ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 98.

An Act for incloſing Lands in the Manor of *Caſterton*, in the Pariſh of *Kirkby Lonſdale*, in the County of *Weſtmorland*. [5th *May* 1812.]

WHEREAS there are within the Manor of *Caſterton*, in the Pariſh of *Kirkby Lonſdale*, in the County of *Weſtmorland*, certain Commons and Waſte Grounds, containing in the whole by Eſtimation Two thouſand five hundred Acres, or thereabouts: And whereas the Right Honourable *William* Earl of *Lonſdale* is Lord of the ſaid Manor, and as ſuch is entitled to the Royalties therein, and to the Soil of the ſaid Commons and Waſte Grounds: And whereas certain Parts of the ſaid Two thouſand five hundred Acres, comprizing One thouſand one hundred and fifty Acres, or thereabouts, conſiſt of ſeveral Parcels of Common and Waſte Grounds, which might be greatly improved by the Diviſion and Incloſure thereof, and the Reſidue of the ſaid Two thouſand five hundred Acres conſiſts of Moors or Heaths, called *Caſterton High Fell*, which are now occupied as Sheep Walks, and a conſiderable Part of which it would not be of advantage to the Proprietors to be obliged to incloſe and fence the ſame, though it would be of advantage to them that the exterior Boundaries of the whole of the ſaid Moors or Heaths, as againſt the adjoining Townſhips, Pariſhes, Lordſhips, and Diſtricts, and the interior Boundary of each intended Allotment and of each Portion, to be ſold as hereinafter directed, ſhould be better aſcertained and fixed: And whereas the ſaid Earl of *Lonſdale*, *William Wilſon Carus Wilſon*, *Daniel Wilſon*, *Joſeph Gibſon*, and *James Harriſon*, Eſquires, and ſeveral other Perſons, in reſpect of certain Meſſuages, Lands, and Tenements, are or claim to be entitled to Right of Common upon the ſaid Commons and Waſte Grounds, and

Moors or Heaths, and to the Right of digging for Turbary upon certain Parts thereof; and it would be of advantage to them if the ſame were divided amongſt them in Proportion to their reſpective Rights and Intereſts therein: 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 Lumb*, of *Lowther*, in the County of *Weſtmorland*, Gentleman; and *Edmund Tatham*, of *Cantsfield*, in the County of *Lancaſter*, Gentleman, and their Succeſſors, to be nominated and appointed in manner hereinafter mentioned, ſhall be and they are hereby appointed Commiſſioners for valuing, dividing, allotting, and incloſing the ſaid Commons and Waſte Grounds, and for putting this Act into Execution, in ſuch Manner and ſubject to ſuch Regulations as are hereinafter contained, and with ſuch of the Powers, and ſubject to ſuch of the Rules, Orders, Directions and Regulations 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 varied or controuled by or repugnant to any of the Clauſes, Proviſions or Regulations contained in this Act.

Commiſſioners.

II. And be it further enacted, That in caſe either of the ſaid Commiſſioners hereinbefore named, or any other Commiſſioner to be appointed by virtue of this Act, ſhall, before the Execution of all the Powers and Authorities hereby in them reſpectively veſted, die, or refuſe to act, or, without ſome unavoidable Cauſe, neglect to attend a Meeting for putting this Act into Execution for the Space of Two Calendar Months, after he ſhall have received Notice from any Perſon intereſted in the ſaid Incloſure, of the paſſing of this Act, and requiring him to attend as a Commiſſioner, a new Commiſſioner or Commiſſioners ſhall be nominated in Manner following; that is to ſay, if the ſaid *Robert Lumb* ſhall die, or refuſe to act or neglect to attend as aforeſaid, it ſhall and may be lawful for the ſaid Earl of *Lonſdale*, his Heirs or Aſſigns, or the Lord or Lords of the ſaid Manor of *Caſterton* for the Time being, by any Writing under his or their Hand or Hands, to appoint another Commiſſioner, not intereſted in the ſaid Incloſure, in the Room of the ſaid *Robert Lumb*; and ſo from Time to Time as often as any Commiſſioner to be appointed by the ſaid Earl of *Lonſdale*, his Heirs or Aſſigns, or the Lord or Lords of the ſaid Manor of *Caſterton* for the Time being, ſhall die, refuſe to act, or neglect to attend as aforeſaid; and in caſe the ſaid *Edmund Tatham* ſhall die or refuſe to act, or neglect to attend as aforeſaid, it ſhall and may be lawful for the Majority in Value (to be aſcertained by the Amount of the Land-Tax) of the Proprietors or Perſons intereſted in the Lands and Grounds directed by this Act to be divided, allotted, and incloſed, or their Agent, to be appointed by Writing under their reſpective Hands for ſuch Purpoſe, or their known Agents or Attornies (except the ſaid Earl of *Lonſdale* or the Lord or Lords of the ſaid Manor for the Time being), who ſhall be preſent at a public Meeting to be held for that Purpoſe at the Pariſh Church of *Kirkby Lonſdale* aforeſaid, in purſuance of a Notice to be given in the ſaid Church, or by Writing, to be affixed upon the principal Door of the ſaid Church, and alſo by Advertiſement to be inſerted in the *Kendal* Newſpaper, or if that Newſpaper ſhall not then be publiſhed, in ſome other Newſpaper uſually

