ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 76.

An Act for repealing an Act, passed in the Seventh Year of the Reign of His present Majesty, for dividing and inclosing the Open Commons in the Manor of *Reagill*, in the County of *Westmorland*; and for granting other Powers for dividing, allotting, and inclosing the said Lands and Grounds.

[11th *June* 1803.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His present Majesty, intituled, *An Act for dividing and inclosing the Open Commons, in the Manor of* Reagill, *in the County of* Westmorland, whereby it was amongst other Things enacted, that the said Wastes and Commons lying and being within the said Manor of *Reagill*, should, on or before the Twentieth Day of *May* One thousand seven hundred and sixty-seven, or as soon after as conveniently

could be done, be divided, ſet out, and allotted, by the Reverend *Richard Burn* Doctor of Laws, *Thomas Gibſon*, and *George Wheatley*, Commiſſioners appointed by the ſaid Act, and their Succeſſors, or any Two or more of them, in the Manner and ſubject to the Rules and Directions therein-after mentioned: And it was thereby further enacted, that when and as often as any One of the Commiſſioners appointed by the ſaid Act, or to be elected in Manner therein-after mentioned, ſhould die, or refuſe to act, the ſurviving Commiſſioners, or any Two or more of them, ſhould from Time to Time, within One Month next after ſuch Death or Refuſal, by Writing under their Hands and Seals, elect a Commiſſioner, not intereſted in the ſaid intended Inclofure, in the Stead and Place of every Commiſſioner dying or refuſing to act as aforeſaid: And whereas no Diviſion or Allotment was made, nor any other Act done under or by virtue of the ſaid in Part recited Act: And whereas the Commiſſioners thereby appointed have ſince departed this Life, without appointing any other Commiſſioner or Commiſſioners purſuant to the ſaid Power, whereby it is now become difficult or impoſſible to carry the Proviſions of the ſaid Act into Effect: And whereas there are within the Manor of *Reagill*, in the County of *Weſtmorland*, ſeveral Open Commons, Moors, and Waſte Grounds, containing Six hundred Acres or thereabouts: And whereas the Right Honourable *William* Lord *Lowther* Baron of *Whitehaven*, in the County of *Cumberland*, is Lord of the Manor and Owner of the Soil of the ſaid Commons, Moors, and Waſte Grounds, and of the Coal Mines, Veins, and Seams of Coal, and all other Mines and Minerals therein: And whereas it would be a very great Advantage to the ſeveral Owners and Proprietors of and Perſons intereſted in the ſaid Commons, Moors, and Waſte Grounds, if the ſame were divided and incloſed, and ſpecifick Parts thereof divided and allotted unto and amongſt the ſeveral Perſons intereſted therein, according to their reſpective Rights, Shares, and Intereſts: And whereas an Act was 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:* And whereas it is requiſite that greater Powers ſhould be given for that Purpoſe than thoſe contained in the ſaid recited Act, and therefore and on Account of the Death of the ſaid Commiſſioners, it is expedient that the ſame Act ſhould be repealed; but ſuch Repeal, Diviſion, Allotment, and Incloſure, cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid in Part recited Act, paſſed in the Seventh Year of the Reign of His preſent Majeſty, and every Matter, Clauſe, and Thing therein contained, ſhall be and the ſame is and are hereby repealed.

7 Geo. 3. repealed.

Commiſſioners.

II. And be it further enacted, That *James Wilſon* of *Kendal* in the County of *Weſtmorland* aforeſaid, Eſquire, and *Thomas Harriſon* of *Long Marton*, in the ſaid County of *Weſtmorland*, Gentleman, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Commons, Moors, and Waſte Grounds, purſuant to the Directions

tions and Provisions of this Act, and also pursuant to the Directions and Provisions of the said recited Act, passed in the Forty-first Year of the Reign of His present Majesty, except where the same are by this Act varied or altered.

Appointment of Commissioners in the Room of *James Wilson*.

