



ANNO TRICESIMO NONO

# GEORGI II. REGIS.

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## *Cap. 57.*

An Act for dividing, allotting, and inclosing a certain Tract or Parcel of Common, Waste, and Marsh Grounds, called *Thornton Marsh*, within the several Parishes of *Poulton* and *Bispham* in the County Palatine of *Lancaster*. [13th June 1799.]

**W**HEREAS there is within and Parcel of the several Manors or Lordships of *Thornton*, *Little Bispham with Norbreck*, and *Great Carleton*, in the several Parishes of *Poulton* and *Bispham* in the County Palatine of *Lancaster*, a certain Tract or Parcel of Common, Waste, and Marsh Grounds, usually called or known by the Name of *Thornton Marsh*, containing, by Estimation, Eight hundred Statute Acres or thereabouts, situate within the several Townships, Vills, Hamlets, or Divisions of *Thornton*, *Little Bispham with Norbreck*, and *Great Carleton*, within the said several Parishes of *Poulton* and *Bispham*, and bounded by the Strand or Sea Shore, and by the ancient inclosed Grounds of the said several Townships, Vills, Hamlets, or Divisions of *Thornton*, *Little Bispham with Norbreck*, and *Great Carleton*, and of *Great Bispham*, within the Parish of *Bispham* aforesaid: And whereas *Bold Fleetwood Hesketh* Esquire is or claims to be Lord or Owner of the said Manor or Lordship or reputed Manor or Lordship of *Thornton*, and also is or claims to be Lord or Owner of the said Manor or Lordship or reputed Manor or Lordship of *Little Bispham with Norbreck*, and as such is or claims to be seised of or entitled unto the Soil and Inheritance and Royalties of and within such Part of the said Common, Waste, and Marsh Grounds as is situate within and

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Parcel of the said Manors or Lordships or reputed Manors or Lordships of *Thornton* and *Little Bispham with Norbreck* respectively; and *Thomas Weld* Esquire is Lord of the said Manor or Lordship of *Great Carleton*, and as such is seised of or entitled unto the Soil and Inheritance and Royalties of and within such Part of the said Common, Waste, and Marsh Grounds as is situate within and Parcel of the said Manor or Lordship of *Great Carleton*: And whereas the said *Bold Fleetwood Hesketh*, *Thomas Weld*, and also *Thomas Patten* Esquire, and several other Persons, are the Owners and Proprietors of divers ancient Messuages, Lands, Tenements, and other Hereditaments within all or some of the said several Townships, Vills, Hamlets, or Divisions of *Thornton*, *Little Bispham with Norbreck*, and *Great Carleton*, and in respect thereof, or otherwise, are entitled to Right of Common or Pasturage in, upon, and over such respective Parts of the said Common, Waste, and Marsh Grounds as are situate within the respective Precincts of the same Townships, Vills, Hamlets, or Divisions wherein such Messuages, Lands, Tenements, and Hereditaments are respectively situate: And whereas the whole of the said Tract of Common, Waste, and Marsh Grounds is intercommoned and depastured with the Cattle of the several Occupiers of Lands within the said respective Townships, Vills, Hamlets, or Divisions of *Thornton*, *Little Bispham with Norbreck*, and *Great Carleton* promiscuously, and being unstinted and greatly overstocked, and at present in a very rude and uncultivated State, yields very little Profit; but the same might be greatly improved if divided and inclosed, and specific Parts thereof were allotted to the several Persons interested therein in proportion to their respective Rights and Interests; but as such Division, Allotment, and Inclosure cannot be carried into effect and established without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Ingleby* of *Austwick* in the County of *York*, *Robert Ball* of *Dalphinglee* in the said County Palatine of *Lancaster*, and *John Gardner* of *Crook Ends* in the said County Palatine of *Lancaster*, Gentlemen, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Tract of Common, Waste, and Marsh Grounds called *Thornton Marsh*, or by whatsoever other Name or Names called, known, or distinguished, and for putting this Act in execution, subject to the Rules, Orders, and Directions herein-after mentioned.

Commissioners appointed.

Appointment of new Commissioners in case of Death, Refusal, or Incapacity.

II. And be it further enacted, That when and so often as any of the said Commissioners herein-before named, or to be appointed as herein-after mentioned, shall die, refuse to act, or become incapable of acting, before the finishing or completing of the said Division and Inclosure, or before making such Award as herein-after is directed, then and in every such Case the surviving or remaining Commissioners or Commissioner are and is hereby authorized and required from Time to Time, by Writing under their or his Hands or Hand, within Thirty Days next after such Death, Refusal to act, or Incapacity shall happen or be known, or as soon after as Occasion shall require, to nominate another Commissioner, not interested in the said intended Inclosure, in the Stead and Place of every



every Commissioner dying, refusing to act, or becoming incapable of acting as aforesaid; and in case the surviving or remaining Commissioners or Commissioner shall neglect or refuse to nominate and appoint such new Commissioner as aforesaid in the Place or Stead of any Commissioner so dying, refusing to act, or becoming incapable of acting, for the Space of Two Calendar Months next after any such Commissioner shall die, refuse to act, or become incapable of acting, or in case there shall at any Time be a total Want of Commissioners by reason of any such Death, Refusal to act, or becoming incapable of acting as aforesaid, then and in every such Case a new Commissioner or Commissioners, not interested in the said intended Division and Inclosure, shall be from Time to Time appointed in the Place and Stead of every Commissioner so dying, refusing to act, or becoming incapable of acting as aforesaid, by a Majority in Value, to be ascertained by the Land Tax Assessment, of such Land Owners, Proprietors, and Persons entitled as aforesaid, who shall in Person, or by their respective Agents, Attornies, or Proxies, appear at any public Meeting or Meetings to be from Time to Time convened for that Purpose by the surviving or remaining Commissioners or Commissioner, or by the Person or Persons acting as Clerk or Clerks, Solicitor or Solicitors, for the Purposes of this Act, at the Time or respective Times when such Event or Events shall take place; and it is hereby declared, that such public Meeting may and shall, when and as often as Occasion shall require, be convened by Notice in Writing, specifying the Time and Place, together with the Cause and Purport of such Meeting, and published Ten Days at the least previous to holding the same in such Manner as herein-after is prescribed with respect to the Notices for Meetings by the said Commissioners; and that when and as often as any Appointment of any new or other Commissioner or Commissioners shall be made upon any of the Events or by either of the Modes aforesaid, the Commissioner or Commissioners so as aforesaid to be appointed shall have such and the like Powers and Authorities for putting this Act in execution as if he or they had been originally a Commissioner or Commissioners appointed by Name in or by this Act.

III. And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered, when and as to them shall seem meet, to appoint any competent Person or Persons to be a Surveyor or Surveyors for the Purposes of the said intended Division and Inclosure, or to be an Assistant or Assistants to them the said Commissioners in executing the several Powers and Authorities in them vested by this Act, and from Time to Time to displace and remove any such Person or Persons so to be appointed, and any other competent Person or Persons to appoint in the Room, Place, and Stead of any such Surveyor or Surveyors, Assistant or Assistants, so to be displaced or removed, and to pay, satisfy, and discharge to each and every such Surveyor and Assistant so to be appointed as aforesaid, from and out of the Fund to be provided for the Purposes of this Act, all such Remuneration for Labour, Recompence for Skill, and incidental Expences, as to the said Commissioners, or any Two of them, shall appear just and reasonable.

Commissioners may appoint Surveyors and Assistants.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting in the Execution of this Act as a Commissioner, (except only as to administering the Oath or Affirmation herein-after mentioned,

Commissioners and Surveyors to take and subscribe an Oath or



Affirmation  
before they  
act.

mentioned, and of giving Notice of the First Meeting of the said Commissioners,) or as a Surveyor, until he shall have taken and subscribed the following Oath, or (being one of the People called *Quakers*) a solemn Affirmation to the same Effect :

Oath.

‘ I DO swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Trusts, Powers, and Authorities reposed in me as a Commissioner [or Surveyor, as the Case may be,] by virtue of an Act for dividing, allotting, and inclosing a certain Tract or Parcel of Common, Waste, and Marsh Grounds, called *Thornton Marsh*, within the several Parishes of *Poulton* and *Bispham* in the County Palatine of *Lancaster*.  
‘ So help me GOD.’

Which Oath or Affirmation it shall be lawful for any One of the said Commissioners herein-before named, or any other Commissioner hereafter to be appointed, to administer, and it is hereby required that One of the said Commissioners shall administer the same to the others or other of them, and to each and every Surveyor so to be appointed as aforesaid; and that each Oath and Affirmation so taken and subscribed shall be annexed to and deposited with the General Award of the said Commissioners herein-after mentioned.

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missioners.

