



ANNO QUINQUAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 66.

An Act for inclosing Lands within the Townships
and Manor of *Great and Little Clifton*, in the
County of *Cumberland*. [18th May 1814.]

WHEREAS there are within the Townships and Manor of *Great and Little Clifton*, in the Parish of *Workington*, in the County of *Cumberland*, certain Commons and Waste Grounds, containing by Estimation Nine hundred Acres or thereabouts: And whereas the Right Honourable *William Earl of Lonsdale* is Lord of the said Manor of *Great and Little Clifton*, and as such is entitled to all Mines and Minerals within and under the said Commons and Waste Grounds, and to the Soil of the said Commons and Waste Grounds, and to other Royalties, Liberties, and Privileges in and over the same: And whereas *John Christian Curwen Esquire* is Patron of the Rectory and Parish Church of *Workington* aforesaid, and *Peter How Clerk* is Rector of the said Rectory and Parish Church, and as such Rector is entitled to various Great and Small Tithes, Moduses, Prescriptions, or Compositions for Tithes, and other Ecclesiastical Dues yearly arising and growing due within the said Townships and Manor of *Great and Little Clifton*: And whereas the said Earl of *Lonsdale*, *John Christian Curwen*, *William Thompson*, *William Fell*, and divers other Persons, are or claim to be entitled to Right of Common upon the said Commons and Waste Grounds in respect of certain Messuages, Tenements, Lands, or other Hereditaments within the said Townships and Manor of *Great and Little Clifton*, and are willing and desirous that the said Commons and Waste Grounds, which in their present State are of little Use, and incapable of any considerable Improvement, should be divided and inclosed, and specific Parts and Shares thereof

[*Loc. & Per.*]

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allotted

Appointment
of a Commis-
sioner.

allotted by the Commissioner herein-after appointed to and amongst the said Earl of *Lonsdale*, and the several Persons entitled to Right of Common thereon, or otherwise interested therein, according to their respective Properties and Interests, and in the Manner herein-after expressed; but the said several Purposes, although of great Utility, cannot be effected without the 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 *John Norman of Kirkandrews-upon-Eden*, in the said County of *Cumberland*, Gentleman, shall be and he is hereby appointed sole Commissioner for setting out, dividing, allotting, and inclosing the said Commons and Waste Grounds, in the Manner and according to the Rules, Orders, Provisions, Powers, and Directions contained in this Act and the said recited Act, so far as the Powers, Regulations, Directions, and Provisions in the said recited Act are not altered or controuled by or repugnant to this present Act.

Power of
choosing a
new Com-
missioner.

II. And be it further enacted, That in case the said *John Norman*, or any Commissioner to be appointed in Manner herein-after mentioned, before the Completion of the said Division and Inclosure, shall die, or shall neglect, refuse, or become incapable to act for the Space of Forty Days, when Occasion shall require his Attendance for carrying this Act into Execution, it shall be lawful for the said *William Earl of Lonsdale*, or the future Lord or Lords of the said Manor of *Great and Little Clifton* for the Time being, by any Writing or Writings under his or their Hand or Hands, to nominate and appoint another Person, (not interested in the said Division and Inclosure) to be a Commissioner in the Room and Stead of the Commissioner so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and every Person who shall be nominated and appointed a Commissioner as aforesaid shall have the like Powers and Authorities for carrying the Purposes of this Act and the said recited Act into Execution, as if he had been expressly named and appointed a Commissioner in and by this Act.

Appointment
of Clerk.

III. And be it further enacted, That the said Commissioner shall have Power and he is hereby authorized to appoint some fit and proper Person to be his Clerk, for assisting him in carrying this and the said recited Act into Execution, and such Clerk from Time to Time to remove, and to nominate and appoint some other fit and proper Person to succeed him in such Office, as to the said Commissioner shall seem meet.

Appointment
of Meetings.

IV. And be it further enacted, That the said Commissioner shall cause Notice in Writing to be given (in Manner herein-after mentioned) of the Time and Place of holding his First, Second, and Third Meetings, for the Purpose of putting this and the said recited Act into Execution, at least Fourteen Days before such respective Meetings; and the said Commissioner shall and may, after his said Third Meeting, from Time to Time appoint such Special or other subsequent Meetings for carrying into Execution the
Trusts,

Trusts, Powers, and Authorities hereby and by the said recited Act vested in him, as he shall think proper; and shall cause a like Notice or Notices in Writing of the Time and Place when each such special or subsequent Meeting is to be holden, to be given in like Manner; but the said Commissioner is hereby authorized and empowered, if he shall see cause, without giving any Public Notice, to adjourn and continue his said First, Second, and Third Meetings, or any of them, or any such special or other subsequent Meeting or Meetings as aforesaid, from Time to Time, as he shall see convenient: Provided always, that all Meetings of the said Commissioner shall be holden within the said Townships and Manors of *Great and Little Clifton*, or within the Distance of Eight Miles from the Boundaries thereof.

V. And be it further enacted, That in all Cases where Notices are required to be given to any Person or Persons under this Act or the said recited Act, the Delivery of the same, so far as concerns the said Commissioner, at the usual Place of Abode of the said Commissioner, or at the Office or usual Place of Abode of his Clerk, and so far as concerns all other Persons, the Delivery of the same at the usual Places of Abode of the said Persons respectively, shall be deemed good Service of the same; and that Notices of the Meetings (except those by Adjournment) of the said Commissioner, and all other Public Notices directed by this Act or the said recited Act to be given, shall be in Writing, and shall be so given by affixing the said Notices respectively on some *Sunday* in the Forenoon, before or during Divine Service, on the principal Door of the Parish Church of *Workington* aforesaid, and also by causing the same to be inserted in the Newspaper published in the said County of *Cumberland*, called *The Cumberland Pacquet*, and in case such Paper shall not be then published, then in some other Newspaper circulated in the said County. Notices.

VI. And be it further enacted, That the said Commissioner shall at his Discretion make or cause a fair, correct, and particular Plan and Valuation of the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, to be made and reduced into Writing, by such Person or Persons as he shall direct or appoint, or shall use any such Map or Survey of the said Commons and Waste Grounds made at or before the Time of passing this Act, as shall in his Judgment and to his Satisfaction be a just and true Map or Survey thereof; but that it shall not be incumbent on the said Commissioner to cause any Admeasurement, Plan, or Valuation to be made of the Messuages, Cottages, Gardens, Homesteads, or ancient inclosed Lands or Grounds within the said Townships and Manor of *Great and Little Clifton*, but only of such Part or Parts thereof (if any) as the said Commissioner shall judge expedient or necessary, any Thing in the said recited Act contained to the contrary notwithstanding. Survey to be made of Commons to be inclosed, but not of ancient Inclosures.

