

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 145.

An Act for incloſing and reducing to a Stint, or for ſubdividing and incloſing ſeveral Commons and Waſte Grounds within the Lower Diviſion of *Horton*, in *Ribbleſdale*, in the Pariſh of *Horton*, in *Ribbleſdale*, in the Weſt Riding of the County of *York*.
[17th *June* 1814.]

WHEREAS there are within the Lower Diviſion of *Horton*, in *Ribbleſdale*, in the Pariſh of *Horton*, in *Ribbleſdale*, in the Weſt Riding of the County of *York*, certain Commons and Waſte Grounds called *High Moor*, and *Pennygent*, *Mooton*, *Swarth Moor*, *Arcba Wood*, *Horton Wood*, and *Jellet Brea*, containing, by Eſtimation, Two thouſand Acres or thereabouts: And whereas *William Heſleden*, *Bryan Heſleden*, and *John Ford*, Eſquires, *John Clapham*, *John Armitſtead*, *George Holden*, *John Green*, and *William Atkinſon*, Clerks, *Thomas Burton*, *Chriſtopher Brown*, *John Bolland*, *John Carr*, *Iſabella Clapham*, *Thomas Foſter*, *Robert Foſter*, *William Knipe*, *Ann Foſter*, *Alice Carr*, *Nanny Foſter*, *James Foſter*, *William Hornby*, *Francis Howſon*, *Thomas Hey*, *Edward Heelis*, *Richard Hayer*, *John Ingleby*, *Thomas Jackſon*, *William Lund*, *John Lund*, *William Moor*, *Thomas Other*, *Thomas Procter*, *Francis Procter*, *Thomas Procter*, *Old Ing*, *Ellen Procter*, *William Robinſon*, *Francis Slinger*, *Jeffry Tennant*, *John*

John Tennant, *John Wilſon* the younger, *Thomas Wilſon*, and *John Whaley*, are Lords of the Manor or reputed Manor of *Horton*, in *Ribbleſdale* aforeſaid: And whereas the ſaid *William Heſleden*, *Bryan Heſleden*, and *John Ford*, Eſquires, 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 and Waſte Grounds are not, in their preſent Situation, capable of Improvement, and it would be greatly to the Advantage of the Parties concerned, if the ſaid Commons and Waſte Grounds were incloſed by Ring Fences, or by Metes and Bounds, and reduced to a regular Stint, or divided and allotted to and amongſt the ſeveral Perſons having Right or Intereſt therein; but the ſame cannot be effected without the Aid 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 *Alexander Calvert* of *Richmond*, in the County of *York*, Gentleman, ſhall be, and he is hereby appointed the ſole Commiſſioner for aſcertaining the Boundaries of the ſaid Commons and Waſte Grounds, and for carrying into Execution the ſeveral Powers and Authorities given to him by virtue of this Act; and alſo ſuch of the Powers, Authorities and Directions, Clauſes and Proviſions contained in the ſaid recited Act as are not varied, altered, or otherwiſe provided for in and by this Act; and that ſuch Commiſſioner ſhall have and receive, in Satisfaction of the Expence and Trouble which he ſhall incur in the Execution of the Powers hereby given to and veſted in him, for carrying this Act into Execution, the Sum of Two Guineas and an Half, and no more, for each and every Day which he ſhall be employed in and about the Execution of this Act, and ſo in Proportion for the Fractional Parts of a Day when he ſhall be ſo employed, out of which Allowance he ſhall pay and defray his own Expences, as well as his Travelling Expences.

Commiſſioner.

Appointment of new Commiſſioner.

II. And be it further enacted, That in caſe the ſaid *Alexander Calvert*, or any other Perſon or Perſons to be nominated and appointed by virtue of this Act a Commiſſioner in his room or ſtead, ſhall die, refuſe to act, or become incapable of acting in the Execution of this and the ſaid recited Act, then, and in every ſuch Caſe, the major Part in Value (to be aſcertained by the Land Tax Aſſeſſment) of the Perſons intereſted in the ſaid Incloſure, who ſhall be preſent at a Meeting to be holden for that Purpoſe, within Twenty-one Days next after ſuch Death, Refuſal, or Incapacity as aforeſaid, (of which Meeting at leaſt Ten Days previous Notice ſhall be given in the Pariſh Church of *Horton*, in *Ribbleſdale* aforeſaid, on ſome *Sunday* immediately after Divine Service, and by Writing to be affixed on the Door of ſuch Church, and inſerted in the *Leeds Mercury*, or in ſome Newſpaper or Newſpapers printed and circulated within the Weſt Riding of the County of *York* aforeſaid), ſhall and may by any Inſtrument or Inſtruments, in Writing under their Hands, nominate and appoint another Perſon (not intereſted in the ſaid

