



ANNO QUADRAGESIMO NONO

# GEORGI II. REGIS.

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## Cap. 9.

An Act for inclosing Lands in the Townships of *Workington* and *Winscales*, and Manor of *Workington*, in the Parish of *Workington*, in the County of *Cumberland*.  
[20th March 1809.]

**W**HEREAS there are within the Townships of *Workington* and *Winscales* and Manor of *Workington*, in the Parish of *Workington*, in the County of *Cumberland*, certain Commons and Waste Lands, containing by Estimation One thousand and Seventy Acres, or thereabouts: And whereas *John Christian Curwen* Esquire, is Lord of the Manor of *Workington*, in the Parish of *Workington*, and as such is entitled to all Mines and Minerals, the Soil and Royalties within and under the said Commons or Waste Lands within the said Manor: And whereas the said *John Christian Curwen* is Patron of the Rectory and Parish Church of *Workington* aforesaid; and *Peter How*, Clerk, is Rector of the said Rectory and Parish Church, and as such Rector is entitled to all the Great and Small Tythes in the said Township of *Workington*, in the Manor of *Workington*, and to certain Tythes in the said Township of *Winscales* in the Manor of *Workington*, or to certain prescriptive Payments in lieu thereof: And whereas the said *John Christian Curwen* and *Thomas Harrison*, Esquires, are respectively entitled to certain Tythes Improprate in the said Township of *Winscales* and Manor of *Workington*: And whereas the said *John Christian Curwen*, *Mary Bowman* Spinster, *Thomas Harrison*, *William Fisher*, and divers other Persons, are or claim to be entitled to Right of Common upon the said Commons or Waste Lands, in respect of certain Messuages, Tenements, Lands, or other Hereditaments within the said Townships and Manor; And whereas an Act was passed in the Forty-first

[Loc. & Per.] R r Year

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 the said Commons and Waste Lands in their present State are incapable of any considerable Improvement, and it would be greatly to the Advantage of the several Persons interested therein if the said Commons and Waste Lands were divided and allotted amongst the several Persons interested therein, and such Allotments inclosed; but such 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 *John Litt*, of *Netherend* in the County of *Cumberland*, Gentleman, *Thomas Harrison*, of *Whitehaven*, in the said County, Clerk, and *Miles Pousonby*, of *Whitehaven* afore said in the said County, Esquire, and their Successors, to be appointed as herein-after mentioned, shall be and are hereby appointed Commissioners for setting out, dividing, allotting, and inclosing the said Commons and Waste Lands in the Manner and according to the Rules, Orders, Provisions, Powers, and Directions contained in this Act and the said recited Act, so far as the Powers, Regulations, Directions, and Provisions in the said recited Act are not controlled by or repugnant to the Powers and Provisions of this Act; and that all Acts, Matters, and Things done by any Two of the Commissioners appointed or to be appointed by virtue of this Act, shall to all Intents and Purposes be as valid and effectual as if the same were done and performed by all the said Commissioners.

Commissioners appointed.

Two Commissioners may act.

Power of choosing new Commissioners.

II. And be it further enacted, That if any of the said Commissioners hereby appointed, before the Completion of the said Division, Allotment, and Inclosure, shall die, or shall neglect, refuse, or become incapable to act for the Space of Forty Days, when Occasion shall require his or their Attendance for carrying this and the said recited Act into Execution, it shall be lawful from Time to Time to elect and appoint a new Commissioner or Commissioners in the Stead of him or them so dying, neglecting or refusing, or becoming incapable to act as afore said, in the Manner following (that is to say), in case the said *John Litt*, or any future Commissioner to be appointed in his Stead, shall die, neglect, refuse, or become incapable to act as afore said, the said *John Christian Curwen*, his Heirs and Assigns, or the future Lord or Lords of the said Manor of *Workington* for the Time being, shall and may by any Instrument in Writing under his or their Hand or Hands appoint another Person (not interested in the said Division, Allotment and Inclosure) to be a new Commissioner in the Stead of the said *John Litt*, or of any future Commissioner to be appointed in his Stead as afore said; and in case the said *Thomas Harrison*, or any future Commissioner to be appointed in his Stead, shall die, or shall neglect, refuse, or become incapable to act for the Space of Forty Days as afore said, then the major Part in Value of the several Owners of Messuages, Lands, Tenements, and Hereditaments within the said Townships of *Workington* and *Winscales* for the Time being entitled to Rights of Common upon the said Commons and Waste Lands, (other than and except the Lord of the said Manor of *Workington*, and the Rector of the said Rectory for the Time being respectively) shall by some Instrument in Writing under their respective Hands appoint a

new

new Commissioner (not interested in the said Division, Allotment, and Inclosure) in the Stead of the said *Thomas Harrison* and his Successors respectively, from Time to Time as Occasion may require; and if the said *Miles Ponsonby*, or any future Commissioner to be appointed in the Stead of him, or any of his Successors, shall die, or shall neglect, refuse, or become incapable to act for the Space of Forty Days as aforesaid, then the said *Peter How*, or his Successors for the Time being Rectors of the said Rectory, shall by some Instrument in Writing under his or their Hand appoint a new Commissioner (not interested in the said Division and Inclosure) in the Stead of the said *Miles Ponsonby* and his Successors respectively, from Time to Time as Occasion may require.

