



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 6.

An Act for inclosing *Great Crosby Marsh*, in the Manor of *Great Crosby*, and Parish of *Sephton*, in the County of *Lancaster*.

[28th February 1812.]

WHEREAS there is within the Manor of *Great Crosby*, in the Parish of *Sephton*, in the County of *Lancaster*, a certain Open Tract, or Parcel of Commonable Pasture Land, and Land covered with Sandhills, called *Great Crosby Marsh*, containing One thousand and seventy-six Acres, One Rood, and Thirty-nine Perches, or thereabouts, Statute Measure, bounded on the Northern, Southern, and Eastern Sides thereof by certain Fields or Parcels of Land, in the several Townships of *Little Crosby*, *Great Crosby*, and *Litberland*; and on the Western Side thereof, including the said Sand-hills, by the Strand or Shore of the River *Mersey*: And whereas *William Blundell* Esquire, is Lord of the said Manor of *Great Crosby*, and the Owner of divers Messuages, Lands and Hereditaments within the same, and he is also the Owner of a certain Rabbit Warren upon and adjoining to the said Marsh: And whereas the Reverend *Richard Rainshaw Rotbwell* is the Patron and Rector of the said Parish and Parish Church of *Sephton*: And whereas

[Loc. & Per.]

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the said *William Blundell*, the Reverend *Nicholas Rigbye Baldwin*, the Reverend *Richard Formby*, *John Myers* Esquire, *Robert Makin*, *John Abram*, *William Gibson*, *John Lurtin*, and *Thomas Tasker*, Gentlemen, and several other Persons, are Owners and Proprietors of divers Messuages, Tenements, Lands and Hereditaments within the said Manor, and in respect thereof, and otherwise, are possessed of, or entitled to certain Cowgait, each Cowgait being the Right of Common or Pasturage for One Cow on the said Marsh: And whereas the said Open Tract or Parcel of Land, called *Great Crosby Marsh*, in its present State, is of little Value; and the same, if divided into specific Allotments, and inclosed, might be considerably improved; but such Division and Inclosure cannot be made and rendered effectual without the Aid and Authority of Parliament: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: 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 the said Open Tract, or Parcel of Commonable Pasture Land, called *Great Crosby Marsh*, shall be let out, divided and allotted, as soon as conveniently may be after the passing of this Act, and that *James Hayes* of *Knowesley*, in the said County of *Lancaster*, Gentleman, *James Leigh* of *Lydiate*, in the said County, Gentleman, and *Thomas Robinson* of *West Derby*, in the said County, Gentleman, and their Successors, to be appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for setting out, dividing, and allotting the said Marsh, and for putting this Act, and the said recited Act in Execution, subject to the Regulations of the said recited Act, (except in such Cases where the same are hereby varied or altered); and that all Acts, Matters and Things which are hereby authorized and directed to be done and executed by the said Commissioners, may be done and executed by them, or by the Commissioners for the Time being, or any Two of them, at their respective Meetings to be holden in pursuance of this Act; and the same shall be as valid and effectual to all Intents and Purposes as if done and executed by all the said Commissioners herein-before named.

41 G. 3. c. 109.

Commissioners appointed.

For appointing new Commissioners in case of Death, Refusal or Inability.

II. And be it further enacted, That if any or either of the Commissioners herein-before named, or to be appointed in Manner herein-after mentioned, shall die, or refuse to act, or become incapable of acting by Sickness or any other Cause, then and in every such Case the surviving Commissioner or Commissioners is and are hereby authorized and required from Time to Time, by Writing under his or their Hand or Hands, within Thirty Days next after such Death, Refusal to act, or Incapacity shall happen or be known, or as soon after as Occasion shall require, to nominate and appoint another Commissioner or Commissioners (not interested in the said intended Inclosure) in the Room or Place of such Commissioner or Commissioners dying, refusing to act, or becoming incapable of acting as aforesaid; and every such new Commissioner or Commissioners

Commissioners. so to be appointed, having taken and subscribed the Oath directed to be taken by the said recited Act, shall have such and the like Powers and Authorities by virtue of this Act, as if he or they was or were herein named and appointed, or as the Commissioner or Commissioners whom he or they shall succeed was or were invested with.

III. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be inserted in Two of the *Liverpool Weekly Newspapers*, of the Time and Place of their first Meeting to put this Act in Execution, at least Fourteen Days before the Day of Meeting, which said Meeting shall be held at some convenient Place within the Township of *Great Crosby* aforesaid; and the said Commissioners shall and may afterwards proceed in the Execution of this Act, and from Time to Time adjourn to such Time and Place within the said Township as they shall think proper; and that at all Meetings to be held in pursuance of this Act, the several Proprietors of the Land hereby directed to be divided and allotted, and their Attornies and Agents, and all other Persons, shall bear and defray their own Expences.

