ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 71.

An Act for incloſing Lands in the Manor and Pariſh of *Renwick*, in the County of *Cumberland*.

[18th *May* 1814.]

WHEREAS there are within the Manor and Pariſh of *Renwick*, in the County of *Cumberland*, certain Open Commons and Waſte Grounds, containing by Eſtimation Two thouſand five hundred Acres, or thereabouts: And whereas the Provoſt and Scholars of the *Queen's College*, in the Univerſity of *Oxford*, are Lords of the ſaid Manor, and as ſuch are entitled to the Royalties therein, and to the Soil of the ſaid Commons and Waſte Grounds: And whereas *William Lowſon* is Lay Rector or Impropriator of the ſaid Pariſh of *Renwick*, and as ſuch is entitled to the Great and Small Tithes, or Moduſes in lieu thereof, and to other Eccleſiaſtical Dues within the ſaid Manor and Pariſh, except that *John Lowthian* the elder is entitled to certain Great Tithes in the Townſhip of *Renwick*, in the ſaid Manor and Pariſh, or to an annual Rent or Payment in lieu thereof; alſo except that certain other Perſons are entitled to the Tithe of Wool and Lamb in the ſaid Pariſh; and that the Miniſter or Curate of the Perpetual Curacy of *Renwick* is entitled to the Church Dues, or Surplice Fees and *Eaſter* Dues, payable in the ſaid Pariſh: 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 Pro-viſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of* 41 G. 3.

proving the ſeveral Facts uſually required on the paſſing of ſuch Acts: And whereas the ſaid Provoſt and Scholars, the ſaid *William Lowſon*, and *John Lowthian* the elder, and *Jonathan Tallentire*, *John Sowerby*, *Joſeph Lowthian*, and divers other Perſons, are or claim to be entitled to Right of Common upon the ſaid Open Commons or Waſte Grounds, in reſpect of certain Meſſuages, Lands, and Tenements within the ſaid Manor and Pariſh of *Renwick*, which are holden under the ſaid Provoſt and Scholars, for the moſt Part according to the ancient Cuſtom of Tenant-right; and it would be of Advantage to the ſaid Parties and Perſons, and of Public Utility, if the ſaid Commons and Waſte Grounds were divided and incloſed, and ſpecific Parts allotted to the ſeveral Proprietors, according to their reſpective Rights and Intereſts; alſo if the Rents, Fines, Dues, Duties, Services, and the Reſtraints and Diſabilities incident to the Cuſtomary or Tenant-right Tenure under which the ſaid Tenements are moſtly holden, were done away and removed by Enfranchiſement, upon an adequate and proper Compenſation being made by the Tenants to the Lords; and if the ſaid Commons and Waſte Grounds, and all other Lands within the ſaid Manor and Pariſh, which are ſubject or liable to the Payment of any Species of Tithe or Eccleſiaſtical Render, or to any Modus, Rent, or Payment in lieu thereof, to the ſaid *William Lowſon* and *John Lowthian*, or to either of them, were exonerated therefrom in Conſideration of a fair Equivalent; yet, as ſuch Purpoſes cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Norman* of *Kirk Andrews upon Eden*, in the ſaid County of *Cumberland*, and *John Slee* of *Tirrel*, in the Pariſh of *Barton*, in the County of *Weſtmorland*, Gentlemen, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, and allotting the ſaid Commons and Waſte Grounds, and for carrying all and every the Purpoſes of this Act and the ſaid recited Act into Execution, (except ſuch Parts of the ſaid recited Act as are hereby varied or altered,) and under and ſubject to ſuch of the Proviſions, Reſtrictions, Directions, Rules, and Orders contained in the ſaid recited Act, as are not altered or controlled by or repugnant to any of the Powers and Proviſions of this Act; and it ſhall be lawful for the ſaid Commiſſioners, or either of them, or for any Juſtice of the Peace for the ſaid County of *Cumberland*, to adminiſter to the ſaid Commiſſioners, or either of them, the Oath or Affirmation directed by the ſaid recited Act to be taken by Commiſſioners.

Appointment of Commiſſioners.

For appointing new Commiſſioners.

II. And be it further enacted, That if the ſaid *John Norman*, or any Perſon who ſhall be appointed a Commiſſioner in his place or ſtead in the Manner herein-after mentioned, ſhall die, refuſe to act, or be rendered incapable of acting as a Commiſſioner for the Purpoſes of this Act, it ſhall and may be lawful to and for the ſaid Provoſt and Scholars, and their Succeſſors, and they are hereby authorized and required from Time to Time, within Thirty Days next after any ſuch Death, Refuſal, or Incapacity ſhall happen, or as ſoon afterwards as conveniently may be, by any Inſtrument in Writing under their Common Seal, to nominate and appoint a fit and proper Perſon (not intereſted in the ſaid Diviſion and

Incloſure) to be a Commiſſioner in the place and ſtead of him ſo dying, refuſing, or being incapable as aforeſaid; and in caſe the ſaid *John Slee*, or any Perſon who ſhall be appointed a Commiſſioner in his place or ſtead in the Manner next herein-after mentioned, ſhall die, refuſe to act, or be rendered incapable of acting as a Commiſſioner in the Execution of this Act, ſome other Perſon not intereſted as aforeſaid ſhall and may from Time to Time be appointed to be a Commiſſioner in the place and ſtead of him ſo dying, refuſing, or being incapable as laſt aforeſaid, by the major Part in Value (except the ſaid Provoſt and Scholars) of the ſeveral Proprietors entitled to Right of Common upon the ſaid Commons and Waſte Grounds, or their reſpective Agents, Attornies, or Proxies duly authorized by Writing under the reſpective Hands and Seals of ſuch Proprietors, (ſuch Value to be aſcertained by the Land Tax Aſſeſſment,) who ſhall be aſſembled at a Public Meeting to be held for that Purpoſe, within Thirty Days next after any ſuch Death, Refuſal, or Incapacity as laſt aforeſaid, ſhall happen, or as ſoon afterwards as conveniently may be, of which Meeting or Meetings Twenty-one Days Notice at leaſt ſhall previouſly be given in Writing affixed to the Door of the Church of *Renwick* aforeſaid, and by Advertiſement in ſome One or more of the Newſpapers printed in the County of *Cumberland;* and the ſaid Majority in Value of the ſaid Proprietors ſo convened and aſſembled ſhall and may and are hereby required, from Time to Time as often as Occaſion ſhall require, by Writing under their Hands, to nominate and appoint ſome ſuch fit and proper Perſon as aforeſaid to be a Commiſſioner in the place and ſtead of the ſaid *John Slee*, or any ſucceeding Commiſſioner to be in ſuch Manner as laſt aforeſaid appointed in his place and ſtead; and every Perſon who ſhall be nominated and appointed a Commiſſioner as by this Act is directed ſhall have ſuch and the like Powers and Authorities for putting this Act and the ſaid recited Act in Execution as if he had been originally named in and appointed a Commiſſioner by this Act.

