



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

Cap. 18.

An Act to commute for a Corn Rent the Tithes and Dues payable to the Rectors and Vicar of the Parish of *Kendal* otherwise *Kirkby Kendal* in the County of *Westmoreland*.

[27th June 1834.]

WHEREAS the Parish of *Kendal*, otherwise *Kirkby Kendal*, in the County of *Westmoreland*, is divided into Twenty-seven several Townships or Parts of Townships, known by the several Names of *Crook*, *Dillicar*, *Docker*, *Fawcett Forest*, *Grayrigg*, *Helsington*, *Hugill*, *Kirkland*, *Kentmere*, *Kirkby-in-Kendal*, *Lambrigg*, *Natland*, *Nethergraveship*, *New Hutton*, *Nether Staveley*, *Long Sleddale*, *Old Hutton*, *Over Staveley*, *Underbarrow* and *Bradleyfield*, *Skelsmergh*, *Scalithwaiterigg Hay* and *Hutton-i'-th'-Hay*, *Strickland Kettle*, *Strickland Roger*, *Whinfell*, *Patton*, *Whitwell*, and *Selside* and *Winster*, and the said Parish is situate in the Diocese of *Chester*: And whereas the Master, Fellows, and Scholars of the College of the Holy and undivided Trinity within the Town and University of *Cambridge*, of King *Henry* the Eighth's Foundation, are seised of or entitled to the Improprate Rectory of the Parish of *Kendal*, otherwise *Kirkby Kendal* aforesaid: And whereas *Mary Lambert* and *Anne Lambert*, both of *Kirkby Kendal* aforesaid, are Lessees of the said Improprate Rectory under a Lease granted to them by the said Master, Fellows, and Scholars for the Term of Twenty Years from *Michaelmas* One thousand eight hundred and twenty-one, and also under another Lease granted to them by the said Master, Fellows, and Scholars for a Term of

[Private.]

Ten Years from *Michaelmas* One thousand eight hundred and thirty-one : And whereas the said Master, Fellows, and Scholars are Patrons of the Vicarage of the Parish of *Kirkby Kendal* aforesaid, and the Reverend *John Hudson* Clerk, Master of Arts, is Vicar of the said Parish and Parish Church : And whereas the said Master, Fellows, and Scholars, in right of their said Improprate Rectory, claim to be entitled to the Tithes of Corn, Grain, Hay, Clover, Peas, Beans, Coppice and Underwood, Potatoes, Turnips, Vetches, and other green Crops, Agistment, Wool and Lambs throughout the whole of the said Parish : And whereas the said *John Hudson*, as such Vicar, also claims to be entitled to the Tithes of Potatoes, Turnips, Vetches, and other green Crops, and Agistment arising within and throughout the said Parish, and also to certain prescriptive Payments payable in lieu of other titheable Articles : And whereas the Proprietors and Occupiers of Messuages, Farms, Lands, and Tenements within the said several Townships claim Exemption from the whole of such Tithes, or from some of them, or some Part or Parts thereof, by virtue of certain Moduses or Compositions real, or annual Payments in Money in lieu thereof, or by virtue of certain other prescriptive Exemptions and Discharges : And whereas Disputes and Differences have arisen between the said Improprators and Vicar respectively, and the Proprietors and Occupiers of Messuages, Farms, Lands, and Tenements in the same Townships, or some of them, respecting the Tithes claimed by the said Improprators and Vicar, and the Moduses or Compositions real, or annual prescriptive Payments and Exemptions and Discharges set up by such Proprietors or Occupiers in lieu or from the Payment of the same ; and it would tend to prevent Litigation and Expence, and be of great Benefit and Advantage to the said Improprators and Vicar, and to the said Proprietors and Occupiers, if the said Tithes were wholly extinguished and an adequate Compensation made for the same : And whereas Disputes and Differences of Opinion have also arisen between the said Improprators and the said Vicar respecting the Right of the said Vicar to some of the Tithes and Moduses or Compositions real, or prescriptive Payments in lieu of Tithes, claimed by him, and it would tend to prevent Litigation, and be of great Benefit and Advantage to the said Vicar and his Successors, and also to the said Improprators, if such Disputes and Differences were finally settled and determined : And whereas it hath been proposed on behalf of the said Proprietors and Occupiers, that the Tithes of Corn and Grain, Coppice and Underwood, Hay (except in the Township of *Kentmere*, and the ancient inclosed Lands in *Kendal*, *Kirkland*, *Nethergraveship*, and that Division of the Township of *Underbarrow* and *Bradley Field* called *Bradley Field* in respect of which a certain Payment of One Shilling *per Acre*, called Tithe Hay Silver, is payable, and except the Glebe Lands belonging to the Vicarage, which are by this Act considered as exempt from the Render of Tithes), Peas, Beans, Potatoes, Turnips, Vetches, and other green Crops, Agistment, Wool and Lambs, shall be valued in manner by this Act directed, and shall, for the Purposes of such Valuation, be considered as payable in Kind ; and that the Tithes of the several other titheable Articles covered by Moduses or Money Payments enumerated in the First Schedule hereunto annexed shall also be valued in manner by this Act directed ; and that Fifty-six Seventy-fifth Parts of the annual Value so ascertained, together with the full annual Value of the several Money Payments payable in lieu of the Tithes of Hay in the said several Townships of *Kentmere*, and those Parts of *Kendal*, *Kirkland*, *Nethergraveship*, and that Division of the Township
of

of *Underbarrow* and *Bradley Field* called *Bradley Field* in respect of which Tithe Hay Silver is payable, shall be raised by the said several Townships or Parts of Townships constituting the said Parish of *Kendal*, in certain Proportions, to be determined by the Commissioners by this Act appointed, and shall be paid as or in the Nature of a Corn Rent to the said Impropriators and the said Vicar in the Proportions herein-after mentioned; and that the said annual Sum of Money or Corn Rent so to be paid to the said Impropriators and Vicar shall be by way of Commutation, and in lieu and full Recompence and Satisfaction of and for all Tithes, Dues, Moduses, Compositions, and prescriptive Payments in lieu thereof, which of Right belong to or have been received by the said Impropriators and their said Lessees, or by the said Vicar or any of his Predecessors (except only Surplice Fees, Mortuaries, Smoke Halfpenny Payments for Gardens, and Oblations): And whereas the said Master, Fellows, and Scholars, and their said Lessees, and the said *John Hudson* as such Vicar as aforesaid, and also the Right Reverend Father in God *John Bird* by Divine Permission Lord Bishop of the said Diocese of *Chester*, do approve of such Proposals, and are willing and desirous that such Commutation should be established and confirmed, but such beneficial Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Watson* of *Snow Hill, Wigton*, in the County of *Cumberland*, Gentleman, and *Henry Teal* of *Leeds*, in the County of *York*, Gentleman, and their Successors for the Time being, to be elected or appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for effecting the Purposes aforesaid, and for otherwise carrying this Act into execution: Provided always, that no Person shall be capable of acting as such Commissioner, nor shall any Person act as a Tithe Valuer to be appointed as herein-after mentioned, until he shall have taken and subscribed an Oath in the Words or to the Effect following; (that is to say,)

Appoint-
ment of
Commis-
sioners.

Qualification
of Commis-
sioners.

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Power and Authority vested and reposed in me as a Commissioner [or Tithe Valuer, *as the Case may be,*] by virtue of an Act passed in the Fourth Year of the Reign of King *William* the Fourth, intituled *An Act [here set forth the Title of this Act]*, according to Equity and good Conscience, and without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.’

Oath of
Commis-
sioners.

Which Oath it shall be lawful for any Justice of the Peace for the said County of *Westmoreland* to administer; and such Oath so taken and subscribed shall be annexed to and deposited with the Award of the said Commissioners.

II. And be it further enacted, That if any Person, not having so qualified himself according to the Provisions of this Act to act as a Commissioner or Tithe Valuer in the Execution of this Act, shall presume to act in such Capacity, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered by Action of

Penalty on
Persons act-
ing if not
qualified.

of

of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster* or elsewhere.

If the Commissioner named by the Land Owners die or resign, they may appoint another.

III. And be it further enacted, That in case the said *John Watson*, or any Successor to be appointed in his Place, as herein-after is provided, shall die, or neglect or refuse to act, or become incapable of acting in the Execution of this Act, it shall be lawful for the major Part in Value (such Value to be ascertained by the County Rate, except in the Township of *Kirkby-in-Kendal*, and in that Township by the Poor's Rate) of the Proprietors of Messuages, Farms, Lands, or Tenements within the said Parish, who shall attend, by themselves or their Agents or Proxies duly authorized in Writing, at a Meeting to be called by or by the Order of One or more of the said Proprietors for that Purpose, and to be held at some convenient Place in the Town of *Kendal* in the said County of *Westmoreland*, in pursuance of Notice in Writing to be affixed at least Fifteen Days before such Meeting on the principal outer Door of the Parish Church of *Kendal*, otherwise *Kirkby Kendal* aforesaid, and to be published in the said Parish Church on some *Sunday* during or immediately after Divine Service in the Forenoon, and in the weekly Newspapers called the *Westmoreland Advertiser* and the *Westmoreland Gazette*, or in one of them, or in some other public Newspaper usually circulated in the said County of *Westmoreland*, at least Fifteen Days before such Meeting, by Writing under their Hands, to elect and appoint from Time to Time some other fit and proper Person not interested in the said Tithes to be a Commissioner in the Room of the said *John Watson*, or of the Commissioner who shall be appointed in his Place, and who shall so die, or shall neglect or refuse to act, or shall become incapable of acting as aforesaid, and so from Time to Time as often as the Case shall happen; but in case a new Commissioner shall not be elected and appointed by the Landowners in manner aforesaid within the Space of Three Calendar Months next after the Death of the said *John Watson*, or of any Commissioner who shall be appointed in his Place, or after his Neglect or Refusal to act or Incapacity for acting shall be known, then the said Master, Fellows, and Scholars of *Trinity College Cambridge* shall from Time to Time, by Writing under their Common Seal, nominate and appoint some fit and proper Person to be a Commissioner in the Room of the said *John Watson*, or of the Commissioner who shall be appointed in his Place, so dying, neglecting, refusing, or becoming incapable to act; and every such Commissioner so to be appointed, either by the said Landowners, or, in case of their Default, by the said Master, Fellows, and Scholars, shall take and subscribe the Oath herein-before prescribed in that Behalf, and shall have the like Powers and Authorities in all respects as if he had been named a Commissioner in and by this Act.

If Commissioner named by the College die or resign, they may appoint another.

IV. And be it further enacted, That in case the said *Henry Teal*, or any Successor to be appointed in his Place, as herein-after is provided, shall die, or neglect or refuse to act, or become incapable of acting in the Execution of this Act, it shall be lawful for the said Master, Fellows, and Scholars, by Writing under their Common Seal, to nominate and appoint from Time to Time some other fit and proper Person not interested in the said Tithes to be a Commissioner in the Room of the said *Henry Teal*, or of the Commissioner who shall be appointed in his Place, and who shall so die, or shall neglect or refuse to act, or shall become incapable of acting as aforesaid, and so from Time to Time as often as the Case shall happen;

happen; but in case a new Commissioner shall not be nominated and appointed by the said Master, Fellows, and Scholars in manner aforesaid within the Space of Three Calendar Months next after the Death of the said *Henry Teal*, or of any Commissioner who shall be appointed in his Place, or after his Neglect or Refusal to act or Incapacity for acting shall be known, then it shall and may be lawful for the major Part in Value (such Value to be ascertained in the Manner herein-before mentioned) of the Proprietors of Messuages, Farms, Lands, or Tenements within the said Parish, who shall attend by themselves, or their Agents or Proxies, duly authorized in Writing, at a Meeting to be called by or by the Order of One or more of the said Proprietors for that Purpose, and to be held at some convenient Place in the said Town of *Kendal*, in pursuance of a Notice in Writing to be affixed at least Fifteen Days before such Meeting on the principal outer Door of the Parish Church of *Kendal*, otherwise *Kirkby Kendal* aforesaid, and to be published in the said Parish Church on some *Sunday* during or immediately after Divine Service in the Forenoon, and in the weekly Newspapers called the *Westmoreland Advertiser* and the *Westmoreland Gazette*, or in One of them, or in some other public Newspaper usually circulated in the said County of *Westmoreland*, at least Fifteen Days before such Meeting, by Writing under their Hands, to elect and appoint some fit and proper Person to be a Commissioner in the Room of the said *Henry Teal*, or of the Commissioner who shall be appointed in his Place, so dying, refusing, or becoming incapable to act, and so from Time to Time as often as the Case shall happen; and every such Commissioner so to be appointed, either by the said Master, Fellows, and Scholars, or in case of their Default by the said Landowners, shall take and subscribe the Oath herein-before prescribed in that Behalf, and shall have the like Powers and Authorities in all respects as if he had been named and appointed a Commissioner in or by this Act.

V. And be it further enacted, That the said Commissioners shall, immediately after the taking and subscribing the said Oath, choose, nominate, and appoint as an Umpire some fit and proper Person not interested in the said Tithes, or the Lands or Ground of or within the said Parish, and not being the Steward or Agent of any Person so interested, who shall be willing and consent to act as Umpire; and such Umpire is hereby authorized to hear and determine any Difference or Dispute that shall or may arise between the said Commissioners touching any Matter or Thing to be done, performed, or decided by the said Commissioners in pursuance of this Act; and the Judgment and Determination of the said Umpire, so far only as immediately relates to the Matter in Dispute, shall be deemed and considered to be the Judgment and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners and upon all other Persons concerned in the said Tithes and Payments, so far as the Judgment and Determination of the said Commissioners would in such Case have been final and conclusive: Provided always, that in case the Person so nominated and appointed by the said Commissioners as Umpire shall die, or refuse to act or become incapable of acting in the Execution of this Act, it shall be lawful for the said Commissioners to nominate and appoint some other fit and proper Person not interested or concerned as Agent or Steward as aforesaid as Umpire in the Room or Stead of the Person so dying, refusing or becoming incapable of acting in the Execu-

Umpire to be appointed.

[*Private.*]

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tion of this Act, and so from Time to Time as often as the Case shall happen; and in case any such Umpire shall neglect to settle and determine any such Difference within Thirty Days next after the same shall have been referred to him by the said Commissioners, such Neglect shall be deemed and taken as a Refusal to act within the Intent and Meaning of this Act.

Umpire to
take an Oath.

VI. Provided always, and be it further enacted, That every Person who shall be appointed Umpire for the Purposes of the Act as aforesaid shall, before he proceeds to act as such Umpire, take and subscribe an Oath to the Purport or Effect following; (that is to say,)

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly,
‘ according to the best of my Skill and Ability, execute and perform
‘ the Power and Authority vested and reposed in me as the Umpire
‘ by virtue of an Act passed in the Fourth Year of the Reign of His
‘ Majesty King *William* the Fourth, intituled *An Act* [*here insert the Title*
‘ *of this Act*], according to Equity and good Conscience, and without
‘ Favour or Affection, Prejudice or Malice, to any Person or Persons
‘ whomsoever. So help me GOD.’

Which Oath it shall be lawful for the said Commissioners or either of them to administer; and such Oath so taken and subscribed shall be annexed to and deposited with the Award of the said Commissioners.

Neglect of
Commission-
ers deemed
a Refusal to
act.