III. And be it further enacted, That if a new Commissioner shall not be appointed by any Person or Persons, Party or Parties herein-before authorized so to do, within Sixty Days after the happening of any such Vacancy as aforesaid, and Notice thereof given by the then surviving and acting Commissioners or Commissioner, then and in every such Case a new Commissioner or Commissioners to fill up such Vacancy or Vacancies from Time to Time shall and may be appointed by the other surviving or acting Commissioners or Commissioner for the Time being, by Writing under their or his Hands and Seals, or Hand and Seal, at any Meeting of such only or surviving Commissioners or Commissioner, of the Time and Place whereof Fourteen Days previous Notice shall have been given in the Parish Church of *Workington* aforesaid, upon a *Sunday* immediately after Divine Service in the Forenoon; and that every such new Commissioner to be appointed as herein-before mentioned shall have the same Powers and Authorities for carrying the Purposes of this Act, and the said recited Act into Execution as if he had been expressly named and appointed by this Act; and every Appointment of new Commissioners or a new Commissioner shall be inrolled at the same Time and at the same Place as the Award or Instrument of the said Commissioners.

In case the Parties do not nominate, the Commissioners may.

IV. And be it further enacted, That the said Commissioners shall have Power and they are hereby authorized to appoint some fit and proper Person to be their Clerk for assisting them in carrying this and the said recited Act into Execution, and such Clerk from Time to Time to remove, and to nominate and appoint some other fit and proper Person to succeed him in such Office as to the said Commissioners shall seem meet.

Appointment of Clerk.

V. And be it further enacted, That the said Commissioners and their Successors for the Time being, and their Clerk respectively, shall at and upon the respective Meetings and Journies for executing the Powers and Authorities of this and the said recited Act bear and pay their own Charges and Expences; and as a Recompense for such Expences, and for their Trouble and Attendance, each of them the said Commissioners and their Clerk shall be paid the Sum of One Pound Eleven Shillings and Sixpence and no more, for each Day which he shall either travel or attend for the Purpose of carrying this Act and the said recited Act into Execution, or relative thereto.

Commissioners and Clerks Allowance.

VI. And be it further enacted, That the said Commissioners shall cause Notice to be given in some Newspaper printed or published and usually circulated in the said County of *Cumberland*, and also a like Notice to be affixed

To appoint Meetings.

affixed in Writing upon the principal outer Door of the said Parish Church, upon some *Sunday* during or immediately before or after Divine Service, of the Time and Place of holding their First, Second, and Third Meetings for the Purpose of putting this and the said recited Act into Execution, at least Fourteen Days before such respective Meetings; and the said Commissioners shall and may after the said Third Meeting from Time to Time appoint such special or other subsequent Meetings for carrying into Execution the Powers and Authorities hereby vested in them, as they shall think proper, and shall cause a like Notice or Notices in Writing of the Time and Place where each such special or subsequent Meeting is to be holden, to be given in some Newspaper as aforesaid; and also by affixing a Notice in Writing upon the principal outer Door of the Parish Church of *Workington* as aforesaid; but the said Commissioners are hereby authorized and empowered, if they shall see Cause, without giving any Public Notice, to adjourn and continue their said First, Second, and Third Meetings, or any of them, or any such special or other subsequent Meeting or Meetings as aforesaid; from Time to Time as they shall see convenient: Provided always, that all Meetings of the said Commissioners shall be held within the said Townships of *Workington* and *Winscales*, or within Eight Miles of the respective Boundaries thereof.

Other Notices  
how to be  
served and  
given.

VII. And be it further enacted, That in all Cases where Notices are required to be given to any Person or Persons under this Act or the said recited Act, the Delivery of the same, so far as concerns the said Commissioners, at the usual Place of Abode of each of the said Commissioners, or at the Office or usual Place of Abode of their Clerk, and so far as concerns all other Persons, the Delivery of the same at the usual Places of Abode of the said Persons respectively, shall be deemed good Service of the same; and that Notices of the Meetings of the said Commissioners, and all other Public Notices directed by this Act or the said recited Act to be given, shall be so given by affixing the said Notices respectively on some *Sunday* during Divine Service in the Forenoon, on the principal Door of the Parish Church of *Workington* as herein-before mentioned, and also by causing the same to be inserted in the Newspaper published in the County of *Cumberland*, called the *Cumberland Pacquet*; and in case such Paper shall not be then published, then in some other Newspaper circulated in the said County.

Commission-  
ers to deter-  
mine Differ-  
ences.

VIII. And be it further enacted, That if any Dispute or Difference shall, before the Execution of the Award of the said Commissioners, arise between any of the Proprietors of or Persons interested in or claiming to be interested in the said Division, Allotment, and Inclosure hereby authorized and directed to be made; touching or concerning the Right to the Soil or the Boundaries of the said Commons and Waste Lands, or any Part thereof, or touching or concerning the respective Shares, Rights, or Proportions which any Person or Persons hath, or have, or shall or may claim to have, of, in, or to the said Commons or Wastes, or any Part thereof, then the said Commissioners shall and they are hereby empowered to hear, inquire into, and determine all such Disputes and Differences, and all Claims and Objections which shall be thereupon raised and brought forward to the said Commissioners, and to fix and ascertain the Nature and Extent of the several Rights of the Person or Persons making such Claim or Claims as aforesaid: Provided always, that nothing in this Act contained shall authorize the said Commissioners

missioners to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

IX. 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 or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered and required, upon Application made to them for that Purpose, to settle, assess, and award such Costs, and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands directed to any Person or Persons 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.

Power to  
assess Costs.

X. Provided always, and be it further enacted, That in case any Person or Persons interested in 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 Right of Common, or other Right or Interest in, over, and upon the Commons and Waste Lands hereby directed to be divided, allotted and inclosed, or any Part thereof, it shall and may 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 then next or Second Assizes to be holden for the said County of *Cumberland*, 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 Three 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 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 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, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the

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

[*Loc. & Per.*]

S s

Claim

Claim or Claims thereby determined, according to the Event of such Trial or Trials; and that the Costs attending such Action or Actions shall abide the Event of the respective Trials of such Issue or Issues.

