CHAPTER lxxi.

A.D. 1875.

An Act for making provision for the drainage and improvement of the marsh, meadow, and other low lands and grounds lying on and near the rivers Darling and Sow, and for the sale of Deepmoor Common, in the parish of Berkswich, and of Green Common, in the parish of Castle Church, all in the county of Stafford; and for other purposes.

[14th June 1875.]

WHEREAS there are in the township of Tillington, in the parish of Saint Mary, Stafford, and in other parts of that parish, and in the parishes of Castle Church and Creswell, all in the county of Stafford, certain marsh, meadow, and other low lands and grounds lying on or near the rivers Darling and Sow, of the extent in the whole of two hundred and four acres or thereabouts (in this Act referred to as the Tillington lands), which would be much benefited by a system of general drainage:

And whereas the persons and bodies who are or claim to be proprietors of the Tillington lands are desirous and it is expedient that such a system should be established for the same accordingly:

And whereas a system of general drainage has been adopted and is in operation for lands adjacent or near to the Tillington lands, under an Act of the fortieth year of the reign of King George the Third, intituled as follows; (namely,)

An Act for dividing, allotting, and inclosing the common fields, marsh, meadow, and waste lands, in the manor of Forebridge, and in the parish of Castle Church, in the county of Stafford, and for embanking and draining part of the said common fields, marsh, meadow, and waste lands, and certain other low lands and grounds in the said parish of Castle Church and in the adjoining parishes, townships, and places of Sow Saint Thomas otherwise Saint Thomas-upon-Sow, Coton, Berkswich, and Saint Mary in Stafford, in the said county of Stafford; 39 & 40 G. 3. c. lviii.

which Act is in this Act referred to as the Forebridge Act:

A.D. 1875.

And whereas the system of general drainage to be established for the Tillington lands can be conveniently combined with that established under the Forebridge Act, and the persons interested in the last-mentioned system are willing and it is expedient that such combination should be effected on proper terms and conditions:

And whereas the preamble of the Forebridge Act, in addition to recitals relating to drainage, recited (among other things) to the effect following; (that is to say,)

That there were within the manor of Forebridge, and in the parish of Castle Church, in the county of Stafford, several open and common fields, marsh, meadow, and waste lands;

That the occupiers of houses, being parishioners within the liberty of Forebridge (which is part of the parish of Castle Church), were entitled to such common of pasture as therein described in certain parts of the said common fields called the Green Field and Green Common by prescription and custom;

That the said common fields, marsh, meadow, and waste lands were, in their then state, incapable of any considerable improvement, and it would be of great benefit to the several persons interested therein, and of public utility, if the same were divided and allotted as therein mentioned, and it would also be of general advantage to the persons entitled to right of common in the said common fields called the Green Field and Green Common if a plot or parcel of land were allotted to them in the said fields, or either of them, in lieu of their common rights therein respectively;

and thereupon the Forebridge Act, in addition to enactments relating to drainage, enacted (among other things) to the effect following; (that is to say,)

That the person therein named and his successor, elected as therein mentioned, should be the Commissioner for allotting the said common fields, marsh, meadow, and waste lands, and for putting that Act into execution;

That the Commissioner should set out such parts of the said common fields, marsh, meadow, and waste lands respectively as, in his opinion, would by sale thereof raise a sum of money sufficient to discharge the expenses therein directed to be paid thereout, and sell the same as therein mentioned;

That the Commissioner should allot to the several occupiers of houses, being parishioners within the liberty of Forebridge, one allotment plot or parcel of land in the Green Field and Green Common, or either of them, of the full value of the common of pasture which they enjoyed therein, to be held thenceforth for ever in common by the occupiers of houses, being parishioners

as aforesaid, in lieu of all right of common in the Green Field and Green Common;