Umpire to be appointed.

III. And, for the Purpoſe of ſettling and determining any Difference or Diſpute that may ariſe between the ſaid Commiſſioners touching or concerning any of the Matters and Things to be by them done and performed in purſuance of the ſaid recited Act or of this Act, be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, immediately after their taking and ſubſcribing the Oath or Affirmation by the ſaid recited Act directed to be by them taken and ſubſcribed, by Writing under their Hands, to chooſe, nominate, and appoint ſome proper and ſkilful Perſon (not intereſted in the ſaid Commons or Waſte Grounds) who ſhall be willing and conſent to act as an Umpire; and ſuch Umpire is hereby authorized and required to hear and determine any ſuch Difference or Diſpute as may ariſe between the ſaid Commiſſioners, touching any Matter or Thing relating to the ſaid Diviſion and Incloſure; and the Judgment and Determination of the ſaid Umpire therein ſhall be deemed and conſidered to be the Judgment and Determination of the ſaid Commiſſioners, and ſhall be final and concluſive upon the ſaid Commiſſioners, and upon all other Perſons concerned in the ſaid Diviſion and Incloſure, ſo far as the Acts of the ſaid Commiſſioners are by the ſaid recited Act and this Act made final and concluſive: Provided always, that in caſe the Perſon ſo nominated and appointed by the ſaid Commiſſioners as Umpire ſhall die or refuſe to act, or become incapable of acting in the Execution of

of the ſaid recited Act or of this Act, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners to nominate and appoint one other Perſon as Umpire, in the room or ſtead of the Perſon ſo dying, refuſing to act, or becoming incapable of acting in the Execution of the ſaid recited Act and of this Act, and ſo from Time to Time as often as Occaſion ſhall require; and in caſe any ſuch Umpire ſhall neglect to ſettle and determine any ſuch Difference or Diſpute within Thirty Days after the ſame ſhall have been referred to him by the ſaid Commiſſioners, ſuch Neglect ſhall be and be deemed and taken to be a Refuſal to act within the Intent and Meaning of this Act.

Umpire to be ſworn.

IV. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting in the Execution of this Act as Umpire, until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay,)

Oath.

'I *A. B.* do ſwear, That I will faithfully, impartially and honeſtly, according to the beſt of my Skill and Ability, execute and perform the Truſts, Powers, and Authority repoſed in me as Umpire, by virtue of an Act made in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act for incloſing Lands in the Manor and Pariſh of* Renwick, *in the County of* Cumberland, according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which Oath it ſhall and may be lawful to and for either of the ſaid Commiſſioners, or for any Juſtice of the Peace for the ſaid County, to adminiſter (who are or is hereby required to adminiſter the ſame); and ſuch Oath when ſo taken and ſubſcribed by ſuch Umpire ſhall be annexed to and enrolled with the Award of the ſaid Commiſſioners: Provided alſo, that the Inſtrument of Appointment of every Commiſſioner and Umpire by virtue of this Act ſhall be enrolled with the Award of the ſaid Commiſſioners, and a Copy of ſuch Inſtrument, or of the Enrolment thereof, atteſted by the proper Officer of the Court, where the ſame ſhall be enrolled, ſhall be allowed to be ſufficient Evidence thereof.

Commiſſioners to give Notice of their Meetings.

V. And be it further enacted, That the ſaid Commiſſioners ſhall cauſe Public Notice to be given in One or more Newſpaper or Newſpapers publiſhed in the ſaid County of *Cumberland*, and affix a Notice in Writing upon the Door of the Pariſh Church of *Renwick* aforeſaid, upon ſome *Sunday* during or immediately before Divine Service, of the Time and Place of their holding their Firſt, Second, and Third Meetings for the Purpoſes of putting into Execution the ſeveral Powers veſted in them by this Act, Fourteen Days at leaſt before ſuch Meetings reſpectively; and that the ſaid Commiſſioners ſhall and may, after their ſaid Third Meeting, from Time to Time appoint ſuch Time and Place for every ſubſequent Meeting as they ſhall think proper, they cauſing a Notice in Writing under their Hands to be affixed upon the Door of the ſaid Pariſh Church Seven Days at leaſt before every ſuch ſubſequent Meeting; but the ſaid Commiſſioners at their Firſt, Second or Third Meetings, or any other ſubſequent Meeting or Meetings, ſhall have full Power and Authority from

from Time to Time, as they ſhall think it convenient, to continue ſuch Firſt, Second or Third, or any ſubſequent Meeting or Meetings by Adjournment for the Execution of this Act, without giving any other Notice of ſuch Meeting by Adjournment, provided that all the Meetings of the ſaid Commiſſioners ſhall be held in the ſaid Pariſh, or within the Diſtance of Eight Miles therefrom.

Commiſſioners to ſettle Diſputes.