VII. And be it further enacted, That in case the said *John Watson* and *Henry Teal*, or either of them, or any Commissioner or Commissioners to be appointed by virtue of this Act, shall neglect to act in the Execution of this Act for the Space of Thirty Days after Notice in Writing shall have been given to him or them, or left at his or their last or usual Place of Abode, signed by the accredited Agent of the said College and by the said Vicar, and also by any Two or more of the Owners of Messuages, Farms, Lands, or Tenements in the said Parish, or in case the said Commissioners shall neglect or not agree to appoint an Umpire for the Space of Fourteen Days next after any such Vacancies of an Umpire as aforesaid, then and in every such Case such Neglect shall be deemed and taken to be an absolute Refusal on the Part of such Commissioner or Commissioners to act within the Intent and Meaning of this Act.

Commission-
ers may ap-
point a Clerk.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners to appoint a Clerk to assist them in the Execution of this Act, and from Time to Time to remove such Clerk, and appoint another in his Stead.

Notice of
Meetings.

IX. And be it further enacted, That all the Meetings of the said Commissioners for executing this Act shall be held at some convenient House or Place in the said Town of *Kendal*; and such Commissioners shall cause public Notice to be given by Writing to be affixed at least Fifteen Days before every such Meeting upon the principal outer Door of the said Parish Church of *Kendal*, otherwise *Kirkby Kendal*, and to be published in the said Parish Church on some *Sunday* during or immediately after Divine Service in the Forenoon, and in the *Westmoreland Advertiser* and *Westmoreland Gazette*, or in One of them, or in such other public Newspaper as aforesaid, of the Time and Place of their First and subsequent Meetings for the Execution of this Act, Fifteen Days at least before every such

such Meeting (Meetings by Adjournment only excepted); and the said Commissioners may adjourn such Meetings from Time to Time as they shall see Occasion; and in case the said Commissioners shall not be present at such Time and Place appointed for such Meeting, then it shall be lawful for the Person or Persons who shall act as Clerk to the said Commissioners to adjourn the same to any future Day not exceeding Twenty-one Days from the Day of such Meeting; and in such Cases where the Objection or Approbation of the Persons interested in the said Tithes or the Payment thereof to any Act, Matter, or Thing to be done or proposed to be done in pursuance of this Act, is directed to be made or testified at any Meeting or Meetings, it shall be lawful for the said Proprietors to attend at such Meeting or Meetings by their respective Agents or Proxies by Writing duly authorized, whose Acts or Votes shall be as valid and effectual as if such Proprietors were present in Person.

X. And be it further enacted, That the said Proprietors shall pay their own Expences, and those of their Attornies or Agents, when they or any of them shall attend any of the Meetings to be held in pursuance of this Act. Proprietors, &c. to pay their own Expences.

XI. And be it further enacted, That all other Notices requisite or necessary to be given by the said Commissioners shall be given by Advertisement to be inserted in the *Westmoreland Advertiser* and the *Westmoreland Gazette*, or in One of them, or in some other public Newspaper usually circulated in the said County of *Westmoreland*. Other Notices how to be given.

XII. And be it further enacted, That it shall be lawful for the said Commissioners to appoint some Person or Persons not interested in the said Tithes, and not being the Steward or Agent of any Person so interested, to be a Surveyor or Surveyors for the Purpose of carrying this Act into execution: Provided always, that in case all or any of the Person or Persons so nominated and appointed by the said Commissioners as a Surveyor or Surveyors shall die, or refuse to act or become incapable of acting in the Execution of this Act, it shall be lawful for the said Commissioners to appoint some other fit and proper Person or Persons, not interested or concerned as Agent or Steward as aforesaid, as Surveyor or Surveyors in the Room or Stead of the Person or Persons so dying, refusing, or becoming incapable of acting in the Execution of this Act, and so from Time to Time as often as the Case shall happen. Commissioners may appoint Surveyors.

XIII. Provided always, and be it further enacted, That every Person so to be appointed Surveyor as aforesaid shall, before he proceeds to act as Surveyor, take and subscribe the Oath following; (that is to say,) Surveyors to take an Oath.

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Powers and Authorities vested and reposed in me as a Surveyor by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act* [*here insert the Title of this Act*], without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. Surveyors Oath.
So help me GOD.’

Which Oath it shall be lawful for the said Commissioners or either of them to administer; and such Oath so taken and subscribed shall be annexed to and deposited with the Award of the said Commissioners. Commissioners may administer the Oath.

XIV. And

Allowance
to Commis-
sioners,
Clerk, and
Umpire.

XIV. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and passing this Act, and carrying the same into execution, there shall be paid to the said Commissioners who shall act in the Execution of this Act, and to their Clerk, and to the Umpire to be appointed as herein-before mentioned, respectively, the Sum of Two Pounds and Two Shillings, and no more, for each and every Day they shall respectively actually attend and be employed as Commissioner, Clerk, and Umpire in the Execution of this Act, or shall necessarily travel or be employed in any Business relating to the Execution of this Act during the first Three Years next after the passing of this Act, and after the Expiration of the said Three Years, until the Powers of this Act shall be fully executed and performed, the Sum of One Pound and One Shilling, and no more, for each and every Day they shall be respectively employed as aforesaid, in full Satisfaction of their Time and Trouble, and for the several Expences they shall be put unto during their several Journies and Attendances in the Execution of this Act, other than and except the Expences for the Use of the Room in which the Meetings shall be holden for carrying this Act into execution, and the Costs and Expences of drawing, preparing, copying, ingrossing, and enrolling the Award of the said Commissioners, and of Advertisements.

Surveyors
Allowance.

XV. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and passing this Act, and carrying the same into execution, there shall be paid to each and every of the Surveyors for the Time being employed in the Execution of this Act, for his and their Time and Trouble, any Sum not exceeding Eight-pence *per* Acre for surveying, measuring, mapping, and planning all the Messuages, Farms, Lands, and Tenements in each of the Townships within the said Parish, or any Part or Parts thereof, or any Sum not exceeding One Pound and One Shilling for each and every Day he shall actually be employed as a Surveyor for the Purposes of this Act; which said Sums of Eight-pence *per* Acre or One Pound and One Shilling *per* Day shall be in full Satisfaction for his Time and Trouble, and for all the travelling and other Expences of every Description of each and every of the said Surveyors in and about the Execution of this Act.

For regu-
lating the
Duration of
Meetings.

XVI. And for regulating the Duration of all Meetings to be holden for the Purposes of this Act, be it further enacted, That a Day shall be deemed to consist of Eight Hours in ail Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*, and that any Meetings to be holden for the Purposes of this Act of less Duration than Eight Hours or Six Hours (as the Case may be) shall be charged as only Half a Day, and the said Commissioners and the said Clerk, and the said Umpire, shall be paid accordingly; and a Book shall be kept by the said Commissioners or their Clerk, in which shall be entered the several Days on which the said Commissioners shall hold their Meetings, and in such Book shall also be entered at what Hour the said Commissioners and their Clerk, and the said Umpire, were respectively present at such Meeting, and at what Hour they respectively left the same; and such Book shall be signed by such Commissioners and their Clerk at the Termination of each Meeting, and shall be open to the Inspection of any Person or Persons interested

interested in the said Tithes, or the Lands or Ground of or within the said Parish, or his, her, or their Agents or Attornies, during all the Meetings to be held in pursuance of this Act, and all and every such Person or Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided also, that it shall not be lawful for the said Commissioners to retain or pay themselves or their said Clerk, or the said Umpire, out of any Monies to be received by them or over which they may have any Controul by virtue of this Act, any Sum or Sums of Money on account of the Allowances herein-before directed to be made to such Commissioners, Clerk, and Umpire respectively beyond One Third of such Allowances as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award herein-after directed to be made, or in case the Accounts of the said Commissioners shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Death of the said Commissioners or of either of them, or of the said Clerk, or of the said Umpire, before the Execution of the said Award, the Commissioners for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioners or Commissioner, or of such deceased Clerk, or of such deceased Umpire, such Sum of Money as shall appear by the said Accounts to be due to them or any of them.

XVII. And be it further enacted, That all the Orders, Proceedings, and Determinations of the said Commissioners at any Meeting to be held in pursuance of this Act shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the said Commissioners, and, being so signed, shall be deemed and taken to be Originals; and all such Books shall be deposited with and be kept by the Clerk of the said Commissioners, and shall and may be read in Evidence in all Cases of Appeal, Suits, Actions, and other Proceedings whatsoever, and shall be accessible to all Persons interested on all reasonable Occasions; and it shall and may be lawful to and for any Person or Persons interested in the Commutation intended to be made by this Act, or his or their Agent or Agents duly authorized in Writing, from Time to Time and at all seasonable Times to inspect the said Book or Books, and to make or take any Extract or Extracts therefrom, or a Copy of or Extract from any Map or Maps, Plan or Plans, Survey or Surveys, Valuation or Valuations which may be delivered to the said Commissioners, as herein-after mentioned, at Will and at Pleasure.

Proceedings
to be entered
in a Book.

XVIII. And be it further enacted, That the Commissioners for executing this Act shall and may (subject nevertheless to the Directions next herein-after contained) with all convenient Speed cause a Survey and Admeasurement to be made by such Surveyor or Surveyors as aforesaid of all the Messuages, Farms, Lands, and Tenements in each of the Townships within the said Parish, or in any One or more of such Townships, or of so much and such Part and Parts thereof only as the said Commissioners in the Exercise of their Discretion shall think necessary for the Purposes of this Act, and shall cause a Map or Plan or Maps or Plans to be made thereof, or of such Part or Parts thereof as aforesaid (specifying the Quantity in Statute Measure of such respective Messuages, Farms, Lands, and Tenements, or of such Part or Parts thereof as shall be so

A Survey to
be made of
the whole of
the Parish, or
of so much
thereof only
as the Com-
missioners
may think
necessary.

[Private.]

surveyed as aforesaid, and how much thereof respectively is Meadow, Pasture, or Arable Land); and when and as soon as such Admeasurement and Map or Plan or Maps or Plans shall be completed and made, the said Map or Plan or Maps or Plans, or a Duplicate or Duplicates thereof respectively, shall be deposited by the said Commissioners at some convenient Place in the said Parish, to be fixed by the said Commissioners, for the Inspection of all Persons interested in the said Messuages, Farms, Lands, or Tenements, and Tithes; and such Commissioners shall and they are hereby required, within Fifteen Days next after such Map or Plan or Maps or Plans shall be so deposited, to give Notice according to the Directions of this Act that the same have been so deposited, and where the same may be inspected, and shall also in such Notice appoint some convenient Place within the said Parish, and a Time (not earlier than Twenty-one Days from such Notice), when and where they will attend to hear Objections from any Person or Persons interested in the said Messuages, Farms, Lands, Tenements, or Tithes, who may be dissatisfied with any such Admeasurement, Map, or Plan; and the said Commissioners are hereby required, unless prevented by Illness or other inevitable Accident, to attend at the Place and Time to be appointed, and to hear and determine any Objections which may be then and there made to such Admeasurement or Map or Plan, or to adjourn the further Hearing thereof, if they shall think proper, to a future Time; and it shall be lawful for the said Commissioners to examine any Person or Persons on Oath touching such Objections (which Oath the said Commissioners, or either of them, are or is hereby empowered to administer), and when the said Commissioners shall have heard and determined all such Objections (if any) as may be so made, they are hereby required, if they shall see Occasion, to cause such Admeasurement, Map, or Plan, or any Statement respecting or accompanying the same, to be altered; and if any Alteration or Alterations be made therein, such Map or Plan shall be left and deposited at the same Place at which the Admeasurement, Map or Plan, was originally deposited, for the Inspection of all Persons interested in the said Messuages, Farms, Lands, or Tenements, or Tithes, and a Notice or Notices in Writing shall forthwith be given of the depositing of such altered or amended Admeasurement, Map or Plan, as is herein-before directed to be given with respect to the depositing of the original or first made Map or Plan.

Old Plans
and Surveys
may be used
if Commis-
sioners think
proper.

XIX. And be it further enacted, That if any Admeasurement, Map, Plan, or Survey already made of all or any Part of the Messuages, Farms, Lands, or Tenements in the said Parish, or in any One or more of the said Townships, shall be produced and laid before the said Commissioners, and which shall be in their Judgment and to their Satisfaction a just and true Admeasurement, Map, Plan, or Survey, proper for the Purpose of carrying this Act into execution, the same may be used for that Purpose, if the said Commissioners shall think fit, without any new Admeasurement, Map, Plan, or Survey being made of such Part of the said Messuages, Farms, or Tenements as shall be comprised in any such approved Admeasurement, Map, Plan, or Survey as aforesaid.

Meetings to
be convened
for the Pur-
pose of re-
ceiving Maps
or Plans.

XX. And be it further enacted, That the said Commissioners shall as soon as conveniently may be after the passing of this Act convene a Meeting or Meetings, to be holden within or not more distant than Ten Miles from each of the said Twenty-seven Townships or Parts of Townships,

ships, for the Purpose of receiving from the Proprietors of Messuages, Lands, and Tenements within such Townships or Parts of Townships respectively any Maps or Plans of such Messuages, Lands, or Tenements.

XXI. And be it further enacted, That the Commissioners for carrying this Act into execution, and the Surveyor or Surveyors, Tithe Valuer or Valuers, herein-after appointed, to be employed as aforesaid, and any Person or Persons employed as Clerk to the said Commissioners or Surveyors respectively, and their respective Agents and Seryants, shall and may and they are hereby respectively authorized and empowered, for the Purposes of this Act, to enter into and upon all and every or any of the Messuages, Farms, Lands, or Tenements in the said Parish of *Kendal*, otherwise *Kirkby Kendal*, without being subject to any Action or Molestation for so doing. Power to enter Lands.

XXII. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to summon any Person or Persons as a Witness or Witnesses to attend and give Evidence before them at any of their Meetings respecting the Value of all or any Messuages, Farms, Lands, and Tenements within the said Parish, or of the Produce thereof, or respecting the Tithes payable in respect of the same, and also to examine any such Person or Persons upon Oath respecting the Matters aforesaid or any of them (and which Oath the said Commissioners or either of them are or is hereby empowered to administer); and if any Person who shall be summoned as a Witness as aforesaid shall refuse or neglect to appear at the Time and Place mentioned in such Summons, having been paid or tendered a reasonable Sum for his Expences, without a reasonable Excuse for his Neglect or Refusal, or appearing shall refuse to be examined upon Oath or (in the Case of a Quaker, Moravian, or Separatist, on solemn Affirmation) to give Evidence before the said Commissioners, such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, which may be recovered, together with full Costs of Suit, by the said Commissioners or either of them, or any Person interested in the said Tithes, or any Lands or Grounds within the said Parish, who shall sue for the same, by an Action of Debt in any of His Majesty's Courts of Record; and the Party or Parties so summoned and neglecting to appear before the said Commissioners shall be liable in a special Action at the Suit of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to make good the Damage or Injury sustained by such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, by reason of such Party or Parties refusing or neglecting to appear or to give Evidence as aforesaid, in such and the same Manner as Parties subpœnaed to give Evidence in Actions in any Court at *Westminster* are now liable. Commissioners may compel the Attendance of Witnesses.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby required to ascertain and make an Estimate of the annual Value of the Tithes in Kind of Corn and Grain, Coppice and Underwood, Hay, Clover, Peas, Beans, Potatoes, Turnips, Vetches, and other green Crops, Agistment, Wool and Lambs, or the Moduses, Compositions real, or annual or prescriptive Payments in lieu of Tithes yearly arising, renewing, and becoming payable out of, from, or in respect of the whole of the several Messuages, Farms, Lands, and Tenements, and also out of, from, or in respect of the Common or Waste Lands in all the Tithes to be valued.

the said several Townships, except the Glebe Lands belonging to the said Vicarage by this Act exempted from the Payment of Tithes; and that the said Commissioners shall ascertain and value the said Tithes in Kind according to the average Rate and Price of the several Articles in respect of which such Tithes are or would have been claimed, except of Corn and Grain, and according to the usual and ordinary Mode of cultivating Lands in the said Parish during the Ten Years ending at *Michaelmas* next preceding the passing of this Act, and that the Value of the Moduses, prescriptive and customary Payments, shall be valued according to the average Amount of such Moduses, prescriptive and customary Payments, due or payable during the last-mentioned Ten Years.