That it should be lawful for the minister, churchwardens, and overseers of the poor of the parish of Castle Church for the time being, and the occupiers of houses, being parishioners within the liberty of Forebridge, or any three or more of them, to meet as therein mentioned, and make orders as well for (among other things) the culture of the allotments and common plots, when set out, as for limiting the number and determining the sort of cattle to be kept therein, and at what times the same should be stocked and occupied, and for the general regulation and management of the said common plots, and appoint a clerk and treasurer, and a fit person, being an inhabitant of the liberty of Forebridge, to be overseer for taking care of repairs of fences and preventing trespass in the said common plots, and make a rate yearly, for answering the purposes aforesaid, on every occupier of such common right equally, not exceeding twenty shillings in respect of each common right;

That the Commissioner should cause to be drawn up an award in writing, which should express (among other things) the quantity of the lands and grounds intended to be inclosed by virtue of that Act, and a description of the situation and boundaries of each part thereof which might be allotted to each of the parties entitled to the same:

And whereas the Commissioner, under the Forebridge Act, made his award, dated the seventeenth day of February one thousand eight hundred and fifty-one (in this Act called the Forebridge award):

And whereas the Forebridge award (among other things) allotted to the several occupiers of houses, being parishioners within the liberty of Forebridge, the allotment plot or parcel of land in the common field in the Forebridge Act mentioned, and therein called the Green Field, specified in the schedule to that award, which was thereby allotted to and was to be held thenceforth for ever in common by them, in lieu of all right of common in the Green Field and the Green Common, which schedule comprised the following particulars; (that is to say,)

Names of Proprietors to whom the Allotment is made.	Situation of Allotment.	Quantities.
		A. R. P.
The householders of Forebridge.	In the Green Common Field, in the township of Forebridge.	5 1 16

A.D. 1875.

And whereas the Forebridge award further allotted to the several persons named in the schedule thereto the several pieces of land therein specified, parcel of the said common fields and waste lands by the Forebridge Act directed to be divided, allotted, and inclosed, which were sold by the Commissioner to the several persons named in that schedule, in order to raise a sum sufficient to discharge expenses, which schedule comprised the particulars following; (that is to say,)

Names of Purchasers to whom the Allotment is made.	Situation of Allotment.	Quantity.
John Twigg - -	On Deepmoor Common, in the parish of Berkswich.	A. R. P. 9 0 0
W. F. Chetwynd, Esq. -	On the same common - -	7 0 0
William James Emery -	On Deepmoor Common, in the parish of Berkswich.	2 0 0

And whereas the Forebridge award further declared to the effect that the Commissioner inserted in the schedule thereto a description of the works (being drainage works) within the parish of Castle Church and the adjoining parishes, townships, and places in the Forebridge Act mentioned, and the lands adjoining thereto, which under that Act were made, and which should for ever be preserved and kept in repair by and at the expense of the several owners of the lands and grounds by that Act directed to be embanked and drained, in the proportions specified in the rate thereunto annexed, which rate comprised the particulars following; (that is to say,)

Names of Proprietors.	Names of Fields, &c.	Quantity.	Rate per Acre.
Waste land or Common.	Open part of Deepmoor Common, exclusive of 18 acres sold.	A. R. P. 20 3 11	50*s.*

And whereas the allotment in the Green Common Field allotted by the Forebridge award to the householders of Forebridge (in this Act called the Green Common allotment) is in its present state of little use, and those householders are desirous and it is expedient that the same be sold, and that the proceeds of the sale thereof be applied as in this Act provided:

A.D. 1875.

And whereas Deepmoor Common is in its present state of little use, and the freeholders of the parish of Berkswich, who are or claim to be solely interested therein, are desirous and it is expedient that the same be sold, and that the proceeds of the sale thereof be applied as in this Act provided:

And whereas a map has been prepared in duplicate for the purposes of this Act, delineating and describing (first) the Tillington lands, which are thereon distinguished by a brown colour and by the words Tillington Drainage District, and (secondly) part of the lands drained under the Forebridge Act, which are thereon distinguished by a red colour and by the words Tillington Outfall District, and the same has been signed in duplicate by the Right Honourable Lord Redesdale, the Chairman of the Committee of the House of Lords, and that map is in this Act called the Tillington drainage map:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows; (that is to say,)

Short title.

