ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 37.

An Act for incloſing *Highſtone Common*, in the Pariſh of *Bewcaſtle*, in the County of *Cumberland*.

[4th *May* 1814.]

WHEREAS Sir *James Graham* Baronet, of *Netherby* in the County of *Cumberland*, is Lord of the Manor of *Bewcaſtle*, in the Pariſh of *Bewcaſtle*, in the ſaid County of *Cumberland*; and there is within and Parcel of the ſaid Manor a certain Moor, Common, or Stinted Paſture, called *Highſtone Common*, containing by Eſtimation One thouſand five hundred Acres or thereabouts; and the ſaid Sir *James Graham*, as ſuch Lord of the ſaid Manor, is Owner of the Soil of the ſaid Moor, Common, or Stinted Paſture, and is entitled to all Mines and Minerals within and under the ſame, and to other Rights, Royalties, Liberties, and Privileges thereunto belonging: And whereas the ſaid Sir *James Graham*, and certain other Perſons, are reſpectively Owners and Proprietors of Meſſuages, Lands, or Tenements within the ſaid Manor of *Bewcaſtle*, in reſpect whereof they or their Leſſees or Tenants are or claim to be entitled to divers Cattlegates on the ſaid Moor, Common, or Stinted Paſture, and to Rights of Common of Turbary, and other Rights thereon: And whereas the ſaid Moor, Common, or Stinted Paſture, is in its preſent State incapable of any conſiderable Improvement; and it would be of great Benefit to the Perſons intereſted therein, if the ſame were divided and allotted in Severalty amongſt the Perſons entitled to Cattlegates thereon, according to their reſpective Rights; but which 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 *Robert Graham* of *Netherby*, and *Rowland Fawcett* of *Scaleby Caſtle*, both

Commiſſioners.

both in the County of *Cumberland*, Gentlemen, and their Succeſſors, to be appointed as herein-after mentioned, ſhall be, and they are hereby appointed Commiſſioners for ſurveying, dividing, and allotting the ſaid Moor, Common, or Stinted Paſture, 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 controuled by this Act.

Power to elect new Commiſſioners.

II. And be it further enacted, That in caſe of the Death, Incapacity, or Refuſal to act, of the ſaid *Robert Graham*, or of any future Commiſſioner to be nominated and appointed by the ſaid Sir *James Graham*, or the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, in the room or ſtead of the ſaid *Robert Graham*, or any of his Succeſſors, he the ſaid Sir *James Graham*, or the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, ſhall, by ſome Inſtrument or Writing under his or their Hand and Seal, or Hands and Seals, nominate and appoint a new Commiſſioner (not intereſted in the ſaid Incloſure, or in any Degree of Relationſhip to any Perſon intereſted therein) from Time to Time, in the room or ſtead of the ſaid *Robert Graham*, or of any future Commiſſioner or Commiſſioners to be nominated and appointed by the ſaid Sir *James Graham*, or the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being; and in caſe of the Death, Incapacity, or Refuſal to act, of the ſaid *Rowland Fawcett*, or of any future Commiſſioner to be nominated and appointed by the ſeveral Proprietors of the ſaid Moor, Common, or Stinted Paſture for the Time being, or the major Part of them reſpectively, in the room or ſtead of the ſaid *Rowland Fawcett*, or any of his Succeſſors, they the ſaid Proprietors for the Time being (other than and except the Lord or Lords of the ſaid Manor for the Time being,) or the major Part of them, ſhall, by ſome Inſtrument in Writing under their Hands and Seals, nominate and appoint a new Commiſſioner (not intereſted in the ſaid Incloſure, or in any Degree of Relationſhip to any Perſon intereſted therein) from Time to Time, in the room and ſtead of the ſaid *Rowland Fawcett*, or of any future Commiſſioner to be in like Manner nominated and appointed by the ſaid Proprietors of, or Perſons intereſted in the ſaid Moor, Common, or Stinted Paſture for the Time being, or the major Part of them; 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 in and by this Act; and every ſuch Inſtrument of Nomination and Appointment ſhall be enrolled with the Award of the ſaid Commiſſioners; and the ſame, or the Inrolment thereof, or a true Copy of ſuch Inrolment, ſhall be admitted as Evidence in all Courts whatſoever, in like Manner as by the ſaid Act is directed with reſpect to the Award of the ſaid Commiſſioners; and all Perſons ſhall be at Liberty to peruſe or inſpect the ſame from Time to Time, and at all ſeaſonable Times, paying for ſuch Inſpection or Peruſal One Shilling and no more.