Mode of
valuing the
Tithes and
Moduses.

XXIV. And be it further enacted, That the Estimates herein-before directed to be made by the said Commissioners of the annual Value of the Tithes arising out of or in respect of the several Messuages, Farms, Lands, and Tenements in the said several Townships, and of the annual Value of the Moduses, Compositions real, or annual or prescriptive Payments in lieu of Tithes, shall, as between the said College, their Lessees and Vicar, and the said Proprietors and Occupiers, be made upon the Principles and in the Manner next herein-after mentioned; (that is to say,)

That the Tithes of Corn and Grain, Coppice and Underwood, Hay, Clover, Peas, Beans, Potatoes, Turnips, Vetches, and other green Crops, Agistment, Wool and Lambs, shall be considered as payable in Kind, and that the Tithes of Milk, Calves, Foals, and all other Things covered by Moduses or Money Payments, and enumerated in the First Schedule hereunto annexed, shall be valued at the Amount of such Moduses or Money Payments :

That the Commissioners shall ascertain the Proportion which the present Rack Rent of the Tithes of Corn and Grain in the Townships of *Natland* and *Skelsmergh* payable to the Lessees of the said Impropiators bears to the County Rate charged upon the Lands in the same Townships paying such Tithes of Corn and Grain in Kind in those Districts, and the Value of the Tithes of Corn and Grain in each and every Township shall be estimated at a Sum bearing the same Proportion to the Amount of the County Rate charged upon the Lands not considered by this Act as exempt from the Render of all Tithes in the same Township, except in the Township of *Kirkby-in-Kendal*, and in that Case to the Poor's Rate for such Township, as the Amount of the Rack Rent of the Tithes of Corn and Grain in the Townships of *Natland* and *Skelsmergh* bears to the County Rate charged upon the Lands in those Townships paying Tithes of Corn and Grain in Kind, but nevertheless so as that the Commissioners, in fixing the Amount of the Value of the Tithes of Corn and Grain in any of the said Townships, shall have regard unto and take into account the relative Quality or Situation of the Lands in such Townships, that is to say, the Difference between the Townships which are more and those Townships which are less calculated for the Growth of Corn and Grain :

That the Tithes in Kind of all the other titheable Articles, except the Tithe of Hay in the Township of *Kentmere*, and the Tithe of Hay in those Lands in the Township of *Kirkby-in-Kendal*, *Kirkland*, and *Nethergraveship*, and that Part of the Township of *Underbarrow* and *Bradley Field* called *Bradley Field* (to which the Hay Silver Payment extends,)

extends,) shall be valued according to what the same would be worth to the Tithe Owner if rendered in Kind :

That the Sum of Seven Shillings and Sixpence shall be considered as the estimated yearly Value of the Tithes of Hay in the Township of *Kentmere*, and the Sum of One Shilling as the estimated yearly Value of the Tithe of Hay of each customary Acre of ancient inclosed Lands yielding Tithe of Hay in the Townships of *Kirkby-in-Kendal*, *Nethergraveship*, *Kirkland*, and that Portion of *Underbarrow* and *Bradley Field* called *Bradley Field* to which the Hay Silver Payment extends, the same being the Amount of the Moduses or Money Payments payable in lieu of the Tithes of Hay in such Districts :

That in making all the aforesaid Valuations the said Commissioners shall have regard to and take into account the Circumstance that the Corn Rent to be paid to the Impropiators and Vicar by the Proprietors of Messuages, Farms, Lands, and Tenements within the said several Townships or Parts of Townships is to be paid free and clear of and from all Parochial, Township, or County Taxes, Rates, Dues, Assessments, and Charges whatsoever; and the said Commissioners shall fix the Amount of the annual Value of all the aforesaid Tithes, Moduses, Compositions real, or annual or prescriptive Payments accordingly.

XXV. And be it further enacted, That the said Commissioners shall, so soon as the same shall have been ascertained or determined upon, enter or cause to be entered in the Book or Books directed by this Act to be kept of their Proceedings the Quantity of Arable, Meadow, and Pasture Ground comprised in each Township, together with the annual Value thereof, and the annual Value of the Produce thereof respectively, and of the said Moduses, Compositions real, or annual or other prescriptive Payments in lieu of Tithes, and the Sums at which they shall value the said Tithes, and the said Moduses, Compositions real, and annual or prescriptive Payments in lieu of Tithes in Kind respectively.

Estimates to be entered in the Commissioner's Book of Proceedings.

XXVI. Provided always, and be it further enacted, That in case the said Impropiators and Vicar, or any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the Messuages, Farms, Lands, or Hereditaments within the said Parish, shall be dissatisfied with, or feel himself, herself, or themselves aggrieved by any Determination of the said Commissioners, it shall be lawful for such Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied with such Determination, to cause an Action to be brought upon a feigned Issue against the said Commissioners within Three Calendar Months next after such Determination of the said Commissioners shall have been entered in the Book of their Proceedings to be kept as aforesaid, and the Impropiators or Vicar, or Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied as aforesaid, shall proceed to a Trial at Law of the Matter so determined by the said Commissioners at the then next or at the Second Assizes to be holden for the County in which the Issue is to be tried after such Action shall have been so commenced, and the Defendant or Defendants in such Action or Actions shall name, and are and is hereby required to name, an Attorney or Attorneys, who shall appear thereto, 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

Allowing the Impropiators or Vicar and the Proprietors of Land to try any Estimate by an Issue at Law.

[Private.]

6 a

(such

(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 Party or 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 or Persons, Body or Bodies Politic, Corporate, or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and shall order a new Trial or new Trials to be had therein, which it shall be lawful for the Court to do; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials.

Notice to be given before Action brought.

XXVII. Provided always, and be it further enacted, That before any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall institute or commence any Action or Actions at Law under the Provision herein-before contained, such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall give Twenty-one Days previous Notice in Writing to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, against whom such Action or Actions at Law is or are intended to be commenced or instituted, and shall therein state each and every particular Ground of Objection which he, she, or they may rely upon against the Determination of the said Commissioners, and such Ground of Objection or Objections, and no other, shall be put in Issue in the said Action or Trial at Law: Provided also, that in case upon any such Issue any Costs shall be payable by the said Commissioners, they shall be repaid the same, if such Action shall be brought by the said Impropropriators and Vicar or either of them, in the same Manner as the other Expences of the said Commissioners (except those directed to be paid by the said Impropropriators and their Lessees and the said Vicar) are to be paid by virtue of this Act, and if such Action shall be brought by any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate as aforesaid, by the said Impropropriators or Vicar or both of them, in such Proportions as the Court in such Action or Trial at Law (and which Court is directed to make an Order for that Purpose) shall direct, and the same shall and may be recovered by the said Commissioners in an Action of Debt in any of His Majesty's Courts of Record.

Costs.

Estimate of Commissioners not overruled by an Action to be final.

XXVIII. Provided always, and be it further enacted, That the Determinations of the said Commissioners touching any such Estimate as aforesaid, which shall not be overruled by the Event of any such Trial as aforesaid, shall be final and conclusive upon all Parties.

If any of the Parties die, Proceedings not to abate.

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

In Cases of Deaths of Parties before Actions brought, the same to be

XXX. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-
before

before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioners with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall also be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

carried on
and defended
in their
Names.

XXXI. And in order to ascertain the Amount of the Corn Rent which shall be hereafter payable to the said Impropiators and Vicar in lieu of the Tithes arising within the said Parish, be it further enacted, That when and as soon as the annual Value of the Tithes in Kind of Corn, Coppice and Underwood, Hay, Clover, Peas, Beans, Potatoes, Turnips, Vetches, and other green Crops, Agistment, Wool and Lambs, throughout the whole Parish, except the Tithes in respect of which the Moduses or Money Payments mentioned in the First Schedule hereunto annexed are payable in each of the said several Townships, and except the Tithes in respect of the Glebe Lands belonging to the said Vicarage, and except the Tithes of Hay in the said Township of *Kentmere*, and the ancient inclosed Lands in the Townships of *Kirkby-in-Kendal*, *Kirkland*, *Nethergraveship*, and that Division of the Township of *Underbarrow* and *Bradley Field* called *Bradley Field* to which the Hay Silver Payment extends, shall have been settled and determined in the Manner and upon the Principle herein-before directed, the said Commissioners shall take the aggregate Amount of the Sums at which such Tithes of the said several Townships shall have been so valued, and shall divide the same into Seventy-five equal Parts, and Fifty-six of such Seventy-five equal Parts shall, for the Purposes of this Act, be considered as the annual Value of the Tithes of Corn and Grain, Coppice and Underwood, Hay, Peas, Beans, Potatoes, Turnips, Vetches, and other green Crops, Agistment, Wool and Lambs, and other Tithes, except as last aforesaid, throughout the whole Parish, and the Basis upon which the Corn Rent to be annually paid in lieu of such Tithes shall be calculated, and a Sum equal to such Fifty-six Parts, and also to Fifty-six Seventy-five Parts of the Amount of the Moduses and Money Payments in lieu of Tithes, mentioned in the First Schedule to this Act annexed, and to the whole Amount of the Money Payments in lieu of the Tithes of Hay in the said Township of *Kentmere*, and the ancient inclosed Lands in the Townships of *Kirkby-in-Kendal*, *Kirkland*, *Nethergraveship*, and that Division of the Township of *Underbarrow* and *Bradley Field* called *Bradley Field* to which the Hay Silver Payment extends, shall be the Amount of and shall constitute the Corn Rent to be hereafter paid annually to the said Impropiators and Vicar.

Amount of
Corn Rent,
how to be
ascertained.

XXXII. And be it further enacted, That when and as soon as the said Commissioners shall have ascertained and determined the Amount of the Corn Rent which shall be payable annually to the said Impropiators and Vicar,

Corn Rent to
be appor-
tioned be-
tween the
Vicar,

several Townships in the Manner directed by the Second Schedule.

Vicar, they shall divide and apportion the same between the said several Townships; and in making such Division and Apportionment they shall be guided by and shall in all Things obey the Directions contained in the Second Schedule to this Act annexed, but so nevertheless that the whole Amount of the Corn Rent shall at all events be raised and paid; and the Proportion of such yearly Corn Rent which shall be directed to be raised and paid by each of the said several Townships shall be raised by One entire Charge on all the Occupiers of Lands and Tenements within such Township, but divisible nevertheless between the said Impropriators and Vicar in the Proportions and with the separate and distinct Powers for recovering the same herein-after mentioned; and the same shall, as between the several Occupiers of Lands in such Township, be divided and apportioned in the Manner herein-after mentioned.

Corn Rent to be divided between the Impropriators and Vicar in certain Proportions.

XXXIII. And be it further enacted, That the said annual Corn Rent herein-before directed to be paid to the said Impropriators and Vicar as a Commutation and in lieu of the Tithes arising within the said Parish, shall be divided between them in the Manner next herein-after mentioned; (that is to say,) that Six Parts thereof, the Whole into Seven equal Parts being considered as divided, shall yearly and for ever hereafter be paid unto the Master, Fellows, and Scholars of *Trinity College* in the University of *Cambridge*, or other the Impropriators for the Time being of the Improprate Rectory of *Kendal*, otherwise *Kirkby Kendal* aforesaid, or to their Lessees or Lessee, or to such other Person or Persons as they shall appoint to receive the same, as or in the Nature of distinct and entire Rents; and that the remaining One Part thereof shall yearly and for ever hereafter be paid unto the Vicar for the Time being of the said Parish or Parish Church of *Kendal*, otherwise *Kirkby Kendal* aforesaid, or to such Person or Persons as he shall appoint to receive the same, as or in the Nature of a distinct and entire Rent.

Annual Sums to be in lieu of all Tithes and Dues.

XXXIV. And be it further enacted, That the said Corn Rent so to be paid to the said Impropriators and Vicar in the Proportions and in the Manner aforesaid shall be and the same is hereby declared to be in full Bar, Satisfaction, Discharge, and Extinguishment of and for all and all Manner of Tithes, *Easter Dues*, Obventions, and other Dues and Offerings of every Denomination whatsoever, save and except Mortuaries, Smoke Halfpenny, the Payment for Gardens, Oblations, and the Fees or Payments generally denominated Surplice Fees, and of all Moduses and Compositions real, or annual or prescriptive Payments whatsoever, arising or payable to the said Impropriators and Vicar, or either of them, out of, from, or in respect of all and every or any of the Messuages, Farms, Lands, and Tenements within the said Parish, so that such Messuages, Farms, Lands, and Tenements, and every of them, and every Part thereof, shall for ever after the making of the said general Award be exempt from the Render of Tithes of every Description whatsoever, and all Arrears thereof, or any Payment in lieu thereof, other than such Corn Rent, such Mortuaries, Smoke Halfpenny, Payment for Gardens, Oblations, and Surplice Fees as aforesaid.

Corn Rent to be payable yearly on the 25th of March.

XXXV. And be it further enacted, That the Six equal Parts of the said annual Corn Rent herein-before directed to be raised within the said Parish, and which Six Parts are herein-before directed to be paid to the said Impropriators as a distinct and entire Rent, shall be paid and

payable to the said Impropiators, their Lessees or Assigns, in the Vestry Room of the Parish Church of *Kendal*, otherwise *Kirkby Kendal*, by One annual Payment on the Twenty-fifth Day of *March* in every Year, unless the same shall happen on a *Sunday*, in which Case the said Payment shall be made on the *Saturday* preceding, free and clear of and from all Taxes, Rates, Dues, Assessments, and Charges whatsoever, the first Payment thereof to be made on the Twenty-fifth Day of *March* in the Year of our Lord One thousand eight hundred and thirty-five; and every such annual Payment shall be taken for or in respect of the Year ending with the Day on which the Payment is herein-before directed to be made; and that the remaining One Part of the said annual Corn Rents herein-before directed to be paid to the said Vicar and his Successors, as a distinct and entire Rent, shall in like Manner be paid and payable to the said Vicar and his Successors, in the Vestry Room of the Parish Church of *Kendal*, otherwise *Kirkby Kendal* aforesaid, by One annual Payment on the Twenty-fifth Day of *March* in every Year, unless the same shall happen on a *Sunday*, in which Case the said Payment shall be made on the *Saturday* preceding, free and clear of and from all Taxes, Rates, Dues, and Assessments whatsoever, the first Payment thereof to be made on the Twenty-fifth Day of *March* in the Year of our Lord One thousand eight hundred and thirty-five; and every such annual Payment shall be taken for or in respect of the Year ending with the Day on which the Payment is herein-before directed to be made: Provided nevertheless, that if the Award of the said Commissioners shall not be made before the said Twenty-fifth Day of *March* One thousand eight hundred and thirty-five, then such Payment or Payments shall be made immediately upon or after the making of the said Award as would have previously become payable by virtue of this Act in case the said Award had been made before the Twenty-fifth Day of *March* One thousand eight hundred and thirty-five.

