



ANNO QUINQUAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 68.

An Act for inclosing Lands within the Manor or Division of *Beethom*, in the Parish of *Beethom*, in the County of *Westmorland*. [18th May 1814.]

WHEREAS there are within the Manor or Division of *Beethom*, in the Parish of *Beethom*, in the County of *Westmorland*, several Commons and Waste Grounds: And whereas the Right Honourable *Edward* Earl of *Derby* is Lord of the said Manor or Division of *Beethom*, and as such is or claims to be entitled to the Royalties therein, and to the Soil of the said Commons and Waste Grounds: And whereas several of the Inclosed as well as the Commons and Waste Grounds within the said Manor or Division are subject to the Payment of Tythe of Wool and Lamb to Feoffees or Trustees for the Benefit of the Schoolmaster of *Beethom* for the Time being: And whereas the said Earl of *Derby*, *Daniel Wilson*, *William Hutton*, *William Atkinson*, Esquires, and several other Persons are Owners and Proprietors of divers Messuages, Lands and Hereditaments within the said Manor or Division, and in respect thereof or otherwise are entitled to Right of Common in, over, and upon all the said Commons and Waste Grounds within the said Manor or Division: And whereas an Act passed in the Forty-first Year of His present Majesty's Reign, 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 of little Value to the several Persons interested therein, and it

[*Loc. & Per.*]

13 T

would

Commissioners appointed.

would be of the greatest Advantage not only to them but to the Public in general, if the said Commons and Waste Grounds were divided, allotted, and inclosed; but as the same cannot be carried into Effect without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons; in this present Parliament assembled, and by the Authority of the same, That *William Miller of Preston*, in the County of *Lancaster*, Gentleman, and *Richard Mount of Hale*, in the Parish of *Beethom*, in the County of *Westmorland*, Land Surveyor, and their Successors, to be appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Commons and Waste Grounds, and for carrying this Act and the said recited Act into Execution, subject to such Provisions, Rules, and Regulations as are herein-after contained, and with such of the Powers and subject to such of the Rules, Orders, Directions, Regulations, Restrictions; and Provisions contained in the said recited Act, as are not varied, altered, repealed, or otherwise provided for by this Act.

Appointment of new Commissioners in case of Death or Resignation.

II. And be it further enacted, That in case either of the said Commissioners, or any Successor to be appointed as herein-after is provided, shall happen to die, or refuse or neglect to act, or become incapable of acting, before the Execution of all the Powers hereby vested in him shall be fully executed, or shall refuse to qualify and act in the Execution hereof, then and in every such Case it shall be lawful for the major Part in value (to be ascertained by the Land Tax Assessment) of the Proprietors or Persons interested in the Lands and Grounds directed to be divided and inclosed, or their known Agents or Attornies who shall be present at a public Meeting to be held for that Purpose at *Beethom* aforesaid, in pursuance of a Notice to be given in the Parish Church of *Beethom*, and by Notice to be affixed on the principal Door of the said Church; and also by Advertisement to be inserted in *The Kendal Advertiser*, or if that Newspaper shall not then be published, in some other Newspaper usually and generally circulated in the said County of *Westmorland*, at least Twenty-one Days before such Meeting, by Writing under their Hands to appoint from Time to Time some other fit and proper Person (not interested in the said Inclosure), to be a Commissioner in the room of any such Commissioner so dying, refusing, or neglecting to act, or becoming incapable of acting as aforesaid, and so from Time to Time as often as any Commissioner appointed by the said Proprietors or the major Part in value of them present at such Meeting as aforesaid, shall die or become incapable of acting, or shall neglect or refuse to act as aforesaid; and every such Commissioner so to be appointed as aforesaid, shall (after taking the Oath prescribed in that Behalf), have the like Powers and Authorities in all Respects for carrying this and the said recited Act into Execution, as if he or they had been originally named and appointed a Commissioner in and by this Act.

Appointment of Umpire.

III. Provided always, and be it further enacted, That whenever the said Commissioners shall disagree or differ in opinion touching or concerning any Matter or Thing to be by them done and performed in pursuance and by virtue of this Act, or of the said recited Act, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized

authorized and required, with all convenient Speed after such Disagreement or Difference in opinion shall happen, to refer the Matter thereof to such disinterested Person as the said Commissioners shall think proper to appoint for that Purpose as Umpire; and in case the said Commissioners shall for the Space of Forty Days next after such Difference shall arise, neglect to appoint an Umpire as aforesaid (not interested in the said Division or Inclosure), or if such Umpire shall die, or being appointed shall refuse or become incapable of acting, then and in every such Case an Umpire shall be nominated and appointed by the major Part in Value (such Value to be ascertained by the Land Tax Assessment) of the said Proprietors of Lands after the like Notice given, in such Manner as is herein-before directed, and so from Time to Time as often as any Umpire shall die or refuse to act, or become incapable of acting, whose Judgment and Determination thereupon respectively shall be deemed and considered as the Judgment and Determination of the said Commissioners: Provided always, that no Person shall be capable of acting as Umpire in Execution of the Powers by this or the said recited Act given, until he shall have taken and subscribed the Oath or Affirmation following; that is to say,