Determina-  
tion of Com-  
missioners, if  
not objected  
to, final.

XI. Provided always, and be it further enacted, That the Determination of the said Commissioners touching such Claim or Claims of any Right or Interest in the said Commons and Waste Lands 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 and proceeded in as aforesaid, shall be final and conclusive upon all Parties; and if any of the Parties, Plaintiffs, or Defendants in any Action to be brought in pursuance of this or the said recited Act, shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if such Death had not happened.

Death of  
Parties not to  
stay Proceed-  
ings.

In case of  
Death of  
Parties before  
Actions  
brought.

XII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons 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.

Right of Pos-  
session not to  
be determined  
by Commis-  
sioners.

XIII. Provided also, and be it further enacted, That nothing in this Act contained 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 Encroachments made as hereinafter mentioned), 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.

Allotment for  
public Quar-  
ries, &c.

XIV. And be it further enacted, That the said Commissioners shall in the first place assign, set out, and allot unto the Surveyors of the Highways within the said Townships of *Workington* and *Winscales* such Parts of the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, as the said Commissioners shall think necessary, as and for public Quarries, and also as and for public Watering-Place for Cattle, and Places for getting Gravel for the Repairs of the Roads to be made over the  
said

faid Commons and Waste Lands hereby directed to be divided, allotted, and inclosed; and the same Allotments when set out shall for ever thereafter be used by the Surveyors of the Highways for the Time being of the said Townships of *Workington* and *Winsales*, and by the Proprietors of Lands, Tenements, and Hereditaments within the said Townships, and their Tenants for the Time being, in such Manner, and under such Rules, Orders, and Regulations as the said Commissioners shall in and by their Award order and appoint; and that the said Commissioners shall have Power and they are hereby authorized to order and direct how and in what Manner, and by whom, all new Roads to be set out by virtue of this Act, shall from and after the Execution of their said Award be amended and kept in Repair.

XV. And be it further enacted, That it shall be lawful for the said Commissioners, as soon as conveniently may be after the passing of this Act, to allot and set out, by proper Marks and Bounds, so much and such Part or Parts of the said Commons and Waste Lands as to them shall seem competent and necessary, and by Sale thereof, in Manner by the said recited Act directed, to raise Money sufficient for paying and discharging the Costs, Charges, and Expences in, about, and incident to the applying for, obtaining, procuring, and passing this Act, and the Costs and Charges of the said Commissioners, and all other Persons employed by them in and about the surveying, measuring, mapping, planning, dividing and allotting the said Commons and Waste Lands, and of, in, and about the setting out and making public Roads and Ways in, through, and over the said Commons and Waste Lands, and making such Part or Parts of the Ring or outer Fence of the said Rector's Allotment as hereinafter mentioned; and of, in, or about the preparing and carrying into Execution in all other Respects the Powers and Authorities in this and the said recited Act contained; and the said Commissioners shall and they are hereby required to cause the said Part or Parts of the said Commons and Waste Lands so to be set out for Sale as aforesaid to be sold in the Manner and according to the Directions in the said recited Act contained; and the Purchaser or Purchasers of the Land so to be allotted and sold as aforesaid, his, her, and their Heirs and Assigns, shall be subject and liable to the making, repairing, and keeping in Repair such Part of the Ring or outer Fence thereof as shall be directed by the said Commissioners; and also to the due Observance and Performance of all Orders, Matters, Charges and Directions relative thereto, to be made and applied by the said Commissioners in and by their general Award; and also to all Rights, Liberties, and Privileges herein excepted or reserved to the Lord of the said Manor for the Time being, or to his Lessee or Assignee: Provided always, that in case any Surplus shall remain after Payment of such Expences as aforesaid, such Surplus shall be divided amongst the several Persons entitled thereto, and interested in the Commons and Waste Landshereby intended to be divided, allotted, and inclosed, in such Shares as shall be in proportion to their respective Properties and Interests; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of such other Proprietors of and in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act, in those Cases where any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Power to sell certain Parts of the Commons to defray the Expence of the Act.

Application of Surplus Money if any.

XV. And

Allotment to  
the Lord of  
the Manor.

XVI. And be it further enacted, That the said Commissioners shall in the next place set out, allot, and appoint unto and for the said *John Christian Curwen* and his Heirs, as the Lord or Lords of the said Manor of *Workington*, in One Plot or Parcel of Land, such Quantity of the said Commons and Waste Lands as shall in the Judgment of the said Commissioners, be equal to One Fourteenth Part or Share of the said Commons and Waste Lands within or belonging to the said Manor of *Workington*, as shall remain after the Allotments and Appropriations hereinbefore mentioned and directed to be made for Public Highways, Quarries, and Places for watering of Cattle, and getting Gravel, and other the public Purposes hereinbefore mentioned; and the Allotment to the Rector hereinafter mentioned, in Satisfaction of the Tythes of the said Commons and Waste Lands, (but not of the old Inclosures) shall be set out and ascertained in lieu of and as a full Compensation for the Right and Interest of the said *John Christian Curwen*, as Lord of the said Manor, in and to the Residue of the said Commons and Waste Lands, and his Right over the same (save and except as hereinafter excepted and hereby reserved to him or them).

Allotments  
to the Rector.

