ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

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ſhip, and in reſpect thereof, or otherwiſe are entitled to Right of Common or Paſture, in, upon, and over the ſaid Tracts of Moor, Common, or Waſte Ground: And whereas the ſaid Tracts of Moor, Common, or Waſte Ground, are at preſent in a very rude and uncultivated State, yielding little Profit; but if the ſame were divided and incloſed, and if ſpecific Parts thereof were allotted to the ſeveral Parties intereſted therein, according and in proportion to their reſpective Rights and Intereſts, the ſame would be capable of great Improvement, and from the beneficial Conſequences which would be thereby afforded to Agriculture the Eſtates of the ſeveral Individuals ſo intereſted therein as aforeſaid, would be rendered more valuable, and the public Good would be promoted: But as ſuch Diviſion, Allotment, and Incloſure, cannot be carried into effect and eſtabliſhed 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 *Adam Cottam* of *Whalley* in the ſaid County Palatine of *Lancaſter*, Gentleman, and *George Wildman* of *Caton* in the ſaid County Palatine of *Lancaſter*, Gentleman, and their Succeſſors to be appointed in Manner hereinafter mentioned, ſhall be, and they are hereby appointed Commiſſioners for ſetting out, dividing, incloſing, and allotting each and every of the ſaid Tracts or Parcels of Moor, Common, or Waſte Grounds, and for putting this Act into Execution, purſuant to the Powers, Regulations, and Directions herein-after contained, and to ſuch of the Powers, Regulations, Reſtrictions, and Proviſions contained in an Act paſſed in the Forty-firſt Year of His preſent Majeſty's Reign, intituled, *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*, as are not controlled by or repugnant to any of the Clauſes, Proviſions, or Regulations contained in this Act; and that the Notices by the ſaid recited Act required to be given in ſome public Newſpaper, and all other Notices by virtue of this Act neceſſary or requiſite to be given by the ſaid Commiſſioners, ſhall be given and publiſhed in the *Lancaſter Gazette*, or if that Newſpaper ſhall not then be publiſhed, in ſome other Newſpaper generally circulated in the ſaid County of *Lancaſter*.

The Commiſſioners.

New Commiſſioners to be appointed upon Vacancies.

II. And be it further enacted, That in caſe either of the ſaid Commiſſioners herein before named, or any other Commiſſioner to be appointed by virtue of this Act, ſhall, before the Finiſhing and Completion of the ſaid Incloſure, or before executing ſuch general Award as hereinafter mentioned, die, or refuſe to act, or become incapable of acting as a Commiſſioner, then, and from Time to Time in every ſuch Caſe, the ſurviving or remaining Commiſſioner ſhall, and he is hereby required forthwith or within Two Calendar Months at the fartheſt after ſuch Death, Refuſal, or Incapacity, ſhall be known to him, by Writing under his Hand, to appoint another fit and proper Perſon, not being intereſted in the ſaid Tracts of Moor, Common, or Waſte Ground, to be a Commiſſioner in the Room, Place, and Stead of every ſuch Commiſſioner ſo dying or refuſing to act, or rendered incapable of acting as aforeſaid; but in caſe there ſhall at any Time be a total Want of Commiſſioners by reaſon of any ſuch Death, Refuſal to act, or Incapacity, as aforeſaid, then and in every ſuch Event the Vacancies thereby occaſioned ſhall be

filled

filled up and supplied by such Two Persons as may be for that Purpose appointed by the Lord of the said Manor for the Time being, with the Approbation and Consent of such Majority as with the said Lord shall constitute a Majority in Value of the Land Owners, Proprietors, and Persons entitled as aforesaid, who shall appear at any public Meeting to be convened by the said Lord for the Time being; and such public Meeting may and shall, when and as often as Occasion shall require, be convened by Notice in Writing, specifying the Time and Place, together with the Cause and Purpose of such Meeting, and published Ten Days at the least previous to the holding the same, in such Manner as herein is prescribed in respect to the Notices of Meetings by the said Commissioners; and when and as often as any such Appointment of any new or other Commissioner or Commissioners shall be made upon any of the Events and by either of the Modes aforesaid, the Commissioner or Commissioners, so as aforesaid to be appointed, shall have such and the like Powers and Authorities for putting this Act in execution as if he or they had been originally a Commissioner or Commissioners appointed by Name in or by this Act.