III. And be it further enacted, That if the said *James Wilson*, or any other Commissioner that shall be elected and appointed in his Place and Stead, as herein-after directed, shall die, refuse, or become incapable to act in the Execution of this Act, the said *William* Lord *Lowther*, or the Lord or Lady of the said Manor for the Time being, in Person, or by his or her Agent or Attorney, shall attend at a Meeting to be called pursuant to Notice in Writing, to be affixed on the principal Door of the Parish Church of *Crosby Ravensworth*, upon some *Sunday* either during or immediately before or after Divine Service, (which Notice the Person who acts as Clerk to the said Commissioners is hereby authorized to give, within One Calendar Month next after such Death, Refusal, or Incapacity of the said *James Wilson*, or any other Commissioner that shall be elected and appointed in his Place and Stead, shall be made known, and Ten Days at the least previous to such Meeting), shall and may from Time to Time, by Writing under his Hand, or the Hand of his Agent or Attorney, elect, nominate, and appoint some other fit and proper Person, not interested in the said intended Division and Inclosure, to be a Commissioner in the Place and Stead of such Commissioner so dying, refusing, or becoming incapable to act; which said Commissioner so to be elected and appointed as aforesaid, shall, after taking the Oath prescribed in that Behalf, have the like Power and Authority for carrying this Act into Execution, as if he had been a Commissioner originally nominated in and by this Act.

Appointment of Commissioners in the Room of *Thomas Harrison*.

IV. And be it further enacted, That if the said *Thomas Harrison*, or any other Commissioner that shall be elected and appointed in his Place and Stead, as herein-after directed, shall die, refuse, or become incapable to act in the Execution of this Act, the Persons who respectively for the Time being shall be interested in the Lands to be divided and inclosed as aforesaid, (other than and except the said *William* Lord *Lowther*, or the Lord or Lady of the said Manor for the Time being), or the major Part of them in Value, who in Person, or by their Agents or Attornies, shall attend at a Meeting to be called pursuant to Notice in Writing, to be affixed on the principal Door of the Parish Church of *Crosby Ravensworth*, upon some *Sunday* either during or immediately before or after Divine Service, (which Notice the Person who acts as Clerk to the said Commissioners is hereby authorized to give, within One Calendar Month next after such Death, Refusal, or Incapacity of the said *Thomas Harrison*, or any other Commissioner that shall be elected and appointed in his Place and Stead, shall be made known, and Ten Days at the least previous to such Meeting), shall and may, from Time to Time, by Writing under their Hands, or the Hands of their respective Agents or Attornies, elect, nominate, and appoint some other fit and proper Person, not interested in the said intended Division and Inclosure, to be the Commissioner in the Place and Stead of such Commissioner so dying, refusing, or becoming incapable to act; which said

Commissioner

Commiſſioner ſo to be elected and appointed as aforeſaid, ſhall, after taking the Oath preſcribed in that Behalf, have the like Power and Authority for carrying this Act into Execution, as if he had been a Commiſſioner originally nominated in and by this Act.

Notice to be given of the Firſt Meeting of the Commiſſioners.

V. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to cauſe Notice in Writing to be affixed on the principal outer Door of the Pariſh Church of *Croſby Ravenſworth* aforeſaid, on ſome *Sunday* either during or immediately before or after Divine Service, of the Time and Place of the Firſt Attendance or beginning to put this Act into Execution, and alſo of all ſuch other Times and Places as they ſhall appoint for the Purpoſe of receiving, adjuſting, and ſettling the Claims, Rights, Shares, and Proportions of any Perſon or Perſons intereſted in the ſaid Commons, Moors, and Waſte Grounds hereby directed to be divided and incloſed, or for any other Purpoſe whatſoever, which ſhall or may require the Attendance of any Perſon or Perſons intereſted in the ſaid intended Diviſion and Incloſure, ſo as that the Place of every ſuch Attendance or Meeting be within Five Miles of *Reagill* aforeſaid, and that Fourteen Days previous Notice be given thereof, (Meetings by Adjournment only excepted).

Manner of giving Notices.

