ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 39.

An Act for incloſing Lands within the Manor of *Allonby*, in the Pariſh of *Bromfield*, in the County of *Cumberland*. [4th *May* 1814.]

WHEREAS there are within the Manor of *Allonby*, in the Pariſh of *Bromfield*, in the County of *Cumberland*, certain Moors, Commons and Waſte Grounds, containing together Four hundred and Fifty Acres, or thereabouts, which in their preſent State yield but little Profit to the Perſons intereſted therein: And whereas *Thomas Irwin* Eſquire is Lord of the ſaid Manor in which ſuch Moors, Commons, and Waſte Grounds are ſituate, and as ſuch is ſeiſed of or entitled to the Soil and Royalties thereof: And whereas *Thomas Beeby*, *Daniel Beeby*, *William Beeby*, *Thomas Dickinſon*, *Joſeph Hodgson*, *John Beeby*, and ſeveral other Perſons are Proprietors of Meſſuages, Lands, Tenements, and Hereditaments within the ſaid Manor, and as ſuch are entitled to Right of Common in and upon the ſaid Moors, Commons, and Waſte Grounds: And whereas the ſaid *Thomas Irwin*, and the ſaid *Thomas Beeby*, *Daniel Beeby*, *William Beeby*, *Thomas Dickinſon*, *Joſeph Hodgson*, *John Beeby*, and the ſeveral and reſpective Perſons Proprietors of Lands within the ſaid Manor entitled to Right of Common, or otherwiſe intereſted in the ſaid Moors, Commons, and Waſte Grounds, are willing and deſirous that the ſame ſhould be divided, allotted and incloſed, in the Manner herein-after expreſſed; but ſuch Diviſion and Incloſure cannot be effected without the 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 Hudleston* of *Gosforth*, in the County of *Cumberland*, Gentleman, and his Successor, to be appointed in Manner herein-after mentioned, shall be and he is hereby appointed sole Commissioner, for surveying, dividing, and allotting the said Moors, Commons, and Waste Grounds, and for putting this Act into Execution according to the Directions herein contained, and with such of the Powers and subject to such of the Directions contained in an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*, as are not controlled by this Act.

Appointment of Commissioner.

II. And be it further enacted, That in case of the Death, Incapacity, or Refusal to act of the said *John Hudleston*, or of any future Commissioner to be nominated and appointed in the Room or Stead of the said *John Hudleston*, or any of his Successors to be nominated and appointed in Manner herein-after mentioned, the several Owners of Messuages, Lands, and Tenements within the said Manor for the Time being, or the major Part of them in Value (such Value to be ascertained by the Land-Tax Assessment), shall, with the Concurrence and Consent of the Lord or Lords, Lady or Ladies of the said Manor for the Time being, by some Instrument in Writing under their Hands and Seals, nominate and appoint a new Commissioner from Time to Time in the Room or Stead of the said *John Hudleston*, or of any future Commissioner to be in like Manner nominated and appointed; and every new Commissioner shall, after taking the Oath prescribed in that Behalf, have and is hereby declared to have the same Powers and Authorities to put this and the said recited Act into Execution, and for the Purposes thereof shall be considered to all Intents and Purposes as if he had been expressly named and appointed by this Act; and every such Instrument of Nomination and Appointment shall be inrolled and recorded at the General Quarter Sessions of the Peace for the said County of *Cumberland*, next after such Nomination and Appointment, and the same, or the Inrolment thereof, or a true Copy of such Inrolment shall be admitted as Evidence in all Courts whatsoever; and all Persons shall be at Liberty to peruse and inspect the same from Time to Time, and at all seasonable Times, paying for every such Inspection or Perusal, the Sum of One Shilling, and no more.

Power to elect a future Commissioner.

