



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 121.

An Act for inclosing and embanking Lands within the Townships of *Warton with Lindeth* and *Silverdale*, in the Parish of *Warton*, in the County Palatine of *Lancaster*. [21st May 1811.]

WHEREAS there are within the Township of *Walton with Lindeth*, in the Parish of *Warton*, in the County Palatine of *Lancaster*, certain large Tracts of Common and Waste Ground, containing by Estimation Nine hundred and fifteen Acres, or thereabouts; and there are also within the Township of *Silverdale*, in the same Parish, certain other large Tracts of Commons, Mosses, and Waste Grounds, containing by Estimation Seven hundred Acres, or thereabouts: And whereas the King's most Excellent Majesty, in Right of His Crown, is seized to Himself, His Heirs and Successors, of the Manor of *Warton with Lindeth*: And whereas *Daniel Wilson* Esquire, is seized of the Manor of *Silverdale*: And whereas the said *Daniel Wilson*, and *John Bolden*, *Thomas Strickland Standish*, and *Robert Inman*, Esquires, and *Thomas Mashiter*, and *James Kellet*, Gentlemen, and divers other Persons, are also the Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments, within the said Townships of *Warton with Lindeth* and *Silverdale*, or some or one of them; and in respect thereof, or otherwise, are entitled to Right of Common of Pasture in, upon, or over the said Tracts of Common, Mosses, or Waste Grounds, or some Part thereof: And whereas there is within the said Township of *Warton with Lindeth*, a large Tract of Land

[Loc. & Per.] 27 N daily

Commissioners.

daily overflowed by the Sea, but which is supposed to be capable of being recovered, embanked, and converted into Arable Land: And whereas the said *Daniel Wilson, John Bolden, Thomas Strickland Standish, Robert Inman, Thomas Mashiter, and James Kellat*, and the several other Persons entitled to Right of Common, or otherwise interested in the said Commons, Mosses, Waste Grounds, and Tract of Land, are desirous that the same should be inclosed, embanked, recovered, divided, and allotted; but such Inclosure, Embankment, and Division, cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Bower of Smeathalls, near Ferrybridge, in the County of York, Land Surveyor, and William Hall of Lancaster, in the said County of Lancaster, Gentleman*, in respect of the said Commons, Waste Grounds, and Tract of Land within the said Township of *Warton with Lindeth*, and *William Miller of Preston, in the said County of Lancaster, Gentleman, and Richard Mount of Silverdale, afore said, Yeoman*, in respect of the said Commons, Mosses, and Waste Grounds, within the said Township of *Silverdale*, shall be, and they are hereby appointed Commissioners, for dividing and allotting the said Commons, Mosses, and Waste Grounds, and putting this Act in Execution, in such Manner and subject to such Regulations, as are herein-after contained, with such of the Powers, and subject to such of the Rules, Orders, Directions, Regulations, Restrictions, and Provisions, contained in an Act, passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act, certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*, as are not varied, altered, repealed, or otherwise provided for by this Act.

Commissioners not to act out of their Jurisdiction.

II. Provided always, and be it enacted, That the several Powers and Authorities by this Act given to and vested in the said *John Bower, and William Hall*, and their Successors, to be appointed in Manner herein-after mentioned, as Commissioners, in Relation to the Inclosure, Embankment, Recovery, Division, and Allotment of the said Commons, Waste Grounds, and Tracts of Land, within the said Township of *Warton with Lindeth*, shall not authorize and empower them, as such Commissioners, to interfere, or intermeddle in any Manner, with the Inclosure, Division, and Allotment of the said Commons, Mosses, and Waste Grounds, in the said Township of *Silverdale*, and that the several Powers and Authorities by this Act given to and vested in the said *William Miller and Richard Mount*, and their Successors, to be appointed in Manner herein-after mentioned, as Commissioners, in Relation to the Inclosure, Division, and Allotment of the said Commons, Mosses, and Waste Grounds within the said Township of *Silverdale*, shall not authorize and empower them as such Commissioners, to interfere or intermeddle in any Manner with the Inclosure, Recovery, Division, and Allotment of the said Commons, Waste Grounds, and Tracts of Land within the said Township of *Warton with Lindeth*, but that the said Commissioners respectively, shall act, and their Proceedings, Orders, and Directions, shall be deemed and taken to relate only to the Inclosure and Allotment of the Commons, Mosses,

Mosses, or Waste Grounds, within the Township for which they shall be respectively appointed Commissioners.

III. And be it further enacted, That it shall and may be lawful, to and for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Land Revenue, in case of the Death, Refusal, or Incapacity to act, of the said *John Bower*, or any of his Successors, as a Commissioner under this Act, at any Time before the Powers hereby vested in him or them shall be carried into Execution, by Writing under their or his Hands or Hand, to elect, nominate, and appoint, as often as there shall be Occasion, a proper Person not interested in the said Division or Inclosure, to be a Commissioner in the Room of the said *John Bower*, or of any of his Successors so dying, refusing, or becoming incapable of acting as aforesaid; and to and for the Land Owners of the said Township of *Warton with Lindeth*, or a Majority of them in value, (to be ascertained by the Land Tax Assessment), in case of the Death, Refusal or Incapacity to act, of the said *William Hall*, or any of his Successors, as a Commissioner under this Act, at any Time before the Powers hereby vested in him or them shall be carried into Execution, by Writing under their Hands, to elect, nominate, and appoint, as often as there shall be Occasion, a proper Person or Persons, not interested in the said Division or Inclosure, to be a Commissioner in the Room of the said *William Hall*, or of any of his Successors, so dying, refusing, or becoming incapable of acting as aforesaid, and to and for the said *Daniel Wilson*, and his Heirs, in case of the Death, Refusal, or Incapacity to act, of the said *William Miller*, or any of his Successors, as a Commissioner under this Act, at any Time before the Powers hereby vested in him or them shall be carried into Execution, by Writing under his or their Hands or Hand, to elect, nominate, and appoint, as often as there shall be Occasion, a proper Person not interested in the said Division or Inclosure, to be a Commissioner in the Room of the said *William Miller*, or of any of his Successors so dying, refusing, or becoming incapable of acting as aforesaid; and to and for the Land Owners of the said Township of *Silverdale*, or a Majority of them in value, (to be ascertained by the Land Tax Assessment), in case of the Death, Refusal or Incapacity to act of the said *Richard Mount*, or any of his Successors, as a Commissioner under this Act, before the Powers hereby vested in him or them shall be carried into Execution, by Writing under their Hands, to elect, nominate, and appoint, as often as there shall be Occasion, a proper Person not interested in the said Division or Inclosure, to be a Commissioner in the Room of the said *Richard Mount*, or of any of his Successors, so dying, refusing, or becoming incapable of acting as aforesaid; and in case no such Election or Appointment shall be made within One Month after such Death, Refusal, or Incapacity to act, and Notice thereof given to the Party or Parties so entitled to elect, nominate, and appoint, it shall and may be lawful to and for the surviving and acting Commissioner respectively, from Time to Time, by Writing under his Hand, to elect, nominate, and appoint one other proper Person, not interested in the said Division or Inclosure, to be a Commissioner in the Room and Place of him so dying, or refusing to act, or becoming incapable of acting, as aforesaid; and in case the remaining or surviving Commissioner shall neglect so to do, for the Space of Two Months next after any of such Commissioners shall die, or refuse to act, or become incapable of acting, then and in every such Case, the Vacancies thereby

Appointment
of new Com-
missioners.

occasioned shall be filled up and supplied by such Persons as may for that Purpose be nominated and appointed by the Lords of the said Manors of *Warton* or *Silverdale*, in which such Commons or Waste Lands respectively lie, with the Approbation and Consent of such Majority of the Land Owners within the respective Townships of *Warton with Lindeth*, or *Silverdale*, as with the said respective Lords of the said Manors shall constitute a Majority in value, according to the Land Tax Assessment of the Land Owners and Persons entitled as aforesaid, who shall appear, either in Person, or by their Agents, or Attornies duly authorized in that Behalf, at any public Meeting to be convened for that Purpose, and such public Meeting shall, when and as often as Occasion shall require, be convened by Notice in Writing, specifying the Time and Place, and the Cause and Purpose of such Meeting, and published Ten Days at the least previous to the holding of the same, in such Manner as herein is prescribed in respect to the Notices of Meetings by the said Commissioners; and when and as often as any such Appointment of any new or other Commissioner or Commissioners shall be made upon any of the Events, and by either of the Modes aforesaid, the Commissioner or Commissioners so to be appointed shall have such and the like Powers and Authorities for putting this Act in Execution, as if he or they had been originally a Commissioner or Commissioners appointed by Name in or by this Act.

That the Writing appointing every Commissioner and Umpire shall be inrolled with the Award.