XXXVI. Provided always, and be it further enacted, That upon the Death, Cession, Resignation, or Removal of the present and every future Vicar of the said Parish which shall happen upon or after the Day of the passing of this Act, such Vicar, his Executors or Administrators, shall be entitled to so much and such Part of the said Corn Rent as shall be in Proportion to the Number of Days elapsed from the Twenty-fifth Day of *March* then last preceding, up to and inclusively of the Day of such Death, Cession, Resignation, or Removal: Provided also, that nothing in this Act contained shall prejudice, lessen, or defeat the Right of the said Vicar or his Successors to any Surplice Fees, Mortuaries, Smoke Halfpenny Payment for Gardens, and Oblations arising or becoming due to him or them within the said several Townships, or any Stipend, annual or other Rents or Profits of Glebe or other Land, or Salary paid to the said Vicar and his Successors, all which Profits shall continue to be paid and taken in the same Manner as before the passing of this Act, and that free and clear of and from any Contribution towards the said Corn Rent, or any Costs, Charges, or Expences mentioned in this Act, or from any Charge, Deduction, or Rate to be made upon or thereout by virtue of this Act, or any of the Provisions herein contained.

Rent to be apportioned between the Representatives and Successors of any Vicar.

Saving to the Vicar of Surplice Fees, &c.

XXXVII. And be it further enacted, That in case any of the several annual Sum or Sums of Money so to be charged upon the said several
[Private.]

Impropiators and Vicar to have Power to dis-

train, but not upon the Occupiers of one Township for the Arrears due from any other.

Townships as aforesaid, or any of them, or any Part or Parts thereof, shall be behind or unpaid for the Space of Fourteen Days next after the Day on which the same are herein-before directed to be annually paid, it shall be lawful for the said Impropiators and Vicar for the Time being; or either of them, or for any Lessee or other Person for the Time being lawfully entitled to collect the Fruits of the said Improprate Rectory or of the said Vicarage, to have and exercise all such Powers and Remedies of Distress and Sale for the recovering the same Arrears, together with the Costs and Charges occasioned thereby, from and out of all or any of the Messuages, Lands, and Tenements within the Township or Townships respectively so in arrear, as by the Laws and Statutes of this Realm are or is or shall or may be given for the Recovery of Rent in arrear upon common Demise, but so that no Messuages, Lands, or Tenements within any Township shall be subject or liable to the Payment of any greater or other Part or Share of the said Corn Rent, or the Costs and Charges occasioned by the Nonpayment thereof, than shall be then due and payable and in arrear from the Township in which such Messuages, Lands, or Tenements may be situated, and that none of the said Townships shall be responsible or answerable for any other of the said Townships in any manner whatsoever: Provided also, that the Person or Persons who shall be so compelled to pay the same shall be entitled to be repaid the Whole or a just and fair Proportion, as the Case may require, according to the Valuation so to be made as herein-after mentioned, of all such Sum and Sums of Money as such Person or Persons shall have been so compelled to pay as aforesaid; and the Tithe Collector or Collectors to be appointed under or by virtue of this Act for the Township or Townships from which the same was due is and are hereby authorized and required to levy and raise the said last-mentioned Sum and Sums of Money from other the Occupiers of Messuages, Lands, or Tenements in the same Township, in proportion to the Amount of the Assessment of such Occupiers respectively towards the said apportioned Rents or Sums of Money, and pay the same accordingly to the Person or Persons who shall have been compelled to pay the same as aforesaid, together with all Costs, Charges, and Expences to which such Person or Persons may have been put or may have incurred, touching or concerning the same, or the Recovery thereof as aforesaid.

Declaring what shall be sufficient in Actions of Replevin.

XXXVIII. And be it further enacted, That in case any Action of Replevin or Trespass shall be brought in consequence of any Distress made in pursuance of this Act, it shall be lawful for the Defendant or Defendants in Replevin to avow or make Cognizance generally in manner following; (that is to say,) in case such Distress shall be made by or on behalf of the Impropiators and Vicar, or either of them, that the Lands and Tenements whereon such Distress was made were Parcel of such a Township or Division, which Township or Division was liable to pay such a certain Rent in lieu of Tithes during the Time wherein the Rent distrained for accrued, which Rent was then and still remains due, and in case such Distress shall be made by or on behalf of any Tithe Collector to be appointed under or by virtue of this Act, then that the Lands and Tenements whereon such Distress was made were liable to pay such a certain Rent in lieu of Tithes during the Time wherein the Rent distrained for accrued, which Rent was then and still remains due, without further setting forth this Act in either Case, or any other special Matter,
or

or stating to whom such Rent was payable ; and that it shall be lawful for the Defendant or Defendants in any Action of Trespass to plead the General Issue and give the special Matter in Evidence.

XXXIX. And be it further enacted, That at or before the Expiration of Six Calendar Months next after the said Commissioners shall have completed the several Matters and Things herein-before directed, or as soon after as conveniently may be, the said Commissioners shall and they are hereby required to make, or cause to be made, an Award or Instrument in Writing of and concerning all the Matters and Things to be ascertained and done by them pursuant to this Act, in which shall be mentioned the Amount of the aggregate yearly Corn Rent which shall be payable to the said Impropiators and Vicar, and the Proportion thereof which shall be payable by each of the said several Townships, and all such other Particulars, Requisites, Matters, and Things, together with all such Orders, Regulations, and explanatory Statements, as shall be thought proper or necessary by the said Commissioners for the perfecting, completing, and effectuating the said Commutation as herein mentioned, and for rendering every Act, Matter, and Thing relating thereto plain, clear, and intelligible, according to the true Intent and Meaning of this Act, and the several Powers and Provisions therein contained ; and such Award or Instrument shall be fairly ingrossed or written upon Parchment, and shall be read and executed by the said Commissioners in the Presence of the Impropiators and Vicar, or their respective Lessee or Agents, and of such of the Proprietors of Messuages, Farms, Lands, or Tenements within the said Parish who may attend at a Special General Meeting to be called for that Purpose, of which Fifteen Days Notice at least shall be given as by this Act is directed in respect of general Notices, and which Execution of such Award shall be proclaimed on the next or some following ~~Sunday~~ in the said Parish Church of ~~Kendal~~, otherwise *Kirkby Kendal*, from the Time of which Proclamation only, and not before, such Award shall be considered as complete ; and such Award when so executed by the said Commissioner shall be deposited with the Clerk of the Peace for the said County of *Westmoreland*, and kept amongst the Records of his Office, to which all Persons interested may at all Times have recourse, for depositing of which Award, and other Matters and Things to be annexed thereto, the Sum of Three Pounds and Three Shillings shall be paid to the Clerk of the Peace ; and such Award, or a true Copy thereof, under the Hand of the Clerk of the Peace, or his Deputy for the Time being, for which Sixpence *per* Sheet, containing One hundred Words, shall be paid, and no more, shall be admitted and allowed as Evidence in all Courts of Law and Equity ; and such Award may from Time to Time be inspected by all Persons on Payment of the Sum of Five Shillings to the said Clerk of the Peace for each such Inspection ; and a Duplicate of the said Award shall be deposited in the Parish Church of *Kendal*, otherwise *Kirkby Kendal* aforesaid, there to remain for ever thereafter, under the Care of the Vicar and Churchwardens for the Time being of the said Parish, to which all Persons interested therein may have Access, and take Copies of or Extracts therefrom, giving reasonable Notice of their Intention so to do to the Vicar and Churchwardens ; and such Award, and all Orders, Directions, Regulations, and Determinations therein contained and thereby declared, shall be binding and conclusive upon all Persons whomsoever, so far as the same may be made and done in pursuance of this Act.

Award to be made, and to be deposited with Clerk of the Peace and Parish Church.

XL. And

Supplemental Award to be made by Commissioner appointed on the Part of the Landowners.

XL. And be it further enacted, That within One Calendar Month next after the Execution of the general Award by this Act directed to be made and executed, or as soon after as conveniently may be, the said Commissioner for the Time being appointed on the Part of the said Landowners shall and he is hereby required to make or cause to be made an Award or Instrument in Writing of and concerning all the Matters and Things to be ascertained and done by him pursuant to this Act, and not contained in the general Award, in which shall be distinguished in Words, or by Reference to any Map or Plan to be made by or under the Direction of the said Commissioners, or to be received or accepted by them as aforesaid, or to any Schedule or Schedules which he may think proper to incorporate in or annex to his said Award, such Parts of the said Townships respectively as the said Commissioner shall think proper so to distinguish from the larger and remaining Parts of such Township, either from having heretofore paid Tithes in Kind or from any other Cause, and likewise the Amount of the annual Sum or Sums of Money which shall or may be issuable and payable out of or in respect of any particular Parts of a Township, and all such other Particulars, Requisites, Matters, and Things, together with all such Orders, Regulations, and explanatory Statements as shall be thought proper or necessary by the said Commissioner for the perfecting, completing, and effectuating the said Valuation and Assessment as herein mentioned, and for rendering every Act, Matter, and Thing relating thereto plain, clear, and intelligible, according to the true Intent and Meaning of this Act, and the several Powers and Provisions therein contained; and such Award or Instrument shall be fairly ingrossed or written upon Parchment, and shall be read and executed by the said Commissioner in the Presence of such of the Proprietors of Messuages, Farms, Lands, or Tenements within the said Townships respectively who may attend at a Special General Meeting to be called for that Purpose, of which Fifteen Days Notice at least shall be given as by this Act is directed in respect of general Notices, and which Execution of such Award shall be proclaimed on the next or some following *Sunday* in the said Parish Church of *Kendal*, otherwise *Kirkby Kendal*, from the Time of which Proclamation only and not before such Award shall be considered as complete; and such Award when so executed by the said Commissioner shall be deposited with the Clerk of the Peace for the said County of *Westmoreland*, and kept amongst the Records of his Office, to which all Persons interested may at all Times have recourse, for depositing of which Award and other Matters and Things to be annexed thereto the Sum of Three Pounds and Three Shillings shall be paid to the Clerk of the Peace; and such Award, or a true Copy thereof, under the Hand of the Clerk of the Peace or his Deputy for the Time being, for which Sixpence *per* Sheet containing One hundred Words shall be paid, and no more, shall be admitted and allowed as Evidence in all Courts of Law and Equity; and such Award may from Time to Time be inspected by all Persons on Payment of the Sum of One Shilling to the said Clerk of the Peace for each such Inspection; and a Duplicate of the said Award shall be deposited in the Parish Church of *Kendal*, otherwise *Kirkby Kendal* aforesaid, there to remain for ever thereafter, under the Care of the Vicar and Churchwardens for the Time being of the said Parish, to which all Persons interested therein may have Access and take Copies of or Extracts therefrom, giving reasonable Notice of their Intention so to do to the Vicar and Churchwardens; and such Award, and all Orders,
Directions,

Directions, Regulations, and Determinations therein contained and thereby declared, shall be binding and conclusive upon all Persons whomsoever, so far as the same may be made and done in pursuance of this Act.

XLI. Provided always, and be it further enacted, That the Valuation and Apportionment to be made as by this Act directed, and which shall be set forth and specified by the said Award so to be made as hereinbefore mentioned, shall be deemed and taken to be made according to the Average Price of Corn for the Term of Ten Years next preceding the passing of this Act as the same shall be ascertained by the said Commissioners by reference to the *London Gazette*, or by such other Ways and Means as the said Commissioners shall think most proper, so that every Tithe Rent awarded to be paid by the said Award shall be deemed at the Time of executing the said Award to be of the Value of such Number of Bushels and decimal Parts of a Bushel of Wheat, Barley, and Oats as the same would have purchased at the Prices mentioned as aforesaid in case One Third Part of such Tithe Rent had been invested in the Purchase of Wheat, One Third Part thereof in the Purchase of Barley, and the remaining One Third Part thereof in the Purchase of Oats.

Sums fixed by the Award to be deemed as made on the Average Price of Corn for the previous Ten Years.

XLII. And be it further enacted, That after the Expiration of the Term of Ten Years from the Date of the said general Award, and also from Time to Time after the Expiration of every succeeding Term of Ten Years, to be computed from the same Period, but at no intermediate Time or Times, it shall and may be lawful to or for the said Impropriators, or for the said Vicar and his Successors, or for *Thomas Strickland* of *Sizergh Hall* in the said Parish, Esquire, or to or for any One or more Person or Persons who shall alone or collectively be the Owner or Owners of any Lands within the said several Townships or any of them assessed to the Poor's Rate in the Township of *Kirkby-in-Kendal*, and to the County Rate in the several other Townships at the yearly Value of One thousand Pounds or upwards, within Thirty Days after the Expiration of any such Term of Ten Years, to give Notice by Writing, to be affixed on the principal outer Door of the Parish Church of *Kendal*, otherwise *Kirkby Kendal* aforesaid, of his or their Intention to apply to the Justices of the Peace for the said County of *Westmoreland* at the Court of General or Quarter Sessions to be holden in and for the said County next after, or next but one after, the Publication of such Notice, to ascertain the Average Price of Wheat, Barley, and Oats by reference to the *London Gazette* for the Ten Years immediately preceding such Application; and upon every such Application the said Justices shall inquire into and ascertain, by the *London Gazette* or other official Returns, the Average Price of Wheat, Barley, and Oats for the Ten Years immediately preceding such Application; and according as such Average Price or Prices shall be found to exceed or to be less than or to be equal with the Average Price or Prices according to which such Tithe Rents shall have been previously regulated, the said several annual Tithe Rents shall be adjusted, and increased or reduced, or continued unaltered accordingly, (as the Case may be,) according to the Order of the Justices at such Court of General or Quarter Sessions; and the Sum or Sums which shall be so adjusted or increased, or reduced, or continued unaltered upon any such periodical Application from Time to Time, shall, from the annual Day of Payment preceding such Order, remain

Re-ascertaining Corn Rents.

[Private.]

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and

and continue issuing and payable as aforesaid out of the Lands and Tenements within the said several Townships, in the same relative Proportions as shall be originally fixed or ascertained by the Award of the said Commissioners, until such Sum or Sums of Money shall be again varied or altered by any subsequent Order of the said Court to be made again upon any future Application under the Provisions of this Act; and the Costs, Charges, and Expences of making every such Application to the said Court of General or Quarter Sessions, and of varying and re-ascertaining such several Rents or Sums of Money as aforesaid, shall be paid and defrayed by such Person or Persons, and in such Shares or Proportions, as such Court shall order and direct; and such Court, by their Order or Warrant, are hereby authorized and directed to levy or cause to be levied the Costs, Charges, and Expences so ordered to be paid or defrayed, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

Appointing
Tithe
Valuers.