VI. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties who now are, or before the making of the Award of the ſaid Commiſſioners ſhall be, intereſted or claim to be intereſted in the ſaid Diviſion or Allotment, or the Boundaries of the ſaid Commons and Waſte Grounds, or any Part or Parts thereof, touching or concerning the reſpective Shares and Proportions, Rights and Intereſts, which they, or any of them, ſhall have or claim to have in the ſame, or touching or concerning the Boundaries of the ſaid Commons and Waſte Grounds, or any Part or Parts thereof reſpectively, or any other Matter or Thing relating to the Diviſion or Allotment hereby directed to be made, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, with all convenient Speed, to examine into, hear, and determine all ſuch Claims, Objections, Differences, and Diſputes as aforeſaid.

Commiſſioners not to determine Titles, nor moleſt Poſſeſſion.

VII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners or Umpire to determine the Title to any Meſſuages, Cottages, Lands, Tenements or Hereditaments whatſoever, nor to determine any Right between any Parties, contrary to the Poſſeſſion of any of ſuch Parties; but in caſe the ſaid Commiſſioners or Umpire ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been given up by ſuch Perſon or Perſons, or recovered from ſuch Perſon or Perſons by Ejectment, or other due Courſe of Law or Equity.

Commiſſioners to award Coſts at their Diſcretion.

VIII. And be it further enacted, That if the ſaid Commiſſioners ſhall ſee Cauſe upon hearing or determining of any Claim or Claims, Objection or Objections, to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, to ſettle, aſſeſs, and award ſuch Coſts 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 whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or overruled; and ſuch Coſts ſhall be levied and recovered in ſuch Manner as by the ſaid recited Act any Penalties are authorized to be levied or recovered.

Perſons diſſatisfied with the Commiſſioners Determination may try their Rights at Law.

IX. Provided always, 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 Diviſion or Allotment of the ſaid Commons and Waſte Grounds, or any Part thereof, or the Boundaries thereof reſpectively, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire, touching or concerning their reſpective Claims, Objections, Rights or Intereſts, it ſhall 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 Matter ſo determined by the ſaid Commiſſioners or Umpire, for which Purpoſe the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners or Umpire, ſhall cauſe an Action to be brought for Trial on a feigned Iſſue againſt the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, in whoſe Favour ſuch Determination ſhall have been made, within Two Calendar Months next after ſuch Determination, and Notice thereof in Writing given to him, her or them, and proceed to try the Queſtion at the Firſt Aſſizes to be holden for the ſaid County of *Cumberland* after the Expiration of Three Calendar Months from the Time of ſuch Determination; 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, Objection or Objections, and the Right or Rights thereby inſiſted on, may be tried and determined, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame; and the Verdict or Verdicts which ſhall be given in the ſaid Action or Actions ſhall be final, binding, and concluſive upon and to all and every Perſons and Perſon whomſoever; provided that it ſhall be lawful for the Court in which ſuch Action ſhall be depending, upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Action, or to order a new Trial to be had therein, as is uſual in other Caſes, although the Time herein-before limited for the Trial of ſuch Action may be thereby exceeded; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that all the Determinations of the ſaid Commiſſioners or Umpire touching any ſuch Claims, Rights or Intereſts, which ſhall not be objected to within Two Calendar Months after the ſame ſhall be made known, or which being objected to, the Party or Parties objecting ſhall not cauſe ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive to all Parties; and if any of the Parties in any Action to be brought in purſuance of this Act ſhall die pending ſuch Action, the ſame ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened; or in caſe any Perſon or Perſons in whoſe Favour any Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, or Party or Parties, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame, within the Time ſo limited as aforeſaid, againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk of the ſaid Commiſſioners with Proceſs for commencing ſuch Action or Actions, in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall thereupon be incumbent on the Heir or Heirs of the Perſon 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

Perſon or Perſons ſo dead, and Proceedings ſhall be had therein, and Coſts ſhall follow the Event, and be recoverable in the ſame Manner as if ſuch Perſon or Perſons had been actually living; and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Death of Parties not to ſuſpend the Execution of the Act.

X. And be it further enacted, That if any of the Parties intereſted in the ſaid intended Diviſion or Incloſure ſhall die before the ſame ſhall be completed, the Powers and Authorities hereby given to the ſaid Commiſſioners ſhall not be thereby determined or ſuſpended, but that the ſaid Commiſſioners ſhall proceed in the Execution of the Powers given to them by this Act or the ſaid recited Act, in ſuch Manner as they might have done in caſe ſuch Parties had not died; and that the Share or Shares of the Perſon or Perſons ſo dying ſhall be allotted to ſuch Perſon or Perſons who by Law ſhall become entitled to the ſame, and ſhall be accepted and fenced by him, her or them, according to the Directions of this Act or the ſaid recited Act; and he, ſhe, or they ſhall be liable to the Charges and Expences and other Conditions of this Act and the ſaid recited Act.

Allotment for Public Uſes.

XI. And be it further enacted, That the ſaid Commiſſioners ſhall, after ſetting out the Public Roads and Highways in Manner directed by the ſaid recited Act, aſſign, ſet out, and allot ſuch Parts of the ſaid Commons and Waſte Grounds hereby directed to be divided, allotted and incloſed, as the ſaid Commiſſioners ſhall think neceſſary, as and for public Quarries for Freeſtone and Limeſtone, and Sand, Clay and Gravel Pits, and public Places for getting Peat for Fuel; and alſo as and for public Watering Places for Cattle, for the Uſe of the ſeveral Owners of Lands, Tenements and Hereditaments, within the ſaid Manor of *Renwick*, and their Tenants and Leſſees for the Time being, to be uſed within the ſaid Manor only, but not to be otherwiſe diſpoſed of; and alſo for the Uſe of the Surveyors of the Highways for the Time being of the ſaid Pariſh of *Renwick*, ſo far as reſpects the procuring of Materials for the making and repairing the public Roads of the ſaid Pariſh; provided that the ſaid Allotment for public Uſes ſhall be ſet out, apart, and diſtinct from the Allotments to the ſaid Provoſt and Scholars in reſpect of their Right to the Soil and ancient Tenements, and ſo as not to interfere with their Roads, or Lime or other Works.