VI. And be it further enacted, That the Notices required by this Act or the ſaid Act paſſed in the Forty-firſt Year of His preſent Majeſty's Reign, to be given or publiſhed in ſome publick Newſpaper, of ſetting out publick Carriage Roads, and of reading and executing the Award of the ſaid Commiſſioners, ſhall be given and publiſhed in ſuch Provincial Newſpapers as ſhall be publiſhed neareſt to the ſaid Manor of *Reagill*.

Land to be ſold for defraying Expences of paſſing and executing this Act.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby empowered to ſell ſuch Part or Share of the ſaid Commons ſo to be incloſed, as ſhall be neceſſary to raiſe a ſufficient Sum of Money for defraying the Charges of obtaining this Act, and putting the ſame into Execution; and the ſaid Commiſſioners are hereby required to make ſuch Sale or Sales on or before the Second Day of *February* next, or as ſoon after as conveniently may be or require.

Allotment for Gravel.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and empowered to ſet out and appoint ſuch Parts of the ſaid Commons or Waſte Grounds, ſo to be divided by them as they ſhall think fit, to be uſed as a Stone Quarry or Stone Quarries, and that the ſaid Owners of Meſſuages, Lands, and Tenements, within the Manor of *Reagill* aforeſaid, and the Proprietors of the ſaid Waſtes and Commons, ſhall have free Liberty of getting Stone therein for their own Uſe and Benefit, but not ſo as to ſell and diſpoſe thereof; and that it ſhall and may be lawful for the ſaid Commiſſioners to ſet out Roads to and from the ſaid Stone Quarries for publick Uſe and Benefit.

IX. And

Allotment to the Lord of the Manor.

IX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, before any other Allotment is made in pursuance of this Act, to set out and appoint such Parcel or Parcels of Land (not exceeding Four Acres in the Whole) in and upon the Lands and Grounds hereby intended to be divided and inclosed, and in such convenient Places as they shall think proper, to be used for the Purpose of getting Stone, Gravel, or other Materials, for the Repairs of the Roads and Ways within the said Manor of *Reagill*; and such Parcel or Parcels of Land shall be and are hereby vested in the Surveyor or Surveyors of the Highways within the said Manor for the Time being, and their Successors, upon Trust for the Purposes in this Act mentioned.

Allotment to be set out in Trust for the Schoolmaster of *Reagill*.

X. And be it further enacted, That it shall be lawful for the said Commissioners to set out and allot so much of the said Commons and Waste Grounds as will, in their Judgement, at the Time of making such Allotment, be worth, to be let for the clear yearly Rent of Fifteen Pounds *per Annum*, and after such Allotment shall be set out as aforesaid, then the said Commissioners shall, by Indenture of Lease and Release, convey and assure the same, and the Freehold and Inheritance thereof, unto and to the Use of such Persons, being Land Owners or Inhabitants within the said Manor or Township of *Reagill*, their Heirs and Assigns, as the major Part in Value of the Land Owners and Inhabitants of the said Manor or Township, paying to the Poor Rates within the same, (such Value to be settled by their Payments to such Poor Rates), assembled personally or by Proxy at a Meeting to be convened by the said Commissioners for that Purpose, (whereof Fourteen Days previous Notice shall be given in Manner as herein-before directed), shall nominate and appoint, and the Allotment so conveyed, or expressed and intended so to be, shall immediately thereupon become legally vested in the said Trustees, their Heirs and Assigns, according to the said Conveyance, upon Trust, and to and for the Intent and Purpose herein-after expressed and directed of and concerning the same, that is to say, upon Trust to receive and apply the Rents, Issues, and Profits thereof for ever, (all their reasonable and necessary Charges in the Execution of the Trusts reposed in them being first deducted), for and towards the Support and Maintenance (as far as the same will extend) of the Schoolmaster for the Time being of the Grammar School of *Reagill* aforesaid, for teaching and instructing the Children of the Land Owners and other Inhabitants of the said Manor and Township.

Appointment of new Trustees.

