



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 65.

An Act for inclosing Lands in *Thornthwaite*, in the Parish of *Crosthwaite*, and County of *Cumberland*.
[20th April 1812.]

WHEREAS there are within the Manor of *Thornthwaite*, in the Parish of *Crosthwaite*, in the County of *Cumberland*, certain open Commons and Waste Grounds, containing by Estimation One thousand Acres, or thereabouts: And whereas the Commissioners and Governors of the Royal Hospital for Seamen at *Greenwich*, in the County of *Kent*, are Lords of the said Manor, and as such are entitled to the Royalties therein, and to the Soil of the said Commons and Waste Grounds: And whereas the said Commissioners and Governors, and *John Fisher*, and divers other Persons, in respect of certain Messuages, Lands, and Tenements, are or claim to be entitled to a Right of Common upon the said open Commons and Waste Grounds within the said Manor of *Thornthwaite*: And whereas an Act Act 41 Geo. 3. 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*: And whereas the said Commons and Waste Grounds, in their present State, are incapable of Improvement, and it would be an Advantage if the same were divided and inclosed, and specific Parts allotted in lieu of the Right of Soil
[*Loc. & Per.*] 15 G therein,

therein, and the Residue divided and allotted amongst the several Persons interested therein, in Proportion to their Properties, Rights, and Interests, in Manner after mentioned; and it would also be advantageous to the Lords and Tenants of the said Manor respectively if Compensation were to be made for all Rents, Fines, Dues, Duties, Services, Restraints, and Disabilities, incident to the Customary or Tenant-right Estates holden of the said Manor, and if the same were enfranchised: But such Enclosure and Enfranchisement cannot be effected without the Aid 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 *Joseph Harrison Fryer* of *Lysick Hall*, in the Parish of *Croftbwaite*; *Joseph Fisher* of *Brackentbwaite*, in the Parish of *Lorton*, and *John Huddlestone* of *Gosforth*, in the Parish of *Gosforth*, all in the County of *Cumberland*, Gentlemen, be, and they are hereby appointed Commissioners for setting out, dividing, and allotting the said Commons and Waste Grounds, and for putting this Act in Execution, in such Manner, and subject to such Regulations as are hereinafter contained, and with such of the Powers, and subject to such of the Rules, Orders, Directions, Authorities, Regulations, Restrictions, and Provisions contained in the said recited Act, as are not controlled by or repugnant to any of the Clauses, Provisions, or Regulations contained in this Act; and that the Notices by the said Act required to be given in some public Newspaper, of setting out public Carriage Roads, and of reading and executing the Award of the Commissioners, shall be given and published in the *Cumberland Packet*, or if that Newspaper shall not then be published, in some other Newspaper published in the County of *Cumberland*.

Appointment
of Commis-
sioners.

For appoint-
ing new
Commission-
ers.

II. Provided always, and be it further enacted, That if the said *Joseph Harrison Fryer*, or any Person who shall be appointed a Commissioner in his Place or Stead, in the Manner hereinafter mentioned, shall die, refuse to act, or be rendered incapable of acting as a Commissioner for the Purposes of this Act, it shall be lawful for the said Commissioners and Governors of the said Royal Hospital, their Successors or Assigns, or their Stewards or Steward, Receivers or Receiver, or Agents or Agent for the Time being, by any Instrument in Writing under the Common Seal of the said Royal Hospital, and they are hereby authorised and required from Time to Time, within Thirty Days next after any such Death, Refusal, or Incapacity shall happen, or as soon afterwards as conveniently may be, to nominate and appoint a fit and proper Person (not being beneficially interested, or the Steward, Agent, Father, Son or Brother of any Person interested in the said Commons or Waste Grounds,) to be a Commissioner in the Place and Stead of him so dying, refusing, or being incapable as aforesaid; and in case the said *Joseph Fisher*, or any Person who shall be appointed a Commissioner in his Place or Stead in the Manner hereinafter mentioned, shall die, refuse to act, or be rendered incapable of acting as a Commissioner for the Purposes of this Act, it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment for the preceding Year, or by some other convenient Means,) of the Proprietors and Owners of Messuages, Lands, Tenements, and Hereditaments, entitled to Right of Common

Common upon the said Commons or Waste Grounds hereby intended to be divided (other than and except the said Commissioners and Governors) or their respective Agents present at a Meeting to be holden for that Purpose (of which Meeting Notice shall be given by any One or more of such Proprietors and Owners, or their respective Agents, or by the Two other Commissioners for putting this Act into Execution, or the One of them, by affixing the same on the Door of the Chapel of the Chapelry of *Thornthwaite*, in the Parish of *Croftwaite* aforesaid, and also causing the same to be inserted in One or more Newspaper or Newspapers published in the said County of *Cumberland* Twenty-one Days at least before such Meeting); and they are hereby authorized and required from Time to Time, within Thirty Days next after such Death, Refusal, or Incapacity shall happen, or as soon afterwards as conveniently may be, by any Instrument in Writing under their Hands, to nominate and appoint a fit and proper Person (not being beneficially interested, or the Steward, Agent, Father, Son, or Brother of any Person interested in the said Commons or Waste Grounds) to be a Commissioner in the Place or Stead of him so dying, refusing, or being incapable as aforesaid; and in case the said *John Huddleston*, or any Person who shall be appointed a Commissioner in his Place or Stead in the Manner hereinafter mentioned, shall die, refuse to act, or be rendered incapable of acting as a Commissioner for the Purposes of this Act, it shall be lawful for the other Commissioners for the Time being, and they are hereby authorized and required from Time to Time, within Thirty Days next after such Death, Refusal, or Incapacity shall happen, or as soon afterwards as conveniently may be, by any Instrument in Writing under their Hands, to nominate and appoint a fit and proper Person (not being beneficially interested, nor the Steward, Agent, Father, Son, or Brother of any Person interested in the said Commons or Waste Grounds,) to be a Commissioner in the Place and Stead of him so dying, refusing, or being incapable as aforesaid, and so *toties quoties* so often as any Vacancy shall happen by such Death, Neglect, Refusal, or Incapacity, of every such new Commissioner or Commissioners so to be nominated and appointed as aforesaid; and every Person who shall be nominated and appointed a Commissioner as aforesaid, shall have such and the like Powers and Authorities for putting this Act in Execution, as if he had been named and appointed a Commissioner in and by this Act; which said several Instruments of Nomination and Appointment shall be inrolled in the same Place, and Evidence thereof given in the same Manner, as in and by the said recited Act and this Act is directed concerning the general Award to be made by the said Commissioners: Provided always, That all and every the Powers, Authorities, Directions, Acts, Matters, and Things, hereby authorized or directed to be done and executed by the said Commissioners, may be done and executed by any Two of the Commissioners for the Time being, and the same shall be as valid and effectual as if done and executed by or before all the said Commissioners.

Powers of the Act may be executed by two Commissioners.