V. And be it further enacted, That the said Commissioners or any Two of them may and they are hereby required to cause Notice in Writing under their Hands to be affixed on the principal outer Doors of the several Parish Churches of *Poulton* and *Bispham* aforesaid of the respective Times and Places of holding the First, Second, and Third public Meetings for the Purpose of putting in execution the several Powers vested in them by this Act, upon some *Sunday* or *Sundays*, being Ten Days at the least next before such Meetings respectively, each of which Meetings shall be held at some Place within the said Parishes of *Poulton* and *Bispham*, or the one of them, (at the Option of the said Commissioners or any Two of them,) and that the said Commissioners or any Two of them may and shall, after their said Third Meeting, from Time to Time appoint such Time and Place for every subsequent Meeting as they shall think proper, causing Notice in Writing under their Hands to be affixed on the said principal outer Doors of the said several Parish Churches of *Poulton* and *Bispham* aforesaid Ten Days at least before every such subsequent Meeting; and the said Commissioners or any Two of them shall have full Power and Authority (if they shall think it convenient) to continue any of their said Meetings by Adjournment, without giving any Notice of any such Meeting by Adjournment; and that if at any Meeting appointed to be holden by the said Commissioners, either by such Notice as aforesaid, or by Adjournment, it shall happen that no more than One of the said Commissioners shall attend, such Commissioner so attending may adjourn such Meeting to such Time and to such Place within the said several Parishes of *Poulton* and *Bispham* as he shall think most convenient, not exceeding Ten Days from the Time of making such Adjournment.

Perambula-  
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daries.

VI. And be it further enacted, That for the better ascertaining and more correctly fixing the Extent and Boundaries of the said Tract of Common, Waste, and Marsh Grounds so intended to be divided, allotted,

ted, and inclosed as aforesaid, and also of such Parts thereof respectively as are situate within and Parcel of the said several Manors, Lordships, Townships, Vills, Hamlets, or Divisions of *Thornton, Little Bisham with Norbreck, and Great Carleton* respectively, the said Commissioners, or any Two of them, may and shall publicly and openly ride round or perambulate the said Boundaries respectively, on some convenient Day or Days to be by them for that Purpose appointed at their First public Meeting, and intervening before their Second public Meeting to be holden in pursuance of this Act, and of which Appointment Notice in Writing, specifying the Day, Hour, and Place of beginning such respective Perambulation, shall, Ten Days at least previous thereto, be affixed to the principal outer Doors of the said several Parish Churches of *Poulton and Bisham* respectively; and that when and so soon as by the Means aforesaid, or by the Examination of Witnesses upon Oath or Affirmation, if deemed necessary or expedient, (which Oath or Affirmation any One of the said Commissioners is hereby authorized and empowered to administer,) or by any other lawful Ways or Means, the said Boundaries shall have been ascertained to the Satisfaction of the said Commissioners or any Two of them, they the said Commissioners, or any Two of them, shall cause the same to be meered, marked, staked, or set out in such Manner as to them shall seem meet, whereupon all and every Person or Persons who may be dissatisfied with what shall be so done by the said Commissioners, and shall make or have any Claims or Claim which may affect the said Boundaries or any of them, are and is hereby required personally, or by his, her, or their Steward or Stewards, Agent or Agents, to give and deliver to the said Commissioners, before or at the said Second public Meeting, a minute and particular Account in Writing of the Nature and Extent of such Claim or Claims, and how derived or founded, each of which said Accounts shall at all seasonable Times, until the said Third public Meeting, be open to the Inspection and Perusal of any Person or Persons interested in the said Boundaries, or having or claiming any Right of Soil or Right of Common in or upon the said Common, Waste, and Marsh Grounds, or any Part thereof, or of any other Person or Persons acting in his, her, or their Behalf; and if any such Claim, being persisted in, shall, by Writing to be delivered to the said Commissioners, or any Two of them, at the said Second or Third public Meeting, be objected to by or on the Part of any Person or Persons interested in the said Boundaries, or in the said Common, Waste, and Marsh Grounds, or any Part thereof, such Claims and Objections thereto respectively may and shall, with the Consent and Approbation in Writing of the respective Persons making the same, but not otherwise, be referred to the Judgment and final Determination of the said Commissioners or any Two of them; or if no such Consent and Approbation as aforesaid shall have been given, it shall be lawful for each Person urging and persisting in any such Claim or Claims, or objecting thereto as aforesaid, to have the Matter thereof tried at Law, by an Action to be brought by such Claimant or Claimants in His Majesty's Courts of King's Bench at *Westminster*, or Common Pleas at *Lancaster*, against the Party or Parties objecting thereto, within Six Calendar Months next after such Third public Meeting of the said Commissioners, upon a feigned Issue, to be settled by the proper Officer of such Court in case the Parties shall differ about the same, to which Action or Actions the Defendant or Defendants shall and is and are hereby re-

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quired to appear and plead to Issue; and each Party shall so proceed therein as to have the same tried and determined at the First or Second Assizes to be holden at *Lancaster* in and for the said County Palatine of *Lancaster* next after the said Third public Meeting; and that the Costs and Charges of defending of every such Action shall be borne and defrayed either by the Plaintiff or Plaintiffs or the Defendant or Defendants therein respectively, or out of the Monies to be raised for the Purposes of this Act, as to the said Commissioners, or any Two of them, shall appear just and reasonable, and as they, or any Two of them, shall by Writing under their Hands in that Behalf order, direct, or appoint; and if no such Claim shall be made within the Time and in the Manner aforesaid, or if, after making any such Claim, no such Reference as aforesaid shall take place, and if no such Action as aforesaid shall be brought, or being brought, if, through the Neglect or Default of the Plaintiff or Plaintiffs therein, the same shall not be proceeded in as aforesaid, then and in every or any such Case as aforesaid the Boundaries which shall have been so meered, marked, staked, or set out by the said Commissioners, or any Two of them, as herein-before directed, shall be and shall be deemed and considered to be established and confirmed, and shall remain final, binding, and conclusive upon all Persons whomsoever, to all Intents and Purposes whatsoever.

Claims to be made at the First or Second Meeting, and Disputes respecting the same to be determined by the Commissioners.

VII. And be it further enacted, That all Persons, and Bodies Politic and Corporate, having or claiming to have any Right of Common, or other Right or Interest, into, upon, or out of the said Common, Waste, and Marsh Grounds, or any Part thereof, may and are hereby required, by themselves, their Stewards or Agents respectively, to give and deliver to the said Commissioners, or any Two of them, at the said First or Second public Meeting, a full, true, and just Account in Writing of their respective Claims, and of the Messuages, Lands, Tenements, and Hereditaments, or other Title, in respect whereof such Claim or Claims shall be so made, and also of such other Right or Interest as they respectively have or claim to be entitled to in, upon, or out of the said Common, Waste, and Marsh Grounds, or any Part thereof, and shall also at the same Time deliver unto the said Commissioners, or any Two of them, a Survey of the Estates and Hereditaments in respect whereof such Claim or Claims of Right of Common shall be so made as aforesaid, and in default thereof the said Commissioners, or any Two of them, may order and procure such Survey to be made at the Expence of the Person or Persons so neglecting or refusing to deliver in the same; and all and every Person and Persons, Bodies Politic or Corporate, respectively neglecting or refusing so to give and deliver, or cause to be given and delivered, such Claim to the said Commissioners or any Two of them as aforesaid, shall be and is and are hereby excluded and totally debarred of and from all Right and Title of, in, to, upon, or out of the said Common, Waste, and Marsh Grounds so to be inclosed as aforesaid, and every or any Part thereof, and of and from any Share or Allotment thereof respectively upon the said Division; and no Claim of Right of Common, or other Right or Interest, in, to, or upon the said Tract or Parcel of Common, Waste, and Marsh Grounds, or any Part thereof, shall be received or allowed, save such as shall be given and delivered as aforesaid at the First or Second public Meeting, unless the said Commissioners, or any Two of them, shall see good Reason for prolonging the Time for receiving



receiving any such Claim, and which they are hereby authorized to do, if it shall appear expedient; and that all Claims of such Right of Common and other Right or Interest which shall be so given and delivered in Writing to the said Commissioners or any Two of them as aforesaid, and to which no Objection shall be made at the said First, Second, or Third public Meeting, shall be allowed final and conclusive to all Bodies Politic and Corporate, and all Persons whomsoever; but if any such Claim shall at the said First, Second, or Third public Meeting be objected to by any Body Politic or Corporate, or any Three or more of the Persons having or claiming any Right of Common or other Right upon the said Common, Waste, and Marsh Grounds, or any Part thereof, by themselves, or their Stewards or Agents respectively, by Writing under his, her, or their Hand or Hands, specifying and setting forth the Causes or Reasons of such Objection, to be given and delivered to the said Commissioners, or any Two of them, at the said First, Second, or Third public Meeting, and the Person or Persons, Bodies Politic or Corporate, making such Claim, shall at such Third public Meeting persist therein, then and in every such Case it shall be lawful for the said Commissioners, or any Two of them, and they are hereby authorized and required, to examine Witnesses upon Oath, or, being of the People called *Quakers*, upon their solemn Affirmation, (which Oath or Affirmation the said Commissioners, or any One of them, are and is hereby empowered to administer,) and upon other Proof, and sufficient Inquiry and Evidence, to hear, adjust, and determine such Claim or Claims respectively; and in case the Party or Parties making any such Claim, or the Person or Persons objecting thereto, shall be dissatisfied with such Determination, and shall, by Writing under his, her, or their Hand or Hands, signify the same to the said Commissioners, or any Two of them, within Fourteen Days after such Determination shall be made, it shall be lawful for the Person or Persons so dissatisfied with such Determination to have the Matter of such Claim and Objection in respect of which such Determination shall be made tried at Law by an Action to be brought by him, her, or them against any Person or Persons claiming to be interested in the said Common, Waste, and Marsh Grounds, or any Part thereof, upon a feigned Issue, to be settled by the proper Officers of the Court where such Action shall be brought in case the Parties differ about the same, such Action to be brought within Three Calendar Months next after such Determination shall have been made; and the Defendant or Defendants in such Action shall and is and are hereby required to appear to such Action, accept a Declaration, and plead to Issue, and the Plaintiff or Plaintiffs shall thereupon proceed in such Action so as to have the same finally tried and determined at the First or Second Assizes to be holden in and for the said County Palatine of *Lancaster* next after the Commencement of such Action; and the Costs and Charges of any such Action shall be borne and paid either by the Plaintiff or Plaintiffs, Defendant or Defendants, in such Action, or by all or such of the Persons interested in the said Common, Waste, and Marsh Grounds, in such Shares and Proportions as the said Commissioners, or any Two of them, shall direct or appoint; but no such Action or Trial shall in anywise obstruct or hinder the Execution of this Act: Provided always, that all such Determinations of the said Commissioners, or any Two of them, as aforesaid, which shall not be objected to, or being objected to, and the Party or Parties objecting not causing such Action at



Law to be brought and proceeded in as aforesaid, shall be final, binding, and conclusive upon all Parties.