New Commiſſioners to be appointed upon Vacancies.

and

and generally circulated in the County of *Weſtmorland*, at leaſt Twenty-one Days before ſuch Meeting, by Writing under their Hands, to appoint one other Commiſſioner not intereſted in the ſaid Incloſure, in the Room of the ſaid *Edmund Tatham*, and ſo from Time to Time as often as any Commiſſioner to be appointed by the ſaid Proprietors as aforeſaid ſhall die, refuſe to act, or neglect to attend as aforeſaid; and in caſe Default ſhall be made in appointing any new Commiſſioner in manner aforeſaid, for the Space of Two Calendar Months after the Death of any Commiſſioner, or his Refuſal to act, or Neglect of Attendance ſhall be known, then the ſurviving or remaining Commiſſioner ſhall, and he is hereby required from Time to Time by Writing under his Hand, within One Calendar Month next after the Expiration of the ſaid Two Calendar Months allowed to the reſpective Parties and Perſons for naming ſuch new Commiſſioner by them reſpectively as aforeſaid, to appoint one other Commiſſioner (not intereſted in the ſaid Incloſure) in the Room of the Commiſſioner ſo dying, or refuſing to act, or neglecting to attend; and every Perſon who ſhall be nominated and appointed a Commiſſioner in Manner aforeſaid, ſhall, after taking the Oath preſcribed in that Behalf, have the like Powers and Authorities for putting the ſaid recited Act and this Act into Execution, as if he had been named and appointed a Commiſſioner in and by this Act; all which Appointments ſhall be annexed to and enrolled with the Award hereafter mentioned.

For appointing an Umpire.

III. Provided always, and be it further enacted, That in caſe the Commiſſioners named and appointed in or by virtue of this Act ſhall at any Time or Times diſagree in Opinion upon any Matter concerning which it ſhall be neceſſary for them to judge and determine in the Execution of this Act, or the ſaid recited Act; then and as often as it ſhall ſo happen, the ſaid Commiſſioners ſhall and may, and they are hereby authorized and required to refer ſuch Difference to the Judgment and Determination of an Umpire, to be choſen by the ſaid Commiſſioners; and in caſe the ſaid Commiſſioners ſhall, for the Space of Forty Days next after ſuch Difference ſhall ariſe, neglect to appoint an Umpire as aforeſaid (not intereſted in the ſaid Diviſion or Incloſure), or if ſuch Umpire ſhall die, or being appointed ſhall refuſe or become incapable of acting, then and in every ſuch Caſe an Umpire ſhall be nominated and appointed by the major Part in Value (ſuch Value to be aſcertained by the Land-Tax Aſſeſſment) of the ſaid Proprietors of Lands, after the like Notice given, in ſuch Manner as is herein-before directed, and ſo as often as any Umpire ſhall die, or refuſe to act or become incapable of acting; and the Judgment and Determination of the ſaid Umpire ſo to be choſen or nominated and appointed, ſhall be concluſive between the ſaid Commiſſioners, and ſhall by all Perſons whomſoever be deemed and taken as the Determination of the ſaid Commiſſioners.

Umpire to take an Oath.

IV. Provided always, and be it further enacted, 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 following Oath; (that is to ſay)

The Oath.

'I Do ſwear, that I will faithfully, impartially and honeſtly, according to the beſt of my Skill and Judgment, execute and perform the ſeveral Powers and Authorities veſted and repoſed in me as an Umpire, by virtue of an Act paſſed in the Fifty-ſecond Year of the Reign of

'King

' King *George* the Third, intituled, [*Here ſet forth the Title of this Act*] ' according to Equity and good Conſcience, and without Favour or Af- ' fection, Prejudice or Partiality, to any Perſon or Perſons whatſoever.

' So help me GOD.'

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

Notice of Meetings.

V. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required, to cauſe Public Notice to be given in the *Kendal* Newſpaper, or, if that Newſpaper ſhall not then be publiſhed, in ſome other Newſpaper uſually circulated in the ſaid County of *Weſtmorland*, and alſo by Writing to be affixed on the Principal Door of the Pariſh Church of *Kirkby Lonſdale* upon ſome *Sunday* during or immediately before Divine Service, of the Time and Place of holding their Firſt, Second, and Third Meetings, for the Purpoſe of putting into Execution the ſeveral Powers veſted in them by this Act Fourteen Days at the leaſt before ſuch Meetings reſpectively: And the ſaid Commiſſioners ſhall and may, after the ſaid Third Meeting, from Time to Time appoint ſuch Time and Place for every ſubſequent Meeting as they ſhall think proper, cauſing a Notice in Writing under their Hands to be affixed upon the Principal Door of the Pariſh Church of *Kirkby Lonſdale* aforeſaid, and by Advertiſement, as aforeſaid reſpectively, Fourteen Days at the leaſt before every ſubſequent Meeting; and the ſaid Commiſſioners, and Clerk to the ſaid Commiſſioners, or any of them, ſhall have full Power and Authority from Time to Time, as they ſhall think it convenient, to continue ſuch Firſt, Second, Third, or any ſubſequent Meeting or Meetings by Adjournment, for the Execution of this Act, without giving any ſuch Notice as aforeſaid of any ſuch adjourned Meetings, ſuch adjourned Meetings nevertheleſs to be held within Twenty-eight Days from the Time of Adjournment: Provided always, that all Meetings of the ſaid Commiſſioners ſhall be held in the ſaid Pariſh of *Kirkby Lonſdale*, or within the Diſtance of Eight Miles therefrom.