III. And be it further enacted, That the said Commissioners shall and they are hereby required to cause public Notice to be given in one or more Newspaper or Newspapers published in the said County of *Cumberland*, and affix a Notice in Writing upon the Door of the Chapel of the Chapelry of *Thornthwaite* in the Parish of *Croftwaite* aforesaid, upon some *Sunday* during

Commissioners to give Notice of their Meetings.

during or immediately before Divine Service, of the Time and Place of their holding their First, Second, and Third Meetings, for the Purposes of putting into Execution the several Powers vested in them by this Act, Twenty-one Days at least before such Meetings respectively; and that the said Commissioners shall and may, after their said Third Meeting, from Time to Time appoint such Time and Place for every subsequent Meeting as they shall think proper, they causing a Notice in Writing under their Hands to be affixed upon the Door of the said Chapel Seven Days at least before every such subsequent Meeting; but the said Commissioners at their First, Second, or Third Meetings, or any other subsequent Meeting or Meetings, shall have full Power and Authority from Time to Time as they shall think it convenient, to continue such First, Second, or Third, or any subsequent Meeting or Meetings by Adjournment for the Execution of this Act, without giving any other Notice of such Meeting by Adjournment; provided that all the Meetings of the said Commissioners shall be held in the said Chapelry, or within the Distance of Eight Miles therefrom.

Commissioners to determine Claims.

IV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties who now are, or before the making of the Award of the said Commissioners shall be interested or claim to be interested in the said Division or Allotment, or the Boundaries of the said Commons and Waste Grounds, or any Part or Parts thereof, touching or concerning the respective Shares and Proportions, Rights and Interests, which they or any of them shall have or claim to have in the same, or touching or concerning the Boundaries of the said Commons and Waste Grounds, or any Part or Parts thereof respectively, or any other Matter or Thing relating to the Division or Allotment hereby directed to be made, it shall be lawful for the said Commissioners, and they are hereby authorized and required with all convenient Speed, to examine into, hear, and determine all such Claims, Objections, Differences, and Disputes as aforesaid: 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.

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

V. 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 such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Power to award Costs.

VI. 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 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 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, 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.

VII. Provided always, and be it further enacted, That in case any Person or Persons interested, or claiming to be interested in the Division or Allotment of the said Commons and Waste Grounds, or any Part thereof, or the Boundaries thereof respectively, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning their respective Claims, Objections, Rights, or Interests, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, for which Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought for Trial, on a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination, and proceed to try the Question at the First Assizes to be holden for the said County of *Cumberland*, or at the First Assizes to be holden for any of the adjoining Counties, at the Option of either Party, after the Expiration of Six Calendar Months from the Time of such Determination; and the Defendant or Defendants in such Action or Actions shall, and he, she, or 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, Objection or Objections, and the Right or Rights 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 in the said Action or Actions shall be final, binding, and conclusive, upon and to all and every Person and Persons whomsoever; provided that it shall be lawful for the Court in which such Action shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action, or to order a new Trial to be had therein, as is usual in other Cases, although the Time hereinbefore limited for the Trial of such Action may be thereby exceeded; and after such Verdict or Verdicts shall be obtained, and not set aside by the 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 the Determinations of the said Commissioners, touching any such Claims, Rights, or Interests, which shall not be objected to within Two Calendar Months after the same shall be made known, or which being objected to, the Party or Parties objecting shall not

Persons dissatisfied with the Commissioners Determination may try their Rights at Law.

cause such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive to all Parties; and if any of the Parties in any Action to be brought in pursuance of this Act shall die pending such Action, the same shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

In Cases of
Death of Par-
ties before
Actions
brought, the
same to be
carried on
and defended
in their
Names.

VIII. 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.

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

IX. 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.

Death of
Parties not
to suspend
the Execu-
tion of the
Act.

X. 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.

XI. And

XI. And be it further enacted, That true and exact Surveys and Ad-measurements shall be taken, and fair Plans made of the said Commons or Waste Grounds so intended to be divided and allotted, and also of the several Messuages, Lands, Tenements, and Hereditaments, in respect of which Right of Common is claimed thereon, some Time before the First Day of *January* One thousand eight hundred and thirteen, or as soon after as conveniently may be, by the said *Joseph Harrison Fryer*; or in case of his Death, Neglect, Refusal, or Incapacity by Sickness or any other Cause whatsoever, for the Space of One Calendar Month, when Occasion shall require his Attendance on the Business of taking and making such Surveys or Admeasurements and Plans, then the same shall be made and taken by such other fit and proper Person, being an experienced Surveyor of Land (not beneficially interested in the said Division, nor an Agent to any Person so interested) as the Commissioners for the Time being shall, by Writing under their Hands, from Time to Time nominate and appoint.

Survey to be made by Joseph Harrison Fryer.
If he dies, or refuses to make the Surveys and Plans, the same to be made by such Person as the Commissioners shall appoint.

XII. Provided always and be it further enacted, That no Person shall be capable of acting as Surveyor as aforesaid until he shall have taken and subscribed before the said Commissioners, or One of them, an Oath in the Form following; (that is to say)

Surveyor to take an Oath.

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly act according to the best of my Skill and Judgment, in surveying and admeasuring all the Lands and Tenements directed to be surveyed and admeasured, by virtue of an Act, passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, intituled, *An Act for inclosing Lands in Thornthwaite, in the Parish of Crosthwaite and County of Cumberland*, and in making true Maps or Plans thereof, to be laid before the Commissioners for putting the said Act in Execution. So help me GOD.’

Surveyor's Oath.

Which Oath the said Commissioners, or any or either of them, are and is hereby authorized and required to administer when and as often as occasion shall require; which Oath, and also the Instrument or Instruments of Appointment of any new Surveyor, shall be respectively inrolled in the same Place, and Evidence thereof given in the same Manner, as by the said Act and this Act is directed concerning the general Award to be made by the said Commissioners.

How to be administered.

XIII. And be it further enacted, That the Surveys or Admeasurements (including all necessary Resurveys, and all Plans except the fair Plan upon Vellum hereinafter particularly mentioned,) shall be paid for, at and after the Rate of Nine-pence *per* Acre and no more, for each and every Acre of the Land which shall be surveyed, admeasured, and planned, in pursuance of this Act; and the said Surveyor shall at all Times bear and pay his own Expences; and in case of the Death of any such Surveyor before such Surveys, Admeasurements, and Plans as aforesaid, shall be finished, then and in every such Case the Executors or Administrators of every such Surveyor so dying shall be paid after the like Rate of Nine-pence *per* Acre, for each and every Acre which shall have been so surveyed and admeasured in his Lifetime.

Charge to be paid Surveyor.

XIV. And

Surveyor to
make a fair
Plan upon
Vellum of the
Commons,
and his
Charge for
same.

XIV. And be it further enacted, That the said Surveyor shall, after the said Division and Allotment of the said Lands and Grounds intended to be hereby divided and inclosed shall be completed, make a fair Plan upon Vellum of all the said Lands and Grounds intended to be hereby divided and allotted, whereon respectively shall be truly and distinctly delineated, set down, marked, and expressed, the several Matters and Things necessary or proper to be inserted therein, for the better explaining the Award of the said Commissioners; and for which fair Plan upon Vellum the Sum of Twenty-one Pounds and no more shall be paid.

No Turves
or Sods to be
cut.