1. This Act may be cited as The Tillington Drainage Act, 1875.

Provisions of certain Public Acts incorporated.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 (as far as they are applicable for the purposes of and are not varied by or inconsistent with this Act), are hereby incorporated with and shall be part of this Act, but nothing in this Act shall authorise the taking of lands otherwise than by agreement.

Limits of Act as regards drainage and outfall.

3. Nothing in the provisions of this Act relating to drainage or to outfall works shall authorise the doing of anything beyond the Tillington drainage district or Tillington outfall district (as the case may be), or in any manner extend the operation of those provisions beyond those districts respectively.

Definition of proprietors.

4. For the purposes of this Act those persons shall be deemed proprietors who would be proprietors for the purposes of the Land Drainage Act, 1861, and sections 6 to 9 (both inclusive) of that Act (relating to the definition of proprietorship) are, as far as the same are applicable for the purposes of this Act, hereby extended and applied to those purposes, and for those purposes section 8 shall operate whenever anything is to be done under this Act by proprietors, and the term proprietor in this Act means a proprietor within those sections of lands in the Tillington drainage district.

A.D. 1875.

Appointment of Commissioner.

5. There shall be for the purposes of this Act a Commissioner appointed and empowered as in this Act provided, and called the Tillington Drainage Commissioner (which Commissioner for the time being is in this Act referred to as the Commissioner).

First Commissioner.

6. Samuel Ginders is hereby appointed the Commissioner in the first instance, and he shall remain in office until he has made an award under this Act, or dies, or resigns by writing under his hand delivered to the Inclosure Commissioners for England and Wales (in this Act called the Inclosure Commissioners), or upon representation made by any two or more proprietors, and after due inquiry, has, in the judgment of those Commissioners, become incapable or unfit to act.

Appointment of succeeding Commissioners.

7. Any vacancy in the office of the Commissioner before he has made an award shall be filled by the appointment by the Inclosure Commissioners, on the application of two or more proprietors, of a competent and impartial person to be the Commissioner.

Deposit of map.

8. The Commissioner shall, within one month after the passing of this Act, deposit one duplicate of the Tillington drainage map with the clerk of the peace for the county of Stafford, who shall keep the same, under and according to the enactments applicable to plans deposited with him under the standing orders of either House of Parliament.

Power to take lands.

9. The Commissioner may purchase and take by agreement, and hold for the purposes of this Act, any mills, lands, houses, and other property, easements, rights, and interests in the Tillington drainage or outfall district, and for that purpose every such easement, right, or interest shall be deemed lands.

Power to execute works for Tillington drainage.

10. Subject to the provisions of this Act, the Commissioner is hereby empowered to execute, maintain, and do the following works and things; (that is to say,)

To embank, drain, and improve lands within the Tillington drainage district;

To enlarge and improve within the Tillington outfall district the drains and works made under the Forebridge Act;

To combine the drains and works within the Tillington drainage district with those made under the Forebridge Act, by continuing a drain or drains from the Tillington drainage district through the Tillington outfall district to join the drain known as the Broad Eye Drain;

To enlarge, widen, deepen, straighten, embank, cleanse, scour, and otherwise improve, within the Tillington drainage and outfall districts respectively, the rivers Darling and Sow, or either

of them, and all tributary streams, drains, and watercourses flowing directly or derivatively into those rivers, or either of them, within those districts respectively;

To enter on and to occupy, either temporarily or permanently, any lands within those districts respectively, and to make and maintain on, under, and through the same, embankments, culverts, tunnels, ditches, drains, pipes, sluices, floodgates, weirs, dams, walls, banks, arches, and other works for improving the drainage, and preventing the flooding of the lands in the Tillington drainage district;

To alter, divert, or otherwise interfere with, temporarily or permanently, all roads, ways, drains, streams, canals, or railways within the Tillington drainage or outfall district, as far as he finds the same necessary or expedient for the purposes of this Act;

but the execution of those works shall be subject to the following restrictions; (that is to say,)

(1.) All works in or directly affecting the Tillington outfall district shall be executed and done under the superintendence and to the reasonable satisfaction of the surveyor for the time being acting under the Forebridge award:

(2.) Any cut for drainage under this Act shall not be more than eleven feet wide at the bottom:

(3.) Any permanent alteration or diversion of a highway shall be made subject to the provisions respecting alterations or diversions in any general Act relating to highways for the time being in force.