Other Notices how to be given.

VI. Provided always, and be it enacted, That all other Notices requiſite and neceſſary to be made and given by the ſaid Commiſſioners, ſhall be ſo made and given by Advertiſement in the *Kendal* Newſpaper, or, if that Newſpaper ſhall not then be publiſhed, then in ſome other Newſpaper uſually and generally circulated in the ſaid County of *Weſtmorland*.

Allowance to Commiſſioners and Umpire.

VII. 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 and Umpire, as a Recompence for his Pains and Trouble, the Sum of Two Pounds and Two Shillings and no more, for each Day he ſhall be employed in travelling to and from, and attending on the Execution of this or the ſaid recited Act; and that as well the ſaid Commiſſioners and Umpire, and alſo every Proprietor, and every other Perſon or Perſons, ſhall pay his and their own Expences, at all Meetings to be holden under the Authority of this Act.

VIII. And

Commissioners to settle Differences.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Proprietors of or other Persons interested or claiming to be interested in the said Division and Inclosure, touching or concerning the respective Shares, Rights or Interests, which they or any of them shall have or claim in the Lands or Grounds hereby intended to be divided, allotted and inclosed, or touching or concerning the respective Shares and Proportions which they or any of them ought to have, of or in the said intended Division and Inclosure, or touching or concerning the Admeasurement or Valuation of any Part of the Premises, or any other Matter or Thing relating to the said intended Division and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to examine into, hear and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever.

Not to determine Titles nor Rights contrary to Possession.

IX. Provided always, and be it enacted, That nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Lands, Tenements or Hereditaments, or to determine any Right between any Parties, contrary to the Possession of any such Parties; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

Commissioners may award Costs.

X. And be it further enacted, That in case the said Commissioners or Umpire shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to them, in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners or Umpire, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners or Umpire shall be made by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners or Umpire, and they are hereby authorized and required, by Warrant under their Hands, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels (wheresoever the same shall be found) of the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any), upon Demand, to the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

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

XI. And be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, intereſted or claiming to be intereſted in the ſaid Diviſion or Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire, touching or concerning any Claim or Claims of the Right to the Soil of the ſaid Commons and Waſte Grounds, or of any Rights of Common or Intereſt in, over, or upon the Lands and Grounds hereby directed to be divided, allotted and incloſed, or any Part thereof, then and in every ſuch Caſe it ſhall and may be lawful for the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate ſo diſſatisfied, to proceed to a Trial at Law of the Matters ſo determined by the ſaid Commiſſioners or Umpire at the firſt Aſſizes to be holden for the County of *Weſtmorland* next after the Expiration of Three Calendar Months from the Time of ſuch Determination, and for that Purpoſe the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, who ſhall be ſo diſſatisfied with the Determination of the ſaid Commiſſioners or Umpire, ſhall cauſe an Action or Actions to be brought upon a feigned Iſſue againſt the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, in whoſe Favour ſuch Determination ſhall have been made, or againſt the Commiſſioners or Clerk to the Commiſſioners within Two Calendar Months next after the Determination of the ſaid Commiſſioners or Umpire; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto or file common Bail, and accept one or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on may be tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be brought, in caſe the Parties ſhall differ about the ſame), and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be binding, final, and concluſive upon all and every Perſon and Perſons whomſoever, Body or Bodies Politic, Corporate or Collegiate, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial or Trials to be had therein, (which it ſhall be lawful for the Court to do in caſe the ſaid Court ſhall think proper); and after ſuch Verdict or Verdicts ſhall be obtained and not ſet aſide by the ſaid Court, the ſaid Commiſſioners ſhall, and they are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials: Provided always, that in caſe the Determination of the ſaid Commiſſioners, touching any ſuch Claim or Claims to any Rights of Common, or other Intereſts in, over, or upon the ſaid Commons or Waſte Grounds hereby directed to be incloſed, or any Part thereof, ſhall not be objected to, or, being objected, the Party or Parties objecting, not cauſing ſuch Action or Actions at Law to be brought and proceeded in within the Time and in the Manner for that Purpoſe mentioned, ſuch Determination ſhall be final and concluſive upon all Parties whatſoever.

Death of Parties not to delay Proceedings.

