and other Rights and Interests, of, in, to, and over the same Lands and Grounds.

Commissioner  
to make Ex-  
changes of  
intermixed  
Lands.

XIV. Provided always, and be it further enacted, That it shall be lawful to and for the said Commissioner or Commissioners, being with the Consent in Writing of the said Surveyor General, on Behalf of the King's Majesty and of the several other Parties interested therein, to exchange any such Lands or Grounds lying so intermixed for any Lands of equal Value, being Part of the said Lands hereby directed to be divided and allotted, or old Inclosures, in such Manner as he or they shall think most convenient and beneficial to the several Owners thereof, at any Time before the signing of the Award to be made by the said Commissioner or Commissioners.

Other Ex-  
changes may  
be made.

XV. Provided also, and be it further enacted, That it shall be lawful for the said Commissioner or Commissioners to set out, allot, and award any other Lands, Tenements, or Hereditaments whatsoever, within the said Parish of *Hampton-in-Arden*, or within the Manor or reputed Manor of *Diddington*, within the said Parish of *Hampton-in-Arden*, in lieu of and



in Exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Township, Hamlet, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner or Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politick, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the common Seal of the Body or Bodies Politick, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Lord Bishop of the Diocese, and of the Patron of such Church, Chapel, or other Ecclesiastical Benefice for the Time being respectively.

XVI. And be it further enacted, That it shall be lawful to and for the said Commissioner or Commissioners, with the Concurrence and Order of Two Justices of the Peace acting in and for the said County, subject to appeal as in the said recited Act, to divert, stop up, discontinue, alter, or change any old publick Carriage or private Roads or Footways leading into, through, over, or upon the said Open Fields, Open Meadows, Lammes, and other Commonable and Waste Lands, and also the old Inclosures lying within the said Manor, as to him shall appear useless and unnecessary; and that such publick Carriage Roads only that shall be so stopped up and discontinued shall be deemed Part of the Lands and Grounds to be sold, divided, and inclosed pursuant to this Act.

Commissioner may stop useless Roads and Footways; and all such old publick Carriage Roads to be deemed Part of the Lands to be inclosed.

XVII. And be it further enacted, That if any Person or Persons hath sold or contracted, or agreed to sell, or shall at any Time before the Execution of the said Award sell, or contract or agree to sell, his, her, or their Right, Interest, and Property in the said Lands or Grounds, or any Part thereof, or his, her, or their Allotment, to any Person or Persons, then and in every such Case it shall be lawful for the said Commissioner or Commissioners, and he and they is and are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser, Vendees or Purchasers in every such Sale, Contract, or Agreement, or to his, her, or their Heirs or Assigns, for and in respect of such Right, Interest, and Property so sold, or contracted or agreed to be sold as aforesaid; or if such Allotment shall have been already made, to award the same to such Vendee or Purchaser, Vendees or Purchasers, his, her, or their Heirs or Assigns;

In case any Person shall sell his Common Right, the Allotment is to be made to the Purchaser.

Assigns; and every such Vendee or Vendees, Purchaser or Purchasers, his, her, or their Heirs or Assigns, shall and may, from and after the Execution of the said Award; hold and enjoy the Lands so to be allotted to him, her, or them as aforesaid, in the same Manner to all Intents and Purposes as the Vendor or Vendors in every such Sale, Contract, or Agreement, might, could, or ought to have held and enjoyed the same in case such Sale, Contract, or Agreement had not been made, or such Rights, Interests, or Property had been vested in such Vendor or Vendors at the Time of making or selling such Allotment as aforesaid.

Costs of Exchanges, Partitions, Enfranchisements, and Sales, to be paid by the Parties.

XVIII. And be it further enacted, That all the Costs, Charges, and Expences attending any Exchange or Partition, and also of the enfranchising of the said Copyhold Lands, under and by virtue of this Act, as herein-after mentioned, shall be borne and defrayed by the several Parties interested therein, distinct and apart from the other Expences attending the Execution of this Act, in such Manner as the said Commissioner or Commissioners shall by Writing under his or their Hand or Hands order and direct; and the Expences attending any Sale and Disposition as hereinbefore mentioned, shall be paid and borne by the several Persons making such Purchase or Purchases; in such Manner as the said Commissioner or Commissioners shall also by Writing under his or their Hand or Hands order and direct.

Encroachments made within Twenty Years to be considered as Part of the Open Fields.

XIX. And be it further enacted, That all Encroachments which have been made on the Waste or other Lands that have been inclosed at any Time within Twenty Years now last past, and have been Part of the said Open Fields, Open Meadows, and other Commonable and Waste Lands, shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments or the Extent thereof, such Dispute shall be finally determined by the said Commissioner or Commissioners.

