ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xxvii.

An Act for dividing, incloſing, and ſelling the Waſte Lands, and Lammas and other Commonable Rights, in the City and County of the City of *Lichfield*; to explain and amend an Act of His preſent Majeſty, for paving, cleanſing, lighting, watching, and regulating the Streets, Lanes, and other public Paſſages and Places, within the City of *Lichfield*, and the Suburbs thereof, and for better ſupplying the ſaid City with Water.

[2d *May* 1815.]

WHEREAS an Act was paſſed in the Forty-ſixth Year of the Reign of His preſent Majeſty, intituled *An Act for paving, cleanſing, lighting, watching, and regulating the Streets, Lanes, and other public Paſſages and Places, within the City of* Lichfield, *and the Suburbs thereof:* And whereas the Commiſſioners for carrying the ſaid Act into Execution, in purſuance of the Powers and Authorities thereby veſted in them, have cauſed a conſiderable Part of the ſaid City to be newly paved, lighted, and otherwiſe improved: And whereas the Sums of Money, authorized to be raiſed by the ſaid Act, are inſufficient for completing and improving the Pavements of the ſaid Streets, and the other Purpoſes to which the ſame are by the ſaid Act directed to be applied; and it is requiſite that further Funds ſhould be provided for thoſe and the other Purpoſes herein-after mentioned; and that the ſaid Act ſhould be 46 G. 3. c. 42.

altered and amended, and that additional Powers ſhould be given to the Commiſſioners for executing the ſame: And whereas there are within the ſeveral Pariſhes of *Saint Michael* and *Saint Chad*, otherwiſe *Stowe*, in the Manor and City and County of the City of *Lichfield*, ſeveral Commons and Waſte Lands called *Leamonſley*, *the Marſh*, *Femley Pitts Common*, and other ſmall Parcels of Common Land and Waſte Ground, lying diſperſedly, and alſo certain Pieces or Parcels of incloſed and open Field Land called the *Bull Pieces*, uſed for the Maintenance of a Bull for the Uſe of the Herd depaſturing on the ſaid Commons in the ſaid Manor, containing altogether by Eſtimation Sixty Acres or thereabouts (excluſive of a certain Common Meadow called *Pipe Green*); and there are alſo certain Lammas or Commonable Rights in and over certain Meadows or Paſtures called *Lammas Meadows*, in the ſaid ſeveral Pariſhes of *Saint Michael* and *Saint Chad*, otherwiſe *Stowe*, or one of them, in the Manor and City and County aforeſaid: And whereas the Bailiffs and Citizens of the City of *Lichfield* are Lords of the Manor of *Lichfield*, and as ſuch are or claim to be entitled to the Soil of all the ſaid Commons and Waſte Lands, and to the Royalties within the ſaid Manor: And whereas the Owners and Occupiers of Houſes within the Pariſh of *Saint Mary*, and ſuch Parts of the ſeveral Pariſhes of *Saint Michael* and *Saint Chad*, otherwiſe *Stowe*, as lie within the ſaid City and County, and all other Owners and Occupiers of Houſes in the ſaid City and County, (except the Owners or Occupiers of Houſes in *Bacon Street*, in the ſaid City), are or claim to be entitled to Rights of Common of Paſture, or other Rights, in, over, and upon the ſaid Commons, Waſte and other Lands (except as aforeſaid), and alſo are or claim to be entitled to the Graſs and Herbage of the ſaid Meadows or Paſtures, called *Lammas Meadows*, in the ſaid Pariſhes of *Saint Michael* and *Saint Chad*, otherwiſe *Stowe*, or one of them, in the Manor and City and County, from *Lammas Day* to *Candlemas Day* in every Year: And whereas an Act was paſſed in the Forty-firſt Year of the Reign
41 G. 3. c. 109. of His preſent Majeſty, intituled *An Act for conſolidating in one Act, certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the ſaid Commons and Waſte Lands are, in their preſent State of little or no Uſe or Advantage to the Perſons entitled to the Herbage or Paſturage thereof, but are capable of great Improvement; and it would be advantageous to the ſeveral Perſons intereſted therein, and beneficial to the Public, if the ſame were incloſed, divided, allotted, and ſold, and if the ſaid Pieces or Parcels of Land called the *Bull Pieces* were alſo ſold; and the ſaid Lammas Rights and other Rights of Common upon the ſaid Lammas Meadows or Paſtures, were ſold and extinguiſhed, and the Money ariſing therefrom applied for the Improvement of the ſaid City, and towards defraying the Expences of paving, cleanſing, lighting, watching, and regulating the Streets, Lanes, and other public Paſſages and Places within the ſaid City and Suburbs thereof; but ſuch Diviſion, Allotment, and Sale cannot be effected, nor the ſaid recited Act of the Forty-ſixth Year aforeſaid amended, without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *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

Commiſſioner for the Special Purpoſe of Sale, &c.

Manner herein-after mentioned, ſhall be, and he is hereby appointed Commiſſioner for the ſpecial Purpoſes of dividing, allotting, incloſing, valuing, ſelling, and diſpoſing of the ſaid Commons and Waſte Lands, and other the Lands herein-before mentioned, and Lammas or Commonable Rights in the ſaid ſeveral Pariſhes of *Saint Michael* and *Saint Chad*, otherwiſe *Stowe*, in the ſaid City and County, and for carrying into Execution ſo much and ſuch Parts of this Act as relate to the ſaid Diviſion, Allotment, Incloſure, Valuation, Sale, and Diſpoſal, and other the Powers of this Act hereby veſted in him; and alſo for carrying into Execution the ſeveral Powers, Authorities, Directions, Clauſes, and Proviſions of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, ſo far as the ſame relate to, or are applicable to the Objects and Purpoſes aforeſaid, ſubject to ſuch Directions and Proviſions as are hereinafter contained in that Behalf; and alſo with and ſubject to ſuch of the Powers, Authorities, Directions, Clauſes, and Proviſions contained in the ſaid Act of the Forty-firſt Year aforeſaid, as are not altered, varied, or otherwiſe provided for in and by this Act. of Waſte Lands.

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, or any of them, ſhall die, or refuſe or neglect to act, or ſhall be incapable of acting in the Execution of the Powers aforeſaid, then and in every ſuch Caſe it ſhall be lawful for the Commiſſioners for the Time being, for the Improvement of the ſaid City, appointed or to be appointed for putting into Execution the ſaid recited Act of the Forty-ſixth Year aforeſaid, at a Meeting or Meetings to be held for the Election of a new Commiſſioner as ſoon after ſuch Death, Refuſal, Neglect, or Incapacity as conveniently may be, (Notice of which Meeting ſhall be given by the Clerk to the Commiſſioners for the Time being, appointed by the ſaid laſt-mentioned Act, by Writing to be affixed on the Door of the Guildhall of the ſaid City, and by Advertiſement to be inſerted in ſome public Newſpaper uſually circulated in the ſaid City, at leaſt Ten Days before every ſuch Meeting), by Writing under their Hands, to appoint a proper Perſon (not intereſted in the ſaid Waſte Lands, or other the Matters aforeſaid) to be a Commiſſioner in the Place of the Commiſſioner ſo dying, or refuſing, neglecting, or becoming incapable to act; which Perſon ſo to be appointed a Commiſſioner as laſt aforeſaid, ſhall have the ſame Powers and Authorities as if he had been originally named and appointed a Commiſſioner for the ſpecial Purpoſes aforeſaid in and by this Act; which ſaid Writing, appointing ſuch new Commiſſioner, ſhall be inrolled in the like Manner as the Award of the ſaid Commiſſioner is to be inrolled, and a Copy of the Inrolment ſhall be admitted as legal Evidence. For appointing a new Commiſſioner.

III. And be it further enacted, That the ſaid *Robert Harvey Wyatt*, and his Succeſſors, the Commiſſioners for the ſpecial Purpoſes aforeſaid, ſhall be paid as a Compenſation for his and their reſpective Pains, Trouble, and Expences, the Sum of Four Guineas and no more, for each and every Day's Journey or Attendance which he or they ſhall reſpectively neceſſarily take or give in the Execution of this Act; and that at all Attendances of the ſaid Commiſſioner, in purſuance of this Act, the ſaid *Robert Harvey Wyatt*, and his Succeſſors, and all other Perſons, ſhall pay their own Expences (Gratuities to Servants excepted), and that the Surveyor or Surveyors, Clerk or Clerks, and all other Perſons and Servants to be employed Allowance to Commiſſioner.

by him and them, ſhall be paid ſuch Sum or Sums of Money *per* Day, or otherwiſe, for their reſpective Pains and Trouble in the Execution of this Act, as to the ſaid *Robert Harvey Wyatt*, or his Succeſſors, ſhall ſeem juſt and reaſonable.

Notice of his Sittings.

IV. And be it further enacted, That the ſaid *Robert Harvey Wyatt*, and his Succeſſors, Commiſſioners for the Diviſion, Allotment, Sale, and Diſpoſal of the Commons and Waſte Lands, and Lammas Rights ſhall, and he is hereby required to cauſe public Notice to be given, by Writing to be affixed on the Door of the Guildhall of the ſaid City, and alſo by Advertiſement, to be inſerted in ſome Newſpaper to be then uſually circulated in the ſaid City, of the Time and Place of the firſt and every other Attendance for the Execution of the ſaid recited Act of the Forty-firſt Year aforeſaid, and this Act, ſo far as relates to the ſeveral Truſts and Powers veſted in him and them, Ten Days at leaſt before every ſuch Attendance, (Attendances by Adjournment only excepted); and the ſaid Commiſſioner ſhall and may adjourn any and every ſuch Attendance, from Time to Time, as he ſhall ſee Occaſion, for the further Execution of this Act, and the ſaid Act of the Forty-firſt Year aforeſaid; and in caſe the ſaid Commiſſioner ſhall not be preſent at ſuch Time, and at the Place appointed for ſuch Attendances, then it ſhall be lawful for the Perſon or Perſons who ſhall act as Clerk or Clerks to the ſaid *Robert Harvey Wyatt*, or his Succeſſors, to adjourn the ſame to any future Day: Provided always, that all Attendances of the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, to be had by virtue of this Act, ſhall be held within the City and County of *Lichfield*; 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 of the Forty-firſt Year aforeſaid, or this Act, is directed to be made or teſtified at any Attendance or Attendances, it ſhall be lawful for the Proprietors to attend at ſuch Attendances or Attendance, by their reſpective Agents or Proxies duly authorized, whoſe Acts or Votes ſhall be as effectual as if ſuch Proprietors were preſent in Perſon.

Other Notices how to be given.

V. Provided always, and be it further enacted, That all other Public Notices neceſſary or requiſite to be given by the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, in purſuance of this or the ſaid recited Act of the Forty-firſt Year aforeſaid, (the Manner of giving which is not hereby or by the ſaid recited Act of the Forty-firſt Year aforeſaid authorized or directed), ſhall be given by Advertiſement in ſome Newſpaper to be uſually circulated in the ſaid City, and by Writing to be affixed upon the Door of the Guildhall in the ſaid City; 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 recited Act of the Forty-firſt Year aforeſaid, or this Act contained to the contrary thereof in anywiſe notwithſtanding.

Proceedings to be entered in a Book.

