ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 100.

An Act for incloſing Lands in *Grindleton*, *Bradford*, *Waddington*, and *Baſhall*, in the Pariſh of *Mitton*, in th County of *York*. [5th *May* 1812.]

WHEREAS there are within the Pariſh of *Mitton*, in the Weſt Riding of the County of *York*, certain Tracts or Parcels of Common, Moor, Heath, and Waſte Grounds, called, known, or diſtinguiſhed by the ſeveral Names of *Grindleton Fell*, *Bradford Fell*, *Waddington Fell*, and *Baſhall* and *Hodgſon Moors*; and alſo divers other Parcels of Common and Waſte Land within the ſeveral Townſhips of *Grindleton*, *Bradford*, *Waddington*, and *Baſhall*, in the Riding aforeſaid: And whereas the Moſt Noble *Elizabeth* Ducheſs Dowager of *Buccleugh* and *Queenſberry*, is Lady of the Wapentake, Fee, and Manor of *Slaidburn*, within the Honour of *Clitheroe* and Weſt Riding of the ſaid County of *York*, and as ſuch is entitled to the Soil of the ſaid Waſte Grounds and Commons, called *Grindleton Fell* and *Bradford Fell*, and of all other Waſte Grounds lying within *Grindleton* and *Bradford* aforeſaid, the ſame being reſpectively within the ſaid Wapentake, Fee, and Manor of *Slaidburn*; and alſo to all other Royalties in, over, and upon the ſaid laſt mentioned Waſte Grounds and Commons, and is entitled to hold Copyhold or Cuſtomary Courts, and other Courts for the ſaid Wapentake, Fee, and Manor, and is alſo entitled to divers other Rights within the ſame: And whereas *Jane Clark* Widow, is Lady of the Manor of *Waddington* in the ſaid Riding, and as ſuch is entitled to the Soil and Royalties in, over, and upon the Waſte Grounds and Commons called *Waddington Fell*, ſituate within the ſaid Manor of *Waddington*: And whereas *James Taylor* Eſquire, is Lord of the Manor of *Baſhall* in the ſaid Riding, and as ſuch is entitled to the Soil and Royalties in, over, and upon the ſaid Waſte Grounds and Commons, called *Baſhall* and *Hodgſon Moors*, ſituate

ſituate within the ſaid Manor of *Baſhall;* and the ſaid *James Taylor* is alſo Impropriator of the Tythes of Corn and Grain, and all other Great Tythes coming, growing, renewing, increaſing, or ariſing within the ſaid Townſhip of *Baſhall*, or the Precincts or Territories thereof; except ſuch Tythes as ariſe from the ſeveral Eſtates there, called *Sandalholme*, *Michlehurſt*, *Eakſhall*, *Old Hens*, *Marſdens*, *Mercers*, *Braddop Houſe*, and *Wilfrey*'s Tenements; which Eſtates are reſpectively free of Tythe: And whereas the ſaid *Elizabeth* Ducheſs of *Buccleugh* and *Queenſberry*, the ſaid *Jane Clark* and *James Taylor*, and *William Saint Clare* Doctor of Phyſic, *Thomas Peel* Eſquire, *George Horner* Gentleman, *James Haworth* Gentleman, *Thomas Altham* Gentleman, *Thomas Parker* Eſquire, *John Hancock Hall* Clerk, *Thomas Taylor* Gentleman, *John Walmſley* Eſquire, *William Parker* Clerk, *Le Gendre Starkie* Eſquire, *Richard Grimſhaw Lomax* Eſquire, *Thomas Yates* Eſquire, *Lawrence Halſtead* Eſquire, *Charles Wright* Clerk, *Elizabeth* otherwiſe *Betty Leach* Widow, and *Paul Greenwood* Gentleman, and divers other Perſons, Owners of ancient Meſſuages, Lands, Tenements, and other Hereditaments within the ſaid ſeveral Townſhips of *Grindleton*, *Bradford*, *Waddington*, and *Baſhall*, or ſome of them, have, or claim to have and enjoy, for themſelves, their Leſſees and Tenants, a Right of Common of Paſture, and Common of Turbary, and other Commonable Rights within and upon the ſaid Commons or Waſte Grounds called *Grindleton Fell*, *Bradford Fell*, *Waddington Fell*, and *Baſhall* and *Hodgſon Moors;* and the ſeveral Owners and Proprietors of Meſſuages, Lands, Tenements, and Hereditaments within *Grindleton* and *Bradford* aforeſaid, are in reſpect thereof alſo reſpectively entitled to the Liberty and Privilege of digging for and getting Slate, Flags, and Wall Stones in the ſaid Waſte Grounds and Commons within *Grindleton* and *Bradford* aforeſaid, to be uſed by them reſpectively, upon their ſaid reſpective Lands and Tenements in *Grindleton* and *Bradford* aforeſaid, as Eſtovers appertaining thereto, but not for Sale, or to be uſed elſewhere:

Benefit of Incloſure.

And whereas it would be of great Benefit and Advantage to the ſeveral Perſons who are Proprietors of, and intereſted in the ſaid Moors, Commons, and Waſte Grounds, if the ſame were divided and incloſed, and ſpecific Parts and Shares thereof aſſigned and allotted unto the ſeveral Perſons entitled thereto, according and in proportion to their reſpective Rights and Intereſts therein: but ſuch Diviſion, Allotment, and Incloſure cannot be effectually made and eſtabliſhed without the Aid and Authority of Parliament:

General Incloſure Act. 41 G. 3. c. 109.

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;* 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 *William Harper*, of *Sandeſbury* in the County Palatine of *Lancaſter*, Gentleman, and his Succeſſor, to be appointed in Manner hereinafter mentioned,

Commiſſioner.

ſhall be and he is hereby appointed the Commiſſioner for ſetting out, dividing, allotting, and incloſing the ſaid Tracts or Parcels of Common, Moor, Heath, and Waſte Grounds, called *Grindleton Fell*, *Bradford Fell*, *Waddington Fell*, and *Baſhall* and *Hodgſon Moors*, and all other Commons and Waſte Grounds within the ſaid ſeveral Townſhips of *Grindleton*, *Bradford*, *Waddington*, and *Baſhall*, and every of them, and for carrying this

Act

Act and the ſaid recited Act into Execution; ſubject to ſuch Directions and Proviſions as are hereafter contained in that Behalf, and alſo with and ſubject to ſuch of the Powers, Authorities, Directions, Clauſes, and Proviſions contained in the ſaid Act of the Forty-firſt Year of His preſent Majeſty, hereinbefore mentioned or referred unto, as are not altered, varied, or otherwiſe provided for, in, and by this Act.

Appointment of new Commiſſioner, in caſe of Death or Reſignation.

