



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 79.

An Act for inclosing Lands in the Parishes of *Chipping*, *Mitton*, and *Ribchester*, in the County Palatine of *Lancaster*. [27th May 1808.]

WHEREAS there are within the Parishes of *Chipping*, *Mitton*, and *Ribchester*, in the County Palatine of *Lancaster*, certain Tracts or Parcels of Common, Moor, Heath, and Waste Grounds, respectively called, known, or distinguished by the Names following, that is to say, *Longridge Fell*, situate in the Parishes of *Chipping*, *Mitton*, and *Ribchester*, *Hurst Green*, *Bose Bank*, and *Low Moor* otherwise *Chisley Green*, *Hood Lee*, *Bailey Green*, and *Chaigeley Moor*, situate in the several Hamlets of *Aighton*, *Bailey*, and *Chaigeley*, in the Parish of *Mitton*; and *Dutton Lee*, *Fawney*, *Francis Green*, *Ward Green*, *Seed Green*, *Crook Green*, and *Town Green*, situate in the Parish of *Ribchester*; and also divers other Parcels of Common and Waste Land within *Thornley*, *Aighton*, *Bailey* and *Chaigeley*, *Dutton* and *Ribchester*, in the County aforesaid, containing together by Estimation, in Statute Measure, Two thousand Acres or thereabouts: And whereas the Right Honourable *Edward* Earl of *Derby* is The Earl of Lord of the Manor of *Thornley* lying within the said Parish of *Chipping*, Derby, Lord and as such is entitled to the Soil and Royalties in and over such Part of of the Manor of the said Commons, Moors, Heath, and Waste Grounds, as is situate of *Thornley*.

[Loc. & Per.] 16.1 within

Thomas Weld, Esq. Lord of the Manors of Aighton, Bailey and Chaigeley, Dutton and Ribchester.

Glebe Land in Ribchester.

Proprietors of Commons and Waste Lands.

General Inclosure Act 41 Geo. III. c. 109.

Present State of the Commons and Waste Grounds, and Utility of Inclosure.

Commissioners.

within that Manor: And whereas *Thomas Weld*, Esquire, is Lord of the Manor of *Aighton*, *Bailey*, and *Chaigeley*, lying within the said Parish of *Mitton*, (comprising the Three several Hamlets of *Aighton*, *Bailey*, and *Chaigeley*) and the said *Thomas Weld* is also Lord of the several Manors of *Dutton* and *Ribchester*, within the said Parish of *Ribchester*, and as such is entitled to the Soil and Royalties in and over such Parts of the said Commons, Moors, Heath, and Waste Grounds, as are situate within the said Manors of *Aighton*, *Bailey*, and *Chaigeley*, *Dutton* and *Ribchester*:-

And whereas the Right Reverend the Lord Bishop of *Chester*, in right of his See, is seised of or entitled to the perpetual Advowson, Right of Patronage, and Presentation, of, in, and to the Vicarage and Parish Church of *Ribchester*, and in right of his said See is seised of or entitled to the Parsonage or Rectory Impropriate of the same Parish, and to certain Tythes and Glebe Lands lying within the said Parish of *Ribchester*:-

And whereas the said *Edward* Earl of *Derby*, the Right Honourable *Thomas James Warren Bulkeley* Viscount *Bulkeley*, and *Elizabeth Harriott Warren Bulkeley* Viscountess *Bulkeley* his Wife, the said Lord Bishop of *Chester*, the said *Thomas Weld*, and *George Petre* Esquire, *Thomas Parker* Esquire, *Thomas Walmesley* (an Infant) Esquire, *Henry Townley Ward* Esquire, *James Taylor* Esquire, *William Cross* Esquire, *Anthony Edisforth* Esquire, *Charles Harrison* Esquire, *William Foulle* Gentleman, *Richard Eccles* Gentleman, *Edward Entwistle* Gentleman, *Harriot Cowper* Widow, *Anne Wall* Spinster, and several other Persons, are Owners and Proprietors respectively of ancient Messuages, Lands, Tenements, and other Hereditaments within the said several Manors, Townships, and Hamlets of *Thornley*, *Aighton*, *Bailey*, and *Chaigeley*, *Dutton* and *Ribchester*, and have severally for themselves and their respective Lessees and Tenants for and in respect of their said several Estates within *Thornley*, *Aighton*, *Bailey*, and *Chaigeley*, *Dutton* and *Ribchester* aforesaid, respectively Right of Common or Pasturage, in, upon, and over the said Tracts or Parcels of Common, Moor, Heath, and Waste Grounds, in proportion to their several and respective Estates within the same Manors, Townships, and Hamlets: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, '*An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*:' And whereas the said Tracts and Parcels of Com-

mon, Moor, Heath, and Waste Grounds, yield very little Profit, and in their present State are incapable of Improvement; but the same might be improved, and it would be very advantageous to the Proprietors thereof and the several other Persons interested therein, and of public Utility, if the same were divided, and specific Shares thereof allotted to the respective Proprietors thereof and Persons interested therein, according to their respective Rights and Interests 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 *Adam Cottam*, of *Whalley* in the said County, Gentleman, *Edward Lovat*, of *Burnley* in the County aforesaid, Gentleman, and *William Harper*, of *Dunkenhalgh* in the said County, Gentleman, and their Successors for the Time being to be elected or appointed

Pointed in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for setting out, dividing, allotting, and inclosing the said Commons, Moors, Heath, and Waste Grounds, within the said several and respective Manors, Townships, or Hamlets of *Thornley, Aighton, Bailey, and Chaigeley, Dutton and Ribchester*, and for otherwise putting this Act in Execution, with such Powers, and subject to such Regulations and Directions as are contained in the said recited Act; and that all Acts, Matters, and Things by this or the said recited Act authorized or directed to be done by the said Commissioners for the Time being jointly, may be done and executed by any Two of them, and that the same, when so done, shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the same had been done and executed by all the said Commissioners.