Inclosure) to be a Commissioner in the room and stead of the said *Alexander Calvert*, or such other Commissioner so dying, refusing to act, or becoming incapable of acting as aforesaid; and every Commissioner so to be nominated and appointed as aforesaid shall, after taking the Oath in that Behalf prescribed, have the like Power and Authority for carrying this and the said recited Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally nominated 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 give, or cause to be given, public Notice in the said Newspaper, or in some Newspaper or Newspapers, printed or circulated within the West Riding of the County of *York*, and also by Writing, signed by him, affixed upon the principal Door of the Parish Church of *Horton*, in *Ribblesdale* aforesaid, on some *Sunday* immediately before Divine Service, of the Time and Place of his first and every other subsequent Sitting, for executing the Powers of the said recited Act, and of this Act, Ten Days at least before every such Sitting (Sittings by Adjournment only excepted); and that all Sittings of the said Commissioner, as well as Meetings of the said Proprietors, for the Purpose of putting this Act into Execution, shall be holden in the Parish of *Horton*, in *Ribblesdale* aforesaid, or within Eight Miles thereof.

Commissioner to settle Disputes.

IV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Persons interested or claiming to be interested in the said Commons and Waste Grounds, or any Part or Parts thereof, or touching or concerning the respective Rights or Interests which they or any of them shall have or claim to have, over and upon the Lands and Grounds to be inclosed by virtue of this Act, or touching or concerning any other Matter or Thing relating to the said Inclosure, it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and empowered to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize or empower the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Power to assess Costs.

V. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this or the said recited Act, see Cause to award any Costs, then and in such Case it shall and may be lawful to and for him, 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 such Determination shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case such Person or Persons 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 and may be lawful to and for the said Commissioner, and he is hereby authorized and required by Warrant under his Hand, directed

directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

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

VI. And be it further enacted, That in caſe any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid intended Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioner, touching or concerning any Claim to any Rights of Common or other 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 to and for the Perſon or Perſons ſo diſſatisfied, to proceed to a Trial at Law of the Matters ſo determined by the ſaid Commiſſioner, at the then next or following Aſſizes to be holden for the County of *York* and for that Purpoſe, the Perſon or Perſons who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner ſhall cauſe an Action or Actions to be brought upon a feigned Iſſue againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, or againſt the Commiſſioner or Clerk to the ſaid Commiſſioner, within Two Calendar Months next after the Determination of the ſaid Commiſſioner ſhall be made; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, and they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined, (ſuch Iſſue or Iſſues to be ſettled by the proper Officer or Officers of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive upon all and every Perſon and Perſons whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid 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 always, that in caſe the Determination of the ſaid Commiſſioner, touching any Claim or Claims, or any Rights of Common, or other Intereſts in, over, and upon the ſaid Commons and Waſte Grounds, hereby directed to be incloſed, or any Part thereof, ſhall not be objected to, or being objected to, ſuch Action or Actions at Law ſhall not be brought and proceeded in within the Time and in the Manner for that Purpoſe mentioned, ſuch Determination ſhall be final and concluſive upon all Parties.

Actions not to delay the Incloſure.

VII. Provided always, and be it further enacted, That no ſuch Difference, Suit, Action, or Proceeding as aforeſaid, nor any Difference, Suit, Action, or Proceeding, touching or concerning the Title to any Lands, Tenements,

Tenements, or Hereditaments, ſhall impede, delay, or hinder the ſaid Commiſſioner from proceeding in the Execution of the Power veſted in him by the ſaid recited Act and this Act, but the ſaid Incloſure ſhall be proceeded in, notwithſtanding ſuch Difference, Suit, Action, or Proceeding.

If Parties die, Actions not to abate.

VIII. 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.

In caſe of Death of Parties Actions to be carried on in their Names.

IX. Provided alſo, 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 herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame, within the Time ſo limited as aforeſaid, againſt ſuch Perſon or Perſons, as if actually living, and to ſerve the Clerk of the 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 alſo be incumbent on the Heir or Heirs, or other Perſon or Perſons who 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 Proceeding ſhall be had therein in the ſame Manner as if ſuch Perſon or Prſons had been actually living, and the Rights of all Perſons ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Right of Poſſeſſion not to be determined by Commiſſioner.

X. Provided alſo, and be it further enacted, That nothing in this Act 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 Encroachments made ſince the Year One thouſand ſeven hundred and ninety-four); but in caſe the ſaid Commiſſioner ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been given up or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

For ſhortening Boundary Fences.