XVII. And be it further enacted, That the said Commissioners shall also set out, allot, and appoint to and for the said *Peter How*, and his Successors Rectors of the Rectory of *Workington* aforesaid for the Time being, so much of the said Commons and Waste Lands within and belonging to the said Townships as shall in the Judgment of the said Commissioners be deemed equivalent to and be a full Recompence and Satisfaction for all predial, personal, and mixed Tythes, Great and Small, payable in Kind within the said Townships, and for all Moduses, and Compositions for Tythes (if any) due or payable to the Rector of the said Rectory for the Time being (Easter Offerings, Mortuaries, and Surplice Fees only excepted), for and in Respect of the several old Inclosures and other the ancient Messuages, Lands, and Tenements already inclosed, within the said Townships of *Workington* and *Winscales*, and now liable or subject to the Payment of such Tythes in Kind or any of them, or of any such Modus or Compositions as aforesaid; and shall also set out, allot, and appoint to and for the said *Peter How*, and his Successors, Rectors of the said Rectory for the Time being, so much and such other Part of the said Commons and Waste Lands within the said Townships as shall in the Judgment of the said Commissioners be deemed equivalent to and a full Satisfaction and Recompence for all the predial, personal, and mixed Tythes, Great and Small, or any of them (Easter Offerings, Mortuaries, and Surplice Fees only excepted), which could or might thenceforth arise and grow due to the said Rector as aforesaid out of or from the several Allotments, to be made of the said Open Commons or Waste Lands within or belonging to the said Manor and Townships, to the said *John Christian Curwen* and the several Proprietors or Persons entitled thereto, and who would have been liable to the Payment of Tythes in respect thereof, provided that the said Allotment to be made to the said Rector as aforesaid on account of the Tythes of the said several old Inclosures and other the ancient Messuages, Lands, and Tenements already inclosed within the said Manor, shall be taken out of and deducted from the several Shares or Allotments which the respective Proprietors of the same Premises would be entitled to, in a due and fair Proportion, according to the Value at which the said Tythes Moduses, and Compositions, and other Ecclesiastical Dues and Payments (except as aforesaid) for and in respect of the several old Inclosures, and  
the



the said ancient Messuages, Lands, and Tenements already inclosed, of each Person entitled to any Allotment or Allotments in respect thereof, shall be estimated and ascertained by the said Commissioners, so that each Person's Allotment shall be less and abate in the Proportion above mentioned, in order to make up the first-mentioned Allotment to the said Rector as aforesaid.

XVIII. And be it further enacted, That all and every the outermost or Ring-fences which shall inclose the Allotment or Allotments to be set out and allotted unto and for the said Rector as aforesaid, and which shall not be liable or directed to be repaired by the Owners of the Lands adjoining thereto, shall by the said Commissioners be first made well and sufficiently and in such Manner as the said Commissioners shall direct, the Charges and Expences whereof shall be collected, raised, and paid by Owners of Allotments upon the said Commons and Waste Lands, so far as relates thereto, in the same Manner as the public Charges and Expences of the Divisions of the said Commons and Waste Lands are hereby directed to be raised and paid, regard being had to the Proportion or Value of Tythes chargeable against or due from each respective Township, or the Common respectively allotted therefrom to the Rector; but that all the said Fences shall after the first making and erecting thereof, at all Times for ever thereafter, be maintained, repaired, preserved, and kept in good and sufficient Repair, by and at the Expence of the said Rector and his Successors, or his or their Lessees, or Tenants, and deducted from the several Shares or Allotments which the respective Proprietors of the Messuages, Lands, and Tenements subject thereto would be entitled to, in a due and fair Proportion according to the Value at which the said Improprate Tythes, for and in respect of the several Premises of each Person entitled to any Allotment or Allotments in respect thereof, shall be estimated and ascertained by the said Commissioners, so that each Person's Allotment shall be less and abate in the Proportion above mentioned, in order to make up the whole of the aforesaid Allotments to the said *John Christian Curwen* and *Thomas Harrison* respectively, as they may be entitled as aforesaid; provided also, that before any such Allotment or Allotments respectively shall be made by the said Commissioners as aforesaid, the respective Proprietor or Proprietors in Possession, his, her, or their Guardian or Guardians, of each respective old Inclosure or ancient Messuage, Lands, and Tenements subject to such Improprate Tythes, shall signify his, her, or their Consent and Approbation that such Allotment or Allotments respectively shall be set out, allotted, and appointed in lieu of or in Commutation for the said Improprate Tythes as aforesaid.

Rector's  
Allotments  
how to be  
fenced.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, by Marks and Bounds, and allot in Severalty, the Residue of the said Commons and Waste Lands (after the several Allotments and Appropriations herein-before directed shall be made, unto and amongst the said *John Christian Curwen*, for and in respect of the capital and other Messuages, Mills, Demesnes and other Lands, Tenements and Hereditaments within the said Manor and Townships, and to the said *Mary Bowman*, *Thomas Harrison*, *William Fisher*, and the several other Persons, Bodies Politic and Corporate, intituled to Right of Common, or other Right or Interest upon the said Commons and Waste Lands, or any of them, or any Part thereof, according to

Allotments of  
the Residue.

[Loc. & Per.]

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the true and actual Value of the several Messuages, Lands, Tenements and Hereditaments in respect whereof they are respectively entitled to Right of Common, or other Right or Interest as aforesaid, such Value to be ascertained in such Manner as the said Commissioners shall in their Judgment think just and equitable.

Exceptions of Minerals in the Valuation of the Allotment.

