ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 137.

An Act for enclosing Lands within the several Townships of *Barnoldswick* and *Salterforth*, in the Parish of *Barnoldswick*, in the West Riding of the County of *York*. [17th *June* 1814.]

WHEREAS there are within the several Townships of *Barnoldswick* and *Salterforth*, in the Manor of *Barnoldswick*, in the Parish of *Barnoldswick*, in the West Riding of the County of *York*, certain Tracts or Parcels of Commons, Moors, and Waste Grounds, called *White Moor*, and also divers other small Parcels of Common and Waste Lands, within the said several Townships of *Barnoldswick* and *Salterforth*, containing in the whole by Estimation One thousand five hundred Acres, or thereabouts: And whereas Sir *William Chambers Bagshaw* Knight, *Edward Ferrand* Esquire, *William Roundell*, and *William Atkinson Wasney*, Clerks, *Thomas Cockshott*, *John Parr*, *Richard Greenwood*, and *Edmund Wilkinson*, Gentlemen, together with several other Owners and Proprietors of Estates, within the Parish of *Barnoldswick* aforesaid, are Lords of the Manor or reputed Manor of *Barnoldswick* aforesaid, and as such are entitled to the Royalties therein, and the Soil of the said Commons and Waste Grounds: And whereas

the ſaid Sir *William Chambers Bagshaw*, *Edward Ferrand*, *William Roundell*, *William Atkinſon Waſney*, *Thomas Cockſhott*, *John Parr*, *Richard Greenwood*, and *Edmund Wilkinſon*, together with ſeveral other Perſons, are the Owners and Proprietors of the ſaid Commons and Waſte Grounds: 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 Commons, Moors, and Waſte Grounds, in their preſent State, are of very little Value to the Land Owners having the principal Right thereon, and it would be of the greateſt Advantage, not only to them, but to the Public in general, if the ſaid Commons, Moors, and Waſte Grounds, were divided, allotted, and incloſed; yet the ſame cannot be eſtabliſhed and carried into Effect 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 Buttle* of *Kirkby Lonſdale*, in the County of *Weſtmorland*, Gentleman, and his Succeſſors, to be appointed in Manner herein-after mentioned, ſhall be, and he is hereby appointed the ſole Commiſſioner for dividing and allotting the ſaid Commons, Moors, and Waſte Grounds, and for carrying this Act and the ſaid recited Act into Execution, ſubject to ſuch Regulations as are herein-after contained, and with ſuch of the Powers, and ſubject to ſuch of the Rules, Orders, Directions, Regulations, Reſtrictions, and Proviſions, contained in the ſaid recited Act, as are not varied, altered, repealed, or otherwiſe provided for by this Act.

Commiſſioner appointed.

Appointment of new Commiſſioner in caſe of Death or Reſignation.

II. And be it further enacted, That in caſe the ſaid *Thomas Buttle*, or any Succeſſor to be appointed as herein-after is provided, ſhall happen to die or decline to act, or become incapable of acting, before the Execution of all the Powers hereby veſted in him ſhall be fully executed, or ſhall refuſe to qualify and act in the Execution hereof, then and in every ſuch Caſe it ſhall be lawful for the major Part in Value (to be aſcertained by the Land Tax Aſſeſſment) of the Proprietors or Perſons intereſted in the Lands and Grounds directed to be divided and incloſed, or their known Agents or Attornies, who ſhall be preſent at a public Meeting to be held for that Purpoſe, in purſuance of a Notice to be given in the Pariſh Church of *Barnoldſwick*, or by Writing to be affixed on the principal Door of the ſaid Church, and alſo by Advertiſement, to be inſerted in the *Leeds Mercury*, or if that Newſpaper ſhall not be publiſhed, in ſome other Newſpaper uſually and generally circulated in the County of *York*, at leaſt Twenty-one Days before ſuch Meeting, by Writing under his Hand, to appoint from Time to Time ſome other fit and proper Perſon, not intereſted in the ſaid Incloſure, to be a Commiſſioner in the Room of any ſuch Commiſſioner ſo dying, declining to act, or becoming incapable to act as aforeſaid, and ſo from Time to Time, as often as any Commiſſioner appointed by the ſaid Proprietors, or the major Part in Value of them preſent

Preſent at ſuch Meeting as aforeſaid, ſhall die, or become incapable of acting, or ſhall neglect or refuſe to act as aforeſaid; and every ſuch Commiſſioner ſo to be appointed as aforeſaid ſhall, after taking the Oath preſcribed in that Behalf, have the like Powers and Authorities, in all Reſpects, for carrying this and the ſaid recited Act into Execution, as if he or they had been originally named and appointed a Commiſſioner in and by this Act.

Notice of Sittings.

III. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to cauſe public Notice to be given upon ſome *Sunday*, before or during Divine Service, by Writing, to be affixed upon the principal outer Door of the ſaid Pariſh Church of *Barnoldſwick*, alſo by Advertiſement, in Manner aforeſaid, of the Time and Place of the Firſt Sitting, and all other ſubſequent Sittings, for the Execution of this or the ſaid recited Act, Fourteen Days at leaſt before any ſuch Sittings ſhall be held, (Sittings by Adjournment only excepted); and the ſaid Commiſſioner ſhall and may adjourn any and every ſuch Sittings from Time to Time, as he ſhall ſee Occaſion, for the further Execution of this Act and the ſaid recited Act; and in caſe the ſaid Commiſſioner ſhall not be preſent at ſuch Time, and at the Place appointed for ſuch Attendance, then it ſhall be lawful for the Perſon or Perſons who ſhall act as Clerk or Clerks to the ſaid Commiſſioner, to adjourn the ſame to any future Day, not exceeding Twenty-eight Days from the Day of ſuch Adjournment: Provided always, that all Sittings of the ſaid Commiſſioner to be had by virtue of this Act, ſhall be held at *Barnoldſwick*, or within the Diſtance of Eight Miles thereof.

Other Notices how to be given.

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

Allowance to the Commiſſioner.

V. And be it further enacted, That the ſaid *Thomas Buttle*, or any other Commiſſioner who ſhall act in the Execution of this Act, ſhall be allowed the Sum of Two Guineas and an Half, and no more, for his Trouble and Expences for each and every Day he ſhall neceſſarily attend in the Execution of the Powers of this Act, or the ſaid recited Act, or be employed in travelling to or from the Places of Meeting for that Purpoſe; and at all ſuch Meetings the ſaid Commiſſioner ſhall, out of ſuch Allowance, pay and defray his own Charges and Expences, as well as his Travelling Expences.

Commiſſioner to ſettle Differences.

VI. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid Diviſion and Incloſure, touching or concerning the reſpective Rights or Intereſts which they or any of them may have, or claim to have, in or upon, or in any Manner reſpecting or relating to the ſaid Diviſion and Incloſure, it ſhall and may be lawful to and for the ſaid Commiſſioner to hear, adjudge, and determine the ſame: Provided always, that nothing herein

herein contained shall authorize and empower the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Power to assess Costs.

VII. And be it further enacted, That in case the said Commissioner shall, upon the Hearing or Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this Act, or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he 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 over-ruled; 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 every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand, 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.

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

VIII. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim or Claims, Rights or Interests in, over, or upon the said Commons and Waste Grounds, hereby directed to be inclosed, or any Part thereof, then and in every such Case it shall and may be lawful for the Person or Persons so dissatisfied, to proceed to a Trial at Law, of the Matter so determined by the said Commissioner, at the first Assizes to be holden for the said County of *York*, next after the Expiration of Three Calendar Months from the Time of such Determination; and for that Purpose, the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so dissatisfied with the Determination of the said Commissioner, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, in whose Favour such Determination shall have been made, within Two Calendar Months next after such Determination of the said Commissioner, and Notice thereof in Writing, given to him, her, or them; and the Defendant 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 and file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right and Rights thereby insisted on,

may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive, upon all and every Person and Persons whomsoever, Body and Bodies Politic, Corporate or Collegiate, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had therein, which it shall be lawful for the Court to do in case the said Court shall think proper; and after such Verdict or Verdicts shall be obtained, and not set aside by the said Court, the said Commissioner shall, and he is 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 also, that the Determination of the said Commissioner, touching such Claim or Claims, Right of Common, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting, not causing such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

If Parties die Actions not to abate.

IX. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if such Event had not happened.

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

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

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

XI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any such Parties, except in Cases of Encroachment made within the Period of Thirty Years; but

but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment, or other due Course of Law.

Suits not to impede the Execution of the Act.

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

Commissioner may appoint Surveyor and Assistants.

XIII. And be it further enacted, That the said Commissioner may and he is hereby authorized and empowered, when and as to him shall seem meet, to appoint any competent Person or Persons not interested in the said intended Inclosure, and 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 the said Commissioner in executing the several Powers and Authorities in him 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 Commissioner shall seem just and reasonable.

Surveyor to take an Oath.

XIV. Provided always, and be it further enacted, That no Person or Persons, so to be appointed Surveyor as aforesaid, shall be capable of acting in the Execution of this or the said recited Act, as a Surveyor, until he or they 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 declare and affirm], That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Duties incumbent upon me as a Surveyor, by virtue of an Act passed in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of the 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

Which Oath or Affirmation it ſhall be lawful for the ſaid Commiſſioner to adminiſter to each and every Surveyor as aforeſaid, and ſuch Oath ſo taken and ſubſcribed ſhall be annexed to and depoſited with the Award of the ſaid Commiſſioner.

Survey to be made.

XV. And, for the more juſt and regular Diviſion of the Lands and Grounds hereby directed to be divided and incloſed, be it further enacted, That the ſaid Surveyor ſhall make, or cauſe to be made, a Survey, Admeaſurement, and Plan of the ſaid Commons, Moors, and Waſte Grounds, and ſuch Survey, Admeaſurement, and Plan, ſhall be reduced into Writing, and the Number of Acres, Roods, and Perches in Statute Meaſure, contained in the ſaid Commons, Moors, and Waſte Grounds, ſhall be ſet forth and aſcertained, and delivered to the ſaid Commiſſioner, and ſhall be verified on Oath or Affirmation of the Perſon making the ſame; which Oath or Affirmation the ſaid *Thomas Buttle*, or any other Commiſſioner to be appointed as aforeſaid, or any Juſtice of the Peace for the Weſt Riding of the ſaid County of *York*, is hereby authorized and required to adminiſter: Provided nevertheleſs, that if any Plan or Plans, Survey or Surveys, already made of the ſaid Commons, Moors, and Waſte Grounds, or any Part or Parts thereof, ſhall be produced and laid before the ſaid Commiſſioner, of the Authenticity of which he ſhall be ſatisfied, it ſhall be lawful for the ſaid Commiſſioner to make uſe of the ſame without cauſing ſuch new Survey and Plan to be made thereof.