VII. And be it further enacted, That if any Dispute or Difference shall, before the making the Award of the said Commissioner, arise between any of the Proprietors of or Persons interested or claiming to be interested in the said Division and Inclosure hereby authorized and directed to be made touching or concerning the Boundaries of the said Manor, or of the said Commons and Waste Grounds, or any Part thereof respectively, or touching or concerning the respective Shares, Rights, or Proportions which any Person or Persons hath or have, or shall or may claim to have, of, in, or Commissioner to settle Disputes.

to the said Commons or Wastes, or any Part thereof, then the said Commissioner shall and he is hereby empowered and required to hear, inquire into, and determine all such Disputes and Differences, and all Claims and Objections which shall be thereupon raised and brought forward to him the said Commissioner, and to fix and ascertain the Nature and Extent of the several Rights of the Person or Persons making such Claim or Claims as aforesaid: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Power to
assess Costs.

VIII. And be it further enacted, That in case the said Commissioner shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner 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 liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand, 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) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Allowing
Parties dis-
satisfied with
Commissioner's
Determination,
to try their
Rights at Law.

IX. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic or Corporate, interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioner touching or concerning the Boundaries of the said Manor, or of any adjoining Manor, or any Right of Common, or other Right or Interest in, over, and upon the Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, and shall by Writing under the Hand of him or them, or of his or their known Agent or Attorney, or under their Common Seal respectively, give Notice to the said Commissioner, within Two Calendar Months next after every such Determination shall have been made, and signified by Writing under the Hand of the said Commissioner, to the Party or Parties against whom such Determination shall have been so made, or to his or their known Agent or Attorney, it shall be lawful for the Person or Persons, or Body or Bodies Politic or Corporate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the then next or at the Second Assizes to be holden for the said County of *Cumberland*; and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioner shall cause an Action to be brought upon a feigned Issue against the Party or Parties in whose Favour such Determination shall have been made, within Two Calendar Months next after such Determination of the said Commissioner shall have been so signified as aforesaid;

aforesaid; 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, 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 brought, in case the Parties shall differ about the same), and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive, upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and also upon sufficient Cause shown to put off the Trial of such Issue or Issues; and after such Verdict or Verdicts shall be given, and final Judgement obtained thereon, the said Commissioner shall and he is hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials; and the Costs attending such Action or Actions shall abide the Event of the respective Trials of such Issue or Issues: Provided always, that the Determination of the said Commissioner touching such Claim or Claims of any Right or Interest in the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to by such Notice to be given to the said Commissioner as aforesaid, or being so objected to, and the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive on all Parties; and if any of the Parties, Plaintiffs or Defendants in any Action to be brought in pursuance of this or the said recited Act, shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Death had happened; and in case any Person or Persons in whose Favour any Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Party or Parties who might have brought such Action or Actions against the Person or Persons so dying, to bring the same, within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioner 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 of the Person or Persons so dead, 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, as if such Person or Persons had been actually living, and had appeared and defended such Action or Actions.

Determination, if not objected to, to be final.

Death of Parties not to stay Proceedings.

Provision in case of Parties dying.

X. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any

[Loc. & Per.]

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Right

Rights of Possession not to be deter-

mined by
the Commis-
sioner.

Right between any Parties, contrary to the Possession of any of such Parties (except in Cases of Encroachment made within the Period of Thirty Years, as herein-after mentioned), but if the said Commissioner shall be of opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon, until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

Costs in de-
termining
Rights of
Soil to be
paid by the
Parties inter-
ested.

XI. And be it further enacted, That the Costs and Charges of every Action, whether the same shall be brought by or against the said Earl of *Lonsdale*, his Heirs or Assigns, or against any other Person or Persons making any Claim or Objection to or relating to the Boundaries or Soil of the said Commons and Waste Grounds, or any Part thereof, and which in its Consequences shall or may extend or be likely to extend to the common and general Interests of the Parties concerned in the Division and Inclosure of the said Commons and Waste Grounds, or any Part or Parts thereof, shall be deemed and considered to be Part of and shall be paid in the same Manner as the general Expences of the Division and Inclosure of the said Commons and Waste Grounds are hereby directed to be paid; but that if the Matters in Dispute in any Action or Actions shall affect only the Party or Parties claiming such Soil or Royalties, and the Right of Common shall not be affected thereby, the Whole of the Costs, Charges, and Expences of prosecuting and defending any such last-mentioned Action or Actions, shall be paid and defrayed by such of the Parties claiming such Right of Soil as the said Commissioner shall by any Writing under his Hand direct or appoint, and not out of any Monies to be raised for defraying the general Expences of this Act; and the said Commissioner is hereby authorized and required to adjudge and determine whether such Question or Questions, although the same is or are solely confined to Right of Soil, would or would not also tend to increase the Right of Common, or other Interest, of the Parties claiming Rights of Common upon the said Commons or Waste Grounds; and if it shall appear to the said Commissioner that the same would affect only the Party or Parties claiming the Soil, and that the Right of Common, or Extent of the said Commons and Waste Grounds, could not be increased or extended thereby, then the said Costs shall be borne and paid by the Party or Parties who shall appear to the said Commissioner to be absolutely interested therein, and in such Proportions, Manner, and Form, as the said Commissioner shall by any Writing under his Hand direct or appoint, and shall not be deemed or considered as Part of the said general Expences.

No Turf to
be dug.