III. And be it further enacted, That the said Commissioner shall cause Notice in Writing to be given in Manner herein-after mentioned, of the Time and Place of holding his First, Second, and Third Sittings, for the Purpose of putting this and the said recited Act into Execution, at least Fourteen Days before such respective Sittings; and the said Commissioner shall and may, after his said Third Sitting, from Time to Time appoint such Special or other subsequent Sittings for carrying into Execution the Trusts, Powers, and Authorities hereby and by the said recited Act vested in him, as he shall think proper, in like Manner giving Fourteen Days Notice in Writing of the Time and Place where each such Special or subsequent Sitting is to be holden; but the said Commissioner is hereby authorized and empowered, if he shall see Cause, without

Notice of Meetings.

giving any public Notice, to adjourn and continue his ſaid Firſt, Second, and Third Sittings, or any of them, or any ſuch Special or other ſubſequent Sitting or Sittings as aforeſaid, from Time to Time, as he ſhall ſee convenient, provided that all Sittings of the ſaid Commiſſioner ſhall be holden at *Allonby*, in the ſaid Pariſh of *Bromfield*.

Directing how Notices ſhall be given.

IV. And be it further enacted, That in all Caſes where Notices are required to be given to any Perſon or Perſons under this Act or the ſaid recited Act, the Delivery of the ſame, ſo far as concerns the ſaid Commiſſioner, at his uſual Place of Abode, or at the Office or uſual Place of Abode of his Clerk, and ſo far as concerns all other Perſons, the Delivery of the ſame at the uſual Place of Abode of ſuch Perſons reſpectively, ſhall be deemed good Service of the ſame; and that Notice of the Sittings (except thoſe by Adjournment) of the ſaid Commiſſioner, and of the Perambulation of the ſaid Moors, Commons, and Waſte Grounds, hereby directed to be divided, allotted, and incloſed, and all other public Notices directed by this Act or the ſaid recited Act to be given, ſhall be in Writing, and ſhall be given by affixing the ſaid Notices reſpectively on ſome *Sunday*, in the Forenoon, before or during Divine Service, on the principal Door of the Chapel of *Allonby* aforeſaid; and alſo by cauſing the ſame to be inſerted in ſome One or more Newſpaper or Newſpapers publiſhed at *Carliſle* or *Whitehaven*, in the ſaid County of *Cumberland*, or in ſome other Newſpaper or Newſpapers uſually circulated in the ſaid County.

For ſettling Diſputes.

V. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid Diviſion and Incloſure, touching the reſpective Rights and Intereſts which they or any of them ſhall have or claim to have in the ſame, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Incloſure, it ſhall and may be lawful for the ſaid Commiſſioner, and he is hereby authorized and required, with all convenient Speed to proceed to hear and determine ſuch Claims and Objections upon his own View, or Examination of Witneſſes upon Oath, to be adminiſtered by the ſaid Commiſſioner, or by ſuch other Evidence, Proof, Ways and Means, as by him ſhall be adjudged proper; and the ſaid Commiſſioner ſhall make and ſignify his Determination in Writing, of and concerning the Premiſes, under his Hand, within Six Calendar Months next after ſuch Claims or Objections ſhall be reſpectively made as aforeſaid, or as ſoon after as conveniently may be; and ſuch Determination ſhall be concluſive to and upon all Parties whomſoever, ſave and except as is herein after mentioned: Provided always, that nothing herein contained ſhall authorize the ſaid Commiſſioner to determine the Title to any Meſſuages, Cottages, Lands, Tenements or Hereditaments whatſoever.

For aſſeſſing Coſts.

VI. Provided always, and be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby empowered and required, upon Requeſt made to him, to aſſeſs ſuch Coſts and Charges as he ſhall think reaſonable, for the Uſe and Benefit of the Party or Parties in whoſe Favour ſuch Determination ſhall be made, upon or againſt the Perſon or Perſons whoſe Claim or Claims, Objection or Objections ſhall be thereby diſallowed;

allowed; and by Warrant under the Hand and Seal of such Commissioner, to levy such Costs and Charges, by Distress and Sale of the Goods and Chattels of such last-mentioned Person or Persons, together with the Charges of such Distress and Sale.

Allowing Parties to try their Rights at Law.