Lands not in Tillage within Twenty Years considered as Grass Lands.

XX. And be it further enacted, That such Part of the said Open Fields, Open Meadows, and Commonable Lands, that have not been broke up and in Tillage within the last Twenty Years, shall be considered and taken as Grass Land.

No Lease to be void.

XXI. And be it further enacted, That no Lease or Leases affecting any of the Lands and Hereditaments, in respect of which any Allotment or Allotments of the said Lands and Grounds hereby directed to be divided and inclosed shall be awarded by virtue of this Act, shall be made void, but that the same shall remain and continue in full Force and Effect, and that the Lessee or Lessees therein respectively shall have, hold, and enjoy all and every such Allotment and Allotments so to be made by virtue of this Act, in respect of the several Lands and Hereditaments in their respective Occupations, for the Residue of their respective Terms of Years then to come and unexpired in such respective Leases, such Lessee or Lessees paying a just and fair Proportion, in respect of such Lease or Leases, of the Charges and Expences of obtaining and executing this Act, to be settled and adjusted by the said Commissioner or Commissioners in Proportion to their respective Interests therein.

XXII. And

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

Allotments how to be inclosed.

XXIII. Provided always, That convenient Gaps and Openings shall be left in the Fences of the said Inclosures, for the Space of Twelve Calendar Months next ensuing the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages to and from the adjoining Allotments, unless the several Parties interested therein shall agree that the same shall be sooner made up and inclosed.

Gaps to be left in the Fences for a certain Time.

XXIV. And be it further enacted, That it shall not be lawful for any Person or Persons for the Space of Seven Years, to be computed from the Date of the Award of the said Commissioner or Commissioners, to keep or depasture any Sheep or Lambs in or upon any of the Allotments to be made by virtue of this Act, which shall be fenced with Quicksets, unless the Person or Persons keeping such Sheep or Lambs shall at his, her, or their own Expence effectually and sufficiently fence off, guard, and protect the Quickset Hedges or other Live Fences of the Proprietor or Proprietors of such Allotment or Allotments where such Sheep or Lambs shall be so kept, and of such Allotment or Allotments adjoining thereto, so as to prevent any Damage being done to the Quickset Hedges.

For preventing Quicksets from being damaged.

XXV. And be it further enacted, That from and after the passing of this Act until the Execution of the Award of the said Commissioner or Commissioners, all the Open Fields, Open Meadows, and Commonable Lands hereby directed to be divided and allotted, shall be subject and liable to such Directions and Regulations as the said Commissioner or Commissioners shall from Time to Time by Writing under his or their Hand or Hands appoint, as well with regard to the stocking as to the ploughing, folding, tilling, sowing, and laying down the same; and that it shall and may be lawful for the said Commissioner or Commissioners at any Time hereafter, when he or they, in his or their Judgment, shall think convenient and necessary, by Notice for that Purpose under his or their Hand or Hands, to be affixed on the principal Door of the Parish Church of *Hampton-in-Arden* aforesaid, to suspend or totally extinguish all or any Part of the Right of Common over the Lands and Grounds hereby intended to be divided and allotted; and from and after such Notice given, all such Right of Common over the Lands and Grounds, as by such Notice or Notices shall be directed to be suspended or extinguished, shall cease and be utterly extinguished; and it after such Suspension and Extinguishment of such Rights of Common, any of the said Proprietors or Occupiers shall permit his, her, or their Cattle to go, depasture, or feed on any of the Lands or Grounds so exonerated from Right of Common, that then it shall be lawful for any other of the Proprietors or Owners to distrain such Cattle being upon such Lands or Grounds contrary to such Order, and

Course of Husbandry over the Open Fields.

Rights of Common may be extinguished by the Commissioner;

and on Non-compliance Cattle may be distrained and Penalty levied.

to impound the same, until the Person or Persons so offending shall pay to the Person or Persons so distraining the same any Sum not exceeding Ten Shillings for each of the Cattle so distrained; and in case the same shall not be paid before the next Meeting of the said Commissioner or Commissioners after such impounding, then the said Commissioner or Commissioners is or are hereby authorised and required, upon Proof of such Offence or Offences on Oath having been committed (which Oath the said Commissioner or Commissioners is or are hereby empowered to administer), and on Non-payment of the Penalty hereby imposed, to cause the Cattle so distrained (or such Part thereof as he or they shall think necessary) or other the Goods and Chattels of the Person so offending, to be sold for the raising and paying the Penalty aforesaid, together with the Costs and Charges attending such Sale, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Cattle.

