ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 168.

An Act for incloſing Lands in the Pariſh of *Burton-upon-Trent*, in the County of *Stafford*, and for ſelling Part of the ſaid Lands, and applying the Produce thereof in Aid of the Poors' Rates of the ſaid Pariſh. [9th *June* 1812.]

WHEREAS there are within the Manor and Pariſh of *Burton-upon-Trent*, in the Counties of *Stafford* and *Derby*, one or both of them, certain Common and Open or Lammas Meadows, Common and Open Paſtures, Commons, and Waſte Lands: And whereas the Right Honourable *Henry William* Earl of *Uxbridge* is Lord of the Manor of *Burton-upon-Trent*, and alſo *William Worthington*, *Michael Baſs*, *Benjamin Wilſon*, *Joſeph Clay*, and others, as Freeholders in the ſaid Manor and Pariſh, claim and are entitled to the Rights of Common of Paſture, in, over, and upon the ſaid Commons and Waſte Lands: And whereas there are in the Townſhips of *Burton-upon-Trent* and *Burton Extra* ſeveral Commons and Open Meadows, on which all Perſons being reſident Houſeholders in the ſaid Townſhips have a Right of Common from the Time of Hay Harveſt to the *Candlemas-day* following, and it would be advantageous to the preſent and future Houſeholders of the ſaid Townſhips, if the Allotments to be made in reſpect of ſuch Right of Common were veſted in Truſtees, and the Produce applied in Aid of the Poor Rates or the ſaid Townſhips: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in one Act, certain Proviſions uſually inſerted in Acts of Incloſure,* 41 G. 3. c. 109.

ſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts: And whereas the ſaid Open Meadows, Open Paſtures, Commons, and Waſte Lands, are in their preſent State incapable of any conſiderable Improvement, and it would be advantageous to the ſeveral Perſons intereſted therein, and beneficial to the Public, if the ſame were divided, allotted, and incloſed, and ſpecific Allotments made thereof to the ſeveral Perſons entitled thereto, according to their reſpective Rights and Intereſts therein, and alſo if the Lammas Rights and other Right of Common upon the ſaid Open Meadows and Open Paſtures were extinguiſhed, and an Allotment made in lieu thereof, and ſold, and the Money ariſing thereby be applied in Aid of the Poors' Rates of the ſaid Pariſh of *Burton-upon-Trent*; but, as ſuch Diviſion, Allotment, Incloſure, and Extinction, 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 Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,

Commiſſioner appointed.

That *Robert Harvey Wyatt* of *Barton-under-Needwood*, in the Pariſh of *Tatenhill*, in the County of *Stafford*, Gentleman, and his Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and he is hereby appointed Commiſſioner for dividing, allotting, and incloſing the ſaid Open Meadows, Commons, and Waſte Lands, in the ſaid Pariſh of *Burton-upon-Trent*, and for carrying this Act and the ſaid recited Act into Execution (ſave and except ſuch Parts of the ſaid recited Act as are hereby varied or altered).

For appointing a new Commiſſioner.

II. And be it further enacted, That if the ſaid *Robert Harvey Wyatt*, or any Commiſſioner to be elected in the Place or Stead of him, or his Succeſſors, ſhall die or refuſe or neglect to act, or ſhall be incapable of acting in the Execution of the Powers aforeſaid, then, and in ſuch Caſe, and as often as ſuch Event ſhall happen, it ſhall be lawful for the ſeveral Perſons entitled to and intereſted in the ſaid Open Meadows, Commons, and Waſte Lands, to be divided, allotted, and incloſed as aforeſaid, for the Time being, or the major Part of them in Value (to be aſcertained by the Land Tax Aſſeſſment) or their reſpective Agents, attending at a Meeting or Meetings to be held for the Election of a new Commiſſioner within Thirty Days next after ſuch Death, Refuſal, Neglect, or Incapacity, (or as ſoon after as conveniently may be) Public Notice of which Meeting ſhall be given upon ſome *Sunday* before Divine Service, by the Clerk to the Commiſſioner for the Time being, by Writing to be affixed on the principal outer Door of the Pariſh Church of *Burton-upon-Trent* aforeſaid, and by Advertiſement, to be inſerted in the Newſpaper called the *Derby Mercury* and *Staffordſhire Advertiſer*, if thoſe Newſpapers ſhall be then publiſhed, or otherwiſe, in ſome Newſpaper circulating in the ſaid County of *Stafford*, at leaſt Ten Days before every ſuch Meeting, by Writing, under their Hands, to appoint a proper Perſon (not intereſted in the ſaid intended Diviſion, Allotment, and Incloſure) to be a Commiſſioner in the Stead or Place of the Commiſſioner ſo dying, or refuſing, neglecting, or becoming incapable to act, which Perſon ſo to be appointed a Commiſſioner ſhall have the ſame Powers and Authorities for carrying this Act, and the ſaid Act of the Forty-firſt Year of the Reign of His preſent Majeſty into Execution, as if he had been originally named and appointed a Commiſſioner in and by this Act; which ſaid Writing, appointing ſuch

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new Commiſſioner, ſhall be inrolled in the like Manner as the Award of the ſaid Commiſſioner is to be inrolled.

Notice of Meetings.

III. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby required, to cauſe public Notice to be given by Writing to be affixed on the principal outer Door of the Pariſh Church of *Burton-upon-Trent* aforeſaid, and alſo by Advertiſement to be inſerted in the ſaid Newſpapers called the *Derby Mercury* and the *Staffordſhire Advertiſer*, or in ſome other Newſpaper then circulating in the ſaid County of *Stafford*, of the Time and Place of the Firſt and every other Meeting for the Execution of this Act, at leaſt Ten Days before every ſuch Meeting (Meetings by Adjournment only excepted), and the ſaid Commiſſioner ſhall and may adjourn any and every ſuch Meeting from Time to Time as he ſhall ſee Occaſion for the further Execution of this Act, and the ſaid Act herein-before mentioned or referred unto; and in caſe the ſaid Commiſſioner ſhall not be preſent at ſuch Time and at the Place appointed for ſuch Attendance, then it ſhall be lawful for the Perſon who ſhall act as Clerk to the ſaid Commiſſioner to adjourn the ſame to any future Day, not exceeding Twenty-eight Days from the Day of Adjournment: Provided always, that all Meetings of the ſaid Commiſſioner to be had by virtue of this Act, ſhall be held within the Pariſh of *Burton-upon-Trent* aforeſaid, or within the Diſtance of Eight Miles thereof, and in ſuch Caſes as the Objection or Approbation of the Proprietors to any Act, Matter, or Thing to be done or propoſed to be done in purſuance of the ſaid recited Act or this Act is directed to be made or teſtified at any Meeting or Meetings, it ſhall be lawful for the Proprietors to attend at ſuch Meetings or Meeting by their reſpective Agents or Proxies duly authorized, whoſe Act or Votes ſhall be as effectual as if ſuch Proprietors were preſent in Perſon.

Other Notices how to be given.

IV. And be it further enacted, That all Notices neceſſary or requiſite to be given by the ſaid Commiſſioner in purſuance of this or the ſaid recited Act for any Purpoſe whatſoever (except ſuch Notices as are in and by this Act authorized or particularly directed to be given in any other Manner) ſhall be ſo made and given by Advertiſement in the ſaid Newſpapers called the *Derby Mercury* and the *Staffordſhire Advertiſer*, or ſome other Newſpaper then circulating in the ſaid County of *Stafford*, and by Writing to be affixed upon the principal outer Door of the Pariſh Church of *Burton-upon-Trent* aforeſaid; and all ſuch Notices ſo given ſhall be deemed to be well and ſufficiently publiſhed and given, and full and ſufficient Notice to all Perſons concerned reſpecting all the Matters and Things to which ſuch Notices reſpectively ſhall relate, any Thing in the ſaid Act or this Act contained to the contrary thereof, in anywiſe notwithſtanding.

Proceedings to be entered in Books.

V. And be it further enacted, That all Orders and Proceedings of the ſaid Commiſſioner ſhall be entered in a Book or Books to be provided for that Purpoſe, and ſhall be ſigned by him, and ſuch Orders ſhall be read in Evidence in all Suits or Proceedings concerning any Thing done in relation to or Execution of this Act.

Boundaries of the Commons,

VI. And be it further enacted, That the ſaid Commiſſioner ſhall openly, publickly, and in the Day Time ride or perambulate, or cauſe to

&c. to be perambulated.

be ridden or perambulated, and marked or ſtaked out the Boundaries of the ſaid Open Meadows, Open Paſtures, Commons and Waſte Lands, hereby directed to be divided, allotted, and incloſed, and alſo the Boundaries of the ſaid Manor and Pariſh of *Burton-upon-Trent*, of which Day or Days of perambulating the ſaid Boundaries, and of the Hour and Place of beginning to ride and perambulate the ſame, Notice ſhall be given in the ſaid *Derby Mercury* and the *Staffordſhire Advertiſer*, or in ſome other Newſpaper then circulating in the ſaid County of *Stafford*, at leaſt Ten Days before ſuch Perambulation or Perambulations, and alſo by Writing to be affixed on the principal outer Door of the Pariſh Church of *Burton-upon-Trent* aforeſaid, and of each Church within the ſeveral Pariſhes, whoſe Boundaries of Waſte Lands adjoin to the Open Meadows, Commons or Waſte Lands hereby intended to be incloſed Two *Sundays* before ſuch Day or Days of riding or perambulating the ſame as aforeſaid, and all and every Perſon and Perſons, Bodies Politic and Corporate, their reſpective Heirs, Succeſſors, or Aſſigns having or making any Claim or Claims which ſhall affect the Boundaries of the ſaid Open Meadows, Open Paſtures, Commons and Waſte Lands, hereby directed to be divided, allotted, and incloſed, or any Part or Parts thereof, or the Boundaries of the ſaid Manor and Pariſh of *Burton-upon-Trent* reſpectively, are hereby reſpectively required by themſelves or their Agents reſpectively, to give and deliver in to the ſaid Commiſſioner at his Firſt or Second Meeting, to be holden purſuant to this Act after ſuch Perambulation, an Account in Writing under his, her, or their Hand or Hands, or in caſe of a Body or Bodies Corporate, then under the Common Seal or Common Seals of ſuch Body or Bodies Corporate reſpectively, or under the Hands or Hand of their Stewards or Steward, Agents or Agent, or Attornies or Attorney reſpectively for the Time being, of ſuch his, her, or their Claim or Claims reſpectively, and if ſuch Claim or Claims or any of them reſpecting the ſaid Boundaries, or any Part or Parts thereof ſhall be objected to by the Lord of the ſaid Manor of *Burton-upon-Trent* for the Time being, by Writing under his Hand, or under the Hand of his Steward, Agent, or Attorney for the Time being, or ſhall be objected to by any one or more of the Perſons having or claiming to have a Right of Common upon the ſaid Commons and Waſte Lands hereby directed to be incloſed by Writing or Writings under his, her, or their Hand or Hands, or under the Hand or Hands of his, her, or their Stewards, Agents, or Attornies for the Time being, to be given in and delivered to the ſaid Commiſſioner at his Firſt or Second Meeting to be held in purſuance of this Act, after ſuch Claim ſhall have been given in or delivered as aforeſaid; and if the Perſon or Perſons, Body or Bodies Politic or Corporate as aforeſaid, making ſuch Claim or Claims reſpectively concerning the ſaid Boundaries, or any Part or Parts thereof as aforeſaid, ſhall perſiſt in ſuch Claim or Claims reſpectively, by him, her, or them given in or delivered to the ſaid Commiſſioner as aforeſaid, then and in ſuch Caſe, the ſaid Commiſſioner ſhall and may and he is hereby authorized and empowered by Examination of Witneſſes upon Oath (which Oath the ſaid Commiſſioner is hereby empowered to adminiſter) or by ſuch other proper and ſufficient Evidence and Inquiry as to him ſhall ſeem requiſite and expedient, to hear and determine all and every ſuch Claim and Claims ſo made, objected to, and perſiſted in as aforeſaid, and ſhall and may aſcertain and determine all and every Part and Parts of ſuch Boundaries ſo ridden or perambulated