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

VII. And

VII. And be it further enacted, That all Incloſures, Intakes, and 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, allotted, and diſpoſed of, within Twenty Years laſt paſt, or the Right to which has been preſerved by Entry or Payment of any Amerciament, Quit Rent, or other Rent or Acknowledgement, within Twenty Years laſt paſt, to the Lords of the Manor of *Lichfield* aforeſaid, and all ſuch Cottages, Dwelling Houſes, Buildings, and Erections as have been built or erected on any ſuch Intakes or Incroachments, except ſuch Parts of the ſaid Waſte Lands as have been taken, and are now uſed by the Company of Proprietors of the *Wyrley* and *Eſſington* Canal Navigation, incorporated by virtue of Two Acts, one paſſed in the Thirty-ſecond Year of the Reign of His preſent Majeſty, intituled *An Act for making and maintaining a navigable Canal from or from near* Wyrley Bank, *in the County of* Stafford, *to communicate with the* Birmingham *and* Birmingham *and* Fazeley *Canal, at or near the Town of* Wolverhampton, *in the ſaid County, and alſo certain collateral Cuts therein deſcribed, from the ſaid intended Canal*; and the other paſſed in the Thirty-fourth Year of the Reign of His preſent Majeſty, intituled *An Act for extending the* Wytley *and* Eſſington *Canal*, for the Purpoſes of the ſaid Canal, ſhall be, and ſuch Intakes, Incroachments, and Lands taken, or uſed as aforeſaid, Cottages and Buildings, except as aforeſaid, are hereby veſted in the Bailiffs and Citizens of the City of *Lichfield*, (the Lords of the ſaid Manor of *Lichfield*), and their Succeſſors, to be held by them for ever in Severalty, freed and diſcharged of and from all Claim, Right, Title, and Intereſt whatſoever, which the Owners of Eſtates within the ſaid Manor, or any other Perſon or Perſons, could or might have in or to the ſame, or any Part thereof, for and in lieu of, and as a full Compenſation and Satisfaction for, their Right and Intereſt in and to the Soil of the ſaid Commons, Waſte, and other Lands in the ſaid Manor hereby directed to be diſpoſed of; ſubject to ſuch Leaſes and legal Agreements as have been made by them thereof, or in relation thereto, and are ſtill ſubſiſting.

Incloſures or Incroachments made, or on which Entry has been made, or for which Amerciaments or Acknowledgments have been paid, within 20 Years, to be veſted in the Lords of the Manor.

VIII. Provided always, and be it further enacted, That nothing herein contained ſhall be conſtrued to veſt in the ſaid Bailiffs and Citizens, 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 ancient Incloſures and Erections, and be henceforth for ever enjoyed, in the ſame Manner as they are at preſent enjoyed againſt all Perſons whomſoever.

Incloſures, &c. enjoyed for 20 Years or upwards, without Entry or Amerciament, &c. to be continued as they are at preſent.

IX. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Perſons, or Body or Bodies Politic, Corporate, or Collegiate, intereſted or claiming to be intereſted in the ſaid Commons, Waſte, and other Lands, and Lammas or Commonable Meadows, or any Part or Parts thereof, or in the ſaid Diviſion, Allotments, and Diſpoſal, touching or concerning the reſpective Rights and Intereſts which they or any of them ſhall have or claim to have, or may be intitled unto, in, over, or upon the ſaid Commons and Waſte Lands, and other Lands and Lammas or Commonable Meadows, to be divided, allotted, incloſed, or fold by virtue of this Act, or touching or concern-

Commiſſioner to ſettle Diſputes.

ing any other Matter or Thing relating to the ſaid Diviſion, Allotment, Incloſure, Diſpoſal, and Sale, it ſhall be lawful for the ſaid Commiſſioner for the Diviſion, Allotment, Sale, and Diſpoſal thereof, and he is hereby authorized, upon Examination of Witneſſes upon Oath, (which Oath the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, is hereby authorized and empowered to adminiſter), or upon any other ſufficient Evidence or Enquiry, to hear and determine the ſame.

Not to determine Titles.

X. Provided always, That nothing contained in this Act or the ſaid recited Act of the Forty-firſt Year aforeſaid, ſhall authorize the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, to determine the Title to any Meſſuages, Lands, Tenements, or Hereditaments whatſoever.

Rights of Perſons not to be determined by the Commiſſioners contrary to their Poſſeſſions.

XI. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioner to determine any Right between any Parties, contrary to the Poſſeſſion of any ſuch Parties, except in Caſes of Encroachments, made within the Period of Twenty Years; but in caſe the ſaid Commiſſioner 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 or recovered from ſuch Perſon or Perſons, by Ejectment, or other due Courſe of Law.

Commiſſioner to aſſeſs Coſts.

XII. And be it further enacted, That in caſe the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid laſt-mentioned 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 over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, and he is hereby 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 Coſts and Charges attending ſuch Diſtreſs and Sale.

Allowing Parties to try their Rights at Law.

XIII. And be it further enacted, That if any Perſon or Perſons, Body or Bodies Politic or Corporate, intereſted or claiming to be intereſted in the ſaid Diviſion and Incloſure, or making any Claim or Claims as to the Boundaries of the ſaid Commons, Waſte Lands, or other Lands, or the Boundaries of the ſaid Manor, or as to any Right or Rights or Intereſt in the ſaid Commons, Waſte, and other Lands, and Lammas or Commonable Meadows, or any of them, or making any ſuch Objection or Objections as aforeſaid, ſhall be diſſatisfied with any Determination of the Commiſſioner for the ſpecial Purpoſes aforeſaid, touching or concerning any

any Rights or Interests in, over, or upon the said Lands hereby directed to be divided, allotted, inclosed, disposed of, or sold, or any Part thereof respectively, or in, over, or upon the said Lammas or Commonable Meadows, or any Part thereof, shall, by Writing under his or their Hand or Hands, or the Hand or Hands of his or their Agent, or under their Common Seal respectively, signify the same to the said Commissioner, within One Calendar Month next after such Determination shall have been made and signified, by Writing under the Hand of the said Commissioner, to the Person or Persons, Body or Bodies Politic or Corporate, against whom the same shall have been so made, or to his or their Agent or Attorney, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, so dissatisfied with such Determination, to have the Subject of such Claim or Objection, in respect of which such Determination shall be made, tried at Law, by any Action to be brought by him, her, or them, against any Person or Persons, Body or Bodies Politic or Corporate, in whose Favour any Determination may be so made, or against the said Commissioner, upon a feigned Issue, to be settled by the proper Officer of the Court where such Action shall be brought, in case the Parties differ about the same; such Action to be brought within Six Calendar Months next after any such Determination shall be made, and Notice thereof given as before directed; 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, whereby the Matter of such Determination of the said Commissioner may be tried, and the Plaintiff or Plaintiffs shall thereupon proceed in such Action, so as to have the same tried and determined at the First or Second Assizes to be holden for the County of *Stafford*, next after the Commencement of such Action, and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive, upon all and every Persons and Person whomsoever, Bodies or Body Politic and Corporate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had therein, which it shall be lawful for the said Court to do, as is usual in other Cases, and also upon sufficient Cause shewn, to put off the Trial of such Issues; and after such Verdict or Verdicts shall have been given, and final Judgment obtained 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: Provided always, that it shall be lawful for the said Commissioner to retain and pay all such Costs, Charges, and Expences as he shall incur and be put unto, or which shall be recovered against him in or by reason or in consequence of any such Action or Actions, out of any Monies which shall come to his Hands for the Purposes of this Act: Provided also, that all Determinations of the said Commissioner, which shall not be objected to by any such Notice to be given to the said Commissioner as aforesaid, or being so objected to, and the dissatisfied Parties respectively not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties: Provided also, that before any Trial shall be had, the Party or Parties desiring the same shall give Fourteen Days Notice of Trial to the said Commissioner of his, her, or their Desire to proceed to such Trial.

XIV. And

Actions not to abate by Death of Parties.

XIV. 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.

XV. 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 hereinbefore 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 for the ſpecial Purpoſes aforeſaid, 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 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.

Suits reſpecting Titles not to impede the Execution of this Act.

XVI. And be it further enacted, That if any Suit or Suits ſhall be commenced or proſecuted touching the Title of any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, in or to any Lands, Tenements, Rights, or Hereditaments, hereby directed to be divided, allotted, or ſold, or any Part thereof, ſuch Suit or Suits ſhall not impede, delay, or prevent the ſaid Commiſſioner from proceeding in the Execution of the Powers veſted in him by this Act or the ſaid recited Act of the Forty-firſt Year aforeſaid, but the ſaid Diviſion, Allotment, and Sale, ſhall be proceeded in, as to the Remainder of ſuch Lands, Tenements, Rights, and Hereditaments, notwithſtanding any ſuch Suit or Suits.

Common and Lammas Rights, &c. to ceaſe when the Commiſſioner ſhall appoint.

XVII. And be it further enacted, That all the ſaid Rights of Common, and other Rights in, over, or upon the ſaid Common and Waſte Lands, or any Part thereof, and all the Lammas Rights or Common Rights, or other Rights of Common of Paſture which the Owners or Occupiers of any Meſſuages in the ſaid Manor of *Lichfield*, or other Perſons now have, or claim to have, in or upon the ſeveral Lammas Meadows, Lammas Lands, or other Commonable Lands within the ſaid Manor, and the Right of Paſturage for the Maintenance of a Bull, and all other Rights and Privileges heretofore uſed and exerciſed in or over the ſaid Pieces of Land called the *Bull Pieces*, ſhall ceaſe at ſuch Time or Times as the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid ſhall, by Notice in Writing under his Hand, to be affixed on the principal outer Doors of the ſeveral Pariſh Churches aforeſaid, and on the Door of the Guildhall aforeſaid, order and direct, and be thenceforth for ever extinguiſhed, any Law, Uſage, or Cuſtom to the contrary notwithſtanding; and if, after the Extinguiſhment of ſuch Rights, any of the Owners or Occupiers of Houſes within

the ſaid Manor, or any other Perſon, 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, and Lammas and other Rights, or any of them, 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, 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 for the ſpecial Purpoſes aforeſaid ſhall, by Writing under his Hand, order and direct, not exceeding the Sum of Five Pounds for each of the ſaid Cattle ſo diſtrained; and in caſe the ſame ſhall not be paid before the next Attendance of the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, after ſuch diſtraining or impounding, then the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid is hereby authorized 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 other 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, Stone, Furze, &c. not to be cut, digged, or gotten, without the Licence of the Commiſſioner.

XVIII. And be it further enacted, That if any Perſon or Perſons ſhall, after the paſſing of this Act, cut, dig, pare, plough, get, or carry away any Turf or Turves, Stone, Gravel, Sand, Ling, Furze, Gorſe, Fern, Clay, or Soil, in, upon, or from the ſaid Commons, Waſte, and other Lands, or any Part thereof, without or contrary to the Licence for that Purpoſe of the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, in Writing, firſt had and obtained, (which Licence the ſaid laſt-mentioned 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 for the ſpecial Purpoſes aforeſaid, upon due Proof thereof made to him upon Oath, (which Oath the ſaid laſt-mentioned 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 ſetting out public Bridle or Footways, and private Ways, &c.

XIX. And be it further enacted, That the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid ſhall, and he is hereby empowered and required, as ſoon as conveniently may be, 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, Sewers, Watercourſes, Gates, Stiles, and other Conveniences in, over, and upon the ſaid Commons and Waſte Lands by this Act intended to be divided, incloſed, or diſpoſed of, or ſold, and over any Brook or Watercourſe interſecting the ſame, or any Parts thereof, as he

ſhall think proper, except as herein-after mentioned; and ſuch of the ſame as ſhall by the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid be deemed and awarded to be public, ſhall, from Time to Time for ever thereafter, be maintained, repaired, and cleanſed by the Surveyors of the Highways within the ſeveral Pariſhes and Townſhips in which ſuch Roads, Ways, or Bridges ſhall reſpectively lie, and the Remainder thereof ſhall be maintained, repaired, and cleanſed by ſuch Perſons, and in ſuch Manner as the ſaid Commiſſioner ſhall in his Award direct or appoint.

Commiſſioner not to make Watering-places, &c. near the Wyrley Canal.

XX. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to give to or inveſt the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, with any Power to ſet out or appoint any public or private Watering-places for Cattle, in or upon the ſaid Commons and Waſte Lands by this Act directed to be divided, incloſed, or diſpoſed of or ſold, upon or immediately adjoining to the Towing-path Side of the ſaid Canal called *The Wyrley and Eſſington Canal Navigation*, or within Twenty Yards of the ſame, or to make or complete any Bridge, Ditch, Sewer, Watercourſe, Gate, Stile, or other Convenience in, over, upon, or under ſuch Parts of the ſaid Commons and Waſte Lands reſpectively, as have been taken, appropriated, and are now uſed by the ſaid Company of Proprietors for the Purpoſes of the ſaid Canal Navigation; any Thing in this Act contained to the contrary thereof in anywiſe notwithſtanding.

Roads dividing Pariſhes.

