

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 152.

An Act for incloſing Lands within the Manor or Townſhip of *Thornton*, in the Pariſh of *Thornton*, in the Weſt Riding of the County of *York*.

[17th *June* 1814.]

WHEREAS there is within the Manor or Townſhip of *Thornton*, in the Pariſh of *Thornton*, in the Weſt Riding of the County of *York*, a certain Tract of Moor, Common, and Waſte Ground, uſually called *Thornton Fell*, containing, by Eſtimation, Five thouſand four hundred Acres, or thereabouts, and there are alſo ſeveral other ſmall Parcels of Common and Waſte Ground within the ſame Manor or Townſhip: And whereas the Right Honourable *William* Earl of *Lonſdale* is Lord of the ſame Manor, and as ſuch is entitled to the Royalties therein, and to the Soil of the ſaid Moor, Commons, and Waſte Grounds: And whereas the Reverend *Thomas Hammond Foxcroft* Clerk, *Oliver Marton*, *Bryan Waller*, *Francis Simpſon*, and *Thomas Harriſon*, Eſquires, and ſeveral other Perſons, are Owners and Proprietors of divers Meſſuages, Lands, and Hereditaments, within the ſaid Manor or Townſhip, and in reſpect thereof, or otherwiſe, are entitled to Right of Common in, over, and upon, the ſaid Tract or Parcel of Moor, Common, and Waſte Ground, and to Right of getting and taking Peat-moſs or Turves, Flaws, Sods, and Brackens, or ſome of them, upon certain Parts thereof: 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 faciliating the Mode of proving the ſeveral*

Facts usually required on the passing of such Acts: And whereas the said Tracts or Parcels of Moor, Common and Waste Ground, in their present State, are of very little Value to the Land Owners, having the principal Right thereon, and it would be of the greatest Advantage, not only to them, but the Public in general, if the same were divided, allotted, and inclosed; yet the same cannot be established and carried into Effect 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 *Thomas Wakefield* of *Yealand*, in the County Palatine of *Lancaster*, Gentleman, and *William Pilkington* of *Snaith*, in the County of *York*, Gentleman, and their Successors, to be elected in Manner hereafter mentioned, shall be and they are hereby appointed Commissioners for dividing and allotting the said Moor, Commons, and Waste Grounds, and for carrying this Act into Execution, in such Manner, and subject to such Regulations as are herein-after contained, and with such of the Powers, and subject to such of the Rules, Orders, Directions, Regulations, Restrictions, and Provisions contained in the said recited Act, as are not varied, altered, repealed, or otherwise provided for by this Act.

Commissioners.

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 Execution of all the Powers and Authorities hereby in them respectively vested, die or refuse to act, or without some unavoidable Cause neglect to attend a Meeting for putting this Act into Execution, for the Space of Two Calendar Months after he shall have received Notice from any Person interested in the said Inclosure, of the passing of this Act, and requiring him to attend as a Commissioner, a new Commissioner or Commissioners shall be nominated in Manner following; (that is to say), if the said *Thomas Wakefield* shall die, or refuse to act, or neglect to attend as aforesaid, it shall and may be lawful to and for the said Earl of *Lonsdale*, or the Lord or Lords of the said Manor of *Thornton* for the Time being, by any Writing under his or their Hand or Hands, to appoint another Commissioner, not interested in the said Inclosure, in the room of the said *Thomas Wakefield*, and so from Time to Time, as often as any Commissioner to be appointed by the said Earl of *Lonsdale*, or the Lord or Lords of the said Manor for the Time being shall die, refuse to act, or neglect to attend as aforesaid; and in case the said *William Pilkington* shall die, or refuse to act, or neglect to attend as aforesaid, it shall and may be lawful for the Majority in Value (to be ascertained by the Amount of the Land Tax) of the Proprietors or Persons interested in the Lands and Grounds directed by this Act to be divided, allotted, and inclosed, or their Agent, to be appointed by Writing under their respective Hands, for such Purpose, or their known Agents or Attornies, (except the said Earl of *Lonsdale*, or the Lord or Lords of the said Manor for the Time being), who shall be present at a Public Meeting, to be held for that Purpose at the Parish Church of *Thornton* aforesaid, in pursuance of a Notice to be given in the said Church, or by Writing to be affixed upon the principal Door of the said Church, and also by Advertisement to be inserted in the *Lancaster Gazette*, or if that Newspaper shall not be published, then in some other Newspaper usually and generally circulated in the West

New Commissioners to be appointed upon Vacancies.