II. And be it further enacted, That in caſe the ſaid *William Harper*, or any Succeſſor to be appointed as hereinafter 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, or ſhall refuſe to qualify, and act in the Execution thereof, 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 ſaid Proprietors or Perſons intereſted in the ſaid Tracts or Parcels of Common, Moor, Heath, and Waſte Grounds hereby directed to be incloſed, who ſhall attend by themſelves, or their Agents or Attornies, at a Meeting to be called by or by the Order of One or more of the ſaid Proprietors for that Purpoſe, at ſome convenient Place in *Clitheroe*, in the ſaid County of *Lancaſter*, in purſuance of Notice to be given upon ſome *Sunday* before or during Divine Service, by Writing to be affixed on the principal Outer Door of the Pariſh Church of *Mitton* aforeſaid, and alſo by Advertiſement to be inſerted in the Newſpaper commonly called the *Blackburn Mail*, or in ſome other public Newſpaper uſually circulated in the ſaid Weſt Riding, at leaſt Ten Days before ſuch Meeting, by Writing under their Hands to appoint from Time to Time ſome other fit and proper Perſon, not intereſted in the ſaid Diviſion and Incloſure, to be a Commiſſioner in the Room of any ſuch Commiſſioner ſo dying, declining to act, or becoming incapable of acting 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 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 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 Meetings.

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 *Mitton*, and alſo by Advertiſement in Manner aforeſaid, of the Time and Place of the Firſt Meeting and all other ſubſequent Meetings for the Execution of this or the ſaid recited Act, Ten Days at leaſt before any ſuch Meeting ſhall be held, (Meetings by Adjournment only excepted); and the ſaid Commiſſioner ſhall and may adjourn any and every ſuch Meetings 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-one Days from the Day of Adjournment: Provided always, that all Meetings of the ſaid Commiſſioner to be had by virtue of this Act, ſhall

Adjournment of Meetings.

If Commiſſioner do not

attend, Clerk may adjourn.

shall be held within the said Parish of *Mitton*, or within the Distance of Eight Miles thereof, and in such Cases as the Objection or Approbation of the Proprietors to any Act, Matter, or Thing to be done or proposed to be done in pursuance of the said recited Act or this Act, is directed to be made or testified at any Meeting or Meetings, it shall be lawful for the said Proprietors to attend at such Meeting or Meetings by their respective Agents, or Proxies duly authorized, whose Acts or Votes shall be as effectual as if such Proprietors were present in Person.

Other Notices how to be given.

IV. Provided also, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioner, shall be so given by Advertisement to be inserted in the said Newspaper called the *Blackburn Mail*, or in some other Newspaper circulated in the said West Riding.

Proceedings to be entered in a Book.

V. And be it further enacted, That all Orders, Proceedings and Determinations of the said Commissioner at any Meeting to be held in pursuance of this Act, shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the Commissioner at such Meetings, and being so signed shall be deemed and taken for Originals; and all such Books may be produced and read in Evidence in all Cases of Appeal, Suits, Actions, and other Proceedings, touching any Matter or Thing done or to be done in relation to, or in pursuance of this or the said recited Act.

Commissioner to settle Disputes,

VI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Proprietors of or Persons interested or claiming to be interested in the said Tracts or Parcels of Common, Moor, Heath, or Waste Grounds, so intended to be inclosed as aforesaid, or any Part thereof, 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 same, or touching or concerning any Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioner to hear, adjudge, and determine the same: Provided always, that nothing herein contained shall authorize and empower the said Commissioner to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

but not to determine Disputes as to Titles, &c.

Commissioner not to determine contrary to Possession.

VII. 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 with regard to Encroachments made within Twenty Years next before the passing of this Act; 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 therein until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Power to assess Costs.

VIII. 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

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 Commiſſioner 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.

IX. Provided always, and be it further enacted, That in caſe any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioner, touching or concerning any Claim or Claims of any Rights of Common or other Rights or Intereſts in, over, or upon the ſaid Tracts or Parcels of Common, Moor, Heath, and Waſte Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law of the Matters ſo determined by the ſaid Commiſſioner, in His Majeſty's Court of King's Bench or Common Pleas at *Weſtminſter*, and for that Purpoſe the Perſon or Perſons who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner, ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Commiſſioner, for the Time being, in Caſes where the Matter of ſuch Claim and Determination ſhall lie excluſively between the Party or Parties claiming, and the Commiſſioner deciding any ſuch Right or Intereſt in the ſaid Diviſion, Allotment, and Incloſure; and in Caſes where the Matter of ſuch Claim and Determination ſhall be between Party and Party, then againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, which Action ſhall be ſo commenced within Six Calendar Months next after ſuch Determination of the ſaid Commiſſioner ſhall have been made known to ſuch diſſatisfied Perſon or Perſons, and Two Calendar Months at leaſt before the Aſſizes at which ſuch Action is to be tried, and ſhall be proceeded in without Delay; and the Defendants or Defendant in ſuch Action or Actions ſhall, and they, he, or ſhe are and is hereby required to name an Attorney or Attornies, who ſhall file Common Bail, or appear thereto, and accept one or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame; and if at the Trial of any ſuch Iſſue or Iſſues it ſhall appear that the Party claiming is entitled to any qualified or leſs Right or Rights, Intereſt or Intereſts than was or

were claimed by such Party, it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the Postea, in addition to the Verdict given on the Issue or Issues joined; but nevertheless, the Costs of any such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such Special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such Special Finding and Indorsement, and also if any such shall be made, shall be final, binding, and conclusive upon all and every Person or Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or Finding and Indorsement, and order a new Trial to be had thereon, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts, or Special Finding or Indorsement, shall be obtained and not set aside by the 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 such Verdict or Verdicts, or Finding and Indorsement as aforesaid: Provided always, that in case the said Commissioner shall be made Defendant in any such Action or Actions, he shall be entitled to defray his Costs and all incidental Expences by such Ways and Means as the general Expences of executing this Act are provided to be paid and borne; provided also, that the Determination of the said Commissioner touching such Claim or Claims of any Rights of Common, or other Rights or Interests in, over, and upon the said Tracts or Parcels of Common, Moor, Heath, and Waste Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting and not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

If any of the Parties die Proceedings not to abate.

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

If Parties die before Actions commenced, the same shall not stop by reason thereof.

XI. 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 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 on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and

and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Suits reſpecting Titles not to impede the Execution of this 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, 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 Commiſſioner from proceeding in the Powers veſted in him by this and the ſaid recited Act, but the ſaid Diviſion, Allotment, and Incloſure ſhall be proceeded in notwithſtanding ſuch Suit or Suits; and the Allotment or Allotments in reſpect of ſuch Rights and Intereſts, or any of them, 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.

Deaths of Parties not to ſuſpend the Execution of the Act.