XX. Provided always, and be it further enacted, That no Mines of Coal, Lead, Copper, Iron, or other Mines, Minerals, and Metals, nor any Stones, Slates and Clay, lying under any of the Allotments of the said Commons and Waste Lands, to be made in pursuance of this Act, shall be taken into the Valuation of such Allotment, it being intended that all Mines, Veins and Seams of Coal, Lead, Copper, and Iron, and all other Mines, Minerals and Metals, Stones, Slates, and Clay whatsoever within or under the whole of the said Commons and Waste Lands, (the Quarries to be set out for the respective Purposes aforesaid, and the Use thereof, only excepted,) shall be and hereby are expressly reserved to the Lord or Lords of the said Manor respectively for the Time being.

Encroachments to be deemed Part of the Common.

XXI. And be it further enacted, That all Encroachments taken or made from or on any Part or Parts of the said Commons and Waste Lands within Thirty Years before the passing of this Act, shall be deemed Part and Parcel of the said Commons and Waste Lands respectively from or on which the same are respectively taken in or made, and shall be divided and inclosed by virtue of this Act; provided nevertheless, that all such Encroachments shall be allotted to the Person or Persons who shall at the Time of making the Allotments be in Possession of such Encroachments, or in Receipt of the Rents or Profits thereof, as the whole, if sufficient for that Purpose, or if not then in Part of the Share or Allotment of the said Commons or Waste Lands to which such Person or Persons will be entitled by virtue of this Act, and which in making such Allotment shall be estimated according to the Value of the Land or Ground so taken or encroached upon, and without considering the Value of any Erections, Buildings or Plantations thereon; and if the Person or Persons who shall be in Possession of such Encroachments, or in the Receipt of the Rents and Profits thereof, shall be entitled to no Allotment, or to an Allotment not equal to the Value of such Encroachment, but shall be willing to purchase the same, then the said Commissioners shall ascertain the Price thereof, or of such Part as shall exceed the Value of the Allotment to be made to such Possessor or Possessors thereof in respect of his or their other Property, on ascertaining of which Value the said Commissioners shall not estimate the Buildings, Plantings, or other Improvements thereon; and upon such Person or Persons paying such Price thereof to the said Commissioners at such Time or Times as they shall for that Purpose appoint, the said Commissioners shall give and sign their Receipt or Receipts for the same, and on giving or signing such Receipt or Receipts, every such Encroachment, or such Part thereof as shall be so purchased, shall thereupon be and become vested in such Purchaser or Purchasers thereof, and his and their respective Heirs and Assigns in Fee Simple without any further or any other Conveyance, Assurance, Instrument, or Writing whatsoever; and the said Commissioners shall apply the Purchase Money to arise thereby as Part of the Monies to be raised for defraying the General Expences of this Act; provided, that if the Person or Persons who shall be in Possession of or entitled to the Rents and Profits of such Encroachment

Encroachment or Encroachments shall not be willing to purchase the same or so much thereof as shall be offered for Sale as aforesaid, on the Terms aforesaid, then the said Commissioners shall allot the Part thereof which was so to be sold to some other Person or Persons, as Part of his, her, or their Allotment or Allotments, as to the said Commissioners shall seem proper; or the said Commissioners shall and may sell the same, in the same Manner and under the same Regulations as they are authorized to sell any Part or Parts of the said Commons and Waste Lands for defraying such Expences as herein mentioned; provided also, that all Encroachments made upon the said Commons and Waste Lands within the space of One Year immediately preceding the passing of this Act, shall be thrown open without any Recompense whatsoever to be made to the Possessor or Possessors thereof; and if any Question or Dispute shall arise touching the said Encroachments, or which of them shall be deemed to be Part or Parcel of the said Commons or Waste Lands respectively, such Disputes shall be referred to the Determination of the said Commissioners, but no such Determination shall prevent any of the Parties from trying their Rights at Law in respect to any Matter of Title to the said Encroachments.

XXII. And be it further enacted, That from and immediately after the passing of this Act no Person or Persons whomsoever shall cut, dig, grave, pare, subvert, take or carry away any Turfs, Flacks, or Sods, or any Part of the Soil or Surface in, upon, of, or from the said Commons and Waste Lands or any Part thereof, so long as the same shall lie open and uninclosed (except the Lord of the Manor for the Time being in exercise of his Liberties and Privileges, and the other Parties in the Use of the Public Quarries and Places for getting Gravel as herein-before mentioned), until the same shall be set out and allotted as aforesaid, without the Leave or Licence of the said Commissioners in Writing under their Hands first had and obtained.

No Turf to be dug.

XXIII. And be it further enacted, That no Sheep or Lambs shall be kept or depastured in any of the said Allotments from the Time such Allotments are staked out, and for the space of Five Years after signing the Award of the said Commissioners, unless the Owners or Occupiers thereof shall at their own Expence fence and effectually guard the young Quickset Hedges on every Side of the Allotments where such Sheep and Lambs shall be kept; and if any such Person shall neglect to fence and effectually guard such Quickset Hedges as aforesaid, the Person or Persons who shall sustain any Injury or Damage from such Neglect may bring his or their Action or Actions at Law for the Damages actually sustained, or may apply to some Justice of the Peace for the said County of *Cumberland*, not interested in the Premises, who shall examine thereinto in a summary Way, and by his Order in Writing adjudge what Sum of Money shall be paid in Recompence and Satisfaction for such Damage, and in case the same shall not be paid within the Time by such Order to be directed and appointed, the same shall be levied by Distress and Sale of the Defaulter's Goods, for which Purpose the said Justice is hereby authorized and required to grant his Warrant.

No Sheep or Lambs to be kept on the Allotments for Five Years after Award executed, except in certain Cases.