perambulated as aforesaid, and make and execute an Award or Determination in Writing under his Hand and Seal concerning the same.

Commissioner to determine Disputes.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested in the said intended Division and Allotments, concerning the Shares, Rights, or Interests as herein-before recited, or any other Right or Interest whatsoever, which they respectively now have or claim to have, or may be entitled unto in the said Open Meadows, Open Pastures, Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, or concerning the Allotments which they or any of them ought to have of or in the same, or respecting or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioner and he is hereby authorized, upon Examination of Witnesses upon Oath (which Oath the said Commissioner is hereby authorized and empowered to administer), or upon any other sufficient Evidence or Inquiry, to hear and determine the same: Provided always, that nothing contained in this Act, or the said recited Act, shall authorize the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Commissioner may allow Costs.

VIII. And be it further enacted, That in case the said Commissioner shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this Act, or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required by Warrant under his Hand directed to any Person or Persons whomsoever, to cause the same 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 Surplus (if any) on Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Expences attending such Distress and Sale: Provided always, that the Objections to the Accounts or Claims by the said recited Act, directed to be delivered to the said Commissioner as therein mentioned, shall also be delivered to such Person or Persons whose Account or Accounts, Claim or Claims shall be objected to, or to his, her, or their Agent or Agents, or principal Tenant or Tenants, in such Manner and at such Time or Times as the said Commissioner shall direct or appoint for that Purpose.

Claims and Objections may be tried at Law.

IX. Provided also, and be it further enacted, That if any Person or Persons, Bodies Politic or Corporate, making any Claim or Claims, as to the Boundaries of the said Open Meadows, Open Pastures, Commons or Waste Lands, or the Boundaries of the said Manor and Parish of *Burton-upon-Trent*, or as to any Right or Rights, Interest or Interests, in the said Open Meadows, Open Pastures, Commons and Waste Lands, or any

any of them, or the Diviſion or Allotment thereof, or making any ſuch Objection or Objections as aforeſaid, ſhall be unwilling that ſuch Claim or Claims, and Objection or Objections thereto reſpectively, ſhould be determined by the ſaid Commiſſioner, and ſhall be deſirous to have the ſame tried at Law, or in caſe any Perſon or Perſons, intereſted or claiming to be intereſted, in the ſaid intended Diviſion, Allotment and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioner, reſpecting or concerning any Claim or Claims of Right of Common or other Right or Intereſt, in, over and upon the ſaid Open Meadows, Open Paſtures, Commons, and Waſte Lands, or any Part thereof, and ſhall and do by themſelves (or in caſe of a Body or Bodies Corporate, then under the Common Seal or Seals of ſuch Body or Bodies Corporate) or their reſpective Steward or Stewards, Receiver or Receivers, Agent or Agents, or Attorney or Attornies, for the Time being, give Notice thereof in Writing to the ſaid Commiſſioner, at his Firſt, Second, or Third Meeting, after ſuch Objections ſhall have been made, or Determination made as aforeſaid, of which Notice the ſaid Commiſſioner is hereby required immediately on Receipt thereof, or as ſoon as conveniently may be, to give Information to the adverſe Party or Parties, or his, her, or their reſpective Stewards or Steward, Receivers or Receiver, Agents or Agent, or Attornies or Attorney, for the Time being, by Writing under his Hand, and which ſhall be delivered to or left at the uſual Place of Abode of ſuch Party or Parties, or his, her, or their reſpective Stewards or Steward, Receivers or Receiver, Agents or Agent, or Attornies or Attorney, for the Time being, it ſhall and may be lawful for the Perſon or Perſons making ſuch Claim or Claims as aforeſaid, or being diſſatisfied with ſuch Determination as aforeſaid, to proceed to a Trial at Law, touching the Matter in Queſtion, at any Aſſizes to be holden for the ſaid County of *Stafford*, within the Space of Twelve Calendar Months next after ſuch Queſtion ſhall ariſe, or ſuch Determination ſhall be made; and for that Purpoſe, the Perſon or Perſons making ſuch Claim or Claims, being diſſatisfied with the Determination of the ſaid Commiſſioner, ſhall cauſe an Action to be brought in One of the Courts of Record at *Weſtminſter*, upon a feigned Iſſue againſt the Perſon or Perſons, Body or Bodies Politic or Corporate, their reſpective Heirs, Succeſſors, or Aſſigns, intereſted in the ſaid Incloſure, who ſhall make ſuch Objection or Objections to ſuch Claim or Claims as aforeſaid, or againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, or againſt the ſaid Commiſſioner, within Six Calendar Months next after ſuch Claim or Claims, or Determination or Determinations ſhall be made; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, and they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, or file common Bail, and accept one or more Iſſue or Iſſues by which the Matter or Matters in Queſtion may be tried (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame), and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions, and the Judgment or Judgments to be entered thereon, ſhall be final, binding and concluſive, upon all and every Perſon and Perſons whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the ſaid Court to do as uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall have been obtained,

obtained, and Judgement entered thereon, the ſaid Commiſſioner ſhall, and he is hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials, and the Coſts and Charges payable by, or which ſhall be recovered againſt the Defendant or Defendants, in ſuch Action or Actions, if the ſame ſhall relate to the Boundaries of the ſaid Open Meadows, Open Paſtures, Commons and Waſte Lands, or of the ſaid Manor and Pariſh of *Burton-upon-Trent*, or to any Claim or Claims in or to the ſaid Open Meadows, Open Paſtures, Commons or Waſte Lands which ſhall have been allowed or determined by the ſaid Commiſſioner, ſhall be paid and diſcharged by the ſaid Commiſſioner, and ſhall be deemed Part of the Charges and Expences of carrying this Act into Execution, and ſhall be raiſed and recovered as ſuch; but if no ſuch Action or Actions at Law ſhall be brought or commenced within the Time aforeſaid, or if after the bringing of ſuch Action or Actions, the ſame ſhall not be proceeded into a Trial or Trials, at the next or Second Aſſizes to be holden for the ſaid County of *Stafford*, next after ſuch Notice as aforeſaid, then and in either of the ſaid Caſes, ſuch Claimant or Claimants, their reſpective Heirs, Succeſſors or Aſſigns, ſhall be, and he, ſhe, and they is and are hereby ſeverally and reſpectively excluded and debarred of and from all Right and Title, Part and Share of, in and to the ſaid Open Meadows, Open Paſtures, Commons and Waſte Lands, or the Boundaries thereof, in reſpect of which ſuch Claim or Claims ſhall be ſo made and be in Diſpute as aforeſaid; and the Determination of the ſaid Commiſſioner touching ſuch Claim or Claims as aforeſaid, as ſhall not be objected to, or which being objected to, ſhall not be tried by ſuch Action at Law as aforeſaid, ſhall be binding and concluſive on all Parties; and in caſe ſuch Notice as aforeſaid ſhall be given, no Part of the ſaid Open Meadows, Open Paſtures, Commons, and Waſte Lands ſhall be divided or allotted until after ſuch Trial ſhall be had, and final Judgment obtained thereon.

Actions not to abate by Deaths of Parties.

X. And be it further enacted, That if any or either 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.

Proviſion in caſe of Death of Parties before Action brought.

XI. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought, if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, or Body or Bodies Politic or Corporate who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid, againſt ſuch Perſon or Perſons, as if he, ſhe, or they were actually living, and to ſerve the Clerk of the ſaid Commiſſioner with the Proceſs for commencing ſuch Action or Actions in the ſame Manner as the Party or Parties might have been ſerved therewith if living, and it ſhall thereupon be incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead, and Proceedings

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shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Commissioner not to determine contrary to Possession.

XII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner for the Time being to determine the Right of any Parties contrary to the Possession of such Parties; but in case the said Commissioner for the Time being shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

Proprietors producing approved Surveys, &c. already made, to be allowed for them.

XIII. And be it further enacted, That it shall and may be lawful for any Person or Persons, having in his, her or their Custody or Possession any actual Surveys, Maps or Plans of any Lands or Grounds in respect whereof the Owners or Occupiers of the same are entitled to Right of Commonage, to produce and deliver such Surveys, Maps and Plans to the said Commissioner, at such Time or Times as he shall appoint for that Purpose, and the said Commissioner shall thereupon enquire on the Oath as well of the Person or Persons producing and delivering such Surveys, Maps and Plans respectively, as of such other Person or Persons as he shall think fit (which Oath the said Commissioner is hereby authorized to administer) or by such other Means as he shall think proper into the Authenticity and Accuracy of every such Surveys, Maps, and Plans, and in all Cases where the Commissioner shall be satisfied that such Surveys, Maps, and Plans are authentic, and have been accurately made and will answer the Purpose of a new Survey, (but not otherwise) he the said Commissioner shall deliver the same over to his Surveyor or Surveyors, with Directions to insert and copy the same into their Surveys of Lands, the Owners or Occupiers whereof are entitled to any Rights of Common, instead of making a new Admeasurement and Plan of the Lands and Grounds so comprised and described in the Maps and Plans aforesaid, and that the said Commissioner shall allow, pay and satisfy for such approved Surveys to the Person or Persons to whom the same shall belong such Sum and Sums of Money as the said Commissioner shall think proper, out of the Monies to be raised for the Purposes of this Act.