For determining Claims as to the Manor of Little Bisham with Norbreck.

VIII. Provided always, and be it further enacted, That in case any Claim or Claims shall be made as aforesaid by the said *Bold Fleetwood Hesketh*, his Heirs or Assigns, in right of the said Manor or Lordship or reputed Manor or Lordship of *Thornton*, or of the said Manor or Lordship or reputed Manor or Lordship of *Little Bisham with Norbreck*, or as Owner or Owners of the Soil of the Wastes of either of the said Manors or Lordships or reputed Manors or Lordships respectively, and such Claim or Claims shall be objected to as aforesaid, the same shall not be referred to the Decision of the said Commissioners, but shall be tried in One or more Action or Actions at Law, upon One or more feigned Issue or Issues, to be settled as aforesaid; in which Action or Actions the Claimant or Claimants shall be Plaintiff or Plaintiffs, and the Person or Persons objecting to such Claim or Claims, or some or One of them, shall be Defendant or Defendants; which Action or Actions shall be brought in His Majesty's Court of King's Bench at *Westminster*, or Common Pleas at *Lancaster*, and shall be tried at the First or Second Assizes to be holden for the said County of *Lancaster* next after such Claim or Claims shall be so objected to as aforesaid, in such and the same Manner, and subject to the same Rules and Directions, as are herein-before provided respecting Actions upon feigned Issues in case of Parties being dissatisfied with the Determination of the Commissioners as herein-before mentioned; and the Determination of such Action or Actions shall be final and conclusive as to such Claim or Claims; but in case no such Objection or Objections shall be made as aforesaid, or being made the same shall be withdrawn by the Party or Parties making the same, and Notice thereof given to the said Commissioners, or any Two of them, in Writing under the Hand or Hands of the Party or Parties who shall have so objected, or of his, her, or their respective Steward or Agent or Stewards or Agents, before any Trial of such Action or Actions shall have been had, in either of the said Cases the Claim or Claims of the said *Bold Fleetwood Hesketh*, his Heirs or Assigns, as such Lord or Lords of the said Manors or Lordships or reputed Manors or Lordships of *Thornton* and *Little Bisham with Norbreck* respectively, or as Owner or Owners of the Soil of the Wastes thereof, shall be allowed and finally established; or if such Objection or Objections shall be made and persisted in, and the said *Bold Fleetwood Hesketh*, his Heirs or Assigns, shall not commence and proceed to Trial of such Action or Actions as are herein-before directed in that Behalf, then the same Claim or Claims, or so much thereof as shall be so objected to, shall be rejected and disallowed finally and conclusively.

Guardians, &c. may claim or complain.

IX. Provided always, and be it further enacted, That the Claim or Complaint of any Guardian, Husband, Committee, Trustee, or Attorney of any Person being a Minor, under Coverture, a Lunatic, or beyond the Seas, or otherwise incapable by Law to make such Claim or Complaint as aforesaid, shall be as valid and effectual as if the Person on whose Behalf any such Claim or Complaint shall be so made was capable of acting for himself or herself; any thing herein contained to the contrary notwithstanding.

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X. And be it further enacted, That the said Commissioners or any Two of them, with respect to any Claims or Objections which they are by this Act empowered to determine, shall and may, at the Request of any of the Parties interested in such Claims or Objections, or of his, her, or their Steward or Agent, by Writing under the Hands of the said Commissioners or any Two of them, summon any Witness or Witnesses to appear and give Evidence before them at such Time and Place as shall be in such Summons expressed; and if any such Witness, being duly served with such Summons, and having been paid or having had tendered a Sum of Money sufficient to bear his or her Charges of Attendance, shall neglect or refuse to appear and give Evidence in conformity to such Summons, then the said Commissioners or any Two of them, on due Proof made thereof, shall and they are hereby empowered and required, by Warrant under their Hands and Seals, to cause to be levied and raised, by Distress and Sale of the Goods and Chattels of such Person so refusing or neglecting to appear and give Evidence, any Sum of Money not exceeding Five Pounds nor less than Ten Shillings, to be applied towards defraying the Expence of carrying this Act into execution.

Power to summon and compel the Attendance of Witnesses.

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

Actions or References not to abate on Death of Parties.

XII. And be it further enacted, That in case any Person or Persons, upon Examination upon Oath, or solemn Affirmation before the said Commissioners or any Two of them, or before any Justice or Justices of the Peace acting under the Authority of this Act, as the Case shall happen, shall wilfully and corruptly give false Evidence, every such Person so offending in any of the Cases aforesaid, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such Pains and Penalties as, by any Law now in being, Persons convicted of wilful and corrupt Perjury are subject and liable to.

Penalty on Persons giving false Evidence.

XIII. And be it further enacted, That the said Commissioners or any Two of them shall make or cause to be made a true and perfect Survey and Admeasurement, in Statute Measure, and also a Map or Maps, of the said Tract or Parcel of Common, Waste, and Marsh Grounds, and (in case it shall appear to them or any Two of them necessary, but not otherwise,) a like Survey and Admeasurement of all or any of the ancient inclosed Lands within each and every or any of the Townships, Vills, Hamlets, or Divisions aforesaid, which Survey and Admeasurement, and Map or Maps, shall be prepared and laid before the said Commissioners or any Two of them as soon after the said First Meeting to be held in pursuance of this Act as may be, to be made use of by them for the Purposes of this Act.

Common to be surveyed, measured, and planned.

XIV. And be it further enacted, That the said Commissioners, and every Person and Persons to be appointed by them or any Two of them to make any such Survey, Admeasurement, or Maps as aforesaid, and his and their Assistants, may and are hereby authorized and empowered from Time to Time, as often as shall be necessary for the Purposes of this

Power to enter Lands.



Act, to enter into and upon the Lands and Grounds so to be surveyed as aforesaid, and every or any Part thereof, without any Hindrance or Molestation whatsoever.

Commissioners to inquire into Encroachments.

XV. And be it further enacted, That it shall be lawful for the said Commissioners or any Two of them to inquire and determine what Inclosures and Encroachments have been from Time to Time made upon or from the said Common, Waste, and Marsh Grounds by any Person or Persons whomsoever; and that all such Inclosures and Encroachments which have been made, taken in, held, and enjoyed for Twenty Years and upwards next before the passing of this Act, without Interruption, shall, after the passing of this Act, be absolutely vested in the Person or Persons holding the same, in such Manner as they have hitherto enjoyed such Inclosures or Encroachments respectively; but that all such Inclosures and Encroachments as shall have been made upon or from the said Common, Waste, and Marsh Grounds within Twenty Years last past by any Land Owner or Land Owners within the said several Townships, Vills, Hamlets, or Divisions of *Thornton*, *Little Bispham with Norbreck*, and *Great Carleton*, or any of them respectively, shall be allotted to him, her, or them as Part of his, her, or their respective Shares or Allotments of the said Common, Waste, and Marsh Grounds to be divided and allotted by virtue of this Act: Provided always, that no Person or Persons who is, are, or shall be entitled to any such Inclosure or Encroachments shall in respect thereof be entitled to any Part or Share of or in the said Common, Waste, and Marsh Grounds intended to be divided and allotted by virtue of this Act.

Roads to be made.