Copyholders  
to be admitted  
to Allotments  
unless enfran-  
chised.

XXVI. And be it further enacted, That all and every Person or Persons to whom any Copyhold Lands, Tenements, or Hereditaments, within the said Parish shall be so allotted, shall within Three Calendar Months next after the Execution of the said Award (in case the same shall not have been enfranchised under and by virtue of this Act) be admitted Tenant or Tenants to the same, without paying any Fine or other Charge to the Lord or Lords of the said Manor of *Hampton-in-Arden*, or to the Steward or Stewards of the said Manor of which the same shall be holden (except the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the Steward of the said Manor as the said Commissioner or Commissioners shall by Writing under his or their Hand or Hands direct); but in case the Person or Persons to or with whom such Lands, Tenements, or Hereditaments shall be allotted shall die, without being so admitted, in case the same shall not be then enfranchised within the said Three Calendar Months, then the customary Fines, Fees, and other Payments shall be due and payable on the Admission of the Person entitled to such Lands, Tenements, and Hereditaments; and after every such first Admission as aforesaid, and until the same shall be enfranchised under and by virtue of this Act, the Copyhold Lands, Tenements, and Hereditaments so to be allotted as aforesaid shall be held under and subject to the same Tenure, Fines, Fees, and other Payments, as the present Copyhold Messuages, Lands, Tenements, and Hereditaments, in lieu or in respect whereof such Lands, Tenements, and Hereditaments were allotted, shall at the Time of the Execution of the said Award, and until the same shall be enfranchised as aforesaid, be held under and subject to; and the said Commissioner or Commissioners shall by his or their said Award determine, describe, and abut the Messuages, Lands, Tenements, and Hereditaments respectively so to be allotted as aforesaid, which are to be and remain Copyhold, in case the same shall not be enfranchised within the Time limited under and by virtue of this Act; and all the other Lands, Tenements, and Hereditaments to be allotted by virtue of this or the said recited Act (except what shall be so ascertained by the said Commissioner or Commissioners to be Copyhold) shall be from thenceforth deemed, taken, and enjoyed as Freehold Lands, Tenements, and Hereditaments, subject nevertheless to such Free Rents and Services and Heriots as are now payable out of the respective Lands, Tenements, and Hereditaments for or in respect whereof they shall or may be allotted.

Commissioner  
to distinguish  
Copyhold  
Lands of  
Allotments.

XXVII. And

XXVII. And be it hereby further enacted, That it shall and may be lawful for the Surveyor General of His Majesty's Land Revenue for the Time being, by Writing under his Hand, to contract and agree on the Part of His Majesty, His Heirs and Successors, with any Person or Persons, Body or Bodies Politick or Corporate, holding any Messuages, Lands, Tenements, or Hereditaments by Copy of Court Roll of the said Manor of *Hampton-in-Arden*, or being of the Nature of Copyhold or Customary Tenure, and for which any Fine Certain or Fine Arbitrary, Quit Rents, or Heriots, is or are payable to His Majesty, His Heirs or Successors, for the Enfranchisement thereof, and for discharging the same, and all and every the present and future Owners and Tenants thereof, and their Heirs, from the Payment of all Fines, Heriots, Reliefs, Quit Rents, and other Dues and Payments to which by the Custom of the said Manor they now are or would hereafter otherwise be subject or liable, at or for such Prices or Considerations in Money as shall be settled and ascertained by the said Commissioner or Commissioners, with the Approbation of the said Surveyor General, at any Time before the signing of the Award to be made by the said Commissioner or Commissioners, not being under One Year and an Half improved Value of such Copyhold Lands, Tenements, or Hereditaments as shall be so enfranchised, over and above such further Sum as shall be settled and ascertained to be paid in respect of the Quit Rents and Fines due and payable for the same respectively.

For enfranchising Copyhold Estates.

XXVIII. And be it further enacted, That the Purchase Money or Consideration to be paid for every such Enfranchisement shall from Time to Time be paid into the Bank of *England*, to the Account of 'The Lord High Treasurer of *England*, for Enfranchisement of Copyholds of Crown Manors,' under which Title the Governor and Company of the Bank of *England* are hereby required to open an Account accordingly, and shall be laid out by Order of the said Surveyor General in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, in the Name of the Lord High Treasurer, in like Manner as is directed by an Act passed in the Thirty-fourth Year of the Reign of His present Majesty, intituled, *An Act for the better Management of the Land Revenue of the Crown, and for the Sale of Fee Farm and other unimproveable Rents*; but nevertheless in such Manner that the Accounts thereof may be kept separate and distinct from the Accounts of the Sales made and Stock purchased in pursuance of that Act.

Purchase Money for Enfranchisement to be paid into the Bank.