For appointing an Umpire.

III. Provided always, and be it further enacted, That in case the Commissiones named or appointed in or by virtue of this Act, shall at any Time or Times disagree in Opinion upon any Matter concerning which it shall be necessary for them to judge and determine in the Execution of this Act or the said recited Act, then and as often as it shall so happen, the said Commissioners shall and may, and they are hereby authorised and required to refer such Difference to the Judgment and Determination of an Umpire to be chosen by the said Commissioners; and in case the said Commissioners shall, for the Space of Fourteen Days after such Difference shall arise, neglect to appoint an Umpire as aforesaid, or if such Umpire shall die, or being appointed shall refuse to act, or become incapable of acting, then and in every such Case an Umpire shall be nominated and appointed by the major Part in Value of the said Proprietors of Lands, after the like Notice, and in such Manner as is hereinbefore directed concerning the Nomination and Appointment of a Commissioner in the room or stead of any Commissioner dying, or refusing or neglecting to act, or becoming incapable of acting, and so *toties quoties* in case any Umpire as last mentioned shall die, or refuse to act, or become incapable of acting; and the Judgment and Determination of such Umpire, so to be chosen or nominated and appointed, shall be conclusive between the said Commissioners, who shall in every such Case act conformably thereto.

Umpire to take an Oath

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

'I do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute and perform the 'several Powers and Authorities vested and reposed in me as an Umpire, 'by virtue of an Act, passed in the Forty-sixth Year of the Reign of 'King *George* the Third, intituled, [*here insert the Title of this Act*], 'according

' according to Equity and good Conſcience, and without Favour or Af-
' fection, Prejudice or Partiality, to any Perſon or Perſons whomſoever.
' So help me GOD.'

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

Notices of Time and Place of Commiſſioners Meetings.

V. And be it further enacted, That the ſaid Commiſſioners may, and they are hereby required to cauſe Notice in Writing under their Hands, to be affixed on ſome one of the outer Doors of the Pariſh Church of *Lancaſter* aforeſaid, and alſo to be inſerted in the Newſpaper called the *Lancaſter Gazette*, or in ſome other Newſpaper circulating in the ſaid County of *Lancaſter*, of the Time and Place of holding the Firſt, Second, and Third Meetings, for the Purpoſe of putting in Execution the ſeveral Powers veſted in them by this Act, Ten Days at the leaſt before ſuch Meetings reſpectively, (Meetings by Adjournment only excepted), each of which Meetings ſhall be held at *Lancaſter*, or *Scotforth*, in the ſaid County Palatine of *Lancaſter*, at the Option of the ſaid Commiſſioners, and the ſaid Commiſſioners may, and ſhall after the ſaid Third Meeting, from Time to Time appoint ſuch Time and Place for every ſubſequent Meeting, as to them ſhall ſeem proper, cauſing Notice in Writing under their Hands to be affixed on ſome one of the outer Doors of the Pariſh Church of *Lancaſter* above mentioned, and by Advertiſement as aforeſaid, reſpectively Ten Days at the leaſt before every ſubſequent Meeting, and the ſaid Commiſſioners ſhall have full Power and Authority, (if they ſhall think it convenient and proper), to continue any of the ſaid Meetings by Adjournment, without giving any ſuch Notice as aforeſaid of any ſuch Adjourned Meeting, ſuch Adjourned Meetings nevertheleſs to be held within the Space of Fourteen Days from the Time of Adjournment.

Commiſſioners to ſettle Differences.