XXI. And be it further enacted, That in caſe any Public Road or Highway ſhall, by virtue of the ſaid Act of the Forty-firſt Year of His preſent Majeſty's Reign, and of this Act, be ſet out or continued in any Situation or Direction where the ſaid Manor of *Lichfield*, or any Pariſh or Townſhip within the ſaid Manor is divided from any adjoining Manor, Pariſh, Townſhip, or Place, and where there now is, or uſually hath been a Public Road or Way, and ſuch adjoining Pariſh, Townſhip, or Place hath heretofore been charged or liable, or ought to be charged or liable, to One-half Part of the Repairs and Support of the ſaid Road or Way, then and in ſuch Caſe the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, may and ſhall ſet out ſo much only from and out of the Lands and Grounds hereby intended to be divided and allotted, as will extend ſuch Road (not being a Turnpike Road) over ſuch Lands and Grounds Fifteen Feet at leaſt from the Center of ſuch Road.

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

XXII. And be it further enacted, That if upon ſetting out the Roads and Ways by the ſaid recited Act of the Forty-firſt Year aforeſaid, or this Act, directed to be made and ſet out, it ſhall appear to the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, that any ancient Carriage Road, Bridle Road, Footway, or Path, in, through, over, between, or adjoining to any of the ancient incloſed Lands or Lammas Meadows, or Lammas Lands, within the ſaid ſeveral Pariſhes of *Saint Michael* and *Saint Chad*, otherwiſe *Stowe*, ſhall, by reaſon of the ſaid intended Diviſion, Allotment, and Incloſure, or otherwiſe, become unneceſſary or inconvenient, it ſhall be lawful for the ſaid laſt-mentioned Commiſſioner, by and with the Conſent and Concurrence of any Two Juſtices of the Peace for the ſaid City and County of *Lichfield*, and ſubject to Appeal in the Manner directed by the ſaid recited Act of the Forty-firſt Year aforeſaid, and he is

hereby authorized and required to ſtop up, or turn, or divert ſuch ancient Carriage Road, Bridle Road, Footway, or Path; and the ſaid laſt-mentioned Commiſſioner is hereby directed to ſet forth in his Award, a Deſcription of every ſuch Carriage Road, Bridle Road, and Footpath or Way ſo ſtopped up or turned; and from and after the Executicnof the ſaid Award, or at ſuch other Time as the ſaid laſt-mentioned Commiſſioner ſhall direct, ſuch Footpath 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 Carriage Road, Bridle Road, or Footpath leading through, over, or between any ancient incloſed Lands, ſhall be turned into any other ancient incloſed Lands, without the Conſent in Writing of the Owner or Owners of ſuch laſt-mentioned Lands.

No Footway to be turned through incloſed Lands, without the Conſent of the Owner.

XXIII. And be it further enacted, That for the better draining and improving the ſaid Commons, Waſte, and other Lands hereby directed to be divided, allotted, and incloſed, and all other the incloſed Lands within the ſaid Pariſhes of *Saint Michael* and *Saint Chad*, otherwiſe *Stowe*, in the City and County of *Lichfield*, and in the County of *Stafford*, the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, ſhall and may divert, turn, or widen any Brook or Watercourſe, and ſet out, appoint, and make ſuch Ditches, Drains, Brooks, Watercourſes, Banks, Culverts, Water-gates, Bridges, and other Works, through, upon, and over the ſame, and through, upon, and over any Roads interſecting the ſame, except as herein-after is particularly mentioned, as ſhall in the Judgement of the ſaid laſt-mentioned 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 Waters, and ſubject to the Reſtrictions herein-after contained, making reaſonable 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 all Expences incurred in making, opening, draining, or turning ſuch Brooks or Watercourſes, Ditches, Drains, Banks, Culverts, Water-gates, Bridges, and other Works, as ſhall be made for the Purpoſe of draining and improving the ſaid Commons and Waſte and other Lands, hereby directed to be divided or ſold; and every ſuch Sum and Sums of Money as ſhall be paid for making Compenſation or Satisfaction for any Damage to be done thereby, and all other Expences incidental to the ſame, or incurred in Completion thereof, ſhall be allowed in the Accounts of the ſaid Commiſſioner as Part of the Expences of putting this Act into Execution: Provided alſo, that no Brook or Watercourſe ſhall be diverted or turned from, into, or through any of the ſaid old incloſed Lands, without the Conſent in Writing of the Owner or Owners of the old incloſed Lands from, into, or through which the ſame ſhall be diverted or turned: Provided alſo, that no ſuch Ditches, Drains, Brooks, Watercourſes, Banks, Culverts, Water-gates, Bridges, or other Works ſhall be made within or upon the ſaid old incloſed Lands, (except for the Purpoſe of draining and improving the ſaid Commons, and Waſte and other Lands, hereby authorized to be divided and allotted, or ſold), without the previous Conſent of the Owners of ſuch old incloſed Lands, teſtified by ſome Writing under his, her, or their Hand or Hands, nor without an Agreement in Writing under the Hands of the reſpective Owners of the old incloſed Lands benefited or intended to be benefited thereby, to pay and diſcharge all and every

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

No Watercourſe to be diverted from, into, or through old incloſed Lands, without the Conſent of the Owners.

No Ditches, &c. to be made in old incloſed Lands (except for the Purpoſe of draining the

Common) without the Consent of the Owners, and only at the Expence of the Persons intended to be benefited agreeing to defray the same.

every such Sum and Sums of Money as shall be paid, or liable to be paid, for such Compensation or Satisfaction as aforesaid, and all Expences which shall be incurred in making, opening, diverting, or turning such Brooks or Watercourses, Ditches, Drains, Banks, Culverts, Water-gates, Bridges, and other Works, and the Expences of the Award of the said Commissioner, so far as shall relate thereto, and all other Expences which shall be incurred thereby, or in consequence thereof, in such Proportions as the said Commissioner shall think just and equitable, and the said Commissioner, in Default of Payment thereof, shall recover the same by the Means directed by the said recited Act of the Forty-first Year aforesaid, or by this Act, respecting any other Monies to be raised for putting the said Acts, or either of them, into Execution; nor shall the same, or any Part thereof, be charged by the said Commissioner as Part of the Expences of carrying this Act into Execution; and the said Commissioner shall and may, and he is hereby required, 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, Brooks, Watercourses, Banks, Culverts, Water-gates, Bridges, and other Works, shall be afterwards cleansed, scoured, repaired, and maintained.

No Brook, Ditch, etc. to be turned so as to affect the Wyrley Canal.

XXIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give to or invest the said Commissioner for the special Purposes aforesaid, with any Power to divert, turn, or widen any Brook or Watercourse, or to set out, appoint, or make any Ditch, Drain, Brook, Watercourse, Bank, Culvert, Water-gate, Bridge, or other Work, through, upon, over, or under such Part or Parts of the said Canal, called *The Wyrely and Essington Canal Navigation*, as is or are situate and being in or passing through any Lands lying within the said Parishes of *Saint Michael* and *Saint Chad*, otherwise *Stowe*, in the City and County of *Lichfield*, or in either of them, or through, upon, over, or under the Towing-path or other Works belonging thereto, nor to charge the said Company of Proprietors with any Expence to be incurred in the making, opening, draining, or turning any Brook or Watercourse, Ditch, Drain, Bank, Culvert, Water-gate, Bridge, or other Work, which shall be made for the Purposes of draining and improving the said Commons and Waste Lands hereby directed to be divided or sold, or of the old inclosed Lands, nor in the maintaining or repairing of the same, or any Part or Parts thereof, nor to authorize the said Commissioner to charge or impose upon the said Company any Sum or Sums of Money towards defraying any of the Expences of obtaining or executing this Act; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Allotment for the Use of the Scavenger.

XXV. And be it further enacted, That the said Commissioner for the special Purposes aforesaid shall, and he is hereby authorized and empowered to assign, set out, and allot, unto the said Commissioners for the Improvement of the said City of *Lichfield*, so much and such Part or Parts of the said Commons and Waste Lands hereby directed to be divided, as he the said Commissioner for the special Purposes aforesaid shall think fit, for the Use of the Scavenger or Scavengers of the said City, and for the depositing of Manure, Mud, Filth, Rubbish, or Soil, to be gotten or collected, with convenient Roads to and from the same respectively, not exceeding in the Whole One Statute Acre of Land.

XXVI. And

Such Parts of the Marsh as have been taken by the Wyrley and Essington Canal Company for the Purposes of the said Canal, vested in them.

XXVI. And whereas by the said Acts passed in the Thirty-second and Thirty-fourth Years of the Reign of His present Majesty, certain Persons therein named were incorporated by the Name and Style of "The Company of Proprietors of the *Wyrley* and *Essington* Canal Navigation;" and were thereby enabled to make use of certain Lands and Grounds for the Purposes of the said Canal and other Works, making Recompence and Satisfaction to the Persons interested in such Lands and Grounds for the Use thereof: And whereas sundry Parts of the said Common or Waste Lands called *The Marsh*, situate in the Parish of *Saint Michael*, in the City and County of the City of *Lichfield*, have been taken, appropriated, and used by the said Company of Proprietors, for the Purposes of the said Canal and the Towing-path and other Works appertaining or belonging thereto, and full Recompence and Satisfaction hath been made and paid to the Lords of the Manor of *Lichfield* aforesaid, and to all other Persons interested therein, for or in respect of the same; be it therefore further enacted, That from and immediately after the passing of this Act the Inheritance in Fee Simple in Possession of and in such Part or Parts of the said Common or Waste Lands called *The Marsh*, as have been so taken, appropriated, and used by the said Company of Proprietors, and the legal Estate therein, shall become and remain for ever absolutely and indefeasibly vested in the said Company of Proprietors, freed and discharged to all Intents and Purposes whatsoever, of and from all and every the Estates, Rights, Titles, Interests, Claims, and Demands whatsoever, whether Manorial or of what Nature or Kind soever the same may be, of the Lords of the said Manor of *Lichfield* for the Time being, and of the Owners and Occupiers of Estates within the said Manor for the Time being, and of all other Person and Persons whomsoever.

The Remainder to be sold.

XXVII. And be it further enacted, That after the Highways and Roads by the said recited Act of the Forty-first Year aforesaid and this Act, and the several Allotments herein-before directed to be made, shall be set out as aforesaid, the said Commissioner for the special Purposes aforesaid shall, and he is hereby authorized and empowered to divide, allot, and set out the Residue and Remainder of the said Commons and Waste Lands within the said Manor of *Lichfield*, in such Proportions, Lots, and Quantities, as the said Commissioner shall think most advantageous for the Sale thereof; and the said Commissioner shall, and he is hereby authorized and required to sell the said Lands in such Allotment or Allotments, Lot or Lots, as to him shall seem right or proper, to any Person or Persons, for the best Price or Prices that can be gotten for the same, by Public Auction or Auctions, of which Auctions or Auction One Month's previous Notice at the least shall be given, by Advertisement to be affixed on the Door of the Guildhall of the said City of *Lichfield*, and also published in some Newspaper circulating in the said City; and the Person or Persons so purchasing the same, shall immediately pay, by way of Deposit, into the Hands of the Commissioner, or such Person or Persons as he shall direct or appoint, One-tenth Part of his, her, or their Purchase Money, and shall pay the Remainder thereof within Six Calendar Months next after the said Sale, or at such other Time as the said Commissioner shall appoint, and in Default thereof the Money so deposited shall be forfeited, and shall be applied for carrying this Act into Execution, and the Purposes thereof; and the Allotment or Allotments, Lot or Lots, for which the Whole of such Purchase Money shall not have been so paid, or for which there shall have been no Bidding at such Auction, equal, in the Opinion of the

ſaid Commiſſioner, to the Value thereof, ſhall again be put up to Sale by Public Auction, and ſold in Manner aforeſaid, for the beſt Price or Prices that can be gotten for the ſame; and upon the Receipt of the whole Purchaſe Money for any Allotment or Allotments, Lot or Lots, which ſhall be ſo ſold as aforeſaid, the ſaid Commiſſioner ſhall, and he is hereby authorized and required to grant and convey by any Deed or Deeds, Inſtrument or Inſtruments in Writing under his Hand and Seal, the Fee Simple and Inheritance of and in ſuch Allotment or Allotments, Lot or Lots, to ſuch Perſon or Perſons, and for ſuch Uſe and Uſes as the reſpective Purchaſer or Purchaſers thereof ſhall appoint; and immediately after the Execution of ſuch Deed or Deeds, Inſtrument or Inſtruments in Writing as aforeſaid, all and every Allotment and Allotments, Lot or Lots therein deſcribed to be thereby granted and conveyed, ſhall be abſolutely diſcharged of and from all Rights of Common, and other Rights thereon or therein, (except ſuch as are not intended to be barred by this or the ſaid recited Act of the Forty-firſt Year aforeſaid), and be thenceforth held in Severalty, and veſted in Fee Simple in the Purchaſer or Purchaſers thereof reſpectively, as his, her, or their private or abſolute Property, (ſubject only to ſuch Rights as are not intended to be barred as aforeſaid), and the Receipt and Receipts of the ſaid Commiſſioner ſhall be a full and abſolute Diſcharge to ſuch Purchaſer or Purchaſers for the ſaid Purchaſe Monies.

