ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 77.

An Act for repealing an Act, passed in the Nineteenth Year of the Reign of His present Majesty, intituled, *An Act for dividing and inclosing the Open Wastes and Commons lying in the Manor of* Sleagill, *in the County of* Westmorland; and for granting other Powers for dividing, allotting, and inclosing the said Lands and Grounds. [11th *June* 1803.]

WHEREAS an Act was passed in the Nineteenth Year of the Reign of His present Majesty, intituled, *An Act for dividing and inclosing the Open Wastes and Commons lying in the Manor of* Sleagill, *in the County of* Westmorland, whereby it was amongst other Things enacted, that the said Wastes and Commons lying and being within the said Manor of *Sleagill*, should, on or before the Twentieth Day of *September* One thousand seven hundred and seventy-nine, or as soon after as conveniently could be done, be divided, set out, and allotted, by *John Moore* Esquire, *George Wheatley*, and *Thomas Gibson*, Commissioners appointed by the said Act, and their Successors, or any Two or more of them, in the Manner and subject to the Rules, Orders, and Directions therein-after mentioned: And it was thereby further enacted, that when and so often as any One of the Commissioners appointed by the said Act, or to be elected in Manner therein-after mentioned, should die, or refuse to act, the surviving Commissioners, or any Two or more of them, should from Time to Time, within Two Months next after such Death or Refusal, by Writing under their Hands and Seals, elect a Commissioner, not interested in the said intended Inclosure, in the Stead and Place of every Commissioner dying or refusing to act as aforesaid: And whereas

no Diviſion or Allotment was made, nor any other Act done under or by virtue of the ſaid in Part recited Act, (ſave only and except the Appointment of *James Wilſon* Eſquire, as a Commiſſioner for the ſaid intended Inclоſure, in the Place and Stead of the ſaid *John Moore* deceaſed): And whereas the Commiſſioners thereby appointed have ſince departed this Life, (except the ſaid *James Wilſon*), without appointing any other Commiſſioner or Commiſſioners purſuant to the ſaid Power, whereby it is now become difficult or impoſſible to carry the Proviſions of the ſaid Act into Effect: And whereas there are within the Manor of *Sleagill*, in the County of *Weſtmorland*, ſeveral Open Commons, Moors, and Waſte Grounds, containing Five hundred Acres or thereabouts: And whereas the Right Honourable *William* Lord *Lowther* Baron of *Whitehaven*, in the County of *Cumberland*, is Lord of the Manor and Owner of the Soil of the ſaid Commons, Moors, and Waſte Grounds, and of the Coal Mines, Veins, and Seams of Coal, and all other Mines and Minerals therein: And whereas the Dean and Chapter of the Cathedral Church of *Saint Mary Carliſle*, in the County of *Cumberland*, are entitled to the Tythes of Corn yearly ariſing and growing due within the Manor of *Sleagill* aforeſaid: And whereas the Reverend *John Jackſon* is the Vicar of *Morland*, and as ſuch entitled to the Tythe of Hay yearly ariſing and growing due within the Manor of *Sleagill* aforeſaid: And whereas it would be a very great Advantage to the ſeveral Owners and Proprietors of and Perſons intereſted in the ſaid Commons, Moors, and Waſte Grounds, if the ſame were divided and incloſed, and ſpecifick Parts thereof divided and allotted unto and amongſt the ſeveral Perſons intereſted therein, according to their reſpective Rights, Shares, and Intereſts: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure; and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas it is requiſite that greater Powers ſhould be given for that Purpoſe than thoſe contained in the ſaid recited Act, and therefore and on Account of the Death of the ſaid Commiſſioners, it is expedient that the ſame Act ſhould be repealed; but ſuch Repeal, Diviſion, Allotment, and Incloſure, cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid in Part recited Act, paſſed in the Nineteenth Year of the Reign of His preſent Majeſty, and every Matter, Clauſe, and Thing therein contained, ſhall be and the ſame is and are hereby repealed.

19 Geo. 3. repealed.

Commiſſioners.