XVI. And be it further enacted, That the said Commissioners or any Two of them shall assign, set out, and appoint such public and private Roads and Ways, as also such Ditches, Drains, Watercourses, Bridges, Walls, Banks, Cloughs, Floodgates, Tunnels, Gates, Stiles, and other Works, and divert, alter, or change the Course of any of the present public or private Roads, Springs, Streams, Pools, or Watercourses, in, through, over, or upon the said Common, Waste, and Marsh Grounds, and also (except as to all Roads and Ways) in, through, over, or upon any of the ancient inclosed Lands and Grounds within the said Parishes of *Poulton* and *Bispham*, or either of them, as they the said Commissioners or any Two of them shall think proper and convenient or necessary for draining any such Lands or Grounds respectively, or for preserving the same from the Sea or from Floods; and all Roads so to be set out as and for public Carriage Roads shall be and remain Forty Feet wide at the least between the Fences, and shall be well and sufficiently fenced out on both Sides from the adjoining Land by such of the Proprietors of the Allotments to be made by virtue of this Act, in such Manner, and within such Time as the said Commissioners or any Two of them shall direct; and it shall not be lawful for any Person to erect any Gate across any of the said Roads which shall be so set out as and for public Carriage Roads; and that forthwith, after any such public Carriage Roads or Ways shall have been set out as aforesaid, the said Commissioners or any Two of them shall and may and they are hereby empowered and required, by Writing under their Hands, to appoint some proper Person to be a Surveyor of the said Roads; and such Surveyor shall cause the same to be formed and put into good and sufficient



ficient Repair, and shall be allowed such Salary or Reward for his Trouble therein as the said Commissioners or any Two of them shall, by Writing under their Hands, direct or appoint; which Salary or Reward, and also the Expence (over and above the Statute Duty) of forming the said Roads, and putting the same in good and sufficient Repair, shall be borne and paid by the several Owners of the Lands and Grounds hereby intended to be inclosed, and shall be raised by a Rate to be levied on such Owners according to their respective Rights and Interests in the said Lands and Grounds, the respective Proportions thereof to be ascertained by the said Commissioners or any Two of them in and by their said Award, such Rate to be laid and assessed by the said Commissioners or any Two of them, upon Application made for that Purpose by the said Surveyor, and to be collected and received by such Person as the said Commissioners or any Two of them shall by Writing appoint; and in case of any Neglect or Refusal to pay any such Rate, the same may and shall be recovered in such and the like Manner as the other Expences of carrying into execution this Act are herein-after directed to be recovered; and that none of the Inhabitants of the said several Parishes of *Poulton* and *Bispham*, or either of them, (other than the Owners of the Lands and Grounds intended by this Act to be inclosed,) shall be charged or chargeable (over and above the Statute Duty) towards the forming and repairing of the said Roads, until the same shall be fit for the Passage of Travellers and Carriages, and shall have been certified so to be by the said Surveyor by Writing under his Hand, to be delivered to the Justices at some General Quarter Sessions of the Peace to be holden at *Preston* in and for the said County Palatine of *Lancaster*; which said Certificate shall be delivered to the said Justices within the Space of Two Years next after the Execution of the said Award of the said Commissioners, unless sufficient Reason be given, to the Satisfaction of the said Justices, that further Time is necessary for that Purpose, in which Case the said Justices may and shall allow such further Time as to them shall seem meet, not exceeding One Year; and in case the said Surveyor shall refuse or neglect to deliver in such Certificate within the Time herein-before limited, such Surveyor shall forfeit and pay any Sum not exceeding Twenty Pounds nor less than Ten Pounds, to be recovered in like Manner as the Rate is herein-before authorized to be recovered, and the same shall be applied in aid of the Rate so to be laid as aforesaid; and that, from and after the said Certificate shall have been delivered to the said Justices by the said Surveyor as aforesaid, and shall have been by them allowed and confirmed, all and singular the said Roads shall, to all Intents and Purposes, become, be, and remain, and be at all Times deemed, considered, and taken as and for Parts of the King's Highway, within the Township, Vill, Hamlet, or Division where the same shall be situate, and shall be repaired and kept in repair in such Manner, and at such Charge and Expence, as the public Highways upon or over the said Common, Waste, and Marsh Grounds so intended to be divided and inclosed within such respective Township, Vill, Hamlet, or Division heretofore have been and now are by Law made and repaired; and that all such other public Roads, and all private Roads and Ways, and all Ditches, Drains, and Watercourses, Bridges, Walls, Banks, Cloughs, Floodgates, Tunnels, Gates, Stiles, and other Works as shall be set out and appointed as aforesaid, shall be made, and from Time to Time amended, cleansed, and repaired, by or at the Expence  
of



of all or such of the Persons interested, and in such Manner as the said Commissioners or any Two of them shall in that Behalf, by their Award herein-after mentioned, or, until the same shall be executed, by any other Writing or Writings under their Hands, order, direct, or appoint; and that it shall not be lawful for any Person afterwards to use or claim the Use of any Road or Way, public or private, through or over the said Tract or Parcel of Common, Waste, or Marsh Grounds so to be divided, or any Part thereof, other than such Roads and Ways as shall be set out and appointed as aforesaid; and that all such former Roads and Ways in, over, or through the said Common, Waste, and Marsh Grounds as shall be diverted, altered, or changed, or which shall not be specified and ascertained, or so as aforesaid set out and appointed as and for public or private Roads or Ways by the said Commissioners or any Two of them, shall be and be deemed Parts of the said Common, Waste, and Marsh Grounds, and shall be divided, allotted, held, and enjoyed in Severalty as Part thereof accordingly.

For maintain-  
ing Drains,  
Banks, &c.

XVII. Provided always, and be it further enacted, That in case any Person or Persons shall at any Time or Times neglect or refuse to comply with any such Order, Direction, or Appointment of the said Commissioners, made by their Award, or by any other Writing as aforesaid, every Person who shall sustain any Injury or Damage by such Neglect or Refusal shall, on Complaint to any General Quarter Sessions of the Peace which shall be held at *Preston* in and for the said County Palatine within Six Calendar Months next after the Cause of Complaint shall have arisen, in a summary Way receive such Satisfaction as by the Justices of the Peace assembled at such Quarter Sessions shall be deemed proper and reasonable, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons liable and ordered to pay the same, with such Costs as by the said Justices shall be awarded, by Warrant under the Hand and Seal of any One or more of such Justices.

Commission-  
ers to set out  
Part of the  
Common for  
Sand Pits,  
&c.

XVIII. And be it further enacted, That the said Commissioners or any Two of them shall and they are hereby empowered and required to set out, allot, and award so much of the said Common, Waste, and Marsh Grounds so intended to be divided and inclosed as they or any Two of them shall think sufficient as and for public Stone, Gravel, and Sand Pits, (if any such Materials shall be found in the said Common, Waste, and Marsh Grounds, within the Space of Three Calendar Months from the passing of this Act, and the said Commissioners or any Two of them shall and they are hereby required to cause due and diligent Search to be made for the same by boring or otherwise,) such Pits to be used in common by the Proprietors of Lands and Estates within the said Townships, Vills, Hamlets, or Divisions of *Thornton, Little Bispham with Norbreck, and Great Carleton*, and their Tenants, as well for their own Uses as for the Repairs of the Roads within the said Townships, Vills, Hamlets, or Divisions.

Restriction  
as to digging  
for Gravel,  
&c.

XIX. And be it further enacted, That it shall not be lawful for any Person or Persons whomsoever (other than as herein-after mentioned) to search for, dig, get, and carry away, by any Means or on any Pre-  
tence whatsoever, any Gravel, Sand, Clay, Marl, or any Kind of Soil or Stones, or any other Materials, from any Part of the Sea Beach, or  
Sea



Sea Shore or Strand, extending from High-water Mark to Low-water Mark, and lying next to the present inclosed Lands within the said Townships of *Thornton* and *Little Bispham with Norbreck*, or either of them, save and except the Owners and Proprietors of the Banks and Lands within the said Townships, Vills, Hamlets, or Divisions of *Thornton* and *Little Bispham with Norbreck*, adjoining to the Sea Beach, Sea Shore, or Strand, but that only for his, her, or their own Use, and not for Sale, and only from such Parts of the Sea Beach, Sea Shore, or Strand as shall adjoin his, her, or their respective Banks or Lands.

XX. Provided nevertheless, and be it further enacted, That nothing herein contained shall prejudice, lessen, defeat, or in anywise make void or affect any of the Powers, Provisions, and Authorities respecting the getting and carrying away of any Gravel, Sand, Stone, or other Materials for the repairing of public Highways, given, made, and contained in an Act passed in the Thirteenth Year of the Reign of His present Majesty, intituled *An Act to explain, amend, and reduce into One Act of Parliament the Statutes now in being for the Amendment and Preservation of the public Highways within that Part of Great Britain called England, and for other Purposes.*

But not to affect the Powers given by 13 G. 3. c. 78.

XXI. And be it further enacted, That the said Commissioners or any Two of them may and shall, according to the best of their Skill and Judgment, and in such Manner as to them or any Two of them shall appear just and right and most proper for the Purposes of this Act, estimate, ascertain, and settle, and by Writing under their Hands set down and specify, the actual, full, or comparative annual or other Value of the several Messuages, Lands, Tenements, and Hereditaments within each of the said Townships, Vills, Hamlets, or Divisions of *Thornton*, *Little Bispham with Norbreck*, and *Great Carleton* respectively, to which any Right of Common in or upon the said Tract or Parcel of Common, Waste, and Marsh Grounds, or any of them, so intended to be inclosed as aforesaid, shall be admitted or found to be appendant or appurtenant, and also the Value of the Right of Common to which such Person is legally and fairly entitled as appendant or appurtenant to the same Messuages, Lands, Tenements, and Hereditaments respectively, and of all such other Rights, if any, in, upon, or to the said Tract or Parcel of Common, Waste, and Marsh Grounds, as shall have been admitted or proved according to the Intent and true Meaning of this Act; and further also, that they the said Commissioners or any Two of them may and shall in like Manner ascertain, settle, set down, and specify the several Quantities, and likewise the Value by the Acre or otherwise, of the said Tract or Parcel of Common, Waste, and Marsh Grounds within each of the said several Townships, Vills, Hamlets, or Divisions, in the different Parts thereof respectively, according to the Nature and Situation of such respective Parts.