Land to be ſold for Payment of the Expences.

XII. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, mark and ſet out ſuch Part and Parts of the ſaid Commons and Waſte Grounds ſituate on the Eaſtern Part of the Third Diviſion herein-after named, as to them ſhall ſeem competent, neceſſary and ſufficient, by Sale thereof in Manner by the ſaid recited Act directed, to raiſe Money ſufficient to defray and diſcharge all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, and of executing this Act and the ſaid recited Act, and of making ſuch Out-fence as in their Diſcretion they ſhall think neceſſary; and the ſaid Commiſſioners ſhall and they are hereby required to ſell the Lands and Grounds ſo marked and ſet out for Sale as aforeſaid, in Manner and according to the Directions in the ſaid recited Act contained; and the Purchaſer or Purchaſers of the Lands ſo to be ſet out and ſold as aforeſaid,

his,

his, her, and their Heirs and Assigns, shall be subject and liable to the making and repairing and keeping in Repair such Parts of the Ring or Outer Fences thereof as shall be directed by the said Commissioners, and also to the due Observance and Performance of all Orders, Matters, Charges, and Directions relative thereto, to be made and directed by the said Commissioners in and by their general Award; and also to the Reservation of Services and Royalties herein-after contained; and the said Purchase Money shall be applied by the said Commissioners in defraying the Costs, Charges, and Expences of obtaining, passing, and executing this Act; and in case any Surplus shall remain after Payment of such Expences, such Surplus shall be applied and disposed of in Manner herein-after mentioned.

Commons to be divided into Three Parts.

XIII. And be it further enacted, That the said Commissioners shall, in the next place, set out, or consider the said Commons or Waste Grounds as being set out, into Three Divisions, as follow; (*videlicet*,) the First Division to consist of that Part of the said Commons or Waste Grounds which lies on the South or South-west Side of *Briggle Beck*, and which is bounded by the said Beck from the Point or Place where it quits the anciently inclosed Lands of *Renwick*, at the Western Corner of *Joseph Lawrence*'s Close, till the said Beck reaches the first Part of *Staffield* Liberty; then Southwards by the Line of Boundary between the Manors of *Renwick* and *Staffield*, to the North-western Corner of *Sickergill*, near the Balk-head; then by a Line in a North-eastern Direction along the Fences of the Inclosures at *Sickergill* to *Sickergill Gate*, opening upon the *How Moor*, and from thence by a Line passing along the Fences of the ancient inclosed Lands of the Manor of *Renwick*, to the before-mentioned Point or Place where *Briggle Beck* quits the anciently inclosed Lands of *Renwick* as aforesaid; the Second Division of the said Commons or Waste Ground to consist of that Part of the said Commons or Waste Grounds which lies on the North or North-east Side of *Briggle Beck*, and which is bounded by the said Beck during its Course from the said Western Corner of *Joseph Lawrence*'s Close, until it reaches the Red Quarry; then Northwards by the Line of Boundary between the said Manors of *Renwick* and *Staffield*, up to the Top of the Hill immediately above *Dyke Beck*, and so following and bounded by the Hill Top to *Drybank Stone*; from thence by a Line carried to *Bruskill* Inclosures, and from thence by a Line passing along the Fences of the ancient inclosed Lands of the Manor of *Renwick* to the before-mentioned Point or Place where *Briggle Beck* quits the anciently inclosed Lands of *Renwick* at the said Western Corner of *Joseph Lawrence*'s Close; and the Third Division to consist of the Rest or Residue of the said Commons or Waste Grounds which are exclusive of the said First and Second Division thereof, and which shall not be included therein.

For apportioning the said Allotments.

XIV. And be it further enacted, That the said Commissioners shall, in the next place, set out or allot, unto and for the said Provost and Scholars, and their Successors, as Lords of the Manor of *Renwick*, One Fourteenth Part in Value of the said First and Second Divisions, for and in lieu of their Right to the Soil of the said First and Second Divisions within the said Manor of *Renwick* which shall remain after the public Roads, Allotments for Quarries, and Sand, Clay, and Gravel Pits for Peat, and for

Watering Places, are deducted therefrom; and that the said Commissioners shall set out the Allotment or Equivalent for the said Fourteenth Part in Value of the said First and Second Divisions upon the said First Division on the *How Moor*, so as to adjoin and have lying along therewith the Allotment or Share of the Residue to be set out to the said Provost and Scholars for their Tenements and inclosed Lands within the said Manor, and so as to communicate with their Mill Tenement by way of *Sickergill*; and that the said Commissioners shall then set out or allot, to and for the said *William Lowson*, Twenty-eight Acres in the said Second Division upon *Middle Moor*, in that Part thereof which adjoins the Boundary with *Staffield*, as it extends between *Briggle Red Quarry*, and the *Red Peth*, the same to be in addition to and adjoining the other Allotment which shall be set out to him there as Proprietor of ancient inclosed Lands, according to the Arrangement hereafter mentioned, such additional Allotment to be in lieu of all Great and Small Tithes, Moduses, and other Ecclesiastical Dues, which he is or may be entitled to in the said Parish, except the Church Dues, or Surplice Fees and *Easter* Dues; and the said Commissioners shall cause the same to be well and sufficiently ring-fenced next the Boundary, and in such other Part as shall not adjoin the said other Allotment of the said *William Lowson*; and then set out or allot to the said *John Lowthian* the elder, a Plot of Land in the said First Division upon the *How Moor* there, in addition to and adjoining the other Allotment which shall be set out to him there as Proprietor of ancient inclosed Land, such additional Allotment to be equal in Value to the Rent or Render of Seven Pounds *per Annum*, payable to him in respect of certain Great Tithes in the Township of *Renwick*, and the same to be in lieu of the said Rent or Render, and of all other Tithes which the said *John Lowthian* the elder may be entitled to in the said Township of *Renwick*; and that the said Commissioners shall then set out and allot all the then Residue of the said First and Second Division of the said Commons and Waste Grounds within the said Manor of *Renwick*, unto and amongst the said Provost and Scholars, *William Lowson*, *John Lowthian* the elder, *Jonathan Tallentire*, *John Sowerby*, *Joseph Lowthian*, and the several other Owners and Proprietors thereof and Persons interested therein, in Proportion to their several and respective Lands, Rights, and Interests therein respectively; and that in setting out such Allotments the said Commissioners shall set out and allot each Proprietor's Share in Two Parts, one upon each of the said Two Dividends, and apportion the same respectively according to the Extent of their several Estates; except so far as the Apportionment may be interfered with by the Regulations herein, and except that the Shares of the said Provost and Scholars, and of the said *John Lowthian* the elder, for their Lands, shall be set out or allotted upon the First Division; the Share of the said Provost and Scholars for their Lands to commence at *Sickergill Gate*, and extend from thence by *Langlands Dyke* to the Allotment to be set out to them for their Right of Soil as aforesaid: Provided always, that no Allotment shall be set out for the said *John Lowthian*, or any other Person or Persons, on the said *How Moor*, until the Whole of the Allotment herein-before directed to be set out for the said Provost and Scholars, in respect of and for the said First and Second Divisions, shall have been set out and allotted on the said Moor, or so as to interfere therewith.