XI. And be it further enacted, That when and as often as any Three or more of the said Trustees, to be named and appointed as aforesaid, or to be appointed in Manner herein-after mentioned, shall die, refuse, or neglect to act as Trustees for the Purposes before expressed, then and in every such Case, from Time to Time for ever, as often as the same shall happen, it shall be lawful for the major Part in Value of the Land Owners and Inhabitants of the said Manor or Township of *Reagill*, paying Poor Rates within the same, (such Value to be affixed as aforesaid), assembled personally or by Proxy at a Meeting to be convened by the surviving Trustees or Trustee for the Time being

for that Purpoſe, (whereof Fourteen Days previous Notice ſhall be given as aforeſaid), to nominate and appoint in Writing ſo many more Perſons, being Land Owners or Inhabitants of the ſame Manor or Townſhip, to be Truſtees in the Place and Stead of the Truſtees ſo dying, refuſing, or neglecting to act as aforeſaid, as together with the ſurviving Truſtees or Truſtee will make up the Number of Five Truſtees, and ſo that the ſaid Truſtees ſhall be perpetually kept up to the Number of Five, and immediately after ſuch Nomination and Appointment, the ſurviving Truſtees or Truſtee from Time to Time ſhall, by Indentures of Leaſe and Releaſe, convey and aſſure the ſaid Allotment ſo made as aforeſaid, in ſuch Manner as that the ſame may become legally veſted in ſuch new and ſurviving Truſtees, upon the Truſt before mentioned, and that all and every Perſon and Perſons ſo appointed a Truſtee or Truſtees, ſhall from thenceforth have the ſame Powers and Authorities in Execution of the Truſts to be repoſed in him or them, as if he or they had been originally appointed a Truſtee or Truſtees as aforeſaid; and all and every Act, Matter, and Thing, which ſhall be executed, done, or performed, by any Three of the ſaid Truſtees for the Time being, in purſuance and Execution of this Act, ſhall be as valid and effectual, to all Intents and Purpoſes, as if all the ſaid Truſtees for the Time being had been preſent, and had executed, done, and performed the ſame.

Allotment for Tythes.

XII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required in the next Place to ſet out and allot unto the ſaid *William* Lord *Lowther*, ſuch Parcel of the Lands and Grounds hereby intended to be divided and incloſed, as ſhall in the Judgement of the ſaid Commiſſioners be a full Equivalent and Compenſation for ſuch Tythes of Corn, Grain, and other Tythe, as the ſaid *William* Lord *Lowther* may be found entitled unto, out of the ſaid Commons and Waſte Grounds now to be incloſed, which ſaid Allotment ſhall be in lieu of and in Recompence and Compenſation for ſuch Tythes of Corn, Grain, and other Tythe, to which the ſaid *William* Lord *Lowther* may be found ſo entitled, ariſing, growing, renewing, or payable within, upon, or for the ſaid Commons or Waſte Grounds ſo to be incloſed within the ſaid Manor of *Reagill*; all which ſaid Tythes within the ſaid Manor of *Reagill*, after ſuch Allotments in lieu thereof ſhall be made and ſtaked out, ſhall ceaſe, determine, and be for ever extinguiſhed.

Allotment for Right of Soil.

XIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required in the next Place, out of the Reſidue and Remainder of the Lands and Grounds hereby intended to be divided and incloſed, to ſet out, allot, and appoint unto and for the ſaid *William* Lord *Lowther*, and his Heirs, (excluſive of the Lands to be allotted him in lieu of his other Rights in the ſaid Commons as hereinafter directed), One full Twelfth Part of the ſaid Commons and Waſte Lands, for his Right to the Soil of the ſaid Commons or Waſte Lands hereby intended to be divided and incloſed.

XIV. And

Allotments of the Reſidue.

