ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 79.

An Act for dividing, allotting, and incloſing the Open and Common Fields, and Common Paſture, Common and Waſte Lands, within the Townſhip of *Middleton*, in the Pariſh of *Middleton*, in the Eaſt Riding of the County of *York*.

[11th *June* 1803.]

WHEREAS within the Townſhip of *Middleton*, in the Pariſh of *Middleton* in the Eaſt Riding of the County of *York*, there are ſeveral Open Fields called the *Little Eaſt Field*, *Swang Cloſe Field*, *Sand Pit Field*, *Middle Weſt Field*, *Mill Field*, and *Bainton Gate Field*, which contain together Two thouſand Acres or thereabouts; and there is alſo a certain Common Paſture called the *Horſe Wold*, *Cow Wold*, and *Sheep Wold*, which contains One thouſand eight hundred Acres or thereabouts; and there are alſo certain ancient Lanes or Common or Waſte Lands, which contain Two Acres or thereabouts: And whereas the Moſt Noble *William* Duke of *Devonſhire* is Lord of the Manor of *Middleton* aforeſaid, and as ſuch is entitled to the Right of Soil in and over the ſaid Common Paſture called the *Horſe Wold*, *Cow Wold*, and *Sheep Wold*, and the ſaid Common and Waſte Lands, and is entitled in reſpect of *Middle Hill Sheep Walk*

to Three hundred and ſixty Sheep Gates upon the ſaid Common Paſture: And whereas the Reverend *Edward Brearey* is Patron of the Rectory and Pariſh Church of *Middleton* aforeſaid, and is alſo the Rector thereof, and as ſuch is entitled to certain Glebe Lands and Rights of Common in the ſaid Townſhip of *Middleton*, and alſo to the Tythes of Corn, Grain, Hay, Wool, and Lamb, and all other Tythes both Great and Small ariſing within the ſaid Townſhip of *Middleton*: And whereas the Reverend *John Clark* is Patron of the Rectory of *Goodmanham* in the ſaid Riding, and is alſo the Rector thereof, and as ſuch is entitled to Four hundred Sheep Gates upon the ſaid Common Paſture: And whereas the Right Honourable *John* Lord *Muncaſter* is entitled to Six hundred and eighty Sheep Gates upon the ſaid Common Paſture: And whereas the ſaid *William* Duke of *Devonſhire* and *Edward Brearey*, and alſo Sir *Mark Maſterman Sykes* Baronet, *Richard Conſit* Gentleman, and ſeveral other Perſons, are the Proprietors of the Lands in the ſaid Open Fields, and entitled to Rights of Common in the ſaid Common Paſture and Common and Waſte Lands: And whereas an Act 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 Lands and Grounds of the reſpective Proprietors in the ſaid Open and Common Fields lie intermixed and diſperſed, and the ſame and the ſaid Common Paſture, Common and Waſte Lands are ſo circumſtanced as to render the Cultivation and Management thereof in their preſent State inconvenient, and it would tend greatly to the Advantage of the ſeveral Proprietors thereof and all Perſons intereſted therein, if the ſaid Open and Common Fields, and Common Paſture, Lanes, or Common and Waſte Lands, were divided and incloſed, and ſpecific Parts thereof allotted to the ſeveral Perſons intereſted therein, in Proportion to their reſpective Rights and Intereſts, and a Satisfaction made for the Tythes ariſing within the Townſhip of *Middleton* aforeſaid; but ſuch beneficial Purpoſes cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *William Dawſon* of *Tadcaſter* in the County of *York*, *John Lee* of *Enholmes* in the Pariſh of *Patrington* in the ſame County, and *John Dickinſon* of *Beverley Park* in the Pariſh of *Saint John* of *Beverley* in the ſame County, Gentlemen, and their Succeſſors to be appointed in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing and allotting all the Open and Common Fields and Common Paſture, Lanes, or Common and Waſte Lands, within the Townſhip of *Middleton* aforeſaid, and for carrying the ſeveral other Purpoſes of this Act into Execution, ſubject to the Regulations of the ſaid former Act, except in ſuch Caſes where the ſame are hereby varied or altered; and that all Acts, Matters, and Things done by any Two of the ſaid Commiſſioners, ſhall be to all Intents and Purpoſes binding and concluſive, and equally valid and effectual, as if the ſame were tranſacted by all the ſaid Commiſſioners: Provided nevertheleſs, that all the ſaid Commiſſioners ſhall be preſent on making the Valuation, Diviſion, and Allotment under or by virtue of this or the ſaid former Act.