III. And

For appointing an Umpire.

III. And for the more effectually obviating and preventing any Inconvenience or Delay which might otherwiſe happen or be occaſioned in the Proceedings of the ſaid Commiſſioners, by reaſon of any Difference in Opinion between them, touching or concerning any Matter or Thing in the Execution of this or the ſaid recited Act, or any Point or Points, Queſtion or Queſtions ariſing out of or relating thereto; be it further enacted, That if any Difference in Opinion ſhall happen to ariſe between the Commiſſioners for the Time being, touching or concerning any Matter or Thing in the Execution of this or the ſaid recited Act, or any Point or Points, Queſtion or Queſtions ariſing out of or relating thereto; then and as often as the Caſe ſhall ſo happen, all and every ſuch Matters or Things, or Points or Queſtions reſpectively, upon which there ſhall be any ſuch Difference in Opinion between the ſaid Commiſſioners as aforeſaid, ſhall be referred by the ſaid Commiſſioners, by Writing under their Hands, to ſome diſintereſted and ſkilful Perſon (whom it ſhall be lawful for the ſaid Commiſſioners to nominate and appoint by Writing under their Hands for that Purpoſe, from Time to Time and as often as they ſhall think neceſſary) to determine all and every ſuch Matters and Things, and Points or Queſtions reſpectively as aforeſaid; and the Determination of every ſuch Perſon ſo to be appointed, to be expreſſed in Writing under his Hand, ſhall be and ſhall be deemed and taken by the ſaid Commiſſioners as concluſive and binding upon them and all other Perſons whomſoever, ſo far as the Judgement and Determination of the ſaid Commiſſioners would by virtue of the ſaid recited Act and this Act be concluſive and binding, as to all and every the Matters or Things, or Points or Queſtions ſo reſpectively referred to his Determination as aforeſaid, to the Intent that the ſaid Commiſſioners may be thereby enabled to proceed in the Execution of this Act, and to make their General Award, notwithſtanding any ſuch Difference in Opinion between them as aforeſaid; and every ſuch Umpire ſhall have and is hereby veſted with the ſame Powers and Authorities as by the ſaid recited Act and this Act are given to the Commiſſioners hereby appointed: Provided always, that no Perſon ſhall be empowered to act for any other Purpoſe than the determining of ſuch Matters as may be ſo referred to him as aforeſaid; and every ſuch Perſon ſhall be paid ſuch Sum or Sums of Money, as a Compenſation for his Trouble in determining the Matter ſo to be referred to him as aforeſaid, as the ſaid Commiſſioners ſhall think reaſonable, and which Sums of Money the ſaid Commiſſioners are hereby authorized and required to pay out of the Monies herein-after directed to be raiſed for carrying this Act into Execution: Provided always, that no Perſon ſhall be capable of acting as Umpire in the Execution of the Powers given by this or the ſaid recited Act, until he ſhall have taken and ſubſcribed the Oath following; that is to ſay,

Umpire's Oath.

'I do ſwear, [*or*, being One of the People called *Quakers*, do ſolemnly affirm], That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Ability, execute and perform the ſeveral Truſts, Powers, and Authorities, veſted and repoſed in me as Umpire, by virtue of an Act paſſed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled [*here inſert the Title of this Act*] according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality, to any Perſon or Perſons whomſoever. So help me GOD.'