IV. Provided always, That the Writing or Instrument of the Nomination and Appointment of every such Commissioner or Umpire to be nominated and appointed by virtue of this Act, shall be inrolled with the Award of the Commissioners, and a Copy of such Writing or Instrument, attested by the proper Officer of the Court where the same shall be inrolled, shall be and be allowed to be full and sufficient Evidence thereof in all Courts whatsoever.

Allowance to Commissioners and Umpire.

V. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the said Commissioners and Umpire as a Recompence for his Pains and Trouble, the Sums of Money following; that is to say, to the said *John Bower* the Sum of Three Pounds and Three Shillings, and to the said *William Hall*, *William Miller*, and *Richard Mount*, and the said Umpire, the Sum of Two Pounds and Two Shillings, and no more, for each Day he shall be employed in travelling to, or returning from, and attending on the Execution of this Act, and the said Commissioners shall defray their travelling Expences at all Meetings to be held in pursuance of this Act.

Appointment of Umpire.

VI. Provided always, and be it further enacted, That in case the respective Commissioners named or appointed, or to be appointed, in or by virtue of this Act, shall at any Time or Times disagree in Opinion upon any Matter, concerning which it shall be necessary for them to judge and determine in the Execution of this Act, or the said recited Act, then, and as often as it shall so happen the said respective Commissioners shall and may, and they are hereby authorized and required to refer such Difference to the Judgment and Determination of an Umpire to be chosen by the said respective Commissioners; and in case the said Commissioners respectively shall, for the Space of Fourteen Days after such Difference shall arise, neglect to appoint an Umpire as aforesaid, or if such Umpire shall die,

die; or being appointed shall refuse to act, or become incapable of acting, then, and in every such Case, an Umpire shall be nominated and appointed by the major Part in Value, according to the Land Tax Assessment of the said Proprietors of Lands, in the Township for which such Commissioner shall have been appointed as aforesaid, after the like Notice, and in such Manner as is herein-before directed, concerning the Nomination and Appointment of a Commissioner, in the Room or Stead of any Commissioner, dying, refusing, or neglecting to act, or becoming incapable of acting, and so *toties quoties* in case any Umpire as last mentioned, shall die, or refuse to act, or become incapable of acting, and the Judgment and Determination of such Umpire, so to be chosen, or nominated, and appointed, shall be conclusive between the said Commissioners, who shall, in such Case, act conformably thereto.

VII. Provided always, and be it further enacted, That no Person shall be capable of acting as Umpire in the Execution of the Powers given by this, or the said recited Act, until he shall have taken and subscribed the Oath following; that is to say, Umpire to take an Oath.

‘ I *A. B.* do swear, [*or, being One of the Persons called Quakers do solemnly affirm,*] That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Powers and Authorities vested and reposed in me as an Umpire, by virtue of an Act passed in the Fifty-first Year of the Reign of King George the Third, intituled, [*here insert the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. Oath.

‘ So help me GOD.’

Which Oath it shall be lawful for the said Commissioners, or either of them, to administer; and such Oath so taken and subscribed by such Umpire shall be annexed to and inrolled with the Award of the said Commissioners, and a Copy of the Inrollment thereof shall be admitted as legal Evidence.

VIII. And be it further enacted, That the said Commissioners for inclosing, dividing, and allotting the Commons and Waste Lands within the said Township of *Warton with Lindeth*, shall and they are hereby required to cause Notice in Writing under their Hands, to be affixed on some one of the outer Doors of the Parish Church of *Warton* aforesaid; and also to be inserted in the Newspaper called *The Lancaster Gazette*, if then published, and if not, then in some other Newspaper usually circulated in the said County of *Lancaster*, of the Time and Place of holding the First, Second, and Third Meeting, for the Purpose of putting in Execution the several Powers vested in them respectively by this Act, Ten Days at the least before such Meetings respectively, (Meetings by Adjournment only excepted), each of which Meetings shall be held at *Warton* aforesaid; and the said Commissioners for inclosing, dividing, and allotting the Commons and Waste Grounds within the said Township of *Silverdale*, shall and they are hereby required to cause Notice in Writing under their Hands, to be affixed on the outer Door of the Chapel at *Silverdale* aforesaid, and also to be inserted in such Newspaper as aforesaid, of the Time and Place of holding the First, Second, and Third Meetings for the Purpose of putting in Execution the several Powers

Notices of First and other Meetings of the Commissioners.

vested in them by this Act, Ten Days at the least before such Meetings respectively, (Meetings by Adjournment only excepted), each of which Meetings shall be held at *Silverdale* aforesaid; and that the said Commissioners respectively may, after the said Third Meeting, from Time to Time, appoint such Time and Place for every subsequent Meeting as to them shall seem proper, and such Place being within the said Parish, or within Eight Miles thereof, and causing Notice in Writing under their Hands to be affixed on some one of the outer Doors of the Parish Church of *Warton*, or of the said Chapel at *Silverdale*, (as the Case may be), and by Advertisement as aforesaid respectively, Ten Days at least before every subsequent Meeting; and the said Commissioners respectively shall have full Power and Authority (if they shall think it convenient and proper), to continue any of the said Meetings by Adjournment, without giving any such Notice as aforesaid of any such adjourned Meeting, such adjourned Meetings nevertheless to be held within the Space of Fourteen Days from the Time of the Adjournment.

Power to shorten Boundary Fences.

IX. And be it further enacted, That in order to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted, and any Lands or Grounds in any of the adjoining Parishes, it shall be lawful for the said Commissioners, with the Consent in Writing under the Hands of the Lords or Ladies of the Manor or Manors, and of the Majority in Value (such Value to be ascertained as aforesaid) of the Land Owners interested in any Commons or Waste Grounds adjoining to the said Parish of *Warton*, and also under the Hand of any Owner of any adjoining Land, upon which any such Fence shall be intended to be made, to set out, ascertain, and determine the Boundary Fences to be made between the Lands by this Act directed to be divided and allotted, and the Lands adjoining thereto, as they shall judge proper for the Purposes aforesaid, and after such Boundary Fences shall be so set out, ascertained, and determined, the same shall be fenced by such Persons in such Manner, and at such Times as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundary between the said Parish of *Warton*, and such adjoining Parish or Parishes, any Law, Usage, or Custom to the contrary thereof notwithstanding.

Commissioners to determine Disputes,

X. And be it further enacted, That if any Dispute or Difference shall arise between any of the Proprietors of, or Persons interested, or claiming to be interested, in any of the Lands intended to be divided, allotted, and inclosed by this Act, concerning the respective Rights or Interests which they, or any of them, may have or claim to have, in or relating to the same Lands, or touching or concerning any Matter or Thing relating to the said Division, Allotment, or Inclosure, it shall be lawful for the said Commissioners to hear, adjudge, and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

but not in regard to Titles.

Power to award Costs.

XI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act, or of the said recited Act, see cause to award any Costs, it shall be lawful for them, and they are hereby empowered, upon Application made

made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid, to the Party or Parties in whose Favour any Determination shall be made, by the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners respectively, and they are hereby authorized and required by Warrant under their Hands, directed to any Person whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained, after deducting the Expences attending such Distress and Sale.

XII. Provided always, and be it enacted, That in case the Party or Parties making any Claim in pursuance of this Act, or the Person or Persons objecting thereto, shall be dissatisfied with any Determination of the said Commissioners, or Umpire, and shall by Writing under his, her, or their Hand or Hands, or the Hand or Hands of his, her, or their Agents respectively, signify the same to the said Commissioners within Three Calendar Months next after any such Determination shall be made, then and in such Case it shall and may be lawful for the Person or Persons so dissatisfied, to have the Subject of such Claim or Objection (in Respect of which such Determination shall be made,) tried by an Action at Law, to be brought by him, her, or them, against any Person or Persons, in whose Favour any Determination shall have been so made, upon a feigned Issue, to be settled by the proper Officers of the Court where such Action shall be brought, in case the Parties differ about the same; such Action to be brought within Three Calendar Months next after such Determination shall have been made; and the Defendant or Defendants in such Action, shall, and is and are hereby required to appear to such Action, accept a Declaration, and plead to Issue; 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 said County of Lancaster, next after the Commencement of such Action; and the Verdict of the Jury on such Trial, (unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial therein, which it shall be lawful for the Court to do, as is usual in such Cases,) shall be binding, final, and conclusive upon all the Parties interested therein; and after such Trial the said Commissioners shall, and they are hereby required to act in Conformity to the Verdict or Verdicts thereupon given, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that all such Determinations of the said Commissioners, or Umpire, as shall not be objected to by such Notice to be given to them 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 absolutely binding, final, and conclusive.

Power to try
disputed
Claims at
Law.