VII. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic or Corporate, interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim or Claims of the Rights of Common or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, and shall by Writing under the Hand of him, her, or them, or of his, her, or their known Agent or Attorney, or under their Common Seal respectively, give Notice to the said Commissioner or his Clerk, within Three Calendar Months next after any such Determination shall have been made and signified by Writing under the Hand of the said Commissioner, to the Party or Parties against whom such Determination shall have been so made, or to his or their known Agent or Attorney, it shall and may be lawful for the Person or Persons, Body or Bodies Politic or Corporate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the then next, or at the following Assizes to be holden for the said County of *Cumberland*; and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioner, shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final, binding, and conclusive upon all Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials, and that the Costs attending such Action or Actions shall abide the Event of the respective Trials of such Issue or Issues: Provided always, that the Determination of the said Commissioner, touching such Claim or Claims of any Rights of Common, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties; and if any of the Parties, Plaintiffs or Defendants,

ants, in any Action to be brought in purſuance of this or the ſaid recited Act, ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Death had happened; and in caſe any Perſon or Perſons, in whoſe Favour any Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Party or Parties who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid, againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk of the ſaid Commiſſioner with Proceſs for commencing ſuch Action or Actions in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall thereupon be incumbent on the Heir or Heirs of the Perſon or Perſons ſo dead, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead, and Proceedings ſhall be had therein, and the Coſts ſhall follow the Event, and be recoverable, in the ſame Manner as if ſuch Perſon or Perſons had been actually living; and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Suits not to delay Proceedings.

VIII. Provided always, and be it further enacted, That no ſuch Difference, Suit or Proceeding as aforeſaid, nor any Difference, Diſpute, or Proceeding touching the Title to any Lands, Tenements, or Hereditaments, ſhall impede or delay the ſaid Commiſſioner in the Execution of this Act; but the Diviſion and Incloſure hereby directed to be made, ſhall be proceeded in, notwithſtanding any ſuch Difference, Suit, or Proceeding.

Deaths of Parties not to delay the Incloſure.

IX. And be it further enacted, That if any of the Perſons intereſted in the ſaid intended Diviſion ſhall happen to die before the ſaid intended Diviſion ſhall be made and perfected, or before the ſaid Commiſſioner ſhall have made his Award touching the ſame, the Powers and Authorities hereby given unto and veſted in the ſaid Commiſſioner ſhall not be in anywiſe determined or ſuſpended by ſuch Death or Deaths; but that the ſaid Commiſſioner or his Succeſſor ſhall and may proceed in and execute the ſame Powers and Authorities and every of them, in ſuch and the like Manner as he might have done if ſuch Perſon or Perſons had not died; and that the Part or Parts, Share or Shares of the ſaid Moors, Commons, and Waſte Grounds, which ſuch Perſon or Perſons ſo dying would have been entitled to, ſhall be taken by the Perſon or Perſons who ſhall, upon the Death of the Perſon or Perſons ſo dying, be entitled to the ſame; and ſuch Perſon or Perſons ſhall accordingly accept and fence, and have, hold, and enjoy the ſame, according to their reſpective Eſtates and Intereſts in the Lands, Tenements and Hereditaments in reſpect whereof ſuch Allotment or Allotments ſhall be made.

Right of Poſſeſſion not to be determine

X. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioner to deter-

mined by the Commissioner.

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

Encroachments.

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

intereſted in the ſaid Moors, Commons, and Waſte Grounds, in ſuch Shares as ſhall be in Proportion to their reſpective Property and Intereſt therein; and the Shares of ſuch of them as ſhall be Tenants in Fee Simple ſhall be paid to them reſpectively, and the Shares of ſuch other Proprietors and Perſons of and in ſuch Surplus Money ſhall be applied and diſpoſed of in Manner directed by the ſaid recited Act in thoſe Caſes wherein any Money is to be paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes.

Allotments for Stone Quarries, Watering Places, &c.