XII. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought (if living) ſhall die before any ſuch Actions ſhall have been brought, and before the Expiration of the Time hereinbefore limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons,

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

Rights of Common to be ſuſpended

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed and empowered, at any Time or Times before the Execution of the ſaid Award, by Notice in Writing under their Hands, to be affixed upon the principal Door of the Pariſh Church of *Kirkby Lonſdale* aforeſaid, to order and direct all or any Part of the Rights of Common, Rights of Turbary, and all other Rights whatſoever, in, over or upon the ſaid Commons and Waſte Grounds, or any Part thereof, to be extinguiſhed, or the Exerciſe thereof to be ſuſpended for and during ſuch Time as ſhall be expreſſed in ſuch Writing; and that all ſuch Rights of Common, Rights of Turbary, and all other Rights whatſover as the ſaid Commiſſioners ſhall by ſuch Writing order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall from the Time of affixing ſuch Writing on the Church Door aforeſaid, ceaſe, determine and be extinguiſhed, or the Exerciſe thereof ſuſpended accordingly; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Penalty on Perſons getting Flaws, Turves, &c.

XIV. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall at any Time or Times after the paſſing of this Act and before the Execution of the Award of the ſaid Commiſſioners, without Licence firſt had and obtained from the ſaid Commiſſioners, by Writing under their Hands, cut, dig, pare, grave, flay or carry away any Flaws, Turfs or Peats, or any Sods, Soil, Flags, Whins or Furze, in, upon or from the ſaid Commons and Waſte Grounds ſo to be incloſed under or by virtue of this Act, or any Part thereof (except ſuch Part or Parts as may be allotted or become the Property of him, her or them reſpectively, under and by virtue of this Act), or if any Perſon or Perſons ſhall put or turn, or cauſe to be put and turned any Horſes, Cows, Sheep or other Cattle in or upon the ſaid Commons or Waſte Grounds, at any Time or Times after Notice given by the ſaid Commiſſioners for extinguiſhing the Right of Common as aforeſaid, every Perſon ſo offending ſhall for every ſuch Offence, upon being duly convicted thereof before one of His Majeſty's Juſtices of the Peace in and for the ſaid County of *Weſtmorland*, upon the Information and Complaint of any Perſon or Perſons intereſted in the ſaid Incloſure, by the Oath or ſolemn Affirmation of one credible Witneſs (which Oath or Affirmation the ſaid Juſtice is hereby authorized and required to adminiſter), forfeit and pay ſuch Sum of Money not exceeding Five Pounds (over and beſides the Coſts and

Charges of such Conviction), as the said Justice shall in that Behalf adjudge, order and direct, which said Penalties and Forfeitures, with the Costs and Charges of recovering the same, shall forthwith upon every such Conviction as aforesaid become and be payable and paid to such Person or Persons to be by him or them applied for the Purposes of this Act, in such Manner as the said Justice so as aforesaid acting in the Premises shall in that Behalf appoint, and upon Non-Payment of any such Penalty or Forfeiture, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice as aforesaid, rendering the Overplus (if any) upon Demand, after making such Deductions as aforesaid, together with the Costs and Charges of such Warrant and Distress, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, and for Want of sufficient Distress, it shall and may be lawful to and for the said Justice so acting as aforesaid, by Warrant under his Hand and Seal, to commit such Offender or Offenders to any House of Correction in and for the said County of *Westmorland*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless he or they shall sooner pay the said Penalties or Forfeitures and Costs.

Straightening Boundary Fences

XV. And be it further enacted, That in order to shorten the Boundary Fences between the said Commons and Waste Grounds in the said Manor of *Casterton*, and the adjoining Parishes, Townships or Places, it shall and may be lawful to and for the said Commissioners (with the Consent in Writing under the Hand of the Lord of the Manor, and the Hands of the major part in Value of the Land Owners in the Parishes, Townships, or Places interested in any Common or Waste Lands adjoining to the said Manor of *Casterton*, and also under the Hand or Hands of the Owner or Owners of any adjoining Lands, upon which such Fence or Fences are intended to be made) to set out, ascertain, and determine the Boundary Fences to be made between the said Commons and Waste Lands, and the other Lands adjoining to the Lands and Grounds hereby intended to be divided, allotted, and inclosed, in such Manner as they shall judge proper for the Purpose aforesaid; and provided such Consent shall be obtained, and such Boundary Fences shall be set out, ascertained and determined as aforesaid, the same shall be fenced by such Person or Persons, in such Manner and at such Time or Times as the said Commissioners shall order and direct in and by their Award, and shall be for ever thereafter deemed and taken to be the Boundaries between the said Manor of *Casterton*, and such adjoining Parishes, Townships or Places; any Law, Usage, or Custom to the contrary thereof in any wise notwithstanding.

Directions to the Commissioners, respecting Casterton High Fell.