XIV. And be it further enacted, That immediately after the ſaid Commiſſioners ſhall have deducted Lands for the Roads, Ways, and Drains, and made the ſeveral Allotments herein-before mentioned, they ſhall in the next Place ſet out and allot all the Reſidue and Remainder of the ſaid Commons, Moors, and Waſte Grounds, by this Act directed to be divided and incloſed, unto and amongſt the ſeveral Perſons who, at the Time of making ſuch Allotments, ſhall be entitled to any Eſtate, Property, Right, or Intereſt in the ſame Commons, Moors, and Waſte Grounds, according to their reſpective Intereſts therein, and according to the Value of their reſpective Eſtates as they are rated to the Poor, in ſuch Quantities, Shares, and Proportions, and in ſuch Parts and Places as by the ſaid Commiſſioners ſhall be adjudged and determined to be a Compenſation and Satisfaction for the ſeveral and reſpective Lands and Grounds, Rights of Common, and other Rights and Intereſts of each of the ſaid Proprietors after ſuch Deductions as aforeſaid; and ſuch Commons, Moors, and Waſte Grounds, when allotted and incloſed, ſhall be veſted in the ſeveral Perſons who ſhall be entitled to the ſame, as Freehold Eſtates of Inheritance in Fee Simple, and ſhall allot the Share or Shares of each Party as near to the Homeſteads or ſome other of the preſent incloſed Lands or Tenements belonging to ſuch Party reſpectively, as conveniently may be.

Tythes to be paid as heretofore, until Allotments made.

XV. And be it further enacted, That until the Diviſion and Allotment ſhall be made and finiſhed in purſuance of this Act, the ſaid *William* Lord *Lowther* ſhall be entitled to, and ſhall receive and enjoy ſuch and the ſame Tythes as he or they could, might, or ought have done, in caſe this Act had not been made.

For determining Encroachments.

XVI. And be it further enacted, That all Encroachments which within Twenty Years now laſt paſt have been made upon, or taken from the ſaid Commons, Moors, and Waſte Grounds, ſhall be deemed Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and in caſe any Diſpute ſhall ariſe touching any ſuch Encroachments or the Extent thereof, ſuch Diſputes ſhall be finally determined by the ſaid Commiſſioners: Provided always, that all ſuch Encroachments which ſhall have been made or taken by any Perſon or Perſons entitled to Right of Common on the ſaid Commons, Moors, and Waſte Grounds, or a ſufficient Part thereof, ſhall be conſidered as the Share or Allotment, or Part of the Share or Allotment, to be made to the Perſon or Perſons who ſhall then be in Poſſeſſion, or entitled to the improved Rents and Profits thereof, without conſidering the Improvements made thereto, and ſhall be allotted to and accepted by ſuch Perſon or Perſons as the Whole, or any Part or Share of the Allotment or Allotments to be aſſigned or allotted to him, her, or them reſpectively.

Power to ſell Common Rights ſeparate of other Property.

XVII. Provided always, and be it further enacted, That it ſhall be lawful for any of the Perſons entitled to Right of Common upon the ſaid Commons, Moors, and Waſte Grounds, hereby directed to be incloſed, to ſell and diſpoſe of his, her, and their Right, Share, or Intereſt in ſuch Commons, Moors, and Waſte Grounds, ſeparate and apart from

from the Property to which such Right or Interest is appurtenant, and that the said Commissioners shall and may award the Allotments to be made in lieu of the Right of Common so sold and disposed of, to the Purchaser or Purchasers thereof respectively, having received a Request in Writing so to do, signed by the Owners or Proprietors of such Rights of Common, in the Presence of One or more credible Witness or Witnesses; and that such Purchaser or Purchasers shall hold and enjoy the same unto him, his Heirs and Assigns for ever; any Law to the contrary thereof notwithstanding.

Commissioners to settle Disputes.

XVIII. 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 hereby directed to be made, touching or concerning the Right of the Soil of the said Commons, Moors, and Waste Grounds, or any Part or Parts thereof, or touching or concerning the respective Rights and Interests therein, which they or any of them shall have or claim to have in or to such Commons, Moors, and Waste Grounds, or touching or concerning any other Matter or Thing relating to the said Division and Inclosure, it shall be lawful for the said Commissioners to examine into, hear, and determine the same; provided that no Determination of the said Commissioners shall exclude any Person from trying and ascertaining his Right at Law or in Equity, in respect of the Title to any of the Shares or Allotments of the said Commons, Moors, or Waste Grounds, intended to be divided by virtue of this Act; so that no such Trial, nor any Judgement thereupon, shall suspend or impede the Execution of this Act; and provided that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments, whatsoever.

Commissioners to award Costs.

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

XX. Provided

Parties may try their Right by an Action at Law.