XLIII. And for the Purpose of apportioning and ascertaining the respective annual Sums which the several Occupiers of Messuages, Lands, and Tenements within each Township ought to be charged with and to contribute towards the raising and Payment of the Proportion of such Township of the said aggregate Corn Rent, be it further enacted, That it shall be lawful for the Occupiers of Messuages, Lands, and Tenements within the said several Townships, and they are hereby required, within One Calendar Month next after the passing of this Act, or so soon thereafter as conveniently may be, to assemble and meet together in the Vestry Rooms of the Churches or Chapels of Ease of such Townships respectively, or in any Case where there shall be no Church or Chapel of Ease in any of such Townships, then at such other Place or Places within the said Townships respectively where the Township Meetings of and in the same Townships respectively shall for the Time being be usually held, with Power from Time to Time to adjourn any such Meeting or Meetings to such Place or Places within the said Townships respectively as any such Meeting or Meetings shall think proper, of which Meeting Three Days previous Notice at the least shall be publicly given by Notice thereof to be affixed upon the principal Door of such Churches or Chapels respectively, or where there shall be no Church or Chapel of Ease in any of such Townships, then upon the principal Door of the Church or Chapel of Ease to which any such Township may by Custom be attached, and to be read by the Clerk in every such Church or Chapel of Ease at the usual Time of reading Public Notices therein respectively; and at which respective Meetings the Occupiers then present, or the major Part in Value (such Value to be ascertained in the Manner herein-before mentioned), shall nominate and appoint One or more fit and proper Person or Persons not interested in the said Tithes or Dues, and not being the Steward or Agent of any Person so interested, to be a Tithe Valuer or Tithe Valuers for the Purpose of this Act; and every such Person or Persons so to be nominated and appointed shall take and subscribe the Oath herein-before appointed in that Behalf, and shall with all convenient Speed after his or their Nomination or Appointment proceed to value, according to the best of his or their Judgment, all the Messuages, Lands, and Tenements within such of the said Townships for which he or they shall be so appointed as Tithe Valuer or Tithe Valuers as aforesaid, and to apportion, ascertain, and assess, according to such

Valuation, the respective relative Proportions in which the Occupiers of the several Farms and Lands within each such Township (except the Glebe Lands hereby exempted) shall or ought to raise and contribute the Proportion of such aggregate Corn Rent payable by such Township, provided that the Lands and Tenements of the said *Thomas Strickland* situate within the said Township of *Natland* shall, for the Purposes of the Assessment between and among the Occupiers of Lands within such Township, but not as between the said Impropropriators and Vicar and the said Proprietors or Occupiers, be assessed to the Sum of Seven Pounds, to be converted into and to form Part of the Corn Rent payable by such Township; and that the Lands and Tenements of the said *Thomas Strickland* situate within the said Township of *Helsington* shall, for the Purposes of the Assessment between and among the Occupiers of Lands within such Township, but not as between the said Impropropriators and Vicar and the said Proprietors or Occupiers, be assessed at the Sum of Eighteen Pounds, to be converted into and to form Part of the Corn Rent payable by such Township; and that in all Cases when any particular Part or Parts of a Township shall be distinguished in the supplemental Award directed by this Act to be made by the Commissioner appointed on the Part of the Land Owners from the larger and remaining Parts of a Township, such Part or Parts of a Township shall, for the Purposes only of the said Assessment, and as between and among the Occupiers of Lands, but nevertheless so as not in any Manner to affect or interfere with the Rights or Remedies of the said Impropropriators and Vicar, or either of them, be considered as a distinct Township, and shall have a separate and distinct Rate; and that One Copy of every such Valuation and Assessment, signed by such Tithe Valuer or Tithe Valuers, shall be deposited in the Office of the Clerk of the Peace for the said County of *Westmoreland*, and another Copy thereof, signed as aforesaid, shall be delivered to each and every of the Tithe Collectors to be nominated and appointed as herein-after mentioned for the Township for which such Valuation shall be made, within One Calendar Month next after the same shall have been made; and the Proportion of such aggregate Corn Rent due and owing from such Township shall continue to issue and be contributed and payable by and out of the several Farms and Lands within such Township in the same relative Proportions, until the same shall be varied or altered in pursuance of the Power for that Purpose herein-after contained, subject to the Right of Appeal in this Act contained.

XLIV. Provided always, and be it further enacted, That if at any Meeting or Meetings to be held for the Election of a Tithe Valuer or Tithe Valuers under the Provisions of this Act Three Fourths in Value of the Occupiers of Lands then and there present (such Value to be ascertained in the Manner herein-before mentioned) shall determine to adopt the County Rate, or any other existing Rate or Assessment applicable to such Township, in lieu or in the Place of the Valuation or Valuations herein-before directed to be made by such Tithe Valuer or Tithe Valuers, then and in every such Case the same, or an examined Copy thereof signed by such Tithe Valuer or Tithe Valuers, shall be deposited with the Clerk of the Peace for the said County of *Westmoreland*, and another Copy thereof, signed as aforesaid, shall be delivered to the Tithe Collector of such Township, and the same shall, for all the Purposes of this Act, be deemed and taken to be the Valuation or Valuations of such Tithe Valuer or Tithe Valuers.

Existing Rates may be acted upon instead of a new Valuation.

XLV. And

For appoint-
ing Tithe
Collectors.

XLV. And for the due Collection of the annual Sum or Sums which each and every of the Occupiers of Messuages, Lands, or Tenements within the said several Townships shall be charged or chargeable with or shall be liable to pay under or by virtue of the Apportionment or Assessment to be so made by such Valuer or Valuers as herein-before is directed, be it enacted; That One or more Occupiers of Land (not being of the People called Quakers) in each of the said Townships, to be nominated and appointed yearly by the Occupiers of Lands, Tenements, and Hereditaments within the same respectively at a Meeting or Meetings to be convened by the Churchwardens or Chapelwardens, Churchwarden or Chapelwarden, appointed for each such Township, and to be held within such respective Townships in the Month of *January* in each and every Year, shall be and be called Tithe Collectors for such Townships respectively, which Tithe Collectors shall and they are hereby required yearly and every Year, upon or immediately after the Fourteenth Day of *February* then next following, by fair and equal Assessments to be made upon the Occupiers of the several Messuages, Lands, and Tenements within such respective Townships, to collect, levy, and raise the several annual Sums of Money which by virtue of this Act shall be chargeable upon or payable in respect of each and every such Township respectively as and for their several Proportions of the said Corn Rent, with all reasonable Expences attending the same (each and every of the Occupiers of Messuages, Lands, or Tenements within the said Township paying such Part or Share only of the Sum to be raised in such Township as such Occupier shall, in the Valuation or Assessment herein-before directed to be made by the said Tithe Valuer or Tithe Valuers, and delivered to the said Tithe Collector or Tithe Collectors, be declared to be subject or liable to); and the Person or Persons so as aforesaid to be appointed Tithe Collector or Collectors shall collect and receive, levy and raise all and every Sum or Sums of Money which shall or may be or become due or payable from any Person or Persons by virtue or under the Authority of this Act; and that out of such Money so to be collected and received as aforesaid the aggregate Corn Rent for the Time being payable under or by virtue of this Act shall be paid by the said Tithe Collector or Collectors respectively to the said Impropiators and Vicar for the Time being of the said Parish of *Kendal*, otherwise *Kirkby Kendal*, in the Vestry Room of the said Parish, on the Twenty-fifth Day of *March* in every Year, (unless the same shall happen on a *Sunday*, in which Case the said Payment shall be made on the *Saturday* preceding,) in the Proportions and in the Manner herein-before directed; and in default of Payment thereof to the said Tithe Collectors, the same, together with all Costs and Expences, shall and may be levied by such Tithe Collectors in such Manner and with such Powers and Authorities as are by this Act provided; and all such Occupiers, as between themselves and the said Tithe Collectors, are hereby expressly declared to be liable for all Arrears of the said Rent in respect of the Premises occupied by them, though the same might accrue before the Commencement of such Occupancy: Provided always, that the Appointment of such Tithe Collectors for the present Year shall be made as soon as may be after the passing of this Act; and provided also, that if from the Bankruptcy or Insolvency or other Inability of the Occupier, or Owners or Occupiers, of any Messuages, Lands, or Tenements within the said Townships, or any of them, the whole of the Sum payable by such Township shall not be gotten in and received, then and in such Case it shall be lawful for the

Tithe

Tithe Collector or Tithe Collectors of the Township in which there shall be any such Deficiency to make another or Second Rate or Assessment upon the Occupiers of Messuages, Lands, or Tenements within such Township, in order to cover or make good such Deficiency; and in case such Tithe Collector or Tithe Collectors, or any other Person or Persons at his or their Request, shall advance or lend any Sum or Sums of Money to make good such Deficiency, in order to avoid making a Second Rate or Assessment for the Recovery thereof, it shall be lawful for him or them and he and they is and are hereby expressly authorized and empowered to add the Sum or Sums so advanced as aforesaid to the Rate or Assessment to be made in the ensuing Year; and the Sum or Sums so added to such Rate or Assessment shall be raised and levied by the Tithe Collector or Collectors for the Time being, and paid to the Person or Persons who shall have so lent or advanced the same.

XLVI. And be it further enacted, That every Person who shall be appointed a Tithe Collector under the Authority herein-before contained shall give Security for the due and faithful Execution of his Office, and for duly accounting for all Monies which, as such Collector, he shall or may receive, and for the punctual Payment thereof to the Person or Persons to whom the same ought to be paid; and such Security shall be by Bond, with Two or more sufficient Sureties, in such Penalty as the Occupiers of Messuages, Lands, or Tenements in the Township for which he may be appointed Collector, or the major Part of them, shall direct; and every such Bond shall be made to the Auditor of Accounts for the Time being of the said Township herein-after directed to be appointed, and may on any Breach of the Condition thereof be put in force by and in the Name of the Auditor of Accounts for the Time being of the said Township, either by his individual Name and Description, or by the Name and Description of the Auditor of Accounts of the Township in the Parish of *Kendal*, otherwise *Kirkby Kendal*, in the County of *Westmoreland*, for which he shall for the Time being be appointed such Auditor; and no Action or Proceeding upon any such Bond shall abate or be discontinued by the Death of any such Auditor of Accounts, or by his Resignation of or Removal from Office, or by his ceasing to hold the same.

Tithe
Collectors
to give
Security.

XLVII. And be it further enacted, That after any Tithe Collector shall have been elected or chosen, and shall have given Security in the Manner required by this Act, such Collector shall not, upon being re-elected or re-appointed, be bound to find new or fresh Security for the due and faithful Execution of his Office, but the Bond or other Security originally given for that Purpose shall, however the same may be worded, and notwithstanding any definite or fixed Period being named therein, extend to the whole of the Time that such Collector shall remain or continue in the Office to which he may from Time to Time be re-elected or re-appointed, unless the Occupiers of Lands, Tenements, or Hereditaments in such Township, or the major Part of them, shall on any such Re-election require new Security to be given, which they are hereby empowered to do, or unless any One of the Sureties for such Collector shall be desirous of withdrawing from his Liability, and shall have given Notice of his Desire so to do to the said Auditor of Accounts previously to the Day on which the annual Election of Tithe Collectors shall take place, or shall become bankrupt or insolvent.

Securities to
continue,
notwith-
standing the
Re-election
of Persons
for whom the
same is
given.

[Private.]

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XLVIII. And

Collectors to be allowed Three-pence in the Pound by way of Salary or Poundage.

XLVIII. And be it further enacted, That the several Persons who may be appointed Tithe Collectors for any One or more Township or Townships in pursuance and under the Authority of this Act shall be and they are hereby authorized and empowered to deduct and retain to and for their own Use, out of and from any Monies which may be collected or received by them in pursuance of such Appointment from the several Proprietors of Land within such Townships or Township, the Sum of Three-pence in the Pound upon all Monies actually collected and received by them as or by way of Salary or Poundage, and as a Remuneration for their Trouble in the Execution of their Office, and of the Powers and Duties imposed upon them by this Act.

Penalty on the Collectors not acting.

XLIX. And be it further enacted, That in case any Person or Persons who may be so nominated and appointed Tithe Collector or Tithe Collectors as aforesaid shall, for the Space of Ten Days next after such Nomination and Appointment, neglect or refuse to accept and take upon himself or themselves the said Office, each and every Person so neglecting or refusing shall forfeit and pay the Sum of Fifty Pounds, to be recovered in a summary Manner by Information and Complaint before any One or more of His Majesty's Justices of the Peace for the said County of *Westmoreland*, and from Time to Time to be applied in aid of the Poor Rate for such of the said Townships as the Person or Persons so to be appointed Tithe Collector or Tithe Collectors shall neglect or refuse to take upon himself or themselves the said Office or Offices of Tithe Collector or Tithe Collectors as aforesaid.

Persons who have served the Office once not liable to serve again for Five Years.

L. Provided always, and be it further enacted, That no Person who shall have served the Office of Tithe Collector under or by virtue of this Act, or who shall have paid the said Penalty, shall be liable to be again appointed to serve or to pay the said Penalty for neglecting to perform the said Office for the Space of Five Years afterwards.

Females and Persons of the Age of Seventy Years and upwards, and infirm Persons, not liable to serve.

LI. Provided always, and be it further enacted, That no Female or Females, nor any Person of the Age of Seventy Years or upwards, or any Person or Persons who shall labour under any Infirmary or Inability or Incapacity, either of Body or Mind, shall be subject or liable to serve the Office of Tithe Collector under or by virtue of this Act.

Auditors of Accounts to be appointed for each Township.

LII. And be it further enacted, That it shall be lawful for the Occupiers of Messuages, Lands, Tenements, and Hereditaments within the said several Townships, and they are hereby required, some Time in the Month of *March* in each and every Year at a Meeting to be called for that Purpose by the Churchwardens or Chapelwardens, or Churchwarden or Chapelwarden appointed for each such Township, to elect and choose some fit and proper Person, being a substantial Householder within the said Township, to be the Auditor of Accounts of such Township for the ensuing Year; and in case of the Death, or Refusal to act, or Resignation of the Person so to be appointed Auditor of Accounts as aforesaid, it shall be lawful for such Occupiers as aforesaid, at a Meeting to be convened in the same Manner as the Meeting appointing such Auditor, to elect and choose some fit and proper Person in his Stead, which Person so to be appointed as last aforesaid shall continue in Office only until the next annual Day of Election.

LIII. And

LIII. And be it further enacted, That every Person who may be appointed Collector as aforesaid shall, under his Hand, at such Time and Times and in such Manner as the Auditor of Accounts for the Time being of the said respective Township shall direct, deliver to such Auditor of Accounts, or to such Person or Persons as he shall appoint, true and perfect Accounts in Writing of all the Monies which shall have been received by such Collector by virtue of and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Auditor of Accounts, or to such Person or Persons as he shall appoint; and if any such Collector shall not make and render such Account, or produce and deliver up the Vouchers relating to the same, or make Payment as aforesaid, or shall not deliver to the said Auditor of Accounts, or to such Person or Persons as he shall appoint, within One Calendar Month after being thereunto required, all Books, Papers, and Writings in his Custody or Power relative to the Execution of his Office, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Auditor of Accounts, or as he shall direct or appoint, then and in any of the Cases aforesaid such Auditor of Accounts may and he is hereby authorized and empowered to bring or cause to be brought any Action or Actions, either upon the said Bond or otherwise as he may be advised, against the Collector, or against any of his Sureties, for neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Collector; or if Complaint be made by the said Auditor of Accounts, or by any Person or Persons by him appointed, of any such Neglect or Refusal, to any One Justice of the Peace for the said County of *Westmoreland*, such Justice may and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause the Collector so refusing or neglecting to be brought before him, and upon his or their appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered and required to administer), it shall appear to such Justice that any of the Monies which shall have been collected and raised or received by virtue of this Act shall be in the Hands of such Collector, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Collector, together with the Costs and Charges of such Distress and Sale, to be settled and ascertained by such Justice, and which he is hereby authorized and empowered to settle and ascertain, rendering the Overplus, if any, to the Party or Parties so distrained, or leaving the same at the Place where the Distress shall be made; and if no Goods or Chattels of such Collector can be found sufficient to answer and satisfy the said Money, and the Charges of selling the Goods and Chattels so distrained, then and in either of the Cases aforesaid such Justice shall commit every such Offender to the Common Gaol or any of the Houses of Correction for the County of *Westmoreland* until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Auditor of Accounts, and shall have paid such Composition in such Manner as he shall appoint, which

which Composition the said Auditor of Accounts is hereby empowered to make, or until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Auditor of Accounts: Provided always, that no Person so committed shall be detained in Prison for Want of sufficient Distress only for a longer Space of Time than Six Calendar Months.