II. And be it further enacted, That *James Wilſon* of *Kendal* in the ſaid County of *Weſtmorland* Eſquire, the ſurviving Commiſſioner nominated and appointed under and by virtue of the Proviſions in the ſaid recited Act, paſſed in the Nineteenth Year of the Reign of His preſent Majeſty, and *John Gibſon* of *Oddendale*, Eſquire, ſhall be and they are hereby appointed the Commiſſioners for dividing, allotting, and incloſing the ſaid Commons, Moors, and Waſte Grounds, purſuant to the Directions and Proviſions of this Act, and alſo purſuant to the Directions and Proviſions of the ſaid laſt recited Act, paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, except where the ſame are by this Act varied or altered.

III. And

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

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

Appointment of a Commissioner in the Room of *John Gibson*.

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

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

V. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice in Writing to be affixed on the principal outer Door of the Parish Church of *Morland* aforesaid,

aforeſaid, on ſome *Sunday* either during or immediately before or after Divine Service, of the Time and Place of their Firſt Attendance or beginning to put this Act in Execution, and alſo of all ſuch other Times and Places as they ſhall appoint for the Purpoſe of receiving, adjuſting, and ſettling the Claims, Rights, Shares, and Proportions of any Perſon or Perſons intereſted in the ſaid Commons, Moors, and Waſte Grounds hereby directed to be divided and incloſed, or for any other Purpoſe whatſoever, which ſhall or may require the Attendance of any Perſon or Perſons intereſted in the ſaid intended Diviſion and Incloſure, ſo as that the Place of every ſuch Attendance or Meeting be within Four Miles of *Sleagill* aforeſaid, and that Fourteen Days previous Notice be given thereof, (Meetings by Adjournment only excepted).

Manner of giving Notices.

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

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

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

Allotment for Gravel Pits.

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

Allotment to the Lord of the Manor.

IX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required in the next Place, out of the Reſidue and Remainder of the Lands and Grounds hereby intended to be divided and incloſed, to ſet out, allot, and appoint unto and for the ſaid *William* Lord *Lowther*, and his Heirs, One Twelfth Part of the ſaid Commons and Waſte Lands, for his Right to the Soil of the ſaid Commons and Waſte Lands hereby intended to be divided and incloſed.

Allotment for Tythes.

X. And be it further enacted, That after the ſaid Allotments ſhall be ſo made as aforeſaid, the ſaid Commiſſioners ſhall, and they are hereby required and empowered, by and with the Conſent in Writing of the Lord or

or Lady of the ſaid Manor of *Sleagill* for the Time being, and of a Majority of the ſeveral Perſons having Right of Common on the ſaid Waſtes and Commons, and of the Dean and Chapter of the Cathedral Church of *Saint Mary Carliſle*, the Rector, Vicar, Curate, or other Perſon or Perſons entitled to the Tythes of Corn, Grain, Hay, and other Tythes, ariſing and growing due within the ſaid Manor of *Sleagill*, to ſet out, allot, and aſſign unto the ſaid Dean and Chapter, Rector, Vicar, Curate, or other Perſon or Perſons entitled to ſuch Tythes as aforeſaid, ſuch a Quantity, Part, or Portion of the ſaid Waſtes or Commons, as the ſaid Commiſſioners ſhall adjudge to be a full Equivalent and Compenſation for and in lieu of ſuch Tythes, which ſaid Quantity, Part, or Portion, ſhall be accepted by and veſted in ſuch Dean and Chapter, Rector, Vicar, Curate, or other Perſon or Perſons entitled to ſuch Tythes as aforeſaid, and his or their Succeſſors, or Heirs and Aſſigns for ever, in lieu of and as a full Compenſation and Satisfaction for all the Tythes of Corn, Grain, Hay, and other Tythes ariſing, increaſing, renewing, and growing due to the ſaid Dean and Chapter, Rector, Vicar, Curate, or other Perſon or Perſons entitled to ſuch Tythes as aforeſaid, or their Succeſſors, Heirs, or Aſſigns, or their Leſſee or Leſſees, or any of them, within and throughout the whole Manor or Lordſhip of *Sleagill* aforeſaid.