Rights of Common to be ſuſpended.

XVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioner, and he is hereby authorized at any Time or Times before the Execution of the ſaid Award, by Notice in Writing under his Hand, to be given and publiſhed as aforeſaid, to order and direct from what Time or Times all or any Part of the Rights of Common, in, over, or upon the ſaid Commons and Waſte Grounds, or any Part thereof, ſhall be extinguiſhed, or the Exerciſe thereof ſuſpended, for and during ſuch Time as ſhall be expreſſed in ſuch Writing; and that all ſuch Rights of Common as the ſaid Commiſſioner ſhall, by ſuch Writing, order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall, from the Time to be ſpecified in ſuch Writing, ceaſe, determine, and be for ever extinguiſhed, or the Exerciſe thereof be ſuſpended accordingly; any Law, Uſage, or Cuſtom, to the contrary thereof notwithſtanding.

No Peat, Turf, Flags, Whins, or Furze to be cut.

XVII. And be it further enacted, That if any Perſon or Perſons ſhall, after the paſſing of this Act, cut, dig, pare, grave, flay, or carry away any Peat, Turf, Sods, Soil, Flags, Whins, or Furze, in or upon, or from the ſaid Commons and Waſte Grounds, or any Part thereof, without or contrary to the Licence of the ſaid Commiſſioner firſt had and obtained in Writing for that Purpoſe, which Licence the ſaid Commiſſioner is hereby empowered to grant, under ſuch Orders, Regulations, and Reſtrictions as to him ſhall ſeem right and proper to inſert therein, then and in every ſuch Caſe the ſaid Commiſſioner, upon due Proof made before him upon Oath (which Oath he is hereby

hereby authorized to adminiſter) ſhall, and he is hereby required, by Warrant under his Hand and Seal, directed to any Perſon or Perſons whomſoever, to cauſe any Sum or Sums of Money, not exceeding Ten Pounds, to be levied by Diſtreſs and Sale of the Goods and Chattels of any Perſon or Perſons ſo offending in the Premiſes, rendering the Overplus (if any), upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale, and the Money ſo to be levied as aforeſaid ſhall be applied towards defraying the Coſts and Charges of obtaining and executing this Act.

For ſhortening Boundary Fences.

XVIII. And be it further enacted, That if the ſaid Commiſſioner ſhall deem it expedient or proper to ſhorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted, and the Lands and Grounds of any Pariſh or Townſhip adjoining thereto, or to make the ſaid Boundary Fences regular, it ſhall be lawful for the ſaid Commiſſioner, with the Conſent in Writing, under the Hand or Hands of the Lord or Lords, Lady or Ladies, of the Manor or Manors in which the Lands are ſituate, and of the Owner or Owners of the Lands upon which any Fence or Fences ſhall or may be intended to be made, to ſet out, aſcertain, and determine the Boundary Fences to be made between the Lands and Grounds by this Act directed to be divided and allotted, and the Lands lying in ſuch adjoining Pariſh or Townſhip, Pariſhes or Townſhips reſpectively, in ſuch Manner as he ſhall judge proper for the Purpoſes aforeſaid; and after ſuch Boundaries ſhall be ſet out and aſcertained as aforeſaid, the ſame ſhall be fenced by ſuch Perſon or Perſons, in ſuch Manner, and at ſuch Time or Times as the ſaid Commiſſioner ſhall direct, and ſhall for ever thereafter be deemed and be taken to be the Boundaries between the ſaid Townſhips of *Barnoldſwick* and *Salterforth*, and ſuch adjoining Pariſh or Townſhip, Pariſhes or Townſhips reſpectively; any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Encroachments.

XIX. And be it further enacted, That all Encroachments which ſhall have been made upon any Part of the Commons and Waſte Lands intended by this Act to be divided and incloſed, within the Space of Thirty Years next before the paſſing of this Act, without any legal Grant or Authority for that Purpoſe, ſhall be deemed Part of the Commons and Waſte Lands to be divided and incloſed by virtue of this Act, and the ſame ſhall be divided and incloſed accordingly; and the ſaid Commiſſioner ſhall, and he is hereby authorized and required to ſell and diſpoſe of all ſuch Encroachments, (except ſuch Parts thereof where Buildings have been erected, and are now ſtanding thereon,) by Public Auction or otherwiſe, in the Manner directed by the ſaid recited Act, giving the firſt Preference, at a fair Price, to the Perſon or Perſons whoſe Property ſhall adjoin thereto; and where Buildings have been erected, and are now ſtanding upon any ſuch Encroachments, the Land covered by ſuch Buildings ſhall be allotted to the Perſon or Perſons who ſhall at the Time of making the