VI. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Proprietors of, or Perſons intereſted or claiming to be intereſted in any of the Lands intended to be incloſed by this Act, concerning the reſpective Rights or Intereſts which they or any of them may have or claim to have, in or upon, or in any Manner reſpecting or relating to the ſame Lands, or any or either of them; or touching or concerning any Matter or Thing, relating to the ſaid Diviſion, Allotment, and Incloſure, it ſhall be lawful for the Commiſſioners to hear, adjudge, and determine the ſame: Provided always, That nothing herein contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever.

Commiſſioners may award Coſts.

VII. 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, or the ſaid Act of the Forty-firſt Year of His preſent Majeſty, ſee Cauſe to award any Coſts, it ſhall be lawful for them, and they are hereby empowered,

powered, 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 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 the ſame 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) on Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained, after deducting the Expences attending ſuch Diſtreſs and Sale.

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

VIII. Provided always, and be it further enacted, That in caſe the Party or Parties making any Claim in purſuance of this Act, or the Perſon or Perſons objecting thereto, ſhall be diſſatisfied with any Determination of the Commiſſioners, and ſhall by Writing under his, her, or their Hand or Hands, or the Hand or Hands of his, her, or their Agent reſpectively, ſignify the ſame to the ſaid Commiſſioners, within Two Calendar Months next after any ſuch Determination ſhall be made, then and in ſuch Caſe, but not otherwiſe, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied, to have the Subject of ſuch Claim or Objection, (in reſpect of which ſuch Determination ſhall be made), tried by an Action at Law, to be brought by him, her, or them, againſt any Perſon or Perſons in whoſe Favour any Determination ſhall have been ſo made, upon a feigned Iſſue, to be ſettled by the proper Officers of the Court where ſuch Action ſhall be brought in caſe the Parties differ about the ſame, ſuch Action to be brought within Three Calendar Months next after ſuch Determination ſhall have been made; and the Defendant or Defendants in ſuch Action ſhall, and is and are hereby required to appear to ſuch Action, accept a Declaration, and plead to Iſſue; and the Plaintiff or Plaintiffs ſhall thereupon proceed in ſuch Action, ſo as to have the ſame tried and determined at the Firſt or Second Aſſizes, to be holden for the ſaid County of *Lancaſter* next after the Commencement of ſuch Action; and the Verdict of the Jury on ſuch Trial (unleſs the Court wherein ſuch Action ſhall be brought, ſhall ſet aſide ſuch Verdict, and order a new Trial therein, which it ſhall be lawful for the Court to do as is uſual in ſuch Caſes), ſhall be binding, final, and concluſive upon all the Parties intereſted therein, and after ſuch Trial the ſaid Commiſſioners ſhall, and they are hereby required to act in conformity to the Verdict or Verdicts thereupon given, and to allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials: Provided always, That all ſuch Determinations of the ſaid Commiſſioners as ſhall not be objected to by ſuch Notice to be given to them as aforeſaid, or being ſo objected to, and the diſſatisfied Parties reſpectively not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be abſolutely binding, final, and concluſive.

Actions not to abate by Death of the Parties.

IX. And be it further enacted, That if any or either of the Parties in any Action to be brought, or Appeal had in purſuance of this Act, ſhall die pending the ſame, ſuch Action or Appeal ſhall not abate by Reaſon thereof,

thereof, but shall be proceeded in as if no such Event had happened.

Allotment of Parcel of the Lands proper for a Public Stone Quarry, &c.

X. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required to set out and appoint upon and from the said Moors, Commons, or Waste Grounds hereby directed to be inclosed, in such convenient Place or Places as they shall think proper, One or more Piece or Parcel, Pieces or Parcels of Land, not exceeding in the Whole the Quantity of Two Acres of Statute Measure, with suitable and commodious Ways and Roads to and from the same, for the Purpose of working, getting, and taking upon, in, and from such Place or Places respectively, all such Quantities of Stone, Sand, Gravel, or other Materials there to be found, as may be useful and necessary for making any new, or repairing any old Houses, Outhouses, Fence, Walls, Erections, or Buildings, or for making or repairing any Roads or Ways, or for draining or improving any Lands or Grounds within the Township and Manor of *Scotforth* aforelaid, but not to be sold or taken, used, or employed otherwise than within the said Township and Manor, or for any other Intent or Purpose whatsoever, save only as aforesaid; and that all such Stone, Sand, and Gravel shall be sunk for, won, and worked in such Quarries, Pits, or Breasts to be opened and cleared, and the Rubbish thereby made to be removed, at such Times and Seasons, in such Sort, Manner, and Form, and subject to and under such Rules and Regulations, and to be superintended by such Person or Persons, and with such Powers and Authorities in respect thereto, as the said Commissioners in and by their Award hereinafter mentioned, shall in that Behalf order and direct, and which Orders and Directions such Commissioners may and are hereby authorized and required to make when and as to them shall seem meet; and all and every such Pieces or Parcels of Land and Places so to be set out and appointed as aforesaid, shall, from and after such Setting-out and Appointment as aforesaid, be and remain, and is and are hereby declared to be and remain, vested in the Lord for the Time being of the said Manor in Trust only for the Purposes of this Act.

Allotments to the Duke of Hamilton and Brandon as Lord of the Manor.

XI. And be it further enacted, That the said Commissioners, after the necessary Roads shall have been set out and ascertained, shall and may, and they are hereby authorised and required, to set out, allot, and award to the said Duke of *Hamilton* and *Brandon* his Heirs and Assigns, One full Twenty-fourth Part (Quantity, Quality, and Situation considered) of the said several Tracts or Parcels of Moor, Common, or Waste Grounds hereby meant and intended to be inclosed, in Compensation and Satisfaction for his Right to the Soil of the Residue of the said Moors, Commons, or Waste Grounds respectively, and for his Consent to the Division and Inclosure of the same, as Lord of the said Manor or Lordship of *Scotforth*.

Allotment of the Residue.

XII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorised and required, after making such Deductions and Allotments as before-mentioned, to divide, apportion, set out, and allot all the Residue and Remainder of each of the said Tracts or Parcels of Moor, Common, or Waste Grounds hereby directed to be divided

vided and incloſed, unto and among the ſaid Duke of *Hamilton* and *Brandon*, and the ſaid ſeveral other Owners and Proprietors of Meſſuages, Lands, Tenements, and Hereditaments, having Common Right or other Intereſt in or upon the ſaid Tracts or Parcels of Moor, Common, or Waſte Ground reſpectively, or any Part thereof, in a juſt and fair Proportion, according to their ſeveral Rights and Intereſts therein.

Purchaſers of Rights of Common to ſtand in the Place of original Proprietors.

XIII. And be it further enacted, That if any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments under or by virtue of this Act, or to any Right of Common or other Right upon the ſaid Tracts or Parcels of Moor, Common, or Waſte Ground hereby directed to be incloſed, and who, by Writing under his, her, or their Hand or Hands, delivered to the ſaid Commiſſioners previous to their making their ſaid Award, ſhall give Notice of his, her, or their having ſold or diſpoſed of the ſame to any Perſon or Perſons, to be named in ſuch Writing, and ſhall requeſt the ſame to be ſet out and allotted to the Perſon or Perſons who ſhall have purchaſed the ſame, then every ſuch Sale or Diſpoſition ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award, and it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required, to award all and every ſuch Allotment and Allotments or other Rights ſo ſold or diſpoſed of to the Perſon or Perſons entitled, or intended to be entitled, to the ſame, by virtue of any ſuch Sale or Diſpoſition.

Leaſes at Rack Rent to be void.