XVI. And be it further enacted, That the said Commissioners, with respect to such Parts of the Moors or Heaths, called *Casterton High Fell* aforesaid, as they in their Discretion shall think it would not be an Advantage to the Proprietors thereof to be obliged to inclose and fence, shall and may only divide, separate, and apportion the same, and shall and may, if they shall so find it expedient, not require the same to be inclosed and fenced, and shall and may require the Parties to whom they shall allot such Parts of the said Moors or Heaths, or to whom the same shall be sold, merely to ascertain their respective Allotments by Boundary Stones, or other Marks of Partition, for the Purpose only of better ascertaining and fixing the Boun-

Boundaries of such intended Allotments; provided always, that the said Commissioners shall and may, if they shall so think it proper, order and direct the said last-mentioned Allotments to be used as Stinted Pasture and stocked or stinted by the several Proprietors with such Number of Horses, Cattle, or Sheep respectively, and subject to such Rules, Orders and Regulations as they shall think reasonable and proper; or otherwise order and direct the same to be inclosed and fenced by the Person or Persons to whom the same shall be allotted or sold, as they the said Commissioners shall think most beneficial and proper for the several Parties interested therein, and shall direct in and by their general Award.

Commissioners to set out Allotments for public Quarries, Watering Places, &c.

XVII. And be it further enacted, That the said Commissioners shall, and they are hereby required to set out and assign such Part and Parts of the said Commons and Waste Grounds as they shall think proper and necessary to be used as and for Public Quarries, and for getting Gravel for making and repairing of the Roads to be made over and upon the said Commons and Waste Grounds, and other Public Roads within the said Manor; and the said Owners and Proprietors of Messuages, Lands, and Tenements, and their respective Tenants shall have free Liberty of getting Stone, Gravel and Sand in the said Quarries, for their own Use and Benefit, to be used within the said Manor, but not elsewhere, and not to sell or dispose thereof; and the said Commissioners shall also set out and assign upon the said Commons and Waste Grounds, such Part or Parts thereof as they shall think proper as and for public Watering Places, and Places for washing Sheep for the Use of the Owners and Occupiers of Messuages, Lands and Tenements within the said Manor; and the said Allotments for public Quarries and public Watering Places, and Places for washing Sheep, shall for ever thereafter be used by the Surveyors of the Highways for the Time being, and by the Proprietors of Messuages, Lands and Tenements within the said Manor, and their Tenants for the Time being, in such Manner, and under such Rules, Orders, and Regulations, as the said Commissioners shall in and by their Award order and direct.

Power to raise Money to defray Expences.

XVIII. And be it further enacted, That the Expences of obtaining and executing this Act shall be raised as follows; (*videlicet*) Such Part thereof as the said Commissioners shall adjudge to be paid by any Persons making Sales by virtue of this Act, or of the said Act of the Forty-first Year of the present Reign, shall be paid by them in such Proportions and at such Times as the said Commissioners shall direct, and the Remainder shall be raised by Sale of such Part of the said Commons, and Wastes, Moors or Heaths, known by the name of the *High Fell*, as the said Commissioners shall think proper; and in case the Money arising by such Sales shall not be sufficient, the Deficiency shall be paid by the Persons interested, in such Proportions, at such Times, and in such Manner as the said Commissioners shall direct, according to the Powers for such Purposes granted in and by the said recited Act, and if the said Commissioners shall happen to raise by such Sales as aforesaid, more Money than will be sufficient to pay and defray the whole of the Costs, Charges and Expences directed to be raised by such Sales, then and in that case the Surplus Money shall be divided between the several Persons interested, in proportion to their respective Interests and Property therein, and the Shares of such of them as shall be Tenants thereof in Fee-Simple shall be paid to them respectively, and the Shares of the other Proprietors shall be applied

in Manner directed by the ſaid recited Act, with reſpect to Money to be paid for the Purchaſe or Exchange of 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 Heredi-diments to be ſettled to the ſame Uſes.

An Allotment of One-ſixteenth to the Earl of Lonſdale for Right of Soil.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, in the next place, to ſet out, appoint, and allot unto and for the ſaid Earl of *Lonſdale*, or the Lord or Lords, Lady or Ladies, of the ſaid Manor for the Time being, ſuch Quantity of the ſaid Commons and Waſte Grounds as ſhall in the Judgment of the ſaid Commiſſioners be equal to One-ſixteenth Part of the ſaid Commons and Waſte Grounds, which ſhall remain after the Allotments and Appropriations hereinbefore mentioned ſhall have been ſet out, in lieu of and as a full Compenſation for the Right and Intereſt of the ſaid Earl of *Lonſdale* as Lord of the ſaid Manor, in and to the Soil of the ſaid Commons and Waſte Grounds.

Power to allot Peat Moſs or Turbary Ground,

XX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet out or allot unto and for the Uſe of each and all of the Proprietors of Meſſuages and Tenements within the ſaid Manor intereſted in the ſaid Diviſion or Incloſure, ſo much and ſuch Part or Parts of the ſaid Commons and Waſte Grounds as the ſaid Commiſſioners ſhall think fit and neceſſary for the Purpoſe of getting Peat or Turf for Fuel, to be uſed within the ſaid Manor, ſuch Peat Moſs or Turbary Ground to be uſed and worked in ſuch Manner and ſubject to ſuch Rules, Orders and Regulations as the ſaid Commiſſioners ſhall in and by their Award direct concerning the ſame.