Small Parcels of Waſte Land adjoining to ancient Freeholds, and alſo to public Highways, to be firſt offered to Sale to the Owner of ſuch ancient Freeholds.

XXVIII. Provided always, and be it further enacted, That in every Caſe where it ſhall happen that any ſmall Parts or Parcels of the ſaid Commons and Waſte Lands, (except any Parts of the ſaid Commons called *Leamonſly*, *the Marſh*, and *Femly Pitts Common*), ſhall lie by the Sides of any public Highways, and adjoin alſo to Freehold or other anciently incloſed Lands and Hereditaments belonging to any Perſon or Perſons whomſoever, it ſhall be lawful for the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, and he is hereby authorized and required (previouſly to any Public Auction being made as aforeſaid) to offer for Sale by Private Contract to the ſeveral Proprietors of ſuch Freehold Lands and Hereditaments laſt mentioned, who ſhall apply to him for that Purpoſe, at his Firſt or Second Attendance, ſuch Parts and Parcels of the ſaid Common Lands and Waſte Grounds ſo adjoining or lying contiguous to ſuch Freehold or other anciently incloſed Lands and Hereditaments reſpectively, and to any public Highway, not exceeding One Statute Acre to any one ſuch Perſon, before the ſame ſhall be ſold as before directed reſpecting the other Parts of the ſaid Common Lands and Waſte Grounds, at ſuch Prices reſpectively as the ſaid Commiſſioner ſhall, by Writing under his Hand, fix as the Value thereof, and on ſuch Conditions as he ſhall direct, not exceeding Three Months for the Time of Payment of the Purchaſe Money; and every ſuch Piece of Waſte Land ſhall, upon Payment of ſuch Purchaſe Money as aforeſaid, to the ſaid Commiſſioner, whoſe Receipt ſhall be a full and abſolute Diſcharge for the ſame, be ſold and conveyed by the ſaid laſt-mentioned Commiſſioner, in Manner aforeſaid, to the Purchaſer thereof, and every ſuch Conveyance ſhall be good and effectual in Law, to all Intents and Purpoſes; but if any ſuch Proprietor or Proprietors ſhall refuſe or neglect, for the Space of One Month after ſuch Offer made to purchaſe the Piece or Pieces of Waſte Land hereby authorized to be ſold to him, her, or them as aforeſaid, or ſhall neglect, for the Space of Three Months after ſuch Purchaſe, to pay his or her Purchaſe Money for the ſame upon the Terms aforeſaid, then it ſhall be lawful for the ſaid Commiſſioner to ſell ſuch Piece or Pieces of Waſte Land by Public Auction, to any other

Perſon

Perſon or Perſons whomſoever, and to convey the ſame in Manner hereinbefore directed with reſpect to the remaining Part of the Land ſo to be ſold as aforeſaid.

Purchaſers and Perſons to whom Allotments ſhall be made of Waſte Land, to be ſubject to Orders of Commiſſioner as to incloſing, fencing, and draining.

XXIX. Provided always, and be it further enacted, That the Purchaſer and reſpective Purchaſers, and all Perſons to whom any Allotment ſhall be made by the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, of all or any of the Lands hereby directed to be ſold and allotted as aforeſaid, ſhall be ſubject to the Performance of all Orders, Regulations, and Directions which ſhall be made by the ſaid Commiſſioner, by Writing under his Hand, for incloſing, fencing, and draining ſuch Lands, and for maintaining and keeping the Drains and Fences thereto belonging in good Repair; and in caſe any Perſon or Perſons ſhall not incloſe, hedge, ditch, or fence his, her, or their Allotment or Allotments, or the Lot or Lots which ſhall be purchaſed by him, her, or them as aforeſaid, within ſuch Time, and in ſuch Manner as the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, ſhall order and direct, then, and in every ſuch Caſe it ſhall and may be lawful to and for the Owner or Occupier of the Lands or Grounds next adjoining to the Allotment or Allotments of the Perſon or Perſons who ſhall not have ſo incloſed, hedged, ditched, or fenced the ſame as aforeſaid, to exhibit a Complaint, upon Oath, againſt ſuch Perſon or Perſons, before One or more of His Majeſty's Juſtices of the Peace for the City and County of *Lichfield*, not being intereſted in the Lands or Grounds ſo intended to be incloſed, who is and are hereby empowered and required to ſummon the Parties concerned, and to examine Witneſſes upon Oath, in reſpect of the Matter of every ſuch Complaint, and to order, direct, and appoint the Perſon or Perſons exhibiting ſuch Complaint, to make and complete the Hedges, Ditches, and Fences of the Perſon or Perſons who ſhall not have ſo incloſed, hedged, ditched, or fenced as aforeſaid, in ſuch Manner as the Perſon or Perſons ſo neglecting or refuſing was or were ordered and directed to have done by the ſaid Commiſſioner; and alſo ſhall and may, by Warrant under his or their Hand and Seal, or Hands and Seals, directed to any Conſtable or other Peace Officer, cauſe the Charges and Expences of making, repairing, and maintaining the Hedges, Ditches, or Fences of the Perſon or Perſons who ſhall not have ſo incloſed, hedged, ditched, or fenced as aforeſaid, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing, and to pay the ſame over unto the Perſon or Perſons making and completing ſuch Fences as aforeſaid, rendering the Surplus (if any) after Payment of ſuch Charges and Expences, and of the Coſts and Charges of taking and making ſuch Diſtreſs and Sale to the Owner or Owners of ſuch Goods and Chattels, or otherwiſe the ſaid Juſtice or Juſtices ſhall and may, by Writing under his or their Hand and Seal, or Hands and Seals, authorize and empower the Perſon or Perſons exhibiting ſuch Complaint, to enter into and upon the Lands ſo to be allotted to, or purchaſed by ſuch Perſon or Perſons neglecting or refuſing to incloſe as aforeſaid, and to receive and take the Rents and Profits of the ſame Premiſes reſpectively, until thereby or therewith the Charges and Expences of making and completing the ſaid Hedges, Ditches, or Fences as aforeſaid, together with the Coſts and Charges occaſioned by or attending ſuch Entry upon and Perception of the Rents and Profits of the ſame Premiſes, ſhall be fully paid and ſatisfied.

Remedy againſt Perſons who ſhall neglect to incloſe.

XXX. And

The Value of Lammas Rights extinguiſhed to be aſcertained by the Commiſſioner and ſold, being firſt offered for Sale to the Proprietors of the Lands ſubject thereto.

XXX. And be it further enacted, That the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid ſhall, and he is hereby directed to aſcertain the Value of the Extinguiſhment of the Lammas Rights or Commonable Rights, in or upon the ſeveral Lammas Meadows, Lammas Lands, or other Commonable Lands, (not being Waſte Lands), within the ſaid Manor, to the ſeveral Perſons who may be benefited by ſuch Extinguiſhment, and to offer ſuch Lammas Rights for Sale by Private Contract, to the Proprietor or ſeveral Proprietors of Land ſubject thereto, at ſuch Prices reſpectively as the ſaid Commiſſioner ſhall, by Writing under his Hand, fix as the Value thereof, and on ſuch Conditions as he ſhall direct; and ſuch Lammas Rights reſpectively ſhall, upon Payment of ſuch Purchaſe Money as aforeſaid to the ſaid Commiſſioner, whoſe Receipt ſhall be a full and abſolute Diſcharge for the ſame, be by him ſold, releaſed, and conveyed to the Purchaſer or ſeveral Purchaſers thereof, in ſuch Manner as is before directed reſpecting the ſaid Common Land and Waſte Grounds, and every ſuch Releaſe or Conveyance ſhall be good and effectual in Law, for the Extinguiſhment of ſuch Lammas Rights; but if any ſuch Proprietor or Proprietors ſhall refuſe or neglect, for the Space of One Month after ſuch Offer made to purchaſe the Lammas Rights hereby authorized to be ſold to him, her, or them as aforeſaid, or ſhall neglect for the Space of Three Months after ſuch Purchaſe to pay his or her Purchaſe Money for the ſame, upon the Terms aforeſaid, then it ſhall be lawful for ſuch Commiſſioner to ſell ſuch Lammas Rights by Public Auction or Private Contract as aforeſaid to any other Perſon or Perſons whomſoever, and to convey the ſame in Manner herein-before directed, with reſpect to the Commons and Waſte Lands ſo to be ſold as aforeſaid; and every ſuch laſt-mentioned Purchaſer ſhall hold, uſe, exerciſe, and enjoy the ſame in ſuch Manner as the ſame are now held, uſed, exerciſed, and enjoyed by the ſeveral Perſons entitled to Right of Common or Lammas Rights on the ſaid Lammas Lands; or otherwiſe it ſhall be lawful for ſuch Commiſſioner, or any Perſon or Perſons authorized by him to enter upon and take Poſſeſſion of the Premiſes ſo to be exonerated from Lammas Rights as aforeſaid of the Perſon or Perſons refuſing or neglecting to pay as aforeſaid, and to receive and take the Rents and Profits thereof, until thereby, therewith, or otherwiſe, the Sum and Sums of Money ſo ordered and directed by ſuch Commiſſioner to be paid by ſuch Perſon or Perſons as aforeſaid, and all Intereſt thereof, to be computed from the Time the ſame ſhall, by ſuch Commiſſioner, be directed to be paid as aforeſaid; and alſo all Coſts, Charges, and Expences occaſioned by or attending ſuch Entry upon and Perception of the Rents and Profits of the ſaid Premiſes, ſhall be fully paid and ſatisfied; or otherwiſe it ſhall be lawful for ſuch Commiſſioner to divide, mark out, and ſet off ſo much and ſuch Part or Parts of the ſaid Lammas Meadows or Lammas Lands of every Proprietor thereof as ſhall, in the Judgment of the ſaid Commiſſioner, be equal in Value to the Extinguiſhment of the Lammas or other Commonable Rights aforeſaid, in, upon, or over the Remainder thereof, and to ſell the Part or Parts ſo divided, marked out, or ſet off, and convey the ſame, and apply the Monies ariſing therefrom in ſuch Manner as is herein-before directed with reſpect to the Sale of an Application of the Monies to ariſe from any other Parts of the Commons and Waſte Lands hereby authorized to be ſold.

Application of Money to be received.

XXXI. And be it further enacted, That all the Money to ariſe by the Sale of the ſaid Commons and Waſte Lands and other Lands hereby authorized to be

be ſold as aforeſaid; and the Extinguiſhment of ſuch Lammas or Common Rights as aforeſaid, and all other Monies which ſhall come to the Hands of the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, in purſuance or by virtue of the Powers and Proviſions herein-before contained, ſhall, from Time to Time, be paid into the Hands of the Treaſurers to the Commiſſioners for putting in Execution the Powers contained in the ſaid recited Act of the Forty-ſixth Year aforeſaid, who ſhall, after paying and diſcharging the Expences of obtaining and carrying into Execution this Act, and the Expences of carrying into Execution the ſaid recited Act of the Forty-firſt Year aforeſaid, ſo far as the ſame relates to the Powers given to the Commiſſioner for the ſpecial Purpoſes aforeſaid; and which the ſaid Commiſſioners for the Improvement of the ſaid City, are hereby required to pay and defray thereout in the firſt Place, and apply the Remainder thereof in defraying the Expences of paving, cleanſing, lighting, watching, regulating, and improving the Streets, Lanes, and other public Paſſages and Places in the City of *Lichfield*, and the Suburbs thereof, and other Purpoſes in the ſaid Act of the Forty-ſixth Year aforeſaid, and herein mentioned.