II. And be it further enacted, That when and so often as before the Execution of the several Awards or Instruments in Writing, hereinafter directed to be made, any of the Commissioners appointed by this Act, or to be appointed as hereinafter mentioned, shall die, or shall refuse or neglect to act as a Commissioner in the Execution of this and the said Act, for the Space of Two Calendar Months when Occasion shall require the Attendance of such Commissioner on the Business of the said Inclosure, or shall become incapable of acting, then and in case of the Death, Refusal, Neglect, or Incapacity to act of the said *Adam Cottam*, and so from Time to Time as to his Successor, the said *Edward* Earl of *Derby*, as Lord of the said Manor of *Thornley*, or the Lord of the same Manor for the Time being, shall from Time to Time within Two Calendar Months next after the Death, Refusal, Neglect, or Incapacity to act of the said *Adam Cottam*, and so from Time to Time as to his Successor, by Writing under his Hand and Seal, appoint One Commissioner not interested in such Division and Inclosure, instead of the said *Adam Cottam*, or of his Successor; and in case of the Death, Refusal, Neglect, or Incapacity to act of the said *Edward Lovat*, and so from Time to Time as to his Successor, the said *Thomas Weld*, as Lord of the said Manors of *Aighton, Bailey, and Chaigeley, Dutton, and Ribchester*, or the Lord or Lords of the same Manors for the Time being, shall from Time to Time within Two Calendar Months next after the Death, Refusal, Neglect, or Incapacity to act of the said *Edward Lovat*, and so from Time to Time as to his Successor, by Writing under his or their Hand and Seal, or Hands or Seals, appoint One Commissioner not interested in such Division and Inclosure, instead of the said *Edward Lovat*, or of his Successor; and in case of the Death, Refusal, Neglect, or Incapacity to act of the said *William Harper*, and so from Time to Time as to his Successor, the said several Persons who for the Time being shall be interested in the said Commons, Moors, Heath, and Waste Grounds, so intended to be divided and inclosed as aforesaid, or their respective Agents or Attornies duly authorized in that Behalf (other than and except the Lord and Lords of the said Manors of *Thornley, Aighton, Bailey and Chaigeley, Dutton and Ribchester*, for the Time being) or the major Part of them in Value (such Value to be ascertained by the Land Tax Assessment for the Time being of the ancient Messuages and inclosed Lands in respect of which such Interest therein is claimed) who shall be present at a Meeting to be called for that Purpose, shall from Time to Time within Two Calendar Months next after the Death, Refusal, Neglect, or Incapacity to act of the said *William Harper*, and so from Time to Time as to his

his Successors, by Writing under their Hands and Seals appoint One Commissioner not interested in such Division and Inclosure, instead of the said *William Harper* or of his Successor, and so from Time to Time as often as any such Case shall happen; and every Commissioner so to be appointed as aforesaid, shall have the like Powers and Authorities by this or the said recited Act as the Commissioner or Commissioners in whose Place or Places he or they shall succeed was or were vested with: Provided always, that in case of the Death, Refusal, Neglect, or Incapacity to act of the said *William Harper* or of his Successor, Notice in Writing be affixed upon the principal outer Doors of the Parish Churches of *Chipping*, *Mitton*, and *Ribchester*, hereinafter mentioned, in like Manner as Notice of other Meetings held for the Purpose of carrying this and the said recited Act into Execution are by this Act directed to be given, of the Purpose, Time, and Place of such Meeting to chuse such new Commissioner, at least Fourteen Days before such Meeting.

Allowance
to Commis-
sioners.

III. And be it further enacted, That out of the Monies that shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to each of the said Commissioners, as a Recompence for his Time, Trouble, Journies, and Expences in and about the dividing, allotting, and inclosing the said Commons, Moors, Heath, and Waste Grounds, and hearing and determining Disputes, and all other Matters whatsoever incident to his said Office as a Commissioner, the Sum of Two Pounds and Two Shillings, and no more, for each Day he shall be attending in the Execution of this and the said recited Act, and in travelling to and from their respective Place or Places of Meeting; and at all their Meetings the said Commissioners shall defray their own Expences (save and except the Expence of hiring a Room or Rooms for the Purpose of holding their several Meetings for carrying the said recited Act and this Act into Execution).

Notice of
Meetings of
Commis-
sioners.

IV. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice in Writing to be affixed on the principal outer Door of the Three several Parish Churches of *Chipping* in the County of *Lancaster*, *Mitton* in the County of *York*, and *Ribchester* in the County of *Lancaster* aforesaid, on some *Sunday* immediately before or after Divine Service, and also a like Notice to be inserted in One or both of the *Preston* and *Blackburn* News-papers, and in the *Liverpool* Saturday's Weekly News-paper, or some other public News-paper usually circulated in the said County of *Lancaster*, of the Time and Place of their First Meeting, and all other subsequent Meetings for executing the Powers hereby and by the said recited Act vested in them, at least Ten Days before any such Meeting (Meetings by Adjournment only excepted); and it shall be lawful for the said Commissioners for the Time being to adjourn their Meetings, and appoint the same to be held within the said Parishes of *Chipping*, *Mitton*, and *Ribchester*, or some or One of them, or at some Place within the Distance of Eight Miles of the same Parishes, or some or One of them, on any future Day as they shall see Occasion and think necessary: and if the said Commissioners, or no more than One of the said Commissioners shall attend at the Time and Place appointed for any such Meeting, or to which the same shall be adjourned, it shall be lawful for the Clerk to the said Commissioners to adjourn such Meeting to any future Day, not exceeding Ten Days from the Day of Adjournment, to be held

at the same or any other Place within Eight Miles from the said Parishes, or some or One of them, and such Clerk shall cause Notice of such Adjournment to be given to the said Commissioners.

V. Provided always, and be it further enacted, That all other Notices Other Notices how to be given. necessary or requisite to be given by the said Commissioners, shall be so given by Advertisement to be inserted in the said *Preston* and *Blackburn* News-papers, or One of them, and in the *Liverpool* News-paper, or if the same shall not be then published, then in some Two other News-papers circulated in the said County of *Lancaster*.