Commissioners to specify the Value of the ancient Inclosures, and of Lands to be divided.

XXII. And be it further enacted, That the said Commissioners or any Two of them, after such necessary Roads as aforesaid shall have been set out and ascertained, shall and may and they are hereby authorized and required to set out, allot, and award to the said *Bold Fleetwood Hesketh*, his Heirs and Assigns, in case he or they shall be found to be seised of or entitled unto the Manor or Lordship or reputed Manor or

Allotment to Bold Fleetwood Hesketh Esq. as Lord of the Manors of Thornton and Little Bispham with Norbreck.

[Loc. & Per.]

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Lordship



Lordship of *Thornton*, or the Manor or Lordship or reputed Manor of Lordship of *Little Bispham with Norbreck*, One full Eighteenth Part (Quantity, Quality, and Situation considered,) of such Part of the said Tract of Common, Waste, and Marsh Grounds as is situate within and Parcel of each of the said Manors or Lordships respectively, in compensation and satisfaction for his Right (except as herein-after mentioned) to the Soil of the Residue of such Parts of the said Tract of Common, Waste, and Marsh Grounds as are so situate within and Parcel of the said several Manors or Lordships or reputed Manors or Lordships of *Thornton* and *Little Bispham with Norbreck* respectively, and for his Consent to the Division and Inclosure of the same.

Allotment to Thomas Weld Esq. as Lord of the Manor of Great Carleton.

XXIII. And be it further enacted, That the said Commissioners or any Two of them, after such necessary Roads as aforesaid shall have been set out and ascertained, shall and may and they are hereby authorized and required to set out, allot, and award to the said *Thomas Weld*, his Heirs and Assigns; One full Eighteenth Part (Quantity, Quality, and Situation considered,) of such Part of the said Tract of Common, Waste, and Marsh Grounds as is situate within and Parcel of the said Manor or Lordship of *Great Carleton*, in compensation and satisfaction for his Right (except as herein-after mentioned) to the Soil of the Residue of such Part of the said Tract of Common, Waste, and Marsh Grounds as is situate within and Parcel of the said Manor or Lordship of *Great Carleton*, and for his Consent to the Division and Inclosure of the same, as Lord of the said Manor or Lordship of *Great Carleton*.

Allotment of the Residue.

XXIV. And be it further enacted, That the said Commissioners or any Two of them shall and may and they are hereby authorized and required, after making such Deductions and Allotments as before mentioned, to divide, apportion, set out, and allot all the Residue and Remainder of each of the said several Parts of the said Common, Waste, and Marsh Grounds respectively, situate within and Parcel of the said several Manors or Lordships of *Thornton*, *Little Bispham with Norbreck*, and *Great Carleton* respectively, and within the said several Townships, Vills, Hamlets, or Divisions of *Thornton*, *Little Bispham with Norbreck*, and *Great Carleton* respectively, and hereby directed to be divided and inclosed, unto and amongst the said *Bold Fleetwood Hesketh*, *Thomas Weld*, *Thomas Patten*, and the several other Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments having Common Right or other Interest in or upon such Parts respectively, in a just and fair Proportion according to their several Estates, Rights, and Interests therein, without any undue Preference whatsoever, but with a just Regard to the Quantity, Quality, Situation, and Convenience of the Property, Interest, Buildings, and old Inclosures belonging to each Proprietor, and also of the Land and Ground to be allotted in pursuance of this Act, subject to the Rules, Orders, and Directions herein contained.

Allotments to be in lieu of former Rights.

XXV. And be it further enacted, That the said Allotments so to be set out, allotted, and apportioned as aforesaid shall be accepted, taken, held, and enjoyed by the several Owners and Proprietors thereof in lieu, and by virtue of this Act shall be in full Satisfaction and Discharge for their several and respective Rights, Estates, and Interests in, to, or out of the



the said several Parts of the said Common, Waste, and Marsh Grounds, or any of such Parts respectively, at the Time of such Allotments being made, or at any Time previous thereto (except as herein is expressed and reserved); and that immediately after the Allotments to be made in pursuance of this Act shall, by Order of the said Commissioners, be marked or staked out, and public Notice thereof given on some *Sunday*, by Writing to be affixed on the principal outer Doors of the said Parish Churches of *Poulton* and *Bispham* respectively, all Right of Common upon the said Common, Waste, and Marsh Grounds, or any Part of the same, shall cease, determine, and be for ever extinguished in, over, and upon the said several Allotments so to be set out as aforesaid; and that immediately after such Division and Allotment, all and every the Shares and Portions to be set out and allotted under or by virtue of this Act shall be respectively deemed and taken, to all Intents and Purposes, to be Part and Parcel of the several Manors or Lordships, Parishes, Townships, Vills, Hamlets, or Divisions in which the several Hereditaments in respect of which such Allotments, Shares, and Portions respectively shall be so made are respectively situate.

XXVI. Provided always, and be it further enacted, That in case the Rights and Interests of any of the Proprietors or Persons interested in any of the said Inclosures shall be so inconsiderable, or in any Manner so circumstanced, as that the same cannot be profitably or conveniently set out or inclosed in separate Allotments, or if any Three or more of the said Proprietors shall chuse to have their several Shares in any of the said Parts of the said Common, Waste, and Marsh Grounds united and laid together in One Parcel, or in Two or more Parcels, it shall and may be lawful to and for the said Commissioners or any Two of them, upon the Request of such Proprietors to be made in Writing, to assign and allot the same either altogether or in One Parcel, or in Two or more distinct Parcels, according to the Discretion of the said Commissioners or any Two of them, and as may best suit the Conveniency of the Proprietors thereof; which Allotment or Allotments so to be made as last mentioned shall be used and enjoyed by the several Proprietors thereof in such Manner, and shall be subject to such Rules and Regulations, as the said Commissioners or any Two of them shall in that Behalf in and by their Award direct or appoint.

Small Allotments may be united and laid together.

XXVII. And be it further enacted, That Ring or Boundary Fences shall, for the Purpose of inclosing the said Allotments so to be set out as aforesaid, and of preventing Damage or Injury to the Owner or Owners of any other Allotment or Allotments adjoining or contiguous thereto, be made and perfected by and at the Expence of the respective Persons to whom the same shall be allotted, of such Dimensions and Materials, within such Time, and in such Manner as the said Commissioners, or any Two of them, shall direct; and if any such Persons shall neglect or refuse to inclose and fence the same in the Manner and within the Time aforesaid, then and in every such Case it shall be lawful for any Person or Persons interested in the Lands next adjoining to such unfenced Lands to exhibit a Complaint in Writing against the Person who ought to have fenced the same before any Justice of the Peace for the County of *Lancaster*, not interested in the Lands to be inclosed, who shall thereupon summon the Parties concerned, and inquire into the Nature

Owners of Allotments to make Ring Fences.



Nature of the Complaint, and examine any Witness upon Oath or Affirmation, (which Oath or Affirmation such Justice is hereby empowered to administer,) and after such Summons and Examination had and taken place, shall and may, if he shall see Cause, direct the Person or Persons exhibiting such Complaint to make and raise such Fences, and when the same shall be so made and raised such Justice shall and may ascertain the Expence of doing thereof, and by Warrant under his Hand and Seal, directed to the Person or Persons exhibiting such Complaint as aforesaid, or to any other Person or Persons, cause the Expence so to be ascertained to be levied by Distress and Sale of the Goods and Chattels of the Persons so refusing or neglecting as aforesaid, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale; and for Want of sufficient Distress it shall be lawful for such Justice, by Warrant under his Hand and Seal, to authorize the Person or Persons exhibiting such Complaint to enter upon such unfenced Lands or any Part thereof, and to receive and take the Rents and Profits thereof, until thereby or therewith such Expence, and all Costs and Charges occasioned by or attending such Entry and Receipt of the said Rents and Profits, shall be fully paid and satisfied.

Expences respecting Allotments to Trustees for charitable Institutions.