XIII. And be it further enacted, That if any of the Parties intereſted in the ſaid intended Diviſion or Incloſure ſhall die before the ſame ſhall be completed, the Powers and Authorities hereby given to the ſaid Commiſſioner ſhall not be thereby determined or ſuſpended, but that the ſaid Commiſſioner ſhall proceed in the Execution of the Powers given to him by this Act or the ſaid recited Act, in ſuch Manner as he might have done in caſe ſuch Parties had not died; and that the Share or Shares of the Perſon or Perſons ſo dying, ſhall be allotted to ſuch Perſon or Perſons who by Law ſhall become entitled to the ſame, and ſhall be accepted and fenced by him, her, or them according to the Directions of this or the ſaid recited Act; and he, ſhe, or they ſhall be liable to the Charges and Expences and other Conditions of this and the ſaid recited Act.

Commiſſioner may appoint a Clerk.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and empowered to appoint a Clerk or Clerks to aſſiſt him in the Execution of this Act, and from Time to Time to remove ſuch Clerk or Clerks, and appoint another in his Stead, as to the ſaid Commiſſioner 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 or Clerks ſuch Salary or Allowance for his or their Trouble, as to the ſaid Commiſſioner ſhall appear juſt and reaſonable.

Commiſſioner may appoint Surveyors and Aſſiſtants.

XV. 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 him 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

charge 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 appear just and reasonable.

Surveyor to take an Oath.

XVI. 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 on me as a Surveyor, by virtue of an Act passed in the Fifty-second Year 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 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.

XVII. And for the more just and regular Division of the said 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 Tracts or Parcels of Common, Moor, Heath, 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 Tracts or Parcels of Common, Moor, Heath, and Waste Grounds aforesaid, shall be set forth and ascertained, and delivered to the said Commissioner, and shall be verified upon Oath or Affirmation of the Person making the same (which Oath or Affirmation the said *William Harper*, or any other Commissioner to be appointed as aforesaid, or any Justice of the Peace for the said West Riding, is hereby authorized and required to administer): Provided nevertheless, that if any Plan or Plans, Survey or Surveys already made of the said Tracts or Parcels of Common, Moor, Heath, or 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 or Plan to be made thereof.

Plans and Surveys already made to be made use of, if Commissioner shall think fit.

Commissioner may suspend or extinguish Common Right before Award made, upon giving Notice.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized at any Time or Times before the Execution of the Award, by Notice in Writing under his Hand to be given and published as aforesaid, to order or direct all or any Part of the Rights of Common, in, over, or upon the said Tracts or Parcels of Common, Moor, Heath, or Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such

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 expreſſed 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 Turf, &c. to be cut after the paſſing of this Act.

XIX. And be it further enacted, That it ſhall not be lawful for any Perſon whomſoever from and after the paſſing of this Act, until the Execution of the Award of the Commiſſioner, to cut, dig, pare, flay, get, and carry away any Turf, Soil, Gorſe, or Stone, in, upon, or from the ſaid Tracts or Parcels of Common, Moor, Heath, or Waſte Grounds, or any Part thereof, without the Leave and Licence of the Commiſſioner for the Time being, firſt had and obtained in Writing under his Hand, (which Leave and Licence the ſaid Commiſſioner is hereby empowered to grant, under ſuch Rules, Orders, Regulations, and Reſtrictions as he ſhall think proper) and if any Perſon ſhall, after the paſſing of this Act, cut, dig, pare, flay, get, or carry away any Turf, Soil, Gorſe, or Stone, in, upon, or from ſuch Commons and Waſte Lands, or any Part thereof, without the Leave and Licence of the ſaid Commiſſioner, or having obtained ſuch Leave and Licence, ſhall act in any Manner contrary thereto, or to the Rules, Orders, Regulations, and Reſtrictions therein contained, every ſuch Perſon being convicted thereof, either by his or her own Confeſſion, or upon the Oath of One credible Witneſs before One of His Majeſty's Juſtices of the Peace for the ſaid Weſt Riding, not being intereſted (who may ſummon the Parties concerned, and examine Witneſſes upon Oath relating to the ſaid Complaint), ſhall for every ſuch Offence forfeit and pay ſuch a Sum of Money as the ſaid Juſtice ſhall appoint, not exceeding the Sum of Five Pounds; and it ſhall be lawful for ſuch Juſtice by Warrant under his Hand and Seal, directed to any Perſon or Perſons whomſoever, to cauſe the ſaid Penalty to be raiſed and levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering the Overplus (if any) upon Demand, after deducting the Coſts and Charges of ſuch Diſtreſs and Sale, to the Perſon or Perſons ſo offending; and the ſaid Penalty when paid or levied, ſhall be applied by the ſaid Commiſſioner for the Purpoſes of this Act.

For ſhortening Boundary Fences.

XX. 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 in any Pariſh or Townſhip adjoining thereto, or to make the ſame Boundary Fences reſpectively 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 *Grindleton*, *Bradford*, *Waddington*, and *Baſhall*, or any of them, and ſuch adjoining Pariſh or Townſhip, Pariſhes or Townſhips reſpectively; any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Commiſſioner to enquire into Encroachments.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to enquire and determine what Incloſures and Encroachments have been from Time to Time made upon or taken from the ſaid Tracts or Parcels of Common, Moor, Heath, and Waſte Grounds, or any Part or Parts thereof, by any Perſon or Perſons whomſoever, within Sixty Years next before the paſſing of this Act; and that all 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; and if the ſame or any of them ſhall be holden by any Perſon or Perſons entitled to any Share or Allotment under or by virtue of this Act, then ſuch Incloſures and Encroachments ſhall be allotted to him, her, or them, having made or being in the legal Poſſeſſion of the ſame, as Part of his, her, or their reſpective Shares or Allotments of the ſaid Tracts or Parcels of Common, Moor, 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 Commiſſioner: Provided always, that no Perſon or Perſons who is, or are, or ſhall be entitled to any ſuch Incloſures or Encroachments ſo made within Sixty Years next before the paſſing of this Act, ſhall in reſpect thereof be entitled to any Part or Share of or in the ſaid Tracts or Parcels of Common, Moor, Heath, or Waſte Grounds intended to be divided and allotted by virtue of this Act.

Encroachments within Twenty Years to be deemed Part of the Commons, and the Commiſſioners to have Power to ſell the ſame to the Perſons who have made the ſame.

XXII. And be it further enacted, That all ſuch Lands as have been heretofore incloſed and encroached upon or from the ſaid Tracts or Parcels of Common, Moor, Heath, and Waſte Grounds, within Twenty Years previous to the paſſing of this Act, with all Buildings and Erections ſtanding and being thereon, ſhall be conſidered as Part of the Commons and Waſte Grounds intended to be hereby allotted and incloſed; provided nevertheleſs, that the ſaid Commiſſioner ſhall have full Power and Authority, and he is hereby required to ſell, and by his general Award or other Writing under his Hand and Seal, to convey or allot all or any the Encroachments ſo made within the laſt Twenty Years as aforeſaid, with all the Buildings and Erections ſtanding and being thereon reſpectively, unto the ſeveral Perſons who have made or erected the ſame, and are conſidered to be entitled thereto reſpectively, and who may be deſirous of becoming Purchaſers thereof, for ſuch Price and Prices in Money as the ſaid Commiſſioners ſhall think juſt and reaſonable, to be paid for ſuch Encroachments reſpectively in the unimproved State thereof, which Money ſhall be received by the ſaid Commiſſioner, and applied by him towards the Expences of the ſaid Incloſure, as hereinafter mentioned.