XV. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Person or Persons (other than and except the Lords of the said Manor, their Lessees or Assigns, and the Commissioners for carrying this Act into Execution,) to cut, dig, or carry away, any Turves or Sods in, upon, or from the said Commons or Waste Grounds, or any Part thereof, until the same shall be allotted and set out as aforesaid, upon pain of forfeiting, for every such Offence, to the said Commissioners and Governors, Lords of the said Manor, their Successors or Assigns, such Sum not exceeding Thirty-nine Shillings, as shall be assessed, in the Nature of an Amerciament, at any Court Leet or Court Baron, or Customary Court, to be holden for the said Manor, the same to be assessed by the Assessors then and there sworn; and which Amerciament or Amerciaments, when so assessed, shall be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, by virtue of a Precept to the Bailiff or Bailiffs of the said Manor, to be directed for that Purpose by the Steward of the Court of the said Manor; and the Money arising from all such Amerciaments shall be paid to the Commissioners acting under the Authority of this Act, and shall be applied towards defraying the Expences of carrying this Act into Execution.

Encroach-
ments, except
those made
for Thirty
Years, to be
deemed Part
of the Com-
mon.

XVI. And be it further enacted, That all Inclosures and Encroachments which have been taken from the said Commons or Waste Grounds (save and except such as have been peaceably and quietly enjoyed for the Space of Thirty Years last past or upwards, without any Interruption or Payment of any Acknowledgment,) shall be deemed Part and Parcel of the said Commons and Waste Grounds so to be divided; and in case any Difference or Dispute shall arise touching any such Inclosures or Encroachments being deemed Part or Parcel of the said Commons or Waste Grounds, such Differences or Disputes shall be examined into and determined by the said Commissioners.

Encroach-
ments to be
allotted to
Persons in
Possession
thereof.

XVII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required in all Cases where the same can be done without Prejudice or Inconvenience to the Occupation of the adjoining Lands, to assign and allot unto such Person or Persons, Body or Bodies Politic, or Corporate, entitled to and having Right of Common upon the said Commons or Waste Grounds, as are in the Possession of any such Encroachment or Encroachments as is or are hereinbefore directed to be deemed Part and Parcel of the said Commons or Waste Grounds, all and every the Lands and Grounds comprised therein, and

all Edifices and Buildings erected thereon, for or in Part of the Allotment or Allotments which shall be made to them respectively by virtue of this Act; unless it shall happen that such respective Encroachments shall be greater or more (Quantity and Quality considered) than the Allotment or Allotments would amount unto, which such Person or Persons, Body or Bodies Politic, or Corporate, in the Possession of such Encroachment or Encroachments respectively would be entitled to for and in respect of their ancient Estate; in which Case a proportionable Part of such Encroachment or Encroachments shall be deducted from the same respectively, and the said Commissioners are hereby directed and required, in their Valuation of such Encroachments, for the Purposes aforesaid, to estimate the same according to their original Value in their open State, without any Regard to the Improvements made therein, or to the Value of the Edifices and Buildings which are erected or built thereupon.

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and appoint such Part or Parts of the said Commons and Waste Grounds as they shall think proper and necessary to be used for public Quarries, and for getting Stone and Gravel for making and repairing the Roads to be made over and upon the said Commons and Waste Grounds, and the said Owners and Proprietors of Messuages, Lands, and Tenements, shall have free Liberty of getting Stone in the said Quarries for their own Use and Benefit within the said Manor, but not elsewhere, and not to sell or dispose thereof; and the said Commissioners shall also set out, allot, and appoint proper Places for public Watering Places for Cattle, to be used by the said Owners and Occupiers of Lands within the said Township; and the said Allotments for public Quarries and Watering Places shall for ever thereafter be used by the Surveyors of the Highways for the Time being, and by the Proprietors of Messuages, Lands, and Tenements within the said Township, and their Tenants for the Time being, in such Manner, and under such Rules, Orders, and Regulations as the said Commissioners shall in and by their said Award order and direct.

Materials for Roads, Watering Places, &c. to be set out.

XIX. And be it further enacted, That the said Commissioners shall assign, set out, and appoint such Part or Parts, Parcel or Parcels of the said Commons or Waste Grounds, as is or are conveniently situate, and fit and proper for the digging, cutting, and curing of Peats and Turves; for the Use and Benefit of the said Commissioners and Governors of the said Royal Hospital, Lords of the said Manor, their Successors, Tenants, Lessees, and Assigns, as also for the Use and Benefit of the Proprietors and Occupiers for the Time being of Messuages or other Buildings in respect whereof any Allotments of the said Commons or Waste Grounds shall be made in pursuance of this Act, or which shall be erected and built upon any such Allotment or Allotments, to be used in all Times thereafter as Peat-Moss, or Turf Ground, by the said Commissioners and Governors, and the said other Proprietors for the Time being, and their several Tenants and Lessees; all which said Peats and Turves shall be used for Fuel in and upon the Messuages or other Buildings to be erected upon the said respective Allotments, or in or upon the several Messuages or other Buildings in respect whereof such Allotments shall be made, but not for Sale, or any other Purpose whatsoever.

Part of the Common to be set out for Peat-Moss.

Land to be
sold for Pay-
ment of the
Expences.

XX. And be it further enacted, That the said Commissioners shall, in the next Place, mark and set out such Part and Parts of the said Commons and Waste Grounds as to them shall seem competent, necessary, and sufficient to be sold to defray and discharge all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of executing this and the said recited Act; and they are hereby authorized and required to sell the Lands and Grounds so marked and set out, in such Allotment or Allotments as to them shall seem right and proper, to any Person or Persons for the best Price or Prices that can be gotten for the same, by private Contract or by public Auction or Auctions, to be holden for that Purpose, of which Six Weeks previous Notice shall be given; and the Person or Persons so purchasing the same, shall immediately pay (by way of Deposit) into the Hands of the said Commissioners, or such Person or Persons as they shall direct or appoint, One-tenth Part of his, her, or their Purchase Money, and pay the Remainder thereof within Six Calendar Months next after, or at such other Time as the said Commissioners shall appoint; and in Default thereof, the Money so deposited shall be forfeited, and shall be applied in carrying this Act into Execution; and the Allotment or Allotments for which the whole of such Purchase Money shall not have been so paid, or for which there shall be no Bidding at such Auction, shall be again put up to Sale, and sold in Manner aforesaid, for the best Price or Prices that can be gotten for the same, or be sold by the said Commissioners by private Contract for any Sum or Sums not less than the remaining Nine-Tenths of the Price or respective Prices for which the same was or were respectively before sold, or the Amount of One Bidding above the Sum or respective Sums at which the same was or were respectively put up in the said former Auction; and every Allotment for which the full Purchase Money shall be paid, shall immediately thereupon be absolutely discharged of and from all Common and other Rights thereon or therein, and be vested in Fee Simple in the Purchaser or Purchasers thereof respectively as his, her, or their private and absolute Property, save and except as to the Reservation of Services and Royalties hereafter contained, and shall be allotted accordingly by the said Commissioners; and the said Purchase Money shall be applied by the said Commissioners in defraying such Costs, Charges, and Expences as aforesaid; and in case any Surplus shall remain, such Surplus shall be divided and paid by the said Commissioners unto and amongst the several Proprietors and Persons interested in the said Commons and Waste Grounds, in such Shares as shall be in Proportion to their respective Rights and Interests therein, and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively; and the Shares of the other Proprietors and Persons interested as aforesaid shall be applied and disposed of in Manner directed by the said recited Act, in case where Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, is directed to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Allotment
to the Lords
of the Manor.