VI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to appoint a Commissioners may appoint a Clerk. Clerk to assist them in the Execution of this Act, and from Time to Time to remove such Clerk, and appoint another in his Stead, as to the said Commissioners shall seem meet: and from and out of the Money to be provided for the Purposes of this Act, to allow and pay to such Clerk such Salary or Allowance for his Trouble as to the said Commissioners shall appear just and reasonable.

VII. And be it further enacted, That the said Commissioners may and Commissioners may appoint Surveyors and Assistants. they are hereby authorized and empowered, when and as to them shall seem meet, to appoint any competent Person or Persons, not interested in the said intended Inclosure, or not being the Steward or Agent of any Person so interested, to be a Surveyor or Surveyors for the Purpose of the said intended Division and Inclosure, or to be an Assistant to them the said Commissioners, in executing the several Powers and Authorities in them vested by this and the said recited Act; and from Time to Time to displace and remove any such Person or Persons so to be appointed, and to appoint any other competent Person or Persons, not interested as aforesaid, in the Room 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 Monies to be provided for the Purposes of this Act, all such Remuneration for Labour, Recompence, and incidental Expences, as to the said Commissioners shall appear just and reasonable.

VIII. Provided always, and be it further enacted, That no Person shall Surveyors to take an Oath. be capable of acting in the Execution of this or the said recited Act, as a Surveyor, until he shall have taken and subscribed the Oath or Affirmation following; (that is to say)

‘I do swear [*or, being one of the People called Quakers do solemnly* Surveyor's Oath. declare and affirm], that I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Powers and Authorities vested and reposed in me as a Surveyor, by virtue of an Act passed in the Forty-eighth Year of His Majesty King George, the Third, intituled, An Act [*here insert the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality to any Person or Persons whomsoever.
‘So help me God.’

Which Oath or Affirmation it shall be lawful for any One of the said Commissioners to administer to each and every Surveyor so to be appointed as

[*Loc. & Per.*]

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aforesaid;

aforefaid; and fuch Oath, fo taken and fubfcribed, fhall be annexed to and depofited with the Award of the faid Commiffioners.

Proceedings
to be entered
in a Book.

IX. And be it further enacted, That all Orders, Proceedings, and Determinations of the faid Commiffioners, at any of their Sittings to be held in purfuant of this Act, fhall be entered in a Book or Books to be provided for that Purpofe, and fhall be figned by the faid Commiffioners at fuch Meetings, and being fo figned, fhall be deemed and taken for Originals; and all fuch Books fhall and may be read in Evidence in all Cafes of Appeal, Suits, Actions, and other Proceedings, touching any Matter or Thing done or to be done in relation to or in purfuant of this or the faid recited Act.

Survey to be
made.

X. And for the more juft and regular Divifion of the faid Lands and Grounds hereby directed to be divided and inclofed: Be it further enacted, That the faid Commiffioners fhall make or caufe to be made a Survey, Admeafurement, and Plan of the faid Commons, Moors, Heath, and Wafte Grounds, and alfo of the old Inclofed Lands within the fame Parifhes of *Chipping*, *Mitton*, and *Ribchefter*, or of fuch Part or Parts thereof refpectively as they may think neceffary, and divide and reduce the fame into Four feparate Parts, to wit, One Plan as to fo much and fuch Part thereof only as is fuate within the faid Manor of *Thornley*; One other Plan as to fo much or fuch Part thereof only as is fuate within the faid Manor and Hamlets of *Aighton*, *Bailey*, and *Chaigeley*; One other Plan as to fo much or fuch Part thereof only as is fuate within the faid Manor of *Dutton*; and One other Plan as to fo much or fuch Part thereof only as is fuate within the faid Manor of *Ribchefter*; and fuch Survey, Admeafurement, and Plans fhall be reduced into Writing, and the Number of Acres, Roods, and Perches in Statute Meafure contained in the faid Manors refpectively fhall be fet forth and afcertained, and delivered to the faid Commiffioners, and fhall be verified upon the Oath or Affirmation of the Perfon making the fame (which Oath or Affirmation any of the faid Commiffioners, or any Juftice of the Peace for the faid County of *Lancaster*, is hereby authorized and required to adminifter): Provided nevertheless, that if any Plan or Plans, Survey or Surveys, already made of the faid Commons, Moors, Heaths, or Wafte Grounds, or the faid Inclofed Lands, or any Part or Parts thereof refpectively, fhall be produced, and laid before the faid Commiffioners, of the Authenticity of which they fhall be fatisfied, it fhall be lawful for the faid Commiffioners to make ufe of the fame without caufing fuch new Survey or Plan to be made thereof.

Wafte's ad-
joining In-
clofures,
Highways,
&c. to be
taken into
the Survey.

XI. And be it further enacted, That all and every fuch Parts and Parcels of Lands or Wafte Grounds in the faid feveral Manors or Townfhips of *Thornley*, *Aighton*, *Bailey*, and *Chaigeley*, *Dutton* and *Ribchefter*, or any of them, as are or have been heretofore inclofed or taken from the faid Commons, Moors, Heath, or Wafte Grounds, by any Perfon or Perfons (not being a Freeholder or Freeholders there) as adjoins to any ancient Inclofures or any of the Highways there, or wherefoever fituated, fhall be furveyed and valued, (fuch Valuation to be taken after the Manner or Value of the adjoining Common or Wafte Ground,) and fhall be deemed and taken to be Part or Parts of the faid Commons, Moors, Heath, and

Waste Grounds hereby intended to be divided and inclosed, and shall by the said Commissioners be divided and allotted to such of the said Proprietors as shall have Lands or Grounds within the said Manors or Townships adjoining or lying nearest to them respectively.