XXIII. And

Allotment for Watering Places, &c.

XXIII. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby empowered and required (after he ſhall have ſet out and appointed the neceſſary public Carriage Roads and Highways through and over the ſaid Commons, Moors, Heath, and Waſte Grounds hereby directed to be divided 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 ſeveral and reſpective Townſhips of *Grindleton*, *Bradford*, *Waddington*, and *Baſhall*, as he 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 making and Reparation of the Public and Private Roads which now are or hereafter ſhall be made within *Grindleton*, *Bradford*, *Waddington*, and *Baſhall* aforeſaid reſpectively; ſuch Parts 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 Commiſſioner ſhall make or appoint, and which Rules, Orders, and Regulations he is hereby required and directed to make accordingly; and that the Herbage growing and renewing in and upon the Lands ſo to be ſet out as aforeſaid, ſhall be veſted in ſuch Perſon or Perſons, and applied to ſuch Uſes as the ſaid Commiſſioner ſhall by his Award direct and appoint.

Allotment to Jane Clark, as Lady of the Manor of Waddington.

XXIV. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby authorized and required (after the Public and Private Roads, and the Allotment or Allotments for Stone and Gravel Pits, and for Watering-places, ſhall be ſet out within the ſaid Manor of *Waddington* aforeſaid, in purſuance of this and the ſaidrecited Act,) to ſet out, allot, and award, unto and for the ſaid *Jane Clark*, as Lady of the ſaid Manor of *Waddington*, or the Perſon or Perſons who ſhall be Lord or Lords, Lady or Ladies 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 *Waddington*, in Compenſation for and in full Satisfaction of her or their Right, as Lord or Lady 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 James Taylor, Eſquire, as Lord of the Manor of Baſhall.

XXV. And be it further enacted, That the ſaid Commiſſioner ſhall and he is 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 *Baſhall* aforeſaid, in purſuance of this and the ſaid recited Act,) to ſet out, allot, and award, unto and for the ſaid *James Taylor*, as Lord of the ſaid Manor of *Baſhall*, 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 *Baſhall*, 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

Soil of the Reſidue of the ſame Commons, Moors, Heath, and Waſte Grounds.

Power to ſell Land for defraying the Expences of this Act.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner 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 his 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 Commiſſioner, or as nearly ſo as may be, ſhall be ſet out in each Townſhip for defraying ſuch Parts 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 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, Moors, Heath, and Waſte Lands, in ſuch Shares and Proportions as he ſhall appoint; or otherwiſe ſuch Surplus Money 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.

Purchaſers of Land ſold for defraying Expences, to be ſubject to the Orders of the Commiſſioner.

XXVII. And be it further enacted, That the Perſon or Perſons who ſhall become the Purchaſer or Purchaſers of the ſaid Lands ſo to be allotted and ſold for the Purpoſes aforeſaid, or of the ſaid Encroachments ſo to be ſold and conveyed, or allotted as hereinbefore mentioned, and their reſpective Heirs and Aſſigns, ſhall be ſubject and liable to the making and keeping in Repair all or ſuch Part of the Fences thereof as ſhall be directed by the ſaid Commiſſioner, and alſo to the due Obſervance and Performance of all Orders, Matters, Charges, and Directions to be made, laid down, and appointed by the ſaid Commiſſioner, in like Manner as if ſuch Lands or Encroachments had been allotted to ſuch Purchaſer or Purchaſers, his or their Heirs or Aſſigns, for or in reſpect of any Right in, over, or upon the ſaid Commons, Moors, Heath, and Waſte Grounds, except only that ſuch Purchaſer or Purchaſers ſhall not be ſubject or liable to the Payment of the Charges and Expences of obtaining this Act, or carrying the ſame into Execution.

Allotment of the Reſidue of the Commons, &c. to the Proprietor.

XXVIII. And be it further enacted, That after the aforeſaid ſeveral Allotments ſhall have been made and ſet out, according to the Directions hereinbefore contained, the ſaid Commiſſioner ſhall and may and he is hereby authorized and required to divide, apportion, ſet out, and allot all the Reſidue and Remainder of the ſaid Tracts or Parcels of Common, Moor, Heath, and Waſte Grounds hereby directed to be incloſed, unto and amongſt the

the ſeveral Proprietors of, and Perſons intereſted in the ſame, or any Part thereof, according to their ſeveral and reſpective Rights and Intereſts therein, and in ſuch Shares and Proportions as the ſaid Commiſſioner ſhall adjudge and determine to be proportionate to the Value of, and in full Compenſation and Satisfaction to him, her, or them reſpectively, for his, her, or their reſpective Rights and intereſts in, to, over, or upon the ſaid Tracts or Parcels of Common, Moor, Heath, and Waſte Grounds reſpectively, by the ſaid recited Act and this Act directed to be divided, allotted, or incloſed as aforeſaid.

In making Allotments, Convenience and Situation to the Perſons entitled to be regarded.

XXIX. And be it further enacted, That in making the ſaid Allotments, due Regard ſhall be had by the ſaid Commiſſioner to the Convenience of the Parties intereſted therein reſpectively, not only with reſpect to the Situation of the Eſtates or Property contiguous, or near adjoining to the ſaid Tracts or Parcels of Common, Moor, Heath, and Waſte Lands, but alſo with reſpect to the laying and plotting of the ſeveral Allotments to be made to any of ſuch Perſons together, in One Plot or otherwiſe, as the Neceſſity or Convenience of the Caſe may require; provided the ſame can be done, in the Judgment of the ſaid Commiſſioner, without Prejudice to any other Proprietor, ſo as that all ſuch Perſons being deſirous of having their Allotments laid together, or as near as may be as aforeſaid, ſhall ſignify ſuch their Deſire to the ſaid Commiſſioner in Writing under their Hands, within the Space of Three Calendar Months next after the firſt Attendance of the ſaid Commiſſioner for receiving the Claims of the Parties as aforeſaid, or at the Time of making ſuch Claims reſpectively.

Allotments to be fenced.

XXX. 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 Commiſſioner ſhall by his 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.

Commiſſioner to deliver Poſſeſſion of the Allotments.

XXXI. And be it further enacted, That the ſaid Commiſſioner ſhall and may from Time to Time as he ſhall find convenient, deliver to the ſeveral Perſons intereſted in the ſeveral Diviſions and Allotments to be ſet out under this Act, Poſſeſſion of their reſpective Allotments hereby directed to be made and ſet out, and ſuch Poſſeſſion ſo delivered ſhall be kept and retained by the ſeveral Perſons entitled thereto, againſt all Perſons whomſoever, although the ſaid Award hereinafter directed ſhall not then be made and executed.