the Allotments be in Poſſeſſion of ſuch Buildings, or in the Receipt of the Rents and Profits thereof, as the Whole or Part of the Share or Proportion of the Commons or Waſte Lands to which ſuch Perſon or Perſons ſhall be entitled by virtue of this Act, without conſidering the Value of any ſuch Erection, or other Improvement made thereon; and if any ſuch Perſon or Perſons ſhall not be entitled to any Allotment, or not to an Allotment equal to the Value of ſuch Encroachment, but ſhall be willing to purchaſe the ſame, then the ſaid Commiſſioner ſhall aſcertain the Price thereof, or of ſuch Part thereof as ſhall exceed the Rights of ſuch Poſſeſſor or Poſſeſſors thereof, in reſpect of any other Property as aforeſaid, on aſcertaining of which Price the ſaid Commiſſioner ſhall not value the Buildings or other Improvements thereon, but ſhall value the Land only, and that at ſo much Money *per* Acre as the ſame ſhall, in his Eſtimation, be worth in its original State, having Reference to the Waſte next adjoining; and upon ſuch Perſon or Perſons paying ſuch Price *per* Acre, and ſo in Proportion for any leſs Quantity than an Acre, to the ſaid Commiſſioner, and at ſuch Time or Times as he ſhall appoint for that Purpoſe, and taking his Receipt or Receipts for the ſame, every ſuch Encroachment, or ſuch Part or Parts thereof as ſhall be ſo purchaſed, and alſo all Buildings and Improvements thereon, ſhall be allotted to ſuch Perſon and Perſons, and ſhall be holden and enjoyed by him, her, or them accordingly; and the ſaid Commiſſioner ſhall, and he is hereby required to apply ſuch Purchaſe Money as Part of the Monies to be raiſed for defraying the Expences of obtaining and paſſing this Act, and of carrying the ſame into Execution; and in caſe any Diſputes or Differences ſhall ariſe touching any Encroachments, or the Extent thereof, ſuch Diſputes ſhall be ſettled by the ſaid Commiſſioner; and if any Surplus ſhall remain after Payment of ſuch Expences as aforeſaid, ſuch Surplus ſhall be divided between the ſeveral Perſons intereſted in the ſaid Lands and Grounds, in Proportion to their reſpective Intereſts and Property therein; and the Shares of ſuch of the ſaid Perſons as ſhall be Tenants thereof in Fee Simple, ſhall be paid to them reſpectively, and the Shares of the others of the ſaid Perſons ſhall reſpectively be paid into the Bank of *England*, in Manner directed by the ſaid recited Act, with reſpect to Money to be paid for the Purchaſe or Exchange of Lands, Tenements, or other Hereditaments, or of any Timber or Wood growing thereon, where any ſuch laſt-mentioned Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes.

Commiſſioner may make Drains, &c.

XX. And be it further enacted, That the ſaid Commiſſioner ſhall and may ſcour out, deepen, widen, or divert all Brooks, Streams, Ditches, Watercourſes, Watering Places, Tunnels, and Bridges in the ſaid ſeveral Townſhips of *Barnoldſwick* and *Salterforth*, in the Pariſh of *Barnoldſwick* aforeſaid, and alſo ſhall and may ſet out, order, and direct ſuch new Ditches, Drains, Watercourſes, Watering Places, Tunnels, Water Gates, Flood Gates, Banks, and Bridges, to be made of ſuch Depth, Breadth, and Extent, and in ſuch Situations and Directions as the ſaid Commiſſioner ſhall think proper, as well in, through,

over, and upon the Lands and Grounds hereby intended to be divided and incloſed as aforeſaid, as alſo in, through, and over any ancient Incloſures, or other Lands or Grounds in the ſaid Pariſh of *Barnoldſwick*, or any Part or Parts thereof, making ſuch Satisfaction to the Owners and Proprietors of ſuch ancient Incloſures, or other Lands or Grounds not hereby intended to be divided and incloſed, for the Damage done thereby, as the ſaid Commiſſioner ſhall judge reaſonable; and the ſaid Commiſſioner ſhall and may, and he is hereby directed, in and by his Award, to order and direct by whom, at whoſe Expence, at what Time, and in what Manner the ſaid Brooks, Ditches, Drains, Watercourſes, Watering Places, Tunnels, Water Gates, Banks, and Bridges ſhall be ſcoured out, deepened, widened, or diverted, and thereafter repaired, cleanſed, ſcoured, and maintained.

Commiſſioner may diſcontinue Roads, &c.

XXI. And be it further enacted, That the ſaid Commiſſioner may, and he is hereby empowered to divert, turn, or ſtop up, and by his Award, or any other Writing under his Hand, order and direct to be diſcontinued, ſuch of the preſent Public and Private Carriage, Bridle, and Foot Roads and Highways, paſſing or leading through or over the ſaid ſeveral Commons or Waſte Grounds, or any of them, or through or over any of the old incloſed Lands within the ſaid Pariſh of *Barnoldſwick*, as he ſhall think uſeleſs and unneceſſary, with the Concurrence of Two Juſtices of the Peace, and ſubject to Appeal, in Manner directed by the ſaid recited Act.

Allotments for Watering Places, Gravel, &c.