XXVIII. Provided always, and be it further enacted, That when and as often as any such Allotment or Allotments as aforesaid shall be set out and appropriated to or for any Person or Persons, or any Body or Bodies Politic or Corporate, for or in respect of any Lands, Tenements, or Hereditaments whereof or wherein such Person or Persons, Body or Bodies Politic or Corporate, is, are, or may be seised, possessed, or interested to the Use of or in Trust for the Endowment or Augmentation of the Income, Stipend, or Provision of any Curacy, School, Hospital, or charitable Institution, if the Cestuique Trust, or Person or Persons for the Time being entitled to the beneficial Interest in such Trust Fund, shall not be of sufficient Ability, or shall not be minded and desirous, or shall neglect to make due Payment of all such Proportion or Part of the Expences or Sum or Sums of Money which may be incurred in or about the applying for, obtaining, and executing of this Act, as may become and be payable, or to make such Hedges, Walls, Ditches, or other Fences as may become and be necessary or proper to be made by the Owners and Proprietors of such Allotment or Allotments, pursuant to any Order or Direction of the said Commissioners or any Two of them touching or concerning the same, then and in every such Event the said Commissioners or any Two of them are hereby authorized and required, by Writing under their Hands and Seals, to grant, set, or demise such Allotment or Allotments unto any Person or Persons willing to become Tenant or Tenants thereof, who shall appear eligible to the said Commissioners or any Two of them, and shall make such Payments as aforesaid, and undertake and give satisfactory Security to perform the Orders of the said Commissioners or any Two of them respecting such Allotment or Allotments, to hold the same to such Person or Persons, and his or their Executors, Administrators, and Assigns, for such Term or Number of Years, under Payment of a Peppercorn or other nominal Rent, as may and will, in the Opinion of the said Commissioners or any Two of them, be sufficient to enable such Tenant or Tenants, by  
and



and out of the Rents, Issues, and Profits thereof to reimburse himself or themselves, or otherwise satisfy and discharge the Monies and Expences paid or necessarily incurred by him or them, with a reasonable Recompence for his or their Trouble in or about the Premises, and that during and until the full End and Expiration of the said Term or Number of Years for which such Demise shall be made the Tenant or Tenants to whom any such Allotment or Allotments shall be so granted, set, or demised as aforesaid, performing each and every the Orders of the said Commissioners or any Two of them, shall and may peaceably and quietly have, hold, and enjoy the same, and receive and take the Rents Issues, and Profits thereof, to and for his and their own proper Use and Benefit, free and clear of and from all Claim and Demand whatsoever from, by, or on account of any such Person or Persons, Body or Bodies Politic or Corporate, so seised, possessed, or interested as aforesaid, or any Person or Persons claiming by, from, or under them or any of them, or any Cestuique Trusts of the said Premises or any Part thereof, in anywise.

XXIX. And be it further enacted, That as soon as conveniently may be after the said Commissioners or any Two of them shall have finished and completed the said intended Division and Allotment, they or any Two of them shall and may and are hereby authorized and required to form and draw up, or cause to be formed and drawn up, a General Award in Writing, which shall express, specify, and contain the several Quantities, in Statute Measure, of Acres, Roods, and Perches contained in each Part respectively of the said Tract of Common, Waste, and Marsh Grounds, and the Quantity and Contents of each and every Portion of such Part thereof respectively assigned and allotted to each of the Persons, Bodies Politic or Corporate, entitled thereto, with an exact Description of the Situation, Buttals, and Boundaries of the several and respective Allotments thereof, with Orders and Directions for inclosing, fencing, ditching, and draining the same, and for making, keeping, scouring, and maintaining such Hedges, Fences, Ditches, Walls, Banks, Cloughs, Flood Gates, Tunnels, Gates, Stiles, Watercourses, and other Works as the said Commissioners or any Two of them shall order and award; and shall also set forth and describe all the public and private Roads, Ways, Bridges, Pools, and Watercourses in, through, and over each respective Part of the said Tract of Common, Waste, and Marsh Grounds hereby directed to be divided and inclosed, and shall set forth such other Rules, Orders, Regulations, Matters, and Determinations touching such several Divisions, Allotments, and Inclosures as to the said Commissioners or any Two of them shall seem necessary and proper to be inserted therein conformable to the Tenor and true Meaning of this Act; and that as soon as conveniently may be after preparing the Draft of such Award the said Commissioners or any Two of them shall appoint a Meeting to be held, at such Time and Place as they shall think fit, for reading and settling the said Draft, and shall cause Notice in Writing to be affixed upon the principal outer Doors of the said Parish Churches of *Poulton* and *Bispham* respectively, of the Time and Place of such Meeting, on Two *Sundays* next before such Meeting, by which Notice it shall be signified that the said Commissioners have prepared a Draft of their intended Award of or concerning the Division of the said several Parts of the said Tract or Parcel of Common, Waste, and

General  
Award.

[*Loc. & Per.*]

9 P

Marsh



Marsh Grounds, and that all Persons, Bodies Politic and Corporate, interested therein, their Stewards or Agents, may, if they think proper, attend such Meeting, and peruse and inspect the said Draft, and hear the same read; and be at liberty to make such Objections thereto as they shall think proper, in order to have the same removed, or the Parties complaining to have such Redress therein as shall in the Judgment of the said Commissioners or any Two of them appear to be just; and as soon as the Draft of the said Award shall be settled as aforesaid, the same shall be fairly ingrossed upon Parchment, and such Ingrossment shall be signed, sealed, and executed by the said Commissioners or any Two of them, to which said Award shall be annexed true Copies of the Plans or Surveys made and taken of the said Common, Waste, and Marsh Grounds hereby directed to be divided and inclosed, signed by the said Commissioners or any Two of them, whereon the said several Allotments, public and private Roads, Ways, Watering Places, Wells, Bridges, Sewers, Drains, Pools, and Watercourses mentioned in the General Award, and all other Matters and Things which the said Commissioners or any Two of them shall think proper to be described therein, shall be fairly delineated, set down, marked, and expressed; and the said Award, and Plan or Surveys to be annexed thereto, to the end that the same may be preserved, and Recourse had thereto by any Body Politic or Corporate, or any Person or Persons whomsoever, shall, at the Assizes to be holden at *Lancaster* aforesaid, and next ensuing the Execution of the said General Award by the said Commissioners or any Two of them, be, by the said Commissioners or any Two of them, delivered to and deposited with the Prothonotary of His Majesty's Court of Common Pleas at *Lancaster* or his Deputy, to be by him kept amongst the Records of the said Court at *Lancaster* aforesaid; and the said Prothonotary or his Deputy is hereby required and empowered to receive and keep the same accordingly, for or in respect of which depositing and keeping the Sum of Twenty Shillings, and no more, and for every Inspection thereof after the same shall have been so deposited the Sum of One Shilling, and no more, shall be paid to the said Prothonotary or his Deputy; and such respective Awards, and the said Plans or Surveys to be annexed thereto as aforesaid, or a true Copy of such Awards, Plans, or Surveys, or any Part thereof, signed by the said Prothonotary or his Deputy, purporting the same to be a true Copy, shall be admitted and allowed as legal Evidence in all Courts whatsoever; and the said Prothonotary or his Deputy is hereby required to make and deliver unto any Person or Persons, Body Politic or Corporate, requesting and offering to pay for the same, a true Copy of the said Awards, Plans, or Surveys, or any of them, or any Part thereof, for which he shall be paid, by the Person or Persons, Bodies Politic or Corporate, requesting the same, after the Rate of Five-pence for every Sheet of the said Award so copied, counting Seventy-two Words to each Sheet, and a reasonable Allowance shall also be paid to him over and above for a Copy or Copies of such Surveys or Plans, or any Part thereof; and if any Dispute or Difference shall arise or happen between the said Prothonotary or his Deputy, and the Person or Persons, Bodies Politic and Corporate, requesting a Copy of any such Surveys or Plans, or of any Part thereof, touching such Allowance, then and in such Case the same shall be settled and ascertained by one of the Judges of the said Court of Common Pleas for the Time being, and the same, being so settled and ascertained, shall be final, binding,



ing, and conclusive to all the Parties; and that from and immediately after the Execution of the said General Award and signing the said Plans and Surveys by the said Commissioners or any Two of them, the said General Award, and Plans and Surveys, and all Matters and Things therein contained, shall be binding and conclusive unto and upon all and every Person and Persons, Bodies Politic and Corporate, having or claiming any Estate, Right, Title, or interest of, in, or to any of the Lands and Grounds to be divided or inclosed under and by virtue of this Act, and to and upon their respective Heirs, Executors, Administrators, Successors, and Assigns.

XXX. And be it further enacted, That the said Commissioners or any Two of them shall, at the Request, Costs, and Charges of any Person or Persons, Bodies Politic or Corporate, having any Allotment or Allotments of the Lands and Grounds hereby intended to be divided, at any Time before the depositing of the said General Award as aforesaid, make and execute a Duplicate or Duplicates of the said General Award, and Surveys or Plans, or of any Part or Parts thereof respectively, for the Use of any Person or Persons, Bodies Politic or Corporate, requesting the same; and every such Duplicate shall be admitted and allowed as legal Evidence in all Courts whatsoever.

Duplicate of Award to be made if requested.