Power to allot Water Brow.

XXI. And be it further enacted, That if any of the Proprietors of Cuſtomary Meſſuages and Tenements within the ſaid Manor, entitled to any Allotment or Allotments by virtue of this Act, ſhall be deſirous of having a certain ſmall Parcel of the ſaid Commons and Waſte Grounds called *Water Brow*, ſituate between *Kirkby Bridge*, and the South End of certain ancient incloſed Lands lying on the North Side of the ſaid Bridge, and between the River *Lune* and the Turnpike Road leading from *Kirkby Lonſdale* to *Sedbergh*, allotted and ſet out to them for Hedgebote or otherwiſe, and ſhall by Writing under their Hands ſignify ſuch their Deſire to the Commiſſioners, on or before the Second Meeting, for putting this Act into Execution, the ſaid Commiſſioners ſhall, and they are hereby required to ſet out and allot the ſaid Parcel of Common or Waſte Ground called *Water Brow*, unto and amongſt ſuch Proprietors in ſuch Proportions, and under ſuch Rules, Orders and Regulations for the Diviſion thereof, or otherwiſe, as the ſaid Commiſſioners ſhall in and by their Award order and direct as Part of the reſpective Shares and Proportions of ſuch Proprietors in the ſaid Commons and Waſte Grounds by this Act directed to be divided and incloſed.

Allotment of of Reſidue.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required in the next place to aſſign, ſet out and allot the Reſidue and Remainder of the ſaid Commons and Waſte Grounds unto and amongſt the ſaid Earl of *Lonſdale*, *William Wilſon*, *Carus Wilſon*, *Daniel Wilſon*, *Joſeph Gibſon*, *James Harriſon*, and the ſeveral other Perſon

and

and Perſons, Body and Bodies Politic, Corporate and Collegiate, entitled to Right of Common upon the ſaid Commons and Waſte Grounds, or any Part thereof, for or on account of their reſpective Meſſuages, Lands and Tenements within the ſaid Manor, in proportion to their ſeveral and reſpective Rights and Intereſts therein, ſuch Allotments to be ſettled and aſcertained by the ſaid Commiſſioners by and in Proportion to the true and real Annual Value of the ſeveral and reſpective Meſſuages, Lands, Tenements or other Eſtate, in reſpect of which ſuch Allotments ſhall be ſo made, ſuch Annual Value to be ſettled and aſcertained by the ſaid Commiſſioners in ſuch Manner and by ſuch Ways and Means as to them ſhall ſeem moſt proper, in order to render the ſaid intended Diviſion and Allotments fair, juſt and equal to and amongſt the ſeveral Parties intereſted therein.

Satisfaction for unequal Share of fencing.

XXIII. Provided always, and be it further enacted, That in caſe, through Neceſſity of Situation or any other Circumſtance, it ſhall happen that any one or more of the ſaid Proprietors ſhall not have an equal Share of Mounds or Fences allotted to him, her or them, it ſhall and may be lawful to and for the ſaid Commiſſioners, when they ſhall judge it neceſſary and reaſonable, to award, order, aſcertain and appoint what Sum or Sums of Money ſuch Proprietor or Proprietors ſhall pay and contribute towards the making of the Mounds and Fences of the Allotment or Allotments of ſuch other Proprietor or Proprietors, or the ſaid Commiſſioners ſhall cauſe ſuch Compenſation and Regulations to be made by and out of the Money to be raiſed for the Purpoſes of this Act, or by Aſſeſſment or otherwiſe, as they ſhall think moſt eligible to ſuch other Proprietor or Proprietors, who ſhall or may have too great a Share or Proportion of Mounding or Fencing allotted to him, her or them by virtue of this Act; and the Sum or Sums of Money ſo ordered, directed or appointed to be paid ſhall be raiſed, levied and recovered in ſuch and the like Manner as the Coſts, Charges and Expences of obtaining and executing this Act, can or may be raiſed, levied and recovered in caſe the Lands hereby directed to be ſold ſhall be inſufficient for ſuch Purpoſe.

Gaps to be left for a certain Time.

XXIV. Provided always, and be it further enacted, That convenient Gaps and 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 Carts, Carriages and Cattle, as the ſaid Commiſſioners ſhall in and by their ſaid Award direct and appoint.

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

XXV. And be it further enacted, That if any Perſon or Perſons hath or have ſold, or ſhall at any Time within Two Calendar Months next after ſuch Notice given by the ſaid Commiſſioners for extinguiſhing the Right of Common as aforeſaid, ſell his, her or their Right Intereſt and Property, in, over, or upon the ſaid Commons and Waſte Grounds, to any Perſon or Perſons, then and in every ſuch caſe it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby directed, authorized and required, upon Notice thereof in Writing to be given to them by the Vendor, provided the ſame be within the Time before-mentioned, to make an Allotment of Land unto the Vendee or Purchaſer in every ſuch Sale, or to his or her Heirs or Aſſigns, for or in reſpect of ſuch Right, Intereſt and Property ſo ſold as aforeſaid; and every ſuch Vendee or Purchaſer, or his or her Heirs or Aſſigns, ſhall and may from and after the Execution of the

ſaid Award, hold and enjoy the Land ſo to be allotted to him, her or them as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor in every ſuch Sale might, could or ought to have held and enjoyed the ſame, in caſe ſuch Sale had not been made, or ſuch Rights, Intereſts or Property had been veſted in ſuch Vendor at the Time of making ſuch Allotment as aforeſaid.