XIII. And be it further enacted, That if any or either of the Parties, in any Action to be brought, or Appeal had in pursuance of this Act, shall

Actions not
to abate by
Death of
die Parties.

die pending the same, such Action or Appeal shall not abate by Reason thereof, but shall be proceeded in as if no such Event had happened.

Trial not to suspend the Execution of the Act.

The Allotment contested to be taken by the Party entitled.

If Parties die before Action brought.

Persons in Possession not to be molested, without due Course of Law.

Extinguishing Right of Common.

XIV. Provided always, and be it enacted, That no such Difference, Suit, or Proceeding, as aforesaid, nor any Difference, Dispute, or Proceeding, touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioners in the Execution of this Act, but the Division and Allotments hereby directed to be made, shall be proceeded in, notwithstanding any such Difference, Suit, or Proceeding; and the Allotment or Allotments to which any such Difference, Suit, or Proceeding shall relate, shall be taken by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who upon the Determination of such Difference, Suit, or Proceeding, shall become entitled to the same.

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 herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, 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 actually living, and to serve the Clerk of the said Commissioners with 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.

XVI. Provided also, and be it further enacted, That nothing in this Act contained, shall extend to enable the said Commissioners to determine any Right between any Parties, contrary to the Possession of any of such Parties, (except in Cases of Encroachments), but in Case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up by, or recovered from such Person or Persons, by Ejectment, or other due Course of Law.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered at any Time or Times before the Execution of the said Award, by Notice in Writing under their Hands, to be fixed upon the Door of the Parish Church of *Warton* aforesaid, to order and direct all, or any Part of the Rights of Common, in, over, and upon the said Commons and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time as shall be expressed in such Writing, and that all such Rights of Common as the said

said Commissioners respectively shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall, from the Time of the affixing such Writing on the Church Door, cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly, any Law, Usage or Custom to the contrary thereof notwithstanding.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments within the said Parish of *Warton*, in lieu of, or in Exchange for any other Lands, Tenements, or Hereditaments, new Allotment, or old Inclosures, or other Lands or Grounds within the said Parish, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the said Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, Hereditaments, and Premises, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail general or special, or by the Courtesy of *England*, or Tenant by the Custom of any Manor, Township or Place, within which such Lands, Tenements, Hereditaments, and Premises, shall be situate, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of, or acting for any such Proprietors, or Owners as aforesaid, who, at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing, under the Common Seal 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 to be made, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchanges shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate: Provided always, that all Costs, Charges, and Expences attending the making and completing of any Exchanges or Partitions shall be paid and borne by the several Owners making such Exchanges and Partitions, in such Manner and in such Proportions as the said Commissioners shall by any Writing under their Hand, or by their said Award order and direct.

Exchanges to be made.

Costs of Exchanges and Partitions how to be paid.

XIX. And be it further enacted, That if any Person or Persons whomsoever, shall at any Time or Times after the passing of this Act, by himself, herself, or themselves, or by his, her, or their Servants or Workmen, dig, delve, or break up, or get, take, lead, or carry away, or cause or procure to be dug, delved, broken up, gotten, or taken, led, or carried away, any Furze, Sods, Earth, Ground, or Soil, whatsoever in, upon, or from the said Commons, Mosses, or Waste Grounds, to be inclosed under or by virtue of this Act, or any Part thereof, (except such Part or Parts thereof, as may be allotted or become the Property of him, her, or them respectively, under or by virtue of this Act, and except the said

Preventing the cutting of Furze, &c.

Moss Dales or Turbary Grounds within the said Township of *Silverdale*, held in Severalty as aforesaid), every Person so offending shall, for every Offence, upon being duly convicted thereof before any one of His Majesty's Justices of the Peace, in and for the said County of *Lancaster*, upon the Information and Complaint of any Proprietor or Owner of Land within the Townships of *Warton with Lindeth* and *Silverdale*, respectively, by the Oath or Affirmation of one credible Witness, (which Oath or Affirmation the said Justice is hereby authorized and required to administer), forfeit and pay such Penalty or Sum of Money, not exceeding the Sum of Five Pounds, (over and besides the Costs and Charges of such Conviction), as the said Justice shall in that Behalf adjudge, order and direct, which said Penalties and Forfeitures with the Costs and Charges of recovering the same, shall forthwith, upon every such Conviction as aforesaid, be payable and paid to the Clerk or Clerks to the said Commissioners for executing this Act, to be by him or them applied for the Purposes of this Act, in such Manner as the said Justice so as aforesaid, acting in the Premises, shall in that Behalf appoint, and upon Non-payment of any such Penalty or Forfeiture, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice as aforesaid, rendering the Overplus (if any) after making such Deductions as aforesaid, together with the Costs and Charges of such Warrant and Distress, to the Owner or Owners of such Goods and Chattels, when thereunto required; and for Want of sufficient Distress, it shall and may be lawful to and for the said Justice so acting as aforesaid, by a Warrant under his Hand and Seal, to commit such Offender or Offenders to His Majesty's Gaol, the Castle of *Lancaster*, or to any House of Correction in and for the said County of *Lancaster*, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, at the Discretion of such Justice, as the Case may be, unless he or they shall sooner pay the Penalties or Forfeitures and Costs.

Encroachments within Twenty Years to be allotted.

XX. And be it further enacted, That all Encroachments which shall have been made upon any Part of the Commons and Waste Lands, intended by this Act to be divided and inclosed, within the Space of Twenty Years next before the passing of this Act, shall be deemed Part of the Commons and Waste Lands to be divided and inclosed by virtue of this Act, and the same shall be divided and inclosed accordingly, (except such Piece or Pieces of Land within the said respective Manors which shall have been approved and granted to any Person or Persons by the Lord or Lords of the said Manors respectively, or by a Jury at any Court held within the said Manors): Provided nevertheless, that all and every such Encroachments shall be allotted to the Person or Persons, who shall at the Time of making the Allotments, be in the Possession of such Encroachments, or in the Receipt of the Rents and Profits thereof, as the Whole or Part of the Share or Proportion of the Commons, or Waste Lands, to which such Person or Persons will be entitled by virtue of this Act, without considering the Value of any Erections, or other Improvements made thereon; and if any such Person or Persons shall not be entitled to any Allotment, equal to the Value of such Encroachments, but shall be willing to purchase the same, then the said Commissioners shall ascertain the Price thereof, or of such Part thereof as shall exceed the Rights of such Possessor or Possessors thereof; in respect of any other Property as aforesaid; on ascertaining of which Price, the said Commissioners shall not value the Buildings or other Improvements thereon, but shall value the Land only, and that

that at so much Money *per Acre* as the same shall in their Estimation be worth, having Reference to the Waste next adjoining; and upon such Person or Persons paying such Price *per Acre*, and so in Proportion for any less Quantity than an Acre, to the said Commissioners, at such Time or Times as they shall appoint for that Purpose, and taking the Receipt or Receipts for the same, every such Encroachment, or such Part thereof as shall be so purchased shall be allotted to such Person or Persons, and shall be holden and enjoyed by him, her, or them accordingly; and the said Commissioners shall and are hereby required to apply such Purchase Money in such and the like Manner as Monies to be raised by Sale of Lands for defraying the Expences of obtaining and passing this Act, and of carrying the same into Execution, are herein directed to be applied; and in case any Disputes or Differences shall arise, touching any such Encroachment, or to the Extent thereof, such Disputes shall be settled by the said Commissioners.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners so respectively appointed for inclosing, dividing, and allotting the Commons, Mosses, and Waste Lands, within the said Townships of *Warton with Lindeth* and *Silverdale*, and they are hereby required to set out and appoint, upon, and from the said Commons, or Waste Grounds, hereby directed to be inclosed, within and belonging to the said Townships respectively, in such convenient Place or Places as they shall think proper, such Piece or Parcel, or Pieces or Parcels of Common and Waste Land, not exceeding in the Whole the Quantity of Three Acres of Statute Measure, within each Township respectively, with suitable and commodious Ways and Roads to and from the same, for the Purpose of working, getting, and taking upon, in and from such Place or Places respectively, all such Quantities of Stone, or other Materials, there to be found, as may be useful and necessary for making or repairing any Houses, Out-houses, Fences, Walls, Erections, or Buildings, or for making or repairing any Roads or Ways, or for burning into Lime, or for draining or improving any Lands or Grounds, within the said Townships of *Warton with Lindeth* and *Silverdale*, but not to be sold or taken, used or employed otherwise, than within the said respective Townships, or for any other Intent or Purpose whatsoever, save as aforesaid; and the said Commissioners shall set out, as and for public Watering Places, in *Warton with Lindeth*, the Springs or Wells, called the *Tub Well*, *Little Wear*, *Large Wear*, *Wood Well*, and a Well at *Road Grass*, and *Bard Well*, and as and for public Watering Places in *Silverdale*, the Springs or Wells called *Bottoms Well*, the Half of the *Bank Well*, and the Well behind *James Kelle's House*, and two Watering Places in the *Myers Dyke*, and also Two other Watering Places in *Hawes Water*, and such other Place or Places, within the said Townships, as they the said Commissioners shall think necessary and proper, as and for a public Watering Place or Places for the Cattle of or belonging to the Owners or Occupiers of Messuages, Lands, or Tenements, within the said Townships respectively, and for such Owners and Occupiers themselves, to take Water at, or fetch Water from; and the said Commissioners shall also set out and appoint proper and sufficient public Ways and Roads to the said several Watering Places, and that all such Stone, and other Materials, as shall be sunk for, won and worked, in such Quarries, Pits, or Breasts to be opened, and cleared, and the Rubbish thereby made to be removed at such Times and Seasons, and in such Sort, Manner, and Form; and the said public Watering Places shall for ever hereafter be used, subject to, and under such