XII. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby authorized and required, according to the beſt of his Skill and Judgment, to aſſign, ſet out and appoint a proper Part or Parts of the ſaid Moors, Commons, and Waſte Grounds for public Freeſtone Quarries, and Limeſtone Quarries; alſo Clay Pits for making Bricks, Common Watering Places for Cattle, and public Peat Moſſes (if any there be) for the common Uſe and Benefit of the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, and the other Land Owners and Tenants within the ſame Manor reſpectively for the Time being; ſuch Freeſtone, Limeſtone, and Bricks to be uſed by the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, and ſuch Land Owners and Tenants reſpectively within the ſaid Manor, for the Uſe of their reſpective Tenements within the Manor wherein ſuch Freeſtone Quarry or Quarries, and Limeſtone Quarry or Quarries, and Clay Pit or Pits, is or are ſituate, but not to be ſold or otherwiſe diſpoſed of; and ſhall ſet out and appropriate any other Part or Parts of the ſaid Moors, Commons and Waſte Grounds, for getting Sand, Gravel, and other Materials for making and repairing ſuch Public and Private Roads as ſhall be ſet out and appointed or continued within the ſaid Manor in purſuance of this Act, and according to the Directions herein contained, or for any other Purpoſe or Purpoſes, which to the ſaid Commiſſioner ſhall ſeem neceſſary and expedient.

Allotment of Land to be ſold for Payment of Expences,

XIII. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby authorized and empowered to ſell by public Auction in ſeparate Lots, not exceeding Five Acres in any Lot, purſuant to the Directions of the ſaid recited Act, ſo much of the Reſidue of the ſaid Moors, Commons, and Waſte Grounds as he may judge expedient, towards paying the Coſts, Charges, and Expences incident to and attending the obtaining this Act, and carrying the ſame into Execution: Provided always, that if there ſhall be any Overplus of the Money ariſing by ſuch Sale, the ſame ſhall be applied in the Manner directed by the ſaid recited Act, with reſpect to Money to be paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes: Provided alſo, that if the Money to be produced by Sale or Sales as aforeſaid, ſhall not be ſufficient to defray all the Coſts, Charges, and Expences herein-before directed to be paid and defrayed thereby, then ſuch Deficiency ſhall be borne, defrayed, and paid by the reſpective

tive Perſons to whom Allotments of the ſaid Moors, Commons, and Waſte Grounds ſhall be reſpectively made (other than and except the Perſon or Perſons to whom any Allotment or Allotments ſhall be made in Right of any Church or Chapel) in Proportion to the real Value of their reſpective Allotments, to be ſettled and aſcertained by the ſaid Commiſſioner, and to be payable and paid by them reſpectively to ſuch Perſon or Perſons, and at ſuch Times as ſhall by the ſaid Commiſſioner be named and appointed; and in caſe any of the ſaid Perſons ſhall refuſe or neglect to pay his, her, or their Share or Proportion of the ſaid Deficiency, within the Time ſo to be limited and appointed as aforeſaid, then the ſaid Commiſſioner ſhall and may, and he is hereby empowered by Warrant under his Hand and Seal, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Owner or Owners, Occupier or Occupiers of the Allotment or Allotments of the Perſon or Perſons ſo reſpectively refuſing or neglecting to pay the ſame, together with the Charges of ſuch Warrant, Diſtreſs, and Sale, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels upon Demand; and that every ſuch Occupier or Tenant ſhall and may deduct and retain out of his or her Rent or Rents, ſo much Money as he or ſhe ſhall ſo pay as aforeſaid.

Purchaſers of Land ſold to conform to the Orders of the Commiſſioner as to Fencing, &c.

XIV. And be it further enacted, That the Perſon or Perſons who ſhall become the Purchaſer or Purchaſers of the Lands ſo to be allotted and ſold as aforeſaid, his, her, and their Heirs and Aſſigns, ſhall be ſubject and liable to the making and keeping in Repair ſuch Parts of the Ring or Outer Fences thereof, as ſhall be directed by the ſaid Commiſſioner; and alſo to the due Obſervance and Performance of all Orders, Matters, Charges, and Directions to be made, laid down, and applied by the ſaid Commiſſioner in and by his Award; and alſo to all Rights, Liberties, and Privileges of the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, and his, her, or their Leſſee or Leſſees and Aſſigns.