For protection of London and North-western Railway Company.

11. In carrying into execution the powers contained in this Act, nothing shall be done whereby or by reason whereof the London and North-western Railway or any of its works shall be interfered with, or any injury be caused thereto, and whether by flooding or otherwise, nor shall any drain or culvert now passing under that railway be rendered insecure by reason of the connexion therewith of any drain or other work to be made or executed by the Commissioner or the surveyor (as the case may be), and the increased flow of water into or through the same, nor shall any work be done with respect to any such drain or culvert passing under that railway except under the superintendence and to the satisfaction in all respects of the principal engineer of the London and North-western Railway Company, and at the expense in all things of the Commissioner or the surveyor (as the case may be), or that company may, if they think fit, themselves execute any such last-mentioned work, but in all things at the like expense.

A.D. 1875.

Power to make valuations.

12. The Commissioner shall make or procure such valuation of the lands within the Tillington drainage district as he deems necessary or proper for the execution of this Act.

Liability to contribute.

13. The proprietors shall be liable to make contributions to the expenses of the execution of the works by this Act authorised, in proportion to the degree in which their respective lands are or will be, in the judgment of the Commissioner, benefited by the execution of those works.

Power for Commissioner to make calls.

14. The Commissioner shall from time to time make on the proprietors such calls of money in respect of their contributions required by this Act as he thinks fit, and may appoint the persons to whom and the times and places at which the calls are to be paid, giving at least fourteen days notice of every call before the day fixed for payment thereof.

Interest on calls in arrear.

15. If any proprietor fails to duly pay the amount of any call, he shall be liable to pay for the same, while in arrear, interest at the rate of six per centum per annum as from the day fixed for payment of the call.

Application of contributions.

16. The Commissioner shall apply all money received by him from the proprietors in respect of their contributions under this Act in purchasing lands, and executing works by this Act authorised, and in otherwise carrying into effect objects of this Act to which capital is properly applicable.

Tillington drainage award by Commissioner.

17. The Commissioner, after completing the execution of the works by this Act authorised, shall make an award under his hand (to be called the Tillington drainage award, and in this Act referred to as the award), and there shall be annexed thereto a lithographed or other accurate copy of the Tillington drainage map, with such corrections (if any) as appear to the Commissioner requisite or desirable, and with additions showing the works executed by the Commissioner under this Act.

Deposit of award in duplicate.

18. The Commissioner shall sign the award in duplicate, and shall deposit one duplicate with the clerk of the peace for the county of Stafford, who shall keep the same under and according to the enactments applicable to plans deposited under the standing orders of either House of Parliament, and shall deposit the other duplicate with the Inclosure Commissioners.

Liability to permanent acre tax.

19. The proprietors shall be liable to an acre tax, to be called the Tillington drainage acre tax, of an amount proportionate to the degree in which their respective lands are or will be, in the judgment of the Commissioner, benefited by the execution of the works by this Act authorised (in this Act referred to as the acre tax).

Permanent acre tax to be assessed by award.

20. The award shall assess on the several proprietors the proportionate amount of the acre tax to be paid for their respective lands for ever.

Proprietor to pay call and acre tax, and in default occupier to pay and deduct from rent.

21. Each proprietor shall be liable, in the first instance, to pay any call made on him and the acre tax assessed on him, and in default of payment by the proprietor the occupier of the land shall pay the same (which default shall be presumed on the occupier paying the same), and may deduct the amount paid by him out of the rent payable by him, and he shall be by virtue of this Act discharged from rent to that amount, save that an occupier being lessee under a beneficial lease for lives, or under a lease or agreement for a lease of the term whereof at the time appointed by the Commissioner for payment of the acre tax five years or more are unexpired, shall not be entitled to make such deduction.