Notice of Meetings.

IV. Provided always, and be it enacted, That all other Notices requisite or necessary to be given by the said Commissioners, shall be so given by Advertisement in Two of the said *Liverpool Newspapers*.

Other Notices.

V. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Marsh to be divided, allotted, and inclosed in pursuance of this Act, or any Part thereof, touching or concerning the several Rights and Interests which they or any of them shall have, or claim to have, in, over, upon, or out of the same, or any Part thereof, or touching or concerning any Matter or Thing relating to the said Division, Allotment and Inclosure, it shall be lawful for the said Commissioners and they are hereby authorized to examine into, hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners to determine Disputes.

VI. 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 as herein-after particularly mentioned); 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 such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

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

VII. 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 or the

Power to award Costs.

said recited Act, see cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered upon Application 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 of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons 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, and they are hereby authorized and required by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try
Rights at
Law.

VIII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said Division and Inclosure or Allotments to be made by virtue of this Act, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims to any Rights of Common or other Rights or Interests in, over, or upon the Lands or Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, or touching or concerning any Matter or Thing relating to the said Division and Inclosure or Allotments, and shall by Writing under his, her, or their Hand or Hands, or under the Hand of his, her, or their Clerk or Agent, signify the same to the said Commissioners, together with the Grounds or Reasons of his, her, or their Dissatisfaction, within Three Calendar Months next after such Determination shall be made, then and in every such Case (but not otherwise) it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matters so determined by the said Commissioners at the then next or at the next following Assizes to be holden for the County of *Lancaster*; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action or Actions to be brought upon a feigned Issue against the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in whose Favour any such Determination shall have been made, within Six Calendar Months next after such Determination shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights and Interests thereby insisted on may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced (in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given upon the Trial of such Action or Actions shall be

be final, binding and conclusive upon all and every Person or Persons, Body and Bodies Politic, Corporate and Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had therein, which it shall be lawful for the Court to do in case the said Court shall think proper; and it shall also be lawful for the said Court to put off the Trial of such Issue or Issues upon sufficient Cause shewn, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the said Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that all such Determinations of the said Commissioners as shall not be objected to within the Time and in Manner aforesaid, or being so objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in within the Time and in Manner aforesaid, shall be absolutely binding, final, and conclusive upon all Parties whomsoever: Provided also, that in case the Defendant or Defendants in any Action to be brought upon such feigned Issue or Issues as aforesaid, shall not name an Attorney or Attornies who shall appear thereunto or file Common Bail, or shall not defend the same Action in the Manner before directed, then and in such Case the said Commissioners shall proceed in the Execution of this Act, in the same Manner as if they had originally determined in favour of the Plaintiff or Plaintiffs in such Action.

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

Deaths of any of the Parties, not to abate Actions.

X. 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 by this Act limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, 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 against such Person or Persons as if actually living, and to serve the Clerks or 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.

In cases of Death of Parties before Actions brought, the same to be carried on and defended in their Names.

Suits respect-
ing Titles not
to impede the
Execution of
the Act.

XI. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons in or to any Lands, Tenements or Hereditaments, for or in respect of which any Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act, but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits, and the Allotment may be had and taken by the Person or Persons who, upon the Determination of such Suit or Suits shall become entitled to the same.

Deaths of
Parties not to
suspend the
Execution of
the Act.

XII. And be it further enacted, That if any of the Parties interested in the said intended Division or Inclosure shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not be thereby determined or suspended, but that the said Commissioners shall proceed in the Execution of the Powers given to them by this Act or the said recited Act, in such Manner as they might have done in case such Parties had not died; and that the Share or Shares of the Person or Persons so dying shall be allotted to such Person or Persons who by Law shall become entitled to the same, and shall be accepted and fenced by him, her, or them, according to the Directions of this or the said recited Act; and he, she, or they shall be liable to the Charges and Expences and other Conditions of this and the said recited Act.

Extinguishing
Right of
Common.

XIII. And be it further enacted, That the several Allotments to be set out, allotted, and apportioned by virtue of this Act, shall be accepted, taken, held and enjoyed by the several Owners and Proprietors thereof, in lieu of and in full Satisfaction and Discharge for their several and respective Rights, Estates, and Interests in, to, or out of the said Marsh at the Time of such Allotments being made, or at any Time previous thereto; and that immediately after the Allotments to be made in pursuance of this Act shall by Order of the said Commissioners be marked or staked out, and public Notice thereof given on some Sunday by Writing to be affixed on the principal outer Door of the Chapel at *Great Crosby* aforesaid, and also of the Parish Church of *Septon* aforesaid, and also inserted in such Newspapers as aforesaid, all Right of Common or Pasturage upon the said Marsh, or any Part of the same, shall cease, determine, and be for ever extinguished, in, over, and upon the said several Allotments so to be set out by virtue of this Act; and that immediately after the Division and Allotment hereby intended shall be made and completed, all and every the Shares and Portions to be set out and allotted under or by virtue of this Act, shall be respectively deemed and taken, to all Intents and Purposes, to be Part and Parcel of the Parish of *Septon* aforesaid.