‘ I do swear (or, being one of the People called Quakers, do solemnly affirm), That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as an Umpire by virtue of an Act passed in the Fifty-fourth Year of the Reign of King George the Third, intituled *An Act for inclosing Lands within the Manor or Division of Beethom, in the Parish of Beethom, in the County of Westmorland*, according to Equity and good Conscience, without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. ‘ So help me GOD.’

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

IV. And be it further enacted, That the said Commissioners shall and they are hereby required to cause public Notice to be given upon some *Sunday* before or during Divine Service, by Writing to be affixed upon the principal outer Door of the said Parish Church of *Beethom*, and also by Advertisement in Manner aforesaid, of the Time and Place of the First Meeting, and all other subsequent Meetings for the Execution of this or the said recited Act, Fourteen Days at least before any such Meetings shall be held (Meetings by Adjournment only excepted); and the said Commissioners shall and may adjourn any and every such Meetings from Time to Time as they shall see Occasion for the further Execution of this Act and the said recited Act; and in case the said Commissioners shall not be present at such Time and at the Place appointed for such Attendance, then it shall be lawful for the Person or Persons who shall act as Clerk or Clerks to the said Commissioners, to adjourn the same to any future Day not exceeding Twenty-eight Days from the Day of such Adjournment: Provided always, that all Meetings of the said Commissioners to be had by virtue of this Act shall be held at *Beethom*, or within the Distance of Two Miles thereof.

Notice of Meetings.

V. Provided

Notices how
to be given.

V. Provided always, and be it further enacted, That all other Notices requisite or necessary to be given by the said Commissioners, shall be so made and given by Notice in Writing to be affixed on the outer Door of *Beethom Church* in Manner aforesaid, and by Advertisement in *The Kendal Advertiser*, or if that Newspaper shall not be then published, then in some other Newspaper usually and generally circulated in the County of *Westmorland* aforesaid.

Commission-
ers to appoint
a Clerk.

VI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to appoint a Clerk to assist them in the Execution of the Powers of the said recited Act and this Act; and shall have full Power from Time to Time to remove any such Clerk and appoint another in his Stead.

Allowance
to Commis-
sioners.

VII. And be it further enacted, That each of the said Commissioners and Umpire who shall act in the Execution of this Act, shall be allowed the Sum of Two Pounds Two Shillings and no more, for his Trouble and Expences for each and every Day he shall necessarily attend in the Execution of the Powers of this Act or the said recited Act, or be employed in travelling to or from the Places of Meeting for that Purpose; and at all such Meetings the said Commissioners and Umpire shall, out of such Allowance, pay and defray his and their own Charges and Expences as well as their Travelling Expences.

Commission-
ers to settle
Differences.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division and Inclosure, touching or concerning the respective Rights or Interests which they or any of them may have or claim to have in or upon or in any Manner respecting or relating to the said Division or Inclosure, it shall and may be lawful to and for the said Commissioners to hear, adjudge, and determine the same: Provided always, that nothing herein contained shall authorize and empower the said Commissioners and Umpire to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Commission-
ers not to
determine
Titles.

Power to
assess Costs.

IX. And be it further enacted, That the said Commissioners shall, upon the Hearing or Determination of any Claim or Claims, Objection or Objections to be delivered to them in pursuance of this Act 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, Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in every such Case it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands 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, Body or Bodies Politic, Corporate, or Collegiate, so neglecting

or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

X. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning any Claim or Claims, Rights or Interests in, over, or upon the said Commons and Waste Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, then and in every such Case it shall and may be lawful for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate so dissatisfied, to proceed to a Trial at Law, of the Matter so determined by the said Commissioners or Umpire, at the then next Assizes to be holden for the said County of *Westmorland*, next after the Expiration of Six Calendar Months from the Time of such Determination; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so dissatisfied with the Determination of the said Commissioners or Umpire, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, in whose Favour such Determination of the said Commissioners or Umpire shall have been made, within Six Calendar Months next after such Determination of the said Commissioners or Umpire shall have been made, and Notice thereof in Writing given to him, her, or them; 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 commenced, 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, Body and Bodies Politic, Corporate, or Collegiate, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had therein, which it shall be lawful for the Court to do in case the said Court shall think proper; and after such Verdict or Verdicts shall be obtained and not set aside by the said Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided also, that the Determination of the said Commissioners or Umpire, touching such Claim or Claims, Right of Common, or other Rights or Interests, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, which shall not be objected unto, or being objected to, the Party or Parties objecting, not causing such Action or Actions to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

Allowing Parties to try their Rights by an Issue at Law.