Parties may ſell their Intereſts in Allotments before the Award.

XXXII. 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 being made, the ſame ſhall be good, valid, and

effectual in the Law; 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 Two 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 Tracts or Parcels of Common, Moor, Heath, and Waſte Grounds, 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 Commiſſioner, and he is hereby authorized and required to allot the ſame to the Purchaſer or Purchaſers thereof reſpectively.

Allotments ſhall be of the ſame Tenure as the Lands for which they are allotted.

XXXIII. And be it further enacted, That all and ſingular the Lands and other Premiſes which ſhall be allotted under or by virtue of the ſaid recited Act or this Act, to any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, for or in reſpect of any Buildings or Lands ſituate within the ſaid Townſhips of *Grindleton* and *Bradford*, or either of them, ſhall from and after the Execution of the Award of the ſaid Commiſſioner, be deemed and taken to be Copyhold, and ſhall be held as ſuch, ſubject to and under the Payment of the clear Yearly Rent of Sixpence *per* cuſtomary Acre for each and every Acre of the ſaid Waſte Grounds ſo to be allotted as aforeſaid, and ſo proportionately for any leſs Quantity than an Acre, the ſame to be paid to the ſaid Ducheſs and the Lord or Lords, Lady or Ladies for the Time being of the ſaid Manor of *Slaidburn* for ever, by Two equal Half-yearly Payments, at or upon Two of the moſt uſual Feaſts or Days of Payment for Rent in the Year; (that is to ſay) the Feaſt of *Saint Michael the Archangel* and the Annunciation of the *Bleſſed Virgin Mary* in each Year, the Firſt Payment thereof to begin and be made on ſuch of thoſe Feaſts as ſhall firſt happen after ſuch Allotment ſhall be reſpectively ſet out or aſcertained, and alſo ſubject to and under Payment of to the ſaid Ducheſs and the Lord or Lords, Lady or Ladies for the Time being of the ſaid Manor for ever, of a Fine certain of one other Year's like Yearly Rent of Sixpence *per* Acre as aforeſaid upon every Death of, or Alienation by every Copyhold or Cuſtomary Tenant or Proprietor of the ſaid Lands, deriving Title from or under the Perſons to whom ſuch Allotments ſhall be made as aforeſaid; and that all and every Perſon and Perſons to whom ſuch Copyhold Premiſes ſhall be allotted as aforeſaid, ſhall within Six Calendar Months next after the Execution of the ſaid Award, or at the Firſt General Court to be held for the ſaid Manor of *Slaidburn* next after the Expiration thereof, be admitted Tenant or Tenants to the ſame, (ſubject nevertheleſs to ſuch Reſervations of Mines and Minerals, and to ſuch Powers of working and getting the ſame as are hereinafter particularly mentioned,) without paying any Fine or other Charge (ſave and except for the Stamp Duties and Parchment requiſite to be uſed for the Copies of ſuch Admiſſions reſpectively, and ſuch reaſonable Fees to the Steward of the ſame Manor as are uſually paid on ſuch Admiſſions reſpectively); but in caſe the Perſon or Perſons to whom ſuch Copyhold Premiſes ſhall be allotted, or his, her, or their Heirs or Aſſigns, ſhall alienate ſuch Allotment or Allotments, or ſhall die, without having been admitted thereto, or ſhall claim as a Purchaſer under any Sale hereby authorized to be made as aforeſaid; or if any Perſon or Perſons to whom any ſuch Copyhold Premiſes ſhall be allotted as aforeſaid, or his, her, or their Heirs or Aſſigns, ſhall neglect or refuſe

to

to be admitted Tenant or Tenants thereto, within the Term hereinbefore appointed for that Purpose, then it shall be lawful for the Lord or Lords, Lady or Ladies of the said Manor of *Slaidburn* for the Time being, to take and use all such Measures for compelling Admission or Admissions to the said Copyhold Premises so allotted as aforesaid respectively, as such Lord or Lords, Lady or Ladies is or are now by Law and according to the Custom of the said Manor of *Slaidburn*, empowered to take and use, for want of a Tenant to any Lands, Tenements, or Hereditaments holden by Copy of Court-Roll of such Manor; and in any or either of the said Cases, the same Fines, Fees, and other Payments shall be due and payable on such Admission or Admissions respectively, as the Lord or Lords, Lady or Ladies, and Steward of the said Manor of *Slaidburn* are now by Law and the Custom of the said Manor entitled to take and receive upon Admissions to any Lands, Tenements, or Hereditaments holden by Copy of Court-Roll of the same Manor; and after every such first Admission, the Copyhold Premises so to be allotted as last aforesaid, shall at all Times be held under and subject to the same Tenure, Fines, Payments, and Services as the Copyhold Buildings or Lands respectively, in respect whereof such Premises were allotted, are now held under and subject to: Provided always, that all and singular the Lands and other Premises situate and being within the said Townships of *Waddington* and *Bashall*, or either of them, which shall be allotted under or by virtue of this Act, shall (immediately after such Allotments shall be 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.

Directing Exchanges to be made.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioner to set out, allot, and award any Buildings, Lands, Tenements, or Hereditaments within the said several Townships of *Grindleton*, *Bradford*, *Waddington* and *Bashall*, or any of them, in Lieu of and in Exchange for any other Buildings, Lands, Tenements, or Hereditaments within the same Townships, or within any adjoining Manor, Parish, Hamlet, Township or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Buildings, 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, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself, such Consent to be testified in Writing, and 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,

nevertheleſs, that no Exchange ſhall be made of any Buildings, 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.

Coſts of the Exchanges to be paid by the Parties making the ſame.

XXXV. Provided alſo, and be it further enacted, That all the Coſts, Charges, and Expences attending the making of any Exchanges and Partitions 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 Commiſſioner ſhall order and direct.

Leaſes at Rack-rent to be void.

XXXVI. 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 Commons, Moors, Heath, or Waſte Grounds to be incloſed as aforeſaid by virtue of this Act, and all other Agreements for any Term or Terms of Years thereon at Rack-rent, ſhall ceaſe, determine, and be void at ſuch Time or Times as the ſaid Commiſſioner ſhall by any Writing or Writings under his Hand in that Behalf order, direct, or appoint, the reſpective Owners and Proprietors of the Premiſes compriſed in ſuch reſpective Leaſes or Agreements making ſuch Satisfaction to their ſaid Leſſee or Leſſees, Tenant or Tenants, and at ſuch Time or Times as he the ſaid Commiſſioner 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 be conſtrued to extend to avoid or affect any Agreement or Engagement already made between Landlord and Tenant in Contemplation of an Incloſure of the ſaid Commons, Moors, Heath, or Waſte Grounds, or relating thereto.