XXII. And be it further enacted, That the ſaid Commiſſioner ſhall, in the firſt place, aſſign, ſet out, and allot unto the Surveyors of the Highways within the ſaid ſeveral Townſhips of *Barnoldſwick* and *Salterforth*, in the Pariſh of *Barnoldſwick* aforeſaid, ſuch Part or Parts of the ſaid Commons and Waſte Grounds, within the ſaid reſpective Townſhips hereby directed to be divided, allotted, and incloſed, as the ſaid Commiſſioner ſhall think neceſſary, as and for Public Quarries, and alſo as and for Public Watering Places for Cattle, and for getting Stone and Gravel for the Repairs of the Roads to be made over the ſaid Commons and Waſte Grounds, hereby directed to be divided, allotted, and incloſed; and the ſaid Allotments, when ſo ſet out, ſhall for ever thereafter be uſed by the Surveyors of the Highways for the Time being of the ſaid Pariſh, and by the Proprietors of Lands, Tenements, and Hereditaments within the ſaid Pariſh, and their Tenants for the Time being, in ſuch Manner, and under ſuch Rules, Orders, and Regulations, as the ſaid Commiſſioner ſhall, in and by his Award, order and appoint; and that the ſaid Commiſſioner ſhall have Power, and he is hereby authorized to order and direct how and in what Manner, and by whom the new Roads to be ſet out by virtue of this Act, and of the ſaid recited Act, within the ſaid Townſhips, ſhall, from and after the Execution of his Award, be in future kept in Repair; and every ſuch Pieces or Parcels of Land and Places, ſo to be appointed and ſet out as aforeſaid, ſhall, from and after ſuch ſetting out and Appointment as aforeſaid, be and remain, and is and are hereby declared to be and remain veſted in the Surveyors of the Highways for the Time being of the ſaid Manor of *Barnoldſwick*, in Truſt only for the Purpoſes of this Act.

XXIII. And

Allotments to Moſs Owners.

XXIII. And be it further enacted, That the ſaid Commiſſioner ſhall, in the next place, ſet out, allot, and appoint unto the Owners and Proprietors of Moſſes and Turbary Grounds, ſuch Parts of the ſaid Commons and Waſte Grounds, as ſhall, in the Judgment of the ſaid Commiſſioner, be a full Equivalent, and equal in Value to the preſent Intereſt of ſuch reſpective Owners and Proprietors in ſuch Moſſes and Turbary Grounds; the ſame to be ſet out in ſuch Places and Parts of the ſaid Commons and Waſte Grounds, as in the Judgment of the ſaid Commiſſioner may and will be moſt convenient for ſuch Owners and Proprietors reſpectively.

Moſs Owners to have their Allotments ſet out from their own Moſs on giving Notice.

XXIV. Provided always, That every ſuch Owner and Proprietor, who ſhall be deſirous to have ſuch Equivalent ſet out and allotted in Moſs and Turbary Ground, ſhall be entitled, on giving Notice in Writing to the ſaid Commiſſioner, at or before his Second Meeting, to have ſuch Equivalent ſet out and allotted from his or their own ſeveral Moſſes or Turbary Grounds, or if in the Judgement of the ſaid Commiſſioner that cannot be conveniently done, then in ſuch other Place or reſpective Places as the ſaid Commiſſioner ſhall in his Diſcretion think fit, and deem moſt convenient.

Commiſſioner to ſet out Part of the Commons, to defray the Expence of this Act.

XXV. And be it further enacted, That the ſaid Commiſſioner ſhall, in the next place, if he ſhall think proper, mark and ſet out ſuch Part and Parts of the ſaid Commons and Waſte Grounds as lie on the Weſt Side of the old Road leading from *Giſburn* to *Coln*, and ſuch other ſmall Parcels of the ſaid Commons and Waſte Grounds, as lie between the public Roads and ancient Incloſures, as he in his Diſcretion ſhall think proper, towards defraying and diſcharging all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, and of ſurveying, admeaſuring, planning, valuing, dividing, and allotting the Lands and Grounds to be divided, allotted, and incloſed by virtue thereof, and all the Charges of the ſaid Commiſſioner, his Aſſiſtants and Servants, and all other incidental Charges and Expences whatſoever, for or by reaſon of the ſaid Diviſion and Incloſure, and for carrying this and the ſaid recited Act into Execution, 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 if there ſhall remain any Overplus of the Monies to be produced by Sale of the Land hereby directed to be ſold as aforeſaid, (after Payment and Satisfaction of the ſaid Coſts, Charges, and Expences), then ſuch Surplus Money ſhall be paid by the ſaid Commiſſioner unto the ſeveral Perſons intereſted in the ſaid Commons and Waſte Grounds, in ſuch Shares and Proportions as he ſhall appoint; and the Shares of ſuch of them as ſhall be Tenants in Fee Simple ſhall be paid to them reſpectively, and the Shares of the others of the ſaid Perſons ſhall be paid into the Bank of *England*, according to the Directions of the ſaid recited Act, with reſpect to Money which is thereby directed to be paid into the Bank of *England* for the Purchaſe or Exchange of Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes, or of any Timber or Wood growing thereon, and which ought to be laid out in

the Purchaſe of other Lands, Tenements, or Hereditaments, as therein mentioned.

General Allotments.