Allotment to the Lords of the Manor.

XV. And be it further enacted, That the ſaid Commiſſioner ſhall, in the next Place, ſet out, allot and appoint unto and for the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, ſuch Quantity of the ſaid Moors, Commons and Waſte Grounds reſpectively, as ſhall in the Judgment of the ſaid Commiſſioner be equal to One-fifteenth Part or Share of the Remainder of the ſaid Moors, Commons, and Waſte Grounds, which ſhall remain after the Allotment and Appropriation herein-before mentioned, in lieu of and as a full Compenſation for the Right and Intereſt of the Lord of the ſaid Manor for the Time being, in and to the Soil of the Reſidue of the ſaid Moors, Commons, and Waſte Grounds, except as herein-after is mentioned.

Allotment of the Reſidue.

XVI. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby required to ſet out by Metes and Bounds, and allot in Severalty, the Reſidue of the ſaid Moors, Commons, and Waſte Grounds, after the ſeveral Allotments and Appropriations herein-before mentioned ſhall be made, unto and amongſt the ſaid *Thomas Beeby*, *Daniel Beeby*, *William Beeby*, *Thomas Dickinſon*, *Joſeph Hodgson*, *John Beeby*, and the ſeveral other Perſons, Bodies Politic and Corporate, entitled to Right of Common upon the ſaid Moors, Commons, and Waſte Grounds, for and

on

on account of their reſpective Meſſuages, Lands, and Tenements within the ſaid Manor, or elſewhere within the ſaid Pariſh of *Bromfield*, in Proportion to their ſeveral and reſpective Rights and Intereſts therein; ſuch Allotments to be ſettled and aſcertained by the ſaid Commiſſioner, by and according to the Value of their reſpective Lands and Tenements, as aſcertained by the preſent Aſſeſſment to the Poor Rate, except as herein-after mentioned; but that all Allotments to be made to the Proprietors of a certain ſtinted Paſture called *The Sea Bank*, in lieu of their Common Right upon the ſaid Moors, Commons, and Waſte Grounds, ſhall be made in ſuch Manner as the ſaid Commiſſioner ſhall think juſt and equitable; and that all Allotments to be made to the Proprietors of Houſes entitled to Right of Common, ſhall be made only according to the Value of the Land upon which ſuch Houſes ſhall reſpectively ſtand, including the Garths, Yards, Gardens, and other Lands belonging thereto, and not to any greater Extent in Value.

Allotments to be Freehold.

XVII. And be it further enacted, That from and after the Award directed to be made in purſuance of this and the ſaid recited Act, ſhall have been executed by the ſaid Commiſſioner, and depoſited, all and every the Allotments herein-before directed to be made ſhall be and are hereby declared to be Freehold to all Intents and Purpoſes whatſoever.

Coal Mines, &c. not to be added to the Value of Allotments.

XVIII. Provided always, and it is hereby enacted and declared, That the Coal Mines, Minerals, and Metals lying under any of the Allotments to be made in purſuance of this Act, ſhall not be taken into the Valuation of, nor be in anywiſe adding or contributing to the Value of ſuch Allotments; it being intended that all Coal Mines, Minerals, and Metals within or under the Whole of the ſaid Moors, Commons, and Waſte Grounds, ſhall be reſerved to the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, in the Manner herein-after mentioned.

Commiſſioner may allow Proprietors to occupy Part of their Allotments before the Award, on paying a Rent.

XIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioner, if he ſhall think it proper and expedient ſo to do, immediately or at any Time or Times after the paſſing of this Act, and before all the Allotments to be made by virtue thereof ſhall be ſtaked out, and the Rights and Intereſts of all the Proprietors ſhall be fully aſcertained, to ſet out and allot to any ſuch Proprietors, upon Application in Writing made to the ſaid Commiſſioner for that Purpoſe, any Parcel or Parcels of Land as Part of the Allotments to be made to ſuch Proprietors reſpectively, and by Writing under his Hand to authorize and empower ſuch Proprietors reſpectively, to fence, occupy, and enjoy the ſame in Severalty, paying ſuch annual Rents in reſpect thereof, until the Whole of the Allotments to be made by virtue of this Act ſhall be aſcertained and ſtaked out, as the ſaid Commiſſioner ſhall fix and appoint; which Rents ſhall be applied by the ſaid Commiſſioner towards Payment of the Expences of obtaining this Act, and carrying the ſame into Execution; and the ſaid Commiſſioner ſhall have all ſuch Remedies for Recovery thereof as Landlords now have or ſhall at any Time hereafter be entitled to for Recovery of Rent in Arrear.

Common Rights may be ſold, and Allotments made to the Purchaſers.

XX. And be it further enacted, That it ſhall be lawful for any of the ſaid Proprietors to ſell and convey to any Perſon or Perſons, his, her, or their Right or Intereſt, in or to the ſaid Moors, Commons, and Waſte Grounds,

Grounds, or any Allotment or Allotments to be ſet out as aforeſaid, at any Time before the awarding of the ſame by the ſaid Commiſſioner; and the ſaid Commiſſioner is hereby authorized and required to award the Allotments which ſhall be ſo ſold and conveyed to the Purchaſer or reſpective Purchaſers thereof accordingly.

Allowing Exchanges to be made.

XXI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioner to ſet out, allot, and award any Lands, Tenements, or Hereditaments, within the ſaid Pariſh of *Bromfield*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Pariſh, or within any adjoining Pariſh, Hamlet, Townſhip, or Place; provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioner, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for Charitable or other Uſes, Huſbands, Committees, or Attornies, of or acting for any ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Incapacity, or who ſhall be beyond the Seas, or otherwiſe incapable to act for themſelves, himſelf, or herſelf; ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other Parties conſenting reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid of the Patron thereof, and of the Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged ſhall lie or be ſituate: Provided always, that the Coſts, Charges, and Expences attending the making and completing any Exchanges or Partitions under the Powers and Authorities in this Act and the ſaid recited Act or either of them contained, ſhall be paid and borne by the ſeveral Perſons, Bodies Politic, Corporate, or Collegiate, making ſuch Exchanges or Partitions, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioner ſhall order and direct.

Wills and Settlements not to be affected.

XXII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued or adjudged to revoke, alter, make void, or invalidate any Will, Settlement, or Leaſe whatſoever, or to prejudice any Perſon having or claiming any Jointure, Dower, Portion, Rent, Debt, Charge, or Incumbrance, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments in reſpect whereof any Allotment or Allotments ſhall be made in purſuance of this Act; but that the reſpective Allotments to be made in purſuance of this Act ſhall be ſubject to ſuch and the ſame Wills, Settlements, Uſes, Truſts, Limitations, Powers, Proviſoes, Conditions, Remainders, Reverſions, Leaſes, Rents, Services,

vices, Debts, Charges, and Incumbrances, as the ſeveral Lands, Tenements, or Hereditaments in reſpect whereof ſuch Allotments ſhall be reſpectively made, were and ſtood ſubject unto at the Time of paſſing this Act, and that ſuch Allotments ſhall, in reſpect of all ſuch Wills, Settlements, Uſes, Truſts, Limitations, Powers, Proviſoes, Conditions, Remainders, Reverſions, Leaſes, Rents, Services, Debts, Charges, and Incumbrances, be deemed and adjudged to be Part and Parcel of the ancient Tenements for which ſuch Allotment ſhall be made reſpectively.

Commiſſioner's Allowance.