XI. 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 they 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 Lower Diviſion of *Horton*, in *Ribbleſdale* aforeſaid, and ſuch adjoining Pariſh or Townſhip, Pariſhes or Townſhips reſpectively; any Law, Uſage, or Cuſtom to the contrary thereof notwithſtanding.

Encroachments.

XII. And be it further enacted, That Incloſures or Encroachments which at any Time within Twenty Years now laſt paſt have been made upon the ſaid Commons and Waſte Grounds ſhall be deemed Part thereof, and ſhall be incloſed accordingly as Part thereof; and in caſe any Diſpute or Difference ſhall ariſe touching ſuch Incloſure or Encroachments, or the Extent thereof, ſuch Diſpute ſhall be determined by the ſaid Commiſſioner.

Allotment for digging Turf.

XIII. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby authorized and required in the firſt Place to ſet out and appoint ſo much and ſuch Parts of the ſaid Commons or Waſte Grounds as he ſhall think proper for the digging and getting Turf by all ſuch Perſon or Perſons for their own Uſe, but not for Sale, as are now entitled to the Right of getting Turf in ſuch reſpective Commons or Waſte Grounds.

Watering Places and Stone Pits.

XIV. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby authorized and required, to ſet out and allot ſuch Part or Parts of the ſaid Commons or Waſte Grounds, as he ſhall think fit, to be uſed and enjoyed for ever thereafter, by the Perſons having Rights or Intereſts on the ſaid Commons or Waſte Grounds for the Purpoſe of public Watering Places for Cattle, or getting Stones and other Materials for erecting and repairing of Buildings, Bridges, Walls, Fences, and other Works within the ſame, for the Reparation of the Highways and private Roads, which now are or ſhall be, within the Lower Diviſion of *Horton*, in *Ribbleſdale* aforeſaid, and ſhall alſo, in his Award, order and direct by whom and for what Purpoſe the Herbage or Paſture of the ſaid Commons or Waſte Grounds ſo to be ſet out for the Purpoſes aforeſaid, ſhall be uſed or applied.

Land to be ſold for defraying Expences.

XV. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby authorized and required in the next Place to mark and ſet out ſo much and ſuch Part or Parts of the ſaid Commons or Waſte Grounds as will, in his Judgment, be moſt convenient to be ſold, for the Purpoſe of defraying the Coſts, Charges, and Expences of obtaining and paſſing this Act, of ſurveying, valuing, allotting, and ring-fencing the ſaid Commons or Waſte Grounds, and for preparing the Award herein-after mentioned, and all other the neceſſary Coſts and Charges of the ſaid Commiſſioner, in and about the Execution of this Act; and the ſaid Commiſſioner ſhall and may, and he is hereby authorized and required, to ſell the ſame in ſuch Allotment or Allotments as to him ſhall ſeem right and proper, to any Perſon or Perſons, for the beſt Price or Prices that can be gotten for the ſame, and ſhall apply the Money ariſing by ſuch Sale

or

or Sales, in discharging the said Costs, Charges, and Expences; and the Lands so sold shall be Freehold of Inheritance, and the Award to be made and executed by the said Commissioner shall be valid and effectual in Law, to vest the same in such respective Purchasers and their Heirs; provided, that nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Commissioner to mark and set out for Sale, or to sell or dispose of any Part of the said Commons and Waste Grounds, called *Mooton Moor* and *Jellet Brea*, until he shall first have allotted and set out a due and proportionate Quantity thereof to the said *John Ford*, in Right of a certain Estate in *Horton* aforesaid, called *Beecroft Hall*, and adjoining thereto.

Application of Surplus.

XVI. And be it further enacted, That in case such Part or Parts of the said Commons or Waste Grounds hereby directed to be sold as hereinbefore mentioned, shall be sold for more Money than will be required to defray such Costs, Charges, and Expences, then and in such Case, such Surplus Money shall be paid, applied, and disposed of by the said Commissioner, unto and amongst the said several Proprietors and Persons who would have respectively been entitled to Rights of Common, in, over, or upon the said Commons or Waste Ground, if this Act had not been made, according to their respective Rights and Interests (such Rights and Interests to be settled by the Commissioner, with the Power of Appeal as aforesaid); 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* in Manner directed by the said recited Act, with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses; and in case the Money directed to be raised by the Sale of Part of the said Commons or Waste Grounds shall be insufficient to defray such Costs, Charges, and Expences, the Deficiency thereof shall be raised and paid by the said several Proprietors and Persons entitled to such Rights of Common as aforesaid, rateably and in Proportion to the Value of their several and respective Estates, Rights, and Interests; such Value to be ascertained and set down by the said Commissioner, with the Power of Appeal as aforesaid.

Residue of the Commons to be ring-fenced.