XXVI. And be it further enacted, That the ſaid Commiſſioner ſhall and do, in the next place, ſet out, aſſign, and allot all the Reſidue of the ſaid Commons, Moors, and Waſte Grounds reſpectively, hereby intended to be divided and incloſed, unto and amongſt the ſeveral Owners and Proprietors of Meſſuages, Lands, Tenements, and Hereditaments, having Right of Common in or upon the ſeveral Commons, Moors, and Waſte Grounds reſpectively, or any Part thereof, in Proportion to the annual Value of their reſpective ancient incloſed Lands, entitled to Common Right within the ſaid ſeveral Townſhips of *Barnoldſwick* and *Salterforth*, in the Pariſh of *Barnoldſwick* aforeſaid, ſuch Value to be aſcertained by the Land Tax Aſſeſſment of the ſaid reſpective Townſhips for the Year One thouſand eight hundred and thirteen.

In caſe any Perſon ſhall ſell his Common Right, the Allotment to be made to the Purchaſer.

XXVII. Provided always, That if any Perſon or Perſons hath or have ſold, or ſhall at any Time before the Meeting to be appointed by the ſaid Commiſſioner for reading over the Draft of his Award, ſell his, her, or their Right, Intereſt, or Property in, over, or upon the ſaid Commons and Waſte Grounds, or any Part thereof, to any other Perſon or Perſons, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioner, and he is hereby directed, authorized, and required, upon Notice thereof in Writing to be given to him by the Vendor, provided the ſame be within the Time before mentioned, to make an Allotment of Land unto the Vendee or Purchaſer in every ſuch Sale, or to his or her Heirs or Aſſigns, for or in reſpect of ſuch Right, Intereſt, and Property ſo ſold as aforeſaid; and ſuch Vendee or Purchaſer, or his or her Heirs or Aſſigns, ſhall and may, from and after the Execution of the ſaid Award, hold and enjoy the Lands ſo to be allotted to him, her, or them as aforeſaid, in the ſame Manner to all Intents and Purpoſes as the Vendor in every ſuch Sale might, could, or ought to have, hold, and enjoy the ſame, in caſe ſuch Sale had not been made, or ſuch Rights, Intereſt, or Property had been veſted in ſuch Vendor at the Time of making ſuch Allotment as aforeſaid.

Allotments to be Freehold.

XXVIII. And be it further enacted, That all ſuch Lands and Grounds, or other Hereditaments by this Act directed to be divided, allotted, and incloſed, ſhall, after the Execution of the Award of the ſaid Commiſſioner, be held by the ſeveral and reſpective Proprietors, and other Perſon or Perſons to whom the ſame ſhall be allotted, as Freehold of Inheritance.

Power to make Exchanges.

XXIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioner to aſſign, ſet out, allot, and award any of the Lands or Grounds hereby directed to be divided and allotted, or any incloſed Lands, Tenements, or Hereditaments within the Pariſh of *Barnoldſwick* aforeſaid, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments, in the ſaid Pariſh of *Barnoldſwick*, or within

within any adjoining Pariſh, Townſhip, or Place, ſo as every ſuch Exchange be ſet forth and aſcertained by the Award of the ſaid Commiſſioner, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors ſhall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on Life or Lives, by and with the Conſent of the Leſſor or Leſſors, and not otherwiſe, or poſſeſſed of any Eſtate of Inheritance leſs than an Eſtate in Fee Simple, or with the Conſent of the Guardians, Truſtees, Feoffees for Charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for ſuch Owners or Proprietors as aforeſaid, who at the Time of making any ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified by Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, or under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange or Exchanges ſo to be made ſhall be good, valid, and effectual in Law, to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange be made of any Meſſuages, Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent in Writing, teſtified as aforeſaid, of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged ſhall lie and be ſituate.

Coſts of Exchanges how to be paid.

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

Vacating Leaſes at Rack Rent.

XXXI. And be it further enacted, That all and every Leaſe or Leaſes, and other Agreements at Rack Rent, affecting all or any Part of the Commons or Waſte Grounds by virtue of this Act intended to be divided and incloſed or exchanged, as in the ſaid Act mentioned, ſhall ceaſe, determine, and be void as to ſuch Commons or Waſte Grounds, on ſuch reſpective Days and Times as the Commiſſioner ſhall by Writing under his Hand order and appoint, the reſpective Leſſors or Landlords in ſuch Leaſes or Agreements having firſt paid or tendered ſuch Satisfaction to the reſpective Leſſee or Leſſees, Tenant or Tenants, as the ſaid Commiſſioner ſhall aſcertain as reaſonable to be paid to ſuch Leſſee or Leſſees, Tenant or Tenants, on Account thereof, or as an Equivalent for the ſame: Provided always, that nothing herein contained ſhall extend, or be conſtrued to extend to make void any Agreement or Engagement already made between Landlord and Tenant, in Contemplation of a Diviſion or Incloſure of the ſaid Commons and Waſte Grounds, or relating thereto.

