ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 67.

An Act for better collecting the Tithes in the Townſhips of *Hunton* and *Arrathorne*, in the Pariſh of *Patrick Brompton* and *Hornby*, in the North Riding of the County of *York*. [18th *May* 1814.]

WHEREAS the Right Reverend Father in God *George Henry* Biſhop of *Cheſter*, is in Right of his See ſeiſed of or entitled to the Impropriate Rectory or Parſonage of *Patrick Brompton*, in the North Riding of the County of *York*, and is in Right of ſuch Rectory entitled to all Tithes, both Great and Small, ariſing within the ſaid Pariſh of *Patrick Brompton*; and *Gregory Elſley* is his Leſſee: And whereas the very Reverend *George Markham* Doctor in Divinity, Dean of the Cathedral Church of *York*, and the Chapter of the ſame Church, are in Right of the ſaid Church entitled to the Impropriate Rectory or Parſonage of *Hornby*, in the ſaid North Riding of the County of *York*, and are in Right of ſuch Rectory entitled to all the Impropriate Tithes ariſing within the ſaid Pariſh of *Hornby*, and the moſt Noble *George William Frederick* Duke of *Leeds* is their Leſſee: And whereas the ſaid Dean and Chapter of the ſaid Cathedral Church are in Right of the ſaid Church entitled to the Perpetual Advowſon, Right of Patronage and Preſentation, of and to the Vicarage of the Pariſh Church of *Hornby* aforeſaid; and the Reverend *Jonathan Alderſon* is Vicar of the ſaid Vicarage, and in Right of his ſaid Vicarage is entitled to the Vicarial Tithes ariſing within the ſaid Pariſh of *Hornby*: And whereas the whole of the Lands in the Townſhips

Tithes; and such Commissioner shall and he is hereby required forthwith to give Notice in the Newspaper called *The York Herald*, and also in Writing on the Doors of the Parish Churches of *Patrick Brompton* and *Hornby* aforesaid, that such Valuation, Map, and Book of Reference have been deposited, and where the same may be inspected; and shall also in such Notices fix and appoint a Time and Place to be specified in such Notices, when and where he will attend to hear Objections from any Person or Persons who may be dissatisfied with such Valuation, Map, or Book of Reference: Provided always, that the Time to be appointed for hearing such Objections shall not be earlier than Twenty-one Days after such Notices shall be given in the said Newspaper, and on the Church Doors as before directed; and the said Commissioner is hereby required to attend at the Time and Place so to be appointed, and to hear and determine any Objections which may be then and there made to the said Valuation, Map, or Book of Reference, and to adjourn the further hearing of any such Objection, if he shall think proper, to a future Time; and it shall be lawful for the said Commissioner to examine any Person or Persons on Oath, touching such Objections, (which Oath the said Commissioner is hereby empowered to administer); and when the said Commissioner shall have heard and determined all such Objections which may be so made, if any, he is hereby required, if he sees Occasion, to alter such Valuation, Map, or Book of Reference, and if any Alterations be made therein, such altered Valuation, Map, and Book of Reference shall be left and deposited at the same Place as the first Valuation, Map, and Book of Reference, were deposited for the Inspection of all Persons interested in the said Tithes; and Notices shall forthwith be given of the depositing of such altered Valuation, Map, and Book of Reference, in the said Newspaper called *The York Herald*, and also in Writing on the Doors of the Parish Churches of *Patrick Brompton* and *Hornby* aforesaid; and it shall be lawful for any Person or Persons who may be dissatisfied with any Determination of the said Commissioner relative to the Matters contained in any such Valuation, Map, or Book of Reference, to appeal to the Justices to be assembled at any General or Quarter Sessions of the Peace to be holden for the North Riding of the said County of *York*, within Three Calendar Months next after any such Valuation, Map, or Book of Reference shall have been deposited, and Notice thereof given as by this Act is directed; he, she, or they giving to the said Commissioner or his Clerk, Ten Days Notice at the least, in Writing, of such intended Appeal and of the Matter thereof; and it shall be lawful for the said Justices so assembled, to hear and determine any such Objection or Objections, and for that Purpose to examine any Witness or Witnesses on Oath (which Oath any one of the said Justices is hereby empowered to administer); and the Determination of the said Justices in the Premises shall be final and conclusive upon all Parties respecting the Matter of such Appeal: Provided always, that any Map or Survey made at the Time of passing this Act, which shall be tendered to such Commissioner or Commissioners, and which shall be to his or their Judgment, and to his or their Satisfaction, a just and true Map or Survey proper for the Purpose of carrying this Act into Execution, may be used for that Purpose if the said Commissioner or Commissioners shall think fit, without any new Map or Survey being made of such Part of the Lands and Grounds as shall be comprised in any such approved Map or Survey as aforesaid.