XXIII. And be it further enacted, That out of the Monies to be raiſed for the general Purpoſes of this Act, there ſhall be paid to the ſaid Commiſſioner the Sum of Two Pounds and Two Shillings and no more, for each Day he ſhall be employed in travelling to and from, and attending the Execution of this and the ſaid recited Act; and that as well the ſaid Commiſſioner as alſo all Proprietors and other Perſons whomſover, ſhall pay their own Expences at all Meetings to be holden under the Authority of this Act; and if it ſhall happen that the ſaid Commiſſioner ſhall have Occaſion to take any Journey or Journies in order to give ſuch Attendance, or for the Purpoſe of viewing the ſaid Moors, Commons, and Waſte Grounds, hereby intended to be divided and incloſed as aforeſaid, the better to enable him to carry this Act into Execution, then and as often as it ſhall ſo happen, it is hereby alſo directed that he ſhall be paid his reaſonable Travelling Expences to and from the Places of ſuch Attendance, over and beſides the ſaid Sum of Two Pounds and Two Shillings.

Commiſſioner's Accounts to be ſettled and allowed.

XXIV. And be it further enacted, That once at leaſt in each and every Year during the Execution of this Act (ſuch Year to be computed from the Day of the paſſing thereof) the ſaid Commiſſioner ſhall and he is hereby required to make a true and juſt Statement or Account of all Sums of Money by him received or expended, or due to him, for his Trouble or Expences in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by him laid before Two Juſtices of the Peace in and for the ſaid County of *Cumberland*, 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 of the ſaid Commiſſioner; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtices.

Allowing Appeal to the Quarter Seſſions.

XXV. And be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this or the ſaid recited Act, then and in every ſuch Caſe (except in ſuch Caſes where the Determinations of the ſaid Commiſſioner are hereby or by the ſaid recited Act declared to be final, binding, or concluſive, or where a Trial at Law ſhall be had as herein-before mentioned), he or ſhe may appeal to any General Quarter Seſſions of the Peace which ſhall be held for the County of *Cumberland*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioner and to the Party or Parties concerned Fourteen Days Notice in Writing of ſuch Appeal, and of the Matter thereof; and the Juſtices in ſuch Seſſions aſſembled are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and to award ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or

Warrant to levy the Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties made liable to pay the ſame, rendering the Overplus (if any) upon Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; and the Orders and Determinations of the ſaid Juſtices upon every ſuch Appeal, ſhall be final and concluſive to and upon 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.

Saving Rights of Lord of Manor to Mines, Minerals, &c.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained ſhall be conſtrued or adjudged to defeat, leſſen, or prejudice the Right, Title, or Intereſt of the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, of, in, and to the Coal, Lead, Tin, Copper, Stone or Slate, Minerals or Metals, within or under the ſaid Moors, Commons, and Waſte Grounds intended to be incloſed as aforeſaid, (ſave and except the Stones in the public Free-ſtone and Lime-ſtone Quarries to be ſet out as aforeſaid), or of, in, or to the Seigniories and Royalties, Franchiſes and Liberties incident and belonging to the ſaid Manor; but that the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, and all and every Perſon and Perſons claiming by, from, under, or in Truſt for him, her, or them, as Lord or Lords, Lady or Ladies of the ſaid Manor, and all ſucceeding Lord and Lords, Lady and Ladies, and Owners thereof for the Time being, ſhall and may at all Times for ever hereafter have, hold, take, and enjoy all Rents, Services, Courts, Perquiſites, and Profits of Courts, and Mills, Piſcaries, Fiſhing, Hunting, Hawking, and Fowling, Goods and Chattels of Felons and Fugitives, Felons of themſelves, and put in Exigent, Deodands, Waifs, Eſtrays, Forfeitures, Eſcheats, and all other Royalties, Liberties, Franchiſes, Privileges, Pre-eminences, Juriſdictions, and Appurtenances whatſoever to the ſaid Manor, or to the Lord or Lords, Lady or Ladies thereof for the Time being, incident, appertaining, or belonging, or which have been anciently uſed, exerciſed, and enjoyed by the Lord or Lords, Lady or Ladies of the ſame Manor (other than and except ſuch Right of Common and Paſture as aforeſaid, which is intended to be extinguiſhed) as could or might be claimed by him, her, or them as Owner or Owners of the Soil of the ſaid Moors, Commons, and Waſte Grounds, in as full, ample, and beneficial a Manner to all Intents and Purpoſes, as he, ſhe, or they could or might have held and enjoyed the ſame in caſe this Act had not been made: And that all the Lords, Ladies, and Owners of the ſaid Manor for the Time being, ſhall and may from Time to Time, and at all Times hereafter, have, hold, work, and enjoy all Mines, Minerals, and Quarries of what Nature or Kind ſoever, within or under the ſaid Moors, Commons, and Waſte Grounds intended to be divided and incloſed as aforeſaid, as well thoſe not opened as thoſe already opened, (ſave and except the ſaid public Lime-ſtone and Free-ſtone Quarries to be ſet out as aforeſaid); and to have and enjoy, and be veſted with all convenient and neceſſary Ways, Wayleaves, and Liberties of laying, making, and preparing Waggon Ways and other Ways, in, over, and along the ſame or any Part thereof; and of ſearching for, winning, and working the Mines and Quarries, and leading and carrying away the Coals, Lead, Tin, Copper, Stones, Lime, Slates, Metals, and Minerals to be gotten thereout, or out of any other of their Lands or Grounds, and making Pits, Shafts, Pit Rooms,