XXIX. And be it further enacted, That whenever the said Surveyor General shall have contracted with any Person or Persons, Body or Bodies Politick or Corporate, for the Enfranchisement of any such Messuages, Lands, Tenements, or other Hereditaments, the said Surveyor General shall grant to the respective Purchaser or Purchasers a Certificate under his Hand specifying the Premises so agreed to be enfranchised, and the Amount of the Purchase Money to be paid for the same (and which is hereby required to be paid within Thirty Days from the Date of such Certificate); and the Cashiers of the Bank, or One of them, shall, upon the Production of such Certificate, accept and receive the Purchase Monies therein specified, and at the Foot or on the Back of such Certificate acknowledge the Receipt of the same without Fee or Reward, which Certificates and Receipts shall be in the Form of Words following, or as near thereto as may be; (that is to say),

Surveyor General to grant Certificates.

Cashiers of the Bank to receive Purchase Monies.

[*Loc. & Per.*]

20 G

' By

Form of Certificate.

By the Surveyor General of His Majesty's Land Revenue.  
 THESE are to certify, That the said Surveyor General hath contracted and agreed on Behalf of the King's most Excellent Majesty, with \_\_\_\_\_ of \_\_\_\_\_ for the Enfranchisement of the Copyhold or Customary Tenements hereinafter mentioned, holden by the said \_\_\_\_\_ by Copy of Court Roll, of His Majesty's Manor of *Hampton-in-Arden*, in the County of *Warwick*; that is to say, All that [*here insert the Description of the enfranchised Premises*] at or for the Price or Sum of \_\_\_\_\_ to be paid by the said \_\_\_\_\_ into the Bank of *England*, and carried to the Account of the Lord High Treasurer of *England*, for Enfranchisement of Copyholds of Crown Manors; and from and immediately after the Payment of the said Sum in Manner aforesaid, the said \_\_\_\_\_ and his Heirs and Assigns shall hold and enjoy the said Premises as Freehold, in free and common Socage, freed and discharged of and from all Fines, Heriots, Reliefs, Quit Rents, and other customary Dues and Payments, Suits and Services whatsoever, by virtue of an Act of Parliament passed in the Forty-fifth Year of the Reign of His Majesty King George the Third, intituled, *An Act, &c.* [*here insert the Title of this Act*] Given under the Hand of the said Surveyor General, this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_  
 Witness to the signing  
 by the said Surveyor General."

Form of Receipt.

RECEIVED the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_ of and from the above named \_\_\_\_\_ the Sum of \_\_\_\_\_ of lawful Money of *Great Britain*, being the Consideration Money expressed in the above written Certificate. Witness my Hand  
 For the Governor and Company of the Bank of *England*,

£. \_\_\_\_\_ Cashier.

Which Certificates and Receipts shall not be charged or chargeable with any other Stamp Duty than such as is by Law required for the Receipts for the respective Sums therein expressed to be paid as the Consideration for such Enfranchisements, and such Certificates and Receipts shall be good, sufficient, valid, and effectual in the Law, for conveying and assuring the several Messuages, Lands, Tenements, and Hereditaments therein respectively, to be comprized, enfranchised, and discharged, unto and to the Use of the several and respective Persons therein to be named, and their Heirs and Assigns for ever.

Power to purchase Quit Rents, &c.

XXX. And be it further enacted, That it shall be lawful for the Proprietors of Freehold Estates lying within or holden of the said Manor to purchase the annual Quit Rents, Chief Rents, or Fee Farm Rents, Heriots and Reliefs due and payable for the same respectively to His Majesty, His Heirs and Successors, for such Sum or Sums as shall be settled and ascertained

tained by the said Commissioner or Commissioners with the Approbation of the said Surveyor General; and the said Commissioner or Commissioners is and are hereby authorized, empowered, and required to sell the same to such Proprietor or Proprietors, and to give Receipts for the Purchase Money to be paid for the same, which Receipts shall be good and sufficient Discharges to the respective Purchasers and their Heirs for the Quit Rents, Chief Rents, or Fee Farm Rents, Heriots, and Reliefs due and payable for the Estates to be therein specified; and the said Commissioner or Commissioners shall annex to his or their Award, a Schedule of such Quit Rents, Chief Rents, or Fee Farm Rents, Heriots and Reliefs, and the Names of the respective Purchasers thereof, and the Prices paid for the same, and shall apply and dispose of the Money arising from the Sale thereof for and towards defraying His Majesty's Share of the Charges and Expences of obtaining and executing this Act; and in case there shall be any Surplus thereof remaining, the same shall be paid by the said Commissioner or Commissioners into the Bank of *England*, to the said Account of the Lord High Treasurer of *England*, to be applied and disposed of in like Manner as the Monies arising from the Enfranchisement of Copyhold Estates are herein-before directed to be paid and applied.