Allotment of the Reſidue.

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

Tythes to continue until Diviſion made.

XII. And be it further enacted, That until the Diviſion and Allotment ſhall be made and finiſhed in purſuance of this Act, the ſaid Dean and Chapter, Rector, Vicar, Curate, or other Perſon or Perſons entitled to ſuch Tythes as aforeſaid, ſhall be entitled to, and ſhall receive and enjoy ſuch and the ſame Tythes as he or they could, might, or ought to have done, in caſe this Act had not been made.

Encroachments.

XIII. And be it further enacted, That all Encroachments which within Twenty Years now laſt paſt have been made upon, or taken from the ſaid Commons, Moors, and Waſte Grounds, ſhall be deemed Part of the Lands and Grounds to be divided and allotted by virtue

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

Persons may sell their Right to an Allotment from the Commons.

XIV. Provided always, and be it further enacted, That it shall be lawful for any of the Persons entitled to Right of Common upon the said Commons, Moors, and Waste Grounds, hereby directed to be divided, allotted, and inclosed, to sell and dispose of his, her, or their Right, Share, or Interest in such Commons, Moors, and Waste Grounds, separate and apart from the Property to which such Right or Interest is appurtenant, and that the said Commissioners shall and may award the Allotments to be made in lieu of the Right of Common so sold and disposed of, to the Purchaser or Purchasers thereof respectively, having received a Request in Writing so to do, signed by the Owners or Proprietors of such Rights of Common, in the Presence of One or more credible Witness or Witnesses; and that any such Purchasers shall hold and enjoy the same unto him, his Heirs and Assigns for ever; any Law to the contrary thereof notwithstanding.

Commissioners to settle Disputes.

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

Commissioners to award Costs.

XVI. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered upon Application made to them

them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required by Warrant under their Hands and Seals directed to any Perſon whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Parties may try their Rights by an Action at Law.

XVII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid intended Diviſion and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners, touching or concerning any Claim or Claims of the Right to the Soil of the ſaid Commons, Moors, and Waſte Grounds, or of any Rights of Common, or other Rights or Intereſts in, over, or upon the ſaid Commons, Moors, and Waſte Grounds, hereby directed to be divided, allotted, and incloſed, or any Part thereof, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners, at the next or at the following Aſſizes to be holden for the ſaid County of *Weſtmorland*, and for that Purpoſe the Perſon or Perſons who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, ſhall cauſe an Action to be brought upon a feigned Iſſue, againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Two Calendar Months next after ſuch Determination of the ſaid Commiſſioners; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined, (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which ſuch Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be binding upon all Perſons, and Bodies Politick and Corporate whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial or new Trials to be had, which it ſhall be lawful for the Court to do; and alſo, upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Iſſue, as is uſual in other Caſes; and that after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby empowered to act in Conformity thereto.

Allotments to be fenced.

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

tors, in such Manner, Shares, and Proportions, as the said Commissioners shall by their said Award direct.

Sheep not to be depastured in the new Inclosures for a certain Time.

XIX. And be it further enacted, That if any Person shall, during the Space of Seven Years from the Execution of the said Award, keep or depasture, or permit to be kept or depastured, any Sheep or Lambs in the Allotments to be made in pursuance of this Act, unless he, she, or they shall first effectually fence and guard the adjoining Allotment or Allotments belonging to any other Proprietor or Proprietors, from any Injury or Damage to their Quickets or new planted Fences, or shall wilfully turn or put, or cause to be turned or put any Sheep, Lambs, Horses, Asses, or other Beasts of Cattle, into any of the Lanes, Ways, or Roads, on either Side whereof any new growing Fence shall be planted, every Person so offending, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Twenty Shillings, at the Discretion of the Justice before whom such Offender shall be convicted, to be levied by Distress and Sale of the Goods and Chattels of the Person subject to the Payment of the said Penalty, by Warrant of such Justice, together with the Costs and Charges of such Distress and Sale; and every such Penalty when so levied, shall be paid to the Person or Persons injured.

Wills and Settlements not to be affected.