XIV. Provided alſo, and be it further enacted, That all and every Leaſe and Leaſes upon Rack-Rent now ſubſiſting, touching or in anywiſe affecting any Part or Parts of the Tracts of Moor, Common, or Waſte Ground to be incloſed by virtue of this Act as aforeſaid, and all other Agreements for any Term or Terms therein at Rack-Rent, ſhall, as to any Allotment or Allotments of any Part of the ſaid Tracts of Moor, Common, or Waſte Ground, which are or ſhall be compriſed in ſuch Leaſes or Agreements, ceaſe, determine, and be void at ſuch Time or Times as the ſaid Commiſſioners ſhall by any Writing under their Hands in that Behalf order and appoint; and ſuch Allotment or Allotments ſhall be made and aſſigned unto the Landlord or Landlords, and not to the Tenant or Tenants, Leſſee or Leſſees, and ſuch Allotment or Allotments ſhall be freed and diſcharged from all Right and Intereſt which may or otherwiſe might be claimed in or to the ſame by virtue of ſuch Leaſe or Leaſes; and the reſpective Owners and Proprietors of the Premiſes in ſuch reſpective Leaſes or Agreements ſhall make ſuch Satisfaction and Compenſation to the Leſſee or Leſſees, Tenant or Tenants, and at ſuch Time or Times as the ſaid Commiſſioners ſhall aſcertain, direct, and appoint, as reaſonable to be paid or made to ſuch Leſſee or Leſſees, Tenant or Tenants, on Account thereof, or as an Equivalent for the ſame; and if any Perſon or Perſons ſhall refuſe or neglect to make any ſuch Compenſation to the Perſon or Perſons entitled thereto, on Demand, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed and required to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed and levied.

XV. Provided

This Act not to revoke or alter Wills, &c.

XV. 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, Debts, or Incumbrances, upon or affecting any Part of the said Tracts of Moor, Common, or Waste Ground which shall be respectively allotted or exchanged by virtue of this Act, or any Part or Parts thereof respectively; but the Lands or Grounds, Allotments, Tenements, or Hereditaments which shall be allotted or exchanged under or by virtue of this Act, shall be held to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, Covenants, and Incumbrances, as the Lands and Grounds, Tenements and Hereditaments, for or in respect or in lieu of which such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by in case this Act had not been made (except such Leases or Agreements as shall be determined by virtue of this Act.)

Allotments to follow the Tenures of Ancient Estates.

XVI. And be it further enacted, That all such Lands or Grounds, or other Hereditaments as shall be allotted to any of the said Proprietors, under or by virtue of this Act, or the said recited Act, shall be held by such Proprietors or other Person or Persons respectively, under the same Tenure as the Lands or Grounds, or Hereditaments in respect of which such Allotments shall be made, were respectively held and enjoyed at or immediately before the making such Allotments.

Allotments to be free from Corn Tythe for Three Years.

XVII. And whereas the said Duke of *Hamilton* and *Brandon* is the Owner and Impropriator of the Tythes of Corn, Grain, and Pulse, yearly or otherwise, growing, arising, and accruing within the said Manor and Township of *Scotforth*; and the said Duke hath proposed and agreed in Consideration of the Allotments and Inclosure hereby intended, and of the passing of this Act, that all Allotments and Inclosures which shall be made of the said Tracts or Parcels of Moor, Common, and Waste Ground, under or by virtue of this Act, shall be freed and discharged of and from the Tithes of Corn, Grain, and Pulse, and all other Kinds of Tythe which the said Duke is entitled unto, within the said Manor and Township of *Scotforth*, for the Term of Three Years, to commence and be computed from the Period herein-after mentioned; be it therefore further enacted, That all and every the Allotments of the said Tracts or Parcels of Moor, Common, and Waste Ground, which shall be allotted and set out under or by virtue of this Act, shall be and they are hereby freed and discharged of and from all the Tythes of Corn, Grain, and Pulse, and all other Tythe whatsoever which the said Duke is now entitled unto, within the said Manor and Township, for the Term of Three Years, to commence and be computed from the Time of the said Commissioners signing and publishing their General Award, or from such other Period as in such Award shall be appointed in that Behalf, but no longer or otherwise.

Expences of the Act.