The Third Division to be converted into Stinted Pasture.

XV. And whereas the said Third Division of the said Commons and Waste Grounds consists of Land in general of little Value, and will not bear the Expence of inclosing or of being subdivided into Allotments, and the Owners of Messuages, Lands, and Tenements within the said Manor, are desirous that the same shall (except such Part thereof as is within the Village of *Renwick* and in *Wideyhow*, and except the Share of the said *Jonathan Tallentire*, as hereafter mentioned) continue and remain in the same State as it was at the Time of applying for this Act, (except so far as the said Commissioners shall think it expedient to make an Outfence thereto,) and shall be used, held, and occupied by the Lords of the said Manor, and the Owners and Proprietors, as a Stinted Pasture, subject to the Rules, Orders, and Regulations herein-after mentioned; be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, to set and mark out, by Metes and Bounds, the said Third Division of the said Commons and Waste Ground, (except as hereafter mentioned,) and to ascertain, and in and by their Award to specify and set forth, the Number of Acres and proportionable Value of the said Third Division, (except as hereafter mentioned,) and declare the Number of Cattle Gates, Sheep Gates or Agistments for Cattle, Horses and Sheep, as (in their Judgment and Opinion) the same shall be capable of agisting or depasturing; and the said Commissioners shall award unto the said Provost and Scholars, as Lords of the said Manor, One Fourteenth Part in Number of the Whole of such Cattle Gates or Sheep Gates, or Shares of Cattle Gates or Sheep Gates; and the Residue and Remainder of such Cattle Gates shall be awarded to the Owners of Messuages and Lands within the same Manor, in respect of such Messuages or Lands, and shall be divided and apportioned by the said Commissioners to and amongst the Owners of such Messuages and Lands in proportion to their several and respective Lands, Rights, and Interests therein respectively, so that the Owners of Messuages and Lands shall have allotted to them, either in Lands or in Stints, their due and full Proportion of the Whole of the said Commons and Waste Grounds so to be divided or stinted as aforesaid, and no more: Provided always, that the Share of the said *Jonathan Tallentire* shall be wholly set out or allotted upon the said Third Division; and that his Proportion for the First and Second Divisions shall adjoin his Lands lying between *Raven Water* and *Outhwaite Loaning Head;* but that his Proportion for the said Third Division shall be set out thereon at the Discretion of the Commissioners.

Regulations may be made by the Commissioners for the future Government of the Stinted Pasture.

XVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, in their Award to make such Rules, Orders, Regulations, and Appointments of using and occupying such Parts of the Third Division of the said Commons and Waste Grounds as shall be continued as a Stinted Pasture, and of stocking the same with Cattle, Sheep, Horses, and with other Stock, and for limiting and stinting the Number and Kinds of the said Stock, and for limiting the Times and Seasons of stocking and freeing the same, and for providing and paying such Herdsmen as they shall think proper and necessary, and for the better Management and more convenient Enjoyment of the said Stinted Pasture.

Several of the Proprietors may have their Share of the ſtinted Land together.

XVII. Provided always, and be it further enacted, That if any One or more Proprietor or Proprietors intereſted in the ſaid Commons and Waſte Grounds, previous to the Time the ſaid Commiſſioners ſhall make their Award, ſhall by Writing under his, her, or their Hand or Hands, with the Conſent of the Provoſt and Scholars, certified by any Inſtrument under their Common Seal, ſignify to the ſaid Commiſſioners, his, her, or their Wiſh or Deſire that One or more diſtinct Allotment or Allotments of Ground may be allotted to him, her or them, from ſuch Part or Parts of the ſaid Commons and Waſte Grounds as are intended to be made into a Stinted Paſture as aforeſaid, for and in lieu of the Stints or Paſture Gates to which he, ſhe, or they might otherwiſe be reſpectively entitled therein, then the ſaid Commiſſioners ſhall and they are hereby required to make and ſet out ſuch Allotment or Allotments accordingly; provided that the ſaid Provoſt and Scholars ſhall be at Liberty at any Time or Times hereafter, as well after as before the making of the Commiſſioners Award, by any Inſtrument under their Common Seal, to conſent to any Incloſure or Diviſion of the ſaid Third Diviſion.

Provoſt and Scholars ſhall be at Liberty to conſent to Incloſure, &c. of Third Diviſion.

Allotments to be of Freehold Tenure.