Allotment
for Stone and
Materials, and
public Water-
ing Places.

such Rules and Regulations, and to be superintended by such Person or Persons, and with such Powers and Authorities in respect thereto, as the said Commissioners, in and by their Award herein-after mentioned, shall in that Behalf order and direct, and which Orders and Directions such Commissioners may, and are hereby authorized and required to make, when and as to them shall seem meet; and all and every such Pieces or Parcels of Land and Places, so to be set out and appointed as aforesaid, shall from and after such setting out and Appointment as aforesaid, be and remain, and is and are hereby declared to be and remain vested in the Church Wardens or Chapels Wardens of the Township in respect of which such Allotment shall be made, in Trust only for the Purposes of this Act.

Lands to be
sold in War-
ton with Lin-
deth for Ex-
pences.

XXII. And be it further enacted, That the said Commissioners shall, and are hereby required and directed, in the next Place to set out, and cause to be sold by public Auction, in the Manner directed by the said recited Act, (previously causing One Month's Notice at the least to be given in *The Lancaster Gazette*, or other Newspaper then circulating in the County of *Lancaster*, of the Time and Place of Sale), a certain Tract or Parcel of Land within the said Township of *Warton with Lindeth*, called the *Myers*, in such Lots or Parcels as the said Commissioners may think proper, and from the Monies to arise by such Sale, to pay and discharge the Part and Share to be paid by the Owners of the said Messuages, Lands, and Tenements, in *Warton with Lindeth*, of the Costs, Charges, and Expences incident to, and attending the obtaining and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting, the Lands and Grounds within the said Township of *Warton with Lindeth*, to be divided, allotted, and inclosed, by virtue hereof, and all the Charges of the said Commissioners, their Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioners, in and about the Premises, and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways, to be set out and appointed by the said Commissioners, and all the Expences of carrying this Act into Execution.

Land to be
sold in Lin-
deth for sepa-
rate Ex-
pences.

XXIII. Provided always, and be it enacted, That in case the said Commissioners shall, in the Allotment and Division of the said Common and Waste Lands within the said Township of *Warton with Lindeth*, assign, set out, and allot exclusively to and among the Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments, within the Division, Hamlet, or Place in the said Township, usually called *Lindeth*, a certain Tract or Parcel of the said Common and Waste Lands intended to be inclosed by virtue of this Act, called *Lindeth Common*, and shall award and direct that the same shall be enjoyed by them, separately from the Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments, within the Division or Place in the said Township of *Warton with Lindeth*, called *Warton*, the said Owners of Messuages, Lands, Tenements, and Hereditaments, in the said Division of *Lindeth*, shall not have any Part of their Share of the Costs, Charges, and Expences, incident to the obtaining and passing of this Act, and carrying the same into Execution, borne and defrayed by or out of the Monies to arise from the Sale of the said Tract of Land called the *Myers*, and shall not have, or be entitled to, any Part or Share of the Surplus Monies which may arise from the Sale of the said Tract of Land; but the said Commis-
sioners

tioners shall set out, and cause to be sold in the Manner directed by the recited Act, (previously causing Three Weeks Notice at the least to be given in *The Lancaster Gazette*, or other Newspaper then circulated in the County of *Lancaster*, of the Time and Place of Sale), such Part or Parts of the said Common and Waste Lands called *Lindeth Common*, as the said Commissioners may think proper, and from the Monies to arise by such Sale, to pay and discharge the Part and Share of the Owners of the said Messuages, Lands, and Tenements, in the said Division called *Lindeth*, of the Costs, Charges, and Expences incident to, and attending the obtaining and passing this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds within the said Division called *Lindeth*, to be divided and allotted by virtue hereof; and all the Charges of the said Commissioners, their Assistants and Servants, and all other necessary Expences of forming, completing, and repairing the public Carriage Roads and Highways to be set out and appointed by the said Commissioners, and all the Expences of carrying this Act into Execution, so far as may relate to the said Division called *Lindeth*, and if there shall be any Surplus, the same shall be divided among the Proprietors of Allotments of the said Common and Waste Land in *Lindeth*, in such Manner as is herein directed with respect to other Surplus Monies.

XXIV. And be it further enacted, That the Person or Persons who shall become the Purchaser or Purchasers of the said Tract or Parcel of Land, called the *Myers*, or any other Tract or Parcel of Land so directed to be sold for the Purposes aforesaid, his, her, and their Heirs and Assigns, shall be subject and liable to the due Observance and Performance of all Orders, Matters, Charges, and Directions, to be made, laid down, and appointed by the said Commissioners, in and by their Award, in the like Manner as if such Land had been allotted to such Purchaser or Purchasers, his, her, or their Heirs or Assigns, for, or in respect of any Right, in, over, or upon the said Lands or Grounds hereby directed to be allotted and inclosed; but no such Purchaser or Purchasers shall be subject or liable to the Payment of the Charges and Expences of obtaining this Act, or carrying the same into Execution.

Purchaser of Land sold for the Expences of Act shall be subject to the Orders of the Commissioners.

XXV. And whereas there are several Tracts or Parcels of Moss or Turbary Ground and Land within the said Township of *Silverdale*, called *Silverdale Moss*, *Clayholes Moss*, and *Hawes Water Moss*, which are divided into Dales or Parcels, and allotted to, and held and enjoyed in severalty by the Owners of certain Messuages and Lands, but such Moss Dales are subject to a general Right of Common of Pasture, by the Owners of Messuages and Lands within the said Township: And whereas it hath been agreed, that the said Right of Common of Pasture in and over the said Moss or Turbary Ground shall be extinguished, and as an Equivalent to the Owners of the said Messuages and Lands for the Herbage thereon, that the Owners of the said Moss, Turbary, and Lands respectively, shall pay all such Sum or Sums of Money, as the said Commissioners shall direct, to be applied in the Manner herein-after directed; be it therefore further enacted, That from and immediately after the passing of this Act, the said Right of Common of Pasture, by the Owners of any Messuages or Lands, or otherwise, in or over the said respective Moss Dales, or Turbary Grounds or Lands, shall cease and

Extinguishing Right of Common on Silverdale Moss, on Payment of Compensation.

be extinguished; and in lieu thereof, that it shall and may be lawful to and for the said Commissioners, by Deed or Instrument in Writing, to be signed by them in the Presence of Two Witnesses, to rate, lay, and assess, upon each of the respective Owners of the said Moss Dales, or Turbary Grounds, such Sum or Sums of Money as they shall think adequate in Value to the Right so to be extinguished, having Regard to the Size and Situation of each Moss Dale; and in case the respective Owners of the said Moss Dales, or Turbary Grounds, shall not within the Space of Three Months after Notice in Writing shall have been given to them by the said Commissioners of such Rate or Assessment having been made, pay One Moiety or Half Part of such Sum or Sums of Money as shall have been so rated or assessed; and also within the Space of Six Months after such Notice, pay the Residue and Remainder of such Sum or Sums of Money to the Clerk of the said Commissioners, it shall and may be lawful to and for the said Commissioners, from Time to Time, to ascertain and set out such Part or Parts of the Moss Dales belonging to the Person or Persons so making Default, as in their Judgment shall be equal in Value to the Money so rated and assessed, and to make Sale and dispose of such Part or Parts of the said Moss Dales by public Auction, in the Manner, and subject to the Regulations herein-before contained, in Relation to the Sale of the said Commons within the Township of *Warton with Lindeth*; and the Monies to arise from such Sale or Sales (after deducting all the Charges incident thereto), and the other Monies to be raised by the said Rate or Assessment, shall be applied by the said Commissioners and their Successors, from Time to Time, in the first Place, in paying and discharging the Costs, Charges, and Expences incident to, and attending the obtaining and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the said Lands, Mosses, and Grounds in the said Township of *Silverdale*, to be divided, allotted, and inclosed by virtue hereof; and all the Charges of the said Commissioners, their Assistants, and Servants, and all other the necessary Expences of the several Persons to be employed by the said Commissioners in and about the Premises, and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways, to be set out and appointed by the said Commissioners; and all other Expences of carrying this Act into Execution; and in case any Monies shall remain after satisfying the several Purposes aforesaid, to apply such Surplus Money in the Manner herein-after directed.