Wills, &c. not to be affected.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, ſo as to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Meſſuages, Buildings, Lands, or Grounds to be divided, allotted, incloſed, or exchanged as aforeſaid, or any Part or Parts thereof reſpectively; but the reſpective Perſons to whom any Lands, Tenements, or Hereditaments to be allotted or given in Exchange by virtue of this Act, ſhall be ſeized thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Meſſuages, Buildings, Lands, Tenements, and Hereditaments whereof ſuch Perſons were ſeized or poſſeſſed at or immediately before the Execution of the ſaid Award, to be made by the ſaid Commiſſioner, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, would have been ſubject to, charged with, or affected by in caſe this Act had not been made, except ſuch Leaſes or Agreements as ſhall be determined by virtue of this Act.

Not to affect Tithes, &c.

XXXIII. Provided always, and be it further enacted, That nothing in this Act or the ſaid recited Act contained ſhall prejudice, leſſen, defeat, or in anywiſe affect the Right, Title, or Intereſt of the Tithe Owner or Tithe Owners for the Time being reſpectively, in or to any Tithes, Moduſes, Dues, Payments, Mortuaries, *Eaſter* Offerings, Surplice or other Fees happening, ariſing, and renewing out of, or payable in reſpect of any Lands or Hereditaments within the ſaid ſeveral Townſhips of *Barnoldſwick* and *Salterforth*, in the Pariſh of *Barnoldſwick* aforeſaid, but that ſuch Tithes, Moduſes, Dues, Payments, Mortuaries, *Eaſter* Offerings, Surplice and other Fees, ſhall be payable and paid at all Times hereafter in the ſame Manner as if this Act or the ſaid recited Act had not been paſſed.

Coſts of the Act.

XXXIV. And be it further enacted, That as well the Fees and Payments of the ſaid Commiſſioner, as alſo the Charges and Expences incident to and attending the ſoliciting, obtaining, and paſſing of this Act, and of ſurveying, planning, dividing, and allotting the ſaid Commons and Waſte Grounds, and of preparing and enrolling the Award of the ſaid Commiſſioner, and other neceſſary Expences of the ſeveral Perſons to be employed by the ſaid Commiſſioner in and about the Premiſes, and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways to be ſet out and appointed by the ſaid Commiſſioner, and of incloſing and fencing the Allotment to be made in reſpect of Glebe Lands belonging to the Pariſh of *Barnoldſwick* aforeſaid, and all other Expences of carrying this Act into Execution, ſhall be borne and defrayed by ſuch of the Owners and Proprietors of Meſſuages, Lands, Tenements, and Hereditaments within the ſaid ſeveral Townſhips of *Barnoldſwick* and *Salterforth*, in the Pariſh of *Barnoldſwick* aforeſaid, except the Curate for the Time being of the Pariſh of *Barnoldſwick* aforeſaid, in ſuch Proportions, and in ſuch Manner, and at ſuch Time and Times either before or after the Execution of the Award of the ſaid Commiſſioner, as the ſaid Commiſſioner ſhall direct

direct or appoint; provided the Money directed to be raiſed by Sale of the Encroachments, and Part of the ſaid Commons and Waſte Grounds as herein-before mentioned, ſhall be found inſufficient to the Payment of ſuch Coſts, Charges, and Expences.

Commiſſioner may ſell Allotments of incapacitated Perſons on certain Conditions.

XXXV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioner, on Application being made to him in Writing by the Huſbands, Guardians, Truſtees, Committees, or Attornies of any of the ſaid Owners or Proprietors, being under Coverture, Minors, Lunatic, Perſons beyond the Seas, or under any other Diſability, or by any of the ſaid Owners or Proprietors, being Tenant in Tail, or for Life or Lives, or for any other Contingency, to ſell and abſolutely diſpoſe of any Part or Parts of the ſaid Allotments belonging to ſuch incapacitated Perſons, for the Purpoſe of defraying his, her, or their Proportion of the Charges and Expences of paſſing this Act, and carrying the ſame and the ſaid recited Act into Execution, or of the Expences ſuch Owner or Proprietor as laſt aforeſaid may be put to in fencing, incloſing, and ſubdividing his, her, or their Allotment or Allotments: Provided always, that it ſhall not be lawful to raiſe by ſuch Sale any further or greater Sum of Money than the Perſon or Perſons, Part of whoſe Allotment or Allotments may be ſold or diſpoſed of as aforeſaid, would have been empowered or authorized to borrow upon, or charge his, her, or their Eſtate or Eſtates with, under or by virtue of the ſaid recited Act: Provided alſo, that in caſe the Land deducted from ſuch Allotment or Allotments ſhall not be equal in Amount to the Sum of Money that ſuch Proprietor or Proprietors is or are by the ſaid recited Act or this Act empowered to borrow and charge on his, her, or their Allotment or Allotments, then and in ſuch Caſes it ſhall be lawful for the Proprietor or Perſon from whoſe Allotment Land ſhall be deducted as aforeſaid, to charge his, her, or their Lands, Tenements, or Hereditaments, by virtue of the ſaid recited Act or this Act, with any Sum of Money not exceeding the Exceſs or Difference towards Payment of ſuch Expences.

Parties from or of whoſe Allotments Sales made not to borrow alſo.