IV. And

Surveyors to be appointed.

IV. And be it further enacted, That the ſaid Commiſſioners ſhall have Power, and they are hereby authorized to appoint ſome fit and proper Perſon or Perſons to be a Surveyor or Surveyors, with Aſſiſtants, for the Purpoſes of the ſaid intended Diviſion and Incloſure; and from Time to Time to diſplace and remove any ſuch Perſon or Perſons ſo to be appointed, and to appoint any other Perſon or Perſons in his or their room, and to make ſuch Surveyor or Surveyors, Aſſiſtant or Aſſiſtants, ſuch Recompence for his and their Labour, Skill, and incidental Expences, as to the ſaid Commiſſioners ſhall appear juſt and reaſonable; but no Perſon ſhall act as a Surveyor in the Execution of this Act, until he ſhall have taken and ſubſcribed the following Oath; which Oath it ſhall be lawful for the ſaid Commiſſioners, or either of them, and he or they is and are hereby required to adminiſter the ſame; (that is to ſay),

Surveyors Oath.

'I do ſwear, [*or*, being One of the People called *Quakers*, do ſolemnly affirm], That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Ability, execute and perform the ſeveral Truſts, Powers, and Authorities, veſted and repoſed in me as Surveyor, by virtue of an Act paſſed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled [*here inſert the Title of this Act*] according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality, to any Perſon or Perſons whomſoever. So help me GOD.'

Notice of Meetings.

V. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe Notice in Writing to be given in Manner hereiu-after mentioned, of the Time and Place of holding their Firſt, Second, and Third Meetings, for the Purpoſe of putting this and the ſaid recited Act into Execution, at leaſt Fourteen Days before ſuch reſpective Meetings; and the ſaid Commiſſioners ſhall and may, after their ſaid Third Meeting, from Time to Time appoint ſuch Special or other ſubſequent Meetings, for carrying into Execution the Truſts, Powers, and Authorities hereby and by the ſaid recited Act veſted in them, as they ſhall think proper, in like Manner giving Fourteen Days Notice in Writing, of the Time and Place where each ſuch Special or ſubſequent Meeting is to be holden; but the ſaid Commiſſioners are hereby authorized and empowered, if they ſhall ſee Cauſe, without giving any Public Notice, to adjourn and continue their ſaid Firſt, Second, and Third Meetings, or any of them, or any ſuch Special or other ſubſequent Meetings as aforeſaid, from Time to Time as they ſhall ſee convenient; provided that all Meetings of the ſaid Commiſſioners ſhall be holden in the ſaid Pariſh of *Bewcaſtle*, or within Eight Miles thereof.

Other Notices how to be given.

VI. 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 Commiſſioners, at the uſual Place of Abode of each of the ſaid Commiſſioners, or at the Office or uſual Place of Abode of their 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 Notices of the Meetings (except thoſe by Adjournment) of the ſaid Commiſſioners, and of the Perambulation of the ſaid Moor, Common, or Stinted Paſture, 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 Pariſh Church of *Bewcaſtle* aforeſaid, and alſo by cauſing the ſame to be inſerted in the Newſpaper called *The Carliſle Journal*, or (in caſe that ſhall not be continued) in ſome other Newſpaper or Newſpapers uſually circulated within the ſaid County of *Cumberland*.

For ſettling Differences.

VII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid Diviſion and Incloſure, touching or concerning the reſpective Rights 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 or Incloſure, it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, with all convenient Speed, to proceed to hear and determine ſuch Claims and Objections, upon their own View, or Examination of Witneſſes upon Oath, to be adminiſtered by the ſaid Commiſſioners, or One of them, or by ſuch other Evidence, Proof, Ways and Means, as by them ſhall be adjudged proper; and the ſaid Commiſſioners or Umpire ſhall make and ſignify their Determination in Writing, of and concerning the Premiſes, under their Hands, 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 hereinafter is mentioned: Provided always, that nothing herein contained ſhall authorize the ſaid Commiſſioners or Umpire to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever.