Cleanfing and
repairing
Drain
through
Silverdale
Mofs.

XXVI. And whereas there is a certain public Drain or Watercourse, running through the Moss called *Silverdale Moss*, and ending at *Milnthorp Sands*, in the County of *Westmorland*, and One-third Part of the Charges and Expences of supporting and repairing the said Drain or Watercourse, is at present paid and defrayed by the Proprietors of Lands and Mosses in the said Township of *Silverdale*; and there is also one other public Drain or Water Course within the said Township, called the *Myers Dyke*, which is repaired and maintained by the Owners of Messuages and Lands in the said Township of *Silverdale*; and it is expedient that the Owners of the Moss Dales, or other Tracts or Parcels of Land, solely and exclusively benefited by the said respective Drains or Water Courses, should bear all the Charges and Expences of supporting and repairing the same; be it therefore further enacted, That the said Commissioners shall and they are hereby empowered and required by their

Award,

Award, to be made as herein after mentioned, to order, direct, and appoint, by which of the Owners of the said Mosses or Turbary Grounds, and at whose Expence, and in what Manner, and in what Proportions the said Drains or Watercourses, shall from Time to Time for ever hereafter be amended, cleansed, and repaired.

XXVII. Provided always, and be it further enacted, That in case any such Person or Persons shall at any Time or Times, neglect or refuse to comply with any such Order, Direction, or Appointment of the said Commissioners, made by their Award as aforesaid, in Relation to the said Drains or Watercourses, every Person who shall sustain any Injury or Damage by such Neglect or Refusal, shall on Complaint to any General Quarter Sessions of the Peace, to be held at *Lancaster*, in and for the said County Palatine, within Six Calendar Months next after such Cause of Complaint shall have arisen, in a summary Way receive such Satisfaction, as by the Justices of the Peace assembled at such Quarter Sessions shall be deemed proper and reasonable, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons liable, and ordered to pay the same, with such Costs as by the said Justices shall be awarded by Warrant under the Hand and Seal of any One or more of such Justices.

If not done, the Party injured may appeal to the Quarter Sessions.

XXVIII. And be it further enacted, That all Costs, Charges, and Expences, incurred in the obtaining and executing this Act, in case the Money raised by Sale of the Lands herein-before directed to be sold shall be insufficient to defray the same, shall be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act, and all such Costs, Charges, and Expences, together with the Proportions thereof, to be made by the several Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioners, and shall be paid at such Time and Place, and to such Person or Persons, as the said Commissioners shall appoint, either before or after the Execution of their said Award.

If Monies arising from Sale insufficient to pay Costs of Act, Commissioners to settle same, &c.

XXIX. And be it further enacted, That the said Commissioners so appointed for the Inclosure and Division of the said Commons and Waste Grounds within the said Township of *Warton with Lindeth*, after the several Allotments for a public Quarry, and for public Watering Places, shall be set out and ascertained as aforesaid, and before any other Allotments shall be set out for Sale or otherwise, shall and may, and they are hereby authorized and required to set out, allot, and award to the King's most Excellent Majesty, His Heirs and Successors, in severalty, One full Sixteenth Part (Quantity, Quality, and Situation considered) of all and every the Residue of the Tracts or Parcels of Commons and Waste Grounds within the said Manor of *Warton with Lindeth*, in Compensation and Satisfaction for his Rights to the Soil of the Residue of the Commons and Waste Grounds within the said Manor.

Allotment to the King in Warton with Lindeth for Right of Soil.

XXX. And be it further enacted, That the said Commissioners so appointed for the Inclosure and Division of the Commons, Mosses, and Waste Grounds within the said Township of *Silverdale*, after the said Allotments for public Quarries and Watering Places shall be set out and ascertained as aforesaid, shall and may, and they are hereby authorized and required to set out, and allot and award to the said *Daniel Wilson*, his Heirs and Assigns, One Sixteenth Part (Quantity, Quality, and Situa-

Allotment to the Lord of the Manor of Silverdale.

tion considered) of all and every the Residue of all and every the Tracts or Parcels of Common, Moss, and Waste Grounds within the said Manor of *Silverdale*, (the said Moss Dales so allotted and enjoyed in severalty, as aforesaid, only excepted), and also shall and do set out, allot, and award unto the said *Daniel Wilson*, his Heirs and Assigns, the Ground and Soil of a certain Place in the said Township of *Silverdale*, called *Hawes Water*, and the several and exclusive Right of Fishing there, (subject to a Liberty and Privilege to be reserved to the Inhabitants of the said Township of *Silverdale*, to fetch Water from and to water their Cattle at the said Place called *Hawes Water*), in Compensation and Satisfaction of his Right to the Soil of the Residue of the said Commons, Mosses, and Waste Grounds within the said Manor of *Silverdale*.

Allotment of
the Residue.

XXXI. And be it further enacted, That the said Commissioners respectively shall and they are hereby required in the next Place, to assign, set out, and allot the Residue and Remainder of the said Commons, Mosses, and Waste Grounds unto and amongst the said *Daniel Wilson*, *John Bolden*, *Thomas Strickland Standish*, *Robert Inman*, and *James Kellet*, and the several other Person and Persons, Body or Bodies Politic, Corporate or Collegiate, having any Right of Common, or other Right or Interest in, over, or upon the same respectively, or any Part or Parts thereof, in such Shares and Proportions as the said Commissioners respectively shall adjudge and determine to be proportionate to, and a full Satisfaction and Compensation to him, her, or them respectively, for his, her, or their respective Rights of Common, and other Rights and Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof.

Lands allotted to be
deemed Freehold

XXXII. And be it further enacted, That the Lands, Grounds, or other Hereditaments, which shall be allotted to any of the said Proprietors, under or by virtue of this Act, or the said recited Act, shall be held by such Proprietors, or other Person or Persons respectively, as Freehold Lands.

Power to
Commissioners to allot
from the
King's Allotment to any
other Lord
of a Manor
within
Warton with Lindeth.

XXXIII. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, (besides His said Majesty, His Heirs and Successors), shall in Right of any Lordship within the said Township of *Warton with Lindeth*, be absolutely entitled to the Soil and Freehold of any Part of the said Commons and Waste Grounds within the said Township, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required from and out of the said Allotment herein-before directed to be made to His said Majesty, His Heirs and Successors, to set out and allot such Part or Parts thereof, to and among the said Person or Persons, Body or Bodies Politic, Corporate or Collegiate, (who may be so entitled as aforesaid), as shall be equivalent to his, her, or their Interest in the Soil and Freehold of the said Commons and Waste Grounds.

The King's
Allotments
may be sold
before the
Execution of
the Award.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the said Surveyor General of His Majesty's Land Revenue, at any Time before the Execution of the said Award, to contract and agree with any Person or Persons, or any Bodies Politic, Corporate or Collegiate, for the Sale of all or any Allotments or Allotment, to be made to His Majesty, His Heirs and Successors, by virtue of this Act, for the best
Price

Price or Consideration in Money, which the said Commissioners or Surveyor General shall be able to procure for the same, and the Purchase Money arising from such Sale shall be paid into the Bank of *England*, to the Account of the Commissioners of His Majesty's Treasury, in like Manner as the Monies arising from the Sales of certain Parts of the Property of the Crown, authorized by the Act passed in the Forty-eighth Year of His present Majesty, intituled, *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Dutchy of Lancaster*, are directed to be paid, and the Sale of such Allotments or Allotment shall be made in the same Manner and Form, and under the like Rules, Regulations, and Provisions, and shall be to all Intents and Purposes as valid and effectual as if the same were made under the said last recited Act, and after the Execution of the said Award; and it shall be lawful for the said Commissioners, and they are hereby authorized and required to assign, set out, and allot such Allotments or Allotment to the Purchasers or Purchaser thereof, or other Persons or Person who shall be entitled thereto, by virtue of such Sale; and he, she, or they shall, immediately after the Execution of the said Award as aforesaid, have, hold, use and enjoy such Allotments or Allotment, and shall use and exercise any Act of Ownership, in and upon the same, in as full, large, ample, and beneficial Manner, to all Intents and Purposes, as His Majesty, His Heirs or Successors, or his or their Lessees or Grantees, could or might have done in case such Sale had not been made, but subject nevertheless to the Rights or Interests, in or to any Mines and Minerals, in or under the same, as herein-after saved and reserved to His Majesty, His Heirs and Successors.