XVII. And be it further enacted, That the said Commissioner shall, and he is hereby required as soon as conveniently may be, to cause the Residue of the said Commons or Waste Grounds to be inclosed by Ring Fences, or the Extent thereof ascertained by Metes and Bounds, or otherwise, as he shall think proper, the Expence whereof shall be defrayed by him out of the Money to be raised by the Sale of Land as aforesaid, and such Fence shall be from Time to Time for ever kept in good and sufficient Repair, at the Costs and Charges of the several Persons who, for the Time being, shall be entitled to Cattle Gates or Pasture Gates thereon, in Proportion to his, her, or their several and respective Rights and Interests; and after the said Commons and Waste Grounds shall be so inclosed, and Notice thereof shall be given by the said Commissioner, by Writing, affixed on the Principal Door of the said Parish Church of *Horton*, in *Ribblesdale*, all Right of Common of what Nature or Kind soever, claimed

claimed by any Perſon or Perſons whomſoever, in, over, or upon any of the ſaid Commons or Waſte Grounds hereby intended to be incloſed, ſhall ceaſe, determine, and be for ever extinguiſhed; provided that nothing in this Act contained ſhall prejudicially affect the Right or Claim of any Perſon or Perſons to have his, her, or their Part or Parts, Share or Shares of the ſaid Commons and Waſte Grounds aſcertained, and diſtinctly and ſeparately ſet out and allotted to him, her, or them, as herein-after is mentioned and provided.

Commiſſioner to aſcertain and ſtint the Commons.

XVIII. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby required to aſcertain, ſpecify, and ſet forth in his Award, to be made in purſuance of this Act, the proportional Value of the ſaid Commons and Waſte Grounds, for regulating the Stint thereof, and the Number of Cattle Gates, which the ſame ſhall be capable of agiſting or depaſturing, and ſhall alſo ſet out, apportion, and limit the Number of Beaſt Gates, Sheep Gates, or Cattle Gates, and Parts and Shares of Cattle Gates to which all and every the Owners of Meſſuages, Lands, Tenements, or Hereditaments ſhall be entitled, in reſpect of ſuch Meſſuages, Lands, Tenements, or Hereditaments, Claims, Rights, and Intereſts, which they may reſpectively have and be entitled to upon the ſaid Commons and Waſte Grounds.

Proprietors to make Orders for Stinting.

XIX. And be it further enacted, That it ſhall be lawful for the ſeveral Proprietors, or Perſons ſeiſed or poſſeſſed for the Time being of any Freehold Eſtate of Inheritance, or for any Term or Number of Years abſolute, exceeding Ninety-nine Years, in any Cattle Gates, or Parts of Cattle Gates, upon the ſaid Commons or Waſte Grounds, when incloſed as aforeſaid, and who ſhall not have ſeparate and diſtinct Parts thereof allotted to them, in reſpect of their Rights and Intereſts upon ſuch Commons and Waſte Grounds, under the Power herein-after contained, or of the Majority of them in Value, (ſuch Value to be aſcertained by the Number of Cattle Gates to which they ſhall reſpectively be entitled), from Time to Time after the Execution of the ſaid Commiſſioner's Award by Writing under their Hands, or under the Hands of their Agents or Attornies thereto, authorized by Writing under the Hands of ſuch Proprietors, to make ſuch Rules, Orders, and Regulations, and Appointments for regulating the Manner of uſing and occupying ſuch Part of the ſaid Commons or Waſte Grounds as ſhall not be allotted to and incloſed by the Perſon or Perſons requiring the ſame to be ſtaked out and allotted under the Power herein-after contained, in lieu and full Satisfaction of their Rights and Intereſts in ſuch Commons and Waſte Grounds, at all Times of the Year, as a ſtinted Paſture or ſtinted Paſtures, and of ſtocking the ſame with Cattle, Sheep, Horſes, and other Stock, and for limiting and ſtinting the Number and Kinds of the ſaid Stock, and for limiting the Times and Seaſons of ſtocking and freeing the ſame, and for providing and paying ſuch Herdſmen as ſhall be thought neceſſary, and for the better Management and more convenient Enjoyment of the ſaid Commons and Waſte Grounds, as a ſtinted Paſture or ſtinted Paſtures, as they the ſaid Proprietors, their Agents or Attornies, ſhall from Time to Time think proper, and for the general Benefit of all Perſons intereſted therein, according to their ſeveral Rights and Intereſts, and ſo from Time to Time in like Manner to annul, repeal, or alter, all or any of ſuch