XII. And be it further enacted, That from and immediately after the passing of this Act no Person or Persons whomsoever shall cut, dig, grave, pare, subvert, take, or carry away any Turves, Flacks, or Sods, or any Part of the Land, Soil, Earth, or Surface in, upon, off, or from the said Commons and Waste Grounds, or any Part thereof, so long as the same shall lie open and uninclosed (except the said Earl of *Lonsdale*, his Heirs and Assigns, or his Lessees or Tenants, in the Exercise of the Liberties and Privileges herein-before mentioned, and the other Parties in the Use and Enjoyment of the public and Common Quarries, and Places for getting Gravel, to be set out under the Direction of this Act); or make or burn any Mound or Mounds of Earth or Soil, or mix any Earth or Soil with Lime or other Thing upon the said Commons and Waste Grounds, or
any

any Part thereof, until the said Commissioner shall have divided and set out the same without the Licence of the said Commissioner, in Writing under his Hand, first had and obtained for that Purpose, which Licence the Commissioner is hereby empowered to grant; and that if any Person or Persons shall cut, dig, grave, pare, subvert, take, or carry away any such Turves, Flacks, or Sods, or any Part of the said Land, Soil, Earth, or Surface, without such Licence, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in the same Manner as any Penalty may be levied and recovered by the said recited Act herein-before referred to; One Moiety of which Penalty or Penalties shall go and be paid to the Informer or Informers, and the other Moiety thereof shall be paid to the Overseers of the Poor of the said Townships, for the Benefit of such Poor.

XIII. And be it further enacted, That all Encroachments taken or made from or on any Part or Parts of the said Commons and Waste Grounds within Thirty Years before the passing of this Act, shall be deemed Part and Parcel of the said Commons and Waste Grounds respectively, from or on which the same were respectively taken in or made, and shall be divided and inclosed by virtue of this Act; provided nevertheless, that all such Encroachments shall be allotted to the Person or Persons who shall at the Time of making the Allotments be in Possession of such Encroachments, or in Receipt of the Rents or Profits thereof in lieu of the Whole, if sufficient for that Purpose, or if not, then in Part of the Share or Allotment of the said Commons or Waste Grounds to which such Person or Persons shall be entitled by virtue of this Act, and which Encroachments, in making such Allotment, shall be estimated according to the Value of the Land or Ground so taken or encroached upon, and without considering the Value of any Erections or Buildings thereon; and if the Person or Persons who shall be in Possession of such Encroachments respectively, or in the Receipt of the Rents and Profits thereof, shall be entitled to no Allotment, or to an Allotment not equal to the Value of such respective Encroachments, but shall be willing to purchase the same, then the said Commissioner shall ascertain the Price thereof, or of such Part thereof as shall exceed the Value of the Allotment to be made to such Possessor or Possessors thereof, in respect of his or their other Property, on ascertaining of which Value the said Commissioner shall not estimate the Buildings or other Improvements thereon; and upon such Person or Persons paying such Price thereof to the said Commissioner, at such Time or Times as he shall for that Purpose appoint, the said Commissioner shall give and sign his Receipt or Receipts for the same, and on giving or signing such Receipt or Receipts, every such Encroachment, or such Part thereof as shall be so purchased, shall thereupon be and become vested in such Purchaser or Purchasers thereof, and his and their respective Heirs and Assigns in Fee Simple, without any further or other Conveyance, Assurance, Instrument, or Writing whatsoever; and the said Commissioner shall apply the Purchase Money to arise thereby as Part of the Monies to be raised for defraying the general Expences of this Act; and if any Surplus Money shall remain, such Surplus shall be divided and apportioned between the several Proprietors and Persons interested in the said Commons and Waste Grounds, in such Shares as shall be in proportion to the respective Property and Interest therein; and the Shares of such of them as shall be Tenants in Fee-Simple, or Tenants according to the Custom of the said Manor

Encroachments to be deemed Part of the Common.

Manor of *Great and Little Clifton*, shall be paid to them respectively, and the Shares of such other Proprietors and Persons of and in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act, in those Cases wherein any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses; provided, that if the Person or Persons who shall be in Possession of or entitled to the Rents and Profits of such Encroachment or Encroachments, shall not be willing to purchase the same, or so much thereof as shall be offered for Sale as aforesaid, on the Terms aforesaid, then the said Commissioner shall allot the Part thereof which was so to be sold to some other Person or Persons, as Part of his, her, or their Allotment or Allotments, as to the said Commissioner shall seem proper; or the said Commissioner shall and may sell the same in the Manner and under the same Regulations as he is authorized to sell any Part or Parts of the said Commons and Waste Grounds for defraying such Expences as herein mentioned; provided also, that all Encroachments made upon the said Commons or Waste Grounds within the Space of Ten Years immediately preceding the passing of this Act, shall be thrown open, without any Recompence whatsoever to be made to the Possessor or Possessors thereof; and if any Question or Dispute shall arise touching the said Encroachments, or which of them shall be so deemed to be Part or Parcel of the said Commons or Waste Grounds respectively, such Disputes shall be referred to the Determination of the said Commissioner, but no such Determination shall prevent any of the Parties from trying their Rights at Law in respect to any Matter of Title to such Encroachments.

Commissioner to settle within what Townships the Allotments and new Roads are situate.

XIV. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required in and by his general Award to ascertain, set out, order, and direct in what Townships respectively within the said Manor, the several Allotments to be made of the said Commons and Waste Grounds shall be situate, and the same shall from thenceforth be deemed, adjudged, and taken to be Part and Parcel of the said Townships respectively; and the said Commissioner shall, and he is hereby further authorized and required to determine and adjudge what Part or Parts of the Highways and Roads to be set out and appointed by the said Commissioner, by virtue of the said recited Act and this Act, shall belong to the said several Townships respectively within the said Manor; and the said Commissioner shall, in and by his general Award, order and direct by which of the said Townships respectively such Highways and Roads shall be maintained, amended, and kept in Repair; and when and as soon as such Highways and Roads shall be formed and put into complete Repair, and declared so to be, according to the Directions of the said recited Act, all such Highways and Roads shall be for ever thereafter maintained, amended, and kept in Repair by the Inhabitants of such Townships respectively to which such Highways and Roads shall be so determined and adjudged to belong, in such and the like Manner as the ancient and common Public Highways and Roads situate within the said respective Townships are by Law to be amended and kept in Repair.

Allotment for public Quarries, &c.