Commissioner empowered to extinguish or suspend Rights of Common at such Times as he shall direct.

XIV. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorised and empowered at any Time or Times after he shall have allotted the said Open Meadows, Open Pastures, Commons and Waste Lands, or at such other previous Time or Times as he shall think proper, and before the Execution of his Award, by Notice in Writing under his Hand to be affixed upon One of the principal outer Doors of the Parish Church of *Burton-upon-Trent* aforesaid, to order or direct all or any Parts of the Rights of Common of Pasturage or other Rights, in, over or upon the said Open Meadows, Open Pastures, Commons and Waste Lands, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Notice or Writing, and that all such Rights as the said Commissioner shall, by such Notice or Writing, order and direct to be extinguished, or the Exercise thereof to be suspended, shall from the Time of affixing such Notice or Writing on the said Church Door, or at

such other Time or Times as the said Commissioner shall order or direct, cease, determine, and be for ever extinguished, or the Exercise thereof be suspended accordingly, any Law, Usage, or Custom to the contrary notwithstanding; and if during such Suspension or after the Extinguishment of such Right of Common, any of the Owners or Occupiers of Lands within the said Manor and Parish shall permit his, her, or their Cattle to go, depasture or feed on any of the Lands or Grounds so exonerated or discharged from Rights of Common, then it shall and may be lawful for any of the said Owners or Occupiers, to distrain such Cattle being upon such Lands or Grounds contrary to such Order, and to impound the same, until the Person or Persons so offending shall pay to the Person and Persons so distraining, such Sum of Money as the said Commissioner shall by Writing under his Hands order and direct, not exceeding the Sum of Forty Shillings for each of the said Cattle so distrained; and in case the same shall not be paid before the next Meeting of the said Commissioner after such distraining or impounding, then the said Commissioner is hereby authorised and empowered, upon Proof of such Offence or Offences having been committed, and of Non-payment of the Penalty hereby imposed, to cause the Cattle so distrained or impounded, or such Part thereof as he shall think necessary, or any Goods and Chattels of the Person or Persons so offending, to be sold for raising and paying the Penalty aforesaid, together with the Costs and Charges attending such Distress and Sale, rendering the Surplus (if any) to the Owner of such Cattle.

Turf, &c. not to be cut, dug, or gotten, without the Licence of the Commissioner.

XV. And be it further enacted, That if any Person or Persons shall after the passing of this Act, cut, dig, pare, grave, plough, get or carry away any Turf or Turves or Soil in, upon, or from the said Commons and Waste Lands or any Part thereof, without or contrary to the Licence of the said Commissioner for that Purpose in Writing first had and obtained, (which Licence the said Commissioner is hereby empowered to grant under such Rules, Orders, Regulations and Restrictions, as he shall think proper to insert therein) then and in every such Case the said Commissioner, upon due Proof thereof, made to him upon Oath (which Oath the said Commissioner is hereby authorized to administer) shall and he is hereby required by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause any Sum or Sums of Money, not exceeding Five Pounds for each Offence, to be levied by Distress and Sale of the Goods and Chattels of every Person so offending in the Premises, rendering the Surplus (if any) upon Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale, and that the Money so to be levied as aforesaid shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

For shortening Boundary Fences.

XVI. And be it further enacted, That in order to shorten the Boundary Fences between the Lands by this Act directed to be divided and allotted, it shall be lawful for the said Commissioner, with the Consent in Writing under the Hands of the Lords of the Manors, or in case of their being a Body or Bodies Politic, or Corporate, under their Common Seal, and of the Majority in Value of the Land Owners, interested in any Commons or Waste Lands adjoining the said Open Meadows, Open Pastures, Commons or Waste Lands, by this Act directed to be divided and allotted, or under the Hand of any Owner of any Land upon which such Fence

ſhall be intended to be made, to ſet out, aſcertain and determine the Boundary Fence or Fences to be made between the Lands hereby directed to be divided and allotted, and the Lands lying in ſuch adjoining Manor or Manors, Pariſh or Pariſhes, as he the ſaid Commiſſioner ſhall judge proper for the Purpoſe aforeſaid, and after ſuch Boundary Fences ſhall be ſet out, aſcertained and determined, the ſame ſhall be made and fenced by ſuch Perſons in ſuch Manner and at ſuch Times as the ſaid Commiſſioner ſhall direct, and ſhall for ever thereafter be deemed and taken to be the Boundary between the ſaid Manor and Pariſh of *Burton-upon-Trent*, and ſuch adjoining Manor or Manors, Pariſh or Pariſhes, any Law, Uſage or Cuſtom to the contrary notwithſtanding, and a Deſcription of the Boundaries to be made, ſet out, and determined as aforeſaid, ſhall be inſerted in the Award of the ſaid Commiſſioner, or in a Map or Plan to be thereunto annexed.

For ſetting out Public Bridle, or Footways and Private Ways, etc.

XVII. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby empowered and required to ſet out and appoint, and cauſe to be made and completed, ſuch Public Bridle Roads and Footways, and Private Roads and Ways, Common Watering Places for Cattle, Bridges, Ditches, Gates, Stiles, and other Accommodations, in, over, and upon the ſaid Open Meadows, Open Paſtures, Commons and Waſte Lands, by this Act intended to be divided and incloſed, as he ſhall think requiſite, and the ſame ſhall be made and erected and at all Times thereafter repaired, cleanſed, and maintained by ſuch Perſons and in ſuch Manner as the ſaid Commiſſioner ſhall in his Award direct or appoint.

Former Carriage Roads and Footways becoming unneceſſary or inconvenient may be ſtopped up or turned.

XVIII. And be it further enacted, That if upon ſetting out the Roads and Ways by the ſaid recited Act directed to be made and ſet out, it ſhall appear to the ſaid Commiſſioner that any ancient Carriage Road or Footway, or Path, in, through, over, between or adjoining to any of the ancient incloſed Lands within the ſaid Manor and Pariſh of *Burton-upon-Trent* ſhall, by reaſon of the ſaid intended Diviſion, Allotment and Incloſure, or otherwiſe become unneceſſary or inconvenient, it ſhall be lawful for the ſaid Commiſſioner, by and with the Conſent and Concurrence of any Two Juſtices of the Peace for the County of *Stafford*, and ſubject to Appeal in the Manner directed by the ſaid recited Act, and he is hereby authorized and required to ſtop up or turn ſuch antient Carriage Road, or Footway or Path, and if it ſhall appear to the ſaid Commiſſioner that any Compenſation or Conſideration ought to be made by the Owner or Owners of any ſuch incloſed Grounds, for whoſe Accommodation or Benefit any Footway or Path may be turned or ſtopped up as aforeſaid, it ſhall be lawful for the ſaid Commiſſioner to aſcertain and receive ſuch Compenſation or Conſideration, and to apply the ſame towards the general Purpoſes and Expences of this Act; and if it ſhall appear to the ſaid Commiſſioner that by Reaſon of any Road as aforeſaid being ſtopped up or turned, any Compenſation ought to be made to any Perſon or Perſons inconvenienced thereby, it ſhall and may be lawful for the ſaid Commiſſioner to make ſuch reaſonable Compenſation as he ſhall think proper out of the Monies to be received for carrying the ſaid Act into Execution; and ſuch Owner or Owners are hereby required to pay ſuch Compenſation or Conſideration to the ſaid Commiſſioner accordingly on Demand thereof; and the ſaid Commiſſioner is hereby directed to ſet forth in his Award a Deſcription of every ſuch Carriage Road and Foot Path or Way ſo ſtopped up,

up or turned, and from and after the Execution of the ſaid Award, or at ſuch other Time as the ſaid Commiſſioner ſhall direct (the ſaid Compenſation or Conſideration being firſt duly made or paid) ſuch Foot Path or Way ſhall be and is hereby directed to be diſcontinued for ever, and from thenceforth it ſhall not be lawful for any Perſon or Perſons to make Uſe of the ſame or any Part thereof: Provided always, that no Path leading through, over, or between any antient incloſed Lands, ſhall be turned into any other antient incloſed Lands, without the Conſent in Writing of the Owner or Owners of ſuch laſt-mentioned Grounds.

No Sheep or other Cattle to be permitted to graze in any Highway, &c.

XIX. And be it further enacted, That no Perſon or Perſons whomſoever ſhall permit any Sheep, Lambs, Pigs, or other Cattle to graze in any Highway, Lane, Road, or Way, which the ſaid Commiſſioner ſhall order or direct to be fenced on both Sides, after the ſame ſhall have been ſo fenced after the paſſing of this Act; and any Occupier or Owner of Land within the ſaid Manor and Pariſh of *Burton-upon-Trent*, and his, her, or their or any of their Servants and Labourers, and alſo the Impounders of Cattle for the ſaid Manor and Pariſh of *Burton-upon-Trent* aforeſaid, for the Time being, and all other Perſons whoſoever are hereby empowered to take and impound every ſuch Sheep, Lamb, Pig, and other Cattle ſo found thereon as aforeſaid.

Ditches, Drains, Watercourſes, Banks and Bridges to be made.

XX. And be it further enacted, That for the better draining and improving the ſaid Open Meadows, Open Paſtures, Commons and Waſte Lands hereby directed to be divided, allotted, and incloſed, and other the incloſed Lands in the ſaid Manor and Pariſh of *Burton-upon-Trent*, the ſaid Commiſſioner ſhall and may ſet out and appoint ſuch Ditches, Drains, Watercourſes, Banks, Culverts, and Bridges through and over the ſame, and any Roads interſecting them, as ſhall in the Judgement of the ſaid Commiſſioner be neceſſary or proper for the Purpoſes aforeſaid, ſo as not to prejudice any Body Politic or Corporate, or any Perſon or Perſons at preſent entitled to the Benefit of the Water; and alſo by and with the Conſent in Writing under the Hands of Two Juſtices of the Peace for the County of *Stafford*, not being intereſted through and over ſuch incloſed Lands, making reaſonable Compenſation or Satisfaction to all and every Perſon and Perſons who may ſuſtain any Damage thereby; and the ſaid Commiſſioner is hereby authorized and directed to charge the Expences incurred in making, opening or turning ſuch Ditches, Drains, Watercourſes, Banks, Culverts, or Bridges, upon the reſpective Owners of the Lands benefited thereby, in ſuch Proportions as he ſhall think juſt and equitable; and in Default of Payment thereof to recover the ſame by the Means directed by the ſaid recited Act or by this Act, reſpecting any other Monies to be raiſed for putting the ſaid Acts or either of them into Execution; and the ſaid Commiſſioner ſhall and may and he is hereby required and directed in and by his Award to order and determine by whom and at whoſe Expence and at what Time or Times, and in what Manner the ſaid Ditches, Drains, Watercourſes, Banks, Culverts, and Bridges ſhall be made, and afterwards cleanſed, ſcoured, repaired and maintained: Provided always, that no Watercourſe ſhall be diverted or turned without the Conſent in Writing of the Owner or Owners of the Lands from which ſuch Watercourſe ſhall be diverted, or into whoſe Lands the ſame ſhall be turned.