XI. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in, as if such Event had not happened.

If Parties die, Actions not to abate.

[*Loc. & Per.*]

13 U

XII. Pro.

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

XII. 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 the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk of such 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 upon 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 and 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.

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

XIII. Provided also, 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 such Parties, (except in Cases of Encroachment made within the Period of Twenty Years); but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

Suits not to
impede the
Execution of
the Act.

XIV. 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 Messuages, Tenements or Hereditaments for or in respect of which any Right of Common, or other 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 delay, impede or hinder the said Commissioners from proceeding in the Powers vested in them by this Act; but the said Allotments shall be proceeded in, notwithstanding any Suit or Suits, and may be had or taken by the Person or Persons who upon the Determination of such Suit or Suits shall become entitled to the same.

Rights of
Common sus-
pended.

XV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized at any Time or Times before the Execution of the said Award, by Notice in Writing under their Hands to be given and published as aforesaid, to order and direct from what Time or Times all or any Part of the Rights of Common, in, over or upon the said Commons and Waste Grounds, or any Part thereof, shall be extinguished or the Exercise thereof suspended, for and during such Time as shall be expressed in such Writing, and that all such Rights of Common as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time or Times to be specified in such Writing, cease, determine and be for ever extinguished, or the Exercise

cise thereof be suspended accordingly, any Law, Usage or Custom to the contrary thereof notwithstanding.

XVI. And be it further enacted, That if any Person or Persons shall, after the passing of this Act, cut, dig, pare, grave, flay, or carry away any Peat, Turf, Sods, Soil, Flags, Whins, or Furze, in, upon or from the said Commons or Waste Grounds or any Part thereof, without or contrary to the Licence of the said Commissioners first had and obtained in Writing for that Purpose, (which Licence the said Commissioners are hereby empowered to grant under such Orders, Regulations and Restrictions as to them shall seem right and proper to insert therein), then and in every such Case the said Commissioners, upon due Proof made before them upon Oath, (which Oath they are hereby authorized to administer) shall and they are hereby required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Ten Pounds, to be levied by Distress and Sale of the Goods and Chattels of any Person or Persons so offending in the Premises, 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, and the Money so to be levied as aforesaid shall be applied towards defraying the Costs and Charges of obtaining and executing this Act; and for Want of sufficient Distress, it shall and may be lawful to and for the said Commissioners by Warrant under their Hands and Seals to commit such Offender or Offenders to His Majesty's Gaol at *Appleby*, or to any House of Correction in and for the said County of *Westmorland*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months at the Discretion of such Commissioners, as the Case may be, unless he or they shall pay the Penalties or Forfeitures and Costs.

No Peat,
Turf, Sods,
Soil, Flags,
Whins, or
Furze to be
cut.

XVII. And be it further enacted, That if the said Commissioners shall deem it expedient or proper to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and the Lands and Grounds of any Parish or Township adjoining thereto, or to make the said Boundary Fences regular, it shall be lawful for the said Commissioners, with the Consent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors in which the Lands are situate, and of the Owner or Owners of the Lands upon which any Fence or Fences shall or may be intended to be set out, to ascertain and determine the Boundary Fences to be made between the Lands and Grounds by this Act directed to be divided and allotted, and the Lands lying in such adjoining Parish or Township, Parishes or Townships respectively, in such Manner as they shall think proper for the Purposes aforesaid; and after such Boundaries shall be set out and ascertained as aforesaid, the same shall be fenced by such Person or Persons, in such Manner, and at such Time or Times, as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the said Manor or Division of *Beethom*, and such adjoining Parish or Township, Parishes or Townships respectively, any Law, Usage, or Custom to the contrary thereof notwithstanding.

For shorten-
ing Boundary
Fences.

XVIII. And

Encroachments.