William
Blundell Esq.
to be allowed
Two Years

XIV. Provided always, and be it further enacted, That it shall be lawful for the said *William Blundell*, his Servants and Assigns, at all Times for and during the Space of Two Years from the passing of this Act, to enter
into

into and upon the Land intended to be inclosed by virtue of this Act, or any Part thereof, for the Purpose of killing Rabbits thereon, and to kill and take away the same without being deemed a Trespasser or Trespassers, or liable to any Action in respect thereof; but nothing herein contained shall be construed to extend to prevent the Proprietors of Allotments from killing Rabbits on the respective Lands allotted to them for their own Use.

for the Purpose of killing his Rabbits.

XV. And be it further enacted, That it shall be lawful for the said Commissioners to enquire into and determine what Inclosure or Inclosures, Encroachment or Encroachments, hath or have been made upon or from the said Marsh respectively, by any Person or Persons whomsoever; and that all such Inclosures and Encroachments as shall have been made upon or taken from the said Marsh within Twenty Years previous to the passing of this Act, shall be deemed Part or Parcel of the said Marsh by this Act intended to be inclosed, which said respective Inclosures and Encroachments the said Commissioners are hereby directed to allot to the Persons respectively who now hold the same, if such Persons respectively would by virtue of the Allotment hereby directed to be made be entitled to any Share of the said Marsh; but not otherwise, in lieu of or as Part of their respective Shares of the said Marsh; but in the Valuation of such Inclosures and Encroachments respectively, the said Commissioners shall not take into their Consideration any Improvements which may have been made thereon, nor estimate the same at any higher Rate or Value than the same respectively would have been estimated at in case they had remained Part of the said Marsh, and had not been inclosed or improved; and all Inclosures or Encroachments from the said Marsh which have been held for Twenty Years or upwards, shall remain and be the Property and Part of the ancient Estate of the Person or Persons to whom the same respectively now belong.

Commissioners to determine upon Encroachments, and such as have been taken in within the last Twenty Years, to be deemed Parts of the Common or Marsh to be allotted.

XVI. And be it further enacted, That the said Commissioners shall set out and make such Ditches, Drains, Watercourses, Bridges, Walls, Banks, Tunnels, Gates, Stiles, and other Works, and divert, alter or change the Course of any of the present Ditches, Drains or Watercourses, within the Manor of *Great Crosby* aforesaid, in, through, over or upon the said Marsh, as they the said Commissioners shall think proper and convenient or necessary; and that all such Ditches, Drains and Watercourses, Bridges, Walls, Banks, Tunnels, Gates, Stiles and other Works as shall be set out and made as aforesaid, shall be made, and from Time to Time amended, cleansed and repaired by and at the Expence of all or such of the Persons interested in the said Marsh, and in such Manner as the said Commissioners shall in that Behalf by their Award, or by any other Writing or Writings under their Hands, order, direct or appoint: Provided always, that no Watercourse or Stream shall be diverted or turned without the Consent in Writing of the Owner or Owners of the Lands from which such Stream or Watercourses shall be intended to be diverted or turned, and of the Owner or Owners of the Land into which the same shall be turned.

Drains, &c.

XVII. Provided always, and be it further enacted, That the Outfences of all the Lands which shall be allotted to the Reverend *Richard Formby*,

Expences of Mr. Formby and Mr. Baldwin's Fencing.

in

in respect of the Cowgaits to which he is entitled as Curate of *Formby Chapel*, and to the Reverend *Nicholas Rigbye Baldwin*, in respect to the Cowgaits to which he is entitled as Curate of *Great Crosby Chapel*, and to their respective Successors, Curates as aforesaid, shall within Six Calendar Months next after the staking out the same, or within such other Time as the said Commissioners shall direct, be well and sufficiently made at the Costs and Charges of the several Persons otherwise interested in the Lands intended to be inclosed by virtue of this Act; such Outfences to be made and constructed of such Materials and in such Manner as the said Commissioners shall order, and after the making of the same, to be for ever kept in Repair by the said *Richard Formby* and *Nicholas Rigbye Baldwin*, and their respective Successors, Curates as aforesaid, on such Sides or Parts thereof as the said Commissioners shall direct.

Lands fit for
Cultivation
seperately set
out.

XVIII. And be it further enacted, That in making the said intended Allotment and Division of the said Marsh, the Land covered with Sand Hills on the Western Side of the said Marsh, and the Land on the Eastern Side of the said Sand Hills, which may be considered fit for immediate cultivation, shall be separately set out and distinguished by the said Commissioners, and shall be allotted in proportional Parts, as herein-after mentioned.