XXXI. And be it further enacted, That it shall be lawful for the several Owners and Proprietors for the Time being of any of the Allotments to be made as aforesaid, and for the Husbands, Guardians, Trustees, or Committees, or Persons acting as Guardians, Trustees, or Committees, of or for any of the said Owners and Proprietors, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Disability or Incapacity whatsoever, and for any of the said Proprietors being Tenants in Tail, or for Life, or the Life of another, (other than such Lessees for Life in respect to whom Directions and Provisions are herein-after contained,) and for every of them respectively, by any Deed or Deeds under their respective Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, from Time to Time to charge the said Allotments respectively, or any Part or Parts thereof, with any Sum or Sums of Money, not exceeding Three Pounds *per* Acre, which to them the said Commissioners or any Two of them may seem reasonable, to be paid to such Person or Persons as the said Commissioners or any Two of them shall for that Purpose nominate and appoint, in order to be applied for defraying their respective Shares and Proportions of the Charges and Expences incident to and attending the obtaining and passing this Act, and putting the same in execution, and for making necessary Banks, Walls, Fences, Ditches, Cloughs, Flood Gates, Tunnels, Buildings, or other Improvements thereon; and for securing the Repayment of such Money, with Interest for the same, to grant, mortgage, lease, or demise, or otherwise subject and charge the said respective Allotments or any Part thereof unto such Person or Persons as shall advance and lend such Money, his, her, and their respective Executors, Administrators, and Assigns, for any Term or Number of Years, so as every such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to cease and to be void, or with an express Trust to be surrendered, when the Money thereby to be secured, with the Interest thereof, shall be fully satisfied and paid; and so as in every

Power to borrow Money, and charge Allotments therewith.



every such Grant, Mortgage, Lease, or Demise, which shall be made by any Tenant for his or her Life, or the Life of another, or Tenant in Tail, there be a Covenant to pay and keep down the Interest of the Money to be thereby secured during his or her Life, and if made by any Tenant for the Life of another Person, during the Life of such other Person, and so as that the Person or Persons entitled in Remainder or Reversion to the Lands so to be mortgaged shall not be subject or liable, upon his, her, or their becoming seised or possessed thereof, to the Payment of any further or larger Arrear of Interest than for One Year in respect of the Monies to be charged on such Lands as aforesaid; and every such Grant, Mortgage, Lease, Demise, or Charge, to be made in pursuance of this Act, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of Title in the said Husbands, Guardians, Trustees, Committees, or Attornies, or in the Persons acting as Guardians, Trustees, Committees, or Attornies, or in the said Tenants in Tail or for Life, any Settlement, Will, Trust, Use, Remainder, Limitation, or other Impediment or Incumbrance of or concerning the said Lands, Grounds, and Premises, or any Part or Parcel thereof, then in being or capable of taking effect, to the contrary notwithstanding.

Power to exchange.

XXXII. And be it further enacted, That for the more convenient Disposition of the several Farms and Lands within the said several Parishes of *Poulton* and *Bispham* respectively, upon the said intended Division and Inclosure, it shall be lawful for all or any of the said Proprietors or Owners of Lands or Grounds hereby intended to be divided and inclosed as aforesaid, and all and every Proprietor of Messuages, Lands, Tenements, Rights of Common, and other Rights and Interests within all or any of the said Townships, Vills, Hamlets, or Divisions of *Thornton*, *Little Bispham with Norbreck*, and *Great Carleton*, or within any adjoining Parish, Township, or Place, being Tenant for Life or in Tail, or for Years determinable on a Life or Lives, or for any greater or less Estate therein, and to and for all and every other Person and Persons having or possessing any Estate or Interest whatsoever in or affecting any of the Lands Parcel of or within the said several Manors or Lordships of *Thornton*, *Little Bispham with Norbreck*, and *Great Carleton*, or any of them, to exchange all or any of his, her, or their Messuages, Lands, Tenements, Hereditaments, or Interests, within the said Manors or Lordships respectively, or within such adjoining Parish, Township, or Place, for any other Messuages, Lands, Tenements, Hereditaments, or Interests, within the said several Manors or Lordships, or within such adjoining Parish, Township, or Place, so as every such Exchange be made by and with the Consent and Approbation of the said Commissioners or any Two of them, and be testified, ascertained, and declared under the Hands of the said Commissioners or any Two of them, and that then and from thenceforth such Exchange or Exchanges so to be made as aforesaid, shall be for ever good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, without any other Deed of Conveyance or Surrender, and notwithstanding any legal Disability in any of the Parties making any such Exchange, and the Expences occasioned by every such Exchange shall be paid and borne by the several Parties concerned therein: Provided always, that no Exchange shall be made by virtue of this Act of any Messuages, Lands, or other Hereditaments held



held in right of any Church or Chapel, without the Consent and Approbation of the Bishop of the Diocese, testified by Writing under his Hand and Seal.

XXXIII. And be it further enacted, That all such Lands and Grounds, or other Hereditaments, as shall be allotted to any of the said Proprietors or taken in Exchange under or by virtue of this Act, shall be held by such Proprietors, or other Person or Persons respectively, under the same Tenure, Rents, Customs, and Services, and with such and the like Exemptions, as the Lands, Hereditaments, and Premises in lieu or in respect of which such Allotments or Exchanges shall be made were respectively held and enjoyed at and immediately before the making such Allotments or Exchanges respectively; and the several Lands, Grounds, and other Hereditaments which shall be allotted or taken in Exchange in lieu or in respect of Freehold or Fee Farm Lands and Hereditaments shall from the making thereof be deemed Freehold or Fee Farm Lands and Hereditaments, and shall be held of the Lord of the Fee under the same Rents and by the same Services as the Freehold or Fee Farm Lands and Hereditaments in lieu of or for which they were so allotted or exchanged were theretofore held.

Allotments to follow the Tenures of ancient Estates.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed, deemed, adjudged, or taken to extend, to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Portion, Debt, or Incumbrance out of, upon, or affecting any of the Lands or Grounds so intended to be divided and inclosed, or which shall be exchanged in pursuance of this Act, or any Part thereof respectively, but that the several Lands or Grounds to be assigned or allotted or given in Exchange as aforesaid shall be, remain, and enure, and the several Persons to whom the same shall be assigned, allotted, or given in Exchange as aforesaid shall from thenceforth stand and be seised thereof for such and the same Uses, Trusts, and Estates, and subject to the same Wills, Settlements, Limitations, Remainders, Charges, and Incumbrances, as the several Lands, Grounds, Tenements, and Hereditaments for, in respect, or in lieu whereof such Allotments and Exchanges shall be made as aforesaid should or would have been subject or liable to in case the same had remained uninclosed or unexchanged, or this Act had not been made.

Existing Limitations or Incumbrances not to be prejudiced.

XXXV. Provided also, and be it further enacted, That all and every Lease and Leases upon Rack Rent now subsisting, touching or in anywise affecting any Part or Parts of the Lands or Hereditaments by virtue of this Act to be divided, inclosed, or exchanged as aforesaid, and all other Agreements for any Term or Terms of Years therein at Rack Rent, shall cease, determine, and be void at such Time or Times as the said Commissioners or any Two of them shall, by any Writing or Writings under their Hands, in that Behalf order and appoint, the respective Reversioners, Owners, and Proprietors of the Hereditaments and Premises comprised in such respective Leases or Agreements making such Satisfaction to their Lessee or Lessees, Tenant or Tenants, and at such Time or Times, as the said Commissioners or any Two of them shall ascertain, direct, and appoint as reasonable to be paid to such Lessee or

Leases at Rack Rent to be void.

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Lessees,



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 or affect any Agreement or Engagement already made between Landlord and Tenant in contemplation of an Inclosure of the said Common, Waste, and Marsh Grounds, or relating thereto.

Other Leaseholders to enjoy the Allotments.

XXXVI. And be it further enacted, That the several Lessees or Tenants who have, under any other Kind of Lease than Lease or Leases at Rack Rent, any Estate or Estates in respect of which any such Allotment or Allotments shall be made as aforesaid, (except such as have only Right of Common upon the said Common, Waste, and Marsh Grounds so to be allotted, whilst the same remains uninclosed, or at the Will and Pleasure of the Owner or Owners of the Reversion and Inheritance of such Leasehold Estates,) shall, during the Continuance of their respective Leases, have, hold, and enjoy the several Parts and Shares of the said Common, Waste, and Marsh Grounds that shall be allotted and set out for and in respect of such Estates, upon Condition only that such Lessee or Lessees, Tenant or Tenants, do and shall, within such Time or Times and in such Manner as the said Commissioners or any Two of them shall order, appoint, or award, well and sufficiently inclose, ditch, or fence out the Shares of the said Common, Waste, and Marsh Grounds to be allotted to or in respect of such Estates, and also do and shall, within such Time or Times as last aforesaid, pay his, her, and their Part and Share, Parts and Shares, in proportion to their Leasehold Interest therein respectively, of all Charges and Expences relating thereto, to be settled by the said Commissioners or any Two of them; and the Reversioners shall and they are hereby directed to pay, within such Time or Times as the said Commissioners or any Two of them shall order, appoint, or award, the Residue of such Charges and Expences for and in respect of such Estates in Lease respectively; and if any of the said Lessees or Tenants shall refuse or neglect well and sufficiently to inclose, ditch, and fence out their several Parts and Shares of the said Common, Waste, and Marsh Grounds to be allotted to their several and respective Estates, or to pay their several and respective proportionable Parts and Shares of the Charges and Expences aforesaid, within the Time or Times and in the Manner to be by the said Commissioners, or any Two of them, ordered, appointed, or awarded, that then, from and after such Refusal or Neglect as aforesaid, the said Parts and Shares of the said Common, Waste, and Marsh Grounds shall go, revert, and remain unto, and be in the immediate Possession of the Proprietors or Owners of the Reversion of such Estates in Lease to which the same shall be respectively allotted as aforesaid, according to their several Estates and Interests therein respectively, exonerated and absolutely discharged from such Lease and Leasehold Interests, which said Owners and Proprietors are hereby directed, ordered, and authorized to inclose, ditch, and fence in the same, and to pay for the same such Charges and Expences, and within such respective Time or Times, and in such Manner, as the said Commissioners or any Two of them shall order, appoint, or award.

Leasehold Estates to go to Reversioners on Expiration of Leases.