XVIII. And be it further enacted, That all Encroachments which shall have been made upon any Part of the Commons and Waste Lands intended by this Act to be divided and inclosed, within the Space of Twenty Years next before the passing of this Act, without any legal Grant or Authority for that Purpose, shall be deemed Part of the Commons and Waste Lands to be divided and inclosed by virtue of this Act, and the same shall be divided and inclosed accordingly: Provided nevertheless, that all and every such Encroachments shall be allotted to the Person or Persons who shall, at the Time of making the Allotments, be in Possession of such Encroachments, or in the Receipt of the Rents and Profits thereof, as the Whole or Part of the Share or Proportion of the Common or Waste Lands to which such Person or Persons will be entitled by virtue of this Act, without considering the Value of any Erection or other Improvement thereon; and if any such Person or Persons shall not be entitled to any Allotment, or not to an Allotment equal to the Value of such Encroachment, but shall be willing to purchase the same, then the said Commissioners shall ascertain the Price thereof, or of such Part thereof as shall exceed the Rights of such Possessor or Possessors thereof in respect to any other Properties aforesaid, in ascertaining of which Price the said Commissioners shall not value the Buildings or other Improvements thereon, but shall value the Land only, and that at so much *per Acre* as the same shall in their Estimation be worth, having reference to the Waste next adjoining; and upon such Person or Persons paying such Price *per Acre*, and so in Proportion for any less Quantity than an Acre, to the said Commissioners, and at such Time or Times as they shall appoint for that Purpose, and taking their Receipt or Receipts for the same, every such Encroachment, or such Part or Parts thereof as shall be so purchased, and also all Buildings and Improvements thereon, shall be allotted to such Person and Persons, and shall be holden and enjoyed by him, her, or them accordingly; and the said Commissioners shall and they are hereby required to apply such Purchase Money as Part of the Monies to be raised for defraying the Expences of obtaining and passing this Act, and of carrying the same into Execution; and in case any Disputes or Differences shall arise touching any such Encroachments, or the Extent thereof, such Disputes shall be settled by the said Commissioners; and if any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be applied in like Manner as the Surplus of Money arising by Sale for the Purpose of defraying the Expences of this Act, as is herein-after expressed and described.

Commissioners may make Drains.

XIX. And be it further enacted, That the said Commissioners shall and may scour out, deepen and widen all such Brooks, Streams, Ditches, Watercourses, Tunnels, and Bridges, in the said Manor or Division of *Beethom*, and also shall and may set out, order and direct such new Ditches, Drains, Watercourses, Watering Places, Tunnels, Water Gates, Flood Gates, Banks and Bridges to be made of such Depth, Breadth, and Extent, and in such Situations and Directions, as the said Commissioners shall think proper, as well in, through, over and upon the Lands and Grounds hereby intended to be divided and inclosed as aforesaid, as also in, through, and over any ancient Inclosure, or other Lands or Grounds in the said Manor or Division, or any Part or Parts thereof, making such Satisfaction to the Owners and Proprietors of such ancient Inclosures, or other Lands or Grounds not hereby intended to be divided and inclosed, for the Damage done thereby, as the said Commissioners shall judge reasonable; and they shall

shall and may, and they are hereby directed in and by their Award to order and direct by whom, at whose Expence, at what Time and in what Manner the said Brooks, Streams, Ditches, Drains, Watercourfes, Watering Places, Tunnels, Water Gates, Flood Gates, Banks, and Bridges shall thereafter from Time to Time be repaired, scoured, cleansed, and maintained; which Orders and Directions, the Owners and Proprietors of the Lands through or over which such Alterations shall be made, shall for ever hereafter observe and perform: Provided always, that no such Brook or Stream shall be diverted or turned without the Consent in Writing of the Owner or Owners, Proprietor or Proprietors, of the Lands and Grounds from which any such Brook shall be diverted, or through or into which any such Brook or Stream shall be turned.

XX. And be it further enacted, That the said Commissioners may, and they are hereby empowered to divert, turn or stop up, and by their Award or any other Writing under their Hands order and direct to be discontinued, such of the present public and private Carriage, Bridle and Foot Roads and Highways, passing or leading through or over the said Commons or Waste Grounds or any of them, or through or over any of old inclosed Lands within the said Manor or Division, as they shall think useles and unnecessary, with the Concurrence of Two Justices of the Peace, and subject to Appeal in Manner directed by the said recited Act.

Commissioners may discontinue Roads.

XXI. And be it further enacted, That the said Commissioners shall in the first place assign, set out, and allot unto the Surveyors of the Highways within the said Manor or Division, such Part or Parts of the said Commons and Waste Grounds within the said Manor or Division hereby directed to be divided and allotted as the said Commissioners shall think necessary, as and for public Quarries for getting Stone and Gravel for the Repairs of the Roads made and to be made within the said Manor or Division of *Beethom*; and the said Allotments when so set out shall for ever thereafter be used by Surveyors of the Highways for the Time being of the said Manor or Division; and that the said Commissioners shall have Power, and they are hereby authorized to order and direct how and in what Manner and by whom the new Roads to be set out by virtue of this Act, or of the said recited Act, shall from and after the Execution of their Award be kept in repair; and also that the said Commissioners shall assign, set out, and allot public Watering Places for Cattle, and shall direct how and by whom such Quarries and Watering Places so to be set out shall be separated, fenced off, and kept in Repair.

Allotments for Stone Quarries and for getting Stone and Gravel.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, as soon as conveniently may be after setting out such Parts of the said Commons and Waste Lands for the Purpose herein and in the said recited Act mentioned, to set out, allot, and award to the Lord of the said Manor or Division of *Beethom* for the Time being, One full Sixteenth Part (Quantity, Quality, and Situation considered) of all and every the Residue of the said Commons and Waste Grounds within the said Manor or Division, in Compensation and Satisfaction for his Right (except as herein-after mentioned) to the Soil of the Residue of the said Commons and Waste Grounds within the said Manor or Division.