XVIII. And be it further enacted, That all Costs, Charges, and Expences as shall or may have been incurred preparatory to, or which shall or may be incurred in and about the applying for and obtaining and passing of this Act, as also all Costs, Charges, and Expences, which shall or may have been incurred, or which shall or may be incurred in surveying, measuring, planning, and allotting the said Tracts of Moor, Common, or Waste

Waſte Ground, and in ſurveying, meaſuring, and planning the ancient incloſed Lands, within the ſaid Manor and Townſhip of *Scotforth*, and of ſetting out, forming, and making Public and Private Ways and Roads within the ſame, and for preparing and enrolling the General Award of the ſaid Commiſſioners relating to the ſaid Tracts or Parcels of Moor, Common, and Waſte Ground, and all other reaſonable Expences and Charges of the ſaid Commiſſioners, and other proper and neceſſary Expences in the Execution of this Act, from Time to Time, as the ſame ſhall reſpectively accrue, ſhall be paid and borne by the ſeveral Owners and Proprietors of Commonable Meſſuages, Lands, Tenements, and Hereditaments within the ſaid Townſhip of *Scotforth*, in ſuch Proportion and in ſuch Manner, and at ſuch Time and Times, either before or after the Execution of the Award of the ſaid Commiſſioners, as the ſaid Commiſſioners ſhall direct or appoint.

Commiſſioners may ſell Allotments of incapacitated Perſons, upon certain Conditions.

XIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, on Application being made to them in Writing by the Huſbands, Guardians, Truſtees, Committees, or Attornies of any of the ſaid Owners or Proprietors, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Diſability, or by any of the ſaid Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or for any other Contingency, to ſell and abſolutely diſpoſe of any Part or Parts of the ſaid Allotments belonging to ſuch incapacitated Perſons, for the Purpoſe of defraying his, her, or their Proportion of the Charges and Expences of paſſing this Act, and carrying the ſame and the ſaid recited Act into Execution, or of the Expences ſuch Owner or Proprietor as laſt aforeſaid may be put to in fencing, incloſing, and ſubdividing his, her, or their Allotment or Allotments: Provided always, that it ſhall not be lawful to raiſe by ſuch Sale, any further or greater Sum of Money than the Perſon or Perſons, Part of whoſe Allotment or Allotments may be ſold or diſpoſed of as aforeſaid, would have been empowered and authorized to borrow upon, or charge his, her, or their Eſtate or Eſtates, with, under, and by virtue of the ſaid recited Act.

Money advanced to be repaid with Intereſt.

XX. And be it further enacted, That if any of the Proprietors or Perſons intereſted in the Execution of this Act, or any other Perſon or Perſons on the Behalf of them or any of them, ſhall have advanced and paid, or ſhall advance and pay any Money in the Diſcharge of the Fees or other Expences preparatory to or of obtaining or 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, out of the Firſt or any other Monies that ſhall or may be raiſed for the Purpoſes of this Act.

Allowance to Commiſſioners and Umpire.

XXI. And be it further enacted, That the ſaid Commiſſioners and Umpire ſhall bear and pay their own Charges and Expences, (except the Money they ſhall pay to Servants, and for the Room or Rooms wherein ſuch Meetings ſhall be held), and that out of the Money which ſhall be raiſed for defraying the Expences of obtaining, paſſing, and executing this Act, they the ſaid Commiſſioners and Umpire ſhall be paid and allowed the Sum of Two Pounds and Two Shillings each, and no more, for each and every Day by them reſpectively employed in putting this Act in Execution.

XXII. 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 paſſing thereof), the ſaid Commiſſioners ſhall, and they are hereby required

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; which Statement or Account, when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before any Two Juſtices of the Peace for the County of *Lancaſter*, to be by them examined and balanced; and ſuch Balance ſhall be by ſuch Juſtices ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners, and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtices.

Commiſſioners Accounts to be annually paſſed before Juſtices.