For aſſeſſing Coſts.

VIII. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby empowered and required, upon Requeſt made to them, to aſſeſs ſuch Coſts and Charges as they 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, and by Warrant under the Hands and Seals of ſuch Commiſſioners, 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.

IX. 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 or Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire, touching or concerning any Claim or Claims in, over, or upon the ſaid Moor, Common, or Stinted Paſture, or 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, 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 Commiſſioners, or One of them, or their

Clerk, within Three Calendar Months next after any such Determination ſhall have been made and ſignified, by Writing under the Hands of the ſaid Commiſſioners, to the Party or Parties againſt whom ſuch Determination ſhall have been ſo made, or to his, her, or their known Agent or Attorney, it ſhall 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 Commiſſioners or Umpire, 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 Commiſſioners or Umpire, 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 and every Perſon and Perſons whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and 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; 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 Commiſſioners or Umpire, touching ſuch Claim or Claims in, over, or upon the ſaid Moor, Common, or Stinted Paſture, 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 be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon all Parties; and if any of the Parties, Plaintiffs or Defendants in any Action to be brought in purſuance of this or the ſaid recited Act, ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Death had happened; and in caſe any Perſon or Perſons in whoſe Favour any Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any 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 Commiſſioners with Proceſs for commencing ſuch Action or Actions, in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall thereupon be incumbent on the Heir or Heirs of the

Perſon

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.

X. Provided always, and be it further enacted, That no ſuch Difference, Suit, or Proceeding as aforeſaid, nor any Difference, Suit, or Proceeding, touching the Title to any Lands, Tenements, or Hereditaments, ſhall impede or delay the ſaid Commiſſioners 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.

XI. 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 Commiſſioners ſhall have made their Award touching the ſame, the Powers and Authorities hereby given unto and veſted in the ſaid Commiſſioners ſhall not be anyways determined or ſuſpended by ſuch Death or Deaths, but that the ſaid Commiſſioners and their Succeſſors ſhall and may proceed in, and execute the ſaid Powers and Authorities, and every of them, in ſuch and the like Manner as they reſpectively might have done if ſuch Perſon or Perſons had not died; and that the Part or Parts, Share or Shares of the ſaid Moor, Common, or Stinted Paſture, 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, or Hereditaments in reſpect whereof ſuch Allotment or Allotments ſhall be made.

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

XII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners or Umpire to determine any Right between any Parties, contrary to the Poſſeſſion of any ſuch Parties, (except in Caſes of Encroachments made within the Period of Sixty Years, as herein-after mentioned;) but in caſe the ſaid Commiſſioners or Umpire ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon, until the Poſſeſſion ſhall have been given up, or recovered from ſuch Perſon or Perſons by Ejectment, or other due Courſe of Law.

To prevent cutting Turfs or Sods.

XIII. And be it further enacted, That from and after the paſſing of this Act, it ſhall not be lawful for any Perſon or Perſons to cut, dig, or carry away any Turfs or Sods, in, upon, or from the ſaid Moor, Common, or Stinted Paſture, or any Part thereof, upon Pain of forfeiting to the Lord or Lady of the ſaid Manor, any Sum not exceeding Forty Shillings as ſhall be aſſeſſed in the Nature of an Amerciament, at any Court Baron to be held for the ſaid Manor, the ſame to be affeered by the Affeerors then and there ſworn, and which Amerciament or Amerciaments when ſo affeered, ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of

of the Perſon or Perſons ſo offending, by virtue of a Precept to the Bailiff or Bailiffs of the ſaid Manor, to be directed for that Purpoſe by the Steward of the Courts of the ſaid Manor; and the Money ariſing from all ſuch Amerciaments ſhall be paid to the ſaid Commiſſioners, and ſhall be applied towards defraying the Expences of carrying this Act into Execution.