Commiſſioners.

Two Commiſſioners may act.

II. And

Appointment of new Commissioners.

II. And be it further enacted, That if the said *William Dawson* shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse, or become incapacitated to act, then and in every such Case it shall be lawful for the said *William* Duke of *Devonshire*, his Heirs or Assigns, within Thirty Days next after such Death, Refusal, or Incapacity shall be made known to him by Notice in Writing from the surviving or remaining Commissioners or either of them, which they are hereby authorized and required to give, to appoint a new Commissioner not interested in the said Inclosure, in the stead of the said *William Dawson*, and so as often as any Commissioner to be appointed in the room or stead of the said *William Dawson* shall die, refuse, or become incapacitated to act; and if the said *John Lee* shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse, or become incapacitated to act, then and in every such Case it shall be lawful for the said *Edward Brearey* and his Successors, Rectors of the Rectory of *Middleton* aforesaid, within Thirty Days next after Notice thereof in Writing shall have been given to him or them by the surviving or remaining Commissioners or either of them, which they are hereby authorized and required to give, to appoint a new Commissioner not interested in the said Inclosure, in the stead of the said *John Lee*, and so as often as any Commissioner to be appointed in the room or stead of the said *John Lee* shall die, refuse, or become incapacitated to act; and if the said *Joseph Dickinson* or any Commissioner to be appointed as herein-after mentioned, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse, or become incapacitated to act, then and in every such Case a new Commissioner not interested in the said Inclosure shall be chosen in the stead of such Commissioner so dying, refusing, or becoming incapacitated to act, by a Majority in Value of the Proprietors of or Persons interested in the said Open and Common Fields and Common Pasture, Lanes, Common and Waste Lands, hereby directed to be divided and inclosed, who shall be present at any Meeting to be appointed for that Purpose, within Twenty Days next after such Death, Refusal, or Incapacity, of which Meeting Ten Days Notice at least shall be given in the Parish Church of *Middleton* aforesaid upon a *Sunday* immediately after Divine Service, or by Writing to be affixed on the outer Door of the same Church, and also by Notice to be given in the *York Courant* or *Hull Packet*, or some other publick Newspaper circulating in the Neighbourhood of *Middleton* aforesaid; and every such Appointment of a new Commissioner shall be reduced into Writing and signed by the Person or Persons making the same, and shall be forthwith delivered to the remaining or surviving Commissioner or Commissioners; and every Commissioner so to be appointed and chosen shall have the like Powers and Authorities for putting this Act into Execution, in all Respects whatsoever, as the Commissioner in whose Place he shall have been so appointed and chosen was invested with by virtue of this Act; and in case no such Election of a Commissioner shall be made at such Meeting, or if no Appointment of a Commissioner shall be made as aforesaid, in either of the first mentioned Cases the surviving or remaining Commissioners or Commissioner shall and may and they and he are and is hereby required, at a Meeting to be held for that Purpose by an Instrument in Writing under their Hands and Seals or his Hand and Seal, forthwith to appoint One other Commissioner for the Purposes of this Act in the room and stead of each Commissioner or Commissioners so dying, refusing, or becoming

coming incapacitated to act, whose Place shall not have been filled up as aforesaid: Provided nevertheless, that nothing herein contained shall extend to authorize and empower the said *William* Duke of *Devonshire*, his Heirs or Assigns, or the said *Edward Breary* or his Successors, Rectors as aforesaid, to vote in the Choice or Election of any Commissioner or Commissioners in the Place or Stead of the said *Joseph Dickinson*, who hath been appointed by the other Proprietors of the said Open and Common Fields and Common Pasture, Lanes, Common and Waste Lands, thereby directed to be divided and inclosed, or of any of his Successors.