XXI. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and appoint unto and for the said Commissioners and Governors and their Successors, in One or more Plot
or

or Plots, Parcel or Parcels of Land, such Quantity of the said Commons and Waste Grounds as (Quantity and Quality considered) shall in the Judgment of the said Commissioners be equal to One-fourteenth Part or Share of the said Commons and Waste Grounds which shall remain after the public Roads, Quarries, and Watering Places, and Grounds for getting Peats and Turves set out thereupon, are deducted therefrom, in lieu of and as a full Compensation for the Right and Interest of the said Commissioners and Governors, as Lords of the said Manor, in and to the Soil of the said Commons and Waste Grounds as afore-said.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out by Metes and Bounds, and allot in severalty the Residue of the said Commons and Waste Grounds unto and amongst the said Commissioners and Governors, and the several other Persons, Bodies Politic, and Corporate, entitled to Right of Common upon the said Commons and Waste Grounds, for or on account of any Messuages, Lands, or Tenements, according and in proportion to their several and respective Rights and Interests therein, by and according to the Value to be ascertained by the Commissioners: Provided always, That all Houses and Buildings not occupied with some Farm of Land on the First Day of *May*, which was in the Year of our Lord One thousand eight hundred and ten, shall be valued separately from the Lands, Garths, and Gardens, and the Allotments to be made in respect of such Houses or Buildings, shall be less by One-third in proportion to the Value of such Houses and Buildings, than the Allotments to be made in respect of any Lands, Garths, and Gardens; but no separate Valuation shall be made of any Houses or Buildings which were occupied with and were Part and Parcel of any Farm of Land on the said First Day of *May* One thousand eight hundred and ten, but such last-mentioned Houses and Buildings shall be considered as included in the Valuation of the Lands constituting such Farm to which they respectively belong; and that all Mills and Buildings for any Purpose of Manufacture (if any) having Right of Common upon the said Commons or Waste Grounds hereby intended to be divided, shall be also separately valued, and the Allotments to be made in respect of such Mills and Buildings for manufacturing Purposes, shall also be less by One-third, in proportion to the Value of such Mills and Buildings, than the Allotments to be made in respect of Lands or Grounds.

Allotment of
the Residue.

Houses, &c.
not occupied
with a Farm
on 1st May
1810, to be
valued sep-
arate.

XXIII. And be it further enacted, That it shall and may be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act, or shall be Owners or Proprietors of any Common Right or other Right upon the said Commons and Waste Grounds, to give, grant, bargain, sell, demise, mortgage, limit, convey, assure, and dispose of the same, for all or any Part of his, her, or their Estate and Interest therein, or Right thereunto, separate and distinct from any Estate in Right of which he or she is entitled to the same, at any Time before the Execution of the Award of the said Commissioners; and every such Gift, Grant, Bargain, Sale, Demise, Mortgage, Limitation, Assurance, Conveyance, and Disposition thereof, shall be of the same Force and Validity as if made after the Execution of the said Award; and that it shall be lawful for the said

Proprietors
may convey
their Allot-
ments before
the Execution
of the Award.

Commis-

Commissioners, and they are hereby authorized and empowered to award all and every such Allotment or Allotments so sold or disposed of, or set out in lieu of any Common Right or other Right so sold or disposed of, to the Purchaser or Purchasers thereof, or other Person or Persons, entitled to the same by virtue of any such Sale or Disposition.

In case any Person shall sell his Common Right the Allotments to be made to the Purchaser.

XXIV. Provided always, and be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time before the Execution of the said Award sell his, her, or their Right, Interest, and Property in, over, or upon the said Commons and Waste Grounds, to any other Person or Persons, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby directed, authorized, and required, 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 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 and enjoyed the same in case such Sale had not been made, or such Rights, Interests, or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

Allotments to be of the same Tenure as the ancient Lands.

XXV. And be it further enacted, That all and every Allotment and Allotments of the said Commons or Waste Grounds, which shall be made, set out, or appointed, in pursuance of this Act, to any Person or Persons, Body or Bodies Politic, or Corporate, for or in respect of any Messuages, Lands, Tenements, and Hereditaments, having Right of Common thereon, shall be of the same Tenure as the Messuages, Lands, Tenements, and Hereditaments, in respect whereof such Allotment or Allotments shall be respectively so set out or allotted; but the said Messuages, Lands, Tenements, and Hereditaments, and Allotments made in respect thereof, shall not, nor shall any of them, be subject in respect of such Allotments to any new or increased yearly or other Rents, Payments, Reliefs, Fines, Dues, Duties, Suits, or Services whatsoever, to the Lords of the said Manor of *Thornthwaite*, their Successors or Assigns.

Exchanges.

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, or any other Lands, Tenements, or Hereditaments within the said Manor, in lieu of and in Exchange for any other Allotment or Allotments, or any other Lands, Tenements, or Hereditaments within the same Manor or Parish, or within any adjoining Manor, Hamlet, Township, or Place, 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 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 such 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.

XXVII. Provided always, and be it further enacted, That the Costs, Expences of Charges, and Expences attending the making of any Exchange or Exchanges to be made by virtue of this Act or the said recited Act, (save and except the Sales hereby directed for raising Money for defraying the Expences of this and the said recited Act, and for carrying the same into Execution,) shall be borne, paid, and defrayed by the several Persons making such Exchanges, in such Shares and Proportions as the said Commissioners shall by Writing under their Hands order and direct.

XXVIII. And be it further enacted, That in case the Owner or Owners of any Estate or Estates within the said Manor of *Thorntwaite*, such Estate or Estates being Customary or Tenant-right Messuages, Cottages, Lands, Tenements, Hereditaments, and Premises holden of the said Commissioners and Governors, Lords of the said Manor, as Customary or Tenant-right Estates of Inheritance, under and subject to any Rents, Fines, or other Dues, Duties, Customs, Payments, and Services, or the respective Guardians, Husbands, Trustees, Committees, or Attornies of any such Owner or Owners, being Minors, Femes Covert, Lunatics, or beyond the Seas, shall be desirous of enfranchising the same, and shall give Notice in Writing under their Hands of such their Desire, to the said Commissioners for putting this Act into Execution, at a Special Meeting to be holden by the said Commissioners for this Purpose, within Twelve Calendar Months next after the passing of this Act; then it shall be lawful for the said Commissioners, and they are hereby authorized and required as soon as conveniently may be after such Notice or Notices shall be so given, to set out, allot, and award unto the said Commissioners and Governors of the said Royal Hospital, their Successors or Assigns, as Lords of the said Manor of *Thorntwaite*, so much of the said Commons and Waste Grounds as shall in the Judgment of the said Commissioners be equal to Thirty Years Value of such Annual Rents, and to Eight Years Value of the full Rack or improved Annual Rent or Value of the Customary Messuages, Cottages, Lands, Tenements, Hereditaments, and Premises so to be enfranchised respectively, with the respective Rights of Common now appendant or appurtenant thereto, and also equal to the Value of all the Timber, Trees, Woods,

[Loc. & Per.]