XV. And be it further enacted, That the said Commissioner shall, after setting out the Public Roads and Highways in Manner directed by the said recited

recited Act, assign, set out, and allot, within the said Townships and Manor of *Great and Little Clifton*, such Parts of the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, as the said Commissioner shall think necessary, as and for public Quarries, and also as and for public Watering Places for Cattle, and Places for getting Gravel for the Repairs of the Roads to be made over the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed; and the same Allotments, when set out, shall for ever thereafter be used by the Surveyors of the Highways for the Time being of the said Townships and Manor, and by the Proprietors of Lands, Tenements, and Hereditaments within the said Townships and Manor, and their Tenants for the Time being, in such Manner, and under such Rules, Orders, and Regulations as the said Commissioner shall in and by his Award order, direct, and appoint.

XVI. And be it further enacted, That the said Commissioner shall, in the next Place, as soon as conveniently may be, allot and set out, by proper Marks and Bounds, so much and such Part or Parts of the said Commons and Waste Grounds as to him shall seem competent and necessary, and by Sale thereof, in Manner by the said recited Act directed, to raise Money sufficient for paying and discharging the Costs, Charges, and Expences in the applying for, obtaining, procuring, and passing this Act, and the Costs and Charges of the said Commissioner, and all other Persons employed by him in, about, and incident to the surveying, measuring, mapping, planning, dividing, and allotting the said Commons and Waste Grounds; and of, in, and about the setting out and making public Roads and Ways in, through, and over the said Commons and Waste Grounds, and making such Part or Parts of the Ring or Outer Fences of the said Rector's Allotment thereof as hereafter mentioned, and of, in, or about the preparing and carrying into Execution in all other Respects, the Powers and Authorities in this and the said recited Act contained; and the said Commissioner shall, and he is hereby required to cause the said Part or Parts of the said Commons and Waste Grounds, so to be set out for Sale as aforesaid, to be sold in the Manner and according to the Directions in the said recited Act contained; and the Purchaser or Purchasers of the Land so to be allotted and sold as aforesaid, his, her, and their Heirs and Assigns, shall be subject and liable to the making, repairing, and keeping in Repair, such Part of the Ring or Outer Fences thereof as shall be directed by the said Commissioner; and also to the due Observance and Performance of all Orders, Matters, Charges, and Directions relative thereto, to be made and directed by the said Commissioner in and by his general Award; and also to all Rights, Liberties, and Privileges herein excepted or reserved, or intended to be excepted or reserved, to the Lord or Lords of the said Manor for the Time being, or to his or their respective Lessees or Assigns: Provided always, that in case any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be divided amongst the several Persons entitled thereto, interested in the Commons and Waste Grounds hereby intended to be divided, allotted, and inclosed, in such Shares as shall be in Proportion to their respective Properties and Interests; and the Shares of such of them as shall be Tenants in Fee Simple, or Tenants according to the Custom of the said Manor of *Great and Little Clifton*, shall be paid to them respectively, and the Shares of such other Proprietors of and in such Surplus Money shall be applied

Allotment of certain Parts of the Commons to defray the Expences of the Inclosure.

and disposed of in Manner directed by the said recited Act, in those Cases where any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses; but in case the Purchase Monies arising by such Sale shall not be sufficient to defray all the Costs, Charges, and Expences aforesaid, then the Deficiency thereof shall be made up by the several Persons interested in the said Commons and Waste Grounds, and shall be paid in such Shares and Proportions, within such Time, in such Manner, and to such Person or Persons as the said Commissioner shall direct, nominate, and appoint; and in case any Person made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof within the Time to be appointed by the said Commissioner as aforesaid, the same shall and may be levied and recovered in the Manner directed in the said recited Act.

Allotment to
the Lord of
the Manor.

XVII. And be it further enacted, That the said Commissioner shall in the next Place set out, allot, and appoint unto and for the said Earl of *Lonsdale*, and his Heirs, as the Lord or Lords of the aforesaid Manor of *Great and Little Clifton*, in one Plot or Parcel of Land, such Quantity of the said Commons and Waste Grounds as shall in the Judgment of the said Commissioner be equal to One Fourteenth Part or Share of the said Commons and Waste Grounds within or belonging to the said Manor of *Great and Little Clifton*, and remaining after the Allotments and Appropriations herein-before mentioned and directed to be made for Public Highways, Quarries, and Places for watering Cattle, and getting Gravel, and other the Public Purposes herein-before mentioned, and the Allotment to the Rector herein-after mentioned, in Satisfaction of the Tythes of the said Commons and Waste Grounds, but not of the Old Inclosures, shall be set out and ascertained in lieu of and as a full Compensation for the Right and Interest of the said Earl of *Lonsdale* as Lord of the said Manor, in and to the Residue of the said Commons and Waste Grounds, and his Rights over the same, save and except as herein-after excepted, and hereby reserved to him or them.

Allotment to
the Rector
for Tithes.

XVIII. And be it further enacted, That the said Commissioner shall also set out, allot, and appoint unto and for the said *Peter How*, and his Successors, Rectors of the Rectory of *Workington* aforesaid, for the Time being, so much of the said Commons and Waste Grounds within and belonging to the said Townships and Manor, as shall in the Judgment of the said Commissioner be equivalent to and be a full Recompence and Satisfaction for all Predial, Personal, and Mixed Tithes, Great and Small, within the said Townships and Manor, and for all Moduses and Compositions for Tithes due or payable to the Rector of the said Rectory for the Time being, (*Easter Offerings*, Mortuaries, and Surplice Fees only excepted) for and in respect of the several Old Inclosures, and other the ancient Messuages, Lands, and Tenements already inclosed within the said Townships and Manor of *Great and Little Clifton*, and now liable or subject to the Payment of such Tithes in Kind, or any such Moduses or Compositions as aforesaid; and shall also set out, allot, and appoint to and for the said *Peter How*, and his Successors, Rectors of the said Rectory for the Time being, so much of the said Commons and Waste Grounds within and
belonging