Notice of Meetings.

III. And be it further enacted, That the said Commissioners shall and they are hereby required to give Notice in the *York Courant* or *Hull Packet*, or in some other Newspaper circulated in the Neighbourhood of *Middleton* and also in the Parish Church of *Middleton* aforesaid, upon some *Sunday* immediately after Divine Service, or by Writing to be affixed upon the principal outer Door of the same Church, of the Time and Place of their first and every subsequent Meeting for executing the Powers hereby and by the said former Act vested in them, at least Ten Days before any such Meetings shall be held (Meetings by Adjournment only excepted), so as such Place of Meeting whether by Adjournment or otherwise, do not exceed the Distance of Eight Miles from the Parish Church of *Middleton* aforesaid; and the said Commissioners shall and may adjourn themselves from Time to Time as they shall see Occasion, for the due Execution of this or the said former Act; and in case all the said Commissioners shall not meet at the Time and Place appointed for any Meeting, or to which any Meeting shall be so adjourned, it shall be lawful for the said Commissioners or Commissioner present to adjourn to such other Time and Place within the Distance aforesaid, as shall be by him or them attending deemed most convenient, not exceeding Twenty-one Days from the Day on which such Meeting ought to have been held, and shall cause Notice of such last mentioned Adjournment to be given to the absent Commissioner or Commissioners.

Other Notices how to be given.

IV. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, shall be so made and given by Advertisement in the said Newspaper, called the *York Courant*, or the *Hull Packet*, or in case the same shall not be then published, then in some other Newspaper printed or circulated in the said County of *York*.

Appointment of Surveyor.

V. And be it further enacted, That *Samuel Dickinson* of *Walkington Lodge* in the Parish of *Walkington*, in the said County of *York*, Gentleman, shall be and is hereby appointed the Surveyor for the Purpose of making a Survey and Admeasurement of all the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and also of all the Garths, Gardens, Orchards, ancient inclosed Lands, and other tytheable Places within the Townships of *Middleton* aforesaid, in such Manner as directed in and by the said former Act; and such Surveyor shall have and is hereby invested with the same Powers and Authority as if he had been originally appointed by the said Commissioners under and by virtue of the same Act; and in case of his Death, Refusal, or Incapacity to act, or in case he shall not proceed to make such Survey and Admeasurement with

such

such Expedition as the said Commissioners shall think proper, then the same Survey and Admeasurement shall be made by such other Person or Persons as the said Commissioners shall from Time to Time nominate and appoint, in the Place aud Stead of him the said *Samuel Dickinson*, under and by virtue of the Power and Authority for such Purpose given in and by the said former Act.

Commissioners to settle Disputes.

VI. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, touching or concerning the respective Shares, Rights, or Interests which they or any of them shall have or claim to have in or to the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or touching or concerning the respective Shares or Allotments which they or any of them ought to have of or in the same, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Powers to assess Costs.

VII. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to them in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made by the Person or Persons whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled; and in case the 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 such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required by Warrant under their Hands and Seals directed to any Person 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.

VIII. 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 and Inclosure, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Grounds, or of any Rights of Common or Interest in, over, or upon the Lands and 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 Matter so determined by the said Commissioners at the then next or at the following Assizes to be holden for the said County of *York*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioners shall cause an Action

to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioners shall be made; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall 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 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 Commissioners shall and are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Claim or Claims of Right to the Soil of the said Commons and Waste Grounds, or of any Rights of Common in, over, or upon the Lands and 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 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.

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

Allotments for Stone and Gravel Pits.

X. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award unto the Surveyors of the Highways within the Township of *Middleton* aforesaid, such Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as they shall think necessary, as and for publick Stone Quarries and Gravel Pits, and for the burning of Lime and getting of Stone for Buildings and repairing of Houses and Buildings, and the same Part and Parts when set out shall for ever thereafter be used by the Surveyors of the Highways and by the Proprietors of Houses, Lands, Tenements, and Hereditaments within the same Township for the Time being, in such Manner and under such Rules and Regulations as the said Commissioners shall by their said Award direct or appoint: Provided nevertheless, that no Person shall be permitted to burn Lime in the Common Pits so set out as aforesaid, unless he be a Proprietor of Land in the Open Fields of *Middleton* aforesaid.