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

Appointment to be enrolled with the Award.

III. Provided always, That the Writing or Inſtrument of the Nomination and Appointment of every Commiſſioner, to be nominated and appointed by virtue of this Act, ſhall be annexed to, and enrolled with the Award of the ſaid Commiſſioners, and a Copy of ſuch Writing or Inſtrument, atteſted by the proper Officer of the Court where the ſame ſhall be enrolled, ſhall be, and be allowed to be full and ſufficient Evidence thereof, in all Courts whatſoever.

Umpire.

IV. Provided always, and be it further enacted, That in caſe the Commiſſioners 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 authorized and required, to refer ſuch Difference to the Judgment and Determination of an Umpire, to be choſen by the ſaid Commiſſioners; and in caſe the ſaid Commiſſioners ſhall, for the Space of Forty Days next after ſuch Difference ſhall ariſe, neglect to appoint an Umpire as aforeſaid (not intereſted in the ſaid Diviſion or Incloſure), or if ſuch Umpire ſhall die, or being appointed, ſhall refuſe or become incapable of acting, then and in every ſuch Caſe, an Umpire ſhall be nominated and appointed by the major Part in Value (ſuch Value to be aſcertained by the Land-Tax Aſſeſſment) of the ſaid Proprietors of Lands, after the like Notice given, in ſuch Manner as is herein-before directed, and ſo as often as any Umpire ſhall die, or refuſe to act, or become incapable of acting; and the Judgment and Determination of the ſaid Umpire ſo to be choſen or nominated and appointed, ſhall, by all Perſons whomſoever, be deemed and taken as the Determination of the ſaid Commiſſioners.

Umpire's Oath.

V. 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

this or the said recited Act, until he shall have taken and subscribed the following Oath; (that is to say),

'I do swear, That I will faithfully, impartially, and honestly, 'according to the best of my Skill and Judgment, execute and perform 'the several Powers and Authorities vested and reposed in me, as an 'Umpire, by virtue of an Act passed in the Fifty-fourth Year of the 'Reign of King *George* the Third, intituled [*here set forth the Title of this 'Act*], according to Equity and good Conscience, and without Favour or 'Affection, 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 enrolled with the Award of the said Commissioners, and a Copy of the Enrolment thereof shall be admitted as legal Evidence.

Notices of the Time and Place of Commissioners Meetings.

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

Other Notices how to be given.

VII. Provided always, and be it further enacted, That all other Notices requisite or necessary to be given by the said Commissioners, shall be so made and given by Advertisement in the *Lancaster Gazette*, or if that Newspaper shall not then be published, then in some other Newspaper usually and generally circulated in the West Riding of the said County of *York*.

VIII. And

Allowances to Commissioners

VIII. And be it further enacted, That out of the Monies to be raised for the general Purposes of this Act, there shall be paid to each of the said Commissioners and Umpire, for defraying his Expences, and as a Recompence for his Pains and Trouble, the Sum of Two Pounds and Two Shillings, and no more, for each Day he shall be employed in travelling to and from, and attending on the Execution of this or the said recited Act, and that as well the said Commissioners and Umpire, and also every Proprietor, and every other Person or Persons, shall pay his and their own Expences, at all Meetings to be holden under the Authority of this Act.

Commissioners to settle Differences.

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

Commissioners may award Costs.

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

Power to try disputed Claims at Law.

XI. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall be dissatisfied with any Determination of the said Commissioners or Umpire touching or concerning any Claim or Claims of any Right of Common, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, then, and in every such Case, it shall and may be lawful to and for any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire, at the First Assizes to be holden for the said County of *York*, or any adjoining County, next after the Expiration of Three Months from the Time of such Determination; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied with the Determination of the said Commissioners or Umpire, shall cause an Action to be brought upon a feigned Issue, against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Two Calendar Months next after such Determination of the said Commissioners or Umpire, and Notice thereof, in Writing, given to him, her, or them; 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 and 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 such Action or Actions, shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, unless the Court, wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had therein, which it shall be lawful for the Court to do, in case the said Court shall think proper; and after such Verdict or Verdicts shall be obtained, and not set aside by the said Court, the said Commissioners shall, and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials.