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and

and Underwoods (except Timber and other Trees growing in Hedge Rows, to which the Customary Tenants are entitled) now growing upon the respective Customary Messuages, Lands, Tenements, and Hereditaments; or any Part thereof, after making a fair Allowance and Deductions out of such Value for the Amount of the Value of the Interest of the said Customary Tenants in such Timber, Trees, Woods, and Underwoods for their reasonable Botes; the Value of which Timber, Trees, Woods, and Underwoods shall be ascertained and adjudged by and under the Hand of such One skilful and indifferent Person as the said Commissioners for putting this Act in Execution shall nominate or appoint; and which said Allotment or Allotments shall be in lieu of and in exchange (or in Part lieu of and in exchange, as the Case shall happen,) for the Enfranchisement (with the Exceptions and Reservations hereinafter mentioned,) of the said Customary or Tenant-right Messuages, Cottages, Lands, Tenements, Hereditaments, and Premises, and for the releasing and discharging of the same Tenements and Hereditaments for ever thereafter from all Rents, and all Fines and other Payments by way of Fines for Admittance, which would otherwise become due and payable for and in respect of the said Tenements and Hereditaments: Provided always, that all and every Allotment or Allotments to be made to the said Commissioners and Governors, their Successors or Assigns, as Lords of the said Manor of *Thornthwaite* as aforesaid, on account of the said Enfranchisements, shall be laid together in One Plot or Parcel of Land, and contiguous to the other Allotment or Allotments of the said Commissioners and Governors, their Successors or Assigns, and shall be so allotted accordingly by the General Award of the said Commissioners.

Money to be paid in Aid where the Allotments of Customary Tenants are insufficient for Enfranchisement.

XXIX. Provided also, and be it further enacted, That where the several Shares or Allotments of the respective Owners or Holders of the said Customary or Tenant-right Estates of the said Commons and Waste Grounds shall, in the Judgment of the said Commissioners for putting this Act in Execution, be insufficient or inadequate in Value for the Purposes of Enfranchisements, then and in every such Case the said several Owners or Holders whose Allotment or Allotments shall be insufficient or inadequate for the Purposes aforesaid, their respective Heirs, Executors, Administrators, or Assigns shall pay unto the said Commissioners and Governors of the said Royal Hospital, their Successors or Assigns, Lords of the said Manor of *Thornthwaite*, such Sum or Sums of Money as will, in the Judgment of the said Commissioners for putting this Act in Execution, together with the said Allotment or Allotments so insufficient or inadequate as aforesaid, be equal to Thirty Years Value of such Annual Rents, and to Eight Years Value of the full Rack or improved Annual Rent or Value of the said several and respective Customary or Tenant-right Messuages, Cottages, Lands, Tenements, Hereditaments, and Premises, with the Rights of Common now appendant or appurtenant thereto, and equal to the Value of all the Timber, Trees, Woods, and Underwoods (except as aforesaid) now growing upon the respective Customary Messuages, Cottages, Lands, Tenements, Hereditaments, and Premises, or any Part thereof, after making the Allowance or Deduction aforesaid.

For enfranchising Estates not

XXX. And be it further enacted, That in case any of the Owners or Tenants of any of the Customary or Tenant-right Estates within, or Parcel,

Parcel, or holden of the said Manor, shall not in respect of such Estates having Right of Common. be entitled to any Right of Common upon the said Commons and Waste Grounds, or to any Allotment under or by virtue of this Act, but shall be desirous of having their respective Estates enfranchised, and shall give Notice in Writing under their Hands, of such their Desire to the said Commissioners, at the special Meeting hereinbefore appointed to be holden for receiving Applications for Enfranchisements, it shall be lawful for the said Commissioners and Governors of the said Royal Hospital at *Greenwich*, their Successors or Assigns, Lords of the said Manor, to agree with such Owners and Tenants for the Enfranchisement of their said Estates, in Consideration of an adequate Compensation in Money, to be ascertained by the said Commissioners, and as shall, in the Judgment of the said Commissioners, be equal in Value to Thirty Years Purchase of the Annual Rents thereof, and to Eight Years Value of the full Rack or Improved Annual Rent or Value of such Customary or Tenant-right Messuages, Cottages, Lands, Tenements, and Hereditaments, Timber, Trees, Woods, and Underwood as aforesaid, and, upon Payment of such Compensation, accordingly to enfranchise such respective Estates; and the said Commissioners shall declare the same in and by their Award to be enfranchised accordingly.

XXXI. Provided always, That all Costs, Charges, and Expences attending the making and completing such Valuations and Enfranchisements as aforesaid, shall be paid and borne by the several Persons to whom such Enfranchisements shall be made and granted, in such Proportions, and in such Manner, and at such Time or Times as the said Commissioners for putting this Act in Execution shall by Writing under their Hands order and direct, and shall be levied or recovered in the same Manner as by the said recited Act any Penalties or Forfeitures are authorized to be levied or recovered. Costs of Enfranchisements to be paid by the Parties to whom granted.

XXXII. And, for the better carrying into Execution the said intended Enfranchisements, it is hereby further enacted, That the said Commissioners for putting this Act in Execution, shall and they are hereby authorized and required, after they shall have valued the said Customary or Tenant-right Messuages, Cottages, Lands, Tenements, Hereditaments, and Premises with the respective Rights of Common now appendant or appurtenant thereto, for the Purpose of Enfranchisement as aforesaid, and as soon as conveniently may be after such respective Valuations shall have been made and the Amount thereof shall have been signified in Writing to the said respective Owners, or to their respective Agents (by Notice in Writing to be left at the Dwelling House of each such Customary Tenant or his Agent), to hold a special Meeting at which the said Customary Tenants who shall have so to make up the Consideration of the Enfranchisements by Money, shall and they are hereby required, by themselves or their Agents in that Behalf to attend, and then and there to pay to the Receivers or Receiver of the said Commissioners and Governors, their Successors or Assigns, for and on the Behalf of the Treasurer of the said Royal Hospital, the several and respective Consideration Monies to be ascertained as aforesaid, in Aid of their Shares or Allotments for their respective Enfranchisements: Provided always, that in case any Person or Persons shall refuse or neglect to pay, and shall not tender or offer to pay such Sum or Sums of Money as shall be ascertained by the said Commissioners for putting this Act in Execution Special Meeting for completing Enfranchisements. Where Consideration Monies shall not be paid in Aid of

Allotments, the same may be recovered of the Parties whose Estates are enfranchised.

Enfranchisement Monies may in certain Cases be paid to the Commissioners under this Act.

to be the Price or Prices in Aid of their Shares or Allotments of his, her, or their respective Enfranchisement or Enfranchisements, in the Manner and at the Time hereinbefore mentioned, then and in every such Case the same may and shall be levied and recovered in the same Manner as by the said recited Act any Penalties or Forfeitures are authorized to be levied or recovered: Provided also, that in case the said Receivers or Receiver of the said Commissioners and Governors, for and on the Behalf of the said Treasurer of the said Royal Hospital, shall not attend the said Meeting, or being present shall refuse or neglect to receive the said Consideration Monies, then and in such Case the said several Customary Tenants who shall have so to make up the Consideration of their Enfranchisements in aid of their Shares or Allotments by Money as aforesaid, shall pay their said Consideration Monies to the said Commissioners for putting this Act in Execution, who are hereby required to receive the same, and to pay the same over to the said Treasurer of the said Royal Hospital.

Considerations in Money in Aid to be paid to the Treasurer of Greenwich Hospital.

XXXIII. And be it further enacted, That all and every the Sum and Sums of Money which shall be paid as the Consideration in Aid of or for any such Enfranchisement or Enfranchisements as aforesaid, shall, so soon as conveniently may be after such Sum and Sums of Money shall have been paid over to the said Treasurer of the said Royal Hospital according to the Directions of this Act, be laid out and applied in Manner directed by the said recited Act in Cases where Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, is directed to be paid into the Bank of *England*, and to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Deed of Enfranchisement to be delivered.