XXXI. And be it further enacted, That every Person and Persons who shall enfranchise any Copyhold or Customary Lands, Tenements, or Hereditaments, or who shall purchase any Quit Rents, Chief Rents, or Fee Farm Rents, Heriots or Reliefs, due or payable for any Freehold Estates within the said Manor, by virtue of this Act, shall pay to His Majesty's Lessees of the said Manor such Compensation, either by an annual Payment or a gross Sum, as shall be settled and ascertained by the said Commissioner or Commissioners acting in the Execution of this Act, as and for a fair Equivalent for such Fine or Fines, Quit Rents, Heriots; or other Dues and Payments as the said Lessees would have been justly entitled to receive for the same in case this Act had not been made.

Compensation  
to be paid to  
Lessees for  
Quit Rents  
sold.

XXXII. And whereas the several Messuages, Farms, and Lands within the said Manor, holden under the Crown by His Majesty's said Lessees, are now held by divers Undertenants by virtue of derivative Leases, granted to them for nearly the Whole of the unexpired Terms of the existing Leases thereof from the Crown, which Leases being directed by this Act to remain and continue in full Force and Effect, the Lessees of His said Majesty are thereby barred and precluded from receiving any Increase of Rent for such Messuages, Farms, and Lands, or any Benefit or Advantage from any Allotment or Allotments to be made in respect thereof by virtue of this Act, during the Terms of such Leases: Be it therefore enacted, That the said Executors or Trustees of the said *Henry Lord Calthorpe*, deceased, and also the said Devisees of the said *John Blake*, deceased, and their respective Executors and Administrators shall be and are hereby exonerated from all Charges and Expences whatsoever in obtaining and executing this Act; and that the said Under Lessees shall contribute and pay a due Proportion of the said Charges and Expences in respect of the said Messuages, Farms, and Lands by them held respectively, the same to be settled and ascertained by the said Commissioner or Commissioners.

Exonerating  
certain Lessees  
of the Crown  
from contri-  
buting  
towards the  
Expences of  
this Act, and  
charging such  
Expences on  
the under  
Lessees.

Tenants for  
Life of Copy-  
hold Lands,  
&c. may  
purchase En-  
franchisement  
thereof,

and charge  
the Premises  
with the Pay-  
ment of the  
said Purchase  
Money.

XXXIII. And whereas it may be convenient to Persons who are seised of Copyhold Lands and Estates within or holden of the said Manor of *Hampton-in-Arden* as Tenants for Life only, to have the same enfranchised, be it therefore further enacted, That it shall be lawful for all such Tenants for Life who are or shall be seised of any such Copyhold Lands and Estates as aforesaid, and they are hereby authorised and empowered to contract and agree with the said Surveyor General for the Enfranchisement, and for the Purchase of Timber thereon, for discharging the said Copyhold Lands and Estates from the Payment of all customary Fines, Fines of Ingress, and other Fines, Heriots, Reliefs, Quit Rents, and other Dues and Payments to which by the Customs of the said Manor the same are now or would hereafter otherwise be subject and liable, and to pay such Price or Consideration as shall be agreed on for the same; and after any such Messuages, Lands, Tenements, or Hereditaments, shall be so enfranchised and discharged from such Fines, Rents, Dues, and Payments, as aforesaid, it shall and may be lawful for the respective Owners and Proprietors thereof, being Tenants for Life as aforesaid, to charge such Lands and Estates with the Payment of the Money to be paid for the Enfranchisement thereof, and for discharging the same from such Fines, Rents, Dues, and Payments as aforesaid, and for securing the Repayment of such Money with Interest, by Deed or Deeds, Writing or Writings, under their respective Hands and Seals, to be duly executed by them, and attested by Two or more credible Witnesses, to grant, mortgage, lease, or demise, or otherwise subject the Lands and Estates so charged as aforesaid, unto such Person or Persons as shall advance and lend the same respectively, 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, when the Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and also with a Covenant that such respective Tenants for Life shall pay and keep down the Interest of the Money to be thereby respectively secured, during their respective Lives, in such Manner that no Person afterwards coming into Possession of any such Lands and Estates, 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 and commence; and every such Grant, Mortgage, Lease, or Demise, so to be made as aforesaid, shall be good, valid, and effectual, in the Law, for the Purposes thereby intended, notwithstanding any Settlement, Will, Trust, Use, Remainder, Limitation, or other Incumbrance of and concerning the same Lands and Estates, or any Part or Parts thereof then in being, or capable of taking Effect.