XXIII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall at any Time or Times after the paſſing of this Act, by himſelf, herſelf, or themſelves, or by his, her, or their Servants or Workmen, dig, delve, or break up, or get or take, lead, or carry away, or cauſe or procure to be dug, delved, broken up, gotten or taken, led or carried away, any Flaws, Turves, or Peats, or any Sods, Earth, Ground, or Soil whatſoever, in, upon, or from the ſaid Moors, Commons, or Waſte Grounds, to be incloſed under or by virtue of this Act, or any Part thereof (except ſuch Part or Parts thereof as may be allotted or become the Property of him, her, or them reſpectively, under or by virtue of this Act), every ſuch Perſon ſo offending ſhall, for every ſuch Offence, upon being duly convicted thereof before any One of His Majeſty's Juſtices of the Peace in and for the ſaid County of *Lancaſter*, upon the Information and Complaint of the Lord of the ſaid Manor for the Time being, his Steward or Agent, by the Oath or ſolemn Affirmation of One credible Witneſs (which Oath or Affirmation the ſaid Juſtice is hereby authorized and required to adminiſter) forfeit and pay ſuch Penalty or Sum of Money, not exceeding the Sum of Five Pounds (over and beſides the Coſts and Charges of ſuch Conviction) as the ſaid Juſtice ſo acting in the Premiſes ſhall in that Behalf adjudge, order, and direct; which ſaid Penalties and Forfeitures, with the Coſts and Charges of recovering the ſame, ſhall forthwith, upon every ſuch Conviction as aforeſaid, become and be payable and paid to ſuch Perſon or Perſons, to be by him or them applied for the Purpoſes of this Act, in ſuch Manner as the ſaid Juſtice ſo as aforeſaid acting in the Premiſes, ſhall in that Behalf appoint; and upon Non-payment of any ſuch Penalty or Forfeiture, the ſame ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of ſuch Juſtice as aforeſaid, rendering the Overplus, if any, after making ſuch Deductions as aforeſaid, together with the Coſts and Charges of ſuch Warrant and Diſtreſs, to the Owner or Owners of ſuch Goods and Chattels when thereunto required; and for Want of ſufficient Diſtreſs, it ſhall and may be lawful to and for the ſaid Juſtice ſo acting as aforeſaid, by Warrant under his Hand and Seal, to commit ſuch Offender or Offenders to His Majeſty's Gaol of the Caſtle of *Lancaſter*, or to any Houſe of Correction in and for the ſaid County of *Lancaſter*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, at the Diſcretion of ſuch Juſtice, as the Caſe may be, unleſs he or they ſhall ſooner pay the Penalties or Forfeitures and Coſts.

Penalties on Perſons getting Flaws, Turves, &c. from the Moor.

Award to be depoſited with the Prothonotary of the Common Pleas at Lancaſter.

XXIV. And be it further enacted, That the general Award to be made by the ſaid Commiſſioners, purſuant to the before-mentioned Act, and the Maps or Plans explanatory of the ſame, and alſo every ſuch Award as ſhall be made by the Commiſſioners, touching any Claim or Claims to be determined

determined as aforesaid (to the end that the same may be preserved, and recourse had thereto by any Body Politic or Corporate, or any Person or Persons whomsoever) shall, at the Assizes to be holden at *Lancaster* aforesaid, and next ensuing the Execution of the said General Award by the said Commissioners, be by the said Commissioners delivered to and deposited with the Prothonotary of His Majesty's Court of Common Pleas at *Lancaster*, or his Deputy, to be by him kept amongst the Records of the said Court at *Lancaster* aforesaid; and the said Prothonotary or his Deputy is hereby required and empowered to receive and keep the same accordingly, for or in respect of which depositing and keeping such Awards and Maps or Plans, the Sum of Twenty Shillings shall be paid, and no more; and for every Inspection thereof after the same shall have been so deposited, the Sum of Five Shillings and no more shall be paid to the said Prothonotary or his Deputy; and such respective Awards and the Maps or Plans to be annexed thereto as aforesaid, or a true Copy of such Awards, Maps, or Plans, or any Part thereof, on Papers stamped according to Law for Copies of Records, and signed by the said Prothonotary or his Deputy, purporting to be a true Copy, shall be admitted and allowed as legal Evidence in all Courts whatsoever; and the said Prothonotary or his Deputy is hereby required to make and deliver unto any Person or Persons, Body Politic or Corpoate, requesting and offering to pay for the same a true Copy of the said Awards, Maps, or Plans, or any of them, or any Part thereof, for which he shall be paid by the Person or Persons, Bodies Politic or Corporate, requesting the same, after the Rate of Two Pence for every Sheet of the said Awards so copied, counting Seventy-two Words to each Sheet, and a reasonable Allowance shall also be paid to him besides, for a Copy or Copies of such Maps or Plans, or any Part thereof, and if any Dispute or Difference shall arise or happen between the said Prothonotary or his Deputy, and the Person or Persons, Bodies Politic or Corporate, requesting a Copy of any such Maps or Plans, or of any Part thereof, touching such Allowance, then and in such Case the same shall be settled and ascertained by one of the Judges of the said Court of Common Pleas at *Lancaster*, for the Time being, and the same being so settled and ascertained, shall be final, binding, and conclusive to all Parties.