Thirty addi-
tional Cow-
gaits.

XIX. And be it further enacted, That in making the said Division and Allotments of the said Marsh, the said Commissioners shall and they are hereby required to add Thirty to the Number of Cowgaits upon the said Marsh, which the several Claimants of Cowgaits may by due Proof establish themselves as entitled unto; and in making the Division and Allotments of the said Marsh, the said *William Blundell*, by Way of Compensation for the Loss of his Rights as Lord of the Manor of *Great Crosby* aforesaid, and for the Loss which he will sustain by the Destruction of his said Rabbit Warren, in consequence of the said intended Inclosure, shall be considered by the said Commissioners as the Owner or Proprietor of Thirty of the said increased Number of Cowgaits; and that they the said Commissioners shall accordingly set out and allot to the said *William Blundell*, as Lord of the said Manor and Owner of the said Rabbit Warren, in Addition to such Allotments as he may otherwise be entitled to as Owner of Cowgaits, so much of the said Marsh as ought in the Judgement of the said Commissioners to be allotted to an Owner of Thirty Cowgaits; and such Allotment, when set out, shall be in full Compensation and Satisfaction to the said *William Blundell* for his Rights as Lord of the said Manor, and as Owner and Proprietor of the said Rabbit Warren.

At what
Places Allot-
ments to com-
mence, &c.

XX. And be it further enacted, That the Allotments of Land covered with Sand Hills, and also of other Land on the said Marsh, to which the said *William Blundell* may be entitled in respect of his said Manorial Rights, and as Owner or Proprietor of the said Rabbit Warren, as herein-before specified; and also the Allotments to be made to the said *William Blundell*, as one of the Persons entitled to Cowgaits on the said Marsh; shall commence at the Northern Extremity of the said Marsh, and be continued Southwardly

Southwardly along the same, between the Eastern and Western Boundaries thereof, and be terminated by a right Line running from East to West, or as near as may be in that Direction, due Regard being had by the said Commissioners, in setting out such Allotments, to the Quantity and Quality only of the Land, and not to the Situation thereof: Provided always, that in case it shall be found that the Allotment of Land covered with Sand Hills to be made to the said *William Blundell*, as an Owner of Cowgaits, and in lieu of his Manorial Rights, and as Owner of the said Rabbit Warren, will not extend as far to the South as his Allotment of other Land on the Marsh, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required to set out and allot to the said *William Blundell* a further Part of the said Land covered with Sand Hills, extending Southward from the Boundary of his original Allotments of Sand Hills, as will extend to and be commensurate with the Southern Boundary of his Allotment of other Land on the Marsh, so as that his Allotments of Land covered with Sand Hills, and other Land on the Marsh, may be both terminated towards the South, by a right Line running from East to West, or as near as may be in that Direction; and in case a further Part of the said Land covered with Sand Hills shall be allotted to the said *William Blundell*, he shall pay or give for the same such Equivalent in Money or in Land, to be deducted from his Allotment of Land fit for Cultivation, and which the said Commissioners have hereby full Power to deduct accordingly as they the said Commissioners shall think reasonable and proper, and shall by their Award direct the Money which may be directed to be paid by the said *William Blundell*, to be taken and considered as belonging to the Rest of the Proprietors of Cowgaits, (exclusive of the said *John Myers*,) and to be applied towards their Shares of defraying the Expences of obtaining this Act and carrying the same into Execution, as far as the same will extend; and in case of Non-payment of the said Money by the said *William Blundell*, at the Time appointed for that Purpose, the same shall be raised and levied in such Manner as is provided for raising and levying the Expences of obtaining and carrying this and the said recited Act into Execution, in case of Neglect or Refusal to pay the same; and in case any Part of the said Land fit for Cultivation, shall be deducted from the Allotments made to the said *William Blundell*, as an Equivalent for the further Allotment to him of Sand Hills as aforesaid, the Quantity of Land so deducted shall be divided and distributed by the said Commissioners amongst the Rest of the said Proprietors (exclusive of the said *John Myers*,) in Proportion to the Number of Cowgaits to which they may be entitled respectively, and which said respective Proportions may be added and joined to the respective Allotments to be made to the said respective Proprietors of Cowgaits: Provided always, that if there should be any Overplus of such Sum or Sums of Money, the same shall be paid to the Person or Persons entitled thereto, in case they shall be seized in Fee Simple of their Estates, or otherwise such Overplus shall be applied and disposed of by the said Commissioners, in Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty, with respect to the Money to be paid for the Purchase or Exchange of any Lands, Tenements or Hereditaments, or of any Wood or Timber growing thereon, and which Money ought to be laid out in the Purchase of

[Loc. & Per.]

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other

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

Not to
abridge Mr.
Myers's
Allotment.