XXI. And

Incloſures or Incroachments taken in or made, &c.

XXI. And be it further enacted, That all Incloſures or Incroachments which have been taken in, or made from or out of any of the ſaid Commons or Waſte Lands reſpectively by this Act directed to be divided and allotted within the Space of Twenty Years now laſt paſt, or the Right to which has been preſerved by Entry or Payment of Amerciaments within Twenty Years now laſt paſt, ſhall be deemed Part and Parcel of the ſaid Commons and Lands reſpectively, from or in which the ſame were reſpectively taken or made, and to be Part and Parcel of the Lands by this Act intended to be incloſed, and ſo much and ſuch Parts thereof as have been ſo incloſed and taken in by any Perſon or Perſons who ſhall be entitled to an Allotment of the ſaid Commons or Waſte Lands reſpectively under this Act, or by his, her, or their reſpective Anceſtor or Anceſtors within Twenty Years laſt paſt, the Right to which hath been preſerved as aforeſaid, ſhall be deemed and conſidered as Part of the Share to be allotted to the Perſon or Perſons ſo reſpectively enjoying the ſame at ſuch Rate and Value as the ſaid Commiſſioner ſhall eſtimate the ſame; but if ſuch Incloſures or Incroachments do not adjoin to ſuch Perſons other antient Eſtates, the ſaid Commiſſioner ſhall have Power to allot the ſame to him, her, or them, or to any other Perſon intitled to an Allotment under this Act, to whom the ſame ſhall lie convenient, as Part of his, her, or their Allotment, and ſhall make the Perſon ſo deprived thereof ſuch Allotment in Land as ſhall in the Judgement of the ſaid Commiſſioner be an adequate Satisfaction for any Improvements made thereon.

Incloſures and Incroachments made and enjoyed for Twenty Years or upwards, &c.

XXII. Provided always, and be it further enacted, That nothing herein contained ſhall be conſtrued to give to the ſaid Commiſſioner Power to allot, divide, or diſturb any Lands or Cottages heretofore Parcel of the ſaid Commons or Waſte Lands reſpectively, which have been incloſed or erected Twenty Years or upwards, and the Right to which hath not been preſerved as aforeſaid, but ſuch laſt mentioned Lands and Cottages ſhall be deemed antient Incloſures and Erections, and be henceforth for ever enjoyed in the ſame Manner as they are at preſent enjoyed, againſt all Perſons whatſoever; and in caſe any Diſpute or Diſputes ſhall ariſe touching any ſuch Incloſures or Incroachments, or the Extent thereof, ſuch Diſpute and Diſputes ſhall be determined by the ſaid Commiſſioner.

Commiſſioner to ſet out ſuch Parts of the Commons as he ſhall think neceſſary for getting Materials, &c.

XXIII. And be it further enacted, That the ſaid Commiſſioner, after he ſhall have ſet out and appointed the public Carriage Roads and Highways through and over the ſaid Commons and Waſte Lands hereby directed to be divided, allotted, and incloſed, ſhall aſſign, ſet out, and allot within the ſaid Manor and Pariſh of *Burton-upon-Trent*, ſuch Part or Parts of the ſaid Commons and Waſte Lands, hereby directed to be divided, allotted and incloſed, as the ſaid Commiſſioner ſhall think neceſſary for the Purpoſe of getting Stone, Sand, Gravel, or other Materials for making and repairing the public and private Roads and Ways to be ſet out within the ſaid Manor and Pariſh, and for the Purpoſe of getting Marl for the Improvement of the Lands intended to be incloſed, or other Lands within the ſaid Manor and Pariſh of *Burton-upon-Trent*, or for ſuch other Purpoſes as the ſaid Commiſſioner ſhall direct; and the Herbage growing in or upon ſuch Allotment or Allotments ſhall be veſted in the Surveyor or Surveyors for the Time being of the Highways in the ſaid Pariſh of *Burton-upon-Trent*, in ſuch Proportions as the ſaid Commiſſioner ſhall by his Award direct, and ſhall be let by him and them for the beſt Rent or

Rents

Rents that can be procured for the ſame, and ſuch Rent and Rents ſhall be applied by him and them in repairing the public Roads or Ways within the ſaid Manor and Pariſh of *Burton-upon-Trent*, and ſuch Surveyor and Surveyors ſhall account to the Occupiers of the Lands within the ſaid Pariſh reſpecting the Application thereof annually, at ſuch Days and Times as ſhall be appointed at a Veſtry Meeting for paſſing the Accounts of ſuch Surveyor or Surveyors.

Allotment to Wigſton's Hoſpital.

XXIV. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to ſet out and allot to the Chaplains and Poor of the Hoſpital of *William Wigston* in the Town of *Leiceſter*, of the Foundation of the ſame *William Wigston*, and their Leſſee, in ſuch Part of a certain Meadow in the ſaid Pariſh of *Burton-upon-Trent* called *Burton Meadow*, as he in his Diſcretion ſhall think proper, ſuch Share and Proportion of the ſaid Meadow (Quantity, Quality, and Situation conſidered) as in the Judgement of the ſaid Commiſſioner the ſaid Chaplains and Poor of the aforeſaid Hoſpital of *William Wigston* would be entitled to, if the Land they hold in the ſaid Meadow were not ſubject to any Lammas or other Commonable Rights.

Allotment in lieu of Lammas Rights.

XXV. And be it further enacted, That as a Compenſation for the entire extinguiſhing of all Lammas Rights, or other Rights of Common of Paſturage, which the Owners or Occupiers of any Meſſuages, Lands, Tenements or Hereditaments in the ſaid Townſhips of *Burton-upon-Trent* and *Burton Extra*, or other Perſons now have, or claim to have, in or upon the ſeveral and reſpective Open Meadows, or other Commonable Lands (not being Waſte Lands) within the ſaid Townſhips of *Burton-upon-Trent* and *Burton Extra*, including the Lands hereby directed to be allotted to the ſaid Hoſpital, it ſhall and may be lawful for the ſaid Commiſſioner, and he is hereby required to aſſign, ſet out, and allot unto the Right Honourable the Earl of *Uxbridge*, or the Lord of the Manor for the Time being, the Miniſter of the Pariſh Church of *Burton-upon-Trent*, the High Steward and Deputy Steward of the Manor of *Burton-upon-Trent*, the Bailiff of the Manor of *Burton-upon-Trent* aforeſaid, and the Churchwardens and Overſeers of the Poor of the ſaid Townſhips of *Burton-upon-Trent* and *Burton Extra*, and their Heirs and Succeſſors for the Time being for ever, ſo much and ſuch Part or Parts of the ſaid Commons and Waſte Lands hereby intended to be incloſed, being the Share of the ſeveral Perſons benefited by ſuch Extinguiſhment of Common Right, as in the Judgment of the ſaid Commiſſioner ſhall be equal in Value for the Extinguiſhment of ſuch Lammas Rights or other Commonable Rights as aforeſaid; and in caſe it ſhall happen that the Share or Proportion of the Perſon or Perſons (ſo to be benefited thereby) in the ſaid Commons and Waſte Lands, ſhall not be equal, or amount to a full Equivalent for the Share of ſuch Extinguiſhment of Common Right, or other Commonable Rights as aforeſaid, that then the ſaid Commiſſioner ſhall, and he is hereby directed to aſcertain the Amount of ſuch Deficiency, and to require the ſeveral Perſons ſo benefited as aforeſaid, (except the Chaplains and Poor of the aforeſaid Hoſpital of *William Wigston*,) by Writing under his Hand, to pay ſuch Deficiency in Money to the Truſtees aforeſaid, and in default of Payment thereof within Two Months after Demand as aforeſaid, to raiſe and levy the ſame by Sale of Part of the Lands of the Perſon or Perſons making Default therein, to hold to the ſaid Truſtees, their Heirs and Succeſſors,

in Truſt, to ſell ſuch Allotment or Allotments by public Auction or by private Contract, to ſuch Perſon or Perſons as ſhall be willing to become the Purchaſer or Purchaſers thereof, for the beſt Price or Prices that can be reaſonably had for the ſame, and One-tenth Part at leaſt of the Money for which ſuch Land ſhall be ſold, ſhall, at the Time of ſuch Sale, be depoſited by the Purchaſer or Purchaſers in the Hands of the ſaid Truſtees, and the Remainder of the Purchaſe Money ſhall be paid to the ſaid Truſtees at ſuch Time as ſhall be agreed upon between them and ſuch Purchaſer or Purchaſers, not exceeding Six Months next after ſuch Sale; and the Receipt or Receipts of the ſaid Truſtees for the Purchaſe Money which ſhall be ſo ſold, ſhall be a full and complete Diſcharge to the Purchaſer or Purchaſers thereof, for the Conſideration Money which ſhall be therein expreſſed to be received; and ſuch Purchaſer or Purchaſers, after ſuch Receipt or Receipts, ſhall not be obliged to ſee to the Application of ſuch Purchaſe Money, or any Part thereof, or be anſwerable or accountable for the Miſ-application or Non-application thereof, or of any Part thereof; and in Default of ſuch Payment the Money ſo depoſited as aforeſaid ſhall be forfeited, and ſhall be applied in the ſame Manner as the Money to ariſe from the Sale of ſuch Allotment or Allotments is hereby directed to be applied; and the Allotment or Allotments ſhall be again put up to Sale in Manner aforeſaid; and after Payment of the full Purchaſe Money for any ſuch Allotment or Allotments, the Purchaſer or Purchaſers ſhall thereupon reſpectively have and take to himſelf, herſelf, or themſelves, and his, her, or their reſpective Heirs and Aſſigns, an abſolute and indefeazible Eſtate of Inheritance, in Fee Simple, of and in the Lands comprized in ſuch his, her, or their reſpective Purchaſe or Purchaſes, and for which ſuch Conſideration Money ſhall be ſo paid as aforeſaid; and the ſame ſhall be conveyed unto the reſpective Purchaſers thereof, and a Conveyance thereof by Leaſe and Releaſe, made and executed by the ſaid Truſtees, ſhall be valid and effectual in the Law to veſt the ſame in ſuch reſpective Purchaſers, their Heirs and Aſſigns; and the ſaid Open Meadows or other Commonable Lands (including the Lands hereby directed to be allotted to the ſaid Hoſpital) ſhall be for ever thereafter free, exempted, and abſolutely diſcharged from all Lammas or other Commonable Rights in, over, or upon the ſame.