Reſpecting Encroachments.

XIV. And be it further enacted, That all Encroachments taken or made from or on any Part or Parts of the ſaid Moor, Common, or Stinted Paſture, hereby directed to be divided and incloſed, within Sixty Years before the paſſing of this Act ſhall be deemed Part and Parcel of the ſaid Moor, Common, or Stinted Paſture, 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 Moor, Common, or Stinted Paſture, 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 Commiſſioners 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 Commiſſioners ſhall not eſtimate the Buildings or other Improvements thereon; and upon ſuch Perſon or Perſons paying ſuch Price thereof to the ſaid Commiſſioners, at ſuch Time or Times as they ſhall for that Purpoſe direct, the ſaid Commiſſioners ſhall give and ſign their Receipt or Receipts for the ſame; and on giving or ſigning ſuch Receipt or Receipts, every ſuch Encroachment, or ſuch Part thereof as ſhall be ſo purchaſed, ſhall thereupon be and become veſted in ſuch Purchaſer or Purchaſers thereof, and his or their reſpective Heirs or Aſſigns, in Fee Simple, without any further or other Conveyance, Aſſurance, Inſtrument, or Writing whatſoever; and the ſaid Commiſſioners 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 Moor, Common, or Stinted Paſture, ſuch Diſputes ſhall be referred to the Determination of the ſaid Commiſſioners; 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 Moor, Common, or Stinted Paſture, 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.

For ſtopping up Roads.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſtop up any old or accuſtomed Road, paſſing or leading through any Part of the old Incloſures, or over any Part of the ſaid Moor, Common, or Stinted Paſture, in the ſaid Manor and Pariſh; and to ſet out and appoint any new or other Road or Roads in, upon, or over any of the ſaid old Incloſures, and the ſaid Moor, Common, or Stinted Paſture, with the Concurrence of Two Juſtices, and ſubject to the Rules, Orders, and Regulations contained in, and in the Manner directed by the ſaid recited Act.

Allotment for Stone Quarries, Watering Places, &c.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required, according to the beſt of their Skill and Judgement, to aſſign, ſet out, and appoint a proper Part or Parts of the ſaid Moor, Common, or Stinted Paſture, 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 Moor, Common, or Stinted Paſture, 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 Commiſſioners ſhall ſeem neceſſary and expedient: Provided always, that nothing herein contained ſhall extend, or be deemed, conſtrued, or taken to extend, to preclude or prevent the Surveyor or Surveyors appointed by the ſaid Commiſſioners within the ſaid Manor for the Time being, from getting Materials within any other Lands or Grounds, for the Repairs of the Highways, agreeably to the Laws now in force or to be made for repairing the Roads within that Part of *Great Britain* called *England*.

Allotment of Land to be ſold for Payment of Expences.

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and empowered to ſell by Public Auction, together or in ſeparate Lots, purſuant to the Directions of the ſaid recited Act, ſo much of the Reſidue of the ſaid Moor, Common, or Stinted Paſture, as they 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

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 always, 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 Perſons to whom Allotments of the ſaid Moor, Common, or Stinted Paſture 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 Commiſſioners, and to be payable and paid by them reſpectively, to ſuch Perſon or Perſons, and at ſuch Times as ſhall by the ſaid Commiſſioners 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 Commiſſioners ſhall and may, and they are hereby empowered and required by Warrant under their Hands and Seals, 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 Commiſſioners as to Fencing, &c.

XVIII. And be it further enacted, That the Perſon or Perſons who ſhall become the Purchaſer or Purchaſers of the Land ſo to be allotted and ſold as aforeſaid, his, her, and their Heirs and Aſſigns, ſhall be ſubject and liable to the making and keeping in Repair ſuch Parts of the Ring or Outer Fences thereof, as ſhall be directed by the ſaid Commiſſioners, and alſo to the due Obſervance and Performance of all Orders, Matters, Charges, and Directions to be made, laid down, and applied by the ſaid Commiſſioners, in and by their 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, and their Leſſee or Leſſees and Aſſigns.