Determination of Commissioners to be final, if not objected to.

XII. Provided always, That the Determination of the said Commissioners or Umpire, touching such Claim or Claims of Right to the Soil of the said Commons or Waste Land, or Right of Common, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided allotted and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting, not causing such Action or Actions at Law to be brought or proceeded in as aforesaid, shall be final and conclusive upon all Parties whatsoever.

Actions not to abate by Death of Parties.

XIII. And be it further enacted, That if any of the Parties, in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

XIV. Provided

In case of Death of Parties before Actions brought, the same to be carried on and defended in their Names.

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

Commissioners not to determine contrary to Possession.

XV. Provided also, and be it further enacted, That nothing in this Act shall extend to enable the said Commissioners to determine any Right between any Parties, contrary to the Possession of any such Parties, except in Cases of Encroachment made within the Period of Twenty Years; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by, or recovered from, such Person or Persons, by Ejectment, or other due Course of Law.

Suits not to impede the Execution of the Act.

XVI. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title of any Person or Persons, in or to any Messuages, Lands, Tenements, or Hereditaments, for or in respect of which any Right of Common, or other Right or Interest, in, over, or upon, the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not delay, impede or hinder the said Commissioners from proceeding in the Powers vested in them by this Act; but the said Allotments shall be proceeded in, notwithstanding any Suit or Suits, and may be had and taken by the Person or Persons who upon the Determination of such Suit or Suits, shall become entitled to the same.

Rights of Common to be suspended.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, at any Time or Times before the Execution of the said Award, by Notice in Writing under their Hands, to be affixed upon the principal Door of the Parish Church of *Thornton* aforesaid, to order and direct all or any Part of the Rights of Common, Rights of Turbary, and all other Rights whatsoever, in, over, or upon the said Commons and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time as shall be expressed in such Writing; and that all such Rights of Common, Rights of Turbary, and all other Rights whatsoever, as the said Commissioners shall, by such Writing, order and

direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall, from the Time of affixing ſuch Writing on the Church Door aforeſaid, ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof ſuſpended accordingly, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Penalty on Perſons getting Flaws, &c.

XVIII. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall, at any Time or Times after the paſſing of this Act, and before the Execution of the Award of the ſaid Commiſſioners, without Licence firſt had and obtained from the ſaid Commiſſioners, by Writing under their Hands, cut, dig, pare, grave, flay, or carry away, any Flaws, Turves, or Peats, or any Sods, Soil, Flags, Whins or Furze, in, upon, or from the ſaid Commons and Waſte Grounds ſo to be incloſed, under or by virtue of this Act, or any Part thereof, (except ſuch Part or Parts as may be allotted, or become the Property of him, her, or them reſpectively, under and by virtue of this Act) or if any Perſon or Perſons ſhall put or turn, or cauſe to be put and turned, any Horſes, Cows, Sheep, or other Cattle, in or upon the ſaid Commons or Waſte Grounds, at any Time or Times, after Notice given by the ſaid Commiſſioners for extinguiſhing the Right of Common as aforeſaid, every Perſon ſo offending ſhall, for every ſuch Offence, upon being duly convicted thereof before the ſaid Commiſſioners, upon the Information and Complaint of any Perſon or Perſons intereſted in the ſaid Incloſure, by the Oath or ſolemn Affirmation of One credible Witneſs, (which Oath or Affirmation any One of the ſaid Commiſſioners is hereby authorized and required to adminiſter), forfeit and pay ſuch Sum of Money not exceeding Five Pounds, (over and beſides the Coſts and Charges of ſuch Conviction), as the ſaid Commiſſioners 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 Commiſſioners 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 Commiſſioners, rendering the Overplus (if any) upon Demand, after making ſuch Deductions as aforeſaid, together with the Coſts and Charges of ſuch Warrant and Diſtreſs, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, and for want of ſufficient Diſtreſs, it ſhall and may be lawful to and for the ſaid Commiſſioners, by Warrant under their Hands and Seals, to commit ſuch Offender or Offenders to any Houſe of Correction in and for the ſaid County of *York*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs he, ſhe or they ſhall ſooner pay the ſaid Penalties or Forfeitures and Coſts.

Shortening Boundary Fences.