Allotment to the Lord in Right of Soil.

[*Loc. & Per.*]

13 X

XXIII. And

Allotment for
the School-
master.

XXIII. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and appoint unto the Feoffees or Trustees of the Schoolmaster of *Beethom* for the Time being, such Allotment or Allotments of the said Commons and Waste Grounds as shall in their Judgment when inclosed and ring-fenced be equal in Value to the Tithe of Wool and Lamb now payable to the said Schoolmaster from the ancient Inclosures, Commons and Waste Grounds within the said Manor or Division, such Allotment or Allotments to be accepted and taken as a full Compensation and Satisfaction for all such Tithe.

Commissioners to set out
Part of the
Commons to
defray the
Expences of
this Act.

XXIV. And be it further enacted, That the said Commissioners shall in the next Place allot and set out, by proper Marks and Bounds, so much and such Part or Parts of the said Commons or Waste Grounds as to them 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, about, and incident to the applying for, obtaining, procuring, and passing this Act, and the Costs and Charges of the said Commissioners, and all other Persons employed by them in, about, and incident to the surveying, measuring, mapping, planning, dividing and allotting the said Commons and Waste Grounds, and of, in, or about the setting out and making public Roads and Ways in, through and over the said Commons and Waste Grounds, and of, in or about the carrying into Execution in all other Respects the Powers and Authorities in this and the said recited Act contained; and the said Commissioners shall and they are 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 Commissioners, and also to the due Observance and Performance of all Orders, Matters, Charges and Directions relative thereto, and to be made and directed by the said Commissioners in and by their general Award.

Application
of Surplus.

XXV. Provided always, and be it further enacted, That in case any Surplus Money shall remain, after Payment of such Expences as aforesaid, such Surplus shall be divided amongst the several Persons entitled thereto or interested in the said 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, shall be paid to them respectively, and the Shares of such other Proprietors of and in such Surplus Money shall be applied 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, and the other Monies directed to be paid and applied as aforesaid, shall not be sufficient to defray all the Costs, Charges, and Expences aforesaid, then the Deficiencies thereof shall be made up by the several Persons interested in the

Any Defi-
ciency to be
raised by a
Rate.

said Commons and Waste Grounds, and shall be paid in such Shares and Proportions, within such Time, and to such Person or Persons as the said Commissioners 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 as aforesaid, the same shall and may be levied and recovered in the Manner directed by the said recited Act: Provided always, that the said Commissioners shall not set out any Part of the said Commons or Waste Grounds for Sale, which ought, on account of Contiguity or Conveniency, to be allotted to any of the Parties concerned in the said Division or Inclosure.

XXVI. And be it further enacted, That the said Commissioners shall and do afterwards set out, assign, and allot all the Residue of the said Commons and Waste Grounds hereby intended to be divided, allotted, and inclosed, unto and amongst the Lord of the said Manor or Division of *Beethom* for the Time being, and all and every Person and Persons, and Body and Bodies Politic, Corporate, or Collegiate, having any Right of Common or other Right or Interest in, to, over, or upon the same, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be equal to the Value of, and a full Compensation and Satisfaction to him, her, or them respectively, for his, her, or their respective Estates, Rights, and Interests therein.

Allotment of Residue.

XXVII. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Rights of the Persons interested in the said intended Inclosure, and also the respective Shares and Proportions by them proposed to be allotted to such Persons respectively in lieu thereof, they the said Commissioners shall give Notice by Writing affixed on the principal Door of the said Church, and also by Advertisement in the said Newspaper called *The Kendal Advertiser*; if then published, or if not, then in some other Newspaper usually and generally circulated in the said County of *Westmorland*; of the Day or Days and Place where all Persons interested may peruse a Schedule of such intended Allotments, and inspect the Map or Plan whereon the same shall be delineated, and may have and receive a Copy of such Schedule, so far as the same relates to each Person respectively; and as some Persons may, on Perusal of the said Schedule and Inspection of such Map or Plan, be dissatisfied with their intended Allotments, the said Commissioners shall give Notice in like Manner of one Meeting at the least to be held by them for hearing Complaints and Objections against such intended Allotments, and for hearing and determining all such Objections, and their Determination in the Premises as to Quantity and Situation shall be binding, final, and conclusive.

Allotments to be delineated in a Plan, and shewn to the Proprietors.