Allotment to the Lord of the Manor.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required in the next Place, to allot, ſet out, and award unto and for the ſaid Sir *James Graham*, as Lord of the ſaid Manor of *Bewcaſtle*, his Heirs and Aſſigns, ſuch Part of the ſaid Moor, Common, or Stinted Paſture, as ſhall (Quantity and Quality conſidered) be equal to One full Twelfth Part or Share thereof, (after ſetting out the Public Roads and Highways in Manner directed by the ſaid recited Act, and after making the Allotment or Allotments for Sale, herein-before directed to be made, for Payment of Expences incurred or to be incurred in the Execution of this Act, and alſo for Public Stone Quarries as aforeſaid) in lieu of and full Recompence and Satisfaction for all his and their Right and Intereſt, as Lord of the ſaid Manor, of, in, and to the Soil of the Reſidue of the ſaid Moor, Common, or Stinted Paſture.

XX. And

Allotment of the Reſidue.

XX. And be it further enacted, That after ſuch ſeveral Allotments, as herein-before and in the ſaid recited Act are mentioned, ſhall have been made, the ſaid Commiſſioners ſhall appoint, ſet out, divide, and allot, all the Reſidue of the ſaid Moor, Common, or Stinted Paſture, unto, between, and amongſt the ſaid Sir *James Graham* and the ſeveral other Perſons entitled to Cattlegates, Right of Common, or other Right, upon the ſaid Moor, Common, or Stinted Paſture, for or on account of their Meſſuages, Lands, or Tenements, according and in Proportion to their reſpective Rights and Intereſts therein; (*videlicet*), according to the Number of Stints attached to ſuch ſeveral Tenements.

Allotments to be Freehold.

XXI. 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 Commiſſioners, 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.

XXII. 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 Moor, Common, or Stinted Paſture, ſhall be reſerved to the ſaid Sir *James Graham*, and the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, in the Manner hereinafter mentioned.

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

XXIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, if they 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 Commiſſioners 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 their Hands 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 Commiſſioners ſhall direct and appoint; which Rents ſhall be applied by the ſaid Commiſſioners towards Payment of the Expences of obtaining this Act, and carrying the ſame into Execution; and the ſaid Commiſſioners ſhall have all ſuch Remedies for Recovery thereof as Landlords now have or ſhall at any Time hereafter be entitled to, for the Recovery of Rent in Arrear.

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

XXIV. 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 of, in, or to the ſaid Moor, Common, or Stinted Paſture, or any Allotment or Allotments to be ſet out as aforeſaid, at any Time before the awarding of the ſame by the ſaid Commiſſioners; and the ſaid Commiſſioners are hereby authorized and required to award the Allotments which ſhall be ſo ſold or conveyed, to the Purchaſer or reſpective Purchaſers thereof accordingly.

Gaps to be left.

XXV. And be it further enacted, That convenient Gaps or Openings ſhall be left in the ſaid Fences and Incloſures, for ſuch Space of Time next enſuing the Execution of the Award of the ſaid Commiſſioners, for the Paſſage of Cattle, Carts, and Carriages, as the ſaid Commiſſioners ſhall in and by their Award direct and appoint.

Allowing Exchanges to be made.

XXVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to ſet out, allot, and award any Lands, Tenements, or Hereditaments whatſoever, within the ſaid Pariſh of *Bewcaſtle*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments whatſoever 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 Commiſſioners, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments, which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate, or Collegiate, 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 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 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 Commiſſioners ſhall order and direct.

Leaſes at Rack Rent may be vacated in certain Caſes.

XXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, upon the Application in Writing of any Proprietor or Proprietors of Meſſuages, Lands, Tenements, and Hereditaments, entitled to Cattlegates and other Rights of Common upon the ſaid Moor, Common, or Stinted Paſture, now holden and occupied by virtue of any Leaſe or Agreement at Rack Rent, for any Term or Number of Years unexpired, to annul and make void ſuch Leaſe or Agreement, ſo far as the ſame extends to or affects any Allotment or Allotments to be made of the ſaid Moor, Common, or Stinted Paſture hereby intended to be incloſed, or any Part thereof, but not further or otherwiſe; and by their Award to order and direct from what Time the Term or Terms therein ſhall ceaſe and determine; the reſpective Proprietors of ſuch Meſ-

-ſuages,

ſuages, Lands, Tenements, and Hereditaments, making ſuch Satisfaction to their reſpective Leſſees as the ſaid Commiſſioners ſhall think juſt and reaſonable, and ſhall by their Award direct to be paid as a Compenſation for ſuch Leaſe or Agreement.

Wills and Settlements not to be affected.

XXVIII. 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 or Settlement, or to prejudice any Perſon or Perſons having or claiming any Jointure, Dower, Debt, Portion, or Incumbrance out of, or from any of the Lands, Grounds, and Premiſes, or any Part thereof reſpectively, in reſpect whereof any Allotments of the ſaid Moor, Common, or Stinted Paſture hereby directed to be divided and incloſed ſhall be made; but that the ſaid Lands, Grounds, and Premiſes, and the Allotments of the ſaid Moor, Common, or Stinted Paſture to be made in reſpect thereof, ſhall immediately after ſuch Diviſion be enure and remain, and the ſeveral Perſons to and for whom the ſame ſhall be ſo allotted and awarded as aforeſaid, ſhall from thenceforth ſtand and be ſeiſed thereof, to and for ſuch and the ſame Uſes, Truſts, Eſtates, Intents, and Purpoſes, and ſubject to ſuch and the ſame Powers, Proviſoes, and Agreements, Charges, Debts, and Incumbrances, as the ſeveral Lands and Eſtates in lieu whereof ſuch new Allotments ſhall be made as aforeſaid, now are or would have been ſubject to, and liable to be charged with, or affected by, in caſe the ſame had remained unincloſed, or this Act had not been made.

For regulating the feeding of Sheep.

XXIX. And be it further enacted, That no Lambs or Sheep ſhall be depaſtured in any of the ſaid intended new Incloſures, during the Space of Seven Years from the Execution of the Award of the ſaid Commiſſioners, unleſs the Perſons reſpectively ſo depaſturing or keeping Lambs or Sheep do at their own Expence effectually guard and fence their Neighbours Quickſets, adjoining to ſuch Incloſures reſpectively, in which Lambs or Sheep ſhall be depaſtured or kept as aforeſaid, ſo as to prevent any Damage or Injury from being done to ſuch Fence or Fences, and Quickſets, by any ſuch Lambs or Sheep; and that in caſe any Perſons ſhall turn in or keep any Lambs or Sheep in any ſuch Allotment or Allotments without raiſing and keeping up ſuch protecting Fences as aforeſaid, it ſhall be lawful for the Owner or Owners of any adjoining Allotment or Allotments from Time to Time, to enter into the Allotment or Allotments where any Lambs or Sheep ſhall be ſo turned in or kept as aforeſaid, and from Time to Time to take, drive away, and impound the ſame, as Cattle Damage feaſant.

Allowance to Commiſſioners.

XXX. And be it further enacted, That out of the Monies to be raiſed for the general Purpoſes of this Act, there ſhall be paid to each of the ſaid Commiſſioners the Sum of Two Pounds and Two Shillings, and no more, for each Day he ſhall be employed in travelling to and from attending the Execution of this or the ſaid recited Act; and that as well the Commiſſioners, as alſo all Proprietors and other Perſons whomſoever, 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 Commiſſioners, or either or any of them, ſhall have Occaſion to take any Journey or Journies in order to give ſuch Attendance, or for the Purpoſes of viewing the ſaid Moor, Common, or Stinted Paſture hereby intended to be divided or incloſed as aforeſaid, the better to enable them to carry this Act into Execution, then and as often as it ſhall ſo happen, it is hereby alſo directed, that they or he ſhall be paid their or his reaſonable Travelling

Expences, to and from the Places of such Attendance, over and besides the said Sum of Two Pounds and Two Shillings *per* Day.