XIX. And be it further enacted, That in order to aſcertain or ſhorten the Boundaries or Boundary Fences, between the ſaid Commons and Waſte Grounds, in the ſaid Manor or Townſhip of *Thornton*, and the adjoining Pariſhes, Townſhips, or Places, it ſhall and may be lawful to and for the ſaid Commiſſioners (with the Conſent in Writing, under the Hand of the Lord of the Manor, and the Hands of the major Part in Value of the Land Owners in the Pariſhes, Townſhips,

or

or Places intereſted in any Common or Waſte Lands adjoining to the ſaid Manor or Townſhip of *Thornton*; and alſo under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which ſuch Fence or Fences are intended to be made), to ſet out, aſcertain and determine the Boundary or Boundary Fences to be made between the ſaid Commons and Waſte Lands, and the other Lands adjoining to the Lands and Grounds hereby intended to be divided, allotted, and incloſed, in ſuch Manner as they ſhall judge proper for the Purpoſe aforeſaid; and after ſuch Conſent ſhall be obtained, and ſuch Boundary or Boundary Fences ſhall be ſet out, aſcertained, and determined as aforeſaid, the ſame ſhall be fenced by ſuch Perſon or Perſons, in ſuch Manner, and at ſuch Time or Times, as the ſaid Commiſſioners ſhall order and direct in and by their Award, and ſhall be for ever thereafter deemed and taken to be the Boundaries between the ſaid Manor or Townſhip of *Thornton*, and ſuch adjoining Pariſhes, Townſhips, or Places; any Law, Uſage, or Cuſtom to the contrary thereof, in anywiſe notwithſtanding.

Encroachments within Twenty Years.

XX. And be it further enacted, That all Intakes and Encroachments made on or from the ſaid Tract or Parcel of Moor, Common, or Waſte Ground, and which have been made within the Space of Twenty Years next before the paſſing of this Act, and for which no Licence, Conſent or Grant, ſhall have been obtained, ſhall be deemed and conſidered Part and Parcel of the ſaid Grounds to be allotted and incloſed, as if the ſame were actually lying open and unincloſed.

Watercourſes may be turned.

XXI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby empowered to direct, order, and award, all Streams of Waters, Springs, and Watercourſes, within the Lands and Grounds hereby intended to be divided and incloſed, to be carried and conveyed in ſuch Courſes, and through ſuch of the ſaid Lands and Grounds ſo hereby intended to be divided and incloſed, and ſubject to ſuch Orders and Regulations as they, in their Diſcretion, ſhall think neceſſary and proper for the Purpoſes aforeſaid: Provided always, that no ſuch Streams of Water, Springs, or Watercourſes, ſhall be diverted or turned from or into any ancient incloſed Lands, without the Conſent, in Writing, of the Owner or Owners thereof.

Allotments for Quarries, Watering, Places, &c.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to ſet out and aſſign ſuch Part and Parts of the ſaid Commons and Waſte Grounds as they ſhall think proper and neceſſary, not exceeding Ten Acres, to be uſed as and for public Quarries for getting Stone for Lime, and other Purpoſes, and for getting Gravel for making and repairing of the Roads to be made over and upon the ſaid Commons and Waſte Grounds, and other public Roads within the ſaid Manor or Townſhip, and the ſaid Owners and Proprietors of Meſſuages, Lands, and Tenements, and their reſpective Tenants, ſhall have free Liberty of getting Stone, Gravel, and Sand, in the ſaid Quarries, for their own Uſe and Benefit, to be uſed within the ſaid Manor, but not elſewhere, and not to ſell or diſpoſe thereof; and the ſaid Commiſſioners ſhall alſo ſet out and aſſign, upon the ſaid Commons and Waſte Grounds, ſuch Part or Parts thereof, as they ſhall think proper, as and for public Watering Places, and Places for waſhing Sheep, for the Uſe of the Owners and Occupiers of Meſſuages, Lands, and Tenements, within the ſaid Manor; and the ſaid

Allotments for public Quarries, and public Watering Places, and Places for washing Sheep, shall for ever thereafter be used by the Surveyors of the Highways for the Time being, and by the Proprietors of Messuages, Lands, and Tenements, within the said Manor, and their Tenants; and the Herbage thereof vested in the Overseer or Overseers for the Time being, for the Use of the Poor of the said Townships, in such Manner, and under such Rules, Orders, and Regulations, as the said Commissioners shall, in and by their Award, order and direct.