such Rules, Orders, Regulations, and Appointments, and make such others as they shall deem expedient, and for the general Benefit of all Persons interested therein, according to their respective Rights and Interests; and such Rules, Orders, Regulations, and Appointments respectively, so long as they shall continue in force, shall be binding upon and observed by all Persons interested in the said Commons or Waste Grounds, or intended Stinted Pastures, and any Person acting contrary thereto, shall forfeit, pay, and incur, such Sum or Sums of Money, Penalties, and Forfeitures respectively, as shall be therein from Time to Time for that Purpose, mentioned and declared, provided that no such Penalty or Forfeiture shall exceed the Sum of Ten Pounds for any one Offence; and all such Penalties and Forfeitures shall and may be recovered by Action of Debt, Bill, Plaint or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager at Law, or more than One Imparlance shall be granted or allowed; and the same respectively shall be from Time to Time paid and applied in such Manner, and to and for such Uses and Purposes respectively as in the said Rules and Orders, or any of them, shall be from Time to Time expressed or prescribed; and the said Rules, Orders, and Regulations, previous to their being signed from Time to Time by the Parties or Persons making the same, shall be fairly entered in a Book or Books to be kept and provided for that Purpose, by and at the Expence of the Owners of Cattle Gates in and upon the said Commons or Waste Grounds and intended Stinted Pastures, which Book shall be from Time to Time lodged with the Constable of the Township of *Horton* aforesaid for the Time being, who shall at all Times have the same forthcoming, under the Penalty of Ten Pounds, to be recovered in Manner aforesaid, unless prevented by some inevitable Accident thereto happening, or by some other Cause which shall be allowed a sufficient Excuse, and which Book or Books shall be admitted in Evidence in all Courts whatsoever, who shall and may take Cognizance of any of the Matters therein to be contained: Provided always, that the said Rules, Orders, Regulations, and Appointments, shall be from Time to Time made at a Meeting of the said Proprietors of the said intended Stinted Pastures, by themselves to be called for the Purpose, and to be holden from Time to Time at *Horton*, in *Ribblesdale* aforesaid, and not at any other Time or Times, or elsewhere, and so as Notice be given of all and every such Meeting or Meetings, Fourteen Days at least before the holding of the same, by and under the Hands of any Three Owners or Proprietors of Cattle Gates for the Time being, upon the said Commons or Waste Grounds directed to be made into Stinted Pastures as aforesaid, not having less than Twelve Cattle Gates conjunctively thereon, and which Notice shall be put upon the Door of the said Parish Church of *Horton*, in *Ribblesdale*, Two *Sundays* at least next immediately preceding any such Meeting, during the Morning Service in the said Church; provided that all such Rules, Orders, and Regulations, and all Convictions for any Penalty or Forfeiture imposed by virtue thereof, shall be liable to Appeal to the Justices at the Quarter Sessions, as is herein-after provided or mentioned with respect to any other Matter of Appeal.

Allotment in lieu of Cattle Gates, &c.

XX. Provided always, and be it further enacted, That in case any one or more Person or Persons, Proprietor or Proprietors, entitled to any Beast Gates, Sheep Gates, or Cattle Gates, or other Right or Interest in the said Commons and Waste Grounds, shall be desirous to have an Allot-