V. And

V. And be it further enacted, That the Commiſſioner for executing this Act, and any Perſon or Perſons employed as a Clerk, Aſſiſtant, or Servant to the ſaid Commiſſioner, may and he and they is and are hereby empowered and authorized from Time to Time, as often as ſhall be neceſſary for the Purpoſes of this Act, to enter into and upon any of the Lands and Grounds in the ſaid Townſhips of *Hunton* and *Arrathorne*, or either of them, without being ſubject to any Action or Moleſtation for ſo doing. Power to enter Lands.

VI. And be it further enacted, That as ſoon as conveniently may be after ſuch Valuation, Map, and Book of Reference ſhall have been made, and all Objections thereto determined, in the Manner herein-before directed, the ſaid Commiſſioner ſhall form and draw up, or cauſe to be formed and drawn up, an Award or Inſtrument in Writing, under his Hand and Seal, and ſhall therein particularly deſcribe and ſet forth the Quantity of Land in Acres, Roods, and Perches, and the relative Situations and Boundaries thereof, in the ſaid Townſhips of *Hunton* and *Arrathorne*, out of which Tithes ſhall in future be iſſuing and payable to the ſaid Biſhop of *Cheſter* and his Succeſſors; and ſhall in ſuch Award alſo particularly deſcribe and ſet forth the Quantity of Land in Acres, Roods, and Perches, and the relative Situations and Boundaries thereof, in the ſaid Townſhips of *Hunton* and *Arrathorne*, out of which Tithes ſhall in future be iſſuing and payable to the ſaid Dean and Chapter and Vicar of *Hornby* aforeſaid; and the ſaid Commiſſioner is hereby required to annex to his ſaid Award a Map of all the Lands in the ſaid Townſhips of *Hunton* and *Arrathorne*, and by particular Marks and Lines to define and delineate as well the Lands out of which Tithes are in future to be iſſuing and ariſing to the ſaid Biſhop of *Cheſter* and his Succeſſors, as the Lands out of which Tithes are in future to be iſſuing and ariſing to the ſaid Dean and Chapter and Vicar of *Hornby* aforeſaid; and the ſaid Award ſhall be fairly written on Parchment, and ſhall within One Calendar Month after the ſame ſhall be ſigned and ſealed by the ſaid Commiſſioner, be regiſtered in the Regiſtry of the North Riding of the ſaid County of *York*; and a Duplicate of the ſaid Map ſhall be left at the ſame Time with the Regiſtrar of the ſaid Regiſtry, to be annexed to ſuch Enrolment, to the end that Recourſe may be had thereto by any Perſon or Perſons intereſted therein, for the Inſpection and Peruſal whereof the Sum of One Shilling ſhall be paid and no more; and that a Copy of the ſaid Award or Inſtrument, ſigned by the Regiſtrar of the ſaid Regiſtry, purporting the ſame to be a true Copy, ſhall from Time to Time be made and delivered by ſuch Regiſtrar for the Time being as aforeſaid, to any Perſon requeſting the ſame, for which no more ſhall be paid than Four-pence for every Sheet of Seventy-two Words; and the ſaid Award or Inſtrument, and any Copy of the ſame, or of any Part thereof, ſigned by the ſaid Regiſtrar, ſhall at all Times be admitted and allowed in all Courts whatſoever, as legal Evidence; and the ſaid Award, with the Map thereto annexed, ſhall after the ſaid Award ſhall have been ſo regiſtered, be depoſited in a Box or Cheſt, in the Pariſh Church of *Patrick Brompton* aforeſaid, for the Peruſal, Uſe, and Benefit of all Parties intereſted therein; and the ſaid Award or Inſtrument, and the Order, Directions, Declarations, and all other Matters, and Things therein mentioned and contained ſhall to all Intents and Purpoſes be binding and concluſive unto and upon the Proprietors and Occupiers of Lands, and all Parties and Perſons Commiſſioner to make an Award.

sons interested in the Tythes, or in any of the Lands or Grounds in the said Townships of *Hunton* and *Arrathorne* aforesaid, or either of them.

Lands subjected to Tithes to the Rectors of Patrick Brompton, to be discharged from Tythes to the Impropriator and Vicar of Hornby.

VII. And be it further enacted, That immediately from and after the said Award shall have been registered as before directed, all the Lands and Grounds in the said Townships of *Hunton* and *Arrathorne*, or either of them, out of which Tythes shall by the said Award be declared and directed to be issuing and arising to the said Bishop and his Successors, shall be thenceforth for ever freed and discharged from all Tythes, or any Payments in lieu of Tythes, which might otherwise be issuing, arising, or payable to the Rectors of the Impropriate Rectory or Parsonage of *Hornby*, or the Vicar of the said Vicarage of *Hornby*, for the Time being; and the said Dean and Chapter and their Successors, Rectors of the Impropriate Rectory or Parsonage of *Hornby* aforesaid, and the Vicar for the Time being of the Vicarage of *Hornby* aforesaid, shall be thenceforth for ever debarred and excluded respectively from all Impropriate and Vicarial Tythes arising, issuing, or payable out of, from, or in respect of the same Lands and Grounds; and the said Bishop and his Successors for ever (Rectors of the said Impropriate Rectory of *Patrick Brompton*) or his or their Lessee or Lessees, shall thenceforth for ever, by force and virtue of this Act, have, hold, receive, and take all and singular the Tythes arising or issuing from or out of the same Lands or Grounds, and shall have, exercise, and enjoy the like Remedies for the Recovery of the said Tythes, as he or they shall be entitled to have, exercise, and enjoy, for the Recovery of other Tythes in the said Parish of *Patrick Brompton*.