XVIII. And be it further enacted, That all and every the Allotments to be made by virtue of this Act to the Owners or Proprietors of any Freehold Meſſuages, Lands or Hereditaments, or in right or in reſpect of any Tenant-right or Cuſtomary Meſſuages, Lands or Hereditaments, ſhall, from and immediately after the ſame ſhall be ſo ſet out and allotted by the ſaid Commiſſioners, be deemed and taken as and for Freehold.

Proprietors may ſell their Intereſt in the Lands to be incloſed before the Award.

XIX. And be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments by virtue of this Act, or ſhall be Owners or Proprietors of any Common Right or other Right upon the ſaid Commons and Waſte Grounds, to ſell and diſpoſe of all ſuch Eſtate and Intereſt therein or Right thereunto, ſeparate and diſtinct from any Eſtate in right whereof he, ſhe, or they is, are, or ſhall be entitled to the ſame, at any Time before the Execution of the Award of the ſaid Commiſſioners; and in all ſuch Caſes it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, to award all and every ſuch Allotments or Allotment ſo ſold and diſpoſed of, or ſet out in lieu of any Common Right or other Right ſo ſold or diſpoſed of, to the Purchaſer or Purchaſers thereof reſpectively, who 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 have done in caſe ſuch Sale had not been made.

Commiſſioners may order Exchanges.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot, and award any Lands, Tenements or Hereditaments, within the ſaid Manor or Pariſh, in lieu of or in Exchange for any other Lands, Tenements or Hereditaments, within the ſaid Manor or Pariſh, or within any adjoining Manor, Pariſh, Hamlet, Townſhip or Place; provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors for the Time being, who ſhall be legally or equitably entitled in Poſſeſſion to the Here-

ditaments

ditaments which shall be so exchanged, or be in the actual Receipt of the Rents, Issues, and Profits thereof, (whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic or Corporate, or a Body or Bodies Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives,) or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, or the major Part of such Trustees or Feoffees respectively, Husbands, Committees or Attornies, of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Incapacity, or 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, and under the Hands and Seals of the other consenting Parties respectively; and all and every such Exchanges and Exchange so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments, held in Right of any Church or Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, and Hereditaments so to be exchanged shall lie or be situate.

Costs by whom paid.

XXI. Provided always, and be it further enacted, That the Costs, Charges, and Expences attending the making and completing any Exchange and Partition, shall be borne and paid by the several Persons, Bodies Politic, Corporate or Collegiate, making such Exchange or Partition, in such Manner and in such Proportions, as the said Commissioners shall by their Award, or any other Writing under their Hands, order and direct; and the same shall and may be recovered in Manner directed by the said recited Act, with respect to Persons refusing or neglecting to pay his, her, or their Proportion of the Costs and Expences of obtaining this Act, and carrying the same into Execution.

Tenant-right Estates held of the Manor may be enfranchised.

XXII. And be it further enacted, That in case the Owner or Owners of any Customary or Tenant-right Estate or Estates within the said Manor of *Renwick*, such Estate or Estates being Customary or Tenant-right Messuages, Cottages, Lands, Tenements, or Hereditaments holden of the said Provost and Scholars, Lords of the said Manor, as Customary or Tenant-right Estates of Inheritance, under and subject to any Rents, Fines, or other Dues, Duties, Customs, Payments and Services, shall be desirous of enfranchising the same, and shall give Notice in Writing under their Hands of such their Desire to the said Commissioners, it shall be lawful for the said Provost and Scholars, Lords of the said Manor, to agree with such Owner or Owners for the Enfranchisement of his, her, or their Estate or Estates, in consideration of an adequate Compensation in Money, to be ascertained by the said Commissioners, and upon Payment of such Compensation accordingly to enfranchise such respective Estates, subject to such Reservations as shall be agreed upon, and the said Commissioners shall declare the same in and by their Award to be enfranchised accordingly; provided that the Costs of such Enfranchisements

shall

ſhall be paid and borne by the ſeveral Perſons to whom ſuch Enfranchiſements ſhall be made and granted, in ſuch Manner as the ſaid Commiſſioners ſhall by Writing under their Hands order and direct.

Conſideration Money to be paid to the Burſar of the College.

XXIII. And be it further enacted, That all and every the Sum and Sums of Money, which ſhall be aſcertained as aforeſaid, to be paid or payable as and for the Conſideration of or for any ſuch Enfranchiſement or Enfranchiſements as aforeſaid, ſhall be paid to the ſaid Commiſſioners, to be laid out and applied in Manner directed by the ſaid recited Act, in Caſes where Money to be paid for the Purchaſe or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, is directed to be paid into the Bank of *England*, and to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes.

Act not to revoke Wills, &c.

XXIV. 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 Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt or Incumbrance, out of, upon, or affecting any of the Lands or Grounds to be ſet out, divided, allotted, and incloſed as aforeſaid, or any Part or Parts thereof reſpectively; but that the reſpective Perſons unto or for whom any Lands or Hereditaments ſhall be ſet out, aſſigned, allotted or given in Exchange by virtue of this Act, ſhall ſtand and be ſeiſed of the ſame to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Limitations, Truſts, Charges and Incumbrances, and no other, as the ſame Meſſuages, Lands, Tenements or Hereditaments, for or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, would have been ſubject or liable to be charged with or affected by in caſe this Act had not been paſſed.

Expences of procuring and executing the Act.