ment or Allotments ſtaked and ſet out, in lieu and Satisfaction of their reſpective Beaſt Gates, Sheep Gates, or Cattle Gates, or other Rights and Intereſts in or upon the ſaid Commons or Waſte Grounds, and ſhall ſignify the ſame to the ſaid Commiſſioner, by Writing under his, her, or their Hands, or the Hands of his, her or their Attorney or Agent for that Purpoſe, at a Meeting to be held for receiving the Claims of the ſaid ſeveral Proprietors and Parties intereſted in the ſaid Diviſion and Incloſure, and ſhall agree to incloſe and fence any Part or Parts of ſuch Allotment or Allotments, at his, her, or their own Expence, in ſuch Manner as the Commiſſioner ſhall deem equitable and proper, and by his Award direct and appoint, that then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioner and his Succeſſors, and he is hereby directed and empowered to ſet out, aſſign, and allot, to each of the ſaid Perſon or Perſons, Proprietors or Parties making ſuch Requeſt as aforeſaid, an Allotment or Allotments of and upon the ſaid Commons and Waſte Grounds, in lieu of Beaſt Gates, Sheep Gates, or Cattle Cates, or other Rights and Intereſts which he, ſhe, or they may be entitled to therein, according and in Proportion to the Values of their reſpective Eſtates, having Right of Common or other Rights in or upon the ſaid Commons or Waſte Grounds, provided that the Allotments ſo required to be ſet out upon the ſaid Common called *Pennygent*, be ſtaked and ſet out adjoining each other, either at the North or South End thereof, and not in the Middle or Centre of ſuch Common, any Thing contained in this or the ſaid recited Act to the contrary notwithſtanding; and ſhall charge ſuch Perſon or Perſons reſpectively, for whoſe Benefit ſuch Allotment or Allotments ſhall be made, with the Payment of ſuch Sum and Sums of Money as ſhall be neceſſary to defray the Coſts and Charges of making ſuch Allotment or Allotments; and that it ſhall and may be lawful to and for the reſpective Perſons to whom ſuch Allotments ſhall be ſet out as aforeſaid, to accept and incloſe the ſame at any Time within Three Years next after the Execution of the ſaid Award; and that until the making of ſuch Incloſures as aforeſaid, within the Time herein-before limited, and after the Expiration thereof, all ſuch Parts thereof as ſhall remain unaccepted and unincloſed, ſhall for ever thereafter be deemed and adjudged to be Part and Parcel of the ſaid Commons and Waſte Grounds reſpectively, and as ſuch to be uſed and enjoyed by the ſeveral Proprietors and Parties, according and in Proportion to the Number of Beaſt Gates, Sheep Gates, Cattle Gates, or other Right or Intereſt they may reſpectively be entitled to thereon, any Thing herein-before contained to the contrary notwithſtanding: Provided, that in caſe where the ſaid Commiſſioner ſhall direct a Part of the Fence or Fences of the ſaid Allotment or Allotments to be made by the Perſon or Perſons requiring the ſame, the ſaid Commiſſioner ſhall direct, by his Award, by whom and in what Proportion the Reſidue of ſuch Fence or Fences ſhall be made and repaired, and ſuch Direction of the ſaid Commiſſioner ſhall be binding and concluſive on all Perſon or Perſons intereſted therein: Provided alſo, that when and ſo ſoon as any Allotment or Allotments ſhall be aſcertained and ſet out to any Perſon or Perſons as aforeſaid, in reſpect of his, her, or their Meſſuages, Lands, or Tenements, (and which Allotment or Allotments the ſaid Commiſſioner is hereby authorized and required to make and ſet out within the Space of Three Years next after ſuch Notice ſhall have been ſo given to him as aforeſaid), all Rights of Common of Paſture, and other Commonable Rights and Intereſts, and all Rights of Game, in or upon, or over, and the Ground, Soil, and Herbage of the ſaid Allotment or Allot-

ments ſhall be and the ſame are hereby veſted abſolutely in ſuch Perſon or Perſons, and the Rights of any and every other Perſon or Perſons in, over, or upon the ſame, ſhall ceaſe and be for ever extinguiſhed, ſubject nevertheleſs to the Proviſo herein-after contained.

Cattle Gates to be of the ſame Tenure as the Lands in Right of which they are allotted.

XXI. And be it further enacted, That all ſuch Beaſt Gates, Sheep Gates, or Cattle Gates, and Parts and Shares of Beaſt Gates, Sheep Gates, and Cattle Gates, Allotment or Allotments, Rights and Intereſts reſpectively, of and in the ſaid Commons and Waſte Grounds as ſhall be appointed, ſet out, and allotted by the ſaid Commiſſioner in Manner aforeſaid, ſhall reſpectively become and be of the ſame Tenure, and held in the ſame Manner as the Hereditaments in reſpect whereof the ſame Beaſt Gates or Cattle Gates ſhall be reſpectively appointed, ſet out, and allotted, would belong or ſtand, or be ſubject to, if ſuch Appointment, Setting-out, or Allotment, had not been made, or this Act had not been paſſed.

Settlements not to be affected.

XXII. And be it further enacted, That all and ſingular the Beaſt Gates or Cattle Gates, and Parts and Shares of Beaſt Gates or Cattle Gates, Allotment or Allotments, which ſhall be reſpectively ſet out, aſſigned, or allotted, under and by virtue of the ſaid recited Act and this Act, ſhall, immediately after ſuch Allotment ſhall be made, be, remain, and enure, and the ſeveral Perſons to whom the ſame ſhall be ſet out and allotted, ſhall from thenceforth ſtand and be ſeized thereof, to, for, and upon ſuch and the ſame Uſes, Eſtates, Truſts, and Purpoſes, and the ſame ſhall be held under and ſubject to the ſame Wills, Settlements, Limitations, Powers, Remainders, Leaſes, Charges and Incumbrances, as the ſeveral and reſpective Meſſuages, Buildings, Lands, Tenements, and Hereditaments, in lieu or in reſpect whereof ſuch Cattle Gates or Allotments ſhall be reſpectively made or taken, would have been ſubject to, or liable to be charged with, or affected by, in caſe this Act had not been paſſed.

Cattle Gates may be ſold.