XXI. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or require the said Commissioners (in order to make the Allotments of Land covered with Sand Hills to the said *William Blundell* extend as far Southward as his Allotments of other Land on the Marsh) to lessen, abridge, or take away the Allotment of Sand Hills to be made to the said *John Myers*, in respect of the Cowgait which he may be possessed of or entitled unto, or any Part thereof; but that it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to allot and set out to the said *John Myers* as much and as great an Extent of Sand Hills, and in such Situation (except only that the same shall be to the Southward of the Allotments to be made to the said *William Blundell*) as he the said *John Myers* would have been entitled unto in the general Allotment of the Residue of the said Sand Hills, in case the said Commissioners had not been authorized and required to make the Allotments of Sand Hills to the said *William Blundell* extend as far Southward as his Allotments of other Land on the Marsh.

Allotment of
Land for
public Marl.

XXII. And be it further enacted, That previous to the General Allotment and Division of the Residue of the said Marsh being made as herein-after directed, it shall be lawful for the said Commissioners, and they are hereby authorized and required to allot and set out, in a certain Part or Parts of the said Marsh to the Southward of the Allotments to be made to the said *William Blundell*, such a Quantity of Land as they the said Commissioners shall deem sufficient for the Purpose of enabling the several Proprietors of Allotments to be made by virtue of this Act, exclusive of the said *William Blundell*, to get Marl therefrom for the Improvement of their several Allotments; which same Land so set out for the Purpose of getting Marl, shall be used and enjoyed, and Marl shall be got therefrom in such Manner and under such Regulations as the said Commissioners shall by their Award direct,

Allotment of
the Residue.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to divide, set out, and allot the Residue and Remainder of the said Marsh, after setting out Roads, Ways, Ditches, Drains, and Watercourses, and Land for Marl, and making the several Allotments herein-before directed to be made, unto and amongst the several Persons who at the Time of making such Division and Allotments shall be entitled to Cowgait on the said Marsh, in Proportion and according to their respective Rights, Property, and Interest in the same,

Each Pro-
prietor to
have a Piece
on the West-
ern Side of
the Marsh.

XXIV. Provided always, and be it further enacted, That in the setting out and allotting of the Residue of the said Marsh, the said Commissioners shall and they are hereby required and directed to set out and allot to each Proprietor (exclusively of the said *William Blundell*, the Situation of whose Allotments is herein-before specified), a Piece or Parcel of Land out of or upon

upon the said Land covered with Sand Hills on the Western Side of the said Marsh, and also a certain other Piece or Parcel of Land on the Western Side of the Land fit for immediate Cultivation, abutting and adjoining to the said Sand Hills; such Allotments of Sand Hills and Land abutting and adjoining to the said Sand Hills, to be made in Proportion to the Number of Cowgats possessed by each of such respective Proprietors entitled to the said Allotments.

XXV. And be it further enacted, That for the Purpose of inclosing the said Allotments so to be set out as aforesaid, and of preventing Damage or Injury to the Owner or Owners of any other Allotment or Allotments adjoining or contiguous thereto, Ring or Boundary Fences shall be made and perfected by and at the Expence of the respective Persons to or for whom such Allotments shall be set out, except as hereinbefore mentioned, and of such Dimensions and Materials, within such Time and in such Manner as the said Commissioners shall direct; and if any Person shall neglect or refuse to inclose and fence the same in the Manner and within the Time to be limited by the said Commissioners as aforesaid, then and in every such Case it shall be lawful for any Person or Persons interested in the Lands next adjoining to such unfenced Lands, to exhibit a Complaint in Writing against the Person or Persons so neglecting or refusing to fence the same, before any Justice of the Peace for the County of *Lancaster*, not interested in the Lands to be inclosed, who shall thereupon summon the Parties concerned, and inquire into the Nature of the Complaint, and examine any Witness or Witnesses upon Oath or Affirmation, (which Oath or Affirmation such Justice is hereby empowered to administer,) and after such Summons and Examination had, such Justice shall if he shall see Cause, direct the Person or Persons exhibiting such Complaint to make and raise such Fences, and when the same shall be so made and raised, such Justice shall ascertain the Expence of the doing thereof, and by Warrant under his Hand and Seal, directed to the Person or Persons exhibiting such Complaint as aforesaid, or to any other Person or Persons, cause the Expence so ascertained to be levied by Distress and Sale of the Goods and Chattels of the Persons so refusing or neglecting as aforesaid, rendering the Overplus (if any) on Demand, to the Owner of such Goods and Chattels, after deducting the reasonable Costs and Charges of such Distress and Sale; and for Want of sufficient Distress, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to authorize the Person or Persons exhibiting such Complaint, to enter upon such unfenced Lands, or any Part thereof, and to receive and take the Rents and Profits thereof, until thereby or therewith such Expence, and all reasonable Costs and Charges occasioned by or attending such Entry and Receipt of the said Rents and Profits, shall be fully paid and satisfied.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Allotment or Allotments of the said Marsh, or any other Lands, Tenements, or Hereditaments whatsoever within the said Manor, in lieu of and in Exchange for any other Allotment or Allotments, or any other Lands, Tenements, or Hereditaments whatsoever within the same Manor or Parish, or within any adjoining Manor, Hamlet, Township or Place, provided

provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such 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 Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange and Exchanges so to be made, shall be good, valid and effectual in the Law, to all Intents and Purposes whatsoever: Provided always, that no Exchange shall be made of any Lands, Tenements or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate: Provided also, that all Costs, Charges, and Expences attending the making any Exchanges or Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner, and in such Proportion, as the said Commissioners shall by their Award order and direct.

Allotments
and Lands in
Exchange to
be considered
as discharged
from Copy-
hold Rents,
Customs, &c.

XXVII. And be it further enacted, That such of the Cowgaits as are of the Nature and Tenure of Copyhold Estate, and held at the Will of the Lord of the said Manor, according to the Custom of the same, shall, until the Execution of the said Award by the Commissioners, be considered as of the Nature of Copyhold Estate, and shall and may be conveyed or surrendered accordingly; but immediately from and after the Execution of such Award, the several Allotments to be made by virtue of this Act shall be held by the Persons to whom the same shall be allotted, discharged from all Copyhold Rents, Services and Customs whatsoever theretofore due in respect of the Cowgaits in lieu whereof the same Allotments shall be made, and shall and may for ever thereafter be held in free and common Sockage, and be conveyed and disposed of as any other Lands and Hereditaments in *England*, being Freehold of Inheritance, may by Law be conveyed or disposed of.

Not to revoke
Wills.

XXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed, adjudged, deemed or taken to extend to revoke, make void, alter, or annul any Settlement, Deed or Will whatsoever, or to prejudice any Person or Persons having any Right, Title, Interest, Claim, Charge or Incumbrance whatsoever in, upon, or affecting the Land hereby intended to be divided and inclosed, as aforesaid, or any Part or Parcel thereof; but that the respective Shares
of

of the said Marsh so to be allotted or exchanged, shall immediately after such Allotments or Exchanges are made, be, remain, and enure, and be held and enjoyed, and the several Persons to whom the same shall be allotted or given in Exchange, shall from thenceforth stand and be seized and possessed thereof respectively for such Estates, upon such and the same Uses, for such Trusts, and with such and the same Powers, and subject to such and the same Wills, Limitations, Conditions, Settlements, Trusts, Provisoos, Remainders, Reversions, Debts, Charges and Incumbrances, as the several Cowgaitis or Messuages, Lands, Tenements or Hereditaments, in respect whereof the Land so to be allotted or exchanged were held and stood severally limited, or subject or liable unto, at the Time of the making such Allotments or Exchanges.

XXIX. And be it further enacted by the Authority aforesaid, That from and after the Expiration of the Term of Seven Years from the passing of this Act, and not before, the several Portions and Allotments hereby intended to be inclosed shall become titheable, and be subject to pay Tithes to the Rector of the Parish and Parish Church of *Septon* for the Time being, according to the Form of the Statutes in such Case made and provided.

Allotments
to pay
Tithes after
Seven Years.

XXX. And be it further enacted, That all and every Tenant and Occupier under any Agreement or Letting at Rack Rent for any Term or Number of Years, or from Year to Year, of any Part of the said Marsh or other Lands or Hereditaments which shall be allotted or exchanged by virtue of this or the said recited Act, shall immediately after the signing of the Award of the said Commissioners, or within such other Time before or after the signing of the said Award as the said Commissioners shall appoint, and whereof Notice shall be given in the *Liverpool* Newspapers in the Manner herein-before directed for that Purpose, give up and resign the full and peaceable Possession of such allotted or exchanged Lands, to the Person or Persons to or with whom the same shall be respectively allotted, exchanged or belong, to such respective Tenants and Occupiers of such allotted or exchanged Lands, receiving from the said respective Owners and Proprietors thereof such Satisfaction as the said Commissioners shall ascertain, order, direct or appoint to be paid to such Tenant or Tenants respectively on account thereof, as an Equivalent for the Loss or Losses he, she, or they shall respectively sustain thereby, and also for and on account of their respective fallowing or way-going Crop, if entitled to any; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same, within Fourteen Days after Demand made thereof, it shall be lawful for the said Commissioners and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges and Expences of obtaining and executing this Act may be raised and recovered, or the same may be recovered by an Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*: Provided always, that nothing in this Act contained shall extend to vacate any Lease of Lands taken in Exchange, if such Lands are wholly situate in an adjoining Manor or Parish.