XX. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims of the Right to the Soil of the said Commons, Moors, and Waste Grounds, or of any Rights of Common, or other Rights or Interests in, over, or upon the said Commons, Moors, and Waste Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matters so determined by the said Commissioners at the next or at the following Assizes to be holden for the said County of *Westmorland*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners, 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 within Two Calendar Months next after such Determination of the said Commissioners; 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; and such Issue or Issues to be settled by the proper Officer of the Court in which such 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 binding upon all Persons, and Bodies Politick and Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, and order a new Trial or new Trials to be had, which it shall be lawful for the Court to do, and also upon sufficient Cause shewn, to put off the Trial of such Issue as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto.

Allotments to be fenced.

XXI. And be it further enacted, That the several Allotments to be made as aforesaid, shall within such Time, either before or after the Execution of the said Award, as the said Commissioners shall direct, be inclosed and fenced, and such Fences for ever afterwards maintained, repaired, and supported by and at the Expence of the respective Proprietors, in such Manner, Shares, and Proportions as the said Commissioners shall by their said Award direct.

Will and Settlements not to be affected.

XXII. Provided nevertheless, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or taken to revoke, make void, alter, or annul any Settlement, Deed, Will, or Limitation, or to prejudice any Person having or claiming any Jointure, Dower, Portion, Reversion, Rent, Service, Debt, Charges, or Incumbrances, of, in, out of, upon, or affecting any of the Lands and Grounds so 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 to be assigned and allotted upon such Division and

Incloſure to the ſeveral Parties concerned or their Truſtees, and which ſhall be taken in Exchange in purſuance of this Act, ſhall immediately after ſuch Allotments or Exchanges ſhall be made, be, remain, and enure; and the ſeveral Perſons to whom the ſame ſhall be allotted and aſſigned or given in Exchange as aforeſaid, ſhall from thenceforth ſtand and be ſeiſed thereof to and for ſuch and the ſame Uſes and Eſtates, and ſubject to ſuch and the ſame Wills, Settlements, Limitations, Remainders, Charges, Tenures, Rents, Services, Quit Rents, and Incumbrances, as the ſaid ſeveral Lands, Grounds, Tenements, or Hereditaments, in lieu or in reſpect whereof ſuch Allotments and Exchanges ſhall be made as aforeſaid, now are, or 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 been made.

Allowance to the Commiſſioners.

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall be each reſpectively paid the Sum of One Pound Eleven Shillings and Sixpence and no more, on each and every Day that they ſhall reſpectively attend, or be engaged or employed in full Satisfaction for all their Trouble, and the Expences which they ſhall incur in the ſurveying, admeaſuring, planning, and valuing all the Lands and Grounds hereby directed to be divided, allotted, and incloſed; and likewiſe for all their Trouble, and the Expences which they ſhall incur in the dividing, allotting, and incloſing the ſaid ſeveral Commons, Moors, and Waſte Grounds; and alſo the further Sum of One Pound Eleven Shillings and Sixpence unto each and every Commiſſioner for his Trouble and Expence on each and every Day that he ſhall attend, or be engaged or emplo ed for the Purpoſe of enquiring into, examining Witneſſes, ſettling and determining any objected or diſputed Claims, or any other Diſpute or Difference which ſhall or may ariſe, or happen touching or concerning the ſaid Diviſion or Incloſure, and hereby referred to the ſaid Commiſſioners; the ſaid Sum of One Pound Eleven Shillings and Sixpence to be paid by the Perſon or Perſons againſt whom the Award of the ſaid Commiſſioners ſhall be made, in caſe of a Reference to them as herein-before expreſſed.

Parties to pay their own Expences.

XXIV. Provided always, That the ſaid Proprietors or Perſons intereſted in the ſaid Diviſion and Incloſure, their Agents and Attornies, ſhall pay their own Expences, when they or any of them ſhall attend the ſaid Commiſſioners in the Execution of this Act.

Commiſſioners to make out yearly Accounts.