Appointment of surveyor.

22. For the preservation and maintenance of the works executed by the Commissioner under this Act there shall be a surveyor appointed and empowered as in this Act provided (in this Act called the surveyor).

First surveyor.

23. The first surveyor shall be appointed by the award, on the nomination in writing of any two or more of the proprietors holding not less in the aggregate than one hundred and forty acres of land in the Tillington drainage district, and the first and every succeeding surveyor shall be removable at any time from office by any two or more such proprietors holding as aforesaid, by writing.

Appointment of succeeding surveyors.

24. Any vacancy in the office of the surveyor shall be filled by the appointment by the Inclosure Commissioners, on the application in writing of any two or more such proprietors holding as aforesaid, of a competent and impartial person to be the surveyor.

Surveyor to maintain works.

25. The surveyor shall maintain, manage, and regulate the works executed by the Commissioner, and shall have all such powers for that purpose as are vested in the Commissioner.

Collection of acre tax.

26. The surveyor shall collect from the proprietors such proportionate sums in respect of the acre tax as are from time to time requisite for the purposes of this Act.

Payment for use of Forebridge works.

27. In consideration of the use, for the purposes of this Act, of the works within the Tillington outfall district made under the Forebridge Act, there shall, from and after the award, be yearly paid to the surveyor acting under that Act, out of the proceeds of the acre tax, the yearly expense incurred by him in or about the cleansing and maintaining of those works, and the certificate of that surveyor shall be conclusive evidence respecting the amount of those expenses.

A.D. 1875.

Power to contract with owners of adjoining lands, &c.

28. The Commissioner may from time to time enter into and carry into effect contracts with owners or occupiers of lands near to the Tillington drainage district, for the passing of the waters thereof into any of the drains made under this Act, for such time and on such terms and conditions as the Commissioner and those owners or occupiers agree on, and may make for that purpose within the Tillington drainage district any such works as are authorised by this Act, and the surveyor may exercise any of the powers of this section, with the consent in writing of any two or more such proprietors holding as aforesaid.

Recovery of calls and acre tax.

29. The Commissioner and the surveyor may recover summarily any money payable to him in respect of any contribution under this Act or for the acre tax, with costs or by distress; and for facilitating recovery thereof by distress, the following provisions shall have effect; (that is to say,)

(1.) Where any person liable to pay any sum for a call or the acre tax fails for twenty-one days to pay it, a justice may issue his warrant of distress, and the bailiff or other person to whom the warrant is addressed shall distrain any goods or chattels of the defaulter being on the land in respect whereof the sum is payable:

(2.) The distress may be impounded, sold, replevied, and dealt with as in case of distress for rent in arrear on a lease for years:

(3.) The surplus (if any) arising from any such sale (after payment of the sum due and the expenses of the distress and sale), with the unsold goods and chattels (if any), shall be returned on demand to the person whose goods and chattels are distrained.

Remedy by letting of land for recovery of call or acre tax.

30. For facilitating recovery of a call or the acre tax by demise of land the following provisions shall have effect; (namely,)

(1.) Where any sum due in respect of a call or the acre tax is unpaid for six months after the time when it ought to be paid and sufficient distress is not found on the land in respect whereof it is payable, the Commissioner or surveyor (as the case may be) may, after giving ten days notice to the owner of his intention in this behalf, let such part of the land as he thinks sufficient to any fit person for any term not exceeding three years, at the best yearly rent that can be reasonably had, and may appoint a person to deliver to the lessee possession of the land let, and he shall deliver possession thereof accordingly, and the Commissioner or surveyor may distrain for any rent so reserved

and enforce the covenants of the lease as if he was entitled to the immediate reversion of the land let:

(2.) Notice of the intention to let and of the time and place of the letting, with a short description of the land to be let, shall, twenty-one days at least before the day appointed for the letting, be posted by the Commissioner or surveyor on some conspicuous place on or near the land:

(3.) The Commissioner or surveyor shall apply the rent received by him under any such letting in or towards payment of the call or acre tax, as the case may be, and expenses unpaid, rendering the surplus (if any) on demand to the person entitled thereto.