Wills and  
Settlements  
not to be  
affected.

XXXIV. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, or shall be deemed, adjudged, or taken to revoke, make void, alter, or annul any Will or Wills, Settlement or Settlements, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, or other Incumbrance, out of, or in, upon, or affecting any of the Lands or Grounds so intended to be divided, allotted, and inclosed as aforesaid, or which shall be exchanged or partitioned in pursuance of this or the said recited Act, or any Part or Parts thereof respectively; but that the several Lands and Grounds so to be assigned and allotted upon such  
Division



Division and Inclosure to the several Parties interested therein, or to their Trustees respectively, and which shall be taken in Exchange, or upon Partition, in pursuance of this Act, shall immediately after such Allotment, Exchange or Partition, be, remain, and enure; the several Persons to whom the same shall be assigned, allotted, or given in Exchange, or upon Partition as aforesaid, shall from thenceforth stand and be seised of the same respectively, subject and liable to such and the same Estate and Estates, and subject to such and the same Will and Wills, Power and Powers, Provisoes, Limitations, Uses, Trusts, Intents and Purposes, Charges, Rents, and other Incumbrances, as the several Lands, Tenements, and Hereditaments, in respect or in lieu of which such Allotments, Exchanges, and Partitions, shall have been made as aforesaid, now are or should or would have been subject and liable to be charged with and affected by in case the same had remained uninclosed, unexchanged, or not partitioned, or this Act had not been made; subject nevertheless to such Mortgages, Charges, and other Incumbrances, as shall be made to raise and defray the Expences and Charges of this Act, and carrying the same into Execution.

XXXV. And be it further enacted, That as soon as conveniently may be after the said Commissioner or Commissioners shall have completed and finished the respective Allotments and Divisions of the said Open Fields, Open Meadows, and other Commonable and Waste Lands hereby intended to be divided and inclosed, and the several other Matters and Things to be done by him pursuant to the Directions of this Act, and of the said recited Act, he or they the said Commissioner or Commissioners shall form and draw up an Award or Instrument in Writing, which shall express and contain the Quantity in Statute Measure of Acres, Roods, and Perches, contained in the Whole of the said Open Fields, Open Meadows, and other Commonable and Waste Lands, hereby intended to be divided and inclosed, and the Quantity of each and every Parcel thereof, set out and allotted to each and every of the Parties entitled to and interested in the same respectively, and describing the Situation, Abuttals, and Boundaries of every such Allotment respectively, with proper Orders and Directions for mounding, hedging, fencing, draining, and ditching the several Allotments, and for keeping and maintaining such Hedges, Ditches, Fences and Drains, in Repair, and also for making and laying out proper Publick and Private Roads, Causeways, Bridges, Drains, Watercourses, Watering Places, and other Conveniences in, through, and over the said Lands so to be inclosed, and Directions for making, repairing, and maintaining the same; and shall also express and contain such Orders, Regulations, and Determinations, as shall be proper and necessary to be inserted therein for the perfecting and completing the said intended Division and Inclosure as to him shall seem requisite and expedient, and conformable to the Tenor of this and the said recited Act; Two Parts of which said Award or Instrument shall be fairly engrossed or written upon Parchment, and One Part shall be read over in the Presence of the Proprietors who may attend at a Special General Meeting to be held for that Purpose, of which Fourteen Days Notice in *Aris's Birmingham Gazette*, or in some other *Birmingham*

Commis-  
sioner to make  
an Award.