XX. And be it further enacted, That nothing in this Act contained shall extend, or be deemed or taken to revoke, make void, alter, or annul any Settlement, Deed, Will, or Limitation, or to prejudice any Person having or claiming any Jointure, Dower, Portion, Reversion, Rent, Service, Debt, Charge, or Incumbrance, of, in, out of, upon, or affecting any of the Lands and Grounds so intended to be divided and inclosed, or which shall be exchanged in pursuance of this Act, or any Part thereof respectively; but that the several Lands and Grounds to be assigned and allotted upon such Division and Inclosure to the several Parties concerned, or their Trustees, and which shall be taken in Exchange in pursuance of this Act, shall, immediately after such Allotments or Exchanges shall be made, be, remain, and enure, and the several Persons to whom the same shall be allotted and assigned, or given in Exchange as aforesaid, shall from thenceforth stand and be seised thereof, to and for such and the same Uses and Estates, and subject to such and the same Wills, Settlements, Limitations, Remainders, Charges, Tenures, Rents, Services, Quit Rents, and Incumbrances, as the said several Lands, Grounds, Tenements, or Hereditaments, in lieu or in respect whereof such Allotments and Exchanges shall be made as aforesaid, now are, or should or would have been subject and liable to be charged with or affected by, in case the same had remained unenclosed and unexchanged, or this Act had not been passed.

Allowance to the Commissioners.

XXI. And be it further enacted, That the said Commissioners shall be each respectively paid the Sum of One Pound Eleven Shillings and Sixpence and no more, for all their Trouble, and the Expences which they shall incur on each and every Day that they shall respectively attend, or be engaged or employed in the surveying, admeasuring, planning, and valuing of all the Lands and Grounds hereby directed to be divided, allotted, and inclosed, within the said Manor of *Sleagill*, and likewise for all their Trouble and the Expences which they shall incur in the dividing, allotting,

allotting, and incloſing the ſaid ſeveral Commons, Moors, and Waſte Grounds, and alſo the further Sum of One Pound Eleven Shillings and Sixpence unto each and every Commiſſioner for his Trouble and Expence, on each and every Day that he ſhall attend, or be engaged or employed for the Purpoſe of enquiring into, examining Witneſſes, ſettling and determining any objected or diſputed Claims, or any other Diſputes or Differences which ſhall or may ariſe or happen, touching or concerning the ſaid Diviſion or Incloſure, and hereby referred to the ſaid Commiſſioners; the ſaid Sum of One Pound Eleven Shillings and Sixpence to be paid by the Perſon or Perſons againſt whom the Award of the ſaid Commiſſioners ſhall be made, in caſe of a Reference to them as herein-before expreſſed: Provided always, that the ſaid Proprietors or Perſons intereſted in the ſaid Diviſion and Incloſure, their Agents and Attornies, ſhall pay their own Expences, when they or any of them ſhall attend the ſaid Commiſſioners in the Execution of this Act.

Accounts of Commiſſioners to be audited.

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 Day of the paſſing thereof), the ſaid Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before One of His Majeſty's Juſtices of the Peace for the ſaid County of *Weſtmorland*, to be by him examined and balanced, and ſuch Balance ſhall be by ſuch Juſtice ſtated in the Book of Accounts, to be kept in the Office of the Clerk of the ſaid Commiſſioners; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice.

Perſons advancing Money to be repaid with Intereſt.

XXIII. And be it further enacted, That if any of the ſaid Proprietors, or any other Perſon or Perſons, ſhall advance and pay any Money in Diſcharge of Fees or other Expences of obtaining, paſſing, and executing this Act, the Money ſo paid and advanced ſhall be repaid and ſatisfied by the Direction of the ſaid Commiſſioners, together with lawful Intereſt for the ſame.

Award to be made.

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

Saving the Rights of the Lord of the Manor.