Allotments to be Freehold.

XXVI. And be it further enacted, That from and after the Execution of the Award to be made by the ſaid Commiſſioners, all the Lands and Grounds by this Act divided, allotted and incloſed, ſhall be and they are hereby declared to be Freehold Lands and Grounds.

Power to make Exchanges.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to aſſign, ſet out, and allot any of the Lands or Grounds hereby directed to be divided and allotted, or any Meſſuages, Buildings, incloſed Lands or Grounds, or other Hereditaments whatſoever within the Manor of *Caſterton* aforeſaid, in lieu of and in Exchange for any other Meſſuages, Buildings, Lands, Tenements, or Hereditaments whatſoever in the ſaid Pariſh of *Kirkby Lonſdale*, or within any adjoining Pariſh, Hamlet, Townſhip, or Place, ſo as every ſuch Exchange be ſet forth and aſcertained by the Award of the ſaid Commiſſioners, or ſome Deed or Deeds executed by them at any Time before the Date of the ſaid Award; and ſo alſo as every ſuch Exchange be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors ſhall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee-Simple or for Life, or in Fee-Tail, general, or ſpecial, or by the Courteſy of *England*, or for Years determinable on Life or Lives, or poſſeſſed of any Eſtate of Inheritance leſs than an Eſtate in Fee-Simple, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Owners or Proprietors as aforeſaid, who at the Time of making any ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, or under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange or Exchanges ſo to be made ſhall be good, valid, and effectual in Law, to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent in Writing, teſtified as aforeſaid, of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged ſhall lie and be ſituate.

Coſts of Exchanges how to be paid.

XXVIII. And be it further enacted, That all Coſts, Charges, and Expences attending the making and completing of any Exchanges and Partitions, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges and Partitions, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall order and direct.

XXIX. And

Vacating Leaſes at Rack Rent.

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

Wills and Settlements not to be affected.

XXX. Provided always and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to revoke, make void, alter or annul any Settlement, Deed, Will or Limitation, or to prejudice any Perſon or Perſons having or claiming any Jointure, Dower, Portion, Reverſion, Rent, Debt, Charge, or Incumbrance in or out of, upon or affecting any of the Lands and Grounds intended to be divided and incloſed, or which ſhall be exchanged in purſuance of this Act, or any Part thereof reſpectively, but that the ſeveral Lands and Grounds which ſhall be aſſigned, allotted and incloſed, or taken in Exchange in purſuance of this Act, ſhall, immediately after ſuch Allotments or Exchanges, be, remain and enure, and the ſeveral Perſons to whom the ſame ſhall be allotted and aſſigned, or given in Exchange as aforeſaid, ſhall ſtand and be ſeiſed thereof, to and for ſuch and the ſame Uſes and Eſtates, and to ſuch and the ſame Wills, Settlements, Limitations, Remainders, Debts, Charges, and Incumbrances, as the ſaid ſeveral Lands, Grounds, Tenements or Hereditaments, in lieu or in reſpect whereof ſuch Allotments or exchanged Hereditaments now are, ſhould or would have been ſubject and liable to be charged with, or affected by, in caſe the ſame had remained unincloſed and unexchanged, or this Act had not paſſed (except ſuch Leaſes or Agreements as ſhall be determined by this Act).

Money advanced to be repaid with Intereſt.

XXXI. And be it further enacted, That if any of the Proprietors or Perſons intereſted in the Execution of this Act, or any other Perſon or Perſons on the Behalf of them or any of them, ſhall have advanced and paid, or ſhall advance and pay, any Money in Diſcharge of the Fees or other Expences preparatory to or of obtaining or executing this Act, or carrying the ſame into Execution, the Money ſo paid and advanced ſhall be repaid and ſatisfied by the Direction of the ſaid Commiſſioners, together with lawful Intereſt for the ſame, out of the firſt or any other Monies that ſhall or may be raiſed for the Purpoſes of this Act.

Commissioner's Accounts to be annually passed before a Justice.

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 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 and Expences in the Execution of this Act; and such Statement and Account when so made, together with the Vouchers relating thereto, shall be by them laid before any one of His Majesty's Justices of the Peace for the said County of *Westmorland* (not interested in the said Inclosure), to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts to be kept in the Office of the Clerk to 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 Justice.

Award where to be deposited.

XXXIII. And be it further enacted, That the Award to be made by the said Commissioners, when enrolled, in Manner directed by the said recited Act, shall, together with a Plan thereunto annexed, be deposited in the Parish Church of *Kirkby Lonsdale* aforesaid.