Allotment in lieu of Rectors Glebe and Right of Common.

XI. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next Place, to set out, allot, and award unto the said *Edward Breary* and his Successors, Rectors of the said Rectory of *Middleton*, such Part or Parts of the Lands and Grounds hereby directed

of

directed to be divided and inclosed, as in the Judgement of the said Commissioners shall be a full Equivalent and Compensation for the Glebe Lands and Rights of Common in the said Township of *Middleton* now belonging to the said Rector.

Allotment in lieu of Great and Small Tythes.

XII. And, in order to the making an adequate Compensation to the said Rector and his Successors, for the Great and Small Tythes and other Ecclesiastical Dues and Payments arising, growing, renewing, increasing, happening, or payable within the Township of *Middleton* aforesaid, except as next herein-after excepted; be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award, unto and for the said *Edward Brearey* and his Successors, Rectors as aforesaid, for and in lieu of all Tythes both Great and Small, and all Compositions or other Payments in lieu of Tythes and all other Ecclesiastical Dues and Payments whatsoever (except *Easter* Offerings, Mortuaries, and Surplice Fees) arising, growing, renewing, increasing, happening, or payable within the Township of *Middleton* aforesaid, such Part or Parts of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, as shall in the Judgement of the said Commissioners be equal in Value to One-fifth Part of the said Open and Common Fields, to Two-fifteenth Parts of the said Common Pasture, Lanes, Common and Waste Lands, and to One-seventh Part of the ancient inclosed Lands in the said Township of *Middleton*, which are now respectively subject and liable to the Payment of Tythes in kind to the said *Edward Brearey* and his Successors Rectors as aforesaid, and which shall remain after the Allotment or Allotments herein-before directed to be made shall have been set out and deducted.

Payment to be made for the Tythes of the old Inclosures in certain Cases.

XIII. And be it further enacted, That in case there are any Homesteads, Gardens, Orchards, or ancient inclosed Lands and Grounds, in the Township of *Middleton* aforesaid, subject or liable to the Payment of Tythes in kind, or to any Composition in lieu of Tythes, the respective Proprietors whereof shall not happen to be entitled to any or a sufficient specific Allotment of Land to make Compensation for the Tythes, or any Rent or Composition payable out of such Homesteads, Gardens, Orchards, or ancient inclosed Lands and Grounds respectively in lieu of Tythes, such Proprietors shall respectively pay or cause to be paid unto the said *Edward Brearey* and his Successors Rectors as aforesaid, such Sum or Sums of Money as shall in the Judgement of the said Commissioners be a full Compensation and Satisfaction for the Tythes or other Payments issuing or payable out of such Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds respectively, or for such Part thereof for which a Compensation in Land cannot be made by the Proprietors thereof as aforesaid; and the same Sum or Sums of Money shall be paid to the said *Edward Brearey* and his Successors, in such Proportions and Manner and at such Times as they the said Commissioners shall direct, by even Half-yearly Payments in each Year for ever.

For Recovery of Tythe Rent.

XIV. And be it further enacted, That if any Share or Proportion of the said Sum or Sums of Money, or any Part or Parts of such Share or Proportion, shall be in Arrear or unpaid for the Space of Thirty Days next after any of the Half-yearly Days which shall be appointed for Payment thereof, then and so often it shall be lawful for the said *Edward Brearey* and his Successors to enter into and make Distress of any Goods, Cattle, or Chattels

Chattels which shall be found upon such specific Part or Share of the said Homesteads, Gardens, Orchards, and ancient inclosed Lands and Grounds, which shall by virtue of this Act be charged with, or out of or in respect of which shall be payable, that divided Share or Proportion of the said Sum or Sums of Money so in Arrear and unpaid; and the Distress or Distresses then and there found and taken shall from Time to Time be subject to be disposed of according to the Laws now in force concerning Distress for Rent reserved upon Common Leases, until thereby or therewith or otherwise all Arrears of the said Dividend, Share, or Proportion of the said Sum or Sums of Money, which shall be so due and unpaid, and all Costs, Charges, and Expences attending such Distress or Distresses, Sale and Disposition, and all Damages to be sustained by reason of the Non-payment thereof, shall be fully paid and satisfied.