XXXV. Provided also, and be it further enacted, That all and every Lease or Leases, and other Agreements at Rack Rents, affecting all or any Part of the Commons or Waste Grounds by virtue of this Act intended to be divided and inclosed, or exchanged, shall cease, determine and be void, as to such Commons or Waste Grounds, on such respective Days and Times, as the said Commissioners shall by Writing under their respective Hands, order and appoint, the respective Lessors or Landlords in such Leases or Agreements, having first paid or tendered such Satisfaction to the Lessee or Lessees, Tenant or Tenants, as the said Commissioners shall ascertain as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants, on Account thereof, or as an Equivalent for the same: Provided always, that nothing herein contained shall extend, or be construed to extend, to avoid any Agreement or Engagement already made between Landlord and Tenant, in Contemplation of a Division or Inclosure of the said Commons and Waste Grounds, or relating thereto; nor to vacate or make void any Lease now subsisting of any Glebe Lands or Tithes, being or arising within the said Township of *Warton with Lindeth*.

For vacating
Leases at
Rack Rent.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained, shall extend or be construed to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons, having any Right or Claim of Dower, Widow Right, Jointure, Portion, Debts, or Incumbrances upon, or affecting any Part of the Lands, Tenements, or Hereditaments which shall be respectively allotted or exchanged by virtue of this Act, or any Part or Parts thereof respectively, but the Lands or Grounds, Allotments, Tenements or Hereditaments, which shall be allotted or exchanged under or by virtue of this Act, shall

Wills and
Settlements
not to be
revoked.

[*Loc. & Per.*]

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be held to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Right of Dower, Widow Right, Jointures, Portions, Debts, Charges, Covenants, and Incumbrances, as the Lands and Grounds, Tenements, and Hereditaments, for or in Respect, or in Lieu of which such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been made, (except such Leases or Agreements as shall be determined by virtue of this Act.)

Proprietors,
&c. to pay
their own
Expences.

XXXVII. Provided always, and be it enacted, That the said Proprietors, their Attornies or Agents, shall pay their own Expences, when they, or any of them shall attend the said Commissioners, at any of the Meetings to be holden in pursuance of this Act.

If Proprietors
sell their
Rights, Com-
missioners af-
ter Notice to
award to the
Purchasers.

XXXVIII. And be it enacted, That if any Person or Persons hath or have sold, or shall at any Time within Six Months next after Notice given by the said Commissioners, for extinguishing the Right of Common, sell his, her, or their Right, Interest, and Property, in, over, or upon the said Commons and Waste Grounds, or any Part thereof, to any other Person or Persons, then and in every such Case, it shall and may be lawful to and for the said Commissioners respectively, and they are hereby directed, authorized, and required, upon Notice thereof in Writing, to be given to them by the Vendor, to make an Allotment of Land, unto the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns, for or in respect of such Right, Interest and Property so sold as aforesaid; and in case the said Vendee or Purchaser shall have had, or may have any Part of the said Commons and Waste Grounds allotted to him, in Right of any Messuages, Tenements, or ancient inclosed Lands, the said Commissioners are hereby directed, authorized, and required to set out and annex the said Allotment or Allotments which he may so purchase as aforesaid, contiguous to the Allotment or Allotments to which he may be entitled in Right of the said Messuages, Tenements, or ancient inclosed Lands, and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor in every such Sale might, could, or ought to have held or enjoyed the same, in case such Sale had not been made, or such Rights, Interest or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

Application
of Surplus
Monies raised
by Sale of
Land in
Warton with
Lindeth.

XXXIX. And be it further enacted, That if the Part or Parts of the said Commons or Waste Grounds within the said Township of *Warton with Lindeth*, marked and set out for Sale, and actually sold by the said Commissioners, appointed for and on Behalf of the said Township, shall happen to raise more Money than may be requisite for defraying all the Costs, Charges, and Expences of, or incident to the obtaining of this Act, and fully carrying the same into Execution, in every respect, so far only as relates to the said Township of *Warton with Lindeth*, the Overplus Money shall be by the said Commissioners paid and divided, and they are hereby directed to pay and divide the same, to and among the several Proprietors of Allotments of the said Commons and Waste Grounds, allotted by them under and by virtue of the Powers contained in this Act

and

and the said recited Act, or either of them, if seized thereof in Fee Simple or otherwise, such Surplus Money shall be paid into the Bank of *England*, in the Manner directed by the said recited Act, with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

XL. And be it further enacted, That if the Rate or Assessment by this Act directed to be laid and assessed on the Owners or Proprietors of the said Moss Dales, or Turbary Ground in the said Township of *Silverdale*, shall happen to raise more Money than may be requisite to defray all the Costs, Charges, and Expences of, or incident to the obtaining of this Act, and fully carrying the same into Execution, in every respect, so far as the same relates or concerns the said Township of *Silverdale* only, the said Overplus shall be by the said *William Miller* and *Richard Mount*, or the Person or Persons in whose Hands the same may be, immediately after the Publication of their Award, be paid into the Hands of the Constable and Surveyor or Surveyors of the Highways for the Time being, within the said Township, and shall be by them applied and disposed of in the first Place, in widening, amending, and putting into Repair, the public Roads in the said Township, in such Manner as the Owners of Messuages, Lands, and Tenements therein shall direct, at a public Town's Meeting, to be convened by the said Constable and Surveyor or Surveyors, in pursuance of a Requisition to be signed by Two or more of the Land Owners within the said Township of *Silverdale*; and in case any Surplus Monies shall remain in the Hands of the said Constable, and Surveyor or Surveyors, after the said public Roads in the said Township shall have been so widened, amended, and put into Repair, the same Monies shall be divided among the Owners of Messuages, Lands, and Hereditaments, within the said Township, in Proportion to their several and respective Rights and Interests in the said Messuages, Lands, and Hereditaments, and the Shares of such of them as are Tenants in Fee Simple shall be paid to them, and the Shares of the other Proprietors shall be paid into the Bank of *England*, in the Manner directed by the said recited Act, with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Application
of Surplus
Monies raised
in *Silverdale*.

XLI. And be it further enacted, That if any of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any other Person or Persons on his, her, or their Behalf, shall advance and pay any Sum of Money for defraying the Expences of obtaining and executing this Act, or of carrying the same into Execution, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same.

Money ad-
vanced to be
repaid with
Interest.

XLII. And whereas some of the Owners and Proprietors of, and Persons interested in the Lands and Grounds within the said Townships of *Warton* with *Lindeth* and *Silverdale*, may have Occasion to borrow Money to defray their respective Shares and Proportions of the Charges and Expences

Tenants for
Life, &c.
empowered
to charge
Allotments
of

for Payments
of Expence
of the Act.

of obtaining and carrying this Act into Execution, be it therefore enacted, That it shall and may be lawful, to and for the Proprietors, and Owners of, and all other Persons whomsoever interested in such Lands and Grounds, being a Tenant or Tenants for Life, with or without Impeachment of Waste, or Tenant or Tenants in Fee Tail, general or special, or by the Courtesy of *England*, or Tenant or Tenants by the Custom of the Manor, Township, or Place within which such Lands or Grounds are situated, or for Years determinable on any Life or Lives, and also to and for the Husbands, Guardians, Trustees, and Committees of any of the said Owners or Proprietors, being under Coverture, Minors, Idiots, or Lunaticks, beyond the Seas, or labouring under any other Disability whatsoever, and also to and for all Persons acting as Guardians, Trustees, or Committees, of any Owners or Proprietors being under any Disability or Incapacity whatsoever, whether such Owners or Proprietors respectively be Tenants for Life, with or without Impeachment of Waste, Tenants in Fee Tail, general or special, Tenants by the Courtesy of *England*, or Tenants by the Custom of the Manor, Township, or Place within which such Lands or Grounds are situated, or for Years determinable on any Lives by any Deed or Deeds, Writing or Writings under their respective Hands and Seals, to be duly executed in the Presence of, and attested by Two or more credible Witnesses, to charge the Lands and Grounds which shall be allotted to them respectively, by virtue and in pursuance of this Act, with any Sum or Sums of Money for defraying their respective Proportions of the said Charges and Expences, and of inclosing and ring-fencing their respective Allotments, as the said Commissioners shall think necessary, not exceeding Ten Pounds for every Acre of Land and Ground so to be allotted to them respectively, the same to be paid to such Person or Persons, and applied for the Purposes aforesaid; in such Manner as the said Commissioners respectively shall direct and appoint: And for securing the Repayment of such Sum or Sums of Money with Interest for the same, to grant, mortgage, lease, or demise the said Premises, or any Part thereof, unto any Person or Persons who shall advance and lend such Sum or Sums of Money respectively, his, her, or their Heirs, Executors, Administrators, or Assigns, in Fee Simple, or for any Term or Number of Years, so that every such Grant, Mortgage, Demise, or Security be made with a Proviso, or Condition, to cease and be void, or with an express Trust to be surrendered when such Sum or Sums of Money thereby to be secured, and the Interest thereof shall be fully paid and satisfied, and so that in every such Grant, Mortgage, Demise, or Security, which shall be made by any Person or Persons interested in, or entitled unto the Premises for the Term of their natural Lives only, or by his, her, or their Guardian or Guardians, Trustee or Trustees, Committee or Committees, there be contained a Proviso or Covenant that the Owner or Proprietor of the said Premises, shall duly pay and keep down the Interest of any Sum or Sums of Money to be thereby secured during their respective Lives, and no Person afterwards becoming seized, or possessed of the said Premises, shall be liable to the Payment of any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced, and every such Grant, Mortgage, Lease, or Demise of the said Premises, shall be good, valid, and effectual in the Law, for the Purposes thereby intended.