belonging to the said Townships and Manor, as shall in the Judgment of the said Commissioner be deemed equivalent to and be a full Recompence and Satisfaction for all the Predial, Personal, and Mixed Tithes, Great and Small, (*Easter Offerings*, Mortuaries, and Surplice Fees only excepted), which could or might thenceforth arise out of or from the several Allotments of the said Commons and Waste Grounds within the said Townships and Manor, to be made to the several Proprietors or Persons entitled thereto, and who would have been liable to the Payment of Tithes in respect thereof; provided that the said Allotments to be made to the said Rector as aforesaid, on account of the Tithes of the said several old Inclosures, and other the ancient Messuages, Lands, and Tenements already inclosed within the said Manor, shall be taken out of and deducted from the several Shares or Allotments which the respective Proprietors of the same Premises would be entitled to, in a due and fair Proportion, according to the Value at which the said Tithes, Moduses, and Compositions, and other Ecclesiastical Dues and Payments, (except as aforesaid) for and in respect of the several old Inclosures, and the said ancient Messuages, Lands, and Tenements already inclosed, of each Person entitled to any Allotment or Allotments in respect thereof, shall be estimated and ascertained by the said Commissioner, so that each Person's Allotment shall be less, and abate in the Proportion above-mentioned, in order to make up the first-mentioned Allotment to the said Rector as aforesaid; and that all such the Outermost or Ring Fences as shall inclose the Allotment or Allotments to be set out unto and for the said Rector, in lieu of the Tithes of the said Commons and Waste Grounds hereby authorized to be inclosed, and in lieu of the said Tithes of the old Inclosures, and as shall not be directed to be repaired by the Owners of the Lands adjoining thereto, shall by the said Commissioner be first made well and sufficiently, and in such Manner as the said Commissioner shall direct; the Charges and Expences whereof shall be collected, raised, and paid by the Owners of Allotments upon the said Commons and Waste Grounds, so far as relates thereto, in the same Manner as the Public Charges and Expences of the Division of the said Commons and Waste Grounds are hereby directed to be raised and paid; but that all the said Fences shall, after the first making and erecting thereof, at all Times for ever thereafter, be maintained, repaired, preserved, and kept in good and sufficient Repair by and at the Expence of the said Rector and his Successors, or his or their Lessees or Tenants.

The Rector's Allotment to be fenced.

XIX. And be it further enacted, That the said Commissioner shall and he is hereby required to set out by Marks and Bounds, and allot in Severalty, the Residue of the said Commons and Waste Grounds (after the several Allotments and Appropriations herein-before directed shall be made) unto, between, and amongst the said Earl of *Lonsdale* and the several other Persons, Bodies Politic and Corporate, entitled to Right of Common, or other Right or Interest upon the said Commons and Waste Grounds, or any of them, or any Part thereof, according to the true and actual Value (to be ascertained in such Manner as the said Commissioner shall think just and equitable) of the several Messuages, Lands, Tenements, and Hereditaments, in respect whereof they are respectively entitled to Right of Common, or other Right or Interest as aforesaid; but so as that no Mines of Coal, Lead, Copper, Tin, Iron, or other Mines, Minerals, and Metals, or any Stones, Slates, and Clay lying under any of the Allotments of the said Commons and Waste Grounds to be made

Allotment of the Residue.

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Exception of Minerals in the Valuation of Allotments.

in pursuance of this Act, shall be taken into the Valuation of such Allotments, it being intended that all Mines, Veins, and Seams of Coal, Lead, Copper, and Iron, and all other Mines, Minerals, and Metals, Stones, Slates, and Clay whatsoever, within or under the whole of the said Commons and Waste Grounds, (the Quarries to be set out for the respective Purposes aforesaid, and the Use thereof only excepted) shall be and are hereby expressly reserved to the said Lord of the said Manor for the Time being; and that the Allotments to the said Earl shall be laid together in a Situation near and convenient to his Allotment on the adjoining Common of *Stainburn*.

Owners may dispose of their Allotments prior to the Award.

XX. And be it further enacted, That it shall and may be lawful for any Person or Persons who shall or may be entitled to any Allotment or Allotments in or upon the said Commons or Waste Grounds by virtue of this Act, or who shall be Owners or Proprietors of any Common Right, or other Right upon the said Commons or Waste Grounds, to give, grant, bargain, sell, demise, mortgage, limit, convey, and dispose of the same, or all or any Part of his, her, or their Estate or Interest therein, or Right thereto (but no further or otherwise), either separate and distinct from, or along with 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 Commissioner; and every such Gift, Grant, Bargain, Sale, Demise, Mortgage, Limitation, Conveyance, and Disposition thereof, shall be of the same Force and Validity as if the same were made after the Execution of the said Award; and it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and required to award each such Allotment so sold or disposed of, or set out, in lieu of any Common Right, or other Right so sold or disposed of, on its being satisfactorily proved to the said Commissioner that such Sale or Disposition shall have been really and *bonâ fide* made and completed to the Purchaser or Purchasers thereof, or other Person or Persons entitled to the same, by virtue of any such Sale or Disposition; and if any Person or Persons shall at any Time before the Execution of the said Award have sold, or agreed to sell his, her, or their Right, Interest, or Property in, over, or upon the said Commons and Waste Grounds, to any other Person or Persons, the said Commissioner is hereby authorized and required to make an Allotment of Land unto the Purchaser under every such Sale or Agreement, or to his or their Heirs and Assigns, as convenient to any other Allotment or Estate of such Purchaser as reasonably may be, for or in respect of such Right, Interest, and Property so sold, or agreed to be sold as aforesaid; and every such Purchaser, or his 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 or them as aforesaid, in the same Manner, and for the same (but for no further or other) Estate and Interest to all Intents and Purposes, as the Vendor in every such Sale or Agreement might or could have held and enjoyed the same in case such Sale or Agreement had not been made.

Allotments to be of the same Tenure as the Lands in respect of which they are made.

XXI. And be it further enacted, That all and every the Allotment and Allotments which shall be respectively allotted by virtue of this Act and by virtue of the said recited Act, shall from and immediately after the Allotment thereof become and be of such and the same Tenures, and be held under and subject to the same Rents, Fines, Heriots, Suits, Customs, and

and Services, as the Lands, Tenements, and Hereditaments in respect of which the Allotment and Allotments so made were previously held.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever, within the Townships and Manor of *Great and Little Clifton* aforesaid, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments whatsoever, within the said Townships and Manor, or within any adjoining Parish, Township, Hamlet, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors, of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or Tenants according to the Custom of the said Manor, 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, Females 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 Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever; provided that no Exchange of any Lands, Tenements, or Hereditaments, held in right of any Church, Chapel, or other Ecclesiastical Benefice, shall be made without the Consent of the Patron thereof, and of the Ordinary 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 and completing any Exchanges or Partitions, shall be paid and borne by the several Persons making such Exchanges and Partitions, in such Manner and in such Proportions as the said Commissioner shall by his said Award order and direct.