Other Leaſeholders to enjoy Allotments upon certain Conditions.

XXXVII. And be it further enacted, That the ſeveral Leſſees or Tenants who have under 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 or Times, and in ſuch Manner as the ſaid Commiſſioner ſhall order, appoint, or award, well and ſufficiently incloſe, ditch, and fence out the Shares of the ſaid Commons, 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 Commiſſioner; and the Owners or Proprietors ſhall, and they are hereby directed to pay within ſuch Time or Times as the ſaid Commiſſioner ſhall order, appoint, or award, the Reſidue of ſuch Charges and Expences for or in reſpect of ſuch Eſtates in Leaſe reſpectively;

reſpectively; and if any of the ſaid Leſſees or Tenants ſhall refuſe or neglect well and ſufficiently to incloſe, ditch and fence out their ſeveral Parts and Shares of the ſaid 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 as aforeſaid, within the Time or Times and in the Manner to be by the ſaid Commiſſioner ordered, appointed, and 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; and 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 Commiſſioner ſhall order, appoint, or award.

Wills and Settlements not to be affected.

XXXVIII. Provided always, and be it further enacted, That nothing in this Act 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, or Cuſtomary Share, Portion, Debt, Rent or Incumbrance, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments to be divided, allotted, or exchanged by virtue of the ſaid recited Act or of this Act, or any Part or Parts thereof reſpectively; but that the ſeveral Perſons to whom ſuch Lands, Tenements, or Hereditaments ſhall be aſſigned, allotted, or given in Exchange by virtue of this Act as aforeſaid, ſhall be, remain, and enure, and the ſeveral Perſons to whom the ſame ſhall be aſſigned, allotted, or given in Exchange as aforeſaid, ſhall from thenceforth be ſeiſed and poſſeſſed 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 (except as aforeſaid), as the ſeveral Lands, Tenements or 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.

Not to affect Tythes, &c.

XXXIX. 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 Tythe Owner or Tythe Owners for the Time being reſpectively, in or to any Tythes, Moduſes, Dues, Payments, Mortuaries, *Eaſter* Offerings, Surplice or other Fees happening, ariſing, and renewing out of, or payable in reſpect of any Lands, Tenements, or Hereditaments within the ſaid Townſhips of *Grindleton*, *Bradford*, *Waddington*, and *Baſhall* reſpectively; but that ſuch Tythes, 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.

No Sheep to be kept in the Inclo-ſures, unleſs, &c. for firſt Ten Years.

XL. And be it further enacted, That no Sheep or Lambs ſhall be depaſtured or kept in any of the Allotments to be made by virtue of this Act, where Quick Fences ſhall be planted, during the Space of Ten Years next after the Execution of the ſaid Award, unleſs the Perſon or Perſons ſo keeping the ſame ſhall firſt, at his, her, or their own Expence, make and maintain a Fence ſufficient to guard the young Quick Fences round ſuch Allotments from being cropped, hurt, or damaged by ſuch Sheep or Lambs, whether ſuch Quick Fences be planted or ſet by, or belong to the Owner or Occupier, Owners or Occupiers of ſuch Allotments as aforeſaid, or the Owner or Occupier, or Owners or Occupiers of the Allotment or Allotments adjoining thereto.

For paying the Expences of paſſing and executing this Act.

XLI. 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 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 Commiſſioner, 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 Commiſſioner 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, Proviſoes, or Declarations therein contained, ſhall be borne and defrayed under ſuch Regulations, and in ſuch Proportion and Manner as is and are hereinafter mentioned; that is to ſay, that all Coſts, Charges, and Expences attending the ſoliciting, obtaining, and paſſing of this Act, and alſo the Fees to be paid to the ſaid Commiſſioner and his Clerk for their Attendances at the Public Meetings to be held purſuant thereto, and the Expences of calling ſuch Meetings, and the Charges and Expences of preparing, making, and depoſiting the Award, ſhall be divided into Four equal Parts or Shares, and that One equal Fourth Part or Share thereof ſhall be borne and defrayed by the Proprietors of Allotments within the ſaid ſeveral Townſhips of *Grindleton*, *Bradford*, *Waddington*, and *Baſhall* reſpectively, or raiſed by a Sale of the Commons and Waſte Grounds within thoſe reſpective Townſhips; and that from and after the paſſing of this Act ſeparate and diſtinct Accounts ſhall be kept of all Coſts, Charges, and Expences incurred in carrying the ſaid recited Act and this Act into Execution (except as aforeſaid), 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 Parts thereof as relate to the ſaid Townſhip of *Grindleton*, and the Incloſure of the Commons and Waſte Lands within the ſame, by the Proprietors of Allotments within *Grindleton* aforeſaid; ſo much and ſuch Parts thereof as relate to the ſaid Townſhip of *Bradford*, and the Incloſure of the Commons and Waſte Lands within the ſame, by the Proprietors of Allotments within *Bradford* aforeſaid; ſo much and ſuch Parts thereof as relate to the ſaid Townſhip of *Waddington*, and the Incloſure of the Commons and Waſte

Waſte Lands within the ſame, by the Proprietors of Allotments within *Waddington* aforeſaid; and ſo much and ſuch Parts thereof as relate to the ſaid Manor or Townſhip of *Baſhall*, and the Incloſure of the Commons and Waſte Lands within the ſame, by the Proprietors of Allotments within *Baſhall* aforeſaid.

Deficiency (if any) to be made good by the Proprietors.

XLII. 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 Deficiencies 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 apportioning 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 Commiſſioner 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 Commiſſioner 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 Commiſſioner ſhall direct, nominate, or appoint; and in caſe any Perſon or Perſons 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.

Directions for charging Copyhold Lands with Expences.

XLIII. And be it further enacted, That when and ſo often as it ſhall be neceſſary to charge any Lands or Tenements, which ſhall be allotted or exchanged by virtue of the ſaid recited Act, or this Act, and which ſhall be or become Copyhold, with any Sum or Sums of Money by way of Mortgage, for defraying any Share or Shares of the Coſts, Charges, and Expences of obtaining and paſſing this Act, and executing the ſaid recited Act and this Act, then and in ſuch caſe ſuch Copyhold Premiſes ſhall be ſurrendered to the Uſe of the Perſon or Perſons who ſhall advance and lend ſuch Sum or Sums of Money, and his, her, or their Heirs or Aſſigns, according to the Cuſtom of the ſaid Manor of *Slaidburn*, by way of Mortgage, for ſecuring ſuch Sum or Sums of Money and Intereſt for the ſame, inſtead of being mortgaged and ſurrendered to ſuch Perſon or Perſons, and his, her, or their Executors, Adminiſtrators, or Aſſigns for a Term of Years, as mentioned in the ſaid recited Act.

Proprietors, &c. to pay their own Expences.

XLIV. 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 Commiſſioner at any Meeting to be held in purſuance of this Act.