Money advanced to be repaid with Intereſt.

XXXII. And be it further enacted, That if any Perſon ſhall advance and pay any Money in Diſcharge of the Expences of obtaining, paſſing, and executing this Act, or any of them, the Money ſo paid or advanced ſhall be repaid and ſatisfied, together with full lawful Intereſt for the ſame.

For allowing Exchanges to be made.

XXXIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioner to ſet out, allot, and award any Lands, Tenements, or Hereditaments, in the ſaid Pariſhes of *Saint Michael* and *Saint Chad*, otherwiſe *Stowe*, or either of them, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Pariſhes, or either of them, or in any adjoining Pariſh, Townſhip, 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 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, Corporation Aggregate or Sole, 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, by and with the Conſent of the Leſſor or Leſſors, but not otherwiſe, or with the Conſent of the Guardians, Truſtees, or Feoffees, for Charitable, Parochial, 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 themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal or Seals of the Body or Bodies Politic, Corporate, or Collegiate, and under the Hands of the other conſenting Parties reſpectively, and all and every ſuch Exchange and Exchanges ſo 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 Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate: Provided also, that all Costs, Charges, and Expences attending the making of any Exchanges or 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.

XXXIV. And be it further enacted, That every Tenant and Occupier, under any Lease, Demise, or Agreement, for any Term of Years, at Rack Rent, now subsisting, of any Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall be exchanged by virtue of this Act, shall, within such Time as the said Commissioner for the special Purposes aforesaid shall appoint, by Writing under his Hand, 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 Commissioner 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 made thereof, it shall and may be lawful to and for the said Commissioner, and he is hereby required, by any Warrant or Warrants under his Hand and Seal, directed to any Person or Persons, to cause the same to be raised and levied, for the Use and Benefit of the Person or Persons entitled thereto, by Distress and Sale of the Goods and Chattels of the Person or Persons so making Default in Payment as aforesaid, his, her, or their Husbands, Guardians, Trustees, Committees, or Attornies, wheresoever the same shall be found, rendering the Surplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Warrant, Distress, and Sale being first deducted, together with Interest, after the Rate of Five Pounds *per Centum per Annum*, to be computed on such Sum or Sums of Money from the Time the same shall be directed to be paid by such Commissioner as aforesaid: Provided always, that if there shall be any Lease of Lands so to be exchanged, Part of which shall lie in the said Parishes, or either of them, and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent, now subsisting, may be vacated, but where any Lands shall be taken in Exchange, which Lands shall be under Lease, and wholly situate in an adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

Wills and Settlements not to be affected.

XXXV. 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 in pursuance of this Act, or the said recited Act of the Forty-first Year aforesaid, but that the several Messuages, Lands, Hereditaments, and other Estates so to be assigned

assigned or allotted, or given in Exchange, shall, from and after the making of such Allotments and Exchanges, be, remain, and enure, and be held and enjoyed, and the several Persons to whom the same shall be assigned and allotted, or given in Exchange as aforesaid, shall from thenceforth stand and be seised and possessed 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, Conditions, Settlements, Uses, Trusts, Powers, Provisoes, Rents, Debts, Charges, and Incumbrances, as the several Messuages, Lands, Tenements, or other Hereditaments, in respect or in lieu whereof such Allotments or Exchanges shall be respectively made, were and stood severally limited, or subject and liable unto at the Time of making such Allotments or Exchanges respectively.

No Sheep or Lambs to be kept in the Waste Lands to be sold, for Seven Years.

XXXVI. And be it further enacted, That no Sheep or Lambs shall be kept in any of the Waste Lands, to be sold in pursuance of this Act, during the Space of Seven Years, to be computed from such Time as the said Commissioner for the special Purposes aforesaid 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 Quicksets in or belonging to the Allotments or Lands 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.

Award, when inrolled as directed by 41 G. 3. to be deposited in the Office of the Town Clerk of the said City.

XXXVII. And be it further enacted, That the Award to be made by the said Commissioner for the special Purposes aforesaid, with a Map or Plan of the said Commons or Waste Lands hereby directed to be divided, allotted, and sold or exchanged, when the same shall have been enrolled in Manner directed by the said recited Act, shall be deposited in the Office of the Town Clerk of the said City of *Lichfield*, to the End Recourse may be had to the same by any Person or Persons interested therein; for the Inspection and Perusal whereof the Sum of One Shilling shall be paid and no more, and a Copy of the said Award, or the Inrolment thereof, or of any Part or Parts thereof, shall, from Time to Time, and at all Times thereafter, be admitted and allowed in all Courts whatsoever as legal Evidence, which Copies the said Town Clerk, or his Deputy, is required to make and deliver unto any Person or Persons requiring the same, upon Payment of the accustomed Fees allowed to be taken for Copies of Records made in the Office of the said Town Clerk.

Appointment of Auditor.

XXXVIII. And be it further enacted, That *John Pearson* of *Tettenhall*, in the County of *Stafford*, Esquire, Barrister at Law, shall be, and is hereby appointed Auditor of the Accounts of the Commissioner for the special Purposes aforesaid, and in case of his Death or Refusal to act, then some other fit and proper Person, not interested in the Premises, shall be appointed Auditor for that Purpose by the said Commissioners for the Improvement of the said City, who may be assembled at any Meeting to be held for electing such Auditor, as often as occasion shall require; and the Accounts of the said Commissioner for the special Purposes aforesaid, containing a true Statement of all Sums by him received and expended, or due to him for

for his own Trouble and Expences ſhall, at leaſt once in every Year from the paſſing of this Act, until ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined by the ſaid Auditor, and the Balance by him ſtated in the Book of Accounts to be kept in the Office of the Clerk of the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in the Law, unleſs the ſame ſhall be duly allowed by the Auditor for the Time being as aforeſaid.

Appeal to the General Quarter Seſſions.

XXXIX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done by the Commiſſioner for the ſpecial Purpoſes aforeſaid, in purſuance of this Act, or the ſaid recited Act of the Forty-firſt Year aforeſaid, then and in every ſuch Caſe, (except where the Orders and Determinations of the ſaid Commiſſioner for the ſpecial Purpoſes aforeſaid, 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 Four Calendar Months next after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving, or cauſing to be given, Ten Days Notice at the leaſt in Writing of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Clerks to the ſaid Commiſſioner, and within Four Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the ſaid County of *Stafford*, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice having been given as aforeſaid, and of ſuch Recognizance having been entered into, ſhall 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*.

Saving of Seigniories to the Lords of the Manor.

XL. 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 Bailiffs and Citizens of the City of *Lichfield*, as Lords of the ſaid Manor of *Lichfield* for the Time being, 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 ſaid Bailiffs and Citizens, and the Lords 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, Eſtreats, 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 intended to be extinguiſhed by virtue of this Act, and alſo except

except such of the said Rights and Appurtenances incident or belonging to the Lords of the said Manor of *Lichfield*, in respect of such Part of the said Common called *The Marsh*, as is by this Act vested in the said Company of Proprietors of the *Wyrley* and *Essington* Canal Navigation as aforesaid), in as full, ample, and beneficial Manner, to all Intents and Purposes as they could or might have enjoyed the same, in case this Act had not been made.

Saving the Rights of the Wyrley Canal Company.

XLI. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to give unto or invest the said Commissioner for the special Purposes aforesaid, with any Powers which may annul, abridge, vary, or in anywise interfere with any of the Rights, Privileges, or Authorities heretofore granted to the said Company of Proprietors of the *Wyrley* and *Essington* Canal Navigation, or to any other Person or Persons whomsoever, by the herein-before recited Acts for the making and extending the said Canal Navigation, or to enable the said Commissioner for the special Purposes aforesaid, or any other Person or Persons whomsoever, upon any Event or upon any Pretence whatsoever, at any Time to take or divert any of the Waters or Watercourses belonging to the said Company of Proprietors, or in which the said Company is interested; and that none of the Powers, Authorities, or Privileges given, granted, or allowed to the said Company of Proprietors, or to any other Person or Persons whomsoever, by either of the last-mentioned Acts, shall be restrained, abridged, lessened, controuled, annulled, varied, or in any Respect affected by this Act, or any Thing herein contained.

General Saving.

XLII. 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 whose Rights are meant and intended to be hereby barred and destroyed), all such Estate, Right, Title, and Interest of, in, to, or in respect of the Commons and Waste Lands to be divided or allotted, and sold 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.

Commissioners for executing the Remainder of the Act.

XLIII. And be it further enacted, That the several Persons declared by the said recited Act of the Forty-sixth Year aforesaid, to be Commissioners for putting the same in Execution, being severally resident in the City and County of the City of *Lichfield*, or in the Close of the Cathedral Church of *Lichfield*, be, and are hereby declared to be Commissioners for the Improvement of the City of *Lichfield*, and for putting the said recited Act of the Forty-sixth Year aforesaid, and this Act into Execution, (except so far as relates to the Powers herein-before specially and solely vested in the said *Robert Harvey Wyatt*, and his Successors, to be chosen as aforesaid), every such Commissioner for the Improvement of the said City, before he acts as such, first taking and subscribing the Oath, or being one of the People called *Quakers*, an Affirmation in the Words, or to the Effect set forth in the Form of the Oath or Affirmation contained in the said recited Act of the Forty-sixth Year aforesaid: Provided always, that no Person

hereby, or by the ſaid recited Act of the Forty-ſixth Year aforeſaid, appointed a Commiſſioner for the Improvement of the ſaid City, and carrying the ſaid Act and this Act into Execution, who has been already qualified, and taken the Oath required by the ſaid Act of the Forty-ſixth Year aforeſaid, ſhall be liable to any Penalty for acting as ſuch Commiſſioner without again taking the Oath by the ſaid recited Act of the Forty-ſixth Year aforeſaid, and hereby directed.

Power extended to enable Commiſſioners to purchaſe Land for a Road from Shortbutts Lane to the Marſh.

XLIV. And be it further enacted, That for the Purpoſe of enabling the ſaid Commiſſioners for the Improvement of the ſaid City to open a proper Communication or Communications between and through a certain Lane called *Shortbutts Lane*, and the Northern Side of the ſaid Common called *The Marſh*, all the ſeveral Clauſes, Powers, Proviſions, and Authorities contained in the ſaid recited Act of the Forty-ſixth Year aforeſaid, enabling the Commiſſioners therein appointed to purchaſe any ſuch Lands, Tenements, or other Hereditaments within the ſaid City, or the Suburbs thereof, as they the ſaid Commiſſioners ſhould think proper for the Purpoſes of the ſaid Act, and for the Sale thereof to the ſaid Commiſſioners, ſhall extend, and be conſtrued, deemed, and taken to extend to all ſuch Lands, Tenements, or Hereditaments, lying between *Shortbutts Lane* aforeſaid and the ſaid Marſh, as the ſaid Commiſſioners for the Improvement of the ſaid City ſhall think right and proper to be uſed for the Purpoſe of a public Carriage Road, or public Carriage Roads, from and through the ſaid Lane to the ſaid Marſh, as fully and effectually as if all and every ſuch Clauſes, Powers, Proviſions, and Authorities were herein repeated and fully ſet forth: Provided always, that nothing herein contained ſhall authorize the ſaid Commiſſioners to take or pull down any Dwelling Houſe, or make uſe of any Garden, Orchard, or Avenue to a Houſe, without the Conſent in Writing of the Owner or Proprietor thereof firſt had and obtained.

Power to borrow Money.