For allowing Exchanges to be made.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioner, upon the Application in Writing of any Proprietor or Proprietors of Messuages, Lands, Tenements, and Hereditaments, within the said Townships and Manor of *Great and Little Clifton*, now holden and occupied by virtue of any Lease or Agreement at Rack Rent, for any Term or Number of Years unexpired, to annul and make void such Lease or Agreement, so far as the same may affect any Allotment to be made of the said Commons and Waste Grounds hereby intended to be inclosed, or any Part thereof (but no further or otherwise), and by his Award to order and direct from what Time the Term or Terms therein shall cease and determine, the respective Proprietors of such Messuages, Lands, Tenements, and Hereditaments, making such Satisfaction to their respective Lessees as the said Commissioner shall think just and reasonable,

Commissioner authorized to determine Leases of Allotments.

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and by his Award direct to to paid to them as a Compensation for such Lease or Agreement.

Power to enfranchise the Customary Tenements.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby empowered, with the Consent in Writing of the Lord or Lords of the said Manor for the Time being, of whom any Messuages, Cottages, Lands, or Tenements, in the said Townships and Manor, are or shall be holden by Copy of Court Roll or Customary Tenure, and of the Customary Tenant or Tenants by whom any such Messuages, Cottages, Lands, or Tenements, shall be respectively holden, or the Husbands, Trustees or Guardians, Committees or Attornies, of and for the said Lord or Lords, Tenant or Tenants, being Femes Covert, Minors, Lunatics, beyond the Seas, or under any other Disability or Incapacity, in and by the Award of the said Commissioner, to declare any such Copyhold or Customary Messuages, Cottages, Lands, or Tenements to be enfranchised, and the Tenures by which the same are holden, and the Fines, Heriots, Boons, Suits, Payments, and Services incident thereto, except Suit of Court, and the Rent or Rents which may be continued or reserved to such Lord or Lords in respect thereof, to be discharged and extinguished; and that the same Messuages, Cottages, Lands, or Tenements, or any Part or Parts thereof respectively, shall thenceforth be holden of the Lord or Lords of the said Manor, either by the Rents which shall have been theretofore paid or payable in respect thereof, or by any other Rent or Rents, as the said Commissioner shall think right and proper; and in lieu of and Compensation for every such Enfranchisement, to award to the Lord or Lords of the said Manor such Sum and Sums of Money to be applied in the Manner herein-after directed, or to assign and set out to and for the Lord or Lords of the said Manor such Compensation, by Part of the Customary or Copyhold Lands and Tenements to be enfranchised, or by and out of any of the Lands and Tenements hereby directed to be divided and allotted, or any other Lands, Tenements, or Hereditaments of any such Customary or Copyhold Tenant or Tenants respectively in the said Townships and Manor, as shall in the Judgment of the said Commissioner be an Equivalent and Satisfaction for the Customary Payments, Burthens, and Services to which such Customary or Copyhold Messuages, Cottages, Lands, or Tenements respectively, shall have been subject or liable; and the Lord or Lords for the Time being of the said Manor, to whom any such ancient Rents shall be reserved or continued, or any other Rent assigned, shall have the like Powers and Remedies for the Recovery of such Rents respectively, as by the Laws of this Realm are given for the Recovery of Rents Seck, Rents of Assize, and Chief Rents; and from and after any such Declaration shall be made and executed, and such Sum of Money or other Compensation shall be paid or assigned for such Customary or Copyhold Tenant, the Lands and Tenements in every such Declaration comprized, and thereby expressed to be enfranchised, shall be held, possessed, and enjoyed by the Owner or Owners thereof, paying or making such Compensation to the Lord or Lords of the said Manor, in free and common Soccage, discharged of the Customary or Copyhold Tenure, and of all Services and Duties incident to such Tenure, and of all other Services and Payments, except Suits of Court, and the Rent or Rents which may be continued or reserved to such Lord or Lords in respect thereof; and the Lands or other Hereditaments

so to be assigned to such Lord or Lords, shall be by him or them, and by his or their Heirs, Successors, or Assigns, or by the Person or Persons who shall be entitled in Reversion or Remainder to the said Manor, held and enjoyed in Compensation for the Tenure so to be extinguished for such and the like Estates, and upon and for such Uses, Trusts, Intents, and Purposes, as the said Manor, of which the Customary or Copyhold Hereditaments so enfranchised shall be holden, shall at the Time of every such Enfranchisement stand settled and limited.

XXV. Provided, and be it further enacted, That the Money to be received for the Enfranchisement of any Customary or Copyhold Lands or Tenements in pursuance of this Act, shall be paid and applied in the Manner directed by the said recited Act of the Forty-first Year of the present Reign, with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Application of Money to be received for Enfranchisements.

XXVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Messuages, Lands, or Hereditaments to be divided, allotted, or exchanged by virtue of this Act or the said recited Act, or any Part or Parts thereof respectively; but that the several Messuages, Lands, and Hereditaments, to be so as aforesaid divided, allotted, or exchanged, shall immediately after making such Allotments and Exchanges, be, remain and enure, and the several Persons to whom the same shall be allotted or given in Exchange, shall from thenceforth stand and be seised or possessed thereof respectively, for and upon such and the same Estates, Uses, and Trusts, and subject to such and the same Wills, Settlements, Limitations, Remainders, Charges, and Incumbrances, as the Messuages, Lands, and Hereditaments, in lieu whereof such Allotments and Exchanges shall be made, should or ought to have been held for and subject and liable to have been charged with and affected by, in case the same had remained unallotted, uninclosed, and unexchanged, or this Act had not been passed.

Wills and Settlements not to be affected.

XXVII. And be it further enacted, That all Tithes, Moduses, Precriptions, or Compositions for Tithes, and other Ecclesiastical Dues whatsoever heretofore payable or belonging to the said *Peter How*, or which would otherwise hereafter accrue or belong to his Successors, Rectors of the said Parish for the Time being (Mortuaries, *Easter Offerings*, and Surplice Fees only excepted), as well for or in respect of the several old Inclosures and other Messuages, Lands, and Tenements, within the said Townships and Manor, and also for or in respect of the said Commons and Waste Grounds to be allotted and awarded in respect thereof, shall on the Second Day of *February* next after the Allotments herein-before directed to be made, in lieu of such Tithes of the said Commons and Waste Grounds, shall have been set out and ring-fenced, cease and be for ever extinguished, and be no longer paid or payable.