Appeal to Quarter Sessions.

XXV. 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, or of the before-mentioned Act, other than and except such Orders and Determinations of the said Commissioners as are herein or by the said Act directed to be final and conclusive, and excepting such Cases wherein an Issue at Law shall be tried as herein mentioned, then and in 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 *Lancaster*, within Three Calendar Months next after the Cause of Complaint shall have arisen, on giving the said Commissioners and the Party concerned Ten Days' Notice in Writing of such Appeal, in which Notice shall be distinctly stated and specified the Ground or Grounds, Cause or Causes of such Appeal; and the Justices not interested therein, at such General Quarter Sessions, are hereby authorised and required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages as to them shall seem reasonable, and by their Order and Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus,

if

if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive to all Parties, and shall not be removed by *Certiorari*, or any other Writ or Process, 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 the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them shall seem reasonable, and to be levied in Manner aforesaid.

Saving Material Rights.

XXVI. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to defeat, lessen, or prejudice the Right, Title, or Interest of the said Duke of *Hamilton* and *Brandon*, or the Lord or Lords, Lady or Ladies of the said Manor of *Scotforth* for the Time being, of, in, and to any Quit Rents, Chief Rents, Fee Farm Rents, or other Rents, now payable to the said Duke of *Hamilton* and *Brandon*, or of or to the Seigniory and Royalty incident and belonging to the said Manor; but that the said Duke of *Hamilton* and *Brandon*, and all and every Person and Persons claiming or to claim by, from, under, or in Trust for the Lord or Lords, Lady or Ladies of the said Manor, shall and may from Time to Time, and at all Times for ever hereafter, hold and enjoy all Rents, Services, Courts, Perquisites, and Profits of Courts, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Jurisdictions, Privileges, Pre-eminences, and Appurtenances whatsoever to the said Manor incident, appendant, belonging, or appertaining (other than and except their respective Rights of and in the Soil of such Parts of the said Moors, Commons, and Waste Grounds as shall be allotted by virtue of this Act to any Person or Persons) in as full, ample, and beneficial a Manner to all Intents and Purposes as the said Duke of *Hamilton* and *Brandon*, or the Lord or Lords, Lady or Ladies of the said Manor of *Scotforth* for the Time being, could or might have held and enjoyed the same respectively in case this Act or the said intended Inclosure and Division had not been made.

General Saving.

XXVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Politic and Corporate, his, her, and their Successors, Executors, and Administrators, (other than and except the several Persons, Bodies Politic and Corporate, to and amongst whom the said Moors, Commons, and Waste Lands, shall be allotted and divided in pursuance of this Act), all such Right, Title, and Interest (other than and except such as are hereby intended to be barred and destroyed) as they, every, or any of them, had and enjoyed of, in, to, or out of the said several Moors, Commons, and Waste Lands, at the Time of passing this Act, or could or might have had or enjoyed in case this Act had not been made.

Act to be printed by the King's Printer.

XXVIII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed 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. 1806.