XLV. And whereas in and by the ſaid recited Act of the Forty-ſixth Year aforeſaid, the ſaid Commiſſioners, or any Five of them, are empowered to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhould judge neceſſary, not exceeding in the Whole the Sum of Two thouſand Pounds, for the Purpoſes of the ſaid laſt-mentioned Act, upon the Credit of the Rates or Aſſeſſments to be laid and collected by virtue thereof, and to ſecure the ſame in Manner therein mentioned: And whereas the ſaid Sum has been raiſed and expended purſuant to the Powers contained in the ſaid laſt-mentioned Act, and for the Purpoſes thereof; now be it further enacted, That it ſhall and may be lawful to and for any Five or more of the ſaid Commiſſioners for the Improvement of the ſaid City, from Time to Time to borrow and take up at Intereſt ſuch further Sum or Sums of Money as they ſhall judge neceſſary, not exceeding in the whole Sum raiſed and to be raiſed, and to be ſecured at any one Time, the Sum of Ten thouſand Pounds, for the Purpoſes of this and the ſaid laſt-mentioned Act, upon the Credit of the Rates or Aſſeſſments to be laid and collected by virtue of the ſaid Acts, or either of them, and by Writing under their Hands and Seals to aſſign all or any Part of the ſaid Rates or Aſſeſſments to ſuch Perſon or Perſons as ſhall lend or advance any Money thereon, or to his, her, or their Truſtee or Truſtees, as a Security

Security for the Principal Money to be advanced, with legal Intereſt for the ſame, or to grant Annuities to any Perſon or Perſons who ſhall contribute, advance, and pay into the Hands of the Treaſurer to the ſaid Commiſſioners, any Sum or Sums of Money as to the ſaid Commiſſioners ſhall ſeem right and proper, for the abſolute Purchaſe of any Annuity or Annuities to be paid and payable during the natural Life of every ſuch Contributor, or the natural Life of ſuch Perſon as ſhall be nominated by or on the Behalf of ſuch Contributor, at the Time of Payment of his or her Contribution or Purchaſe Money, ſo that no ſuch Annuity do exceed the Rate of Ten Pounds *per Centum per Annum* upon a ſingle Life, except in ſuch Caſes where the Perſon for whoſe Life any Annuity ſhall be paid be of the Age of Sixty-three Years or upwards, which Aſſignments and Grants ſhall be made and entered in ſuch reſpective Manner and Form; and the ſaid Commiſſioners for the Improvement of the ſaid City, ſo borrowing the ſame, or any Part thereof, as aforeſaid, ſhall have the like Powers reſpecting the ſame, and the ſeveral Perſons who ſhall advance any Sum or Sums of Money on any ſuch Securities, ſhall have the like Powers and Remedies as are by the ſaid recited Act of the Forty-ſixth Year aforeſaid provided for or in reſpect of the borrowing or advancing of the ſaid Sum of Two thouſand Pounds, thereby authorized to be borrowed as aforeſaid, and all and every the Proviſions therein contained, with reſpect to the ſaid Sum of Two thouſand Pounds, ſhall extend to the Sum of Ten thouſand Pounds, hereby authorized to be raiſed, (except where the ſame are hereby altered) as fully and effectually as if the ſame were herein repeated.

Bridges liable to be repaired by the Commiſſioners to be veſted in them.

XLVI. And be it further enacted, That the ſeveral preſent and future Bridges ſituated, or which may hereafter be ſituated, in any of the Streets, Lanes, and public Paſſages and Places within the ſaid City, and the Suburbs thereof, which by the ſaid recited Act of the Forty-ſixth Year aforeſaid are directed to be repaired, maintained, and ſupported by the ſaid Commiſſioners for the Improvement of the ſaid City, out of the Rates or Aſſeſſments, and other Monies to be raiſed by them by virtue of the ſaid laſt mentioned Act ſhall, from and after the paſſing of this Act, belong to and be the Property, and the ſame are hereby reſpectively veſted in the ſaid Commiſſioners for the Improvement of the ſaid City, in ſuch Manner as the Pavements in the ſaid Streets are veſted in them by the ſaid recited Act of the Forty-ſixth Year aforeſaid, and with ſuch and the ſame Powers and Remedies for the Protection thereof, as are by the ſaid laſt-mentioned Act provided with reſpect to the ſaid Pavements; and that it ſhall and may be lawful to and for the ſaid Commiſſioners for the Improvement of the ſaid City, to take down, alter, repair, and amend, the ſaid ſeveral Bridges, or any others which ſhall be hereafter erected within the ſaid City, from Time to Time, whenever it ſhall appear to them neceſſary or expedient ſo to do, and with ſuch Materials, and in ſuch Manner as they the ſaid Commiſſioners ſhall think fit, and alſo to erect, ſet up, and maintain ſuch temporary Bridge or Bridges as ſhall appear to them neceſſary during the Progreſs of any ſuch Work, ſubject nevertheleſs, as to the Bridge in *Bird Street*, in the ſaid City, to ſuch Proviſions as have been, or may be made in relation thereto, by any Act of this Seſſion of Parliament.

Power to take down and repair Bridges.

XLVII. And

Private Drains already made to be carried under the Footpavements at the Expence of the Commissioners.

XLVII. And be it further enacted, That all private Drains now made and flowing upon or over any of the Foot-pavements in the said City, or the Suburbs thereof, not being Annoyances or Nuisances, or occasioned by any Annoyances or Nuisances within the true Intent and Meaning of the said recited Act of the Forty-sixth Year aforesaid, shall be carried under such Foot-pavements, and under the Carriage Roads, into the public Sewers, by and at the Costs and Charges of the said Commissioners for the Improvement of the said City; and that all private Sewers and Drains which shall hereafter, with the Consent of the said Commissioners, be made within any Street, Lane, public Passage, or Place, within the said City or Suburbs thereof, where there shall be a public Sewer or Drain, under the Management or Direction of the said Commissioners, shall be carried under the Foot-pavement, or Foot-way and Carriage-way into such public Sewer or Drain, under the Direction of the Surveyor or other proper Officer of the said Commissioners, at the Costs and Charges of the Owner or respective Owners of the Houses, Lands, or Tenements to which such private Sewer or Drain doth or shall belong; and such Costs and Charges (to be ascertained and settled, in case of Dispute, by some Justice of the Peace for the said City and County of *Lichfield*), shall, on Non-payment thereof on Demand be levied and recovered by Warrant of such Justice, by Distress and Sale of the Goods and Chattels of the Occupier or respective Occupiers of the Premises; and all such Occupiers, their Executors and Administrators, are hereby empowered to deduct and retain, out of their respective Rents, such Costs and Charges as they respectively shall pay, for or on behalf of the Owner or respective Owners of such Premises respectively, which Costs and Charges so paid shall be considered as Money actually paid for Rent due, or to become due to such Owner or respective Owners, who shall allow the Deduction upon the Receipt of the Remainder of his, her, or their Rent or respective Rents: Provided always, that all such private Drains now made, or which shall hereafter, with the Consent of the said Commissioners, be made, shall be repaired and cleansed, and the Expences thereof recovered and reimbursed by such Person and Persons, and in such Manner as is directed by the said recited Act of the Forty-sixth Year aforesaid.

Private Drains hereafter to be made, to be carried under the Footpavements at the Expence of the Owners of Houses, &c.

Rates on Houses, &c. let for a less Term than a Year.

XLVIII. And be it further enacted, That when any Messuage, House, or Building, within the said City or the Suburbs thereof, liable to be rated under the Powers in the said recited Act of the Forty-sixth Year aforesaid, shall be let by the Week or otherwise, for any less Term than One Year, it shall and may be lawful to and for the said Commissioners for the Improvement of the said City, in each and every such Case, to rate or assess the Landlord or Owner, Landlords or Owners, of every such Messuage, House, or Building, with the whole Rate or Assessment under the said Act; and the Landlord or Owner, Landlords or Owners, shall, in each and every such Case, be charged with and liable to pay the Whole of the Rate or Assessment accordingly; but that it shall and may be lawful to and for every such Landlord or Owner to recover of and from his, her, or their respective Tenant or Tenants, a proportionable Part of every such Rate or Assessment as Rent, and by such and the same Means as he, she, or they are by Law entitled to use for the Recovery of his, her, or their Rent or respective Rents.

XLIX. And

Power to bring Water from a Spring on Pipe Green.

XLIX. And whereas the Inhabitants of the ſaid City are at preſent ſupplied with Water from certain Springs ariſing at a Place called *Alderſhaw*, in the Pariſh of *Saint Michael*, in the ſaid City and County of the City of *Lichfield*, by the Feoffees and Sideſmen of the Conduit Lands in the ſaid City, by and out of the Rents of certain Eſtates veſted in the ſaid Feoffees for that and other Purpoſes; which Supply has occaſionally been found inadequate to the Conſumption of the increaſed Population of the ſaid City: And whereas it would be advantageous to the Inhabitants of the ſaid City, if the ſaid Feoffees and Sideſmen were enabled to furniſh to the Inhabitants of the ſaid City an additional Supply of Water, and which may be obtained from a Spring or Springs ariſing in a Common Meadow, or Parcel of Waſte Land, ſituated in the Pariſh of *Saint Chad*, otherwiſe *Stowe*, in the ſaid City and County, called *Pipe Green*, belonging to or enjoyed by the Owners of Houſes in *Bacon Street*, in the ſaid Pariſh and City and County, and uſed by the Occupiers of ſuch Houſes, being Pariſhioners of the ſaid Pariſh; be it therefore further enacted, That it ſhall and may be lawful to and for the Feoffees and Sideſmen of the Conduit Lands of the ſaid City for the Time being, at the Coſts and Expence of them and their Succeſſors, by themſelves, their Deputies, Officers, Agents, Servants, and Workmen, to make, complete, and maintain Waterworks, Aqueducts, Reſervoirs, Pipes, and other Works, in the ſeveral Pariſhes of *Saint Mary*, *Saint Michael*, and *Saint Chad* otherwiſe *Stowe*, in the ſaid City and County of *Lichfield*, neceſſary for the Purpoſe of ſupplying the ſaid City with Water from the ſaid Land called *Pipe Green*, and to ſupply the ſaid intended Water-works, Aqueducts, Reſervoirs, Pipes, and other Works, whilſt the ſame ſhall be making, and at all Times for ever after the ſame ſhall be made, with Water from the Spring or Springs at *Pipe Green* aforeſaid; and to make ſuch and ſo many Feeders, Tunnels, and Shafts, and to make, erect, and ſet up ſuch and ſo many Sluices, Engines, and other Machines for ſuppplying the ſaid Water-works with Water, and for any other Purpoſes for the making, maintaining, and uſing of ſuch Water-works as the Feoffees and Sideſmen of the ſaid Conduit Lands for the Time being, ſhall, from Time to Time, think proper and expedient; and for the Purpoſe of diſtributing ſuch Water to the different Inhabitants, it ſhall and may be lawful to and for the ſaid Feoffees and Sideſmen, and to and for their Agents, Officers, Workmen, and Servants, to dig and break up the Soil and Pavement of any of the Roads, Highways, Footways, Commons, Streets, Lanes, Paſſages, and public Places within, adjacent, and near unto the ſaid ſeveral Pariſhes and Places, and to ſink and lay Pipes, Trunks, and other Conveniences, for the Purpoſes aforeſaid, and to put Stop Cocks or Plugs, or Branches from ſuch Pipes, Trunks, and other Conveniences, in ſuch Places, and in Manner as ſhall be neceſſary for the Purpoſes aforeſaid; and from Time to Time to alter the Poſition of, and to repair, relay, and maintain ſuch Pipes, Trunks, Stop Cocks, and Plugs, and do all ſuch Acts, Matters, and Things as the ſaid Feoffees and Sideſmen and their Succeſſors ſhall, from Time to Time, and at any Time, think neceſſary and convenient for completing, amending, repairing, improving, and uſing the Works hereby authorized to be done, provided, and maintained, and all ſuch Works as have heretofore been made for ſupplying the ſaid City with Water, according to the true Intent and Meaning hereof; and the ſaid Feoffees and Sideſmen are hereby empowered

ered to make such Engines, Houses, and other Works, and all such Cisterns, Ponds, Basins, Main Pipes, Service Pipes, and other Pipes, Branches of Lead, and other Metal, Cocks, Stop Cocks, Valves, Fire Plugs, Air Plugs, Fire Cocks, Feeders, and Pumps, as the said Feoffees and Sidesmen shall think requisite for the several Purposes aforesaid; and also, from Time to Time, to divert, alter, repair, widen, enlarge, amend, and discontinue the same; they the said Feoffees and Sidesmen, their Agents, Deputies, Officers, Workmen, and Servants, doing as little Damage as may be in the Execution of the Powers hereby granted to them, and making full Satisfaction for any Damages to be thereby occasioned: Provided always, that all the Powers and Provisions of the said recited Act of the Forty-sixth Year of the Reign of His present Majesty, relating to the purchasing Lands, Tenements, and Hereditaments taken for the Purposes of the said Act, and assessing the Value thereof, and the Compensation to be made for any Damages to be done thereto, by a Jury in Manner therein mentioned; and the Application of the Money arising from the Purchase of such Lands, Tenements, or Hereditaments, or Compensation for Damages, shall be, and are hereby extended to the Lands, Tenements, and Hereditaments to be taken or used for the Purpose of bringing Water into the said City as aforesaid, as fully and effectually to all Intents and Purposes as if the said Powers and Provisions were repeated and re-enacted in the Body of this Act.