XXV. And be it further enacted, That the Fees and Payments to the ſaid Commiſſioners, their Aſſiſtants and Servants, and the Umpire, and all Charges and Expences already incurred and hereafter to ariſe relative to the ſaid intended Diviſion, Allotment and Incloſure, and to the ſoliciting, obtaining, and paſſing of this Act, and of ſurveying, planning, dividing, and allotting the ſaid Lands and Grounds, and of preparing, making, and depoſiting the Award of the ſaid Commiſſioners, and all Plans, Maps, Surveys, Inſtruments, Papers, Writings, Extracts, Schedules, and Copies of the ſame, or any of them reſpectively, directed by the ſaid Commiſſioners to be prepared and made out, and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways to be ſet out and appointed by the ſaid Commiſſioners, alſo of ring-fencing the Part of the Tithe Allotment to *William Lowſon* to be made by them, and alſo of the Out Fences to be made by them to the Third Diviſion as aforeſaid; and all other Coſts, Charges, and Expences whatſoever, in anywiſe attending the Execution of this Act, or of any of the Powers, Authorities, Proviſoes, or Directions thereof, (ſave as to the Parts, Shares or Proportions of ſuch Perſons, who ſhall chooſe to contribute Money as herein-after mentioned,) ſhall be paid by the ſaid Commiſſioners out of the Monies to ariſe by the Sale of Land by this Act directed to be ſold for that Purpoſe; and in caſe any Surplus ſhall remain of ſuch Purchaſe

Application of Surplus Money.

Money, after defraying such Costs, Charges and Expences, such Surplus shall be equally distributed amongst the several Persons interested in the said Commons and Waste Grounds from whose Shares or Proportions any Deduction for Expences shall have been made by reason of such Sale as aforesaid, in proportion to their several and respective Rights and Interests therein; and such Money shall be paid to such Person or Persons, in case he, she, or they shall be seised in Fee Simple of the several Allotments to be made to them respectively by virtue of this Act, or otherwise such Money shall be applied and disposed of by the said Commissioners in Manner directed by the said recited Act, whenever any Sum of Money is to be paid for the Purchase or Exchange of any Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses.

If Money arising from Sale of Land is insufficient the Deficiency to be paid by the Proprietors.

XXVI. Provided always, and be it further enacted, That in case the Monies arising by such Sale as herein-before mentioned shall not be sufficient to defray all the Costs, Charges, and Expences aforesaid, then the Deficiency thereof shall be made up by the several Persons interested in the said Commons and Waste Grounds, and shall be paid in such Shares and Proportions, within such Time, and to such Person or Persons, as the said Commissioners shall direct, nominate or appoint; and in case any Person hereby made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof within the Time to be appointed as aforesaid, the same shall and may be levied and recovered in Manner directed by the said recited Act.

Persons interested, desirous of contributing in Money instead of Land towards Expences, may do so on giving Notice.

XXVII. Provided always, and be it further enacted, That in all Cases, where any of the Persons, Bodies Politic or Corporate, interested in any Allotment or Allotments of the said Commons and Waste Grounds, shall be minded and desirous of paying their respective Share of the said Expences in Money, instead of sustaining a Loss of Land in their respective Allotments, and shall and do at the First, Second, or Third Meeting of the said Commissioners for putting this Act in Execution, (or at any subsequent Meeting of the said Commissioners, of which they shall give Ten Days Notice in Writing, by affixing the same upon the Door of the Church of *Renwick* aforesaid,) give Notice thereof in Writing to the said Commissioners of such their Mind and Desire, that then and in every such Case the Share or respective Shares of the Party or Parties so giving such Notice as aforesaid, of and in all such Expences, shall be paid and defrayed in Money by such Party or Parties respectively, in such Manner and at such Time or Times, and to such Person or Persons, as the said Commissioners shall by Writing under their Hands order, direct, and appoint; and in all Cases where any such Payment or Payments in Money shall be so made as aforesaid, the said Commissioners, in setting out the Allotment or Allotments of the Party or Parties making such Payment or Payments, shall have regard to the Amount of such Payment and Payments respectively, in ascertaining the Share and Proportion of the said Commons and Waste Grounds so to be set out and allotted to such Party or Parties respectively.

XXVIII. And

XXVIII. And be it further enacted, That the Money which ſhall be advanced by any Perſon or Perſons for defraying the Expences of obtaining and executing this Act, ſhall be repaid, with lawful Intereſt, out of the firſt Money to be raiſed by the ſaid Commiſſioners in purſuance of this Act. Money advanced for the Act, to be paid with Intereſt.

XXIX. And be it further enacted, That out of the Money that ſhall be raiſed for the defraying the Expences of obtaining and executing this Act, there ſhall be paid to each of the Commiſſioners and Umpire, as a Recompence for his Pains and Trouble, the Sum of Two Guineas, and no more, for each Day he ſhall be employed in travelling to, returning from, and attending in the Execution of this Act; and that the ſaid Commiſſioners and Umpire ſhall defray their travelling Expences, and alſo their own Expences at all Meetings to be held in purſuance of this Act; and every Proprietor, and other Perſon in any Manner intereſted in the ſaid Commons and Waſte Grounds, ſhall at all ſuch Meetings pay and diſcharge his own Expences. Commiſſioners Allowance.

XXX. 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 this Act,) the ſaid Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and 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 ſome Juſtice of the Peace for the ſaid County of *Cumberland*, not intereſted in the ſaid intended Diviſion and 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 the Law, unleſs the ſame ſhall have been allowed by ſuch Juſtice. Commiſſioners to lay their Accounts before a Juſtice Once in every Year.

XXXI. And be it further enacted, That the Award of the ſaid Commiſſioners, after the ſame ſhall have been inrolled in the Manner in the ſaid recited Act mentioned, ſhall, together with the Maps and Plans annexed thereto, be depoſited in the Pariſh Church of *Renwick* aforeſaid. Depoſit of Award.

XXXII. And be it further enacted, That the ſaid Commiſſioners ſhall at the Requeſt, Coſts, and Charges of any Perſon or Perſons, Body or Bodies Politic or Corporate, his, her, or their Stewards or Agents, having any Allotment or Allotments of the ſaid Commons and Waſte Grounds, hereby intended to be divided or otherwiſe intereſted therein, at any Time before the depoſiting of the ſaid Award, make and execute a Copy of the ſaid Award, Plans and Surveys, or any of them, for the Uſe and at the Expence of the Perſon or Perſons requeſting the ſame, and ſuch Copy ſhall at all Times be admitted and allowed as legal Evidence in all Courts whatſoever. Commiſſioners may execute Copies of Award.