Allotment to the Earl of Lonsdale for Right of Soil.

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

Land to be sold for Payment of Expences, &c.

XXIV. And be it further enacted, That the said Commissioners shall, in the next Place, mark and set out such Part or Parts of the said Commons and Waste Grounds, adjoining to *Deepdale*, as will, by Sale thereof, be in their Judgment fully sufficient to defray and discharge all the Costs, Charges, and Expences incident to, and attending the obtaining and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds to be divided, allotted, and inclosed by virtue thereof; and all the Charges of the said Commissioners, their Assistants and Servants, and all the other necessary Expences of the several Persons to be employed by the said Commissioners in and about the Premises, and all the Expences of forming, completing and repairing the public and private Carriage Roads and Highways, to be set out and appointed by the said Commissioners, and all other Expences of carrying this Act into Execution.

Lands to be sold to the highest Bidder.

XXV. And be it further enacted, That the said Commissioners shall, and they are hereby required, at such convenient Times and Places as to them shall seem meet, to cause the said Part or Parts of the said Commons and Waste Grounds to be set out for Sale by them as aforesaid, to be put up to public Sale or Auction in Manner by the said recited Act directed, first causing at least Six Weeks previous Notice to be given in the *Lancaster Gazette*, or such other Newspaper as aforesaid, of the Time and Place to be appointed for that Purpose: Provided always, that the said Commissioners shall not set out any Part of the Commons and Waste Lands to be sold, which ought, on account of Contiguity or Conveniency, to be allotted to any of the Parties concerned in the said Division or Inclosure.

Power to allot Peat-moss or Turbary Ground.

XXVI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, to set out or allot unto and for the Use of each and of all the Proprietors of Messuages and Tenements within the said Manor, interested in the said Division or Inclosure, so much

and ſuch Part or Parts of the ſaid Commons and Waſte Grounds, as the ſaid Commiſſioners ſhall think fit and neceſſary for the Purpoſes of getting Peat or Turf for Fuel, to be uſed within the ſaid Manor, and to appropriate the Herbage thereof to the Overſeer or Overſeers of the Poor for the Time being, for the Uſe of the Poor of the ſaid Townſhip, ſuch Peatmoſs or Turbary Ground, and the Herbage thereof, to be uſed and worked in ſuch Manner, and ſubject to ſuch Rules, Orders, and Regulations as the ſaid Commiſſioners ſhall in and by their Award direct concerning the ſame.

Allotment of the Reſidue.

XXVII. And be it further enacted, That the ſaid Commiſſioner ſhall, and they are hereby required, in the next Place, to aſſign, ſet out, and allot the Reſidue and Remainder of the ſaid Commons and Waſte Grounds unto and amongſt the ſaid *Thomas Hammond Foxcroft*, *Oliver Marton*, *Bryan Waller*, *Francis Simpſon*, and *Thomas Harriſon*, and the ſeveral other Perſon and Perſons, Body and Bodies Politic, Corporate, and Collegiate, entitled to Right of Common upon the ſaid Commons and Waſte Grounds, or any Part thereof, for or on account of their reſpective Meſſuages, Lands, and Tenements, within the ſaid Manor, in Proportion to their ſeveral and reſpective Rights and Intereſts therein, ſuch Allotments to be ſettled and aſcertained by the ſaid Commiſſioners, by and in Proportion to the true and real annual Value of the ſeveral and reſpective Meſſuages, Lands, Tenements, or other Eſtates, in reſpect of which ſuch Allotments ſhall be ſo made; ſuch annual Value to be ſettled and aſcertained by the ſaid Commiſſioners, in ſuch Manner, and by ſuch Ways and Means as to them ſhall ſeem moſt proper, in order to render the ſaid intended Diviſion and Allotments fair, juſt, and equal, to and amongſt the ſeveral Parties intereſted therein.

Satisfaction for unequal Fencing.

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

Gaps to be left for a certain Time.

XXIX. Provided always, and be it further enacted, That convenient Gaps and Openings ſhall be left in the ſaid Fences and Incloſures for ſuch Space of Time next enſuing the Execution of the Award of the ſaid Commiſſioners,

Commiſſioners, for the Paſſage of Carts, Carriages, and Cattle, as the ſaid Commiſſioners ſhall in and by their ſaid Award direct and appoint.