Ground broken up for laying Pipes, to be filled up again as soon as possible, and fenced in the mean Time to prevent Accidents.

L. Provided always, and be it enacted, That when and as often as any Ground shall or may be opened or broken up as aforesaid, for laying, taking up, or repairing any Aqueduct or Main Pipe, or Communication Pipe, by virtue of this Act, then and in every such Case the said Feoffees and Sidesmen, or other Persons respectively, shall fill, or cause to be filled up such Ground, and the Rubbish occasioned by the opening or breaking up the same, to be carried away as soon as conveniently may be, and in the mean Time to cause such Ground to be fenced or guarded, so that the same may not be dangerous to Passengers or Cattle: Provided always, that if there shall be any wilful or negligent Delay in the said Feoffees and Sidesmen, or in any of their Agents or Servants, in taking up or repairing any of the said Aqueducts or Main Pipes, or any of the said Communication Pipes, or in filling up such Ground, or removing the Rubbish thereby occasioned, then and in every such Case the said Feoffees and Sidesmen, or such other Persons so offending respectively, shall forfeit and pay any Sum not exceeding Five Pounds, to be ascertained by any Justice or Justices of the Peace for the said City and County of the City of *Lichfield*.

Plan deposited with the Clerk of the Peace, shall lie open to Inspection.

LI. And whereas a Map or Plan describing the Line of the said Pipes, for conducting the said Water from *Pipe Green* aforesaid, hath been deposited with the Clerk of the Peace for the said City and County of *Lichfield*; be it therefore enacted, That such Map or Plan shall remain in the Custody of the said Clerk of the Peace for the Time being, or his Deputy, and that all Persons interested therein shall, at all reasonable Times, have Liberty to inspect and peruse the same, and take a Copy thereof, or any Part thereof, paying a reasonable Compensation to the Clerk of the Peace or his Deputy, for every such Inspection; and that

the ſaid Feoffees and Sideſmen ſhall not make any other Reſervoir or Reſervoirs, Aqueduct or Tunnel, or have any Right or Authority to take any other Land for making any other Reſervoir or Reſervoirs, or for making any other Aqueduct or Tunnel for the ſupplying of any Water from *Pipe Green* aforeſaid, than the Reſervoir or Reſervoirs, Aqueduct or Tunnel, in the ſaid Map or Plan deſcribed, nor in making any Reſervoir or Reſervoirs, Aqueduct or Tunnel, deviate more than Twenty Yards from the Place or Places, Line or Courſe, deſcribed in the ſaid Map or Plan, without the Conſent in Writing of the Perſon or Perſons, Body or Bodies Politic or Corporate, in, or through, or upon whoſe Lands any ſuch Reſervoir or Reſervoirs, Aqueduct or Tunnel, ſhall be erected or made, or on or through whoſe Lands any ſuch Deviation ſhall be made.

Feoffees to make the Tunnel notwithſtanding Errors.

LII. Provided always, and be it enacted, That it ſhall be lawful for the ſaid Feoffees and Sideſmen to make the ſaid Reſervoir, Aqueduct, or Tunnel, into, through, acroſs, or over the ſeveral Lands, Hereditaments, or Premiſes of any Perſon or Perſons, who is, or are, or may be Owner or Owners, Occupier or Occupiers of Lands and Premiſes over which the ſame is or are ſet out and deſcribed in the ſaid Map or Plan, although the Name or Names of ſuch Perſon or Perſons may happen to be erroneouſly deſcribed, omitted, or miſ-ſtated in the ſaid Map or Plan, or Liſt, in caſe it ſhall appear to any Two or more Juſtices of the Peace for the ſaid City and County of *Lichfield*, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Houſes, &c. not to be injured.

LIII. Provided alſo, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Feoffees and Sideſmen to take or pull down, injure, or damage any Dwelling Houſe or other Building, or to make uſe of any Land which, on the Firſt Day of *January* One thouſand eight hundred and fifteen, was an Orchard, Garden, Yard, Park, Paddock, Planted Walk, or Avenue to a Houſe, or any incloſed Ground planted and ſet apart as a Nurſery for Trees, or any Part thereof reſpectively, without the Conſent in Writing of the Owner or Proprietor thereof firſt had and obtained.

For preſerving the Water clean and wholeſome,

LIV. And be it further enacted, That if any Perſon ſhall waſh any Dog or other Animal, or any Cloth, Wool, Leather, or the Skins of any Sheep, Lamb, or other Animal, or any noiſome or offenſive Thing, or throw or caſt any Dog or Cat, or any Filth, Dirt, or other noiſome or offenſive Thing, in any Reſervoirs or Aqueduct, Tunnel or Water Way, made or to be made for ſupplying the ſaid City or any Part thereof with Water, or cauſe or ſuffer the Water of any Sewer or Drain to run or be conveyed into any ſuch Reſervoir, Aqueduct, Tunnel, or Water Way, or cauſe any other Annoyance to be done to the Water contained in any ſuch Reſervoir, Aqueduct, Tunnel, or Water Way, whereby or by Means whereof the ſaid Water, or any Part thereof, ſhall or may be ſoiled, fouled, corrupted, or injured, then and in each and every ſuch Caſe, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds, to be recovered as aforeſaid.

LV. Pro-

For hindering Persons supplied, from supplying others, and for punishing Persons for wilfully letting off the Water.

LV. Provided always, and be it further enacted, That if any Person or Persons shall take or use, or cause, permit, or suffer to be taken or used, any Water from or out of any Reservoir, Aqueduct, Tunnel, or Pipe, which shall be made or laid by virtue of this Act, without the previous Consent of the said Feoffees and Sidesmen, or their Successors, or if any Person or Persons supplied, or to be supplied, with Water, by virtue of this Act, shall supply any other Person with any Part of such Water, or if any Person or Persons shall wilfully let off or cause to run to waste any Water from any such Aqueduct, Tunnel, or Pipe, then and in every such Case every Person so offending shall, for every such Offence, forfeit and pay to the said Feoffees and Sidesmen any Sum not exceeding Ten Pounds; and it shall and may be lawful to and for the said Feoffees and Sidesmen, if they shall so think fit, to take or cut off the Water so supplied by the said Feoffees and Sidesmen, from the House, Building, or other Premises of the Person or Persons so offending.

Except in certain Cases.

LVI. Provided nevertheless, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to subject any Person or Persons whomsoever, supplied with Water by the said Feoffees and Sidesmen, to any Penalty or Forfeiture for supplying any Person or Persons whomsoever with any Quantity of such Water in case of Fire, or during any Time that the Pipe or Pipes, Cock or Cocks, belonging to any Person or Persons supplied with Water by the said Feoffees and Sidesmen, shall or may happen to be out of Repair, such Pipe or Pipes, Cock or Cocks nevertheless, being repaired as soon as may be after any Damage shall happen thereto.

For enabling the Feoffees and Sidesmen to enter Premises to see that there is no Waste of Water.

LVII. And be it further enacted, That it shall and may be lawful to and for any Engineer, or any other Person or Persons acting by or under the Authority of the said Feoffees and Sidesmen, at all seasonable Times in the Day Time, upon giving Twenty-four Hours previous Notice of their Intention, to enter into any House, Building, or other Premises supplied with Water by the said Feoffees and Sidesmen, in order to inspect and examine if there be any Waste, undue Diversion, or improper Appropriation of the Water so supplied by the said Feoffees and Sidesmen; and if such Engineer, or other Person acting by or under the Authority of the said Feoffees and Sidesmen, shall at any such Time or Times be refused Admittance or Entrance into any such Dwelling House, Building, or other Premises, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed in or prevented from making such Inspection and Examination as aforesaid, then and in every such Case it shall and may be lawful to and for the said Feoffees and Sidesmen, to cut and turn off, or cause to be cut and turned off, the Water supplied by the said Feoffees and Sidesmen from such House, Building, or other Premises.

Penalty on Persons opening the Locks, or doing other

LVIII. And be it further enacted, That if any Person shall throw any Gravel, Stones, or Rubbish, into any Part of the said Water Works, Reservoirs, Aqueducts, Tunnels, Trenches, or Watercourses, which have heretofore been made, or which may hereafter be made by the present

sent or any former or future Feoffees and Sidesmen of the said Conduit Lands, or shall wantonly or unnecessarily open, or cause to be opened, any Lock, Gate, Paddle, Valve, or Clough, belonging to the said Water Works; or if any Person or Persons shall wilfully draw off, or cause to be drawn off, the Water from any Part of the said Water Works, or shall leave any of the Cocks or Pipes belonging to the same open and running, so as to mis-spend or waste the Water thereof, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of the Powers relating to the said Water Works herein contained, or shall wilfully injure the said Water Works, or any Part thereof, every Person offending in any of the Cases aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Damage to the Water Works.

LIX. And be it further enacted, That if any Person or Persons shall knowingly, wilfully, or maliciously break, throw down, or destroy any of the Works erected, made, or maintained, or to be erected, made, or maintained, by the said Feoffees and Sidesmen, for the Purpose of supplying the Inhabitants of the said City, or any of them, with Water, then and in every such Case, every such Person shall be judged guilty of Felony, and the Court by and before whom such Person or Persons shall be tried and convicted, shall have Power and Authority to cause such Person or Persons to be transported for the Term of Seven Years, or in Mitigation of such Punishment, such Court may award such Sentence as the Law directs in C ses of Petit Larceny.

Penalty for destroying Works.

LX. And be it further enacted, That the said Feoffees and Sidesmen shall, and they are hereby required, upon the carrying into and laying down any Main Pipe in any Square, Street, Passage, or Place, for the supplying the same with Water, to fix and place, or cause to be fixed and placed, at the Time of laying down such Main Pipe, One or more proper and sufficient Fire Plug or Fire Plugs, in each Square, Street, Passage, or Place supplied with Water from such Main or Mains, for the Supply of Water for the extinguishing of Fires, and when and so soon as any such Fire Plugs shall be finished, the said Feoffees and Sidesmen shall immediately deliver a Key or Keys of such Fire Plug or Fire Plugs at each and every House or Place in the Parish in which such Fire Plug shall be, wherein any Engine shall be kept for the extinguishing of Fires.

Requiring the Feoffees and Sidesmen to make Fire Plugs in every Street, &c.

LXI. Provided always, and be it further enacted, That no Water Pipes belonging to the said Feoffees or Sidesmen shall be laid down at a less Depth under Ground than Twenty Inches, under the Bottom of the Pavement, in any of the Streets or Places within the said City; and that all and every the Clauses, Provisions, Powers, Authorities, Regulations, Restrictions, Fines, Penalties, Matters, and Things whatsoever contained in the said recited Act of the Forty-sixth Year aforesaid, shall extend to and operate upon, or be construed to extend to and operate upon the said Feoffees and Sidesmen, and that the said Feoffees and Sidesmen shall be subject and liable to the Payment and Discharge of all Charges and Expences to be incurred by the breaking, taking up, relaying, reinstating, and making good all such Ground and Pavement in any of the said Streets and Places within

Directing how Pipes shall be laid down, and requiring the Feoffees and Sidesmen to conform to the Provisions of Act 46 G. 3.

within the ſaid City, as ſhall be broken or taken up, either for the Purpoſe of laying down, or for repairing, relaying, and amending any Mains, Pipes, Cocks, or Plugs to be made or laid down by virtue and in purſuance of the ſaid Act and this Act, or afterwards repaired, relaid, or amended, and to all Fines and Penalties for neglecting to repair, reinſtate, and make good ſuch Ground and Pavement in ſuch and the ſame Manner as is directed by the ſaid recited Act of the Forty-ſixth Year aforeſaid; any Thing herein or in the ſaid recited Act contained to the contrary notwithſtanding.