Application of acre tax.

31. The surveyor shall apply all money received by him from the acre tax in paying the necessary and proper establishment and working expenses, and the expenses of maintenance of works by this Act authorised, and in otherwise carrying into effect the purposes of this Act.

Property in works to vest in Commissioner until award, and afterwards in surveyor.

32. The right and property of and in all lands, works, implements, materials, goods, and things purchased, made, provided, or had by the Commissioner or the surveyor for the purposes of this Act, shall be and the same are hereby vested in the Commissioner for the time being by virtue of his office until the award, and thenceforth in the surveyor for the time being by virtue of his office.

Liability for damaging works, making watering places, &c.

33. If any person does any of the following things; (that is to say,)

(1.) Without the previous consent in writing of the Commissioner or surveyor, makes or causes to be made any watering place or place of access for cattle to drink in any drain made under this Act;

(2.) Without lawful excuse (proof whereof shall lie on him) damages any work made under this Act;

he shall be guilty of an offence against this Act, and shall for every such offence be liable on summary conviction on the prosecution of the Commissioner or surveyor, but not otherwise, to a penalty not exceeding five pounds, and he shall also be liable to make full compensation for all damage done by him, which compensation shall be recoverable summarily, with costs, by the Commissioner or surveyor, but no person shall be liable to be proceeded against doubly in respect of the same matter.

Scouring and cleansing of ditches.

34. The owner or occupier of any lands in the Tillington drainage district to which any ditch belongs shall from time to time sufficiently scour, cleanse, open, and repair the same, and make and keep the same of sufficient width and depth for the passage of

A.D. 1875.

water, to the satisfaction of the Commissioner or surveyor, and if any owner or occupier without lawful excuse (proof whereof shall lie on him) fails so to do, he shall be guilty of an offence against this Act, and shall for every such offence be liable on summary conviction on the prosecution of the Commissioner or surveyor, but not otherwise, to a penalty not exceeding ten shillings for every day during which his failure continues, and the Commissioner or surveyor may cause the work to be done in respect whereof the failure has happened, and may recover summarily the expense of so doing, with costs, from the owner or occupier, but no person shall be liable to be proceeded against doubly in respect of the same matter.

Remuneration of Commissioner and surveyor.

35. The Commissioner and the surveyor shall receive such remuneration as any two or more such proprietors holding as aforesaid from time to time agree by writing, and as, in default of such agreement, the Inclosure Commissioners direct; provided always, that the remuneration paid to the Commissioner shall not exceed the sum of five guineas per diem.

Audit of accounts.

36. If at any time any two or more such proprietors holding as aforesaid request the Inclosure Commissioners to appoint an auditor of the accounts of the Commissioner or of the surveyor, those Commissioners may appoint such an auditor accordingly, and no expense disallowed by the auditor shall be binding on the proprietors.

Commissioners of sewers not to interfere with Act.

37. This Act shall have full effect notwithstanding any jurisdiction or authority vested in any commissioners of sewers or other commissioners or body.

Act not to relieve other parties from obligations.

38. Nothing in this Act shall transfer or otherwise affect any obligation of any person to cleanse or maintain any drain or watercourse, or the banks thereof, but every such obligation shall remain as if this Act had not been passed, and for the purpose of enforcing it the Commissioner and surveyor shall have and may exercise within the limits of this Act all such powers and authorities as by the laws from time to time in force relating to sewers are had or might be exercised by any commissioners of sewers.

Reference of differences to Inclosure Commissioners.