Purchaſers of Allotments to ſtand in Place of original Poſſeſſors.

XXX. 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 to 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 the 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.

Allotments to be Freehold.

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

Power to exchange.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to aſſign, ſet out, and allot any of the Lands or Grounds hereby directed to be divided and allotted, or any Lands or Grounds, or other Hereditaments within the Manor of *Thornton* aforeſaid, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments in the ſaid Pariſh of *Thornton*, or within any adjoining Pariſh, Hamlet, Townſhip, or Place, ſo as every ſuch Exchange be ſet forth and aſcertained by the Award of the ſaid Commiſſioners, or ſome Deed or Deeds executed by them at any Time before the Date of the ſaid Award; and ſo alſo as every ſuch Exchange be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments, which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail, general or ſpecial, or by the Courteſy of *England*, or for Years determinable on Life or Lives, or poſſeſſed of any Eſtate of Inheritance leſs than an Eſtate in Fee Simple, by and with the Conſent of the Leſſor or Leſſors thereof, and not otherwiſe, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of, or acting for any ſuch Owners or Proprietors as aforeſaid, who at the Time of making any ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing, under the Common Seal of the Body Politic, Corporate, or Collegiate, or under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange or Exchanges ſo to be made, ſhall be good, valid, and

and effectual in Law, to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent in Writing, teſtified as aforeſaid, of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged, ſhall lie and be ſituate.

Coſts of Exchanges how to be paid.

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

Leaſes at Rack Rent to be void.

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

Wills and Settlements not to be affected.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, ſo as 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, Rents, or Incumbrances, out of, upon, or affecting any of the Lands or Grounds to be divided, allotted, incloſed, or exchanged as aforeſaid, or any Part or Parts thereof reſpectively; but the reſpective Perſons to whom any Lands, Tenements, or Hereditaments ſhall be allotted or given in Exchange, by virtue of this Act, ſhall be ſeized thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Meſſuages, Buildings, Lands, Tenements, or Hereditaments, whereof ſuch Perſons were ſeized or poſſeſſed, at or immediately before the Execution of the Award to be made by the ſaid Commiſſioners, or for which, or in reſpect whereof 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.

Coſts of the Act.

XXXVI. And be it further enacted, That all the Coſts, Charges, and Expences (in caſe the Lands herein directed to be ſold, ſhall be inſufficient for ſuch Purpoſe) of incloſing the Allotments hereby directed to be made, for public Quarries and public Watering Places, and Places for waſhing Sheep, and all the Coſts, Charges, and Expences incident to and attending the obtaining this Act, and of ſurveying, meaſuring, planning, valuing, dividing, and allotting the Lands, Grounds, and Premiſes to be divided and allotted by virtue of this Act, and of preparing and inrolling the Award of the ſaid Commiſſioners, and all Charges and Expences of the ſaid Commiſſioners, their Clerk, Aſſiſtants, and Servants, and other neceſſary Expences of the ſeveral Perſons to be employed by the ſaid Commiſſioners in and about the Premiſes, 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, and all other Expences of carrying this Act into Execution, ſhall be borne and defrayed by the ſeveral Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act, (ſave and except for or in reſpect of the Allotment herein-before directed to be ſet out to the ſaid Earl of *Lonſdale*, and the Allotment or Allotments hereby directed to be ſet out for Public Quarries and Public Watering Places, and Places for waſhing Sheep), which ſaid Coſts, Charges, and Expences, together with the Proportions thereof, to be paid by the ſeveral Perſons hereby made liable to the Payment thereof, ſhall be ſettled and adjudged by the ſaid Commiſſioners, and ſhall be paid at ſuch Time and Place, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint.

Application of overplus Money.

XXXVII. And be it further enacted, That if the Part or Parts of the ſaid Commons or Waſte Grounds, marked and ſet out for Sale, and actually ſold by the ſaid Commiſſioners, ſhall happen to raiſe more Money than may be requiſite for defraying all the Coſts, Charges, and Expences of or incident to the obtaining of this Act, and fully carrying the ſame into Execution in every Reſpect, the overplus Money ſhall be by the ſaid Commiſſioners paid and divided, and they are hereby directed to pay and divide the ſame, to and among the ſeveral Proprietors of Allotments of the ſaid Commons and Waſte Grounds allotted by them, under and by virtue of the Powers contained in this Act and the ſaid recited Act, or either of them, if ſeized thereof, in Fee Simple; or otherwiſe ſuch Overplus ſhall be paid into the Bank of *England*, in the Manner directed by the ſaid recited Act, with reſpect to Money to be paid for the Purchaſe or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes.