XXIV. And be it further enacted, That all Allotments to be made of the said Commons and Waste Lands shall be and become Estates of Free-

Allotments on the Commons to be freehold.

hold in the several and respective Persons, Bodies Politic and Corporate, to or for whom the same shall be set out, allotted, and assigned respectively as aforesaid, but subject and without Prejudice to the Rights of the Lords of the said Manor for the Time being hereby reserved to him and them.

Owners may sell their Allotments prior to the Execution of the Award.

XXV. And be it further enacted, That it shall be lawful for any Person or Persons who shall or may be entitled to any Allotment or Allotments in or upon the said Commons or Waste Lands by virtue of this Act, or who shall be Owners or Proprietors of any Common Right or other Right upon the said Commons or Waste Lands, to give, grant, bargain, sell, demise, mortgage, limit, convey, and dispose of the same for all or any Part of his, her, or their Estate or Interest therein or Right thereto, either separate and distinct from or along with any Estate in Right of which he or she is entitled to the same, at any Time before the Execution of the Award of the said Commissioners, and every such Gift, Grant, Bargain, Sale, Demise, Mortgage, Limitation, Conveyance, and Disposition thereof, shall be of the same Force and Validity as if the same were 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 each such Allotment so sold or disposed of, or set out in lieu of any Common Right, or other Right so sold or disposed of, on its being satisfactorily proved to the said Commissioners that such Sale or Disposition shall have been really and *bonâ fide* made and completed to the Purchaser or Purchasers thereof, or other Person or Persons entitled to the same by virtue of any such Sale or Disposition; and if any Person or Persons shall at any Time before the Execution of the said Award have sold or agreed to sell his or their Right, Interest, and Property in over or upon the said Commons and Waste Lands, to any other Person or Persons, the said Commissioners are hereby authorized and required to make an Allotment of Land unto the Purchaser under every such Sale or Agreement, or to his, her or their Heirs or Assigns, as convenient to any other Allotment or Estate of such Purchaser as reasonably may be, for or in respect of such Right, Interest, and Property so sold or agreed to be sold as aforesaid; and every such Purchaser, his Heirs or Assigns, shall and may from and after the Execution of the said Award hold and enjoy the said Land so to be allotted to him or them as aforesaid, in the same Manner to all Intents and Purposes as the Vendor in every such Sale or Agreement might or could have held and enjoyed the same in case such Sale had not been made.

How Allotments in case of such Sale are to be disposed of.

Power to enfranchise the Customary Tenements for Common.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award to the said *John Christian Curwen*, as Lord of the Manor of *Workington*, so much of the said Commons and Waste Lands as shall in the Judgment of the said Commissioners be deemed equivalent to and be a full Recompence and Satisfaction for and in lieu of and exchange for the enfranchising any Copyhold or Customary Messuages, Lands, Tenements or Hereditaments, Parcel or reputed Parcel of the said Manor of *Workington*, and for the Rents, Fines, Dues, Duties and Services due from the same, so as that the said Customary Messuages, Lands, Tenements and Hereditaments so to be enfranchised, shall be held as Freehold Lands, freed and discharged of and from all and all Manner of Yearly and other Payments, Copyhold or Customary Rents, Fines, Dues,

Dues, Duties and Services or Customs whatsoever due or to become due to the Lord or Lords of the said Manor for or in respect of such Customary or Copyhold Messuage or Messuages, Lands, Tenements or Hereditaments, which shall be so enfranchised as aforesaid, saving, excepting, and reserving to the said *John Christian Curwen*, and the Lord or Lords of the said Manor for the Time being, all Mines of Coal, Lead, Copper, Tin, Iron, and all other Mines, Minerals, Ores, Stones, Fossils and Quarries of what Nature or Kind soever, with full Power of searching for, winning and working the same, and also for taking, leading, and carrying away the same, and also all Suits of Court, fishing, hunting, hawking and fowling, and all Beasts and Birds considered as Game, in, over and upon the several Estates so to be enfranchised, and also all other Royalties, Liberties, Privileges, Franchises and Appurtenances whatsoever, Powers, Privileges and Authorities to do or execute any necessary Acts or Things for all, or any of the Purposes aforesaid, in the same and as ample a Manner to all Intents and Purposes as they are now held, used, taken and enjoyed, or have been heretofore held, used, taken and enjoyed by the present or any former Lord or Lords of the said Manor, as he, she, or they, or any of them might or could have held, used, exercised and enjoyed the same, had such Enfranchisement or Enfranchisements, or this Act, never been made; provided that the said Allotment or Allotments to be made to the said *John Christian Curwen* as Lord of the Manor as aforesaid, on account of the said Enfranchisement, shall be taken out of and deducted from the several Shares or Allotments which the respective Proprietors of the said Customary or Copyhold Messuages, Lands, Tenements and Hereditaments would be entitled to in a due and fair Proportion, according to the Value of the Rents, Fines, Dues, Duties, Services, and other the Claims of the said *John Christian Curwen*, as Lord of the Manor aforesaid, so to be Enfranchised, such Value to be ascertained as is usual in such Cases, so that each Person's Allotment shall be less and abate in the Proportion before-mentioned, in order to make up the several Allotments to the said *John Christian Curwen* as aforesaid; provided also, that before any such Allotment or Allotments respectively shall be made by the said Commissioners as aforesaid, the said *John Christian Curwen*, or the Lord of the said Manor for the Time being, and the respective Proprietor or Proprietors in Possession, his, her, or their Guardian or Guardians of each respective Customary or Copyhold Messuage, Lands, Tenements and Hereditaments, shall signify his, her, or their Consent and Approbation in Writing that such Allotment or Allotments respectively shall be set out, allotted and appointed in lieu of or in exchange for such Enfranchisement as aforesaid.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the Townships of *Workington* and *Winstonscales*, and Manor of *Workington* aforesaid, or any or either of them in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments whatsoever within the said Townships or Manor, or within any adjoining Parish, Manor, Township, Division, Hamlet, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners,

Allowing Exchanges to be made.