Allotments of Open Meadows, &c.

XXVI. And be it further enacted, That the ſaid Commiſſioner ſhall ſet out and allot the Reſidue of the ſaid ſeveral and reſpective Open Meadows or other Commonable Lands, except the Waſte Lands, unto and amongſt all the ſeveral Owners of, and Perſons intereſted therein, except the Chaplains and Poor of the aforeſaid Hoſpital of *William Wigtson*, and their Leſſee.

Allotments of the Reſidue of the Waſte Lands.

XXVII. And be it further enacted, That after the aforeſaid ſeveral Allotments ſhall have been made, and ſet out according to the Directions herein-before contained, the ſaid Commiſſioner ſhall then divide, aſſign, ſet out, and allot all the Reſidue and Remainder of the Waſte Lands and Grounds intended by this Act to be divided and allotted unto, and amongſt the ſeveral Freeholders or Owners of Meſſuages and Lands in the ſaid Pariſh of *Burton-upon-Trent*, according to their ſeveral and reſpective Rights and Intereſts, and in ſuch Shares and Proportions as the ſaid Commiſſioner ſhall adjudge and determine to be proportionate to the Value of, and a full Compenſation and Satisfaction to him, her, or them reſpectively, for his, her, and their reſpective Rights and Intereſts, in, to, over, or

or upon the ſaid Commons and Waſte Lands reſpectively, by this Act directed or intended to be divided and allotted.

Determining Objections to Allotments.

XXVIII. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioner ſhall have aſcertained the reſpective Shares, Rights, and Intereſts of the Proprietors in the Lands and Grounds to be divided and incloſed by virtue of this Act, and alſo the reſpective Shares and Proportions by him propoſed to be allotted to ſuch Proprietors reſpectively, in lieu thereof he the ſaid Commiſſioner ſhall give Notice in Manner firſt herein-before directed, of ſome convenient Time and Place, when and where all Perſons intereſted may inſpect the Plan whereon the ſame ſhall be ſketched and delineated; and as ſome Perſons may on ſuch Inſpection be diſſatisfied with their intended Allotments, the ſaid Commiſſioner ſhall give Notice of One Meeting at leaſt to be held by him for receiving their Complaints and Objections, and the Determinations of the ſaid Commiſſioner with reſpect to ſuch Allotments ſhall be final, binding, and concluſive upon all Parties.

Allotments to be fenced within ſuch Time and in ſuch Manner as the Commiſſioner ſhall direct.

XXIX. And be it further enacted, That the Lands hereby directed to be divided and allotted, ſhall be incloſed, hedged, ditched, and fenced by ſuch Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, (ſave and except the Truſtees aforeſaid, and the Surveyors of the Highways of the Pariſh of *Burton-upon-Trent* aforeſaid, for and in reſpect of the ſeveral Allotments hereby directed to be made to them reſpectively as aforeſaid), within ſuch Time and in ſuch Manner, and under and ſubject to ſuch Regulations and Reſtrictions as the ſaid Commiſſioner ſhall by Writing under his Hand, or in and by his ſaid Award, order, direct, and appoint; and the Hedges, Ditches and Fences which ſhall be made purſuant thereto, ſhall at all Times hereafter be maintained and kept in Repair, and cleanſed by ſuch Perſon or Perſons, and Body or Bodies Politic, Corporate or Collegiate, as the ſaid Commiſſioner ſhall, in and by ſuch Writing under his Hand, or by his final Award direct.

Gaps and Openings to be left in Fences.

XXX. Provided always, That convenient Gaps and Openings ſhall be left in the Fences and Incloſures to be made in purſuance of this Act, for ſuch Space of Time as the Commiſſioner ſhall direct, for the Paſſage of Cattle, Carts, and Carriages into and through the ſame, unleſs the ſeveral Parties intereſted ſhall agree that the ſame ſhall be ſooner fenced in, made up, and incloſed.

Proviſions for Perſons who ſhall agree not to incloſe.

XXXI. And be it further enacted, That in caſe any Two or more Perſons whoſe Allotments ſhall be contiguous or adjoin together ſhall agree to leave their reſpective Allotments, or ſome certain Parts thereof unincloſed as between each other, then, and in ſuch Caſe, ſuch Perſons ſhall be at Liberty for ever, or for any Time whatſoever, to leave the ſame unincloſed as between each other, upon Condition that they, ſome or one of them, do make and ſet up and repair the Fences for ſevering their ſeveral Allotments from the Allotments of other Perſons adjoining thereto, according to the Orders and Directions of the ſaid Commiſſioner, any Thing herein contained to the contrary notwithſtanding.

Unequal Share of Boundary Fences to be

XXXII. Provided alſo, and be it further enacted, That if, owing to the Situation or other Circumſtances of any Allotment or Allotments, it ſhall happen that the Proprietor or Proprietors thereof ſhall not have a proportionate

adjusted, and Satisfaction made.

tionate Share of Boundary Fencing thereto; it shall be lawful for the said Commissioner, where he shall judge it reasonable, to ascertain and appoint any Sum or Sums of Money to be contributed and paid by such Proprietor or Proprietors towards the Expences of the Boundary Fencing of such other or others of the said Proprietors who may happen to have too great a Proportion thereof, in order that the Expence of Boundary Fencing may be brought as near as may be to a just and equal Proportion (due Regard being had to the necessary Subdivision Fences within the respective Allotments) and the Money so to be ascertained and applied shall be levied and recovered in the same Manner as the general Expences of this Act are hereby directed to be levied and recovered.

Allotments to the Poor and to Surveyors of Highways, to be ring-fenced at the Expence of the other Proprietors.

XXXIII. And be it further enacted, That all and every Parcel and Parcels of Land which shall be allotted in pursuance of this Act to the Trustees aforesaid, and to the Surveyors of the Highways aforesaid, shall be respectively well and effectually inclosed and fenced around, on the outward Boundaries thereof respectively, at such Time and in such Manner as the said Commissioner shall direct, at the Expence of the several Owners of, and Persons interested in, the said Open Meadows, Open Pastures, Commons, and Waste Lands, in such Shares and Proportions as the said Commissioner shall order and direct; and after such Fences shall have been so made, the same shall for ever thereafter be preserved, maintained, and kept in Repair, by the said Trustees and the said Surveyors for the Time being respectively, or by such other Persons, and in such Manner as the said Commissioner shall in and by his Award order and direct.

Allotments deemed of the same Tenures as Lands in Right of which they are allotted.

XXXIV. Provided always, and be it further enacted, That all and every the Allotments to be made to the Owners or Proprietors of Estates within the said Parish of *Burton-upon-Trent*, in right or in respect of any Messuages, Lands, Rights, or Interests by virtue of this Act, shall, from and after the Execution of the Award of the said Commissioner, be deemed of the same Tenure and shall be held under the same Rents, and by the same Services and in the same Manner, as the Messuages, Lands, or other Hereditaments in respect of which they shall be so allotted were before that Time held.

Persons may sell their Interests in the Lands to be inclosed, &c.

XXXV. 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 Open Meadows, Open Pastures, Commons, and Waste Lands, to be inclosed by virtue of this Act, or any Part thereof, at any Time before the Execution of the Award of the said Commissioner directed to be made by the said recited Act, or at any Time afterwards, to sell and dispose of all such Estate, Right, Title, 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 Open Meadows, Open Pastures, Commons, and Waste Lands, or any of them, or in or to any Allotment or Allotments to be made in respect thereof by virtue of this Act, separate from such Estate in right whereof he, she, or they, is or are or shall be so entitled; and that, in case any such Sale previously to the Execution of the said Award, it shall and may be lawful for the said Commissioner, and he is hereby authorized and required, to allot the same to the Purchaser or Purchasers thereof respectively, who shall and may immediately after the Execution of the Award as aforesaid, have, hold, 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

as aforesaid, and shall and may have, use, and exercise every Act of Ownership, in, upon, over, 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.

Exchanges may be made.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Commissioner to set out, allot and award, any Allotment or Allotments to be made by virtue of this Act, or any Lands, Tenements or Hereditaments, within the said Manor and Parish of *Burton-upon-Trent*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments, within the said Parish, or within any adjoining Parish, Hamlet, or Place, provided that all such Exchanges be ascertained, specified, and declared, in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors, of the Allotments, Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail general or special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges, shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, herself, or themselves, such Consent to be testified in Writing under the Common Seal of the Body Politic, 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 Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments, so to be exchanged, shall lie or be situated; nor of any Lands, Tenements, or Hereditaments held by or under any Lease or Leases granted by the Chaplains and Poor of the aforesaid Hospital of *William Wigston*, for a Life or Lives, or Term or Terms of Years determinable on a Life or Lives, without the Consent of the said Chaplains and Poor, to be testified in Writing under their Common Seal: Provided also, that all Costs, Charges, and Expences, attending the making of any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioner shall by his Award order and direct.

Tenants to give up exchanged Lands, having such Satisfaction as the Commissioner shall ascertain.

XXXVII. And be it further enacted, That every Tenant and Occupier, under any Lease or Agreement, for any Term of Years, at Rack or extended Rent, now subsisting, of any Messuages, Buildings, Lands, Tenements, or Hereditaments within the said Parish, which shall be exchanged by virtue of this Act, shall, immediately after the signing of the said Award

Award of the ſaid Commiſſioner, or within ſuch further Time as the ſaid Commiſſioner ſhall appoint, deliver up the full and peaceable Poſſeſſion of ſuch exchanged Meſſuages, Buildings, Lands, Tenements, or Hereditaments, to the Perſon or Perſons to or with whom the ſame ſhall be reſpectively exchanged; but the Tenants or Occupiers of ſuch exchanged Meſſuages, Buildings, Lands, Tenements, or Hereditaments, ſhall receive from the reſpective Owners and Proprietors thereof, ſuch Satisfaction as the ſaid Commiſſioners ſhall aſcertain, order, direct, or appoint to be paid to ſuch Tenants reſpectively, as an Equivalent for the Loſs or Loſſes they ſhall reſpectively ſuſtain thereby; and if the Money to be aſcertained as aforeſaid ſhall not be paid to the Perſon or Perſons entitled to receive the ſame within Ten Days after Demand thereof, it ſhall and may be lawful to and for the ſaid Commiſſioner, and he is hereby required to raiſe and levy the ſame, for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act can or may be raiſed and levied.