XXV. Provided always, and be it further enacted, That nothing in this Act contained ſhall be conſtrued to defeat, leſſen, or prejudice the Right, Title, or Intereſt of the ſaid *William* Lord *Lowther*, as Lord of the ſaid Manor of *Sleagill*, his Heirs or Aſſigns, of, in, and to the Seigniories and Royalties incident and belonging to the ſaid Manor, but that the ſaid *William* Lord *Lowther*, and all ſucceeding Lords or Ladies of the ſaid Manor, ſhall and may from Time to Time and at all Times hold and enjoy all Quit Rents, Free Rents, Reliefs, Duties, Cuſtoms, and Services, and all Courts, and Perquiſites and Profits of Courts within the ſaid Manor, Goods and Chattels of Felons and Fugitives, Felons of themſelves and put in Exigent, Deodands, Treaſure Trove, Waifs, Eſtrays, Forfeitures, Royalties, Juriſdictions, Franchiſes, Matters, and Things whatſoever to the ſaid Manor, or to the Lord or Lords, Lady or Ladies thereof, incident, belonging, or appertaining (other than and except ſuch Common Right as could or might be claimed by him, her, or them, as Owner of the Soil and Inheritance of the ſaid Commons, Moors, and Waſte Grounds, and the Right of getting Stone, Slate, and Gravel therein, which is and are hereby intended to be barred and for ever extinguiſhed), in as full, ample, and beneficial a Manner to all Intents and Purpoſes as he, ſhe, or they might have held and enjoyed the ſame if this Act had not been paſſed; and that the ſaid *William* Lord *Lowther*, his Heirs and Aſſigns, ſhall and may from Time to Time and at all Times hereafter, have, hold, win, work, and enjoy all Mines of Coal, Ironſtone, and Minerals of what Nature or Kind ſoever, within and under the ſaid Commons, Moors, and Waſte Grounds hereby directed to be divided, allotted, and incloſed together with all convenient and neceſſary Ways, Way Leaves, Roads, and Paſſages, already made and hereafter to be made, through, over, or upon the ſaid Lands and Grounds, and Liberty of laying, making, and repairing Waggon Ways and other Ways, in, over, and along the ſame, or any of them, or any Part thereof, and of ſearching for, winning, and working the ſaid Mines and Minerals, and leading and carrying away the Coal, Iron-ſtone, Lead, Minerals, Things, and other Produce thereof, making Pit Rooms, and Heap Rooms, Drifts, Levels, Soughs, Drains, Ways, and Watercourſes, and of erecting and uſing Fire Engines and other Engines, and of altering, changing, and pulling down and carrying away the ſame, or any of the Materials thereof, in, through, over, and upon the ſaid Lands and Grounds hereby directed to be incloſed, and to have and uſe any Stone got in the Courſe of ſinking Pits or Shafts, or working or getting the ſaid Minerals ſo reſerved as aforeſaid, at his, her, or their own free Will and Pleaſure, and to do all ſuch other Works, Acts, and Things, either now in uſe or hereafter to be invented, as may be neceſſary or convenient for the full and complete Enjoyment thereof, in and upon the ſaid Commons, Moors, and Waſte Grounds, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as he, ſhe, or they could or might have done in caſe this Act had not been made: Provided nevertheleſs, that nothing in this Act contained ſhall give to the ſaid *William* Lord *Lowther*, or to any future Lord or Lords, Lady or Ladies of the Manor of *Sleagill* aforeſaid, any greater, further, or other Authority, Power, Privilege, or Liberty whatſoever, touching or concerning the ſinking, ſearching for, winning, working, carrying away, and diſpoſing of the Mines of Coal, Iron-ſtone, and other Minerals contained in the ſaid ſeveral Commons, Moors, and

Waſte Grounds, hereby directed to be divided, allotted, and incloſed, than he the ſaid *William* Lord *Lowther* was by Law entitled to immediately before the paſſing of this Act.

Satisfaction to be made for Damages.

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

Appeal.

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

General Saving.

XXVIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies

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

Declaring the Act publick.

XXIX. And be it further enacted, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty, and when ſo printed may be given in Evidence in all Courts of Juſtice, and before all Judges and Juſtices whomſoever, who ſhall take judicial Notice thereof, in like Manner as if the ſame had been declared to be a publick Act.

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