[*Loc. & Per.*]

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Proprietor

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 any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females 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, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, shall be made without the Consent, 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 be situate: Provided always, that all Costs, Charges, and Expences attending the making and completing any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall by their said Award order and direct; and that the said Proprietors, their Attornies or Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act.

Costs of Exchanges and Partitions how to be made.

Proprietors Expences at Meetings to be paid by them.

Leases at Rack Rent to be void as to the Common.

XXVIII. 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 Lands by virtue of this Act and the said recited Act intended to be divided and inclosed or exchanged, shall cease, determine, and be void as to such Commons and Waste Lands, on such respective Days and Times as the said Commissioners shall 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 and Waste Lands, or relating thereto: Provided also, that if there shall be any Lease of Lands, Part of which shall lie in the said Townships of *Winstates* and *Workington*, or either of them, and Part in any adjoining Parish or Township, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated, but where any Land shall have been taken in Exchange, which Land shall be under Lease, and situate in an adjoining Parish or Township, the Lease of such last-mentioned Land shall not be vacated.

In case the Money raised by Sale of Common, be not sufficient to pay the Expences, the Deficiency to be made good by Assessment,

XXIX. And be it further enacted, That in case the said Purchase Money to arise by Sale of the Land, Part of the said Commons and Waste Lands hereinbefore directed to be set out and sold, shall not be sufficient to answer and pay the General Expences of this Act as hereinbefore mentioned, then

the Residue of such Expences shall be paid and defrayed by the respective Persons who shall have Allotments on the said Commons and Waste Lands set out or allotted to them respectively, according to an Assessment or Assessments to be made upon them respectively by the said Commissioners for that Purpose, in proportion to the Values whereby the said Commons and Waste Lands shall be so respectively allotted to them; and that all the Sums of Money charged and made payable by such Assessments respectively, or any of them, shall and may be raised, levied, or recovered by the said Commissioners in the same Manner, and with such Remedies by Distress, and by Sale of such Distress, and with such Interest, Costs, and Charges, and as fully and completely in every Respect as is directed for levying Charges and Expences attending Inclosures, and obtaining Inclosure Acts, and carrying the same into Execution in or by the said recited Act.

XXX. And be it further enacted, That in case any Money shall be advanced or paid by any Person or Persons for defraying any of the Expences of soliciting, applying for, obtaining or passing this Act, or in or about the Execution of any of the Powers or Authorities given hereby, or by the said recited Act, or the carrying the Division or Inclosure of the said Commons and Waste Lands into effect, or in any Manner relative thereto, the said Money shall be repaid with lawful Interest out of the first Money to be raised by the said Commissioners in pursuance of this Act.

For paying  
Interest on  
Money ad-  
vanced.

XXXI. And be it further enacted, That Once at least in 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 Monies by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before *William Hoodless*, of *Workington* in the said County of *Cumberland*, Gentleman, who is hereby appointed Auditor of the said Commissioners Accounts, or otherwise before one of his Majesty's Justices of the Peace for the said County of *Cumberland*, not interested in the said Division and Inclosure, to be by them or one of them examined and balanced, and such Balance shall be by such Auditor or 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 Auditor or Justice.

Commission-  
ers to lay their  
Accounts be-  
fore a Justice  
Once in every  
Year.

XXXII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act or the said recited Act, other than and except such Determinations as are by this Act or the said recited Act declared to be binding, final, and conclusive, and except in such Cases where an Issue at Law shall be tried as hereinbefore mentioned, then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Cumberland* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, or any one of them, and to the Party or Parties concerned, Fourteen Days Notice in writing of such Appeal and the Matter thereof, and the Justices not interested in the Premises, in such

Allowing an  
Appeal to the  
Quarter  
Sessions.

Sessions

Sessions assembled, are hereby required to hear and determine the Matter of any such Appeal, and to make such Order therein, and to award such Costs, and Damages, as to them shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties made liable to pay the same, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; and in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall and they are hereby required to award such Costs to be paid by the Appellant or Appellants as to them shall seem reasonable, and which Costs shall be levied in Manner aforesaid; provided that the said Justices in their said General Quarter Sessions shall not by any Order or Orders on any such Appeal, alter, impeach, prejudice, or disturb any Allotment or Allotments which shall have been before sold or conveyed by the said Commissioners under the Authority of this or the said recited Act, or the Allotment or Allotments of any Person or Persons to whom such Notice of Appeal as is hereinbefore mentioned shall not have been previously given.

Not to prejudice the Lord's Rights.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed or adjudged to defeat, lessen, or prejudice the Right, Title, or Interest of the Lord of the said Manor for the Time being, of, in, or to the Seignories or Royalties, Franchises, and Liberties incident and belonging to the said Manor, but the Lord of the said Manor for the Time being shall at all Times for ever hereafter have, hold, take, and enjoy all Rents, Fines, Suits, and Services, fishing, hunting, hawking, and fowling, and all Beasts and Birds considered as Game, and all other Royalties, Liberties, Privileges, Franchises, Jurisdictions, and Appurtenances whatsoever (except such as are expressly taken away by this Act), in the same and as ample a Manner to all Intents and Purposes as they are now held, taken, and enjoyed, or have been heretofore held, used, taken and enjoyed by the present or any former Lord or Lords of the said Manor, or as he or they or any of them might or could have held, used, exercised, and enjoyed the same, had this Act or the said recited Act not been made.