Perſons advancing Money to pay

XLV. 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

the Expences of this Act, to be repaid with Intereſt.

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.

Allowance to Commiſſioner.

XLVI. And be it further enacted, That the ſaid *William Harper*, and any other Commiſſioner who ſhall act in the Execution of this Act, ſhall be allowed the Sum of Two Guineas and a 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 and 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.

Commiſſioner to lay his Accounts before Two Juſtices once in every Year.

XLVII. 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 of this Act), the ſaid Commiſſioner ſhall and he is hereby required to make a juſt and true Statement or Account of all Sums of Money by him received and expended, or due to him for his 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 him laid before any Two or more of His Majeſty's Juſtices of the Peace for the ſaid Weſt Riding, 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 Commiſſioner; 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.

Commiſſioner's Award.

XLVIII. And be it further enacted, That as ſoon as conveniently may be after the ſaid Commiſſioner ſhall have finiſhed and completed the ſaid intended Diviſion and Allotment, he ſhall and is hereby authorized and required to form and draw up or cauſe to be formed and drawn up an Award in Writing, which ſaid Award, together with the Maps, Plans, and Surveys to be annexed thereto, ſhall within the Space of Twelve Calendar Months from the Execution thereof, be inrolled in the Public Regiſter Office at *Wakefield*, in the ſaid Weſt Riding of the ſaid County of *York*; and the Regiſter of the ſaid Office, or his Deputy for the Time being, is and are hereby directed to cauſe the ſaid Award to be inrolled in One of the Books uſed for inrolling Bargains and Sales of Land in the ſaid Office accordingly, and a true Copy to be ſigned by the ſaid Commiſſioner for the Time being, of the Map or Plan annexed to ſuch Award, ſhall be alſo lodged at the ſaid Regiſter Office at the Time of the Inrolment of the ſaid Award, and there kept for ever; and the ſaid Award, together with the Map or Plan thereto annexed, ſhall immediately after the Inrolment of ſuch Award, be put into and lodged in ſafe Cuſtody in the Pariſh Church of *Mitton*, ſubject to the Inſpection and Peruſal of the ſeveral Perſons intereſted therein, or their reſpective Agents, who ſhall be at Liberty to inſpect and peruſe the ſame on Application for ſuch Purpoſe, at all ſeaſonable Times, and to make Copies or Extracts

Extracts therefrom; and the said Register shall be entitled to such Fees for the Inrolment of the said Award as he is entitled to for inrolling any Bargains and Sales; and the said Register, or his Deputy for the Time being, shall permit any Person or Persons whomsoever from Time to Time, within the Office Hours of Attendance, to peruse the Inrolment of the said Award at the said Register Office, and to inspect and examine such Copy of the Map or Plan, paying for the same to the Register or his Deputy, One Shilling, and no more; and also from Time to Time, upon Request to him made by any Person or Persons whomsoever, cause a true Copy of the whole or any Part or Parts of the Inrolment of the said Award to be made and written out from such Inrolment, for which the said Register or his Deputy making the same shall be paid after the Rate of Sixpence for every Seventy-two Words, and no more; and the said original Award, or a true Copy of the Inrolment thereof, or any Part thereof, so certified under the Hand of the said Register or his Deputy for the Time being as aforesaid, shall from Time to Time be allowed and admitted as legal Evidence in all Courts whatsoever.

Allowing Appeal to the West Riding Session.

XLIX. 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 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 Commissioner, 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 in and for the said West Riding of the County of *York*, 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 Commissioner or the other Parties interested in the Matter of any such Appeal, or their Agent or Agents for the Time being, One Calendar Month at the least before such Sessions; and the Party or Parties aggrieved shall before such Notice given enter into a sufficient Recognizance before One or more Justice or Justices of the Peace for the said Riding, with two sufficient Sureties, with Condition to prosecute such Appeal, and to pay all Costs in case such Appeal shall be determined against the Party or Parties so appealing; 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 in and for the said Riding; 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 removeable by any *Certiorari*, or other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

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

L. 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 *Elizabeth* Duchess of *Buccleugh* and *Queensberry*, or any future Lord or Lords, Lady or Ladies of the said Manor of *Slaidburn*, to the Mines, Beds, Veins and Seams of Coal, Lead, Copper, Tin, and Iron, and the Quarries of Stone, Slate and Flags, and all other Mines, Quarries, and Minerals whatsoever, already found or hereafter to be found in or under the said Commons, Moors, Heath, or Waste Grounds within the said Townships of *Grindleton* and *Bradford*, or either of them, or to any Seigniories or Royalties incident or belonging to the same respectively; but that the said Duchess and her Heirs and Assigns, and each or any of their Stewards, Agents, or Lessees or Tenants, or Servants and Workmen employed by her or them, or such their Agents, Lessees, or Tenants, shall and may from Time to Time, and at all Times for ever hereafter, and at all Seasons of the Year, have full and free Liberty, Power, and Authority to enter into and upon the said Commons and Waste Lands situate and being within *Grindleston* and *Bradford* aforesaid, and hereby intended to be inclosed, or into or upon any Part or Parts thereof, to search, bore, and dig for Coal, Lead, Copper, Tin, Ironstone, and all other Mines and Minerals whatsoever, or of what Nature, Kind, or Quality soever; and also to search and dig for Quarries of Stone, Slate and Flags, and all other Quarries whatsoever, or of what Nature or Kind soever, and to sink Shafts or open Veins or Quarries in and upon the said several Parcels of Ground so intended to be inclosed, or in or upon any Part or Parts thereof, and to land the said Coal, Lead, Copper, Tin, Ironstone, and other Minerals, and the said Stone, Slate, and Flags, to be so gotten within or upon the same Parcels of Waste Ground intended to be inclosed as aforesaid, or any Part or Parts thereof, and to lay and deposit the same upon the said Parcels, or upon any Part or Parts thereof, and to continue the same thereon, or any Part or Parts thereof, so long as she, they, or any of them shall think proper, and to lead, take, and carry away the same from thence with Horses, Carts, Waggons, Sledges, or any other Carriages whatsoever, by convenient Ways and Passages upon, through, or over the said Commons and Waste Grounds within *Grindleton* and *Bradford* aforesaid, intended as aforesaid to be inclosed, or any Part or Parts thereof, and for that Purpose to open Gaps in any Part or Parts of the Fences of the same Lands and Grounds, and to make and continue such and so many Horse and Carriage and Foot Roads in, upon, and over the same Premises, or any Part or Parts thereof, when and so often and so long as she, they, or any of them shall think proper or necessary, so that the said Horses, Carts, Waggons, Sledges and other Carriages, and the Person or Persons driving or attending the same, or to be employed in or about working the said Minerals and Quarries, or otherwise relating thereto, may pass and repass at all Times, and at all Hours, to and from the said Mines and Quarries, or other Works to be erected, made, and opened for the Purpose