XXIII. And be it further enacted, That if any Perſon or Perſons, who ſhall be entitled in Fee Simple to any Beaſt Gates or Cattle Gates, or Parts or Shares of Beaſt Gates or Cattle Gates, Allotment or Allotments, Rights or Intereſts, under or by virtue of this Act, ſhall ſell and diſpoſe of the ſame, or any Part thereof, previous to the Award of the ſaid Commiſſioner, to any Perſon or Perſons whomſoever, and ſhall requeſt the ſame to be appointed, ſet out, and allotted by the ſaid Commiſſioner, to the Perſon or Perſons who have ſo purchaſed the ſame, then it ſhall be lawful for the ſaid Commiſſioner, and he is hereby required to award ſuch Cattle Gates, or Parts of Cattle Gates, or Allotments, Rights, or Intereſts, ſo ſold or diſpoſed of, to the Perſon or Perſons entitled to the ſame by virtue of ſuch Sale or Diſpoſition; and the ſaid Property ſo ſold and diſpoſed of ſhall, in every ſuch Caſe, from and after the Execution of the Award of the ſaid Commiſſioner, become and the ſame is and are hereby declared veſted in and ſettled upon the Perſon or Perſons to whom the ſame ſhall have been ſo ſold or diſpoſed of as aforeſaid, and his, her, or their Heirs or Aſſigns, to all Intents and Purpoſes whatſoever.

Money advanced to be repaid with Intereſt.

XXIV. And be it further enacted, That if any Perſon ſhall advance and pay any Money in Diſcharge of the Expences of obtaining and executing this Act, the Money ſo paid and advanced ſhall be repaid and ſatisfied by

by the Direction of the ſaid Commiſſioner, together with lawful Intereſt for the ſame, out of the firſt Money to be raiſed by the ſaid Commiſſioner, in purſuance of this or the ſaid recited Act.

Accounts to be laid before a Juſtice of Peace.

XXV. And be it further enacted, That once at leaſt in each and every Year during the Execution of this Act, ſuch Year to be computed from the Day of the paſſing thereof, the ſaid Commiſſioner ſhall, and he is hereby required to make a true and juſt Statement or Account of all Sums of Money by him received or expended, or due to him for his own Trouble or Expence in the Execution of this Act; and ſuch Statement or Account, when ſo made, together with the Vouchers relating thereto, ſhall be by him laid before One of His Majeſty's Juſtices of the Peace for the Weſt Riding of the County of *York*, to be by him examined and balanced, and ſuch Balance ſhall be by ſuch Juſtice ſtated in the Book of Accounts, to be kept in the Office of the Clerk of 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 allowed by ſuch Juſtice.

Award to be depoſited.

XXVI. And be it further enacted, That the Award which ſhall be made and executed by the ſaid Commiſſioner, in purſuance of the ſaid recited Act and this Act, or either of them, and the Map and Plan, Maps and Plans to be thereunto annexed, and alſo the Oath and Oaths to be taken and ſubſcribed by the ſaid Commiſſioner, and Appointment or Appointments of any new Commiſſioner or Commiſſioners, (if any ſuch there ſhall be) 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 to file the ſame in the ſaid Office, for ſafe Cuſtody and good Preſervation, for which no greater Fee than One Guinea ſhall be paid for each Inſtrument, ſo to be filed and kept; and that a Copy of the ſaid Award, Maps, Plans, Oaths, Appointment and Appointments reſpectively, or any Part or Parts thereof, ſigned by the Regiſter or his Deputy for the Time being, ſhall from Time to Time, and at all Times be received and allowed in all Courts of Law or Equity, or elſewhere, as Evidence of ſo much thereof reſpectively as ſhall be contained in ſuch Copy or Copies, and which ſhall be previouſly certified as being a true Copy or Copies thereof reſpectively, under the Hand of the ſaid Regiſter or his Deputy for the Time being, and who is or are hereby required to certify the ſame accordingly, upon any Requeſt to be made to him for that Purpoſe, and that the ſaid Regiſter, or his Deputy, ſhall be entitled to receive for ſuch Copies thereof, after the Rate of Sixpence for every Seventy-two Words therein contained, and Two Shillings and Sixpence for each Signature and Certificate as aforeſaid; and the ſaid Regiſter, or his Deputy, ſhall permit and ſuffer any Perſon or Perſons whomſoever, at any ſeaſonable Time or Times, to peruſe and inſpect the ſaid Award, Oaths, or Appointments reſpectively, paying for each of the Inſtruments ſo inſpected, One Shilling and no more; and the ſaid Commiſſioner ſhall make and execute a Counterpart of his ſaid Award, with a Map or Plan to be annexed thereto, and the ſame ſhall be depoſited and kept in the Pariſh Church of *Horton*, in *Ribbleſdale* aforeſaid, for the Inſpection of all Perſons intereſted therein, without Fee or Reward, at all ſeaſonable Times.