Money advanced to be repaid with Intereſt.

XXXVIII. And be it further enacted, That if any of the Proprietors, or Perſons intereſted in the Execution of this Act, or any other Perſon or Perſons on the Behalf of them, or any of them, ſhall have advanced and paid, or ſhall advance and pay, any Money in diſcharge of the Fees, or other

other Expences preparatory to, or of obtaining or executing this Act, or carrying the ſame into Execution, the Money ſo paid and advanced ſhall be repaid and ſatisfied by the Direction of the ſaid Commiſſioners, together with lawful Intereſt for the ſame, out of the firſt or any other Monies that ſhall or may be raiſed for the Purpoſes of this Act.

Accounts to be paſſed before a Juſtice.

XXXIX. And be it further enacted, That once at leaſt in each and every Year during the Execution of this Act, ſuch Year to be computed from the Day of paſſing thereof, the ſaid Commiſſioners ſhall, and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended, or due to them, for their own Trouble and Expences in the Execution of this Act; and ſuch Statement and Account, when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before any one of His Majeſty's Juſtices of the Peace for the ſaid County of *York*, or ſome adjoining County, (not intereſted in the ſaid Incloſure), to be by him examined and balanced, and ſuch Balance ſhall be by ſuch Juſtice ſtated in the Book of Accounts to be kept in the Office of the Clerk 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.

Award where to be depoſited.

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

Appeal.

XLI. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this or the ſaid recited Act, (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are, by this or the ſaid recited Act, directed to be final and concluſive, and except in ſuch Caſes wherein an Iſſue at Law ſhall be tried as herein mentioned), then and in every ſuch Caſe, he, ſhe, or they may appeal to any General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *York*, within Two Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners, and to the Party or Parties concerned, Twenty-one Days Notice in Writing, of ſuch Appeal, and of the Matter thereof, and the Juſtices (not intereſted therein) at ſuch General Quarter Seſſions are hereby authorized and required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order, and to award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order 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 any) on Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale, which Determination of the ſaid Juſtices in Seſſions ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; and in caſe ſuch

Appeal

Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them in their Diſcretion ſhall ſeem reaſonable, and ſuch Coſts ſhall be levied in Manner aforeſaid.

Saving of Manorial Rights.

XLII. Provided always, and be it enacted, That nothing in this Act contained ſhall be conſtrued or adjudged to defeat, leſſen, or prejudice the Right, Title, or Intereſt of the ſaid Earl of *Lonſdale*, Lord of the ſaid Manor of *Thornton*, his Heirs or Aſſigns, or any of the future Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, of, in, and to the Coal, Lead, Tin, Copper, Stone, or Slate, Minerals, or Metals, within or under the ſaid Commons and Waſte Grounds, intended to be incloſed as aforeſaid (ſave and except the Stones in the public Quarries, to be ſet out as aforeſaid) or of, in, or to the Seigniories and Royalties, Franchiſes and Liberties, incident and belonging to the ſaid Manor; but that the ſaid Earl of *Lonſdale*, and all and every Perſon and Perſons claiming by, from, or under, or in Truſt for him as Lord of the ſaid Manor, and all ſucceeding Lord or Lords, Lady or Ladies, and Owners thereof for the Time being, ſhall and may at all Times for ever hereafter, have, hold, take, and enjoy all Rents, Services, Courts, Perquiſites, and Profits of Courts, Hunting, Fiſhing, Hawking, and Fowling, Goods and Chattels of Felons and Fugitives, Felons of themſelves, and thoſe put in Exigent, Deodands, Waifs, Eſtrays, Forfeitures, Eſcheats, and other Royalties, Liberties, Franchiſes, Privileges, Pre-eminences, Juriſdictions, and Appurtenances whatſoever, to the ſaid Manor, or to the Lord or Lords, Lady or Ladies thereof for the Time being, incident, appertaining, or belonging, or which have been anciently uſed, exerciſed, and enjoyed by the Lord or Lords, Lady or Ladies of the ſame Manor (other than except ſuch Right of Soil and Right of Common of Paſture, and ſuch other Rights and Intereſts as is and are by this Act meant and intended to be barred, deſtroyed, and extinguiſhed), as could or might be claimed by him, her, or them, as Owner or Owners of the Soil of the ſaid Commons and Waſte Grounds, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as he, ſhe, or they could or might have held and enjoyed the ſame, in caſe this Act had not been made; and that the ſaid Earl of *Lonſdale*, and all the future Lords, Ladies, and Owners of the ſaid Manors reſpectively for the Time being, ſhall and may from Time to Time, and at all Times hereafter have, hold, work, and enjoy all Mines, Minerals, and Quarries, of what Nature or Kind ſoever, within or under the ſaid Commons and Waſte Grounds, intended to be divided and incloſed as aforeſaid, as well thoſe not opened as thoſe already opened (ſave and except the ſaid public Quarries of Stone to be ſet out as aforeſaid), and to have, enjoy, and be veſted with all convenient and neceſſary Ways, Way-leaves, and Liberties of laying, making, and preparing Waggon Ways, and other Ways, in, over, and along the ſame or any Part thereof, and of ſearching for, winning, and working the Mines and Quarries, and leading and carrying away the Coals, Lead, Tin, Copper, Stones, Lime, Slate, Metals, and Minerals, to be gotten thereout or out of any other of his Lands or Grounds, and making Pits, Shafts, Pit Rooms, Heap Rooms, Drifts, Levels, Watercourſes, erecting and uſing Fire Engines, and other Engines, and all and every other Matters and Things now in uſe, or hereafter to be invented