Money advanced to be repaid with Interest.

XXXI. And be it further enacted, That if any Person or Persons shall advance or lend any Money for defraying the Expences preparatory to and applying for and obtaining this Act, and putting the same into Execution, he, she, or they shall be repaid the Money so advanced or lent, out of the first Monies which shall be raised in pursuance hereof, with Interest, from the Time of such Advancement thereof, after the Rate of Five Pounds *per Centum per Annum*.

Commissioners Accounts to be allowed by Justices.

XXXII. 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 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 such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them 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 Commissioners; 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.

For depositing the Award.

XXXIII. And be it further enacted, That one Copy of the Award to be made by the said Commissioners, (after having been enrolled in Manner directed by the said recited Act) shall be deposited in the Parish Church of *Bewcastle* aforesaid: Provided nevertheless, that the Award of the said Commissioners shall be made and completed before the Expiration of Three Years from the passing of this Act.

Appeal to the Quarter Sessions.

XXXIV. 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 whereby the Determinations of the said Commissioners are hereby or by the said recited Act declared to be final, binding, and 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 Commissioners, 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 the Rights of the Lord of the Manor to Mines, Minerals, &c.

XXXV. Provided always, and be it further enacted, That nothing herein contained ſhall be conſtrued or adjudged to defeat, leſſen, or prejudice the Right, Title, or Intereſt of the ſaid Sir *James Graham*, Lord of the ſaid Manor of *Bewcaſtle*, his Heirs or Aſſigns, or of any the future 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 Moor, Common, or Stinted Paſture, intended to be incloſed as aforeſaid, (ſave and except the Stones in the public Freeſtone and Limeſtone 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 ſaid Sir *James Graham*, and all and every Perſon and Perſons claiming by, from, under, or in Truſt for him as Lord of the ſaid Manor, and all ſucceeding Lord and Lords, Lady or 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 thoſe which are expreſsly declared to be barred, deſtroyed, and extinguiſhed by this Act) as could or might be claimed by him, her, or them, as Owner or Owners of the Soil of the ſaid Moor, Common, or Stinted Paſture, 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 the ſaid Sir *James Graham*, and all the future 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 Moor, Common, or Stinted Paſture intended to be divided and incloſed as aforeſaid, as well thoſe not opened as thoſe already opened (ſave and except the ſaid public Limeſtone and Freeſtone Quarries to be ſet out as aforeſaid,) and to have, 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, Slate, Metals, and Minerals to be gotten thereout, or out of any other of his, her, or their Lands or Grounds, and making Pits, Shafts, Pit 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 Moor, Common, or Stinted Paſture, or any Part or Parts thereof, and all other Powers, Privileges, and Authorities, for all or any of the Purpoſes aforeſaid, in the ſame Manner as if this Act had not been paſſed.

Satisfaction to be made for Damages.

XXXVI. 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 Incloſures

Incloſures to be made as aforeſaid, win, work, and lead away any Coal, Lead, Tin, Copper, Stones, Lime, Slate, Metal, or Minerals, lying within or under any of the ſaid Allotments or Incloſures to be made 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, and 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 ſaid Sir *James Graham*, and 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.

Impowering Land Owners to dig Stone for their own Uſes.

XXXVII. 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 for the Improvement of their reſpective Lands or Grounds within the ſame Manor, or for any other Purpoſe or Purpoſes for which ſuch Lime or Stone 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 ſaid Sir *James Graham*, or 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 of Rights.

XXXVIII. 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 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.

Act to be printed by the King's Printers.

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

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