Monies received from Tithe Collector to be paid over to the Persons aggrieved.

LIV. Provided always, and be it further enacted, That in case any Tithe Collector to be appointed as herein-before is mentioned shall neglect to pay over to the Impropiators and Vicar all or any Part of the Sum or Sums of Money which shall have been received by such Tithe Collector under or by virtue of this Act, and any Proceedings shall be had or taken against such Tithe Collector, or against any of his Sureties, by the Auditor of Accounts for the Time being of the Township for which such Tithe Collector may have been appointed, such Auditor of Accounts shall forthwith pay over all such Sum and Sums of Money as he shall or may have recovered from such Tithe Collector, or from any of his Sureties, unto the said Impropiators and Vicar, as Part of the Corn Rent herein-before directed to be paid to them; but in case the said Impropiators and Vicar shall have received the full Amount of the Sums due to them respectively, either by the voluntary or by the compulsory Payments of the respective Parties liable to pay or make good the same, then and in such Case the said Auditor shall and he is hereby required to pay over all such Sum and Sums of Money as he shall or may have so recovered from such Tithe Collector, or his Sureties as aforesaid, unto the Person or Persons who shall or may have made such voluntary or compulsory Payment to the said Impropiators and Vicar as aforesaid, in satisfaction and discharge, or in part satisfaction and discharge, as the Case may be, of the Sum or Sums of Money so advanced and paid by them as aforesaid.

For making periodical Valuations, if required.

LV. And whereas Changes may happen to take place in the comparative Value of the Messuages, Lands, and Tenements within the said several Townships, and it may be expedient from Time to Time to make such new Valuations and Assessments as herein-after mentioned; be it therefore further enacted, That after the Expiration of the Term of Twenty Years from the Date of the said general Award, and also from Time to Time after the Expiration of every succeeding Term of Twenty Years, to be computed from the same Period, but at no other intermediate Time or Times, it shall and may be lawful to and for any One or more Person or Persons who shall alone or collectively be Owner or Owners of not less than One Third Part in Value of the whole of the Messuages, Lands, or Tenements within the said Townships, or any of them (such Value to be ascertained in the Manner herein-before mentioned), within Thirty Days next after the Expiration of any such Term, to give Notice by Writing, to be affixed on the principal outer Door of the said Parish Church of *Kendal*, otherwise *Kirkby Kendal* aforesaid, of his or their Intention to apply to the Justices of the Peace for the said County of *Westmoreland*, at the Court of General or Quarter Sessions to be holden in and for the said County next after or next but one after the Expiration of such Notice, to appoint One or more Person or Persons to make a new Valuation according to the best of his or their Judgment of all the Messuages, Lands, and Tenements within such of the said Townships respectively for which such new Valuation shall be so required,
and

and again to apportion, ascertain, and assess according to such new Valuation the respective relative Proportions in which the Occupiers of the said several Farms and Lands within each such Township (except the Glebe Lands hereby exempted) shall or ought to raise and contribute the Proportion of such aggregate Corn Rent payable by such Township to the said Impropiators and Vicar, regard being had to the Provisions and Directions of this Act; and at every such periodical Valuation and Assessment as aforesaid all Lands which shall have been inclosed or taken into Cultivation since the then last preceding Valuation or Assessment shall be valued, and the Occupiers thereof shall be charged and chargeable with the Payment of a due proportionate Part of the said yearly Corn Rent, or of the Sum to be contributed thereto by the Township in which such Lands shall lie; and upon every such Application so to be made as aforesaid it shall and may be lawful to and for the said Court of General or Quarter Sessions, and the said Court is hereby required, by Order of the said Court, to nominate and appoint One or more fit and proper Person or Persons not interested in the said Tithes or Dues, and not being the Steward or Agent of any Person so interested, to be Tithe Valuer or Tithe Valuers for making such new Valuation and Assessment as aforesaid; and that such Person or Persons so to be nominated and appointed shall take and subscribe the Oath herein-before appointed in that Behalf, and shall, with all convenient Speed next after such his or their Nomination and Appointment, proceed to make such new Valuation according to the best of his or their Judgment of all the Messuages, Lands, and Tenements within such of the said Townships for which he or they shall be so as aforesaid appointed the Tithe Valuer or Tithe Valuers, and also to apportion, ascertain, and assess the respective relative Proportions in which the Occupiers of the several Farms and Lands within each such Township, except the Glebe Lands hereby exempted, shall or ought to raise and contribute the Proportion of such aggregate Corn Rent payable by such Township; and that one Copy of every such new Valuation and Assessment shall be deposited in the Office of the Clerk of the Peace for the said County of *Westmoreland*, and another Copy thereof shall be delivered to each and every of the Tithe Collectors to be nominated and appointed for the Township for which such new Valuation and Assessment shall be so required as aforesaid, within One Calendar Month next after the same shall have been made and signed by the Tithe Valuer or Tithe Valuers so to be nominated and appointed as aforesaid; and that each of such Copies shall be verified by the Signature of such last-mentioned Tithe Valuer or Tithe Valuers, as a true Copy of his or their original Valuation and Assessment; and from and after every such new Valuation and Assessment shall have been so made, and Copies thereof shall have been so deposited and delivered as aforesaid, the same shall be substituted and shall thereafter be acted upon in the Place and Stead of any former Valuation and Assessment which may have been made for the Purpose and under the Authority of this Act within such Township for which such new Valuation and Assessment shall have been so required as aforesaid; and the Proportion of such aggregate Corn Rent due and owing from such Township shall continue to issue and be contributed and payable by and out of the several Farms and Lands within such Township, in the same relative Proportions from the Annual Day of Payment next preceding such new Valuation and Assessment until such Proportion or Proportions shall be again varied or altered by any new Valuation and Assessment to be made

[Private.]

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under

under any subsequent Order of the said Court of General or Quarter Sessions, on such Application and in such Manner as herein-before mentioned, and so from Time to Time at the End of every Twentieth Year to be computed as aforesaid for ever; and the several Parties or Persons interested are hereby authorized to make such further Application from Time to Time, after the Expiration of every Twenty Years (but not oftener), to be computed as aforesaid, for ever, in such and the like Manner and Form as herein before mentioned and directed with respect to the first Application; and the Costs, Charges, and Expences of making every such Application to the said Court of General or Quarter Sessions, and of making and varying such Valuations and Assessments as aforesaid, shall be paid and defrayed by such Owner or Owners as such Court shall order and direct to pay the same; and such Court, by their Order or Warrant; are hereby authorized and directed to levy or cause to be levied the Costs, Charges, and Expences so ordered to be paid by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale.

Re-appoint-
ment of
Tithe Valuer
in case of
Death.

LVI. Provided always, and be it further enacted, That if any Tithe Valuer or Tithe Valuers to be from Time to Time appointed under the Authority of this Act shall die before he or they shall have completed or signed his or their Valuations and Assessments, or shall neglect or refuse or become incapable to act in the Execution of this Act, it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the said County of *Westmoreland*, upon an Application for that Purpose made to him or them by One or more of the Owners of any Messuages, Lands, or Tenements within the said respective Townships, from Time to Time, by Writing under his or their Hand and Seal or Hands and Seals, to nominate and appoint any such fit and proper Person as aforesaid to be the Tithe Valuer or Tithe Valuers in the Place or Stead of him or them so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and every such Tithe Valuer so to be nominated and appointed as last aforesaid shall take and subscribe the Oath hereinbefore appointed in that Behalf, and shall have the like Powers and Authorities in all respects as if he had been originally appointed Tithe Valuer by Order of the said Court of General or Quarter Sessions instead of the Person to whom he shall succeed.

Directing
how Assess-
ments shall
be recovered.

LVII. And be it further enacted, That in case at any Time or Times any Person or Persons shall refuse or neglect to pay any Sum or Sums of Money to which he or they shall be severally assessed by virtue of this Act, and all Arrears thereof, to the said Collector or Collectors respectively within Ten Days after the same shall be demanded by a written or printed Notice, specifying the Nature and Amount of the Demand, and the Name and Residence of the Collector, then it shall be lawful for any One of His Majesty's Justices of the Peace for the said County of *Westmoreland*, and he is hereby authorized and directed, by Writing under his Hand, on Complaint made by the Churchwardens for the Time being or either of them, or by the Churchwardens for the Time being of any such Townships respectively, or by the Collector or Person appointed to collect the Assessments in any such Township, to summon all and every Persons and Person who shall have refused or neglected to pay as aforesaid to appear at a Time and Place to be mentioned

mentioned in such Summons before such Justice, or before any other Justice or Justices of the Peace for the said County of *Westmoreland* who shall be then and there present, the Collector or Collectors of such Assessments having previously made Oath that he or they had applied at the Premises rated to the said Assessment for Payment of the same, and had delivered or left a written or printed Notice as aforesaid, and that the same were then in arrear and unpaid; and such Summons shall be served upon every Person so refusing or neglecting to pay as aforesaid, either by delivering the same to the Person or Persons thereby intended to be summoned, or by leaving the same at his, her, or their last or usual Place of Abode, or upon the Premises in respect of which such Assessment may be so due and unpaid, and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he, she, or they shall attend, and shall not show good and sufficient Cause to such Justice or Justices as may be then and there present that he, she, or they is or are not chargeable with such Assessment or Assessments, then and in every such Case all and every such Person or Persons shall pay the Assessment or Assessments in respect of which such Summonses or Summons were or was issued, and also the Costs and Charges of such Summonses respectively; and in all Cases where such Assessment or Assessments, or any of them, shall not be paid upon the Return of such Summonses respectively, it shall be lawful for the Justice who shall have signed and issued such Summons or Summonses, to be signed and issued as aforesaid, or for any other Justice of the Peace for the said County of *Westmoreland*, and he is hereby authorized and required, upon Oath made before him of the due Service of such Summons or Summonses by the Person who shall have served the same, and Proof on Oath that such Assessment or Assessments is or are actually due and owing, to grant a Warrant or Warrants under his Hand and Seal authorizing or directing the Person or Persons to collect such Assessment or Assessments as aforesaid, or any other Person or Persons to levy such Assessment, or Assessments, and all Arrears thereof, and the said Costs and Charges of the Summonses respectively (if the same shall not have been paid before), and the Costs and Charges of every such Warrant, and also the Costs, Charges, and Expences of executing the same, by Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing, wheresoever such Goods and Chattels can be found, either in the same or in any other Township; and the Amount of all such Costs, Charges, and Expences shall be fixed and ordered by the Justice granting the Summons or Warrant according to his Discretion; and if within Five Days next after any Distress shall be made the said Assessment or Assessments with all Arrears due thereon, together with all the said Charges for the said Warrant, and the Charges and Expences of executing the same Warrant, and of making such Distress and of keeping such Goods and Chattels, to be fixed and ordered as aforesaid, shall not be paid, then the said Person appointed to collect as aforesaid, or other Person authorized by the said Warrant, shall cause the said Goods and Chattels to be appraised by One or more Appraiser or Appraisers, and to be taken and sold either on the Premises where the same shall be distrained, or elsewhere within the same Township, or such Part or Parts thereof as in his or their Judgment shall be sufficient to pay the said Assessment or Assessments, together with all Arrears due thereon, and the said Costs, Charges, and Expences of the said Summons, Warrant, Distress, Removal, and keeping Possession of
of

of such Goods and Chattels so distrained, and the reasonable Costs, Charges, and Expences of appraising, taking, and selling the same, to be fixed and ordered as aforesaid, and shall return the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively upon Demand thereof made by him, her, or them; and in case no such Goods and Chattels can be any where found to be distrained by virtue of any such Warrant, or in case any such Goods and Chattels shall be locked up and secured, or shall be removed, so that the Person appointed to collect the said Assessments, or such other Person authorized by the said Warrant, cannot distrain the same, or in case after such Distress and Appraisement or Sale as herein-before are directed the Proceeds thereof shall not be sufficient to pay such Assessments, with the Arrears due thereon, and all the said Costs, Charges, and Expences as aforesaid, then and in every such Case, upon Information thereof given to any Justice of the Peace for the said County of *Westmoreland*, it shall be lawful to and for any such Justice, and he is hereby authorized and required, to issue a Warrant under his Hand and Seal for the Apprehension of any such Person or Persons making Default in the Payment of such Assessments and the Arrears thereof or of any Part thereof, and of such Costs, Charges, and Expences, or any of them, and to commit such Person or Persons to the Common Gaol or House of Correction of the said County of *Westmoreland*, there to remain without Bail or Mainprize for any Time not exceeding One Calendar Month, unless such Assessments, and all Arrears thereof, and all Costs, Charges, and Expences, or so much thereof as shall remain unsatisfied by any such Distress or Distresses, or otherwise, shall be sooner paid.

Persons making Distress to render an Account.

LVIII. And be it further enacted, That all and every Persons or Person who shall make and levy any Distress whatsoever under or by virtue of this Act shall, on Demand, make and render to the Person or Persons on whose Goods and Chattels such Distress shall have been made a true and particular Account in Writing of the Proceeds of the Sale of such Goods and Chattels, and of all the Costs, Charges, and Expences attending the Execution of any Warrant of Distress, and of the levying, Appraisement, and Sale of the Goods and Chattels distrained by virtue thereof or of this Act; and if any such Person or Persons shall refuse to render such Account for the Space of Three Days next after such Demand shall have been made, every such Person so refusing shall forfeit and pay the Sum of Ten Pounds, to be recovered in a summary Way by Information and Complaint before any One or more of His Majesty's Justices of the Peace for the said County of *Westmoreland*, and from Time to Time to be applied in aid of the Poor's Rate of the Township within or on behalf of which such Distress as aforesaid shall have been made.

Form of Warrant of Distress.