vented for the Purpoſes aforeſaid, or any of them, in, upon, through, over or along the ſaid Commons and Waſte Grounds, or any of them, or any Part or Parts thereof, and all other Powers, Privileges, and Authorities, for all or any of the Purpoſes aforeſaid, in the ſame Manner as if this Act had not been made.

Satisfaction to be made on working Mines, &c.

XLIII. Provided always, and be it enacted, That in caſe the Lord or Lords, Lady or Ladies, of the ſaid Manor for the Time being, or any Perſon or Perſons claiming under him, her, or them, ſhall, after ſuch Incloſure be made as aforeſaid, ſearch for, win, work, or lead away, any Coal, Lead, Tin, Copper, Stones, Lime, Slate, Metal, or Minerals, lying within or under any of the ſaid Allotments or Incloſures, ſo to be made as aforeſaid, or Lands or Tenements, in reſpect whereof ſuch Allotments ſhall be made, then, and in every ſuch Caſe, the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, or ſuch Perſon or Perſons ſo ſearching for, winning, working, or leading away the ſame, ſhall make full and reaſonable Satisfaction for the Damages and Spoil of Ground occaſioned thereby, or in making or uſing of Waggon Ways, or other Ways, or any other Matters and Things, according to the Powers herein reſerved or granted to the ſaid Earl of *Lonſdale*, and the Lord or Lords, Lady or Ladies, of the ſaid Manor for the Time being, to the Perſon or Perſons, who ſhall be in the Poſſeſſion of ſuch Ground at the Time or Times of ſuch Damage or Spoil.

Owners of Allotments to get Lime-ſtone, &c. for their own Uſe.

XLIV. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the ſaid ſeveral Owners of Meſſuages, Lands, and Tenements, within the ſaid Manor of *Thornton*, to whom Allotments ſhall be made as aforeſaid, their Heirs and Aſſigns, to dig for, take, and carry away, within, upon, from, and under their reſpective Allotments, any Quantity of Lime, or other Stone, for the Improvement of their reſpective Lands and Grounds within the ſaid Manor, or for any other Purpoſe or Purpoſes for which Lime or Stone is uſed, ſo as the ſame be uſed by them reſpectively within the ſaid Manor, and ſo as the ſame be not ſold or otherwiſe diſpoſed of, and ſo as no Damage or Obſtruction be thereby done or given to the working of any Mine or Mines, Colliery or Collieries, Pit or Pits, Quarry or Quarries, Delph or Delphs, Work or Works, carried on or to be carried on by the ſaid Earl of *Lonſdale*, or the Lord or Lords, Lady or Ladies of the ſaid Manor for the Time being, or his, her, or their Stewards, Agents, or Workmen reſpectively.

General Saving.

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

Evidence Clauſe.

XLVI. 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.