For vacating
Leases, &c.

[*Loc. & Per.*]

B b

XXXI. And

Expences of
procuring
and execut-
ing the Act.

XXXI. And be it further enacted, That as well the Fees and Payments to the said Commissioners, as also the Charges and Expences already incurred and hereafter to arise relative to the said intended Division, Allotment and Inclosure, and to the soliciting, obtaining, and passing of this Act, and of surveying, planning, dividing, and allotting the said Marsh, and of preparing, making, and depositing the General Award of the said Commissioners, and all Plans, Maps, Surveys, Instruments, Papers, Writings, Extracts, Schedules, and Copies of the same, or any of them respectively directed by the said Commissioners to be prepared and made out, and all other Costs, Charges, and Expences whatsoever, in anywise attending the Execution of this Act, or of any of the Powers, Authorities, Provisoes or Directions herein contained, shall be borne and defrayed by the respective Persons to whom Allotments of any Part of the said Marsh shall be made, save and except as herein-after mentioned, proportionably and according to the Number of Cowgaites possessed by such respective Persons entitled to such Allotments; and the respective Shares and Proportions of such Expences as aforesaid shall be payable and paid by such Person and Persons, and at such Times as shall by the said Commissioners, by Writing under their Hands executed before the respective Times appointed for such Payments, be ordered and directed.

Mr. Formby
and Mr.
Baldwin to be
at no Ex-
pence.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to authorize the said Commissioners to require or direct any Payment or Contribution towards the said Expences from the said *Richard Formby* or *Nicholas Rigbye Baldwin*, or their respective Successors, as Proprietors of any Allotments to be made to them in Right of the Lands held by them in respect of the said Chapels of *Formby* and *Great Crosby*; but that they the said *Richard Formby* and *Nicholas Rigbye Baldwin*, and their Successors, as Curates aforesaid, shall be wholly exempt from all Payment and Contribution towards such Expences.

For Reco-
very of the
Expences.

XXXIII. And be it further enacted, That in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of such Charges and Expences within the Times so to be respectively appointed as aforesaid, then the said Commissioners shall and may, by Warrant under their Hands and Seals directed to any Person or Persons, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Surplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of making such Distress and Sale respectively; or otherwise it shall be lawful for the said Commissioners, by Writing under their Hands and Seals, to authorize any Person to enter into and upon the Lands and Premises so to be allotted unto the Person or Persons so refusing or neglecting to pay as aforesaid, and to take and receive the Rents and Profits thereof, until therewith or thereby his, her, or their Proportion of the said Charges and Expences, and also the Costs, Charges and Expences occasioned by or attending such Entry upon and Receipt of the Rents and Profits, shall be fully paid and satisfied.

XXXIV. And

XXXIV. And be it further enacted, That any Sum or Sums of Money already advanced by any Person or Persons for the Purpose of this Act, or in anyway relating to the said Inclosure, or hereafter to be advanced in respect of the same, and for obtaining and passing this Act, and of carrying the same into Execution, shall be repaid to such Person or Persons respectively with Interest, at the Rate of Five Pounds *per Centum per Annum*, out of the first Monies that shall be raised for defraying such Expences by virtue of this Act.

Money advanced to be repaid with Interest.

XXXV. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the said Commissioners, as a Recompence for their respective Pains and Trouble, the Sum of One Pound Ten Shillings, and no more, for each Day they or either of them shall respectively act or travel for the Purpose of acting, or be returning Home from acting in the Execution of this Act; and that at all Meetings to be held in pursuance of this Act, the said Commissioners shall defray their own Expences.

Commissioners Allowance.

XXXVI. 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 Day of the passing thereof), the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, and due to them for their own Trouble and Expences in the Execution of this Act; and such 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 Book of Accounts to be kept in the Office of the Clerk 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.

Accounts to be settled by Justices.

XXXVII. And be it further enacted, That the Award to be made by the said Commissioners shall be deposited in the Chapel at *Great Crosby* aforesaid.

Award to be deposited.

XXXVIII. And be it further enacted, That if any Person or Persons, Bodies Politic, Corporate or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done in pursuance of this Act, or the said recited Act, other than and except in Cases where the Orders and Determinations of the said Commissioners by the said recited Act or this Act are directed to be final and conclusive, and except in Cases where an Issue at Law shall be tried as herein-before mentioned; then and in every such Case, he, she, or they may appeal to the General Quarter Sessions of the Peace to be held by Adjournment at *Ormskirk* or *Wigan* in and for the said County of *Lancaster*, within Three Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners Fourteen Days Notice of such Appeal; and the Justices of the said Quarter Sessions are hereby required to hear and

Allowing Appeal.

and determine the Matter of every such Appeal, and to make such Order therein and award such Costs as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs and Damages which shall be awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Surplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determination of the said Justices shall be final and conclusive upon all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable; which same Costs shall be levied in the Manner hereinbefore directed.