LIX. And be it further enacted, That every Warrant of Distress for the Nonpayment of such Assessments to be made under this Act shall be in the Words or to the Effect following:

‘ County of Westmoreland, } To the Collector or Collectors of the
 ‘ to wit. } Tithe Rate for the Township of
 ‘ in the Parish of *Kendal*, otherwise *Kirkby Kendal*, in the
 ‘ County of *Westmoreland*, and to all Constables and other
 ‘ Peace Officers acting for the same County:

‘ WHEREAS the under or hereafter mentioned Persons [*or Person*]
 ‘ were or are [*or was and is*] duly assessed or liable to an Assessment
 ‘ duly

' duly made for the Purposes of an Act passed in the Fourth Year of
 ' His Majesty King *William* the Fourth, intituled *An Act, &c.* [*here insert*
 ' *the Title of this Act*]: And whereas the said Persons [*or Person*] have
 ' [*or has*] refused or neglected to pay the several Sums [*or the Sum*]
 ' of Money at and against their [*or his or her*] Names [*or Name*] here-
 ' under or hereafter [*respectively*] set down for Money due from them
 ' [*or him or her*] for or towards the Purposes in the said Act mentioned,
 ' and the said several Sums [*or the said Sum*] are [*or is*] still remaining
 ' due, in arrear, and unpaid, as appeareth upon Oath to
 ' One of His Majesty's Justices of the Peace for the said County of
 ' *Westmoreland*; and the said several Persons [*or Person*] having been
 ' summoned to appear before me to answer the Premises, as also appear-
 ' eth to me the said Justice upon Oath, and the said several Persons [*or*
 ' *Person*] so summoned [*or any of them, as the Case may be,*] not having
 ' shown any sufficient Cause why such Sums [*or Sum*] of Money should
 ' not be paid; These are therefore in His Majesty's Name to will and
 ' require you or any of you forthwith to levy the said several Sums
 ' [*or Sum*] due from the said Persons [*or Person*], or hereafter set at
 ' and opposite to their [*or his or her*] Names respectively [*or Name*], by
 ' Distress and Sale of their respective [*or his or her*] Goods and Chattels
 ' (such Goods and Chattels being kept for the Space of Five Days before
 ' the same are sold), rendering to them respectively [*or him or her*] the
 ' Overplus (if any), the reasonable Charges of such Distress, Sale, and
 ' Keeping being first deducted; and if no sufficient Distress can be had
 ' or taken, then that you certify the same, to the End that such Proceed-
 ' ings may be had therein as to the Laws do appertain: And I do hereby
 ' strictly charge and command all and singular the Constables and other
 ' His Majesty's Peace Officers acting for the said County of *Westmoreland*
 ' to be aiding and assisting in all things relating to the Premises.
 ' Given under my Hand and Seal this Day of
 ' in the Year of our Lord '

LX. And be it further enacted, That if upon the hearing of any
 Appeal to the Court of General or Quarter Sessions as herein-after
 mentioned, from or against any Assessment, the said Court of General or
 Quarter Sessions shall order the Name or Names of any Person or Per-
 sons to be inserted therein, and that he, she, or they shall be assessed at
 any Sum or Sums of Money, or shall order the Sum or Sums at which
 any Person or Persons is or are therein assessed to be raised or increased,
 then and in such Case all and every the Sums and Sum of Money at or
 to which such Persons or Person shall be so ordered to be assessed, or to
 be raised or increased, or so much thereof as shall not have been already
 paid, shall and may be recovered in such and the same Manner and
 by such and the same Means as if he, she, or they had been originally
 named in such Assessment, and assessed therein at such Sum or Sums of
 Money.

Directing
 how Assess-
 ments may
 be recovered
 when in-
 creased by
 Quarter
 Sessions.

LXI. And be it further enacted, That in case at any Time or Times
 hereafter any Person or Persons who hath or have been rated and
 assessed to or who is or are liable to the Payment of any Rates or Assess-
 ments which shall be made by virtue of this Act shall quit his, her, or
 their Messuages, Lands, or Tenements within the said Townships respec-
 tively or any of them, for or in respect whereof he, she, or they shall be
 rated or assessed, before he, she, or they shall have fully paid any such

For the Re-
 covery of
 Rates from
 Persons quit-
 ting their
 Premises.

[*Private.*]

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Rates

Rates or Assessments, then and in every such Case it shall be lawful for any Person or Persons appointed to collect or receive any such Rates or Assessments (Oath being made by him or them that he or they doth or do suspect that such Person or Persons hath or have removed his, her, or their Goods and Chattels), by Warrant under the Hand and Seal of any One or more of His Majesty's Justices of the Peace for the said County of *Westmoreland* (and which Warrant such Justice or Justices is and are hereby authorized and required to grant), to distrain and appraise and sell the Goods and Chattels of such Person or Persons who shall have so quitted any such Messuage, Land, or Tenement before he, she, or they have paid such Rates or Assessments, for the Sum or Sums of Money due from any such Person or Persons by virtue of such Rates or Assessments, or any of them, or any Part thereof, and for all Costs, Charges, and Expences occasioned by such Warrant, Distress, Appraisement, and Sale, in any County, Riding, City, or Place to which such Person or Persons shall have removed, in such and the same Manner as if the same Person or Persons had continued in the Township in which such Assessments were charged.

Landlords to be rated for Land unoccupied.

LXII. Provided always, and be it further enacted, That every Person who shall be Proprietor or Owner of any Arable, Meadow, or Pasture Land, or Orchard, which shall at any Time or Times be unoccupied, shall for all the Purposes of this Act be deemed and taken to be the Occupier thereof, and shall and may be rated or assessed for the same accordingly, and shall be liable and subject to the Payment of the said Assessments directed to be raised and levied by virtue of this Act in such and the same Manner as if he or she was really and truly the Occupier of the same Premises.

Tenants may in certain Cases deduct Sums paid.

LXIII. Provided always, and be it further enacted, That it shall and may be lawful for the Person or Persons who for the Time being shall be in the Possession or Occupation of any Messuages, Lands, or Tenements charged or to be charged by virtue of this Act with any Part or Proportion of the said annual Sum or Sums of Money, and who shall pay any Part or Proportion of such annual Sum or Sums, to retain and deduct the Amount so paid out of and from the Rent or Rents payable to the Owner or Owners of such Messuages, Lands, or Tenements, unless the Person or Persons in the Possession or Occupation of the said respective Messuages, Lands, or Tenements, or any Part or Parts thereof, is or are at the Time of the passing of this Act subject and liable to the Payment of the said Tithes, Dues, Moduses, Compositions real, or annual or prescriptive Payments in lieu thereof, or any of them respectively, or unless at the Time of the passing of this Act, or at any Time thereafter, there shall be any Agreement in Writing between any Landlord and Tenant, to be signed by them, respecting the said Tithes, Dues, Moduses, Compositions real, or annual or prescriptive Payments in lieu thereof, or any annual Sum or Sums of Money charged or to be charged by virtue of this Act, to the contrary thereof in anywise notwithstanding.

For Recovery of Assessments from Quakers.

LXIV. And whereas Quakers and Persons of that Persuasion, from a Scruple of Conscience, refuse the Payment of Tithes and all other Demands of an ecclesiastical Nature, but they nevertheless peaceably submit to Distraints and other legal Processes for Recovery thereof: And whereas it is therefore expedient that such Provisions should be made in their

Party so complaining shall, to the Satisfaction of such Justices, prove that such Notice shall have been duly given to the said Tithe Collector or Collectors, or One of them, or left at their or his Dwelling, it shall be lawful for the said Justices to enquire into the Subject Matter of such Complaint, and either to give such Redress therein as the Justice of the Case may require, by ordering pecuniary Satisfaction to be made for the Injury by the said Tithe Collector or Collectors to the Party distrained upon, or otherwise to confirm the Proceedings of the said Tithe Collector or Collectors, and generally to make such Order in reference to the Matters aforesaid, and to the Costs of such Application, as they shall think proper.

For reducing the Expence in relation to the Recovery of Assessments.

LXVI. Provided always, and with a View to reduce the Expences in relation to the Recovery of the said Assessments from Persons of the Persuasion of the People called Quakers to as small an Amount as may be consistent with Justice, it is hereby further enacted, That where any Tithe Collector or Collectors in any One Township hath or have Two or more distinct Demands against the same Person, being of that Persuasion, he or they shall, in all Cases where the same shall be practicable, recover the same at One and the same Time, and by One and the same Proceeding; and in case it shall appear to any Justices before whom any such Complaint shall be laid as aforesaid that Two or more Proceedings have been resorted to when One would have been sufficient, it shall be lawful for them and they are hereby required to ascertain the extra Expences or Damage occasioned thereby, and to order Payment and Satisfaction to be made for the same by the said Tithe Collector or Collectors to the Party injured or aggrieved thereby, and generally to make such Order in relation thereto as they shall think fit and the Justice of the Case shall require.

Proceedings in making such Distresses.

LXVII. And be it further enacted, That in every Distress which shall be made by virtue of the Provisions herein-before contained in relation to Persons of the Persuasion of the People called Quakers, the Person or Persons making such Distress shall, as far as the same may be practicable, distrain such Goods and Chattels as will be likely to sell to the most Advantage, and to subject the Party distrained upon to the least Loss or Inconvenience; and that it shall not in any Case be needful to impound the Goods and Chattels of any Person of that Persuasion which may be distrained by virtue of the Provisions herein contained, and the same shall not be kept, unless it be manifestly for the Benefit of the Person on whom such Distress shall be made that the same should be so kept, but the Person or Persons making such Distress shall sell and dispose of the same in such Way and at such Time as shall in his or their Judgment be likely to be most advantageous and attended with the least Expence.

Assessments to be recovered from Quakers only according to these Provisions.

LXVIII. Provided always, and be it further enacted, That the said Assessment, or the Arrears thereof, or any Part thereof, shall not be recoverable from any Person of the Persuasion of the People called Quakers by any Proceeding or in any Manner whatsoever but under the special Provisions herein-before contained in relation to Persons of that Persuasion.

Allowing an Appeal to

LXIX. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself,

herself, or themselves aggrieved by having paid or been compelled to pay any Rate or Assessment made under or by virtue of this Act, or by any other Matter or Thing done by virtue or in pursuance of this Act, or anywise relating to any such Rate or Assessment (other than and except as to such Claims, Matters, and Things as are herein-before directed or authorized to be tried, settled, or determined by the Verdict of a Jury or an Issue at Law), every such Person, Body Politic, Corporate, or Collegiate, may appeal to the Justices of the Peace at the next General Quarter Sessions of the Peace, or at any Adjournment thereof, which shall be held at *Kendal* in and for the said County of *Westmoreland* within Three Calendar Months next after the Expiration of Fourteen Days from the Time when the Cause of Complaint shall have arisen; and the said Justices assembled at such Sessions shall hear and finally determine the Cause and Matter of every such Appeal in a summary Way, provided that Notice in Writing of every such Appeal, specifying the Cause of Complaint, be given by the Appellant or Appellants to the said Commissioners, or Tithe Valuer or Valuers, Tithe Collector or Collectors, or to the Party interested in the Matter of every such Appeal, or to his or their Agent or Agents for the Time being, One Calendar Month at least before such Session (except with respect to the Accounts of the said Commissioners herein-after mentioned, which, notwithstanding the same shall have been examined and balanced and published, may be appealed against at any Time within Six Calendar Months next after depositing the said general Award, on giving to the Commissioners or their Clerk such Notice as last aforesaid); and the said Justices at such Session shall make such Order touching the Matter of such Appeal, and shall and may also award such Costs to the Parties appealing or appealed against, as they shall think proper; and it shall be lawful for such Justices, by Warrant under the Hands and Seals of any Two or more of them, to cause the Costs which shall be so awarded to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such 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.

Quarter
Sessions.

LXX. And be it further enacted, That it shall be lawful for the Court of General or Quarter Sessions of the Peace, upon all Appeals from any Assessment made for the Purposes of this Act (in all Cases where they shall see just Cause to give Relief), to amend any Assessment to be made by virtue of this Act in or for all or any of the said Townships, either by inserting therein or by striking out of such Assessment the Name or Names of any Person or Persons, or by altering the Sum or Sums therein charged on any Person or Persons, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Assessment: Provided always, that if the said Court shall be of opinion that it is necessary for the Purpose of giving Relief to the Person or Persons appealing that the Assessment shall be wholly quashed, then the said Court may quash the same, but nevertheless all and every the Sum and Sums of Money in and by such Assessment charged on any Person or Persons shall and may be

Assessments
may be
amended by
Justices at
General or
Quarter
Sessions.

[Private.]

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levied

levied and recovered by such Ways and Means and in such and the same Manner as if no Appeal had been made against such Assessment; and all and every the Sums and Sum of Money which any Person or Persons charged in such Assessment shall pay, or which shall be levied or recovered from him, her, or them, shall be deemed and taken as Payments on account of the next effective Assessment or Assessments which shall be made for the Purposes of the said Act in the same Township or Townships.

Proceedings not to be quashed for Want of Form.

LXXI. And be it further enacted, That no Assessment or other Proceeding to be had touching any Order made, or other Matter or Thing to be done or transacted in or relating to any Complaint or Appeal, or any Order or Determination thereon, in pursuance of this Act, shall be quashed, vacated, or set aside for Want of Form only, or be removed or removable into any of His Majesty's Courts of Record by Certiorari or any other Suit or Process whatsoever; any Law, Statute, or Usage to the contrary notwithstanding.

Distress not unlawful for Want of Form.

LXXII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done or committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage only in an Action on the Case.

Plaintiff not to recover after sufficient Tender of Amends.

LXXIII. Provided always, and be it further enacted, That no Plaintiff shall recover any Damages in any Action for any Irregularity, Trespass, or wrongful Proceedings made or committed in execution of this Act, if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceedings before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall be depending, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall see fit or be advised, whereupon such Proceedings or Order and Judgment shall be had, made, or given by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Defendant may pay Money into Court.

No Action to be brought after Tender of Amends, or after Six Months from Cause of Action.

LXXIV. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any thing done in pursuance of this Act or of the Powers hereby given, or in anywise relating to the Premises, after sufficient Satisfaction or Tender of sufficient Amends shall have been made to the Party aggrieved, or after the Expiration of Six Calendar Months next after the Cause of Action shall have arisen; and every such Action or Suit shall be brought in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same

was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall be brought after such sufficient Satisfaction or Tender of Amends shall have been made as aforesaid, or after the Time herein-before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become non-suit, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover his, her, and their Costs, and have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases of Law.

LXXV. And be it further enacted, That all the Costs, Charges, and Expences preparatory to and of soliciting, obtaining, and passing this Act, the Fees, Payments, and Allowances of and to the said Commissioners and their Umpire, and the Clerk of the said Commissioners, and to the said Surveyor or Surveyors, and the Charges and Expences incident to and attending the preparing, making, depositing, and proclaiming the Award of the said Commissioners, and of all other Instruments, Papers, Writings, Extracts, Schedules, Maps, and Plans, and Copies of the same or any of them or any Part or Parts thereof, which shall be prepared and made out by or by the Direction of the said Commissioners upon or in relation to their said general Award and also the said supplemental Award, and all other Costs, Charges, and Expences whatsoever of or in anywise attending the Execution of this Act, or any of the Powers, Authorities, or Provisions therein contained, up to and until the Time of and including the completing and proclaiming the said general Award and also the said supplemental Award, shall be borne and defrayed in the Manner following; (that is to say,) that the Costs of the said Master, Fellows, and Scholars, and of their Lessees, and of the said Vicar, in perusing, settling, and passing this Act, and the Costs of the Commissioner to be appointed by the said Master, Fellows, and Scholars, and one Moiety or equal Half Part of the Costs of the Umpire, and also one Moiety or equal Half Part of the Fees of both Houses of Parliament due or payable upon the passing of this Act, shall be borne and defrayed by the said Master, Fellows, and Scholars, and their Lessees, and the said Vicar, according to their respective Proportions of the said Corn Rent; and all and singular the Costs, Charges, and Expences of preparing, planning, and making out all and every Plan and Plans, Map or Maps of the said several Messuages, Farms, and Estates of which no authentic Map or Maps or Plan or Plans shall be supplied to and adopted by the said Commissioners in pursuance of the Provisions of this Act shall be borne and defrayed exclusively by the Owners of the several Messuages, Farms, and Estates for whose Use the same shall be so prepared and made out; and the other or remaining Moiety of the Costs of the Umpire, and also the other or remaining Moiety of the Fees of both Houses of Parliament, and all other the Fees, Payments, Allowances, Costs, Charges, and Expences whatsoever not lastly herein-before expressly provided for, the same to be settled and ascertained by the said Commissioners, shall be borne and defrayed by all the said Townships in proportion to the Rents which shall be paid by each of the said Townships, and by the Proprietors of the said several Farms and Lands

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in each Township according to the Proportion in which the Occupiers of such Farms and Lands shall contribute the Proportion of the Corn Rent payable by such Township; and the respective Shares and Proportions thereof shall be payable and paid to such Person or Persons and at such Times as the said Commissioner appointed by the said Land Owners, and his Successors, shall by Writing under his Hand direct: Provided always, that from and after the passing of this Act (except the Fees to be paid to the said Commissioners and their Clerk, and to the said Umpire, and the Expence of preparing, executing, and completing such Awards as aforesaid) separate and distinct Accounts shall be kept of all the Costs, Charges, and Expences affecting each Township in the carrying this Act into execution, and that such Part of the same Costs, Charges, and Expences, when so ascertained, as relates to each of the said Townships, shall be paid by the same Townships severally; and all such Monies shall be assessed and raised and shall be recovered and recoverable by the said Commissioner by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, wheresoever found: Provided also, that from and after the Completion of the said Awards all future Costs, Charges, and Expences (if any) the Payment whereof is not by this Act provided for shall be borne and paid by the Owners of Lands or Tenements in the said several Townships according to the Proportion or Share of the said yearly Corn Rent which shall be payable by each Township, and by the Proprietors of the said several Farms and Lands in each Township according to the Proportion in which the Occupiers of such Farms and Lands shall contribute the Proportion of the Corn Rent payable by such Township in the same Manner as the Costs, Charges, and Expences already incurred or provided for are directed to be paid; and in case any Person or Persons shall neglect to pay her or his Proportion of the said Costs, Charges, and Expences as aforesaid, it shall be lawful for any Justice of the Peace for the said County of *Westmoreland*, and he is hereby required, by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making Default in Payment as aforesaid, wheresoever the same shall be found, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods or Chattels, the reasonable Charges of such Warrant, and of taking and making and selling such Distress, being first deducted.