*irmingham* Newspaper, shall be given; and the said Two Parts shall be executed by the said Commissioner or Commissioners, under his Hand and Seal, or their Hands and Seals, at such Meeting, or as soon after as conveniently may be, which Execution shall be proclaimed the next *Sunday* in the Parish Church of *Hampton-in-Arden* aforesaid, from which Time only the said Award shall be considered as complete; and One Part thereof shall within Twelve Calendar Months next after the Execution thereof, be deposited in the aforesaid Parish Church of *Hampton-in-Arden*, in the Common Chest there, or in such other Place as the said Commissioner or Commissioners shall direct, under the Care of the Vicar and Churchwardens of the said Parish, to be open at all reasonable Times for all Persons who may be interested therein to inspect and peruse the same; and the other Part of the said Award, with the Oath of the Commissioner, and the Appointment and Oath of any new Commissioner annexed thereto, shall, within Twelve Calendar Months next after the Execution thereof, be deposited with the Clerk of the Peace for the County of *Warwick*, and for which a Fee of One Guinea and no more shall be paid; and a true Copy of such Award, or of any Part thereof, signed by the said Clerk of the Peace, or his Deputy, for which no more than Four-pence *per* Sheet shall be paid, each Sheet to contain Seventy-two Words, and also each Part of the said original Award or Instrument shall be allowed in all Courts of Law and Equity as good and legal Evidence; and the said Clerk of the Peace and his Deputy shall permit and suffer any Person or Persons whomsoever, from Time to Time, and at all Times within the Office Hours of Attendance, to peruse and inspect the Part of the said Award or Instrument deposited in the Office of the Clerk of the Peace aforesaid, upon paying for every such Perusal or Inspection One Shilling, and no more; and the several Allotments, Exchanges, Partitions, Sales, and Divisions, so made or consented to by the said Commissioner or Commissioners, and expressed in such Award or Instrument in Writing, so executed and deposited as aforesaid, together with all Orders, Regulations, and Determinations therein contained, respecting the Premises, shall be, and are hereby declared to be, binding and conclusive unto and upon all and every the Parties entitled unto or interested in the several and respective Lands, Grounds, and Hereditaments, intended to be divided, allotted, and inclosed, sold, exchanged, or otherwise disposed of under the Powers of this Act, or of the said recited Act.

For defraying  
the Expences  
of this Act.

XXXVI. And be it further enacted, That the Charges and Expences incident to and attending the obtaining and passing of this Act, and of the valuing, surveying, measuring, planning, dividing, and allotting, of the said Open Fields, Open Meadows, and other Commonable and Waste Lands hereby intended to be divided, allotted, and inclosed, and also of the valuing, surveying, measuring, and planning the said Inclosures, and forming the publick Carriage Roads directed by the said recited Act to be made and set out, and of putting the same in good and sufficient Repair, and of preparing and depositing Two Parts of the Award of the said Commissioner or Commissioners, and all other the Charges and Expences of the said Commissioner or Commissioners.

and of the several Persons to be employed by him or them in or about the Premises, either before or after the Execution of the said Award, shall be paid and defrayed by and at the Expence of the King's most Excellent Majesty, and of the several other Proprietors of and Persons interested in the Lands, Fields, and Premises, so intended to be set out, allotted, and inclosed (other than and except the said Executors or Trustees of the said *Henry Lord Calthorpe* deceased, and the said Devisees of the said *John Blake* deceased, as the Persons holding Leases of the said Manor, and divers Messuages, Farms, Lands, and Hereditaments, within the said Manor of the King's Majesty, His Heirs and Successors) by one or more Rate or Rates in Proportion to their several and respective Shares and Interests therein, and at such Time or Times and to such Person or Persons as the said Commissioner or Commissioners shall, either before or after the Execution of the said Award, by any Writing or Writings under his or their Hand or Hands, to be affixed on the principal Door of the said Parish Church of *Hampton-in-Arden*, at least Twenty Days before the Time of such Payment, order and direct; and the Determination of the said Commissioner or Commissioners therein shall be finally binding and conclusive; and in case any of the Persons aforesaid (except as aforesaid) shall refuse or neglect to pay his, her, or their Share or Shares of such Charges and Expences, or any Part thereof, at the Time or Times to be appointed for that Purpose, to such Person or Persons as the said Commissioner or Commissioners shall appoint to receive the same, then it shall be lawful for the said Commissioner or Commissioners to cause the same to be levied and recovered in the Manner directed by the said recited Act.

XXXVII. Provided always, and be it further enacted, That if the Monies to arise from the Sale of His Majesty's Proportion of One-twentieth Part of the said Waste Lands, and from the Sale of Quit Rents, Chief Rents, or Fee Farm Rents, Heriots, and Reliefs, due and payable to His Majesty for Freehold Estates, within the said Manor of *Hampton-in-Arden*, hereby authorized to be sold by the said Commissioner or Commissioners, shall not be sufficient to defray His Majesty's Share of the Charges and Expences of obtaining, passing, and executing this Act, it shall be lawful for the said Commissioner or Commissioners, and he or they is or are hereby authorized and required, to sell so much and such Part or Parts of the Lands belonging to His Majesty, within the said Manor of *Hampton-in-Arden*, not exceeding in the Whole Ten Acres, as the said Commissioner or Commissioners (with the Approbation and Consent in Writing of the said Surveyor General) shall deem most eligible to be sold for raising a further Sum of Money towards defraying the Charges and Expences so to be paid and borne by His Majesty, and to sell the Land so to be set apart for Sale to the best Bidder or Bidders, at some or one of his or their Meetings to be held in pursuance of this Act, of which publick Notice shall be given by the said Commissioner or Commissioners, in *Aris's Birmingham Gazette*, or in some other Newspaper, published in the Town of *Birmingham*, at least Twenty-one Days before such Sale shall be made; and that Ten Pounds *per Centum* at least of the Money for which such Land shall be sold, shall at the

His Majesty's  
Proportion  
of the Ex-  
pences, how  
to be paid.