XXXIV. And be it further enacted, That the said Commissioners and Governors, or their Successors, Lords of the said Manor of *Thornthwaite*, shall, and they are hereby empowered and required, within Six Calendar Months after the general Award of the said Commissioners for putting this Act in Execution shall be inrolled, to deliver to each such Customary Tenant or Owner an Indenture or Deed of Enfranchisement, duly executed by the said Commissioners and Governors, or their Successors, under the Common Seal of the said Royal Hospital, whereby their several Messuages, Cottages, Lands, Tenements, Hereditaments, and Premises, shall, from the Execution and Completion of the said general Award, be severally released from all Rents, Fines, and Customary Tenures, and also of and from all Right and Title whatsoever of the Lords of the said Manor of *Thornthwaite* to the Timber, Trees, Woods, and Underwoods upon the same customary Premises, and every Part thereof respectively; but nevertheless, after such Enfranchisement and Enfranchisements, the Hereditaments and Premises to be thereby enfranchised, and also the Allotment and Allotments made in respect of such enfranchised Hereditaments and Premises respectively, or so much of such Allotment or Allotments as shall not be awarded to the said Commissioners and Governors for and in Consideration of such Enfranchisement or Enfranchisements respectively as aforesaid, shall thenceforth be held in free and common Soccage of the Lords or Lord of the said Manor of *Thornthwaite*; and in every such Deed of Enfranchisement there shall be excepted and reserved thereout, unto the said Commissioners and Governors of the said Royal Hospital, their Successors

Saving the Rights of the Lords in the Customary

fors and Assigns, Lords of the said Manor of *Thorntbwaite*, all the Coals, Lead, Tin, Copper, Stone, or Slate, and all other Mines, Minerals, Metals, and Quarries, of what Nature or Kind soever, lying and being within or under the said Customary or Tenant-right Messuages, Cottages, Lands, Tenements, Hereditaments and Premises, and the Allotments set out in respect thereof; and also all and every the Seignories and Royalties, Franchises, and Liberties, incident and belonging to the said Manor, so and in such Manner that the said Commissioners and Governors, and all and every other Person and Persons claiming by, from, or under, or in Trust for them, as Lords of the said Manor; and all succeeding Lords, Owners thereof for the Time being, shall and may, at all Times after such Enfranchisement, have, hold, take, and enjoy, all Courts, Perquisites, and Profits of Courts and Mills, Hunting, Hawking, Fishing, and Fowling, Goods and Chattels of Felons, and Fugitives Felons of themselves and put in Exigent, Deodands, Treasure Trove, Waifs, Estrays, Forfeitures, Escheats, and all other Royalties, Liberties, Franchises, Privileges, Pre-eminences, Jurisdictions, and Appurtenances whatsoever, to the said Manor, or to the Lords thereof for the Time being, incident, appertaining to or belonging, or which have been heretofore or are now held, used, exercised, and enjoyed, by the Lords of the same Manor (other than and except the Rents and Fines, and other Payments by way of Fines for Admittance, as are hereby or intended to be hereby extinguished, and the Timber, Trees, Woods, and Underwoods, growing upon their respective Customary Lands, Tenements, and Hereditaments, which may be enfranchised as aforesaid) in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they could or might have held and enjoyed the same if such Enfranchisement or Enfranchisements or this Act had never been made; and that the said Commissioners and Governors, their Successors and Assigns, and all future Lords Owners of the said Manor respectively for the Time being, may and shall, from Time to Time, and at all Times from and after such Enfranchisement or Enfranchisements, have, hold, win, work, and enjoy exclusively, all Mines, Minerals, and Quarries, of what Nature or Kind soever, within or under the said Customary or Tenant-right, Messuages, Cottages, Lands, Tenements, Hereditaments, and Premises, and the Allotments set out in respect thereof, and every Part thereof, as well those not opened as those already opened (save only that the Person or Persons whose Lands shall be so enfranchised, and his, her, and their Heirs and Assigns, Tenants or Under-tenants thereof, shall have full Right and Liberty to dig for, raise, and get, in, or upon his, her, or their own Lands only, any Stones, Lime, Slate, Clay, Turf, Peat, or Marl, for the Use of their said enfranchised Messuages, Cottages, Lands, Tenements, Hereditaments, and Premises, but not for Sale, or any other Use or Purpose whatsoever), and to have, enjoy, and be vested with all convenient Ways, Wayleaves, and Liberties of laying, making, and preparing Waggon Ways, and other Ways in, over, and along the same, or any Part thereof, and of searching for, winning and working the said Mines, Minerals, and Quarries, and leading and carrying away the Coals, Lead, Tin, Copper, Stones, Lime, Slate, Metals, Minerals, and other Things to be gotten thereout, or out of any other of the Mines, Minerals, and Quarries of the said Commissioners and Governors, their Successors or Assigns; and of making Pits, Shafts, Pit-rooms, Drifts, Levels, and Watercourses, and

Estates as
now enjoyed,
except An-
nual Rents,
Fines, &c.

Satisfaction
to be made
for working
Mines, &c.
under Cu's-
mary Estates
after the
Enfranchise-
ment.

of erecting and using Fire Engines and other Engines, and all and every other Matters and Things now in Use, or hereafter to be invented, for the Purposes aforesaid, or any of them, in, upon, through, over, or along the said Customary or Tenant-right Lands, Tenements, Hereditaments, and Premises, and the Allotments set out in respect thereof, or any of them, or any Part or Parts thereof, and all other Powers, Privileges, and Authorities, for all or any of the Purposes aforesaid, in like Manner as if the said Enfranchisement or Enfranchisements, or this Act had never been made; and in every such Deed of Enfranchisement the usual and accustomed Suit of Court and Services shall be saved and reserved unto the said Commissioners and Governors, their Successors and Assigns, Lords of the said Manor of *Thornthwaite*: Provided always, that in case the Lords of the said Manor for the Time being, or any Person or Persons claiming under them shall, after such Enfranchisement or Enfranchisements made as aforesaid, win, work, and lead away any Coals, Lead, Tin, Copper, Stones, Lime, Slate, Metal, or Minerals, lying within or under any of the said Customary or Tenant-right Lands to be enfranchised as aforesaid, then and in such Case such Person or Persons so winning, working, and leading away the same, shall make reasonable Satisfaction for the Damage and Spoil of Ground occasioned thereby, or in the making or using of Waggon Ways and any other Matters or Things, according to the Powers herein reserved or granted to the said Commissioners and Governors, Lords of the said Manor 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.

XXXV. And be it further enacted, That each and every Person or Persons to whom any such Deed of Enfranchisement shall be made, shall and do, before the actual Delivery to him of such original Deed of Enfranchisement, seal and deliver to the said Commissioners and Governors, their Successors and Assigns, a Counterpart of the said Deed of Enfranchisement; which said Deeds and Counterparts shall be prepared and executed at the proper Costs and Charges of the respective Customary Tenants.

Persons en-
franchised
to hold their
Lands dis-
charged from
Customary or
Tenant-right
Tenure.