Leaſes to be void as to Allotments.

XXXVIII. And be it further enacted, That all and every Leaſe and Leaſes for a Life or Lives, or Term or Terms of Years, or at Rack or extended Rent now ſubſiſting of any Meſſuages, Lands, or Tenements within the ſaid Pariſh of *Burton-upon Trent*, ſhall, as far as ſuch Leaſe or Leaſes affect or concern any Allotment or Allotments to be made of any Part of the ſaid Commons or Waſte Lands, in reſpect of any ſuch Meſſuages, Lands, or Tenements comprized in ſuch Leaſe or Leaſes, be, and the ſame is and are hereby declared to be null and void as to ſuch Allotment and Allotments, and ſuch Allotment or Allotments ſhall be made and aſſigned unto the Landlord or Landlords, and not to the Tenant or Tenants, Leſſee or Leſſees of ſuch Allotment and Allotments, and ſhall be freed and diſcharged from all Right and Intereſt which may or otherwiſe might be claimed in or to the ſame by virtue of ſuch Leaſe or Leaſes; and the Perſon or Perſons to whom the Meſſuages, Lands, or Tenements comprized in ſuch Leaſe or Leaſes ſhall belong, as Landlord or Landlords, ſhall make ſuch Compenſation to the Perſon or Perſons entitled thereto, under ſuch Leaſe or Leaſes as the ſaid Commiſſioner ſhall, by Writing under his Hand, direct and adjudge proper, according to his Intereſt therein, for the Right of Common, or any other Rights or Intereſts in, over, or upon the ſaid Commons, or Waſte or Commonable Lands, or any Part thereof, appendant or appurtenant to ſuch Meſſuages, Lands, or Tenements, and which ſhall be extinguiſhed by virtue of this Act; and if any Perſon or Perſons ſhall refuſe or neglect to make any ſuch Compenſation to the Perſon or Perſons entitled thereto within Ten Days after Demand made thereof, then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioner, and he is hereby authorized and required to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act, or any Part thereof, or the Surplus of ſuch Expences, can or may be raiſed and levied: Provided always, that nothing herein contained ſhall extend to annul or make void any Leaſe or Leaſes of any Lands or Tenements held under the Chaplains and Poor of the aforeſaid Hoſpital of *William Wigston*, but the Allotment or Allotments to be made in reſpect thereof ſhall be enjoyed by the Leſſee or Leſſees during the Continuance of ſuch Leaſe or Leaſes.

Landlords making Compenſation, to be ſettled by Commiſſioner.

XXXIX. And

Wills and Settlements not to be affected.

XXXIX. And be it further enacted, That nothing in this Act contained shall extend to revoke, make void, impeach, annul, alter, or prejudice any Settlement, Will, Mortgage or Deed, or other Instrument whatsoever, or to prejudice any Person or Persons having any Right to or Claim of Dower, Jointure, Rent, Service, Debt, Charge, or Incumbrance whatsoever, in, out of, upon, or affecting any Messuages, Lands, Tenements, or Hereditaments which shall be allotted or exchanged, or whereof Partition shall be made in pursuance of this Act, or the said recited Act; but that the several Messuages, Lands, Hereditaments, and other Estates so to be assigned or allotted, or given in Exchange, or upon Partition, shall from and after the making of such Allotments, Exchanges, and Partitions, be, remain, and enure, and be held and enjoyed, and the several Persons in whom the same shall be assigned and allotted, or given in Exchange, or upon Partition as aforesaid, shall from thenceforth stand and be seized thereof respectively to such and the same Uses, and for such and the same Estates, and with such and the same Powers and Authorities for making Leases or otherwise, and subject to the same Wills, Limitations, Rents, Debts, Charges, and Incumbrances, as the several Messuages, Lands, Tenements, or other Hereditaments, in respect or in lieu whereof such Allotments or Exchanges or Partitions shall be respectively made, were and stood severally limited or subject and liable unto at the Time of making such Allotment or Exchanges, or Partitions respectively.

No Sheep or Lambs to be kept in the Lands to be inclosed for Nine Years.

XL. And be it further enacted, That no Sheep or Lambs shall be kept in any of the Inclosures to be made in pursuance of this Act during the Space of Nine Years, to be computed from the Execution of the Award of the said Commissioner, or for any earlier Time than the said Commissioner shall by an Order in Writing direct, unless the Persons respectively keeping the same, shall first at their own Expence make such additional Fences entirely throughout the Inclosure or Inclosures where such Sheep or Lambs shall be kept, as not only to prevent any Damage being done to the Quickfets in or belonging to the Allotments adjacent or near thereto by such Sheep or Lambs, but also effectually to prevent any such Sheep or Lambs from straying from such said Inclosure or Inclosures upon the adjoining Lands or Roads.

Commissioner's Allowance.

XLI. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and executing this Act, the said Commissioner and his Clerk shall be paid the Sum of Four Pounds and Four Shillings each and no more, for each and every Day they shall respectively travel or be employed in any Business relative to the Execution of this Act, in full Satisfaction for their Time and Trouble, and for the Expences they may be put unto respectively during their several Journies and Attendances in the Execution of this Act.

Expences to be raised by a Rate.

XLII. And be it further enacted, That the said Commissioner shall, by a Rate to be paid and borne by the several Persons to whom any Allotment or Allotments shall be made, by virtue of this Act, (save and except the Surveyors of the Highways for the Time being, for and in respect of the Allotments hereby directed to be made to them as Surveyors), raise a sufficient Sum of Money to defray and discharge all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of preparing and enrolling the Award to be made by the said Commissioner,

Commiſſioner, and of ſurveying, admeaſuring, planning, valuing, dividing, fencing (as herein directed), and allotting the Lands and Grounds to be divided, allotted, and encloſed by virtue of this Act; and all the Charges of the ſaid Commiſſioner, his Clerks, Surveyors, Aſſiſtants, and Servants, and all other neceſſary Expences of the ſeveral Perſons to be employed by the ſaid Commiſſioner, in and about the Lands and Grounds to be divided, allotted, and encloſed by virtue of this Act; and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways, to be ſet out and appointed by the ſaid Commiſſioner, in, over, or upon the ſaid Lands and Grounds, and of ring-fencing the Allotments herein directed to be made to the Surveyors of the Highways for the Time being, and all other Expences of carrying this Act into Execution, and all ſuch Coſts, Charges, and Expences, ſhall be ſettled and adjuſted by the ſaid Commiſſioner, and ſhall be paid at ſuch Time and Place, and to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall appoint, either before or after the Execution of his ſaid Award, and ſhall and may be levied and recovered in the Manner directed by the ſaid Act of the Forty-firſt Year of His preſent Majeſty.

Expenſes may be raiſed by Sale.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby empowered and required, upon the Requeſt of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or of any Right or Intereſt therein, being Tenants in-Tail, or for Life or Lives, or for any Number of Years determinable on a Life or Lives, or for any other determinable Eſtate or Intereſt, or at the Requeſt of the reſpective Huſbands, Guardians, Truſtees, Committees, Agents or Attornies, of or for any ſuch Owners or Proprietors being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Diſability or Incapacity, or of Perſons acting as ſuch Guardians, Truſtees, Committees, Agents or Attornies, to raiſe the Share and Proportion, or reſpective Shares and Proportions of the Perſon or Perſons by or on whoſe Behalf any ſuch Requeſt ſhall be made, of the Charges and Expences of paſſing this Act and of carrying the ſame into Execution, and of Fencing the Allotments not exceeding the Rate of Five Pounds for every Acre of the Land allotted to ſuch Perſon or Perſons by the Sale of any of the Lands or Hereditaments to be allotted to ſuch Perſon or Perſons by virtue of this Act, or any of them, in the Manner and ſubject to the Directions preſcribed by the ſaid Act of the Forty-firſt Year of the preſent Reign for the Sale of Lands directed to be ſold for the Payment of the Expences attending the Execution of Acts of Incloſure, provided that no more ſhall be ſold of the Lands or other Hereditaments of the Perſon or Perſons by whom or on whoſe Behalf any ſuch Requeſt ſhall be made, than the ſaid Commiſſioner ſhall eſtimate to be ſufficient to raiſe the Sum or Sums payable by ſuch Perſon or Perſons for the Purpoſes aforeſaid, and the reaſonable Expences of Sale; and if there ſhall be any Surplus ariſing from ſuch Sale after paying the Sums ſo directed to be raiſed, and the reaſonable Expences of Sale, ſuch Surplus ſhall be paid and applied in the Manner directed by the ſaid Act of the Forty-firſt Year of the preſent Reign, with reſpect to Money to be paid for the Purchaſe or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon; and which Money ought to be laid out in the Purchaſe

of other Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes.

Perſons from whoſe Allotment Lands ſhall be deducted not to charge their Lands.

XLIV. Provided always, and be it further enacted, That in all Caſes where any Land ſhall be deducted from the Allotment of any of the ſaid Proprietors or Perſons towards Payment of Expences as aforeſaid, it ſhall not be lawful for the ſaid Commiſſioner to deduct from any Allotment to be made to any Proprietor or Proprietors any further or greater Quantity of Land than would be equal in Value to the Sum of Money that ſuch Proprietor or Proprietors is, or are, by this or the ſaid recited Act empowered to borrow and charge on his, her, or their Lands, Tenements, or Hereditaments, by this or the ſaid recited Act; nor ſhall it be lawful for the Proprietor or Perſon from whoſe Allotment Land ſhall be deducted, as aforeſaid, to charge his, her, or their Lands, Tenements, or Hereditaments, by Virtue of the ſaid recited Act, or this Act, with any Money towards Payment of ſuch Expences.

Tenant or Leſſee of William Wigſton's Hoſpital not to raiſe Money by Sale.

XLV. Provided always, and be it further enacted, That nothing contained in this or the ſaid recited Act ſhall extend to authorize or empower any Tenant or Leſſee of the Chaplains and Poor of the aforeſaid Hoſpital of *William Wigston*, to borrow or raiſe by Sale any Money for or towards defraying his or her Share of the Coſts, Charges, and Expences of obtaining and carrying this Act into Execution; but the Coſts, Charges, and Expences payable in reſpect of any Allotment or Allotments to be made to the Chaplains and Poor of the ſaid Hoſpital of *William Wigston*, or their Tenant or Leſſee, ſhall be paid by ſuch Tenant or Leſſee; and the ſaid Chaplains and Poor are hereby exempted therefrom.