XXV. 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 One of His Majeſty's Juſtices of the Peace for the ſaid County of *Weſtmorland*, to be by him examined and balanced, and ſuch Balance

ſhall

ſhall be by ſuch Juſtice ſtated in the Book of Accounts, to be kept in the Office 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 Juſtice.

Perſons advancing Money to be repaid with Intereſt.

XXVI. And be it further enacted, That if any of the ſaid Proprietors, or any other Perſon or Perſons, ſhall advance and pay any Money in Diſcharge of the Fees or other Expences of obtaining, paſſing, and executing this Act, 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.

Award to be made.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall make and execute One Part of their ſaid Award, and that the ſame ſhall within Three Calendar Months next after the Execution thereof, be depoſited with the Clerk of the Peace for the ſaid County of *Weſtmorland*, and for which a Fee of One Guinea and no more ſhall be paid, and a true Copy of ſuch Award, or of any Part thereof, ſigned by the ſaid Clerk of the Peace or his Deputy, for which no more than Four-pence *per* Sheet ſhall be paid, each Sheet to contain Seventy-two Words, and alſo each Part of the ſaid original Award ſhall be allowed as good and legal Evidence; and the ſaid Clerk of the Peace and his Deputy, ſhall permit and ſuffer any Perſon or Perſons whomſoever, from Time to Time and at all Times within the Office Hours of Attendance, to peruſe or inſpect the Part of the ſaid Award or Inſtrument depoſited in the Office of the ſaid Clerk of the Peace upon paying for every ſuch Peruſal or Inſpection One Shilling and no more.

Saving the Rights of the Lord of the Manor.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall be conſtrued to defeat, leſſen, or prejudice the Right, Title, or Intereſt of the ſaid *William* Lord *Lowther*, Lord of the ſaid Manor of *Reagill*, his Heirs or Aſſigns, of, in, and to the Seigniories and Royalties incident and belonging to the ſaid Manor, but that the ſaid *William* Lord *Lowther*, and all ſucceeding Lords or Ladies of the ſaid Manor, ſhall and may from Time to Time and at all Times hold and enjoy all Quit Rents, Free Rents, Reliefs, Duties, Cuſtoms, and Services, and all Courts, Perquiſites and Profits of Courts within the ſaid Manor, Goods and Chattels of Felons and Fugitives, Felons of themſelves and put in Exigent, Deodands, Treaſure Trove, Waifs, Eſtrays, Forfeitures, Royalties, Juriſdictions, Franchiſes, Matters, and Things whatſoever to the ſaid Manor, or to the Lord or Lords, Lady or Ladies thereof, incident, belonging, or appertaining other than and except ſuch Common Right as could or might be claimed by him, her, or them, as Owner of the Soil and Inheritance of the ſaid Commons, Moors, and Waſte Grounds, and the Right of getting Stone, Slate, and Gravel therein, which is and are hereby intended to be barred and for ever extinguiſhed, in as full, ample, and beneficial a Manner to all Intents and Purpoſes as he, ſhe, or they might have held and enjoyed the ſame if this Act had not been made; and that the ſaid *William* Lord *Lowther*, his Heirs and Aſſigns, ſhall

shall and may from Time to Time and at all Times hereafter, have, hold, win, work, and enjoy all Mines of Coal, Ironstone, and Minerals of what Nature or Kind soever, within and under the said Commons, Moors, and Waste Grounds hereby directed to be divided, allotted, and inclosed together with all convenient and necessary Ways, Way Leaves, Roads, and Passages, already made and hereafter to be made, through, over, or upon the said Lands and Grounds, and Liberty of laying, making, and repairing Waggon Ways and other Ways, in, over, and along the same, or any of them, or any Part thereof, and of searching for, winning, and working the said Mines and Minerals, and leading and carrying away the Coal, Iron-stone, Lead, Minerals, Things, and other Produce thereof, making Pits, Shafts, Pit Rooms, and Heap Rooms, Drifts, Levels, Soughs, Drains, Ways, and Watercourses, and of erecting and using Fire Engines and other Engines, and of altering, changing, and pulling down and carrying away the same, or any of the Materials thereof, in, through, over, and upon the said Lands and Grounds hereby directed to be inclosed, and to have and use any Stone got in the Course of sinking Pits or Shafts, or working or getting the said Minerals so reserved as aforesaid, at his, her, or their own free Will and Pleasure, and to do all such other Works, Acts, and Things, either now in use or hereafter to be invented, as may be necessary or convenient for the full and complete Enjoyment thereof, in and upon the said Commons, Moors, 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 done in case this Act had not been made: Provided nevertheless, that nothing in this Act contained shall give to the said *William* Lord *Lowther*, or to any future Lord or Lords, Lady or Ladies of the Manor of *Reagill* aforesaid, any greater, further, or other Authority, Power, Privilege, or Liberty whatsoever, touching or concerning the sinking, searching for, winning, working, carrying away, and disposing of the Mines of Coal, Iron-stone, and other Minerals contained in the said several Commons, Moors, and Waste Grounds, hereby directed to be divided, allotted, and inclosed, than he the said *William* Lord *Lowther* was by Law entitled to immediately before the passing of this Act.