XXXVI. And it is hereby enacted and declared, That all and every Person and Persons to whom or for whose Benefit any such Enfranchisement or Enfranchisements as aforesaid, shall be made by virtue and in pursuance of this Act, of any Customary or Tenant-right Messuage or Messuages, Cottage or Cottages, Lands, Tenements, or Hereditaments, lying and being within or holden of the said Manor of *Thornthwaite* as aforesaid, or reputed so to be, and the respective Heirs and Assigns of such Person and Persons shall, upon his, her, or their paying his, her, or their respective Consideration Monies in Manner hereinbefore mentioned, and on the Execution and Completion of the said general Award of the said Commissioners, have, hold, and enjoy, all and singular the Messuages, Cottages, Lands, Tenements, and Hereditaments, whereof the Freehold and Inheritance shall be so enfranchised as aforesaid, in Fee Simple, and freed and absolutely discharged of and from all Tenant-right and Customary Tenures, and the Payment of all such Fines as aforesaid, and all other Payments by way of Fines for Admittance, and of and from all Rents to grow due and payable to the said Commissioners and Governors, Lords of the said Manor, for or in respect of such Messuages,
Cottages,

Cottages, Lands, Tenements, and Hereditaments; but subject nevertheless to and with and under such Exceptions, Powers, and Liberties, and to such Suits and Services, as shall be reserved or mentioned in or by the said Deed or Deeds of Enfranchisement to be made and executed in pursuance of this Act.

XXXVII. Provided always, and be it further enacted, That the Receipt or Receipts of the said Receivers or Receiver of the said Commissioners and Governors, or of the said Commissioners for putting this Act into Execution respectively, or the Receipt or Receipts of the Treasurer of the said Royal Hospital (such last-mentioned Receipt or Receipts being indorsed upon the respective Deeds of Enfranchisement) shall be and be deemed a good and effectual Discharge to the Person or Persons paying any Money for or on Account of such Enfranchisement or Enfranchisements, to the said Receiver or Receivers, or to the Commissioners for putting this Act into Execution respectively, for all such Sums for which such Receipt or Receipts shall be respectively given; and the Person or Persons making such Payments shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication thereof.

XXXVIII. And be it further enacted, That no Lambs or Sheep shall be depastured in any of the said intended new Inclosures, during the Space of Ten Years from the Execution of the Award of the said Commissioners, unless the Persons respectively so depasturing or keeping Lambs or Sheep, do at their own Expence effectually guard and fence their Neighbours Quicksets adjoining to such Inclosures respectively in which Lambs or Sheep shall be depastured or kept as aforesaid, so as to prevent any Damage or Injury from being done to such Fence or Fences and Quicksets, by any such Lambs or Sheep. To fence against Sheep.

XXXIX. And be it further enacted, That the Fees and Payments to the said Commissioners, their Assitants, and Servants, and all 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 Lands and Grounds, and of preparing, making, and depositing the 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 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 Costs, Charges, and Expences whatsoever, in anywise attending the Execution of this Act, or of any of the Powers, Authorities, Provisoos, or Directions thereof (save as to the Parts, Shares, or Proportions of such Persons who shall chuse to contribute Money as hereinafter mentioned,) shall be paid by the said Commissioners out of the Monies to arise by the Sale of Land by this Act directed to be sold for that Purpose, and the Overplus of such Purchase Money (if any), after defraying such Costs, Charges, and Expences, shall be equally distributed amongst the several Persons interested in the said Commons and Waste Grounds, from whose Shares Deduction for Expences shall have been made, in proportion to their several and respective Rights and Interests therein; and such Money shall be paid to such Person or Persons, in Expences of procuring and executing the Act.
case

case he, she, or they shall be seized in Fee Simple of the several Allotments to be made to them respectively by virtue of this Act, or otherwise such Money shall be applied and disposed of by the said Commissioners in Manner directed by the said Act of the Forty-first Year of the Reign of His present Majesty, whenever any Sum of Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any 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.

Persons interested, desirous of paying Money instead of Land being sold for Payment of Expences, may do so on giving Notice to the Commissioners at their First, Second, or Third Meeting.

XL. Provided always, and be it further enacted, That in all Cases where any of the Persons, Bodies Politic, or Corporate, interested in any Allotment or Allotments of the said Commons or Waste Grounds, shall be minded and desirous of paying their respective Share of the said Expences in Money, instead of sustaining a loss of Land in their respective Allotments, and shall and do at the First, Second, or Third Meeting of the said Commissioners for putting this Act in Execution (or at any subsequent Meeting of the said Commissioners, of which they shall give Ten Days Notice in Writing, by affixing the same upon the Door of the Chapel of the Chapelry of *Thornthwaite* aforesaid), give Notice thereof in Writing to the said Commissioners of such their Mind and Desire, that then and in every such Case the Share or respective Shares of the Party or Parties so giving such Notice as aforesaid, of and in all such Expences, shall be paid and defrayed in Money, by such Party or Parties respectively, in such Manner, and at such Time or Times, and to such Person or Persons as the said Commissioners shall, by Writing under their Hands, order, direct, and appoint; and in all Cases where any such Payment or Payments in Money shall be so made as aforesaid, the said Commissioners, in setting out the Allotment or Allotments of the Party or Parties making such Payment or Payments, shall have regard to the Amount of such Payment and Payments respectively, in ascertaining the Share and Proportion of the said Commons and Waste Grounds so to be set out and allotted to such Party or Parties respectively.

Money advanced for the Act, to be paid with Interest.

XLI. And be it further enacted, That the Money which shall be advanced by any Person or Persons for defraying the Expences of obtaining and executing this Act, shall be repaid, with lawful Interest, out of the First Money to be raised by the said Commissioners in pursuance of this Act.

Commissioners' Allowance.

XLII. 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 Commissioners, as a Recompence for his Pains and Trouble, the Sum of Two Guineas, and no more, for each Day he shall be employed in travelling to, returning from, and attending on the Execution of this Act; and that the said Commissioners shall defray their travelling Expences, and also their own Expences at all Meetings to be held in pursuance of this Act; and every Proprietor and other Person in any Manner interested in the said Commons and Waste Grounds, shall at all such Meetings pay and discharge his own Expences.

XLIII. And

XLIII. 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 passing of this Act,) 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 or 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 some Justice of the Peace for the said County of *Cumberland*, not interested in the said intended Division and Inclosure, to be by him examined and balanced, and such Balance shall be by such Justice 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 the Law, unless the same shall have been duly allowed by such Justice.

Commissioners to lay their Accounts before a Justice once in every Year.

XLIV. And be it further enacted, That the general Award to be made by the said Commissioners, pursuant to the Directions of the said Act of the Forty-first Year of His present Majesty, and this Act, shall be inrolled in one of His Majesty's Courts of Record at *Westminster*, and the said original general Award, and such Plans or Surveys as may be annexed thereto, shall be lodged and deposited in the Office of the Clerk of the Peace for the said County of *Cumberland*, to remain with the Records of the Court of General Quarter Sessions of the Peace there, to the End that Recourse may be had thereto by any Person or Persons interested in the said Division; which said Award and Plans, and every other Award and Instrument to be lodged with the said Award, may be inspected at all reasonable Times, upon reasonable Notice of the Party requiring such Inspection.

Award to be inrolled at Westminster, and deposited with the Clerk of the Peace for Cumberland.