When Tithes shall cease.

XXVIII. Provided

Sheep not to be kept in the new Inclosures for Seven Years.

XXVIII. Provided always, and be it further enacted, That no Sheep or Lambs shall be kept in any of the Allotments to be made by virtue of this Act (whereupon any new Fence shall have been raised), during the Space of Seven Years next after the Execution of the said Commissioner's Award, unless the Person or Persons keeping any Sheep or Lambs shall previously thereto, at his, her, or their own Expence, make and afterwards maintain a sufficient Fence to guard and protect the young Fences belonging to such Allotment respectively from being hurt or damaged by such Sheep or Lambs (whether such young Fences be made or set by the Owner or Occupier of such Allotments as aforesaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto); and that in case any Person shall turn in or keep any Sheep or Lambs in any such Allotment or Allotments, without raising and keeping up such protecting Fences as aforesaid, it shall be lawful for the Owner or Owners of any adjoining Allotment or Allotments from Time to Time, to enter into the Allotment or Allotments where any Sheep or Lambs shall be so turned in or kept as aforesaid, and from Time to Time to take, drive away, and impound the same as Cattle damage-feasant.

For erecting Buildings on the Tithe Allotments and Sale of Land, &c. for that Purpose.

XXIX. And whereas there not being any Buildings on the old Inclosures or Glebe Lands belonging to the Rectory of the said Parish of *Workington*, it is expedient that the said Rector should be empowered, by and with the Consent of the Patron and the Ordinary of the Diocese, to erect a Farm House, with a Barn and other Out Houses, upon the Allotment or Allotments to be made to the said Rector, for the more convenient Occupation of the Land to be allotted to him, and to subdivide, drain, and otherwise improve the same, and to sell a Tithe Barn in *Little Clifton*, now of no use to the Rector; be it therefore enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and required, by and with such Consent as aforesaid, to sell by public Auction, in manner directed by the said recited Act, the said Tithe Barn, and also so much and such Part or Parts of the Lands and Grounds to be allotted to the said Rector by virtue of this Act, as in the Judgement of the said Commissioner shall be sufficient for defraying the Expences of such Buildings and Improvements; and the Monies arising from such Sale or Sales shall be applied under the Direction of the said Commissioner for the Purposes before mentioned; and after Payment of the full Consideration Money, the Purchaser or Purchasers shall thereupon respectively have and take to himself, herself, or themselves, and his, her, or their respective Heirs and Assigns, an absolute Estate of Inheritance in Fee Simple of and in the said Tithe Barn, and the Lands which shall be comprised in such his, her, or their respective Purchase or Purchases, and for which such Consideration Money shall be so paid; and the said Tithe Barn, and the Allotment or Allotments or Part or Parts thereof to be so sold as aforesaid, shall be conveyed and assured unto the Purchaser or respective Purchasers by the said Commissioner; and every such Conveyance shall be valid and effectual in the Law to vest the Tithe Barn and Land to be conveyed in such Purchaser or respective Purchasers thereof, his or their Heirs and Assigns: Provided always, that if there shall be any Surplus of the Money arising by such Sale, after Payment of the Expences before mentioned, the same shall be applied and disposed of by the said Commissioner in the Manner directed by the said recited Act, with respect to Money which is thereby directed to be paid into the Bank of

England,

England, for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, to be settled to the same Uses, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, as therein mentioned.

XXX. And be it further enacted, That out of the Monies to be raised for the general Purposes of this Act, there shall be paid to the said Commissioner, as a Recompence for his Pains and Trouble, the Sum of Two Pounds and Two Shillings, and no more, for each Day he shall be employed in travelling to and from and attending in the Execution of this or the said recited Act; and the said Clerk shall be paid for each Day's Attendance any Sum not exceeding Two Pounds and Two Shillings, as the said Commissioner shall think reasonable; and that as well the said Commissioner and his Clerk, as also every Proprietor and every other Person whomsoever, shall pay their own Expences at all Meetings to be holden under the Authority of this Act.

Allowances
to Commis-
sioner and
Clerk.

XXXI. And be it further enacted, That in case any Money shall be advanced or paid by any Person or Persons for defraying any of the Expences of soliciting, applying for, obtaining, or passing this Act, or in or about the Execution of any of the Powers or Authorities given hereby or by the said recited Act, or the carrying the Division or Inclosure of the said Commons and Waste Grounds into Execution, or in any Manner relative thereto, the said Money shall be repaid with lawful Interest out of the first Money to be raised by the said Commissioner in pursuance of this Act.

For paying
Interest on
Money ad-
vanced.

XXXII. And be it further enacted, That once at least in every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof), the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all Monies by him received and expended, or due to him for his own Trouble and Expences in the Execution of this or the said recited Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before One of His Majesty's Justices of the Peace for the said County of *Cumberland* (not interested in the said 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 of the said Commissioner; 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 Justice.

Commissioner
to lay his
Accounts be-
fore a Justice
once in every
Year.

XXXIII. And be it further enacted, That the Award of the said Commissioner, after the same shall have been enrolled in the Manner in the said recited Act mentioned, shall, together with the Maps and Plans annexed thereto, be deposited in the Parish Church of *Workington* aforesaid.

Plan and
Deposit of
Award.

XXXIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act or the said recited Act (other than and except such Determinations as are by this Act or the said recited Act declared to be

Appeal to
the Sessions.

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binding.

binding, final, and conclusive, and except in such Cases wherein 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 which shall be holden for the said County of *Cumberland*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner, and to the Party or Parties concerned, Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) in 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 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 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 of His Majesty's Courts of Record at *Westminster* or elsewhere; and in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall and they are hereby required to award such Costs to be paid by the Appellant or Appellants as to them shall seem reasonable, and which Costs shall be levied in manner aforesaid; provided that the said Justices in their said General Quarter Sessions shall not by any Order or Orders, on any such Appeal, alter, impeach, prejudice, or disturb any Allotment or Allotments which shall have been before sold or conveyed by the said Commissioner under the Authority of this or the said recited Act, or the Allotment or Allotments of any Person or Persons to whom such Notice of Appeal as is herein-before mentioned shall not have been previously given.