Reserving, Mines &c. and Power to win them.

XXXIV. Provided also, and be it further enacted, That, notwithstanding the Division and Inclosure hereby authorized to be made, the Lord of the said Manor for the Time being shall for ever hereafter be deemed and taken to be Owner or Owners of all the Mines of Coal, Lead, Copper, Tin, Iron, and all other Mines, Minerals, Ores, Stones, Fossils, and Quarries of what Nature or Kind soever within or under the several and respective Parts of the said Commons or Waste Lands hereby intended to be divided and inclosed as aforesaid, as well those not opened as those already opened, and shall have full Power and authority of searching for, winning, and working the same; and also full Power and Authority to use and exercise all convenient Ways, Wayleaves, and Liberties of laying, making, and repairing Waggonways or other Ways in, over, and along  
the



the said Commons and Waste Lands, and the several Allotments thereof for the searching for, winning, and working the said Mines, Minerals, and Quarries; and also for the taking, leading, and carrying away, as well the Coal, Lead, Copper, Tin, Iron, or other Metals, Mines and Minerals, Stones, Slates, Clay, and Fossils to be gotten in or under the said Commons and Waste Lands, or to be gotten in, under or within the said Manor of *Workington*, or any Part thereof respectively, or either of them, and of making Pits, Shafts, Pit-rooms, Heap-rooms, Drifts, Levels, and Water-courses, and erecting and using Fire Engines and other Engines, and all other Matters and Things now in use or hereafter to be invented for the working, winning, taking, and leading, carrying away, and other Purposes aforesaid, or any of them, in, upon, through, over, or along the said Commons and Waste Lands, and the respective Allotments thereof, and all other Powers, Privileges, and Authorities to do or execute any necessary Acts or Things, for all or any of the Purposes aforesaid, in and over the same, in such and the like Manner as if this Act had not been made.

XXXV. And be it further enacted, That if at any Time after the said Division and Inclosure shall have been made by virtue of this Act, the said *John Christian Curwen*, or any Owner or Owners of the said Coal, Lead, Copper, Tin, or other Metal, Ores, Mines, or Minerals, Stone, Slate, Clay, or Fossils, or their Lessees, Farmers, or Tenants, Servants, or Workmen respectively, shall enter upon or make Use of any Allotment or Allotments of the said Commons and Waste Lands by this Act directed to be inclosed for the Purposes of winning and procuring or getting the said Coal, Lead, Copper, Tin, Iron, or other Metal, Ores, Mines, or Minerals, Stones, Slate, Clay, or Fossils, or other Royalties, or for laying or storing the same when got, or the Rubbish or other Produce of the said Mines or Works, or for erecting Fire-Engines or other Engines and Buildings, or for laying or continuing any Waggonways or other Ways, or Roads, or making any other Works above Ground for the Purposes or for using or exercising any Power or Authority above Ground hereby given, saved, and reserved to the said Lord of the said Manor for the Time being, or their Lessees, Farmers, or Tenants respectively, in or about working, winning, digging, raising, or carrying away the said Coal, Lead, Tin, Copper, Metals, Ores, Mines, or Minerals, Stones, Slates, Clay, or Fossils, or otherwise relative thereto, or in the same Manor of *Workington*, the said Lord or Lords for the Time being, or his or their Lessees or Tenants respectively, shall make Satisfaction for any Damage or Injury which shall or may be done in the working, winning, digging, raising, or carrying away the said Coal, Lead, Tin, Copper, Metals, Ores, Mines or Minerals, Stones, Slates, Clay, or Fossils, to the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, sustaining such Damage or Injury.

For Settling  
Damages.

XXXVI. Provided always, and be it further enacted, That it shall be lawful for the respective Owners of Allotments of the said Commons and Waste Lands to dig for and get Freestone, Limestone and Clay in their respective Allotments, and to apply the same for the Purposes of improving their respective Messuages, Buildings, Walls, Fences, or Lands within the said Manor of *Workington*, or erecting new Buildings, Walls or Fences thereon, and to make Bricks and Tiles of the said Clay for the Purposes aforesaid, but not to use the said Freestone, Limestone and Clay elsewhere

Empowering  
Owners of  
Allotments to  
use certain  
Materials for  
improving  
their Estates.

[*Loc. & Per.*]

X \*

or

or on any other Lands than within the said Manor and Townships, or to make any Sale, Gift, Exchange, or other Disposition thereof whatsoever than as aforesaid, but so as that the taking or raising of such Freestone, Limestone, and Clay for the Purposes aforesaid, do in no wise prejudice Mines or Works that now are or hereafter shall be wrought or carried on by the Lords of the said Manor for the Time being, or their Lessees, Servants or Workmen, in or upon any Part of the said Commons and Waste Lands to be inclosed by virtue of this Act.

General  
Savings.

XXXVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, and Body and Bodies Politic, Corporate and Collegiate, and his, her, and their Heirs, Successors, Executors and Administrators (except the several Persons, and Body or Bodies Politic, Corporate or Collegiate, to whom any Allotments shall be made by virtue and in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed and extinguished, and all Persons respectively claiming under them, or in Remainder after them,) all such Right, Estate, Title and Interest, as they, every or any of them could or ought to have had and enjoyed of, in, to or in Respect of the Lands hereby directed to be divided and allotted in case this Act had not been passed.

Publick Act.

XXXVIII And be it further enacted, That this Act shall be printed by the Printer to the King's Most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1809.