XII. And be it further enacted, That the said Commissioners, and the Surveyor to be appointed by virtue of this Act, and every succeeding Surveyor to be appointed as aforesaid, their Servants and Assistants, and all Persons employed by them respectively for the Purposes and in Execution of this and the said recited Act, shall have and they are hereby vested with full Power and Authority, at any Time or Times whatsoever, to enter into, view and examine, survey and admeasure all and every the Lands and Grounds hereby directed to be divided and inclosed, and also the ancient inclosed Lands and Grounds within the said Parishes of *Chipping, Mitton, and Ribchester*, or any Part thereof, for the Purpose of this and the said recited Act. Commissioners and Surveyors to have Power to enter upon Lands.

XIII. And be it further enacted, That it shall and may be lawful for the said Commissioners to enquire and determine what Inclosures and Encroachments have been from Time to Time made upon or taken from the said Commons, Moors, Heath, and Waste Grounds, or any of them, or any Part or Parts thereof, by any Person or Persons whomsoever; and that all such Inclosures and Encroachments which shall 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 he, she, or they have hitherto enjoyed such Inclosures and Encroachments respectively, but that all other Inclosures and Encroachments within the said Manors or Townships of *Thornley, Aighton, Bailey and Chaigeley, Dutton and Ribchester*, or any of them, shall be allotted to him, her, or them, having made or being in Possession thereof, as Part of his, her, or their respective Shares or Allotments of the said Commons, Moors, Heath, and Waste Grounds, to be divided and allotted by virtue of this Act; and in case any Difference or Dispute shall arise touching any such Inclosures or Encroachments, or the Extent thereof, such Difference or Dispute shall be determined by the said Commissioners: Provided always, that no Person or Persons who is or are or shall be entitled to any such Inclosures or Encroachments shall in respect thereof be entitled to any Part or Share of or in the said Commons, Moors, Heath, or Waste Grounds, intended to be divided and allotted by virtue of this Act. Commissioners to enquire into Encroachments.

XIV. And be it further enacted, That if any Dispute shall arise between any of the Parties interested, touching their Rights or Claims, Estates or Interests in the Lands and Grounds hereby directed to be divided and inclosed as aforesaid, the said Commissioners are hereby authorized and empowered to hear and determine the same: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to determine any Dispute that shall or may affect the Right or Title to any Lands, Tenements, or Hereditaments, within the said Parishes of *Chipping, Mitton, and Ribchester*. Commissioners to settle Disputes, &c. but not to determine Disputes as to Titles, &c.

XV. And

Power to
assess Costs.

XV. 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, 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, Body or Bodies Politic, Corporate or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, 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, Body or Bodies Politic, Corporate or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try
Rights at
Law.

XVI. Provided always, and be it enacted, That if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims to any Rights of Common or other Rights or Interests, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, or touching or concerning any Matter or Thing relating to the said Division and Inclosure, and shall by Writing under his, her, or their Hand or Hands, or under the Hand of his, her, or their Clerk or Agent, signify the same to the said Commissioners, together with the Grounds or Reasons of his, her, or their Dissatisfaction, within Two Calendar Months next after such Determination shall be made, then and in every such Case (but not otherwise) it shall and may be lawful for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matters so determined by the said Commissioners at the then next or at the following Assizes to be holden for the County Palatine of *Lancaster*; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action or Actions to be brought upon a feigned Issue against the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in whose Favour any Determination shall have been so made within Three Calendar Months next after such Determination shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Rights or Interests thereby insisted on

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 upon the Trial of such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons, Body and Bodies Politic, Corporate and Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or Trials therein, which it shall be lawful for the Court to do in case the said Court shall think proper; and it shall also be lawful for the said Court to put off the Trial or Trials of such Issue or Issues upon sufficient Cause shewn, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and not set aside by the said Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that all such Determinations of the said Commissioners as shall not be objected to within the Time and in Manner aforesaid, or being so objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in within the Time and in Manner aforesaid, shall be absolutely binding, final, and conclusive upon all Parties whomsoever.

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

Actions not to abate by Death of Parties.

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

Suits respecting Titles not to impede the Execution of this Act.

XIX. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before 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, Bodies Politic or Corporate, 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

In cases of Deaths of Parties before Actions brought the same to be carried on and defended in their Names.

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 Persons shall be equally bound and concluded by the Event of such Action or Actions.

Persons in possession not to be molested without due Course of Law.

XX. 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 of such Parties, except in Cases of Encroachments made within the Period of Twenty Years, but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

Commissioners may divert and turn Roads.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, with the Concurrence and Order of Two Justices of the Peace acting in and for the said County of *Lancaster*, such Order being thereby declared to be subject to Appeal in Manner as in the said recited Act is mentioned, to divert, stop up, or change any of the public Roads (not being a Turnpike Road) passing or leading through any of the said Commons, Moors, Heath and Waste Grounds, as they the said Commissioners shall deem necessary, and as they shall think proper; and such Roads so stopped up shall be deemed and taken as Part of the Lands and Grounds hereby intended to be divided and inclosed, and shall be divided, allotted, and inclosed accordingly.

Allotments for getting Materials for Repair of Roads.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, assign, and allot such Part and Parcel of the said Commons, Moors, Heath and Waste Grounds as they shall think proper and sufficient as and for Public Stone and Gravel Pits, for the Purpose of getting Materials for the forming, completing, and repairing the public and private Roads and Ways in the said Parishes respectively, wherein the said Commons, Moors, Heath and Waste Grounds are situated as aforesaid, and by the said recited Act directed to be set out, formed, completed, and repaired; and to and for such other Uses and Purposes as the said Commissioners in their Award, by this or the said recited Act directed to be made, shall appoint.