Expences, &c. to be adjuſted according to the Extent of Proprietors Rights.

XLVI. Provided always, and be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to adjuſt and ſettle the Coſts, Charges, and Expences of obtaining and executing this Act, and alſo to regulate the Application of any Surplus Monies, as well as ſuch Rate or Rates, as he may have Occaſion to make in purſuance of this Act, ſo and in ſuch Manner and Proportions, as that ſuch Perſons as are intereſted in the ſaid Commons and Waſte Lands reſpectively, or any Part or Parts thereof only, ſhall not be charged more than a fair and juſt Proportion, according to the Extent of their reſpective Rights therein, but that the Charges and Expences aforeſaid may be borne and paid by the Perſons intereſted in the ſaid Commons and Waſte Lands reſpectively, in due and juſt Proportions.

Tenants for Life, &c. may charge their Eſtates with Expences.

XLVII. And whereas ſome of the Perſons intereſted in the ſaid intended Diviſion and Incloſure, may have Occaſion to borrow Money to defray their reſpective Shares of the Coſts, Charges and Expences of obtaining and carrying this Act into Execution, be it therefore further enacted, That it ſhall and may be lawful to and for the Huſbands, Guardians, Truſtees, Committees, or Attornies of any of the Owners or Proprietors of any of the Lands and Grounds to be divided and allotted by virtue of the ſaid recited Act and this Act, being under Coverture, Infants, Lunaticks, beyond the Seas, or under any other Diſability, or for any Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on any Life or Lives, or any other Contingency, or Tenants by the Courteſy of *England*, or otherwiſe intereſted in ſuch

Land or Grounds other than and except the Truſtees for the Poor aforeſaid, and the Surveyors of the Highways for the Time being, for and in reſpect of the Allotments hereby directed to be made to them as Surveyors, to charge ſuch Lands and Grounds with ſuch Sum or Sums of Money as the ſaid Commiſſioner ſhall by his ſaid Award, or by Writing under his Hand either before or after the Execution of ſuch Award, adjudge neceſſary to pay and defray the Coſts, Charges and Expences incident to and attending the obtaining of this Act, and of carrying the ſame into Execution; and of ditching, draining, and fencing their reſpective Allotments, and of charging ſuch Lands and Grounds as aforeſaid, ſo that the Sum or Sums of Money ſo to be charged, ſhall not exceed the Sum of Five Pounds for every Acre of ſuch Lands and Grounds, and to grant, mortgage, leaſe or demiſe, or otherwiſe ſubject the Lands, Tenements and Hereditaments ſo to be charged to ſuch Perſon or Perſons who ſhall advance and lend the ſame reſpectively, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years; or in caſe any Perſon in Poſſeſſion, who ſhall or may be liable to and charged with a Share of the Expences as aforeſaid, or enabled by this Act to charge ſuch Lands and Grounds with the ſame, ſhall chooſe to advance, pay and diſcharge ſuch Sum or Sums of Money, then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioner, by any Deed or Writing under his Hand and Seal, (to be atteſted by Two or more credible Witneſſes in like Manner), to grant, mortgage, leaſe or demiſe, or otherwiſe ſubject ſuch Lands and Grounds to or in Truſt for ſuch Perſon or Perſons reſpectively, paying and diſcharging ſuch Sum or Sums of Money, his, her, or their Executors, Adminiſtrators and Aſſigns, for any Term or Number of Years to and for Payment of ſuch Sum and Sums of Money ſo advanced, paid and diſcharged by him, her, or them, with lawful Intereſt for the ſame, ſuch Intereſt to commence on the Determination of his, her, or their Right in the Premiſes, ſo that every 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 re-aſſigned when ſuch Sum or Sums of Money thereby to be ſecured, ſhall be fully paid and ſatisfied, and alſo with a Covenant to pay and keep down the Intereſt, ſo that no Perſon or Perſons afterwards becoming poſſeſſed of or intitled to any ſuch Lands and Grounds ſhall be liable to any further or larger Arrear of Intereſt than for Twelve Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhould have commenced, and that every ſuch Charge, Grant, Mortgage, Leaſe or Demiſe, ſhall be good, valid, and effectual in the Law for the Purpoſes thereby intended.

Money advanced for defraying Expences, to be repaid with Intereſt.

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

Award when inrolled as directed by 41 G. 3. to be depoſited in

XLIX. And be it further enacted, That the Award to be made by the ſaid Commiſſioner, with a Map or Plan of the ſaid Open Meadows, Open Paſtures, Commons, or Waſte Lands, hereby directed to be divided, allotted, and incloſed, when the ſame ſhall have been inrolled in Manner directed

directed by the said recited Act, shall be deposited in the said Parish Church of *Burton-upon-Trent*. the Church of Burton-upon Trent.

Commissioner to lay his Account before a Justice of the Peace once a Year.

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

Trustees to take an Oath before they act.

LI. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of any of the Powers given by this Act, (except the Power of signing and giving Notice of the First Meeting of the said Trustees, and of administering the Oath herein-after mentioned), until he shall have taken and subscribed an Oath to the following Effect; (that is to say),

Oath.

'I Do swear, that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Trustee, by virtue of an Act passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, intituled, An Act [*here insert the Title of this Act*] without Favour or Affection, Prejudice or Malice to any Person or Persons whomsoever. So help me GOD.'

Which Oath it shall be lawful for any One of the said Trustees to administer, and he is hereby required to administer the same, to any other of the said Trustees; and the said Oath so taken and subscribed by each Trustee shall be written on Parchment, and deposited at the same Time and Place as the Award by the said recited Act, or this Act, directed to be made by the said Commissioner is by this Act directed to be deposited, and a Copy of the Enrolment thereof shall be admitted as legal Evidence.

Meetings of Trustees.

LII. And be it further enacted, That the said Trustees, or any Three or more of them, shall meet together at the *George Inn*, in *Burton-upon-Trent* aforesaid, on the Third *Wednesday* next after the Time appointed for selling the said Common Lands and Waste Grounds, and shall proceed to put this Act in Execution, and shall then, and from Time to Time then afterwards, adjourn themselves to and meet at such Time at the same Place, or at any other convenient Place within the said Town of *Burton-upon-Trent*, as the said Trustees, or any Three or more of them present at any such Meeting, shall from Time to Time appoint; and if there shall not appear at any of the said Meetings a sufficient Number of Trustees to act, or to adjourn to another Day, or if they shall omit or neglect to adjourn, or if there shall be any particular Occasion to hold a Meeting before the Time of Meeting pursuant to any Adjournment, then and

and in every ſuch Caſe, any Three or more of the ſaid Truſtees or their Clerk ſhall and may appoint a Meeting to be holden at ſuch Time or Place as they ſhall think proper: Provided always, that no Meeting of the ſaid Truſtees to be held purſuant to this Act, ſubſequent to ſuch Firſt Meeting as aforeſaid, ſhall be held; unleſs Notice thereof, ſigned by Two or more of the ſaid Truſtees or by their Clerk, ſhall be affixed to the Door of the ſaid Pariſh Church of *Burton upon-Trent*, at leaſt Six Days before the holding thereof; and the ſaid Truſtees ſhall at all their ſaid Meetings pay their own Expences; and that Two Half-yearly Meetings ſhall be held, One on the Firſt *Wedneſday* in the Month of *January*, and the other on the Firſt *Wedneſday* in the Month of *July*, for the Purpoſe of ſettling the Rents and Accounts reſpectively.

No order to be valid unleſs made at a Public Meeting.

LIII. And be it further enacted, That no Act, Order, or Proceeding of the ſaid Truſtees or any of them ſhall be valid, unleſs made or done at ſome Meeting to be held purſuant to this Act, (except as herein is particularly directed); and that all Powers and Authorities, Acts and Proceedings by this Act granted to and veſted in the ſaid Truſtees, or authorized or directed to be done or tranſacted by them ſhall and may be done and tranſacted by the major Part of them preſent at their reſpective Meetings to be holden in purſuance of this Act, the whole Number preſent not being leſs than Three; and that all Orders and Proceedings of the Truſtees preſent at ſuch Meetings ſhall be as valid and effectual as if all the Truſtees had been preſent at ſuch Meeting, and concurred therein; and that at every ſuch Meeting, ſuch One of the Truſtees preſent as the major Part of them then attending ſhall by Ballot or otherwiſe appoint, ſhall be the Chairman of ſuch Meeting, and if upon any Queſtion there ſhall be an Equality of Voices of the Truſtees aſſembled, the Chairman ſhall have another or caſting Vote.

Books to be kept.

LIV. And be it further enacted, That the Clerk or Clerks to the ſaid Truſtees to be by them appointed as herein-after mentioned, ſhall cauſe fair and regular Entries to be made in a Book or Books to be kept for that Purpoſe, of all Acts, Orders, and Proceedings of the ſaid Truſtees relative to the Execution of this Act; and the Truſtees preſent at ſuch Meeting or their Clerk, by their Order, ſhall always ſubſcribe their Names or his Name at the End of the Proceedings; and all Entries in ſuch Books being ſigned as aforeſaid ſhall be deemed original Entries, and ſhall be read in Evidence in all Courts and upon all Occaſions whatſoever; and every ſuch Book ſhall be lodged with the Clerk to the ſaid Truſtees, and at any of their Meetings, and at all other reaſonable and convenient Times, under the Direction of the ſaid Truſtees, be open to the Inſpection of all and every the ſaid Truſtees.

Truſtees to appoint Officers, &c.