XXXVII. And be it further enacted, That the Share and Shares of the said Common, Waste, and Marsh Grounds to be allotted to the said Leaseholders respectively for and in respect of the said Estates in Lease  
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(other than Leases at Rack Rents as aforesaid), shall nevertheless, from and after the Determination of their Leases respectively, go, remain, and revert to such Person and Persons as shall be entitled to such Estates in respect whereof the same shall be allotted respectively, which Person and Persons shall severally have and enjoy the same Estate, Right, Title, Powers, and Interests in such Share or Shares as he, she, or they have in and to the Estates for or in respect whereof such Shares shall be allotted respectively, subject nevertheless as aforesaid.

XXXVIII. And be it further enacted, That the said Commissioners shall respectively bear and pay his and their own Expences; and that when and so soon as the said intended Division and Inclosure shall be finished and completed, and the said Commissioners or any Two of them shall have executed the said General Award, they the said Commissioners shall be respectively paid and allowed the Sum of Two Pounds and Two Shillings for each and every Day by them respectively employed in or about the putting of this Act in execution. Commissioners Allowance.

XXXIX. And be it further enacted, That if the said *Bold Fleetwood Hesketh, Thomas Weld, or Thomas Patten*, or any other of the said Proprietors, or any other Person or Persons whomsoever, shall advance any Money for the Purpose of defraying the Expence of applying for, obtaining, and executing this Act, such Person or Persons shall be repaid the same, with lawful Interest, and all incidental Expences, out of the first Monies to be raised by virtue of this Act. Money borrowed to be repaid with Interest and Charges.

XI. And be it further enacted, That as well the Fees and Payments to the said Commissioners, as also the Charges and Expences incident to and attending the soliciting and obtaining and passing of this Act, and of the surveying, planning, dividing, and allotting the said Tract of Common, Waste, and Marsh Grounds, and of preparing, making, and depositing the General Award of the said Commissioners or any Two of them, and the Instruments of Election, and all other Plans, Maps, Surveys, Instruments, Papers, Writings, Extracts, Schedules, and Copies of the same or any of them respectively, directed by the said Commissioners or any Two of them to be prepared and made out, and all other Costs, Charges, and Expences whatsoever in anywise attending the Execution of this Act, or of any of the Powers, Authorities, Provisoos, or Directions therein contained, shall be borne and defrayed by the respective Persons to whom Allotments of any Part of the said Common, Waste, and Marsh Grounds shall be made, in proportion to the Value of their several and respective Allotments, the same to be settled and ascertained by the said Commissioners or any Two of them; and the respective Shares and Proportions thereof shall be payable and paid to such Person and Persons, and at such Times, as shall by the said Commissioners or any Two of them, by Writing under their Hands executed before the respective Times appointed for such Payments, be ordered and directed. Expences of procuring and executing the Act.

XLI. And be it further enacted, That in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of such Charges and Expences within the Times so to be respectively appointed as aforesaid, then the said Commissioners or any Two of them shall and may, by Warrant under their Hands and Seals directed to any Person For Recovery of the Expences.



Person or Persons, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels after deducting the Costs and Charges of making such Distress and Sale respectively; or otherwise it shall be lawful for the said Commissioners or any Two of them, by Writing under their Hands and Seals, to authorize any Person to enter into and upon the Lands and Premises so to be allotted unto the Person or Persons so refusing or neglecting to pay as aforesaid, and to take and receive the Rents and Profits thereof, until therewith or thereby his, her, or their Proportion of the said Charges and Expences, and also all the Costs, Charges, and Expences occasioned by or attending such Entry upon and Receipt of the Rents and Profits, shall be fully paid and satisfied; or otherwise the said Commissioners or any Two of them may and they are hereby empowered, by Writing under their Hands and Seals, to mortgage the Allotment or Allotments of the Person or Persons so neglecting or refusing to make any such Payment as aforesaid, or so much or such Part or Parts of such Allotment or Allotments as the said Commissioners or any Two of them shall judge sufficient to raise the Money so unpaid, and also for the Payment of the Charges and Expences of such Mortgage, and other necessary Expences attending the same; and every such Mortgage shall be valid and effectual.

Commissioners to account.

XLII. And be it further enacted, That the said Commissioners and each of them shall and they are hereby required, at or before the Time of signing and executing the said General Award, at a Meeting of the several Proprietors of the said Allotments to be appointed by the said Commissioners or any Two of them, (of the Time and Place of which Meeting Fourteen Days previous Notice in Writing shall be affixed upon the principal outer Doors of the said Parish Churches of *Poulton* and *Bispham* respectively,) to deliver to such of the said Proprietors as shall attend such Meeting an Account in Writing of all the Monies by the said Commissioners or any of them from Time to Time assessed upon the Parties interested in the said Division and Inclosure, and laid out in, about, or concerning the said Division and Inclosure, together with all proper Vouchers relating thereto, which Account the said Proprietors present at such Meeting, or the major Part of them in Value, shall and may and they are hereby authorized and empowered (if they think proper so to do) finally to pass, settle, and allow.

Appeal to the Quarter Sessions.

XLIII. And be it further enacted, That if any Person or Persons, Bodies Politic or Corporate, shall think him, her, or themselves aggrieved by any thing done in pursuance of this Act, (other than and except in Cases where Awards, Verdicts, Judgments, Orders, and Determinations are herein-before directed to be final, binding, or conclusive,) then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held at *Preston* in and for the said County Palatine of *Lancaster* within Four Calendar Months next after the Cause of Complaint shall have arisen, and the Justices of the Peace in such Sessions are hereby required to hear and determine the Matter of every such Appeal, provided that Notice in Writing of every such Appeal specifying the Cause of Complaint be given to the said Commissioners or any Two of them, or to the other Party interested



rested in the Matters of any such Appeal, or their Agent or Agents for the Time being, Fourteen Days at least before such Sessions; and the said Justices in their Sessions assembled may, if they see sufficient Cause, respite every such Appeal to the then next General Quarter Sessions to be holden at *Preston* aforesaid in and for the said County, and the said Justices shall make such Order touching the Matter of such Appeal, and award such Damages and Costs, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charge of every such 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.

XLIV. And be it further enacted, That nothing herein contained shall extend or be construed to extend to defeat, lessen, or prejudice the Right, Title, or Interest of the said *Bold Fleetwood Hesketh* or *Thomas Weld*, or either of them, their or either of their Heirs and Assigns, as being or claiming to be Lords of the said several Manors or Lordships of *Thornton*, *Little Bispham with Norbreck*, and *Great Carleton* respectively for the Time being, of, in, and to the Seignories and Royalties incident and belonging to the same respectively, but that the said *Bold Fleetwood Hesketh* and *Thomas Weld*, their Heirs and Assigns respectively, as Lords of the said several Manors or Lordships, and the Lords for the Time being, shall and may from Time to Time, and at all Times for ever hereafter, hold and enjoy all such Rents, Services, Courts, Perquisites and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and other Royalties, Privileges, and Appurtenances to the said several Manors or Lordships or to the Lords thereof for the Time being incident, appendant, belonging, or appertaining to the same, and in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the Lords of the said several Manors or Lordships for the Time being could or might have held and enjoyed the same in case this Act or the said intended Inclosure had not been made.

Saving of Manerial Rights to B. F. Hesketh Esq. and Thomas Weld Esq.

XLV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, in right of His Duchy of *Lancaster* or otherwise, and to all and every other Person and Persons, Bodies Politic or Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the said *Bold Fleetwood Hesketh*, his Heirs and Assigns, if Owner of the Soil and Inheritance of such Parts of the said Common, Waste, and Marsh Grounds respectively as are situate within the said several Manors or Lordships of *Thornton* and *Little Bispham with Norbreck*; and other than and except the said *Thomas Weld*, his Heirs and Assigns, as Owner of the Soil and Inheritance of such Part of the said Common, Waste, and Marsh Grounds as is situate within the said Manor or Lordship of *Great Carleton*; and other than and except such Owners and Proprietors of the said Allotments, Messuages, Lands, Tene-

General Saving of Rights.

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ments, and Hereditaments as shall make any Exchange thereof by virtue of this Act, and their respective Heirs, Successors, Executors, and Administrators; and also other than and except all and every other Person and Persons, Bodies Politic or Corporate, entitled to any Right of Common or other Right for or in respect of which any such Allotment shall be made upon the said Common, Waste, and Marsh Grounds, his, her, and their Heirs, Successors, Executors, and Administrators respectively; and the Person or Persons, Bodies Politic or Corporate, his, her, or their Heirs, Successors, Executors, and Administrators, who shall by virtue of this Act make any Claim or Claims of Right of Common, or any other Estate, Right, or Interest, in, to, upon, or out of the said Common, Waste, and Marsh Grounds, or the Soil thereof respectively, which shall be adjudged or determined against him, her, or them as aforesaid,) all such Estate, Right, Title, and Interest as they, every or any of them could, might, or ought to have had or enjoyed of, in, to, or out of the said Common, Waste, and Marsh Grounds directed to be divided and inclosed as aforesaid, or any Part thereof, in case this Act had not been made.

Public Act.

XLVI. And be it further enacted, That this Act shall be deemed, taken, and allowed to be a Public Act, and all Judges, Justices, and other Persons are hereby required to take notice thereof as such without specially pleading the same.

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