XXXVI. Provided always, and be it enacted, That in all Caſes where any ſuch Sale of any ſuch Allotment or Allotments, or of any Part or Parts thereof, ſhall have been made for the Payment of ſuch Coſts, Charges, and Expences as aforeſaid, it ſhall not be lawful for the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, from whoſe Allotment or Allotments, or of any Part thereof, ſuch Sale ſhall have been made in Manner aforeſaid, to charge the Lands and Grounds allotted to him, her, or them, or any Part or Parts thereof by virtue of this or the ſaid recited Act, with any Money towards defraying ſuch Coſts, Charges and Expences.

Proprietors to pay their own Expences.

XXXVII. Provided always, That the ſaid Proprietors, their Attornies and Agents ſhall pay their own Expences, when they or any of them ſhall attend the ſaid Commiſſioner at any of the Meetings to be holden in purſuance of this Act.

Money advanced for the Purpoſes

XXXVIII. And be it further enacted, That if any of the Proprietors or Perſons intereſted in the Lands and Grounds hereby directed to be divided,

of this Act to be repaid with Intereſt.

divided, allotted, and incloſed, or any other Perſon or Perſons on his or their Behalf, ſhall advance and pay any Sum of Money for defraying the Expences of obtaining and executing this Act, or for carrying the ſame into Execution, the Money ſo paid and advanced ſhall be repaid and ſatisfied by the Direction of the ſaid Commiſſioner, together with lawful Intereſt for the ſame.

Commiſſioner to lay Accounts before Juſtices once a Year.

XXXIX. And be it further enacted, That once at leaſt in every Year during the Execution of this Act (ſuch Year to be computed from the paſſing thereof) the ſaid Commiſſioner ſhall, and he is hereby required to make a true and juſt Statement or Account of all Sums of Money by him received and expended, or due to him for his Trouble and Expences in the Execution of this and the ſaid recited Act; and ſuch Statement and Account, when ſo made out, together with the Vouchers relating thereto, ſhall be by him laid before any Two of His Majeſty's Juſtices of the Peace for the Weſt Riding of the ſaid County of *York*, not intereſted in the ſaid Incloſure, to be by them examined and balanced; and ſuch Juſtices ſhall or may diſallow or reduce any of the Sums or Items charged in the ſaid Accounts, which they may think unjuſt or unreaſonable; 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 Commiſſioner, and no Charge or Item in ſuch Account ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtices.

Award where to be depoſited.

XL. And be it further enacted, That the Award to be made by the ſaid Commiſſioner, purſuant to the ſaid recited Act, and the Maps or Plans explanatory of the ſame, ſhall be depoſited in the public Regiſter Office at *Wakefield*, in the Weſt Riding of the County of *York*; and the Regiſter there, or his Deputy, is hereby required and empowered to file the ſame accordingly, for and in reſpect of which depoſiting and keeping ſuch Award, Maps, and Plans, the Sum of Twenty Shillings ſhall be paid, and no more; and for every Inſpection thereof, after the ſame ſhall have been ſo depoſited, the Sum of Five Shillings and no more ſhall be paid to the ſaid Regiſter, or his Deputy; and ſuch Award, and the Maps or Plans to be annexed thereto as aforeſaid, or a true Copy of ſuch Award, Maps, or Plans, or any Part thereof, on Paper ſtamped according to Law for Copies of Records, and ſigned by the ſaid Regiſter, or his Deputy, purporting to be a true Copy, ſhall be admitted and allowed as legal Evidence in all Courts whatſoever; and the ſaid Regiſter, or his Deputy, is hereby required to make and deliver unto any Perſon or Perſons, Bodies Politic or Corporate, requeſting and offering to pay for the ſame, a true Copy of the ſaid Award, Maps, or Plans, 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 Two-pence for every Sheet of the ſaid Award ſo copied, counting Seventy-two Words in each Sheet, and a reaſonable Allowance ſhall alſo be paid to him beſides for a Copy or Copies of ſuch Maps or Plans, or any Part thereof; and the ſaid Regiſter, or his Deputy, ſhall permit and ſuffer any Perſon and Perſons whomſoever, at any ſeaſonable Time or Times, to peruſe and inſpect the ſaid Award, Maps, and Plans reſpectively, paying for

each

each of the Inſtruments ſo inſpected One Shilling and no more; and that a Duplicate of the ſaid Award, Maps, or Plans ſhall be lodged in the Pariſh Church of *Barnoldſwick* aforeſaid, with the Pariſh Regiſters.

Appeal.

XLI. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of the ſaid recited Act or this Act (other than and except ſuch Determinations of the ſaid Commiſſioner as are herein or by the ſaid recited Act directed to be final, binding, and concluſive, and except in ſuch Caſes where an Iſſue at Law ſhall be tried as herein mentioned), then and in every ſuch Caſe, he, ſhe, and they may appeal to the General Quarter Seſſions of the Peace, which ſhall be holden for the Weſt Riding of the ſaid County of *York*, within Three Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioner, and to the Party or Parties concerned, Ten Days Notice in Writing of ſuch Appeal, and of the Matter thereof; and the Juſtices (not intereſted in the Premiſes) in ſuch Seſſions aſſembled, are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts and Damages 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 made liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale; and every ſuch 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 removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then and in every ſuch Caſe, the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them in their Diſcretion ſhall ſeem reaſonable, and ſuch Coſts ſhall be levied in Manner aforeſaid.

General Saving.

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

This Act may be given in Evidence.

XLIII. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1814.