XXVIII. Provided always, and be it enacted, That if any Person or Persons hath or have sold, or shall at any Time before the Meeting to be appointed by the said Commissioners for reading over the Draft of their Award, sell his, her, or their Right, Interest, or Property in, over, or upon the said Commons or Waste Grounds, or any Part thereof, to any other Person or Persons, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, directed, and required upon Notice thereof in Writing to be given to them by the Vendor, provided the same be within the Time before mentioned, to make an Allotment

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

lotment 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 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 Lands 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, hold, and enjoy 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 Free-
hold.

XXIX. And be it further enacted, That all such Lands or other Hereditaments as shall be allotted under or by virtue of this Act, shall be and be deemed and taken to be of Freehold and not of Copyhold or Customary Tenure, and shall be held and enjoyed accordingly.

Vacating
Leases at
Rack Rent.

XXX. And be it further enacted, That all and every Lease or Leases and other Agreements at Rack Rent, affecting all or any Part of the Commons or Waste Grounds by virtue of this Act intended to be divided and inclosed, shall cease, determine, and be void, as to such Commons or Waste Grounds on such respective Days and Times as the said Commissioners shall by Writing under their Hands order and appoint, the respective Lessors or Landlords in such Leases or Agreements having first paid or tendered such Satisfaction to the respective Lessee or Lessees, Tenant or Tenants, as the said Commissioners shall ascertain as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants on account thereof, or as an Equivalent for the same: Provided always, that nothing herein contained shall extend or be construed to extend to make void any Agreement or Engagement already made between Landlord and Tenant, in Contemplation of a Division or Inclosure of the said Commons and Waste Grounds, or relating thereto: Provided also, that if there shall be any Lease of Lands, Part of which shall lie in the said Parish, and Part in any adjoining Parish, all and every such Lease and Leases upon Rack Rent now subsisting may be vacated; but where any Land shall be taken in Exchange, which Land shall be under Lease and wholly situate in any adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

For allowing
Exchanges to
be made.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments, within the said Manor or Division of *Beethom*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments, within the same Manor or Division, or within the said Parish of *Beethom*, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges shall be ascertained, specified, and declared in the said Award, and be made with the Consent of the Proprietor or Proprietors of the Premises which shall be so exchanged, whether such Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, 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 with the Consent of the Guardians, Trustees, or Feoffees, for Charitable, Parochial, or other the Husbands, Committees or Attornies of or acting for any such Proprietor or Proprietors, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert,

Covert, Ideots, 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 by 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 Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Ecclesiastical Benefice, without the Consent testified as aforesaid of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments shall be situate, and of the Patron of such Ecclesiastical Benefice: Provided also, that all Costs, Charges, and Expences attending the making of any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions in such Manner and in such Proportions as the said Commissioners shall by their said Award order and direct.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as 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, Buildings, Lands or Grounds to be divided, allotted, or inclosed as aforesaid, or any Part or Parts thereof respectively; but the respective Persons to whom any Lands, Tenements, or Hereditaments to be allotted by virtue of this Act, shall be seized thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Messuages, Buildings, Lands, Tenements and Hereditaments whereof such Persons were seized or possessed at or immediately before the Execution of the Award to be made by the said Commissioners, or for which or in respect whereof such Allotments shall be made, would have been subject to, charged with, or affected by in case this Act had not been made, (except such Leases or Agreements as shall have been determined by virtue of this Act).

Wills and Settlements not to be affected.

XXXIII. Provided always, and be it further enacted, That nothing in this Act or the said recited Act contained, shall prejudice, lessen, or defeat, or in anywise affect the Right, Title, or Interest of the Tithe Owner or Tithe Owners for the Time being respectively, in or to any Tithes, Moduses, Dues, Payments, Mortuaries, *Easter* Offerings, Surplice or other Fees happening, arising, and renewing out of or payable in respect of any Lands, Tenements, or Hereditaments within the Manor or Division aforesaid, but that such Tithes, Moduses, Dues, Payments, Mortuaries, *Easter* Offerings, Surplice and other Fees, shall be payable and paid at all Times hereafter, in the same Manner as if this Act or the said recited Act had not been passed, (except the said Tithe of Wool and Lamb as aforesaid).

Not to affect Tithes.

XXXIV. And be it further enacted, That no Sheep or Lambs shall be depastured or kept in any of the Allotments to be made by virtue of this Act, where Quick Fences shall be planted, during the Space of Seven Years next after the Common Right shall have been extinguished or suspended by the said Commissioners pursuant to the Power in that Behalf herein-before

No Sheep to be kept in Inclosures, unless &c. for the first Seven Years.

fore contained, unless the Persons respectively keeping the same shall first, at his, her, or their own Expence, make and maintain a Fence sufficient to guard the young Quick Fences round such Allotments from being cropped, hurt or damaged by such Sheep or Lambs, whether such Quick Fences be planted or set by or belong to the Owner or Occupier, Owners or Occupiers of such Allotments, or the Owners or Occupiers of the Allotment or Allotments adjoining thereto.