Appeal.

XXVII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance

ſuance of the ſaid recited Act or this Act, (other than and except ſuch Orders and Determinations of the ſaid Commiſſioner, as are by the ſaid recited Act or this Act directed to be final and concluſive, (and except in ſuch Caſes when an Iſſue at Law ſhall be tried, as herein-before mentioned) then and in every ſuch Caſe, he, ſhe, or they may appeal to the next General Quarter Seſſions of the Peace, which ſhall be holden for the Weſt Riding of the County of *York*, within Three Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving the ſaid Commiſſioner, and the Party or Parties concerned, Fourteen Days Notice, in Writing, of ſuch Appeal, and of the Matter thereof; and the Juſtices, not intereſted in the Premiſes, at their ſaid General Quarter Seſſions, 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 and Warrant to levy the Coſts and Charges which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party and Parties liable to pay the ſame, rendering the Overplus (if any) on Demand, to the Owner or Owners of ſuch Goods and Chattels after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale; and the Determination of the ſaid Juſtices therein 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 any Foundation, then and in ſuch Caſes the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them in their Diſcretion ſhall ſeem reaſonable, to be levied in Manner aforeſaid.

Manorial Rights not to be affected.

XXVIII. And be it further enacted, That the Ground and Soil of the ſaid Commons and Waſte Grounds hereby directed to be incloſed and reduced to a Stint as aforeſaid, and all Manorial and other Rights, Seigniories, Royalties, Quarries, Mines, Minerals, Perquiſites, Liberties, and Privileges, in, over, or upon the ſame, ſhall be, and the ſame is and are hereby declared to be and remain veſted in the ſeveral Proprietors and Perſons having or being entitled to any Cattle Gates, Allotment, or other Rights or Intereſts in or upon the ſame Commons or Waſte Grounds, in ſuch and the ſame Manner, and with ſuch and the ſame Privileges, Powers, and Authorities, and in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as they or any of them might or could have held and enjoyed the ſame before the paſſing of this Act, or in caſe the ſame had not been made, making Satisfaction for the Damages occaſioned by digging and working any Mines or Quarries as herein-after mentioned; provided that nothing herein contained ſhall extend, or be deemed or taken to deprive the Perſon or Perſons to whom any Allotment or Allotments ſhall be made as aforeſaid, of the ſeveral and excluſive Right to all Manner of Game in or upon ſuch Allotment or Allotments.

Satisfaction to be made for working Mines.

XXIX. Provided always, and be it enacted, That in caſe any of the Proprietors or Perſons having or being entitled to any Cattle Gates, Allotments, or other Rights or Intereſts in or upon the ſaid Commons or Waſte Grounds directed to be incloſed as aforeſaid, or any Perſon or Perſons claiming under him, her, or them, ſhall, after ſuch Incloſure be made as aforeſaid, ſearch for, win, work or lead away Coal, Lead, Tin, Copper, Stones,

Stones, Lime, Slate, Metal, or Minerals, lying within or under any of such Commons or Waſte Grounds, or within, under, or upon any Allotments or Incloſures ſo to be made as aforeſaid, then and in every ſuch Caſe the Perſon or Perſons ſo ſearching for, winning, working, or leading away the ſame, ſhall make full and reaſonable Satisfaction for the Damage and Spoil of Ground occaſioned thereby, or in making or uſing Waggon Ways or other Ways, or any other Matters or Things to the Perſon or Perſons, Bodies Politic, Corporate, or Collegiate, who ſhall be in Poſſeſſion of ſuch Ground, Cattle Gates, or Allotments at the Time or Times of ſuch Damage or Spoil: Provided always, that nothing herein contained ſhall extend, or be conſtrued to extend, to prevent the ſeveral Owners and Occupiers to whom Allotments ſhall be made as aforeſaid, from digging, taking, and carrying away within, from, or under their reſpective Allotments, any Quantity of Lime or other Stone for their own Uſe only, but not for Sale.

General Saving.

XXX. Saving always to the King's moſt Excellent Majeſty, and to all and every Perſon and Perſons, and Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Rights, Title, and Intereſt, other than and except ſuch as is and are hereby meant and intended to be barred, deſtroyed, and extinguiſhed, as they, every, or any of them had or enjoyed, or exerciſed, of, in, to, or out of the Commons or Waſte Grounds hereby directed to be incloſed, in caſe this Act, had not been made.

Evidence Clauſe.

XXXI. 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.