Time of such Sale be by the Purchaser or Purchasers thereof deposited in the Hands of the said Commissioner or Commissioners, and the Remainder of the said Purchase Money shall be paid to the said Commissioner or Commissioners within Two Calendar Months next after such Sale; and in case the Remainder of the said Purchase Money shall not be paid to the said Commissioner or Commissioners within the Time limited for that Purpose, then the Money deposited by such Purchaser or Purchasers at the Time of such Sale shall be forfeited, and shall be applied towards defraying the said Charges and Expences, and the said Lands shall again be put up to Sale in Manner aforesaid, and the Receipt or Receipts of the said Commissioner or Commissioners for the said Purchase Monies, shall be a good and sufficient Discharge, or good and sufficient Discharges, to the Purchaser or Purchasers of the said Premises, for so much of the Purchase Monies as in such Receipt or Receipts shall be expressed to be received; and the Purchaser or Purchasers after such Receipt or Receipts shall not be obliged to see to the Application of such Purchase Monies, or any Part thereof, or be answerable or accountable for the Misapplication or Nonapplication thereof, or of any Part thereof; and the Lands so to be sold shall, upon Payment of the full Purchase Money for the same, be conveyed as Freehold of Inheritance in Fee Simple unto the respective Purchasers thereof, and a Conveyance thereof by Lease and Release, made and executed by the said Commissioner or Commissioners, shall be valid and effectual in the Law, to vest the same in such respective Purchasers and their Heirs; and the Money arising by such Sale, or so much thereof as shall be necessary, shall be applied by the said Commissioner or Commissioners, in defraying the Costs, Charges, and Expences aforesaid: Provided nevertheless, that if there shall be any Overplus remaining of the Money arising from such Sale, a just Proportion of such Overplus to be settled by the said Commissioner or Commissioners, with the Approbation in Writing of the said Surveyor General, shall be paid by the said Commissioner or Commissioners into the Bank of *England*, to the Account of the said Lord High Treasurer of *England*, to be applied and disposed of in like Manner as the Money arising from the Enfranchisement of Copyhold Estates, are herein-before directed to be paid and applied.

Persons advancing Money to be repaid with Interest.

XXXVIII. And be it further enacted, That the Person, or Persons who shall advance and lend any Money for defraying the Costs, Charges, and Expences incident to the applying for and obtaining this Act, shall be repaid the same out of the first Monies which shall be raised and collected in pursuance thereof, or of the said recited Act, with lawful Interest for the same, from the Time of advancing the same.

For examining and settling the Commissioners Accounts.

XXXIX. And be it further enacted, That the Accounts of the said *William James*, or of the said Commissioner or Commissioners to be appointed as aforesaid, containing a true Statement of all Sums by him received and expended, or due to him for his own Trouble or Expences, shall at least once in every Year from the passing of this Act, until

until such Account shall be finally allowed, together with the Vouchers relating to the same, be examined by *Wriothefley Digby* of *Meriden*, in the said County of *Warwick*, Esquire, Barrister at Law, who is hereby appointed Auditor for that Purpose; and in case of his Death or Refusal to act, then by such other Barrister at Law as shall be appointed by the said Surveyor General for that Purpose, and who shall reside within Twenty Miles of *Hampton-in-Arden* aforesaid, in like Manner as is herein-before provided for the Appointment of a new Commissioner in the Place of the said *William James*, and the Balance shall be by him stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioner or Commissioners, and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by the said *Wriothefley Digby*, or such other Auditor as aforesaid.

XL. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, or of the said recited Act, then and in every such Case (except in such Cases where the Orders, Directions, and Determinations of the said Commissioner or Commissioners are directed to be binding or conclusive, and except in such Cases wherein an Issue at Law shall be tried as herein-before is mentioned), such Person may appeal to any General Quarter Sessions of the Peace which shall be held for the said County of *Warwick*, within Three Calendar Months next after the Cause of Complaint shall have arisen; and the Justices 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 as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels, after deducting the reasonable Expences of such Distress and Sale; which Determination of the said Justices shall be final, binding, and conclusive to all Parties, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Appeal to the  
Quarter Ses-  
sions.

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

General Sav-  
ing of Rights.

1782

Act may be  
given in Evi-  
dence.

45° GEORGII III. Cap: 97.

XLII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed, shall be admitted as Evidence thereof by all Judges, justices, and others, without being specially pleaded.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1805.

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