Costs of the Act.

XXXV. And be it further enacted, That as well the Fees and Payments of the said Commissioners and also the Charges and Expences incident to and attending the soliciting, obtaining and passing of this Act, and of surveying, planning, dividing, and allotting the said Commons and Waste Grounds, and of preparing and inrolling the Award of the said Commissioners, and other necessary Expences of the several Persons to be employed by the said Commissioners in and about the Premises, and all the Expences of forming, completing and repairing the public Carriage Roads and Highways to be set out and appointed by the said Commissioners, and all other Expences of carrying this Act into Execution, shall be borne and defrayed by the several Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments within the said Township or Division, in such Proportion, and in such Manner, and at such Time and Times either before or after the Execution of the Award of the said Commissioners, as the said Commissioners shall direct or appoint; provided the Money directed to be raised by Sale of Part of the said Commons and Waste Grounds as herein-before mentioned, shall be found insufficient to the Payment of such Costs, Charges, and Expences.

Commissioners may sell Allotments of incapacitated Persons on certain Conditions.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners, on Application being made to them in Writing by the Husbands, Guardians, Trustees, Committees or Attornies of any of the said Owners or Proprietors being under Coverture, Minors, Lunatics, Persons beyond the Seas, or under any other Disability, or by any of the said Owners or Proprietors being Tenant in Tail, or for Life or Lives, or for any other Contingency, to sell and absolutely dispose of any Part or Parts of the said Allotments belonging to such incapacitated Persons for the Purpose of defraying his, her, or their Proportion of the Charges and Expences of passing this Act and carrying the same and the said recited Act into Execution, or of the Expences such Owners as last aforesaid may be put to in fencing, inclosing and subdividing his, her, or their Allotment or Allotments: Provided always, that it shall not be lawful to raise by such Sale any further or greater Sum of Money than the Person or Persons Part of whose Allotment or Allotments may be sold or disposed of as aforesaid, would have been empowered or authorized to borrow upon or charge his, her, or their Estate or Estates with, under or by virtue of the said recited Act; but in case the Sale so to be made of such Allotment or Allotments shall not be equal in Amount to the Sum of Money that such Proprietor or Proprietors is or are by the said recited Act or this Act empowered to borrow, and charge on his, her, or their Allotment or Allotments, then and in such Cases it shall be lawful for the Proprietor or Person whose Land shall be sold as aforesaid, to charge his, her, or their Lands, Tenements, or Hereditaments, by virtue of the said recited Act or this Act, with any Sum of Money not exceeding the Excess or Difference towards Payment of such Expences.

XXXVII. Pro-

XXXVII. Provided always, and be it enacted, That in all Cases where any such Sale of any such Allotment or Allotments, or of any Part or Parts thereof, shall have been made for the Payment of such Costs, Charges and Expences as aforesaid, it shall not be lawful for the Person or Persons, or Body or Bodies Politic or Corporate or Collegiate, from whose Allotment or Allotments, or of any Part thereof, such Sale shall have been made in Manner aforesaid, to charge the Lands and Grounds allotted to him, her, or them, or any Part or Parts thereof, by virtue of this Act or the said recited Act, with any Money towards defraying such Costs, Charges, and Expences.

Parties, from or of whose Allotments Sales made, not to borrow also.

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

Proprietors to pay their own Expences.

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

Money advanced for the Purposes of this Act to be repaid with Interest.

XL. 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 passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their Trouble and Expences in the Execution of this Act and the said recited Act; and such Statement and Account when so made out, together with the Vouchers relating thereto, shall be by them laid before any Two of His Majesty's Justices of the Peace for the said County of *Westmorland*, not interested in the said Inclosure, to be by them examined and balanced, and such Justices shall or may disallow or reduce any of the Sums or Items charged in the said Accounts which they may think unjust or unreasonable, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners, and no Charges or Items in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

Commissioners to lay Accounts before Justices once a Year.

XLI. Provided nevertheless, and be it enacted, That the said Commissioners shall in each and every Year, prior to such Accounts being laid before such Justices of the Peace, convene a Public Meeting of the Proprietors and Owners of Lands in the said Manor or Division of *Beethom*, of which Meeting Ten Days Notice at least shall be given by Advertisement in the said Newspaper called *The Kendal Advertiser*, if the same shall be then published, or if not, then in some other Newspaper usually circulated in the said County of *Westmorland*, and of the Object of such Meeting; and the said Commissioners shall then and there lay their Accounts before such Proprietors and Owners, to be by

Meeting of Proprietors to examine Accounts.

by them examined, and shall also give Notice by Advertisement as aforesaid, at what Time and Place their Accounts will be laid before such Justices, Ten Days at the least before such Accounts shall be so laid before them.

Award where
to be depo-
sited.