LV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time, by any Writing under their Hands, to elect and appoint a Treaſurer or Clerk, or Collector or Collectors, Receiver or Receivers, of the Rents and Monies to be collected and received by virtue of this Act, and a Surveyor or Surveyors, and ſuch other Officers and Perſons as they ſhall think proper; and from Time to Time, to remove and diſplace all or any of ſuch Officers or Perſons as they ſhall ſee Occaſion, and to chooſe and appoint others in the Room or Place of ſuch of them as ſhall be ſo removed, or ſhall die, or reſign their Offices; Notice of ſuch Removal, Death or Reſignation, and of the Time and Place of

Meeting for the Purpoſe of filling up the Vacancy or Vacancies thereby occaſioned being firſt affixed on the Door of the Pariſh Church of *Burton-upon-Trent* aforeſaid, previous to ſuch intended Meeting; and alſo by and out of the Monies to be raiſed or received by virtue of this Act, to pay ſuch Wages and Salaries, and make ſuch Allowances to the ſaid Officers and to all other Perſons to be employed in or about the Execution of this Act, as they the ſaid Truſtees ſhall think reaſonable and proper; and the ſaid Truſtees ſhall, and they are hereby directed and required to take ſuch Security or Securities from every ſuch Treaſurer, Collector, and other Officers, for the faithful Execution of their reſpective Offices as the ſaid Truſtees may think proper; and every ſuch Officer and Perſon ſo to be appointed as aforeſaid, ſhall at ſuch Time or Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the ſaid Truſtees or to ſuch Perſon as they ſhall appoint to receive the ſame, a true and perfect Account in Writing ſigned by them, of all Money which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been laid out and diſburſed, and for what Purpoſes, together with the proper Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint; and every Perſon ſo accounting ſhall upon Oath, if thereunto required by the ſaid Truſtees, (which Oath any one of the ſaid Truſtees is hereby authorized and empowered to adminiſter), verify ſuch their reſpective Accounts; and if any ſuch Treaſurer, Collector, Officer, or other Perſon ſhall not make and render, or ſhall neglect or refuſe to verify upon Oath any ſuch Account, or to produce or deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall not deliver to the ſaid Truſtees, or to ſuch Perſon as they ſhall appoint, within Fourteen Days next after being thereunto required by Notice in Writing ſigned by the ſaid Truſtees, or their Clerk, or given to or left at the laſt or uſual Place of Abode of ſuch Officer or Perſon, all Books, Papers, and Writings in his Cuſtody or Power relating to the Execution of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame; and if Complaint ſhall be made thereof, by, or on Behalf of the ſaid Truſtees, or by their Clerk, to any One Juſtice of the Peace of the County or Place wherein ſuch Treaſurer, Clerk, Collector, Officer, or Perſon ſhall be or reſide, ſuch Juſtice is hereby authorized and required by Summons under his Hand to cauſe ſuch Treaſurer, Collector, Clerk, Officer, or Perſon ſo refuſing or neglecting to be ſummoned before him; and upon his appearing, or his not being to be found to hear and determine the Matter of ſuch Complaint in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of One credible Witneſs, upon Oath, it ſhall appear to ſuch Juſtice that any of the Money that ſhall have been collected by virtue of this Act ſhall be in the Hands of ſuch reſpective Treaſurer, Collector, Clerk, Officer, or Perſon, ſuch Juſtice may, and he is hereby authorized and required, to order the Payment thereof; and upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Treaſurer, Collector, Clerk, Officer, or Perſon, together with the Coſts and Charges of ſuch Diſtreſs and Sale to be ſettled and aſcertained by ſuch Juſtice, and which he is hereby authorized and empowered to ſettle and aſcertain, rendering the Overplus (if any) to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, or leaving the ſame at

the Place where the Diſtreſs ſhall be made; and in caſe no ſuch Goods and Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of ſuch Diſtreſs and Sale as aforeſaid, or if it ſhall in Manner aforeſaid appear to any ſuch Juſtice that any ſuch Treaſurer, Collector, Clerk, Officer, or Perſon ſhall refuſe or neglect to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers or Writings relating to the Execution of this Act ſhall be in the Cuſtody or Power of any ſuch Treaſurer, Collector, Clerk, Officer, or other Perſon, and he ſhall have refuſed or neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then ſuch Juſtice ſhall commit ſuch Treaſurer, Collector, Clerk, Officer, or Perſon to the Common Gaol or Houſe of Correction, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or ſhall have compounded with the ſaid Truſtees touching the ſame, and have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, (which Compoſition the ſaid Truſtees are hereby empowered to make and receive), or until he ſhall deliver up all ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof as aforeſaid; but no Perſon who ſhall be committed on Account of his not having ſufficient Goods and Chattels as aforeſaid, ſhall be detained in Priſon for any longer Time than Six Calendar Months.

Truſtees may ſue and be ſued in the Name of their Clerk.

LVI. And be it further enacted, That the ſaid Truſtees may and ſhall in all Caſes ſue and be ſued in the Name of their Clerk, and that no Action which may be brought or commenced, or Indictment which may be preferred or proſecuted by or againſt the ſaid Truſtees, or any of them, by virtue or on Account of this Act, in the Name of their Clerk, ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk, or by the Act of ſuch Clerk, without the Conſent of the ſaid Truſtees, or any Three or more of them; but the Clerk to the ſaid Truſtees for the Time being ſhall always be deemed Plaintiff, Proſecutor, or Defendant in ſuch Action or Indictment, as the Caſe may be: Provided always, that every ſuch Clerk in whoſe Name any Action, Indictment, or Suit ſhall be commenced, preferred, proſecuted, or defended in purſuance of this Act, ſhall always be reimburſed and paid out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts and Charges as by the Event of any ſuch Proceedings he ſhall be put unto or become chargeable with, by reaſon of his being the Plaintiff or Defendant therein.

Application of the Money.

LVII. And be it further enacted, That all the Money to ariſe from or by the Sale of the ſaid Lands as aforeſaid, or by Payment of any ſuch Deficiency as aforeſaid, ſhall be paid to the Treaſurer to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall at any Meeting appoint, and ſhall be laid out in the Purchaſe of Land for the Uſe and Benefit of the Poor of the Townſhips of *Burton-upon-Trent* and *Burton Extra*; and ſuch Land ſhall be veſted in the ſaid Truſtees for the Time being, by the Name and Style of "The Truſtees for the Poor of the Townſhips of *Burton-upon-Trent* and *Burton Extra*, appointed by an Act paſſed in the Fifty-ſecond Year of the Reign of King *George* the Third," or ſuch Money ſhall be laid out in the Purchaſe of Three Pounds *per Centum* Conſolidated Bank Annuities; and ſuch Stock, when ſo purchaſed, ſhall be veſted in the ſaid Truſtees, for the Uſe and Benefit of the Poor of the ſaid Townſhips of *Burton-upon-Trent* and *Burton Extra*, and ſhall be purchaſed by

and be vested in the said Trustees, by the Name and Style of "The Trus-
"tees for the Poor of the Townships of *Burton-upon-Trent* and *Burton Ex-*
"*tra*, appointed by an Act passed in the Fifty-second Year of the Reign of
"King *George* the Third," and a Receipt signed by the said Trustees or any Three or more of them for the Time being shall be a full and sufficient Discharge to the Governor and Company of the Bank of *England*, for Payment of the Dividends annually to arise from such Stock so to be purchased as aforesaid; and the said Governor and Company of the Bank of *England* are hereby required to pay such Dividends accordingly, on the Production to them of the said Receipt; and the Rents arising from such Lands so to be purchased, and the Dividends annually arising from the Stock so to be purchased, and also the Rents then arising from the said Allotments herein-before directed to be sold or demised as aforesaid, shall, from thenceforth for ever thereafter, on or before the Twenty-fifth Day of *March* in every Year, be by them paid over to the Overseers of the Poor of the said Townships of *Burton-upon-Trent* and *Burton Extra* aforesaid, for the Time being, to be by them received, applied, disposed of, and accounted for, in such and the same Manner as the Rates and Assessments for the Relief of the Poor within the said Townships of *Burton-upon-Trent* and *Burton Extra*, are to be received, applied, disposed of, and accounted for, by any Law or Statute then in force, and to and for no other Use, Intent or Purpose whatsoever.

Appeal to General Quarter Sessions.

LVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act or the said recited Act, then, and in every such Case, (except where the Orders and Determinations of the said Commissioner are directed by this Act or the said recited Act to be final and conclusive, and also where a Provision is made for a Trial at Law as herein-before mentioned), he, she, or they, may appeal to the General Quarter Sessions of the Peace which shall be holden for the County of *Stafford*, within Five Months next after such Complaint shall have arisen, such Appellant first giving, or causing to be given, Fourteen Days Notice at the least in Writing, of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Commissioner or Trustees, and within Fourteen Days next after such Notice given, entering into Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order of the said Justices at such Quarter Sessions; and the Justices of the said Quarter Sessions, or at some Adjournment thereof, upon due Proof of such Notice having been given, and of the entering into Recognizance in Manner herein-before mentioned, are hereby required to hear and determine the Matter of such Complaint, and to make such Order therein, and award such Costs as they may think reasonable, and to direct such Costs so awarded to be levied 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, after deducting the reasonable Charges of such Distress and Sale, which Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

LIX. And

Saving of Seigniories, &c. to the Lords of the Manors.

LIX. And be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to defeat, leſſen, or prejudice the Right, Title and Intereſt of the Lord of the Manor of *Burton-upon-Trent* aforeſaid, for the Time aforeſaid, of or to any Seigniories, Royalties, Fiſheries, Fiſhings, Brooks, Streams of Water, or other Rights, Cuſtoms, and Services, incident or belonging thereto; but that the Lord of the ſaid Manor for the Time being ſhall and may from Time to Time, and at all Times, for ever hereafter, have, hold and enjoy the ſame, and all Rents, Heriots and Services, Courts, Suits of Court, Franchiſes, Waifs, Eſtrays, Deodands, Eſcheats, and all other Royalties, Privileges, and Appurtenances to the ſaid Manor incident, belonging, or appertaining, (other than and except ſuch for which Compenſation is directed to be made, and which are to be extinguiſhed by virtue of this Act), in as full, ample, and beneficial a Manner, to all Intents and Purpoſes as he could or might have enjoyed the ſame, in caſe this Act had not been made.

General Saving.

LX. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all Bodies Politic and Corporate, and their Succeſſors, and to all and every other Perſon and Perſons whomſoever, his, her, and their Heirs, Executors, Adminiſtrators, and Aſſigns, (ſave and except the ſeveral Perſons to whom any Allotments ſhall be made by virtue and in purſuance of this Act, or of the ſaid recited Act, for or in reſpect of ſuch Rights as are mentioned and intended to be barred and deſtroyed), all ſuch Eſtate, Right, Title, and Intereſt, of, in, to, or in reſpect of the Open Meadows, Open Paſtures, Commons, and Waſte Lands, to be divided, allotted, and incloſed by virtue of this Act, as he, ſhe, or they, every or any of them, had or enjoyed before the paſſing of this Act, or might or could have had or enjoyed, in caſe this Act had not been made.

Act to be printed by the King's Printer.

LXI. And be it further enacted, That this Act ſhall be printed by the ſeveral Printers to the King's moſt Excellent Majeſty, duly authorized to print the Statutes of the United Kingdom; and a Copy thereof ſo printed by any of them, ſhall be admitted as Evidence thereof, by all Judges, Juſtices, and others.

LONDON; Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1812.