Appeal.

XXXIV. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done in pursuance of this or the said recited Act (other than and except such Orders and Determinations of the said Commissioners as are by this or the said recited Act directed to be final and conclusive, and except in such Cases wherein an Issue at Law shall be tried as herein mentioned) then and in every such Case he, she or they may appeal to any General Quarter Sessions of the Peace which shall be holden for the said County of *Westmorland*, within Two Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned, Twenty-one Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested therein) at such General Quarter Sessions are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order, and to award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale, which Determination of the said Justices in Sessions shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; and in case such Appeal shall appear to the said Justices to be frivolous, vexatious or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid.

Rights of the Lord of the Manor to Minerals not to be prejudiced.

XXXV. Provided always and be it enacted, That nothing in this Act contained shall be construed or adjudged to defeat, lessen, or prejudice the Right, Title, or Interest of the said Earl of *Lonsdale*, Lord of the said Manor of *Casterton*, his Heirs or Assigns, or any of the future Lord or Lords, Lady or Ladies of the said Manor for the Time being, of, in, and to

to the Coal, Lead, Tin, Copper, Stone or Slate, Minerals or Metals, within or under the ſaid Commons and Waſte Grounds, intended to be incloſed as aforeſaid, (ſave and except the Stones in the public 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 Earl of *Lonſdale*, and all and every Perſon and Perſons claiming by, from, or under or in Truſt for him as Lord 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, Hunting, Fiſhing, Hawking and Fowling, Goods and Chattels of Felons and Fugitives, Felons of themſelves, and thoſe put in Exigent, Deodands, Waifs, Eſtrays, Forfeitures, Eſcheats, and other Royalties, Liberties, Franchiſes, Privileges, Pre-eminences, Juriſdictions, and Appurtenances whatſoever to the ſaid Manor, or 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 Soil and Right of Common, of Paſture, and ſuch other Rights and Intereſts as is and are by this Act meant and intended to be barred, deſtroyed, and extinguiſhed,) as could or might be claimed by him, her or them, as Owner or Owners of the Soil of the ſaid Commons and Waſte Grounds, in as full, 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 Earl of *Lonſdale*, and all the future Lords, Ladies, and Owners of the ſaid Manor reſpectively for the Time being, ſhall and may from Time to Time, and at all Times hereafter, have, hold, work and enjoy all Mines, Minerals, and Quarries, of what Nature or Kind ſoever, within or under the ſaid Commons 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 Quarries of Stone 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 Lands or Grounds, and making Pits, Shafts, Pit Rooms, Heap-Rooms, Drifts, Levels, Water-Courſes, erecting and uſing Fire-Engines and other Engines, and all and every other Matters and Things now in Uſe, or hereafter to be invented for the Purpoſes aforeſaid, or any of them, in, upon, through, over, or along the ſaid Commons and Waſte Grounds, or any of them, or any Part or Parts thereof, and all other Powers, Privileges, and Authorities, for all or any of the Purpoſes aforeſaid, in the ſame Manner as if this Act had not been made.

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

XXXVI. Provided always, and be it 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 be made as aforeſaid, ſearch for, win, work, or lead away any Coal, Lead, Tin, Copper, Stones, Lime, Slate, Metal or Minerals, lying within or under any of the ſaid Allotments or Incloſures, ſo to be made as aforeſaid,

or

or Lands or Tenements, in respect whereof such Allotments shall be made; then and in every such Case the Lord or Lords, Lady or Ladies of the said Manor, for the Time being, or such Person or Persons so searching for winning, working or leading away the same, shall make full and reasonable Satisfaction for the Damages, and Spoil of Ground, occasioned thereby, or in making or using of Waggon-ways or other Ways, or any other Matters and Things, according to the Powers herein reserved or granted to the said Earl of *Lonsdale*, 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 the Possession of such Ground at the Time or Times of such Damage or Spoil.

Owners of Allotments may get Lime Stone and other Stone for their own Use, to be used within the Manor.

XXXVII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said several Owners of Messuages, Lands, and Tenements within the said Manor of *Casterton*, to whom Allotments shall be made as aforesaid, their Heirs and Assigns, to dig for, take and carry away within, upon, from and under their respective Allotments any Quantity of Lime or other Stone for the Improvement of their respective Lands and Grounds within the said Manor, or for any other Purpose or Purposes for which 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, Delph or Delphs, Work or Works, carried on or to be carried on by the said Earl of *Lonsdale*, or the Lord or Lords, Lady or Ladies of the said Manor for the Time being, or his, her or their Stewards, Agents or Workmen respectively.

General Saving.

XXXVIII. Saving always, to the King's Most Excellent Majesty, his Heirs and Successors, and to all and every Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title and Interest (other than and except such as are hereby meant and intended to be barred, destroyed, and extinguished), as they, every or any of them could, might or ought to have had and enjoyed in, to, out of, or in respect of the Lands and Grounds hereby directed to be divided, allotted and inclosed, in case this Act had not been made.

This Act to be printed by the King's Printer.

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. 1812.