Sand Hills to
be planted
with Starr.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to order and direct the Sand Hills which may be allotted by virtue of this Act, to be kept up from Time to Time, and at all Times, until the Cultivation of the same as hereinafter mentioned, and to be planted with Starr or Bent, or secured so as to prevent as much as possible the Sand being blown up on the inclosed Lands on the said Marsh, by and at the Expence of the respective Proprietors of such Allotments, in such Way as the said Commissioners shall by their Award direct; and in case any Person or Persons shall at any Time or Times neglect or refuse to comply with any Order or Direction of the said Commissioners in the said Award mentioned, touching the Mode or Expences of keeping up and preserving the said Sand Hills, or otherwise securing the Sand from being blown as aforesaid, it shall and may be lawful to and for any Person or Persons who may sustain any Injury or Damage by such Neglect or Refusal, within Six Calendar Months next after the Cause of such Complaint shall have arisen, to bring or cause to be brought an Action at Law in any of His Majesty's Courts of Record at *Westminster*, for the Recovery of a Compensation for such Injury or Damage, and in which Action no Essoign, Protection, Privilege, or Wager at Law, or more than One Impar lance shall be allowed.

Sand may be
removed.

XL. Provided also, and be it further enacted, That it shall and may be lawful to and for the several Persons to whom any such Allotments of Sand Hills shall be made, or who may be desirous to cultivate or improve their said Allotments, from Time to Time and at all Times hereafter to dig, take and carry away the Sand from such Sand Hills, or any Part thereof, and lay and deposit the same on the Shore of the said River *Mersey*, opposite their respective Allotments of Sand Hills; so as that such Sand be carried and deposited within or nearer to the said River than the High-water Mark, and at a Distance from the Western Boundary of the said Sand Hills of not less than Forty Yards, and so as the usual High Road or Way along the said Shore shall not be obstructed or injured by the Deposit of any such Sand.

May take
Sea Slutch
&c.

XXI. Provided always, and be it further enacted, That it shall and may be lawful to and for the several Persons to whom any Allotments of Sand Hills may be made by virtue of this Act, his, her, and their Heirs, Executors and Administrators, Servants and Assigns, to get, cart, and carry away Sea Slutch, Sea Tang and Turf from the Shore or Strand of the River *Mersey*, which may be opposite to such Part of the Sand Hills as may be allotted to the said several Proprietors, exclusively of the said *William Blundell*, for the Improvement of their several Allotments, without being considered as infringing upon the Rights or Privileges of the Lord of the Manor of *Great Crosby*; but nothing herein contained shall be construed to authorize or empower any Person or Persons to whom any Allotments may be made, his, her or their Heirs, Executors or Administrators, or any other Person or Persons whomsoever, to get Sand or Soil not being in that State which is commonly called Sea Slutch, or Gravel, or any Stones or other Materials for the Purpose of manuring and Improvement of the Lands intended to be allotted by virtue of this Act.

Saving Ma-
nerial Right.

XLII. And be it further enacted, That nothing herein contained shall extend or be construed to defeat, lessen, or prejudice the Right, Title, and Interest of the said *William Blundell*, or the Lord or Lords, Lady or Ladies of the said Manor of *Great Crosby* for the Time being, of, in, and to any Quit Rents, Chief Rents, Fee Farm Rents, Incroachment Rents, or other Rents now payable to the said *William Blundell*, or of or to the Seignories and Royalties incident and belonging to the said Manor (except such as herein-before are specified and intended to be destroyed); but that the said *William Blundell*, and all and every Person and Persons claiming or to claim by, from, under, or in Trust for him as Lord or Lords, Lady or Ladies of the said Manor, shall and may from Time to Time and at all Times for ever after hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themselves, or put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Jurisdications, Privileges, Pre-eminences, Manerial Jurisdications, and Appurtenances whatsoever to the said Manor incident, appendant, belonging or appertaining, except as aforesaid, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the said *William Blundell* could or might have held and enjoyed the same respectively, in case this Act or the said intended Inclosure and Division had not been made.

General
Saving.

XLIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, and Bodies Politic and Corporate, his, her, and their Heirs, Executors, Administrators, and Assigns, (other than and except the several Persons, Bodies Politic and Corporate, their Heirs, Successors, Executors, Administrators and Assigns, to and amongst whom the said Marsh shall be allotted and divided in pursuance of this Act), all such Right, Title and Interest (other than and except such as are hereby intended to be barred and destroyed) as they, every, or any of them had and enjoyed, of, in, to, or out of the said Marsh at the Time of passing this Act, or would or might have had or enjoyed in case this Act had not been made.

[Loc. & Per.]

C c

XLIV. And

Act to be
given in Evi-
dence as a
Public Act.

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

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