poſe of working the ſaid Mines and Minerals, and for the more eaſy and commodious taking, leading, and carrying away from thence the ſaid Coal, Lead, Copper, Tin, Ironſtone or other Minerals, and the ſaid Quarries of Stone, Slate, and Flags, to be gotten within or upon the ſaid Lands and Grounds intended to be incloſed as aforeſaid, or any Part or Parts thereof, or within or upon any other Part or Parts of the incloſed Cuſtomary or Copyhold Lands and Tenements within the ſaid Townſhips of *Grindleton* and *Bradford*, or either of them, and held and Parcel of the ſaid Manor of *Slaidburn*, without any Interruption whatſoever by, and without making any Recompence or Satisfaction whatſoever to the ſaid ſeveral Perſons to be Grantees as aforeſaid of the ſaid Waſte Grounds, their Heirs or Aſſigns, or any of them, or to the Tenants or Occupiers of the ſaid Lands or Grounds, for the Damage which may be done thereby (except wanton and unneceſſary Damages); and alſo Power and Authority to and for the ſaid Ducheſs and her Heirs and Aſſigns, and her, their, and each and every of their Agents, Tenants, Servants, and Workmen, or any of them, from Time to Time, and at all Times for ever hereafter, to divert and turn any Rivulet or Rivulets, Brook or Brooks, Stream or Streams of Water, or other Water upon, over, and through the ſaid Lands and Grounds to be as aforeſaid allotted and incloſed, or any Part or Parts thereof, for the better working the ſaid Mines, Minerals and Quarries, and to make proper Cuts and Sluices, Heads, or Wears for that Purpoſe, (provided that the ſaid Rivulets, Brooks or Streams of Water, ſo to be diverted and turned as aforeſaid, ſhall be permitted to return into their ancient Courſes before they reach the Freehold Lands in *Grindleton* or *Bradford* aforeſaid,) and to ſink and drive ſuch and ſo many Pit or Pits, Quarry or Quarries, Level or Levels, Sough or Soughs, Saflight or Saflights, and ſuch and ſo many Tunnel or Tunnels, Sait or Saits within or upon the ſame Lands and Grounds, or any Part or Parts thereof, as ſhe, they, or any of them ſhall think proper or neceſſary for the better working and getting the ſaid Minerals and Quarries; and to make, erect, ſet up, build, and continue upon or within the ſame Lands and Grounds, or any Part or Parts thereof, when and ſo often and ſo long as Need ſhall be and require, ſuch and ſo many Mill or Mills, Smelting Houſe or Smelting Houſes, or other Buildings for ſmelting and refining the ſaid Lead, Ore, Copper, Iron and Tin, as by them, or any of them, ſhall be thought neceſſary or proper; and to erect, uſe, and employ ſuch and ſo many Engine or Engines, Water Wheel or Water Wheels, Sliding Rod and Sliding Rods, or any other Machinery whatſoever, as they or any of them ſhall think fit for the better working, draining, and carrying away the Water and Springs from the ſaid Mines, Veins and Seams of Coal, Lead, Copper, Tin and Ironſtone, and from any other Minerals, and from the ſaid Quarries of Stone, Slate and Flags, found and to be found within or upon the Lands and Grounds to be as aforeſaid allotted and incloſed, or any Part thereof, or within or upon any incloſed Cuſtomary or Copyhold Lands and Tenements within the ſame Townſhips, and which are held and Parcel of the ſaid Manor or Honour, and to do all further and other Act and Acts, Thing and Things whatſoever, requiſite or convenient for the working, getting, and diſpoſing of the ſaid Mines, Veins and Seams of Coal, Lead, Copper, Tin and Ironſtone, and the ſaid Quarries of Stone, Slate and Flags, or any other Minerals or Quarries whatſoever found and

to

to be found as aforesaid, in as full and ample a Manner, to all Intents and Purposes, as if the Allotment and Inclosure so agreed to be made as aforesaid had not been made, or the said Lands so agreed to be inclosed had remained waste, open and unincloſed, without any Interruption whatsoever from, and without making Recompence or Satisfaction whatsoever to, the said several Persons to whom the same are allotted, their or any of their Heirs or Assigns, for the Damage which may be done thereby: Provided always, that nothing herein contained shall extend or be deemed or construed to extend to hinder or prevent the Owners and Occupiers of Allotments of the said Commons, Moors, and Waste Grounds within the Townships of *Grindleton* and *Bradford* aforesaid, or either of them, from digging for and getting Slate, Flags, and Wall Stones, in the said Waste Grounds and Commons, to be used by them respectively, and their respective Heirs and Assigns, in and upon their respective Customary or Copyhold Lands and Tenements within such respective Townships, but not for Sale, or to be used elsewhere, such Right, Liberty, and Privilege of digging for and getting Slate, Flags, and Wall Stones, to be hereafter made use of and exercised by each of them respectively, and his Heirs and Assigns, in such Part or Parts only of the said Waste Grounds and Commons as shall be allotted to him as aforesaid; save only for the Purposes of the first building or erecting the Wall Fences to be made for inclosing such Allotments, and for which they are respectively to be at Liberty to get Stone in any Part or Parts of the said Waste Grounds and Commons.

LI. 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 *Jane Clarke* or of the said *James Taylor*, or any future Lord or Lords, Lady or Ladies of the said Manors of *Waddington* and *Bashall*, or either of them, 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 of *Waddington* and *Bashall* respectively hereby intended to be inclosed, or to any Seigniories or Royalties incident or belonging to the same Manors respectively; but that the Lord and Lords, Lady and Ladies 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 *Jane Clark* and *James Taylor*, and the future Lord or Lords, Lady or Ladies of the said 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, and Slack, Ironstone, Lead, Ore, or Manganese, and other Mines and Minerals, of what Nature or Kind soever, within and under the said Waste Lands in *Waddington* and *Bashall* aforesaid, hereby intended to be inclosed, together with all convenient and necessary Roads, Ways, and Passages, and Liberty of laying, making, and repairing Waggon-ways 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, Lead, Ore, Manganese, or other Produce thereof, and sinking, digging, and

making

making Pits, Shafts, Rooms, Stand Yards, Air Pits, Drifts, Levels, Ways, and Water-courſes, and of erecting and 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 her, 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 ſhe, he, or they could or might have done in caſe this Act had not been made, ſhe, 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, Lady or Ladies of the ſaid Manors of *Waddington* and *Baſhall*, or either of them 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: Provided always, that it ſhall and may be lawful for the Owners and Occupiers of Allotments of the ſaid Commons, Moors, Heath, or Waſte Grounds within *Waddington* and *Baſhall* aforeſaid, or any of them, to get Marl, Clay, Stones, Sand, and Gravel within their reſpective Allotments, for their own reſpective Uſe only, and not for Sale, or any other Purpoſe whatſoever.

General Saving.

LII. Saving always to the King's Moſt Excellent Majeſty, his Heirs and Succeſſors, and all 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.

LIII. 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. 1812.