Allotment for Watering Places, &c.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required (after they shall have set out and appointed the public Carriage Roads and Highways through and over the said Commons, Moors, Heath and Waste Grounds intended to be divided, allotted, and inclosed) to set out, allot and award so much and such Parts of the said Commons, Moors, Heath and Waste Grounds so intended to be divided and inclosed, within each and every of the said several and respective Manors of *Thornley*, *Aighton*, *Bailey* and *Chaigeley*, *Dutton* and *Ribchester*, as they shall think proper and sufficient for the Purpose of common Watering Places for Cattle, getting Stone, Slate, Flags, and other Materials for erecting and repairing of Buildings, Bridges, Walls, Fences, and other Works, and for the Reparation of the public and private Roads, which now are or hereafter shall be made within *Thornley*,

Aighton, Bailey and Chaigeley, Dutton and Ribchester aforesaid respectively; such Part so to be set out in the said respective Manors, Townships, or Places, to be used and enjoyed only by the Proprietors of Lands within the same respectively, and in such Manner only, and under and subject to such Rules, Orders, and Regulations, as the said Commissioners shall make or appoint, and which Rules, Orders, and Regulations, they are hereby required and directed to make accordingly.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby required, according to the best of their Skill and Judgment, and in such Manner as to them shall appear just and right and most proper for the Purposes of this and the said recited Act, to 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 the said Manors or Townships of *Thornley, Aighton, Bailey and Chaigeley, Dutton and Ribchester* respectively, to which any Right of Common in or upon the said Tracts or Parcels of Common, Moor, Heath, or Waste 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 or fairly entitled as appurtenant or appendant to the same Messuages, Lands, Tenements, and Hereditaments respectively, and of all such other Rights in, upon, or to the said Tracts or Parcels of Common, Moor, Heath, or Waste Grounds, or any of them as shall have been admitted or proved according to the Intent and true Meaning of this or the said recited Act; and the said Commissioners shall and they are hereby required in like Manner to ascertain, settle, set down, and specify the several Quantities, and likewise the Value by the Acre, or otherwise, of the said Tracts or Parcels of Common, Moor, Heath, or Waste Grounds within the said several Manors or Townships of *Thornley, Aighton, Bailey and Chaigeley, Dutton and Ribchester*, in the different Parts thereof respectively, according to the Nature and Situation of such respective Parts.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required (after the public and private Roads and the Allotment and Allotments for Stone and Gravel Pits, and for Watering Places, shall be set out within the said Manor of *Thornley* aforesaid, in pursuance of this and the said recited Act) to set out, allot, and award unto and for the said *Edward* Earl of *Derby*, as Lord of the said Manor of *Thornley*, or the Person or Persons who shall be Lord or Lords for the Time being of the same Manor, One full Twentieth Part in Value (the whole into Twenty equal Parts to be divided) of such Part of the said Commons, Moors, Heath, or Waste Grounds, intended to be inclosed by virtue of this and the said recited Act, as is situate within and Parcel of the said Manor of *Thornley*, in Compensation for and in full Satisfaction of his or their Right as Lord of the said Manor (except as hereinafter mentioned,) to the Soil of the Residue of the same Part of the same Commons, Moors, Heath, and Waste Grounds.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered (after the public and private Roads, and the Allotment and Allotments for Stone and Gravel Pits, and for Watering Places, shall be set out within the Manor of *Aighton, Bailey* and *Chaigeley*, as Lord of the Manor of *Thornley*.)

of Aighton,
Bailey and
Chaigeley.

Bailey and Chaigeley aforesaid, in pursuance of this and the said recited Act) to set out, allot, and award unto and for the said *Thomas Weld*, as Lord of the said Manor of *Aighton, Bailey, and Chaigeley*, or the Person or Persons who shall be Lord or Lords for the Time being of the same Manor, One full Twentieth Part in Value (the whole into Twenty equal Parts to be divided) of such Part of the said Tracts or Parcels of the said Common, Moor, Heath, and Waste Grounds, intended to be inclosed by virtue of this and the said recited Act, as is situate within and Parcel of the said Manor of *Aighton, Bailey, and Chaigeley*, in Compensation for and full Satisfaction of his or their Right as Lord of the said Manor (except as hereinafter mentioned) to the Soil of the Residue of the same Part of the same Commons, Moors, Heath, and Waste Grounds.

Allotment to
Thomas
Weld, Es-
quire, as Lord
of the Manor
of Dutton.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required (after the public and private Roads, and the Allotment and Allotments for Stone and Gravel Pits, and for Watering Places, shall be set out within the Manor of *Dutton* aforesaid, in pursuance of this and the said recited Act) to set out, allot, and award unto and for the said *Thomas Weld*, as Lord of the said Manor of *Dutton*, or the Person or Persons who shall be Lord or Lords for the Time being of the same Manor, One full Twentieth Part in Value (the whole into Twenty equal Parts to be divided) of such Parts of the said Tracts or Parcels of Common, Moor, Heath, and Waste Grounds, intended to be inclosed by virtue of this and the said recited Act, as is situate within and Parcel of the said Manor of *Dutton*, in Compensation for and full Satisfaction of his or their Rights as Lord of the said Manor (except as hereinafter mentioned) to the Soil of the Residue of the said Commons and Waste Grounds.

Allotment to
Thomas
Weld, Es-
quire, as Lord
of the Manor
of Ribchester.

XXVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required (after the public and private Roads and Ways, and the Allotment and Allotments for Stone and Gravel Pits, and for Watering Places, shall be set out within the Manor of *Ribchester* aforesaid in pursuance of this and the said recited Act) to set out, allot, and award unto and for the said *Thomas Weld* as Lord of the said Manor of *Ribchester*, or the Person or Persons who shall be Lord or Lords for the Time being of the same Manor, One full Twentieth Part in Value (the whole into Twenty equal Parts to be divided) of such Part of the said Tracts or Parcels of the said Common, Moor, Heath, and Waste Grounds, intended to be inclosed by virtue of this and the said recited Act, as is situate within and Parcel of the said Manor of *Ribchester*, in Compensation for and full Satisfaction of his or their Right as Lord of the said Manor (except as hereinafter mentioned) to the Soil of the Residue of the same Part of the same Commons, Moors, Heath, and Waste Grounds.

Allotment of
the Residue
of the Com-
mons, &c. to
the Pro-
prietors.