Persons advancing Money to pay the Expences of this Act to be repaid with Interest.

LXXVI. And be it further enacted, That if any Person or Persons shall advance and pay, or shall have already advanced and paid, any Money in discharge of the Expences of applying for and obtaining this Act, such Person or Persons shall be repaid the same, with Interest after the Rate of Five Pounds *per Centum per Annum*, out of the Monies which shall be first raised to defray the Expences of this Act.

Commissioners to lay their Accounts before Two Justices once every Three Calendar Months.

LXXVII. And be it further enacted, That once at least in each and every Three Calendar Months during the Execution of this Act by the said Commissioners (such Space of Time to be computed from the Day of the passing of this Act) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended or due to them for their own Trouble or Expences in the Execution of this Act, and of all Sums of Money paid and allowed to their Umpire, Clerk, Surveyor, or Assistant,

tant, or other Persons acting under them, and also shall in such Account particularly specify the several Items and Articles for which each particular Sum has been disbursed or paid ; and such Statements or Accounts, when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the said County of *Westmoreland* not interested therein, to be by them examined and balanced ; and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners ; and an Abstract of such Accounts, so examined and balanced, shall, within Fourteen Days after the same shall have been so examined and balanced, be from Time to Time published in some Newspaper published in the said County of *Westmoreland* ; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in the Law, unless the same shall have been duly allowed by such Justices, and until such Account, or an Abstract thereof, shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-before contained : Provided always, that the said Commissioners shall give Notice in each Three Calendar Months (in the Manner other Notices are herein-before directed to be given) of the Day on which they intend to lay their Accounts before such Justices as aforesaid.

LXXVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Impropriators to charge the Corn Rent hereby made payable to them with such Sum or Sums of Money as the said Commissioners shall by their Award, or by Writing under their Hands, either before or after the Execution of their Award, adjudge necessary to reimburse and pay the said Impropriators the Sums of Money which they may then have paid or relinquished or become liable or responsible to pay or relinquish for the Purpose of Claims, and to their Lessees, and the Owners and Occupiers of Lands in the said Parish, or any of them, in respect of the Arrears of Tithes, and to defray the respective Shares of the said Impropriators of the Charges and Expences incident to and attending the Suits which now are or lately were pending respecting the said Tithes, and also incident to and attending the obtaining this Act, and carrying the same into execution, and the Costs and Expences of charging the said Corn Rent, and for that Purpose, by Deed under the Common Seal of the said College, to grant, mortgage, lease, or demise, or otherwise subject the said Corn Rent unto the Person or Persons who shall advance and lend the same respectively, his, her, or their Executors or Administrators and Assigns, for any Term or Number of Years, with Interest for the same, so that every such Grant, Mortgage, Lease, Demise, or other Charge respectively be made with a Proviso or Condition to cease and be void, with an express Trust to be surrendered or re-assigned, when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied ; and every such Charge, Grant, Mortgage, Lease, or Demise shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Impropriators empowered to charge Corn Rent to reimburse themselves.

LXXIX. Provided always, and be it further enacted, That it shall and may be lawful to and for the Husbands, Trustees, Committees, and Attornies of any of the Owners or Proprietors of Messuages, Lands, or Tenements within the said several Townships, or of any Estate or Interest

Husbands, Tenants for Life, &c. empowered to charge.

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therein, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability whatsoever, and likewise to and for any Owners or Proprietors of Messuages, Lands, or Tenements within any of the said Townships, being Tenant or Tenants in Tail or for Life or Lives, with or without Impeachment of Waste, or Tenant or Tenants by the Courtesy of *England*, or in Dower, or for Years determinable on a Life or Lives, or on any other Contingency, to charge such Messuages, Lands, and Tenements with such Sum or Sums of Money as the said Commissioners shall by their Award, or by Writing under their Hands either before or after the Execution of their Award, adjudge necessary to defray the respective Shares of such Owners or Proprietors of the Charges and Expences incident to and attending the Suit which shall have been pending respecting the said Tithes, and also incident to and attending the obtaining this Act, and carrying the same into execution, and of charging the said Messuages, Lands, and Tenements as aforesaid, so that the same shall not exceed the Sum of One Pound for every Acre of such Lands or Tenements, and for this Purpose to grant, mortgage, surrender, lease, or demise, or otherwise subject the said Messuages, Lands, and Tenements unto such Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years; or in case any Person in Possession, who shall or may be liable to and charged with a Share of the Expences as aforesaid, or enabled by this Act to charge such Messuages, Lands, and Tenements with the same, shall choose to advance, pay, and discharge such Sum or Sums of Money, then it shall be lawful for the said Commissioners by any Deed under their Hands and Seals, to be attested by One credible Witness, in like Manner to grant, mortgage, surrender, lease, demise, or otherwise subject the said Messuages, Land, and Tenements to such Person or Persons respectively paying and discharging the same, his, her, or their Executors, Administrators, or Assigns, or to any Person or Persons as a Trustee or Trustees for such Person or Persons respectively paying and discharging the same, for any Term or Number of Years, to and for the Payment of such Sum and Sums of Money so advanced, paid, and discharged by him or them, with Interest for the same, so that every such Grant, Mortgage, Surrender, Lease, or Demise respectively be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied, and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed or entitled to any such Messuages, Lands, or Tenements shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced; and every such Charge, Grant, Mortgage, Surrender, Lease, or Demise shall be good, valid, and effectual in the Law, for the Purposes thereby intended: Provided nevertheless, that the Power or Provision lastly herein-before contained shall not operate or extend to authorize or empower any Person or Persons whomsoever to charge or make chargeable any Messuages, Lands, or Tenements with any Sum or Sums of Money, Costs, Charges, or Expences whatsoever, other than such as shall be incurred or occasioned by or incident to the said Suits, or by or incident to the preparing, soliciting, obtaining, and passing this Act, the Fees and Payments of and to the said Commissioners and Umpire, and to the Clerk or Clerks to the said Commissioners, or to the Surveyor or Surveyors, Assistant or

Assistants, and the Charges and Expences incident to and attending the preparing, making, proclaiming, and depositing the said Awards, and of all Instruments, Papers, Writings, Extracts, Schedules, Maps, and Plans, and Copies of the same respectively, which shall be directed by the said Commissioners to be prepared and made out upon or in relation to the said Awards, and of charging the said Messuages, Lands, or Tenements as aforesaid, and no further or other Sum or Sums of Money, Costs, Charges or Expences to be in any other Manner incident to or attending the Execution of this Act, or any of the Powers, Provisions, or Authorities therein contained.

LXXX. And be it further enacted, That in all Cases wherein any Person or Persons shall be convicted of any Offence against this Act, or any Matter in pursuance thereof, the Conviction shall be in the Words or to the Effect following; *videlicet*,

Form of Conviction.

‘ to wit. } BE it remembered, On this Day of
 ‘ in the Year of our Lord
 ‘ *A. B.* is duly convicted before me [*or us*], One [*or Two*] of His
 ‘ Majesty’s Justices of the Peace for the County of *Westmoreland*, of
 ‘ having [*here state the Offence against the Act, as the Case may be*],
 ‘ contrary to the Form of the Statute in that Case made and provided;
 ‘ and I [*or we*] do hereby declare and adjudge that the said *A. B.* hath
 ‘ forfeited for his [*or her*] said Offence the Sum of
 ‘ Given under my [*or our*] Hand and Seal [*or Hands and Seals*] the Day
 ‘ and Year first above written.’

LXXXI. Saving always to the King’s most Excellent Majesty, His Heirs and Successors, and all other Persons, Bodies Politic, Corporate, and Collegiate, their Heirs, Successors, Executors, Administrators, or Assigns (other than and except such Rights and Interests as are absolutely required to be barred, destroyed, or extinguished by virtue of this Act), all such Estates, Rights, Titles, and Interests as they, every or any of them, had or enjoyed of, in, to, or out of the said several Messuages, Lands, or Tenements within the said several Townships or any of them before the passing of this Act, or could or might have had if this Act had not been made.

General Saving.

LXXXII. 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 them shall be admitted as Evidence thereof by all the Judges, Justices, and others.

Act to be printed by the King’s Printers.

SCHEDULES.

The FIRST SCHEDULE referred to by the foregoing Act.

A List of the several Moduses and Money Payments in lieu of Tithes within the several Townships constituting the Parish of Kendal.

Orchards	-	-	-	One Penny.
Bees	-	-	-	One Penny per Swarm till Five, then One Shilling and Ten-pence; Six, Three Shillings; Seven, Three Shillings and One Penny; Eight, Three Shillings and Two-pence; Nine, Three Shillings and Four-pence; Ten, Three Shillings and Sixpence.
Milk	-	-	-	One Penny Halfpenny each One.
Calves	-	-	-	One Halfpenny each One till Five, then One Shilling; Six, One Shilling and Ten-pence; Seven, One Shilling and Ten-pence Halfpenny; Eight, One Shilling and Eleven-pence; Nine, One Shilling and Eleven-pence Halfpenny; Ten, Two Shillings.
Strips	-	-	-	One Halfpenny each One.
Plough	-	-	-	One Penny.
Plough for other	-	-	-	Two-pence.
Hemp	-	-	-	One Halfpenny.
Flax	-	-	-	One Penny.
Mire Meadow	-	-	-	One Penny per Acre.
Geese	-	-	-	Two-pence.
Chickens	-	-	-	One Penny, and Eggs in Kind.
Foals	-	-	-	One Penny each One till Five, then One Shilling; Six, One Shilling and Eight-pence; Seven, One Shilling and Nine-pence; Eight, One Shilling and Ten-pence; Nine, One Shilling and Eleven-pence; Ten, Two Shillings.
Pigs	-	-	-	One Penny each One till Five, then One Half Pig, Nine-pence; Six, a whole Pig, abating Four-pence; Seven, a whole Pig, abating Three-pence; Eight, a whole Pig, abating Two-pence; Nine, a whole Pig, abating One Penny; Ten, a whole Pig, One Shilling and Sixpence.

The SECOND SCHEDULE referred to by the foregoing Act.

Directions to the Commissioners for dividing and apportioning the Corn Rent payable to the Impropiators and Vicar between the several Townships constituting the Parish of Kendal.

That the Township of Kentmere shall pay One Tenth Part of the Value of the Tithe of Hay, and those Parts of the Townships of Kendal, Kirkland, Nethergraveship, and that Division of the Township of Underbarrow and Bradley Field called Bradley Field, to which the Hay Silver Payment extends, shall each pay One Fourth Part of the Value of the Tithe of Hay within those Districts, and that the Difference between the Amount of the Money Payments herein-before directed to be payable in lieu of the Tithes of Hay in those Districts and the Proportion above mentioned shall be carried to the surplus Fund herein-after mentioned.

That the ancient Estates within any of the Townships that have heretofore yielded and rendered Tithes of Corn and Grain in Kind to any Person or Persons whomsoever, except such Additions as may have been made to them by the Inclosure of Commons within the last Thirty Years, shall pay the full Value of such Tithes, such Value to be ascertained in the same Manner as the Value of the Corn Tithes in the Township of Natland, and that the Difference between the full Value and the Proportion of Fifty Seventy-fifth Parts shall be carried to the said surplus Fund.

That the Tithes of Wool throughout the Parish shall be valued in manner by this Act directed, and the Difference between Fifty Seventy-fifth Parts and the full Value shall be carried to the said surplus Fund.

That the several Moduses and Money Payments enumerated in the First Schedule to this Act shall be valued in manner by this Act directed, and the Difference between the full Value and the Proportion of Fifty Seventy-fifth Parts shall be carried to the said surplus Fund.

That the surplus Fund to arise by the Means aforesaid shall in the first place be applied by the said Commissioners to make up the Deficiency or Difference between the Sum of Twenty-five Pounds as or in the Nature of a Corn Rent to be paid for or in respect of the several Messuages, Lands, and Tenements of the said Thomas Strickland within the said Parish, and the Proportion of Fifty-six Seventy-fifth Parts to be paid to the said Impropiators and Vicar by the said Proprietors in respect of the same Messuages, Lands, and Tenements.

That the surplus Fund to arise by the Means aforesaid shall in the second place be applied by the said Commissioners in reduction of the

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Proportion

Proportion of Fifty Seventy-fifth Parts, being Part of the Fifty-six Seventy-five Parts of the Value of the several titheable Articles directed by this Act to be paid to the Impropiators and Vicar, except the Value of the Tithes of Corn and Grain upon the ancient Lands herein-before particularized which have heretofore paid Corn and Grain in Kind, and except also the Value of the Tithes of Wool throughout the Parish, and the several Moduses and Money Payments enumerated in the First Schedule.

That the Value of the Tithes of Corn and Grain upon the ancient inclosed Lands herein-before particularized, and the Value of the Tithes of Wool throughout the Parish, and the Moduses and Money Payments enumerated in the First Schedule, and the Tithes of Hay in the Township of Kentmere, and upon the ancient inclosed Lands in the Townships of Kendal, Kirkland, Nethergraveship, and that Division of the Township of Underbarrow and Bradley Field called Bradley Field, to which the Hay Silver Payment extends, shall be exempt from all Contribution in respect of Six Seventy-fifth Parts of the Fifty-sixth Seventy-fifth Parts payable to the Impropiators and Vicar, but the Amount of such Six Seventy-fifth Parts shall be raised by a Charge upon the disputed Tithes in equal and fair Proportions according to the Amount and relative Value of such disputed Tithes.

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Printers to the King's most Excellent Majesty. 1834.