XLII. And be it further enacted, That the Award to be made by the said Commissioners, after having been inrolled in Manner directed by the said recited Act, and the Maps or Plans explanatory of the same, shall be deposited in the Parish Church of *Beethom* aforesaid.

Appeal.

XLIII. 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 the said recited Act or this Act, (other than and except such Determination of the said Commissioners or Umpire, as are herein or by the said recited Act directed to be final, binding and conclusive, and except in such Cases where an Issue at Law shall be tried as herein mentioned), then and in every such Case he, she and they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Westmorland* within Three Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned, Fourteen Days Notice in Writing of such Appeal, and of the Matters 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 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 such 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; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then and in every 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 such Costs shall be levied in Manner aforesaid.

Right of the
Lord of the
Manor to
Royalties not
to be preju-
diced.

XLIV. Provided always, and be it further enacted, That nothing in this Act shall be construed or adjudged to defeat, lessen, or prejudice the Right, Title, and Interest of the said Earl of *Derby*, or any future Lord or Lords, Lady or Ladies of the said Manor or Division of *Beethom* for the Time being, of, in, and to the Seignories and Royalties incident and belonging to the said Manor or Division, save and except the Stones and Quarries of Stones in the several Allotments to be set out to the Proprietors of Messuages, Lands, Tenements, and Hereditaments under and by virtue of this Act, but that the said Earl of *Derby* and all and every Person and Persons claiming by, from, under or in Trust for him as Lord of the said Manor, shall and may at all Times for ever hereafter have, hold, take, and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Hunting, Hawking, Fishing and Fowling, Goods and Chattels of Felons and Fugitives,

tives, Felons of themselves and those put in Exigent, Deodands, Waifs, Estrays, Forfeitures, Escheats, and other Royalties, Liberties, Franchises, Privileges, Pre-eminences, Jurisdictions, and Appurtenances whatsoever, to the said Manor or Division incident, appertaining, or belonging, or which have been anciently used, exercised, and enjoyed by the Lord or Lords, Lady or Ladies of the said Manor or Division (other than and except such Right of Soil and Right of Common and Pasture, and such other Rights and Interests as is and are by this Act meant and intended to be barred, destroyed, and extinguished), or could or might be claimed by him, her, or them, as Owner or Owners of the Soil of the said Commons and Waste Grounds, in as full and beneficial a Manner to all Intents and Purposes as he, she, or they could or might have held the same in case this Act had not been made; and that the said Earl of *Derby*, and all future Lords, Ladies, or Owners of the said Manor or Division for the Time being, shall and may from Time to Time and at all Times hereafter have, hold, work, and enjoy all Mines, Minerals, and Quarries of what Nature or Kind soever, within or under the said Commons or Waste Grounds intended to be divided and inclosed as aforesaid, as well those not opened as those already opened, (save and except the said public Quarries to be set out as aforesaid, and the Stones and Quarries of Stones in the several Allotments aforesaid) and to have, enjoy, and be vested with all convenient and necessary Ways, Wayleaves and Liberties in, over, and along the same, or any Part thereof, and shall have full Power of searching for, winning and working the said Mines and Quarries, and leading and carrying away the Coals, Lead, Tin, Copper, Metals and Minerals to be gotten thereout, and of making Pits, Shafts, Pit Rooms, Heap Rooms, Drifts, Levels, and Watercourses, 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 the same Manner as if this Act had not been made.

XLV. Provided always, and be it enacted, That in case the Lord or Lords, Lady or Ladies of the said Manor or Division for the Time being, or any Person or Persons claiming under him, her, or them, shall, after such Inclosure shall be made as aforesaid, search for, win, work, and lead away Coal, Lead, Tin, Copper, Metal, or Minerals lying within or under any such Allotments or Inclosures so to be made as aforesaid, then and in every such Case the Lord or Lords, Lady or Ladies of the said Manor or Division for the Time being, or such Person or Persons so searching for, winning, working, or leading away, shall make full and reasonable Satisfaction for the Damage and Spoil of Ground occasioned thereby, or in making or using Waggon Ways or other Ways, or any other Matters or Things, according to the Powers herein reserved or granted to the said Earl of *Derby*, and the Lord or Lords, Lady or Ladies of the said Manor or Division for the Time being, to the Person or Persons, Bodies Politic, Corporate, or Collegiate, who shall be in the Possession of such Ground at the Time or Times of such Damage or Spoil.

Satisfaction to be made by the Lord of the Manor for working Mines.

XLVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Body or Bodies

General Saving.

[*Loc. & Per.*]

13 Z

Politic,

Politic, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for or 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 Estate, Right, Title, and Interest, as they, every or any of them could or ought to have had and enjoyed in, to, and out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed before the passing of this Act, or could or might have held or enjoyed in case the same had not been made.

Act may be
given in
Evidence.

XLVII. 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.