XXIX. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and required, after making such Deductions and Allotments as hereinbefore mentioned, to divide, apportion, set out, and allot all the Residue and Remainder of the said Tracts or Parcels of Common, Moor, Heath, and Waste Lands and Grounds situate within and Parcel of the said several Manors, Townships, and Hamlets of *Thornley, Aighton, Bailey and Chaigeley, Dutton and Ribchester* respectively, and hereby directed to be divided, allotted, and inclosed, unto and amongst the said several Lords of the said several Manors, and the said several

several other Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments, having Right of Common or other Interest in or upon such Parts respectively, in respect of such Rights or Interest, in a just and fair Proportion, according to their several and respective Estates, Rights, and Interests therein, and in full Satisfaction of and for such their several Shares, Rights, and Interests, to be ascertained and adjudged by such Ways and Means and in such Manner as the said Commissioners shall in and by their Award order, direct, or appoint.

XXX. And be it further enacted, That all and singular the Lands and other Premises which shall be allotted under or by virtue of this Act shall (immediately after such Allotments are made) be held by and be subject to such and the same Tenures, Customs, Heriots, Rents and Services, as the several and respective Messuages, Buildings, Lands, Tenements, and Hereditaments, in respect whereof such allotted Lands shall be made are now subject to.

Allotments to be of the same Tenure as the ancient Inclosed Lands.

XXXI. Provided always, and be it further enacted, That nothing in this or the said recited Act contained shall extend, or be construed, deemed, or 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, Rent or Incumbrance out of, upon, or affecting any of the Lands or Grounds hereby or by the said recited Act intended to be divided, allotted, and inclosed, or which shall be exchanged in pursuance of this Act or any Part thereof respectively; but that the respective Persons to whom the Lands or Hereditaments shall be allotted or given in exchange by virtue of this or the said recited Act, 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, with the same Powers, and subject to such and the same Wills, Settlements, Limitations, Remainders, Charges, Rents, and Incumbrances, and no other, as the several Lands, Grounds, Tenements, and Hereditaments, whereof such Person was seised or possessed at or immediately before the Execution of the Award of the said Commissioners, or for which or in respect or in lieu whereof such Allotments and Exchanges shall be made as aforesaid, would have been subject or liable to in case the same had remained uninclosed or unexchanged, or this Act had not been made.

Wills and Settlements not to be affected.

XXXII. 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, allotted, and inclosed 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 shall by any Writing or Writings under their Hands in that Behalf, order, direct, or appoint; the respective Reversioners, Owners, or Proprietors of the Hereditaments and Premises comprized in such respective Leases or Agreements, making such Satisfaction to their Lessee or Lessees, Tenant or Tenants, and at such Time or Times as they the said Commissioners shall ascertain, direct, or appoint, 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 shall be construed to extend to avoid or affect any Agreement or Engage-

Leases at Rack Rent to be void.

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ment.

ment already made between Landlord and Tenant in contemplation of an Inclosure of the said Commons, Moors, Heath, and Waste Grounds, or relating thereto; provided also that if there shall be any Lease of Land, Part of which shall lie in any of the said Manors, Townships, Hamlets, or known Places of *Thornley, Aighton, Bailey and Chaigley, Dutton and Ribchester* aforesaid, in the several Parishes of *Chipping, Mitton and Ribchester*, and Part in other Parts of the said several Parishes of *Chipping, Mitton and Ribchester*, or any of them, or in any adjoining Parish, Manor, Township, Hamlet or Place, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated; but where any Lands shall have been taken in Exchange, which Lands shall be under Lease and wholly situate in any adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

Other Lease-
holders to en-
joy the Al-
lotments
upon certain
Conditions.

XXXIII. And be it further enacted, That the several Lessees or Tenants, who have under any Lease (other than a 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 Commons, Moors, Heath, and Waste 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 Commons, Moors, Heath, and Waste Grounds, that shall be allotted and set out for or in respect of such Estates, upon Condition only that such Lessee or Lessees, Tenant or Tenants do and shall, within such Time and Times, and in such Manner as the said Commissioners shall order, appoint, or award, well and sufficiently inclose, ditch, and fence out the Shares of the said Commons, Moors, Heath, and Waste 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 and their Part and Share, Parts and Shares, in proportion to their Leasehold Interests therein respectively, of all Costs, Charges, and Expences relating thereto, to be settled by the said Commissioners, and the Reversioners shall and they are hereby directed to pay, within such Time or Times as the said Commissioners shall order, appoint, or award, the Residue of such Charges and Expences for or 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 enclose, ditch, and fence out their several Parts and Shares of the said Commons, Moors, Heath, and Waste Grounds to be allotted to their several and respective Estates, or to pay their 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 ordered, appointed, or awarded, that then and from and after such Refusal or Neglect the said Parts and Shares of the said Commons, Moors, Heath, and Waste 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 the said Owners or Proprietors are hereby directed, ordered, and authorized to inclose, ditch, and fence in the same, and pay for the same such Charges and Expences, and within such respective Time or Times, and in such Manner as the said Commissioners shall order, appoint or award.

XXXIV. And

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

Leasehold
Estates to go
to Rever-
sioners on
Expiration of
Leases.

XXXV. And be it further enacted; That the several Allotments to be made by virtue of this Act shall be inclosed and fenced at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, in such Manner and within such Time or Times respectively as the said Commissioners shall by their said Award, or by any other Writing previous to the Execution thereof, order, direct, or appoint; and that all such Fences shall at all Times thereafter be maintained and repaired by and at the Expence of the Owners for the Time being of the Lands and Grounds to which they shall be respectively allotted or directed to belong.

Allotments
to be fenced

XXXVI. 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 said several Manors, Townships, Hamlets, or known Places of *Thornley, Aighton, Bailey and Chaigeley, Dutton and Ribchester* aforesaid or any of them, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever within the same Manors, Townships, Hamlets, or known Places or any of them; or within any adjoining Parish, Manor, Township, 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, and Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors 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 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 or 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 shall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel or other Ecclesiastical Benefice, 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 lie or be situate.

Exchanges
may be made

XXXVII. Provided

Costs of Ex-
changes to be
paid by the
Parties
making the
same.

XXXVII. Provided always, and be it further enacted, That all the Costs, Charges, and Expences attending the making of any Exchange or Partition, shall be paid, borne, and defrayed by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportion as the said Commissioners shall by their said Award order or direct.