39. If at any time any difference arises between the proprietors or any of them on the one hand and the Commissioner or surveyor on the other hand, or between the Commissioner or surveyor on the one hand and the surveyor acting under the Forebridge Act on the other hand, respecting this Act, or respecting any work or thing intended, or executed, or done thereunder, the same shall by virtue of this Act stand referred for decision to the Inclosure Commissioners, who are hereby empowered to make all such inquiries as they may consider necessary, and for that purpose to enter upon

the lands by themselves or any assistant commissioner or surveyor appointed by them, and the decision of the Inclosure Commissioners thereon shall be final and binding, and the costs of such reference shall be in the discretion of the Inclosure Commissioners, and may be recovered summarily by them.

Proceedings for summary convictions and appeals.

40. Proceedings with a view to the conviction of offenders and the recovery of penalties under this Act, or to the recovery of any money or expenses authorised to be recovered summarily by the Inclosure Commissioners or by the Commissioner or surveyor, or to any order to be made by justices or a justice under this Act, shall be taken according to the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three), "to facilitate the performance of the duties of justices of "the peace out of sessions within England and Wales with respect "to summary convictions and orders," and section one hundred and ten of the Act of the session of twenty-fourth and twenty-fifth years of Her Majesty's reign (chapter ninety-six), "to consolidate "and amend the statute law of England and Ireland relating to "larceny and other similar offences," shall authorise and apply to appeals in respect of such convictions and orders.

Application of penalties, &c.

41. All penalties recovered under this Act shall be paid to the Commissioner or surveyor, and the same, and all money recovered for compensation, expenses, or otherwise under this Act by the Commissioner or surveyor, shall be applied for purposes for which money received for contributions of proprietors or the acre tax is applicable.

Sale of Green Common allotment.

42. If at any time after the passing of this Act the minister, churchwardens, and overseers of the poor of the parish of Castle Church for the time being, and the occupiers of houses, being parishioners within the liberty of Forebridge in that parish, at their general annual meeting or at a special meeting called for this purpose, resolve and order that the Green Common allotment be sold, and communicate their resolution and order to the Inclosure Commissioners, those Commissioners shall proceed thereon in manner directed by the Acts for the inclosure, exchange, and improvement of land in cases where those Commissioners are empowered to authorise a sale of land after the determination of the claims in the matter of any inclosure.

Sale of Deepmoor Common.

43. With respect to Deepmoor Common, the Inclosure Commissioners shall by virtue of this Act have authority to proceed and shall proceed as if they had, under the Acts relating to the inclosure, exchange, and improvement of land, made a provisional order for the inclosure of that common and the same had been confirmed by Act of Parliament, and accordingly they shall proceed in manner

A.D. 1875.

directed by those Acts in cases where they are empowered to authorise the sale of land after the determination of the claims in the matter of any inclosure.

Application of Inclosure Acts as to sale money.

44. The provisions of the Acts for the inclosure, exchange, and improvement of land relative to the application of surplus money on a sale by the authority of the Inclosure Commissioners shall extend and apply to the sales of the Green Common allotment and Deepmoor Common.

Fees and expenses to Inclosure Commissioners.

45. There shall be paid to the Inclosure Commissioners, in respect of any application to or proceeding by them or under their authority under this Act, such fees and expenses as they, having regard to the fees and expenses payable to them in respect of awards and orders in like cases under the Acts for the inclosure, exchange, and improvement of land, think fit.

General saving in respect of Green Common and Deepmoor Common.

46. Saving always to the Queen's most Excellent Majesty, her heirs and successors, and all persons and bodies other than the minister, churchwardens, and overseers of the poor of the parish of Castle Church for the time being, and the occupiers of houses, being parishioners within the liberty of Forebridge in that parish, and the freeholders of the parish of Berkswich, all such right, title, estate, and interest as they would or might have had or enjoyed in or in relation to the Green Common allotment and Deepmoor Common respectively if this Act had not been passed.

Expenses of Act.

47. The costs, charges, and expenses preliminary to and of and incidental to the preparing of, and applying for, and the obtaining and passing of this Act shall be paid in the first instance out of the contributions of proprietors and the acre tax, and shall ultimately be paid thereout and out of the proceeds of the sales of the Green Common allotment and Deepmoor Common, in such proportions as the Inclosure Commissioners direct.

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