Not to pre-
judice the
Lord's
Rights.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall be construed or adjudged to defeat, lessen or prejudice the Right, Title, or Interest of the Lord of the said Manor for the Time being, of, in, or to the Seigniories or Royalties, Franchises and Liberties, incident and belonging to the said Manor; but the said Lord of the said Manor for the Time being shall at all Times for ever hereafter, have, hold, take and enjoy all Rents, Fines, Heriots, Suits, and Services, to or at the Lords Courts, Perquisites and Profits of Courts, and Suits and Services to the Lords Mill, Piscaries, Fishing, Hunting, Hawking, and Fowling, and all Beasts and Birds considered as Game, Goods and Chattels of Felons and Fugitives, Felons of themselves, and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, Escheats, and all other Royalties, Liberties, Privileges, Franchises, Pre-eminences, Jurisdictions, and Appurtenances whatsoever (except such as are expressly taken away by this Act), in the same and as full, ample, and beneficial Manner, to all Intents and Purposes, as they are now held, taken, or enjoyed, or have been anciently or heretofore used, exercised, or enjoyed by the present or any former Lord or Lords of the said Manor; or as he or they, or any of them, might or could have held, used, exercised, received, taken, or enjoyed the same, in case this Act or the said recited Act had not been made; and that notwithstanding the Division and Inclosure hereby autho-

rized to be made, the said Lord of the said Manor for the Time being shall for ever hereafter be deemed and taken to be Owner or Owners of all the Mines of Coal, Lead, Copper, Tin, Iron, and all other Mines, Minerals, Ores, Stones, Clay, Fossils, and Quarries, of what Nature or Kind soever, within or under the several and respective Parts of the said Commons or Waste Grounds intended to be divided and inclosed as aforesaid, as well those not opened as those already opened (except the said Stone Quarries to be set out for the Purposes aforesaid); and shall have full Power and Authority to use and exercise all convenient Ways, Wayleaves, and Liberties of laying, making, and repairing Waggon-ways, and other Ways in, over, and along the said Commons and Waste Grounds, and the several Allotments thereof, and of searching for, winning, and working the said Mines, Minerals, and Quarries, and leading and carrying away the Lead, Tin, Copper, Iron, or other Ore, Metals, Mines, and Minerals, Stones, Slates, Clay, and Fossils, to be gotten therein or thereout respectively, and of making Pits, Shafts, Pit Rooms, Heap Rooms, Drifts, Levels, and Watercourses, and erecting and using Fire Engines and other Engines, and all 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, and the respective Allotments thereof, and all other Powers, Privileges, and Authorities, to do or execute any necessary Acts or Things for all or any of the Purposes aforesaid, in and over the same, in such and the like Manner as if this Act had not been made.

Preserving
Mines, &c.
and Power to
win them.

XXXVI. And be it further enacted, That if at any Time after the said Division and Inclosure shall have been made by virtue of this Act, the said Earl of *Lonsdale*, his Heirs or Assigns, Lord or Lords of the said Manor for the Time being, or any Owner or Owners of the said Coal, Lead, Tin, Copper, Metals, Ores, Mines, or Minerals, Stones, Slates, Clay, and Fossils, or their Lessees, Farmers or Tenants, Servants or Workmen respectively, shall enter upon or make any Use of any Allotment or Allotments of the said Commons and Waste Grounds, hereby directed to be inclosed, for the Purposes of winning and getting the said Coal, Lead, Tin, Copper, Metals, Ores, Mines or Minerals, Stones, Slates, Clay or Fossils, or other Royalties, or for laying or storing the same when got, or the Rubbish or other Produce of the said Mines or Works, or for erecting Fire Engines, or other Engines and Buildings, or for laying, making, or continuing any Waggon Way or other Ways or Roads, or any other Works above Ground for the Purposes aforesaid, or for using or exercising any Power or Authority above Ground, hereby given, saved, or reserved to the said Lord of the said Manor for the Time being, or his Lessees, Farmers, or Tenants, in or about working, winning, digging, raising or carrying away the said Coal, Lead, Tin, Copper, Metals, Ores, Mines or Minerals, Stones, Slates, Clay, or Fossils, or otherwise relating thereto, the said Lord for the Time being, or Owner or Owners, or his or their Lessees or Tenants, shall make reasonable Satisfaction for any Damage or Injury which shall or may be done in the working, winning, digging, raising, or carrying away the said Coal, Lead, Tin, Copper, Metals, Ores, Mines, or Minerals, Stones, Slates, Clay, or Fossils, to the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, sustaining such Damage or Injury.

Satisfaction
for Damages.

XXXVII. Provided

Empowering
Owners of
Allotments
to use certain
Materials for
the Improve-
ment of their
Lands.

XXXVII. Provided always, and be it further enacted, That it shall be lawful for the respective Owners of Allotments of the said Commons and Waste Grounds to dig for and get Freestone, Limestone and Clay in their respective Allotments, and to apply the same for the Purposes of improving their respective Messuages, Buildings, Walls, Fences, or Lands within the Townships and Manor of *Great and Little Clifton* aforesaid, or of erecting new Buildings, Walls, or Fences thereon, and to make Bricks and Tiles of the said Clay for the Purposes aforesaid; but not to use the said Freestone, Limestone, and Clay elsewhere, or on any other Lands than within the said Townships and Manor, or to make any Sale, Gift, Exchange, or other Disposition thereof whatsoever as aforesaid, and so as that the taking or raising of such Freestone, Limestone and Clay for the Purposes aforesaid, do nowise prejudice or hinder the working or carrying on any Coal Mines, Quarries, or other Mines or Works that now are or shall hereafter be wrought or carried on by the said Lord of the said Manor for the Time being, or his Lessee, Servants or Workmen, in or upon any Part of the said Commons and Waste Grounds to be inclosed by virtue of this Act.

General
Saving.

XXXVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, and Body and Bodies Politic, Corporate or Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators (except the several Persons and Body or Bodies Politic, Corporate or Collegiate, to whom any Allotments shall be made by virtue and in pursuance of the said recited Act or of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed and extinguished; and all Persons respectively claiming under them, or in Remainder after them) all such Right, Estate, Title and Interest, as they, every, or any of them, could or ought to have had and enjoyed, of, in, to, or in respect of the Lands hereby directed to be divided and allotted, in case this Act had not been passed,

Act to be
printed by
the King's
Printers.

XXXIX. 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. 1814.