XLIII. And whereas it may be convenient and desirable to Persons who are Tenants for Life, with or without Impeachment of Waste, or Tenants by the Custom of customary Lands and Estates, within or holden of the said Manor of *Warton with Lindeth*, to have the same enfranchised; be it therefore enacted, That it shall be lawful for all such Tenants for Life, or Tenants by the Custom who are or shall be seized of any such customary Lands and Estates as aforesaid, and to and for the Husbands, Guardians, Trustees, and Committees of any such Tenants by the Custom of the said Manor, being under Coverture, Minors, Idiots, or Lunatics, or under any Disability or Incapacity whatsoever, and they are hereby authorized and empowered to contract and agree with the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the said Surveyor General for the Time being, for the Encranchisement and discharging the said customary Lands and Estates from the Payment of all customary and other Fines, Quit Rents, Fee farm Rents, and other Dues and Payments, to which by the Custom of the said Manor the same are now, or would hereafter otherwise be subject and liable, and to pay such Price as shall be agreed on for the same; and after any such Messuages, Lands, Tenements, or Hereditaments shall be so enfranchised and discharged from such Fines, Rents, Dues, and Payments as aforesaid, the same shall be held in free and common Socage, and it shall and may be lawful for the respective Owners and Proprietors of such Messuages, Lands, Tenements, or Hereditaments, being Tenants for Life, or Tenants for any Term or Number of Years, by the Custom of the Manor of *Warton* as aforesaid, and to and for the Husbands, Guardians, Trustees, and Committees of any such Tenants by the Custom of the said Manor, being under any Disability or Incapacity whatsoever, to charge such Messuages, Lands, Tenements, or Hereditaments with the Payment of the Money to be paid for the Enfranchisement thereof, and for discharging the same from such Fines, Rents, Dues, and Payments, as aforesaid, and for securing the Repayment of such Money, with Interest, by Deed or Deeds, Writing or Writings, under their respective Hands and Seals, to be duly executed by them, and attested by Two or more credible Witnesses, to grant, mortgage, lease, or demise, or otherwise subject the Lands and Estates so charged as aforesaid, unto such Person or Persons as shall advance and lend the same respectively for any Term or Number of Years, so as such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when the Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and also with a Covenant that such Tenants for Life or for Years, or such Owner or Occupier shall pay and keep down the Interest of the Money to be thereby respectively secured, during their respective Lives, in such Manner that no Person afterwards coming into Possession of any such Lands and Estates shall be subject or liable to pay any further or larger Arrear of Interest than for One Year preceding the Time when the Title to such Possession shall accrue and commence, and every such Grant, Mortgage, Lease, or Demise so to be made as aforesaid, shall be good, valid, and effectual in the Law, for the Purposes thereby intended.

For enfranchising customary Lands in the Manor of Warton.

XLIV. And whereas, the inclosing, recovering, embanking, and disposing of the said Tracts of Land so overflowed by the Sea, will be of great Utility and Benefit to the said Township of *Warton with Lindeth*; be it

[*Loc. & Per.*]

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therefore

Commissioners, &c. empowered to sell the Tracts

of Land in
Warton with
Lindeth.

therefore enacted, That it shall and may be lawful, to and for the said Commissioners hereby appointed for the inclosure and dividing of the said Commons and Waste Lands within the said Township of *Warton with Lindeth*, at any Time previously to the Publication of their Award, and after such Publication, then to and for the Vicar and Churchwardens of the said Township of *Warton with Lindeth* for the Time being, with the Consent and Approbation of the Majority in Value, according to the Land Tax Assessment of the Land Owners within the said Township, to be convened by the said Churchwardens of the Township of *Warton* by public Notice to be given in the *Lancaster Gazette*, or some other Newspaper circulated in the Counties of *Lancaster* or *Westmorland*, and also by Notice to be affixed on the Door of the Parish Church of *Warton* for One Month previously to such Meeting, to expose the said Tracts of Land so overflowed by the Sea to Sale by public Auction, either together or in Parcels, and to contract with, and grant, sell, and convey the same, in Fee Simple, or by Demise for any Term or Number of Years, to such Person or Persons as shall bid the most Money for the same, either in gross Sum, or in a certain annual pecuniary Rent or Payment, and thereupon the said Commissioners or Churchwardens shall, by a Deed or Instrument in Writing, to be inrolled with the Clerk of the Peace for the County Palatine of *Lancaster*, grant, release, convey, or demise the said Tracts of Land, or such Part or Parts thereof as shall be so sold unto, or in Trust for the Purchaser or Purchasers, Lessee or Lessees thereof, his or her Heirs, Executors, Administrators, and Assigns, and in which said Deed or Instrument shall be contained such Covenants and Agreements on the Part of the Grantee or Grantees, Lessee or Lessees, and also such Powers, Provisoos, and Remedies for recovering and compelling Payment of the said Purchase Money, or of the said Rent, as to the said Churchwardens or their Counsel shall seem proper.

Allotment
for Sand.

XLV. Provided always, That before any Sale of the said Tract of Land so overflowed by the Sea, or any Part thereof, shall be made by the said Commissioners or Churchwardens as before directed, it shall and may be lawful, and the said Commissioners and Churchwardens are hereby authorized and required to set out and appoint, upon, and from the said Tract of Land, in such Place or Places as they may think proper, a Piece or Parcel, or Pieces or Parcels of the said Tract of Land, not exceeding Three Statute Acres, for the Purpose of getting Sand, to be used in the Improvement of any Lands or Grounds, or in the Erection of any Buildings within the said Township of *Warton with Lindeth*, but not to be sold, or taken, or used otherwise than within the said Township.

Application
of the Money.

XLVI. And be it further enacted, That all the Money to arise from or by the Sale of the said Tracts of Land, or by or from the Rents to be reserved on any Conveyance, Grant, or Demise of the said Tracts of Land or any Part thereof, under the Authority of this Act shall be paid to the Vicar and Churchwardens of the said Parish of *Warton* for the Time being, as Trustees for the Purposes herein-after mentioned, and shall be applied and disposed of in the first Place, in paying and defraying all Costs, Charges, and Expences incident to, or anywise attendant upon such Sales, Grants, or Demises, and all Expences which the said Trustees shall necessarily be put unto in carrying the Trusts hereby declared of such Monies into Execution, and that from and after full Payment and Discharge thereof respectively,

respectively, the Money arising from the Sale of the said Tracts of Land then remaining in the Hands of the said Trustees shall be laid out in the Purchase of Land for the Use and Benefit of the Poor of the said Township of *Warton with Lindeth*, and such Land shall be vested in the said Trustees for the Time being, by the Name and Style of "The Trustees for the Poor of the Township of *Warton with Lindeth*, appointed by an Act passed in the Fifty-first Year of the Reign of King *George the Third*," or such Money shall be laid out in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities, and such Stock, when so purchased, shall be vested in the said Trustees for the Use and Benefit of the Poor of the said Township of *Warton with Lindeth*, and shall be purchased by, and be vested in the said Trustees by the Name and Style of "The Trustees for the Poor of the Township of *Warton with Lindeth*, appointed by an Act passed in the Fifty-first Year of the Reign of King *George the Third*," and a Receipt signed by the said Trustees or any Two or more of them for the Time being, shall be a full and sufficient Discharge to the Governor and Company of the Bank of *England*, for Payment of the Dividends annually to arise from such Stock, so to be purchased as aforesaid; and the said Governor and Company of the Bank of *England* are hereby required to pay such Dividends accordingly, on the Production to them of the said Receipt; and the Rents arising from such Lands so to be purchased, and the Dividends annually arising from the Stock so to be purchased, and also the Rents then arising from such Part of the said Tracts of Land as shall be so demised as aforesaid, shall from thenceforth for ever thereafter, on or before the First Day of *January* in every Year, be, by the said Trustees, paid over to the Overseers of the Poor of the said Township of *Warton with Lindeth* for the Time being, to be by them received, applied, disposed of, and accounted for, in such and the same Manner as the Rates and Assessments for the Relief of the Poor within the said Township of *Warton with Lindeth* are to be received, applied, disposed of, and accounted for, by any Law or Statute then in force, and to and for no other Use, Intent and Purpose whatsoever.