XXXIII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done or omitted to be done in purſuance of the ſaid recited Act or of this Act, (other Perſons aggrieved may appeal to the Quarter Seſſions.

(other than and except such Determinations of the said Commissioners as are by the said recited Act or this Act declared to be final, binding, and conclusive, and except in such Cases where an Issue at Law shall be tried as herein-before mentioned,) then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Cumberland*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, or either of them, and to the Party or Parties concerned, Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) in such Sessions assembled are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs 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 made liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then and in such Case 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.

The Rights of Lords of the Manor to Minerals and Royalties not to be prejudiced.

XXXIV. And be it further enacted, That nothing in this Act contained shall be construed or adjudged to defeat, lessen, or prejudice the Rights, Title or Interest of the said Provost and Scholars, Lords of the said Manor, their Successors or Assigns, of, in, or to the Coal, Tin, Lead, Copper, Stone or Slate, Minerals or Metals, and all other Mines, Minerals or Quarries, of what Nature or Kind soever, lying and being within or under the said Commons and Waste Grounds, (save and except the Stones in the said public Freestone and Limestone Quarries to be set out as aforesaid,) or, of, in, to, or to the Seigniories and Royalties, Franchises and Liberties, incident and belonging to the said Manor, but that the said Provost and Scholars, and all and every other Persons and Person claiming by, from, or under or in Trust for them, as Lords of the said Manor, and all succeeding Lords, Owners thereof for the Time being, shall and may at all Times for ever hereafter have, hold, take, and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts and Mills, Hunting, Hawking, Fishing, Fowling, and Free-warren, Goods and Chattels of Felons and Fugitives, Felons of themselves, and put in Exigent, Deodands, Treasure Trove, Waifs, Estrays, Forfeitures, Escheats, and all other Royalties, Liberties, Franchises, Privileges, Pre-eminences, Jurisdictions, and Appurtenances whatsoever to the said Manor, or to the Lords thereof for the Time being incident, appertaining or belonging, or which have been heretofore or are now held, used, exercised, and enjoyed by the Lords of the same Manor, (other than and except such Right of Common and other Rights as are intended to be hereby extinguished,) in

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as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as they could or might have held and enjoyed the ſame in caſe this Act had not been paſſed; and that the ſaid Provoſt and Scholars, their Succeſſors and Aſſigns, and all future Lords, 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 excluſively, all Mines, Minerals and Quarries, of what Nature or Kind ſoever, within or under the ſaid Commons and Waſte Grounds, as well thoſe not opened as thoſe already opened (ſave and except the ſaid public Limeſtone and Freeſtone Quarries to be ſet out as aforeſaid); and to have, enjoy, and be veſted with all convenient Ways, Wayleaves, and Liberties of laying, making, and repairing Waggonways and other Ways, in, over, and along the ſame, or any Part thereof, and of ſearching for, winning, and working the ſaid Mines, Minerals and Quarries, and leading and carrying away the Coals, Lead, Tin, Copper, Stones, Lime, Slate, Metals, Minerals, and other Things to be gotten thereout, or out of any other of the Mines, Minerals, and Quarries belonging to the ſaid Provoſt and Scholars, and of making Pits, Shafts, Pitrooms, Drifts, Levels and Watercourſes, and of 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 like Manner as if this Act had not been paſſed: Provided always, that in caſe the Lords of the ſaid Manor for the Time being, or any Perſon or Perſons claiming under them, ſhall, after ſuch Incloſure made as aforeſaid, win, work, and lead away any Coals, 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, then and in ſuch Caſe ſuch Perſon or Perſons ſo winning, working, and leading away the ſame, ſhall make reaſonable Satisfaction for the Damage and Spoil of Ground occaſioned thereby, or in the making or uſing of the Waggonways, and any other Matters or Things according to the Powers herein reſerved or granted to the ſaid Provoſt and Scholars, Lords of the ſaid Manor for the Time being, to the Perſon or Perſons who ſhall be in Poſſeſſion of ſuch Ground at the Time or Times of ſuch Damage or Spoil: Provided alſo, that it ſhall be lawful for the reſpective Owners and Proprietors for the Time being of the ſeveral Allotments of the ſaid Commons or Waſte Grounds ſet out in purſuance of this Act, to win, get, and work therein, Freeſtones, Limeſtones and Slates, as well for the Uſe of the Grounds ſo to be allotted to them, as for the Uſe of the Meſſuages, Lands, Tenements and Hereditaments, in reſpect of which ſuch Allotments ſhall be made, but not for Sale, or any other Uſe or Purpoſe whatſoever; and that it ſhall be lawful for the ſaid reſpective Owners and Proprietors of the ſaid ſeveral Allotments of the ſaid Commons or Waſte Grounds to dig and get therein Clay for Bricks or for Tiles, ſo as the ſame be uſed for the Lands or Grounds ſo to be allotted, and the Lands, Tenements and Hereditaments, in reſpect whereof the ſame ſhall be made, and not for Sale, or any other Uſe or Purpoſe whatſoever, and ſo as not to interfere with or prejudice the Rights or Intereſts of the ſaid Provoſt and Scholars.

The Lords to have all Mines, Minerals, and Quarries with neceſſary Wayleaves.

Satisfaction to be made for working Mines.

Owners of Allotments may get Freeſtone, &c.

General Saving.

XXXV. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every Perſons and Perſon, Bodies Politic and Corporate, his, her, or their Heirs, Succeſſors, Executors, and Adminiſtrators reſpectively, all ſuch Right, Title, Eſtate and Intereſt, (other than and except ſuch as are hereby intended to be barred, deſtroyed, or extinguiſhed,) as he, they, every, or any of them, had or enjoyed of, in, to, over, out of or in reſpect of the ſaid Commons and Waſte Grounds, or any of them, or any Part thereof, before the paſſing of this Act, or could or ought to have had or enjoyed in caſe this Act had not been paſſed.

Evidence Clauſe.

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

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