For Paying
the Expences
of passing and
executing
this Act.

XXXVIII. 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, obtaining, and passing of this Act, and of the surveying, planning, dividing and allotting the said Tracts or Parcels of Common, Moor, Heath, and Waste Lands and Grounds, and of preparing, making, and depositing the Award of the said Commissioners, and of 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 to be prepared and made out, and all other Costs, Charges and Expences whatsoever in anywise attending the Execution of this and the said recited Act, or any of the Powers, Authorities, Provisoos, or Declarations therein contained, shall be borne and defrayed by the respective Persons to whom Allotments of any Part of the said Tracts or Parcels of Common, Moor, Heath, or Waste 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; and the respective Shares and Proportions thereof shall be payable and paid to such Person and Persons and at such Times as the said Commissioners shall by Writing under their Hands order and direct; but subject to the Regulations, Proportions and Restraint hereinafter mentioned, (that is to say,) that all Costs, Charges and Expences incurred up to the Time of passing this Act shall be paid jointly; but that from and after that Time, (except the Fees to be paid to the said Commissioners and their Clerk, and the Expence of preparing, executing, and completing the Award,) separate and distinct Accounts shall be kept of all Costs, Charges and Expences in carrying the said recited Act and this Act into execution; and that the same Costs, Charges and Expences, when so ascertained, shall be proportioned, borne, and defrayed separately by the respective Persons to whom Allotments shall be made in Manner following, (that is to say,) so much and such Part thereof as relates to the said Manor or Township of *Thornley* and the Inclosure of the same, by the Proprietors of Allotments within *Thornley* aforesaid; so much and such Part thereof as relates to the said Manor or Township of *Aighton, Bailey and Chaigeley* and the Inclosure of the same, by the Proprietors of Allotments within *Aighton, Bailey and Chaigeley* aforesaid, so much and such Part thereof as relates to the said Manor or Township of *Dutton* and the Inclosure of the same, by the Proprietors of Allotments within *Dutton* aforesaid; and so much and such Part thereof as relates to the said Manor or Township of *Ribchester* and the Inclosure of the same, by the Proprietors of Allotments within *Ribchester* aforesaid; and 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 and to such Person or Persons as the said Commissioners shall appoint, then and in such Case the said Commissioners shall cause the same to be levied and recovered in Manner directed by the said recited Act and in this Act.

Persons
advancing
Money to be

XXXIX. And be it further enacted, That if any Person or Persons shall advance and pay any Money in discharge of the Fees or other Expences

in or about the applying for and obtaining this Act, or carrying the same into execution, such Person and Persons shall be repaid the same with Interest after the Rate of Five Pounds *per Centum per Annum*, out of the Monies which shall be first raised to defray the Expences of this Act. pay the Expences of this Act, to be repaid with Interest.

XL. And be it further enacted, That it shall be lawful for the said Commissioners to set out, assign, and allot so much and such convenient Part and Parts of the said several Commons, Moors, Heath and Waste Grounds, in the said several Manors and Townships, as in their Judgment shall be sufficient to raise a competent Sum of Money for paying the Charges and Expences of obtaining and passing this Act, and all other incidental Charges and Expences whatsoever, for or by reason of or preparatory to the said intended Division and Inclosure, and for carrying this and the said recited Act into complete Execution, so as a proportionate Part in the Judgment of the said Commissioners, or as nearly so as may be, shall be set out in each Manor or Township for defraying such Part of the said Charges and Expences as shall be payable in respect of the Allotments within the same; and such Allotment or Allotments shall be sold and disposed of by public Auction or otherwise in the Manner directed by the said recited Act, and the Purchase Money shall be applied for the Purposes aforesaid. Power to sell Land for defraying the Expences of this Act.

XLI. Provided always, And be it further enacted; That in case the Money to be raised by such Sale or Sales as aforesaid shall not be sufficient to pay and defray the Costs, Charges, and Expences aforesaid, the Deficiency shall be made up by the several Persons interested in the said Commons, Moors, Heath, and Waste Lands, and (subject to the Restraint and Rule for separating and portioning the Costs and Expences hereinbefore mentioned) shall be paid in such Shares and Proportions and within such Time and to such Person or Persons as the said Commissioners shall direct, nominate, and appoint; or in case any Expences shall be incurred in the Execution of any of the Powers and Provisions of this Act, which in the Judgment of the said Commissioners ought to be borne and defrayed by any particular Person or Persons, and not out of any Money to be raised for the several Purposes of this Act, then the same shall be paid in such Shares and Proportions and by such Person and Persons, and within such Time, and to such Person or Persons as the said Commissioners shall direct, nominate, or appoint; and in case any Person hereinbefore made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof within the Time to be appointed as aforesaid, or at any Time after upon Demand, the same shall and may be levied and recovered in the Manner directed by the said recited Act. Deficiency (if any) to be made good by the Proprietors.

XLII. Provided always, And be it further enacted, That the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act. Proprietors, &c. to pay their own Expences.

XLIII. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment to be made by virtue of this Act, to sell, mortgage, demise, and dispose of all his, her, or their Estate, Right, Title, and Interest therein, at any Time before the Execution of the Award, and on a proper Conveyance, Surrender, and Disposition thereof made, shall be good, valid, and effectual in the Law, Proprietors may sell their Allotments before the Execution of the Award.
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and also that it shall be lawful for any Person or Persons interested in the said Allotment, Division, and Inclosure, at any Time, not being less than Three Calendar Months before the Execution of the Award, to sell and dispose of all such Estate, Right, Title, Interest, and Property which he, she, or they shall have in or to the said Commons, Moors, Heath, and Waste Lands, or in or to any Allotment or Allotments to be made in respect thereof by virtue of this Act, separate from the Estate in right of which he, she, or they shall be so entitled; and it shall be lawful for the said Commissioners and they are hereby authorized and required to allot the same to the Purchaser or Purchasers thereof respectively.

Commissioners to lay their Accounts before Two Justices once in every Year.