XLVII. And be it further enacted, That it shall and may be lawful, to and for the Grantee or Grantees, Lessee or Lessees, of the said Tracts of Land, or of any Part thereof, from Time to Time to make and construct such and so many Mound or Mounds, Bank or Banks, as may be necessary to prevent the said Tracts of Land from being overflowed by the Sea, and for that Purpose to join the said Mounds or Banks to any Part or Parts of the said Commons or Waste Grounds, or ancient inclosed Lands within the said Township of *Warton with Lindeth*, and also to set out and cause to be made such and so many Drains, Watercourses, Bridges, Walls, Banks, Cloughs, Flood-gates, Tunnels, and other Works, as may from Time to Time be requisite for embanking, draining, securing, and improving the said Tracts of Land, or any Part or Parts thereof, such Grantee or Grantees, Lessee or Lessees, from Time to Time paying the Amount of the Damages (if any) which may be done by making the several Works aforesaid, to the Owners of the Commons or ancient inclosed Lands.

Purchasers of Tracts of Land empowered to construct Works.

XLVIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act, (such Year to be computed from the passing thereof), the said respective Commissioners shall, and they are hereby

For auditing Commissioners Accounts.

hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act, which Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before any Two Justices of the Peace for the County of *Lancaster*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Books of Account, to be kept in the Offices of the respective Clerks to the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

Award to be deposited,

XLIX. And be it further enacted, That the General Award to be made by the said Commissioners respectively, pursuant to the before-mentioned Act, and which Award shall be made, executed, and published, within Three Years from the passing of this Act, and the Maps or Plans explanatory of the same, and also every such Award as shall be made by the said Commissioners, touching any Claim or Claims to be determined as aforesaid, (to the End that the same may be preserved, and Recourse had thereto, any Body Politic or Corporate, or any Person or Persons whomsoever), shall, at the General Quarter Session of the Peace to be holden at *Lancaster* aforesaid, and next ensuing the Execution of the said General Award by the said Commissioners, be by the said Commissioners delivered to and deposited with the Clerk of the Peace for the County of *Lancaster*, or his Deputy, to be by him kept amongst the Records of the Court of Quarter Sessions for the said County, and the said Clerk of the Peace or his Deputy, is hereby required and empowered to receive and keep the same accordingly, for or in respect of which depositing and keeping such Awards and Maps, or Plans, the Sum of Twenty Shillings shall be paid, and no more; and for every Inspection thereof, after the same shall have been so deposited, the Sum of Five Shillings, and no more, shall be paid to the said Clerk of the Peace or his Deputy, and such respective Awards, and the Maps or Plans, to be annexed thereto as aforesaid, or a true Copy of such Awards, Maps, or Plans, or any Part thereof, on Papers duly stamped according to Law for Copies of Records, and signed by the said Clerk of the Peace or his Deputy, purporting to be a true Copy, shall be admitted and allowed as legal Evidence in all Courts whatsoever; and the said Clerk of the Peace or his Deputy, is hereby required to make and deliver unto any Person or Persons, Body Politic or Corporate, requesting and offering to pay for the same, a true Copy of the said Awards, Maps or Plans, or any of them, or any Part thereof, for which he shall be paid by the Person or Persons, Bodies Politic or Corporate, requesting the same, after the Rate of Sixpence for every Sheet of the said Award so copied, counting Seventy-two Words to each Sheet, and a reasonable Allowance shall also be paid to him, besides, for a Copy or Copies of such Maps or Plans, or any Part thereof; and if any Dispute or Difference shall arise or happen between the said Clerk of the Peace or his Deputy, and the Person or Persons, Bodies Politic or Corporate, requesting a Copy of such Maps or Plans, or any Part thereof, touching such Allowance, then and in such Case the same shall be settled and ascertained by one of the Judges of the said Court of Common Pleas at *Lancaster*, or by Two of His Majesty's Justices of the Peace for the said County of *Lancaster*,

caster, for the Time being, and the same being so settled and ascertained, shall be final, binding, and conclusive on all Parties.

L. And be it further enacted, That a Copy of the said Award, signed by the said Commissioners, shall be deposited in the Parish Church of *Warton* aforesaid. Award where deposited.

LI. And be it further enacted, That the said Commissioners shall, and they are hereby required to make an Extract on Parchment under their Hands, of so much of their Award as relates to any Allotment or Allotments to be made to His Majesty, or to any other Rights or Interests of His Majesty, and also a Map or Plan of such Allotment or Allotments, and transmit the same to the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or to the said Surveyor General of His Majesty's Land Revenue, for the Time being, within One Calendar Month after the making and executing of the said Award, to be by them or him filed and kept among the Muniments of their or his Office. Commissioners to make an Extract of the Award for His Majesty.

LII. And be it further enacted, That all Timber Trees growing upon the said Commons and Waste Lands, within the Manor of *Warton with Lindeth*, shall and may be cut down and grubbed up, and sold, and carried away, or otherwise disposed of, for the Benefit of His said Majesty as Lord of the said Manor, at any Time or Times, until the End or Expiration of Six Months next, after the Execution of the said Award.

LIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, or of the said recited Act of the Forty-first Year of the Reign of His present Majesty, (other than and except such Orders and Determinations of the said Commissioners respectively, as are herein, or by the said Act directed to be final and conclusive, and excepting such Cases wherein an Issue at Law shall be tried, as herein mentioned), then and in such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Lancaster*, within Three Calendar Months next after the Cause of Complaint shall have arisen, on giving the said Commissioners, and the Party concerned, Ten Days Notice in Writing of such Appeal, in which Notice shall be distinctly stated and specified the Ground or Grounds, Cause or Causes of such Appeal, and to make such Order, and award such Costs and Damages, as to them shall seem reasonable; and by their Order and Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive to all Parties, and shall not be removed by *Certiorari*, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, and without Foundation, then the said Justices shall award such Costs, to be paid by the Appellant or Appellants, as to them shall seem reasonable, and to be levied in Manner aforesaid. Appeal.

Saving the
Rights of
Lords of
Manors.

LIV. And be it further enacted, That nothing herein contained shall extend to, or be construed to extend to defeat, lessen, or prejudice the Right, Title, or Interest of the King's most Excellent Majesty, His Heirs or Successors, or of the said *Daniel Wilson*, his Heirs or Assigns, as respective Lords of the said Manors of *Warton* and *Silverdale*, of, in, and to the Seignories and Royalties incident and belonging to the same respectively, but that the said King's most Excellent Majesty, His Heirs and Successors, and the said *Daniel Wilson*, his Heirs and Assigns respectively, as Lords of the said several Manors or Lordships, shall and may from Time to Time, and at all Times for ever hereafter, hold and enjoy all such Rents, Services, Courts, Perquisites, and Profits of Courts, Mines, Minerals, Goods, and Chattels of Felons and Fugitives, Felons of themselves, and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and other Royalties, Privileges, and Appurtenances to the said several Manors or Lordships, or to the Lords thereof, incident, appendant, belonging, or appertaining to the same, and in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the Lords of the said several Manors or Lordships could or might have held, or enjoyed the same, in case this Act had not been made.

Compen-
sation for
Damages.

LV. Provided always, and be it enacted, That in case the Lord or Lords of the said respective Manors, for the Time being, or any Person or Persons claiming under him, her, or them, shall after such Inclosure be made as aforesaid, search for, win, work, or lead away any Coal, Lead, Tin, Copper, or Metal, lying within or under any of the said Allotments or Inclosures, then and in every such Case the Lord or Lords, Lady or Ladies of the said respective Manors for the Time being, or such Person or Persons so searching for, winning, working, or leading away the same, shall make full and reasonable Satisfaction for the Damages and Spoil of Ground (occasioned thereby, or in making or using of Waggon Ways, or other Ways, or any other Matter or Thing, pursuant to the Reservations so made to the Lord or Lords, Lady or Ladies of the said respective Manors for the Time being), to the Person or Persons who shall be in Possession of such Ground, at the Time or Times of such Damage or Spoil being done or occasioned.

General Sav-
ing of all
other Rights.

LVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person or Persons, Body or Bodies Politic, Corporate or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Rights, Titles and Interests, (other than and except such as are hereby meant and intended to be barred, destroyed, and extinguished), as they, every or any of them could or ought to have had and enjoyed, of, in, to, or out of the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

Act to be
printed by
King's
Printer.

LVII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof, by all Judges, Justices, and others.