Lands subjected to Tythes to the Impropriator and Vicar of Hornby, to be discharged from Tythes to the Rectory of Patrick Brompton.

VIII. And be it further enacted, That immediately from and after the Completion of the said Award, all the Lands and Grounds in the said Townships of *Hunton* and *Arrathorne*, or either of them, out of which Tythes shall by the said Award be declared and directed to be issuing and arising to the said Rectors of the Impropriate Rectory or Parsonage of *Hornby*, or the Vicar for the Time being of the said Vicarage, shall be thenceforth for ever freed and discharged from all Tythes, or any Payments in lieu of Tythes, which might otherwise be issuing, arising, or payable to the said Bishop and his Successors; and he and his Successors shall thenceforth for ever be debarred and excluded from all Tythes arising, issuing, or payable out of, from, or in respect of such last-mentioned Lands and Grounds; and the said Dean and Chapter and their Successors (Rectors of the said Impropriate Rectory or Parsonage of *Hornby* aforesaid) or their Lessee or Lessees, shall thenceforth for ever, by force and virtue of this Act, have, hold, receive and take all and singular the Impropriate Tythes arising or payable from or out of such last-mentioned Lands or Grounds, and shall have, exercise, and enjoy the like Remedies for the Recovery of the said Tythes, as they shall be entitled to have, exercise, and enjoy for the Recovery of other Impropriate Tythes in the said Parish of *Hornby*; and the said *Jonathan Alderson* and his Successors, Vicars of the said Vicarage of *Hornby*, shall thenceforth for ever, by force and virtue of this Act, have, hold, receive and take all and singular the Vicarial Tythes, arising or payable from or out of the same Lands or Grounds, and shall have, exercise, and enjoy the like Remedies for the Recovery of the said Tythes, as he or they shall be entitled to have, exercise, and enjoy for the Recovery of other Vicarial Tythes in the said Parish of *Hornby*.

Act not to affect any Division of the Parishes.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall be construed or taken to affect any Division of the said Lands and Grounds into Townships or Districts, or to alter the Boundaries of the said Townships or Parishes, or to subject the said Lands and Grounds, or the Owners thereof, to any Charges or Incumbrances for the Maintenance of the Poor, or any other Parochial Purposes, or the Person or Persons entitled to the said Tythes, to any Parochial Tax or Charge, which the said Lands or Grounds, or such Person or Persons, would not have been charged with or subject to in case this Act had not passed; other than and except as may be expressed in the Award of the said Commissioner with respect to such Tythes; but the said Parishes and Townships shall be considered for all Parochial and other Purposes, (except as in the said Award shall be expressed with respect to such Tythes) the same as if this Act had not been passed.

How the Expences of the Act are to be defrayed.

X. And be it further enacted, That all the Charges and Expences incident to and attending the obtaining and passing of this Act, and of any Survey, Valuation, and Map to be made as by this Act is directed, and of preparing and registering the Award of the said Commissioner as aforesaid, and all the Charges and Expences of the said Commissioner, and of the several Persons to be employed by him as a Clerk or Assistants, in or about the Execution of the Powers, Trusts and Authorities hereby reposed in him or them; and all other necessary Charges and Expences whatsoever in and about the Premises, shall be paid, sustained, and borne by the said *Gregory Elsley*, his Heirs, Executors, Administrators, or Assigns, and shall and may be recovered by Action of Debt, Bill, Suit or Information, in any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Appeal to the Sessions.

XI. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves, aggrieved by any Thing done or omitted to be done in pursuance of this Act, then and in every such Case he, she, or they may appeal to the Justices assembled at the General Quarter Sessions of the Peace which shall be held for the North Riding of the County of *York*, within Three Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner, and to the Party or Parties concerned, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) at the said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties 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 such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive upon 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 sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to the said Justices in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

XII. Saving

General Saving.

XII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſons or Perſon, Bodies Politic and Corporate, their Heirs, Succeſſors, Executors, and Adminiſtrators, (other than the ſaid Biſhop and his Succeſſors, and the ſaid Dean and Chapter and their Succeſſors, and their Leſſees reſpectively, and the ſaid Vicar and his Succeſſors) all ſuch Eſtate, Right, Title and Intereſt, Claim, and Demand whatſoever, in, to, or out of the ſaid Tythes in the ſaid Townſhips of *Hunton* and *Arrathorne*, or either of them, as they or any of them, had before the paſſing of this Act, or could or might have had in caſe this Act had not paſſed.

Act to be printed by the King's Printer.

XIII. 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.