Rooms, Heap Rooms, Drifts, Levels, Watercourſes, erecting and uſing Fire Engines and other Engines, Limekilns, and all and every other Matters and Things now in Uſe, or hereafter to be invented for the Purpoſes aforeſaid, or any of them, in, upon, through, over, or along the ſaid Moors, Commons, and Waſte Grounds, or any of them, or any Part or Parts thereof, and all other Powers, Privileges, and Authorities, for all or any of the Purpoſes aforeſaid.

Satisfaction to be made for Damages.

XXVII. Provided alſo, and be it further enacted, That in caſe the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, or any Perſon or Perſons claiming under him, her, or them, ſhall, after ſuch Incloſure made as aforeſaid, win, work, and lead away any Coal, Lead, Tin, Copper, Stones, Lime, Slate, Metals, or Minerals, lying within or under any of the ſaid Allotments or Incloſures as aforeſaid, or Lands or Tenements in reſpect whereof ſuch Allotments ſhall be made; then and in ſuch Caſe ſuch Perſon or Perſons ſo winning, working, or leading away the ſame, ſhall make full and reaſonable Satisfaction for the Damage and Spoil of Ground occaſioned thereby, or in the making or uſing of Waggon Ways, or other Ways, and any other Matters or Things according to the Powers herein reſerved or granted to the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, to the Perſon or Perſons who ſhall be in Poſſeſſion of ſuch Ground at the Time or Times of ſuch Damage or Spoil.

Empowering Land Owners to dig Stone for their own Uſe.

XXVIII. And be it further enacted and declared, That it ſhall and may be lawful to and for the ſeveral Owners of Meſſuages, Lands, and Tenements within the ſaid Manor, to whom Allotments ſhall be made as aforeſaid, their Heirs and Aſſigns, to dig for, take and carry away, within, upon, from or under their reſpective Allotments, any Quantity of Lime or other Stone, or Clay for the making of Bricks for the Improvement of their reſpective Lands or Grounds within the ſaid Manor, or for any other Purpoſe or Purpoſes for which ſuch Lime or other Stone or Clay is uſed, ſo as the ſame be uſed by them reſpectively within the ſaid Manor, and ſo as the ſame be not ſold or otherwiſe diſpoſed of, and ſo as no Damage or Obſtruction be thereby done or given to the working of any Mine or Mines, Colliery or Collieries, Pit or Pits, Quarry or Quarries, Delf or Delfs, Work or Works carrying on or to be carried on by the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, his, her, or their Stewards, Agents, or Workmen reſpectively.

General Saving.

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

A&t to be printed by the King's Printers.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1814.