XLIV. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences, in the Execution of this and the said recited Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster*, to be by them examined and balanced; and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in the Law, unless the same shall have been duly allowed by such Justices.

Mines and Minerals reserved to the Lords of the Manors, with Powers to work the same.

XLV. Provided always, And be it further enacted, That nothing in this Act contained shall be construed to defeat, lessen, or prejudice the Right, Title or Interest of the said *Edward* Earl of *Derby* or any future Lord of the said Manor of *Thornley*, or of the said *Thomas Weld* or any future Lord or Lords of the said several Manors of *Aighton*, *Bailey* and *Chaigeley*, *Dutton* and *Ribchester*, to the Mines, Beds, Veins and Seams of Coal, Cannel, Slack, Ironstone, Lead Ore, Manganese, or other Mines or Minerals in or under the said Commons, Moors, Heath, or Waste Grounds within and Parcel of the same Manors respectively hereby intended to be inclosed, or to any Seignories or Royalties incident or belonging to the same Manors respectively; but that the Lord and Lords for the Time being of the same Manors respectively shall and may continue to use, exercise and enjoy all such Rights, and the same are hereby reserved to them the said *Edward* Earl of *Derby* and the said *Thomas Weld* and the future Lord or Lords of the said several Manors respectively, with full and free Liberty, Power, and Authority for them respectively from Time to Time and at all Times hereafter, to have, hold, win, work, and enjoy all Mines, Beds, Veins and Seams of Coal, Cannel, Slack, Ironstone, Ore, Lead, Manganese, and other Mines and Minerals of what Nature or Kind soever, within and under the said Waste Lands hereby intended to be inclosed, together with all convenient and necessary Roads, Ways, and Passages, and Liberty of laying, making and repairing Waggonways and other Ways, in, over, and along the same or any of them, or any Part thereof, and of searching for, winning and working the said Mines and Minerals, and leading and carrying away the Coal, Cannel, Slack, Ironstone, Ore, Lead, Manganese, or other Produce thereof, and sinking, digging and making Pits, Shafts, Pit Rooms, Stand Yards, Air Pits, Drifts, Levels, Ways, and Watercourses, and of erecting and
using

using Fire or Steam Engines or other Engines, and of altering, changing, pulling down and carrying away the same or any of the Materials thereof; and to have and use any Stone got in the Sinking Pits or Shafts, or working or getting the said Mines and Minerals so reserved as aforesaid for the Uses and Purposes of the said Work, at his and their own free Will and Pleasure; and to do, employ, use, and exercise all such other Machines, Acts and Things, either now in use or hereafter to be invented, as may be necessary and convenient for the full and complete Enjoyment thereof, in as full, complete, and beneficial a Manner to all Intents and Purposes as he or they could or might have done in case this Act had not been made, he and they making and allowing to the several Owners or Occupiers of such Allotments respectively a reasonable and adequate Recompence and Satisfaction for all such Damages as shall from Time to Time be done thereto, or to any Erections or Buildings that may at any Time of working or getting the said Mines and Minerals, or exercising the Privileges aforesaid, be erected or built thereupon by or in the Use or Exercise of any such Right, Title, Interest, Liberty, Power or Authority, in proportion to the Loss thereby sustained, according to the Rights and Interests therein: Provided always, that nothing herein contained shall extend or be construed to extend to enable the Lord or Lords of any of the said Manors for the Time being, his, her, or their Lessee or Lessees, to enter into any House or Building, or to break the Surface of the Soil within any Yard or Garden which may be erected or made upon any Part or Parts of the same Commons, Moors, Heath, or Waste Grounds, by virtue of the Powers and Authorities hereby given.

XLVI. And be it further enacted, That as soon as conveniently may be after the said Commissioners shall have finished and completed the said intended Division and Allotment, they shall and are hereby authorized and required to form and draw up or cause to be formed and drawn up one general Award in Writing; which said Award, together with the Maps, Plans, and Surveys to be annexed thereto, shall within Six Calendar Months next after the Execution of the said Award by the said Commissioners be deposited with the Prothonotary of His Majesty's Court of Common Pleas of the County Palatine of *Lancaster*, to be by him kept among the Records of the said Court, and the said Prothonotary or his Deputy is hereby authorized and required to receive and deposit the same upon receiving a Fee of One Guinea for so doing; to which all Persons interested in the said Commons or Waste Lands may at all seasonable Times have Access, paying One Shilling for each Time of inspecting the same.

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

XLVIII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, shall think himself, herself, or themselves aggrieved by any thing done by virtue or in pursuance of this

Award.

Duplicate of Award to be made if required.

Allowing an Appeal to the Quarter Sessions.

this or the said recited Act (other than and except as to such Claims, Matters, and Things as are hereinbefore or by the said recited Act directed or authorized to be tried, settled, or determined by the Verdict of a Jury or an Issue at Law, or where any of the Clauses of the said recited Act or of this Act shall express that the same shall be by the Orders and Determinations of the said Commissioners final and 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 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 the other Party interested in the Matter of any such Appeal, or their Agent or Agents for the Time being, One Calendar Month at least before such Sessions, and the said Justices in their said 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 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 Charges 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 reinoveable by any *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

General
Saving.

XLIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all other Persons, Bodies Politic, Corporate and Collegiate, their Heirs, Successors, Executors, Administrators and Assigns (other than and except the several Persons, Bodies Politic, Corporate or Collegiate, to whom any Allotment or other Compensation shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, their Heirs, Successors, Executors, Administrators and Assigns respectively, and except such other Rights and Interests as the Intent and Purpose of the Inclosure hereby authorized shall absolutely require to be barred, destroyed, or extinguished by virtue of this Act) all such Estates, Rights, Titles, and Interests, as they, every, or any of them had or enjoyed, of, in, to, or out of the said Commons, Moors, Heath, and Waste Grounds hereby directed to be divided, allotted, and inclosed, before the passing of this Act, or could or might have been had or enjoyed if this Act had not been made.

This Act
may be given
in Evidence.

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

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