XLV. And be it further enacted, That the said Commissioners shall, at the Request, Costs, and Charges of any Person or Persons, Body or Bodies Politic or Corporate, his, her, or their Stewards or Agents, having any Allotment or Allotments of the said Commons and Waste Grounds hereby intended to be divided, or otherwise interested therein, at any Time before the depositing of the said Award, make and execute a Copy of the said Award, Plans, and Surveys, or any of them, for the Use of the Person or Persons requesting the same, and such Copy shall at all Times be admitted and allowed as legal Evidence in all Courts whatsoever.

Commissioners may execute Copies of the Award.

XLVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done in pursuance of the said Act, or of this Act, (other than and except such Determinations of the said Commissioners as are by the said Act or this Act declared to be final, binding, and conclusive, and except in such Cases where an Issue at Law shall be tried as hereinbefore mentioned,) then and in every 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 *Cumberland*, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, or any One of them, and to the Party or Parties concerned, Thirty Days Notice in Writing of such Appeal and of the Matter thereof; and the Justices (not interested in the Premises) in

Appeal to the Quarter Sessions.

such Sessions assembled, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or 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 made 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 every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any One 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 and in such Case the said Justices shall award such Costs, to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and all such Costs shall be levied in Manner aforesaid.

The Rights of the Lords of the Manor to Minerals and Royalties not to be prejudiced.

XLVII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed or adjudged to defeat, lessen, or prejudice the Rights, Title, or Interest of the said Commissioners and Governors, Lords of the said Manor, their Successors or Assigns, of, into, and to the Coal, Lead, Tin, Copper, Stone, or Slate, Minerals or Metals, and all other Mines, Minerals, or Quarries, of what Nature or Kind soever, lying and being within or under the said Common and Waste Grounds (save and except the Stones in the said public Free-stone and Limestone Quarries to be set out as aforesaid, or of, into, or to the Seigniories and Royalties, Franchises and Liberties, incident and belonging to the said Manor), but that the said Commissioners and Governors, and all and every other Person and Persons claiming by, from, or under, or in Trust for them as Lords of the said Manor, and all succeeding Lords, Owners thereof for the Time being, shall and may, at all Times for ever hereafter, have, hold, take, and enjoy all Rents, Services, Courts, Perquisites, and Profits of Courts and Mills, Hunting, Hawking, Fishing, and Fowling, Goods and Chattels of Felons and Fugitives Felons of themselves and put in Exigent, Deodands, Treasure-trove, Waifs, Estrays, Forfeitures, Escheats, and all other Royalties, Liberties, Franchises, Privileges, Pre-eminences, Jurisdictions and Appurtenances whatsoever to the said Manor, or to the Lords thereof for the Time being, incident, appertaining or belonging, or which have been heretofore or are now held, used, exercised, and enjoyed by the Lords of the same Manor (other than and except such Right of Common and other Rights as are intended to be hereby extinguished), in as full, ample, and beneficial a Manner to all Intents and Purposes, as they could or might have held and enjoyed the same in case this Act had not been passed; and that the said Commissioners and Governors, their Successors and Assigns, and all future Lords, Owners of the said Manor respectively for the Time being, shall and may from Time to Time, and at all Times hereafter, have, hold, work, and enjoy exclusively all Mines, Minerals, and Quarries of what Nature or Kind soever, within or under the said Commons and Waste Grounds, as well those not opened as those already opened (save and except the said public

The Lords to have all Mines, Minerals, and Quarries, with necessary Way-leaves.

Limestone

Limestone and Freestone Quarries, to be set out as aforesaid), and to have, enjoy, and be vested with all convenient Ways, Wayleave, and Liberties of laying, making, and preparing Waggon Ways and other Ways in, over, and along the same, or any Part thereof, and of searching for, winning, and working the said Mines, Minerals, and Quarries, and leading and carrying away the Coals, Lead, Tin, Copper, Stones, Lime, Slate, Metals, Minerals, and other Things to be gotten thereout, or out of any other of the Mines, Minerals, and Quarries belonging to the said Commissioners and Governors, and of making Pits, Shafts, Pit-rooms, Drifts, Levels, and Watercourses, and of erecting and using Fire Engines and other Engines, and all and every other Matters and Things now in use, or hereafter to be invented for the Purposes aforesaid, or any of them, in, upon, through, over, or along the said Commons and Waste Grounds, or any of them, or any Part or Parts thereof, and all other Powers, Privileges, and Authorities for all or any of the Purposes aforesaid, in like Manner as if this Act had not been passed: Provided always, that in case the Lords of the said Manor for the Time being, or any Person or Persons claiming under them, shall, after such Inclosure made as aforesaid, win, work, and lead away any Coals, Lead, Tin, Copper, Stones, Lime, Slate, Metal, or Minerals lying within or under any of the said Allotments or Inclosures so to be made as aforesaid, then and in such Case, such Person or Persons so winning, working, and leading away the same, shall make reasonable Satisfaction for the Damage and Spoil of Ground occasioned thereby, or in the making or using of the Waggon Ways, and any other Matters or Things, according to the Powers herein reserved or granted to the said Commissioners and Governors, Lords of the said Manor 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: Provided also, that it shall be lawful for the respective Owners and Proprietors for the Time being of the several Allotments of the said Commons or Waste Grounds set out in pursuance of this Act, to win, get, and work therein Freestones, Limestones, and Slates, as well for the Use of the Grounds so to be allotted to them, as for the Use of the Messuages, Lands, Tenements, and Hereditaments, in respect of which such Allotments shall be made, but not for Sale or any other Use or Purpose whatsoever; and that it shall be lawful for the respective Owners and Proprietors of the said several Allotments of the said Commons or Waste Grounds, to dig and get therein Clay for Bricks or for Tiles, so as the same be used for the Lands or Grounds so to be allotted, and the Lands, Tenements, and Hereditaments, in respect whereof the same shall be made, and not for Sale or any other Use or Purpose whatsoever.

Satisfaction
to be made
for working
Mines.

Owners of
Allotments
may get
Freestone,
&c.

XLVIII. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every Person and Persons, Bodies Politic and Corporate, his, her, or their Heirs, Successors, Executors, and Administrators respectively (other than and except the said Commissioners and Governors of the Royal Hospital for Seamen at *Greenwich* in the County of *Kent*, and all and every other Person and Persons, Bodies Politic and Corporate, entitled to or claiming Right of Common upon all or any of the said Commons and Waste Grounds, or to whom any Allotment or Allotments shall be made by virtue of this Act, or who shall become entitled to any such Allotments, or any Part thereof, or any Estate or Interest therein, under or by

General
Saving.

virtue

virtue of this Act, or who shall make any Claim or Claims affecting the Boundaries of all or any of the said Commons and Waste Grounds, or any of them, or any Claim or Claims of Right of Common thereon, which shall be adjudged and determined against him, her, or them as aforesaid, and their respective Heirs, Successors, Executors, Administrators, and Assigns; and all Persons claiming or to claim by, from, through, or under any such Person or Persons, Body or Bodies Politic or Corporate), all such Right, Title, Estate, and Interest as they, every, or any of them, had or enjoyed of, in, to, over, out of, or in respect of the said Commons and Waste Grounds, or any of them, or any Part thereof, before the passing of this Act, or could or ought to have had or enjoyed in case this Act had not been passed.

Act to be
printed by
the King's
Printer.

XLIX. 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.