Requiring the Feoffees and Sideſmen to deliver Keys of Pipes, &c. to certain Fire Offices.

LXII. And be it further enacted, That in caſe any Inſurance Company againſt Fire ſhall be eſtabliſhed in the ſaid City, and ſhall be deſirous of and ſhall apply to the ſaid Feoffees and Sideſmen for a Key or Keys for the Mains, Plugs, or Services belonging to the Water Works, in order that ſuch Key or Keys may be kept by the ſaid Company or Companies ſo applying, or the Fireman or other their Men, Officers, or Servants, to the end that thereby in Caſes of Fire the Supply of Water from the ſaid Works may the more eaſily and readily be obtained, the ſaid Feoffees and Sideſmen ſhall be bound and obliged to furniſh ſuch Key or Keys to ſuch Company or Companies ſo applying, in order to their being ſo kept; and in caſe the ſaid Feoffees and Sideſmen ſhall refuſe ſuch Key or Keys to any Company ſo applying, they ſhall forfeit to ſuch Company, to whom ſuch Refuſal ſhall be made, the Sum of Fifty Pounds *per Annum*, which Penalty ſhall and may, from Time to Time, be recovered by Action, Plaint, or Suit, in any Court at *Weſtminſter Hall*.

In caſe the Water is not ſupplied in Five Years, that Part of the Act to ceaſe.

LXIII. And be it further enacted, That in caſe the Works for ſupplying the ſaid City with Water ſhall not be completed, ſo as to anſwer the Purpoſes thereof, within Five Years from and after the paſſing of this Act, all the Powers and Authorities herein contained relative thereto, ſhall ceaſe and determine, ſave only as to ſo much thereof, as ſhall have been then completed.

Power to make Bye-laws for licenſing Hackney Coaches, &c.

LXIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners for the Improvement of the ſaid City, to conſtitute, ordain, and provide, from Time to Time, ſuch Bye-laws, Rules, and Orders as they ſhall think fit for licenſing and authoriſing a ſufficient Number of Hackney Coaches, Chariots, and Sedan Chairs, within the ſaid City and County, and for regulating and ordering ſuch Hackney Coaches, Chariots, and Sedan Chairs, and the Owners, Drivers, and Carriers thereof reſpectively, and alſo in what Manner ſuch Hackney Coaches, Chariots, and Sedan Chairs ſhall be furniſhed and provided; and for aſcertaining and fixing, altering, and removing the Stands from Time to Time, and for puniſhing the Miſconduct and Miſbehaviour of Hackney Coachmen, Drivers of Hackney Chariots, and Chairmen, within the ſaid City and County; and for aſcertaining what Fares and Prices, as well for Time as Diſtance, ſhall be allowed and taken by ſuch Hackney Coachmen, Drivers of Chariots, and Chairmen, within the ſaid City, and to what Diſtance ſuch Hackney Coachmen, Drivers of Chariots, and Chairmen ſhall be obliged to drive, go, and come in and through the ſaid City and County, not exceeding for ſuch Coachmen and Drivers of Chariots Four

Miles, and not exceeding for such Chairmen Two Miles, and the Rates and Fares to be taken for the same; and the said Commissioners may, from Time to Time, as they shall think fit, repeal, alter, and amend such Bye-laws, Rules, and Orders, or any of them, and shall ascertain and set down what pecuniary Penalties or Forfeitures shall be incurred by Persons breaking or evading the same, or any of them, to be ascertained and recovered as aforesaid, provided that no such Penalty or Forfeiture shall exceed the Sum of Five Pounds for any One Offence: Provided also, that all such Bye-laws, Rules, Orders, and Regulations, to be made by virtue of this Act, be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to any of the Provisions and Directions in this Act contained, or any of them, and subject to Appeal as herein-after is mentioned.

Penalty on the Driver of any Coach, &c. offending.

LXV. And be it further enacted, That if the Driver of any Coach or Chariot, or the Carrier or Carriers of any Sedan Chair, shall be found standing or plying for Hire, or using such Coach, Chariot, or Sedan Chair, in the said City and County, without such Licence as aforesaid, or having such Licence, shall be found plying or standing for Hire at a different Place or Standing than the Place or Standing for which such Licence shall be granted, the Owner or Owners, or Driver or Drivers of, or the Person or Persons driving, or offering to drive, such Coach or Chariot, and the Owner or Owners, Carrier or Carriers of such Sedan Chair, without or contrary to such Licence as aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

Penalty on Persons not paying Hackney Coachmen, etc or injuring any Coach or Chair.

LXVI. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay on Demand any licensed Hackney Coachman, or the Driver of any such Coach, Chariot, or any Hackney Chairman, the Money justly due to him for the Fare, under or in pursuance of any Bye-law or Licence made in pursuance of this Act, or shall wilfully cut, deface, break, or injure any such licensed Coach or Chariot, or the Harness of the same, or any licensed Chair, within any Part of the Limits which such Hackney Coach, or Chariot, or Chair, is or shall be licensed or compelled to go, drive, or carry, it shall be lawful for any One or more Justice or Justices of the Peace of and for the said City and County, upon any Complaint thereof made to him or them, to grant his or their Summons against the Person or Persons complained of, to appear before him or them, at some Time and Place to be mentioned in such Summons, to answer the Matter of the said Complaint, and on Proof on Oath or Affirmation of the Service thereof, to proceed in and to hear the Matter of the said Complaint on Oath or Affirmation, whether the Person summoned shall appear or not, (except some reasonable Cause shall be offered for his, her, or their not so appearing), and to make such Order therein as to such Justice or Justices shall appear to be just; and if the Person or Persons against whom such Order shall be made, do not immediately pay, or cause to be paid, the Money (if any) that shall be ordered as a Satisfaction to the Person or Persons for the Service or Injury done, it shall be lawful for such Justice or Justices, and he and they is and are hereby required and directed to grant his or their Warrant of Distress against the Goods and Chattels of the Person or Persons so refusing or declining

declining to pay, to be tken in any Place wherever found, and the ſame to ſell and diſpoſe of, and out of the Monies ariſing by or from ſuch Sale, to pay the Money or Monies ſo awarded to the Perſon or Perſons to whom awarded, together with ſuch Coſts as ſuch Juſtice or Juſtices ſhall think reaſonable, returning the Surplus (if any) to the Owner of the Goods and Chattels ſo diſtrained; and if no Diſtreſs can be found, then to commit the Perſon or Perſons againſt whom ſuch Order ſhall be made to the Common Gaol of the ſaid City and County, for any Time not exceeding One Calendar Month, there to remain without Bail or Mainprize, unleſs the Money ſhall be ſooner paid.

Bye-laws to be publiſhed in a Newſpaper.

LXVII. And be it further enacted, That a Copy of the ſeveral Rules, Orders, and Bye-laws, Rates and Fares, by this Act authorized to be made, ſhall be printed and ſigned by the Clerk to the ſaid Commiſſioners, and affixed on the Door of the Guildhall of the ſaid City, and that public Notice when they are to take place ſhall be given by Advertiſement in ſome Newſpaper to be then circulated in the ſaid City and County, Fourteen Days at leaſt before any ſuch Rule, Order, or Bye-law ſhall be executed or take Effect.

Penalty on Perſons ſummoned as Witneſſes refuſing to attend or be examined.

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall be ſummoned as a Witneſs or Witneſſes to give Evidence before any Juſtice or Juſtices of the Peace, touching any Matter of Fact contained in any Information or Complaint, for any Offence againſt this Act, or the ſaid recited Act of the Forty-ſixth Year aforeſaid, or againſt any Rule or Order made in purſuance thereof, either on the Part of the Proſecution, or of the Perſon or Perſons accuſed; and any ſuch Perſon or Perſons reſpectively ſhall refuſe or neglect to appear, on being paid or tendered a reaſonable Sum for his, her, or their Coſts, Charges, and Expences, at the Time and Place, to be for that Purpoſe appointed, without a reaſonable Excuſe for his, her, or their Refuſal or Neglect, or appearing, ſhall refuſe to be examined on Oath (or in caſe of a Quaker or Quakers, on ſolemn Affirmation), and to give Evidence before ſuch Juſtice of the Peace, then and in either of the ſaid Caſes every ſuch Perſon ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Five Pounds.

Leaving Summons or a Copy at the Dwelling Houſe to be good Service.

LXIX. And be it further enacted and declared, That in all Summonſes and Notices which are directed or required to be given by this Act, or the ſaid recited Act of the Forty-ſixth Year aforeſaid, or which are or may be directed or required to be given by any Rules or Orders made, or to be made in purſuance of the ſaid Acts, or either of them, or which ſhall or may be neceſſary for carrying into Execution any of the Powers of the ſaid Acts or either of them, or any of ſuch Rules or Orders, (where the Manner of ſerving ſuch Notices or Summonſes is not particularly or otherwiſe directed by the ſaid Acts or either of them), the Service of any ſuch Notice or Summons either on the Perſon to whom the ſame ought to be given, or leaving the ſame or a true Copy thereof at his or her Dwelling Houſe, or uſual Place of his or her Abode, with his Wife, or his or her Servant on the Premiſes, ſhall be good and ſufficient Service of

any

any such Notice or Summons; and that in all Cases whatsoever where any such Notices or Summonses ought to be given to Two or more Persons, for or respecting the joint Act or Omission of any such Persons, whether the said Persons be in Partnership in Trade, or otherwise jointly concerned in any such Act or Omission, the like Service of any such Notices or Summonses on any one of such Partners or Persons, or in Manner aforesaid, shall be also a good and sufficient Service thereof.

Service on one of two or more Parties sufficient.

LXX. And be it further enacted, That all Penalties and Forfeitures by or under this Act imposed or incurred (for the Recovery whereof no other Method hath been directed by this Act) shall be levied in the same Manner as all Penalties and Forfeitures imposed and incurred by the said recited Act of the Forty-sixth Year aforesaid, (for the Recovery whereof no other Method is thereby directed) are authorized to be levied.

Penalties and Forfeitures to be recovered, except where hereby otherwise directed.

LXXI. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Bye-law, Order, or Determination of the said Commissioners for the Improvement of the said City, or by any Order, Judgment, Conviction, or any other Matter or Thing done in pursuance of this Act, (save and except in such Cases where any Order, Judgment, or Determination is herein directed to be final and conclusive, and save and except in such Cases for which any particular Method of Relief is herein appointed), such Person or Persons may appeal to the Justices of the Peace, at any General Quarter Session of the Peace, to be holden for the said City and County of *Lichfield* within Three Calendar Months next after the Cause of Complaint shall have arisen, or at any Adjournment of such Session, the Person or Persons appealing first giving, or causing to be given, to the Clerk to the said Commissioners Fourteen Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof; and forthwith, after such Notice, and before any Distress shall be taken in consequence of any such Conviction, entering into a Recognizance before some Justice of the Peace for such County, City, or Place, with sufficient Sureties conditioned to try such Appeal, and to abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Session or Adjournment thereof; and the Justices at the said Session or Adjournment thereof, upon due Proof of such Notice having been given, and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as the said Justices shall think proper, and shall and may, at their Discretion, discharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing, and the Determination of the said Justices in their said General Quarter Sessions, or Adjournment thereof, shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Appeal.

LXXII And be it further enacted, That all and singular the Powers, Authorities, Directions, Regulations, Penalties, Forfeitures, Clauses, Provisions, Proceedings, Matters, and Things, which in and by the said recited Act of the Forty-sixth Year aforesaid are contained, (except so far as

The Directions in 46 G. 3. extended to this, except where hereby varied or repealed.

as the ſame is or are varied or repealed by this Act), ſhall be in full Force and Effect.

Public Act. LXXIII. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1815.