Satisfaction to be made for Damages.

XXIX. Provided always, and be it further enacted, That if any Person or Persons shall suffer or sustain any Loss or Damage in his, her, or their respective Allotments, by the sinking, searching for, winning, or working of any Mines of Coal, Ironstone, or other Mines therein, or the laying or repairing Waggon Ways or other Ways, or by leading or carrying away the Coals, Iron-stone, or other Ore or Minerals to be gotten thereout, or making Drifts, Levels, or Watercourses, erecting or using Fire or other Engines, Pit Room, or other the Liberties and Powers hereby given and reserved to the Lord or Lords, Lady or Ladies, of the Manor of *Reagill* aforesaid for the Time being, that then and in every such Case the Lord or Lords, Lady or Ladies, of the said Manor, his, her, or their Heirs, Executors, Administrators, or Assigns, shall pay full Satisfaction for all such Damages, Spoil of Ground, and other Loss to be occasioned thereby, to the Person or Persons who shall be in

Possession

Poſſeſſion of ſuch Ground or Allotment at the Time of doing ſuch Damage, Spoil, or Loſs.

Allowing an Appeal.

XXX. 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 Act, then and in every ſuch Caſe (except where the Orders and Determinations of the ſaid Commiſſioners are by the ſaid recited Act or this Act directed to be final, binding, or concluſive, and except in ſuch Caſes wherein an Iſſue at Law ſhall be tried as herein-before mentioned), ſuch Perſon or Perſons may appeal to any General Quarter Seſſions of the Peace to be holden for the ſaid County of *Weſtmorland*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, and giving Twenty Days Notice to the Commiſſioners of ſuch his, her, or their Intention of appealing; and the Juſtices of ſuch Seſſions 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 and Charges which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party liable to pay the ſame, rendering the Overplus (if any) to the Owner and Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale, which Determination of the ſaid Juſtices ſhall be final and concluſive on all Parties, and ſhall not be removed or removeable 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 and may, and they are hereby authorized and empowered, to award ſuch Coſts to be paid by the Appellant or Appellants, as to them in their Diſcretion ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

General Saving.

XXXI. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies Politick and Corporate, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, (other than and except the reſpective Perſons to whom any Allotment or Allotments of Lands or other Compenſation ſhall be made or provided by virtue of this Act, in reſpect of the Intereſt or Property for which ſuch Allotment or Compenſation ſhall be made, and except ſuch other Rights and Intereſts as the Intent and Purpoſes of the Incloſure hereby authorized ſhall abſolutely require to be barred, deſtroyed, or extinguiſhed), all ſuch Eſtates, Rights, and Intereſts, as they, every, or any of them, had or enjoyed, of, in, and to, or in reſpect of the Commons and Waſtes hereby directed to be divided and incloſed, before the paſſing of this Act, or could or might have had or enjoyed if this Act had not been made.

Declaring the Act publick.

XXXII. And be it further enacted, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty, and when ſo printed

printed may be given in Evidence in all Courts of Juſtice, and before all Judges and Juſtices whomſoever, who ſhall take judicial Notice thereof, in like Manner as if the ſame had been declared to be a publick Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1803.