Tythes to the Rector to be payable until Allotments are made.

XV. And be it further enacted, That until the said Division and Allotment shall be made, and the several Allotments shall be staked out in pursuance of this or the said recited Act, the said Rector and his Successors shall be entitled to and shall receive and enjoy such and the same Tythes as he the said Rector or his Successors could, might, or ought to have received, in case this Act had not passed: Provided nevertheless, that the said Rector or his Successor shall not be entitled to or demand any Agistment Tythe from the End of the Year previous to the new Allotments being known.

Allotments to the Rector to be Ring-fenced, &c.

XVI. And be it further enacted, That the several Allotments of Land and Ground so to be set out and allotted to and for the said *Edward Brearey* and his Successors, Rectors as aforesaid, shall be inclosed and fenced round with Posts and Rails, Ditches and Quickset Hedges, and other proper Mounds and Fences, at the Expence of the several other Proprietors of the Allotments to be set out by virtue of this Act, in such Shares and Proportions as they the said Commissioners shall direct; and the said Commissioners shall in and by their said Award direct and appoint what Part of the said Ditches, Mounds, and Fences, shall afterwards belong to the said Rector and his Successors, and what Part to any other of the said Proprietors; and the said Ditches, Mounds, and Fences, when properly made, shall thereafter for ever be maintained, supported, and scoured out by and at the Expence of the Person or Persons to whom the same shall be ordered and appointed to belong as aforesaid.

Manerial Allotment.

XVII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the said *William* Duke of *Devonshire*, as Lord of the Manor of *Middleton* aforesaid, and such other Person or Persons as for the Time being shall be the Owner or Owners of the said Manor, such Parcel or Parcels of the Lands and Grounds hereby directed to be divided and inclosed, as shall in the Judgement of the said Commissioners be equal in Value to One-sixteenth Part of the remaining Thirteen Fifteenth Parts of the said Common Pasture, Common and Waste Lands hereby directed to be divided and inclosed, the same to be in lieu of and as a full Compensation and Satisfaction for all Right and Interest in and to the Soil of the same Common Pasture.

XVIII. Provided

XVIII. Provided nevertheleſs, and be it further enacted, That the ſaid Sir *Mark Maſterman Sykes* ſhall contribute towards the Allotment herein-before required to be ſet out unto the ſaid *William* Duke of *Devonſhire* as Lord of the Manor of *Middleton* aforeſaid, after ſuch a Rate and in ſuch Proportion only as he the ſaid Sir *Mark Maſterman Sykes* would have been liable to contribute in caſe One Eighteenth Part inſtead of One Sixteenth Part of the ſaid Thirteen Fifteen Parts of the ſaid Common Paſture, Common and Waſte Lands, had been required to be allotted to the ſaid *William* Duke of *Devonſhire* as Lord of the Manor of *Middleton* aforeſaid, and the ſeveral remaining Owners or Proprietors of ancient Meſſuages or Cottages, or Scites thereof reſpectively, having Right of Common or other Intereſt in or upon the ſaid Common Paſture, Common and Waſte Lands (except the ſaid *William* Duke of *Devonſhire*) ſhall and they are hereby required jointly to contribute towards making up the ſaid Deficiency or Difference between the ſaid Eighteenth Part ſo required to be given by the ſaid Sir *Mark Maſterman Sykes*, and the ſaid Sixteenth Part herein-before required to be allotted to the ſaid *William* Duke of *Devonſhire*.

Pariſh Clerk's Allotment.

XIX. And whereas the Pariſh Clerk of *Middleton* aforeſaid, is by Cuſtom annually entitled, as ſuch Clerk, to One Shilling for every Meſſuage and to Five-pence for every Cottage in *Middleton* aforeſaid, and alſo to other Perquiſites and Advantages in the ſaid Pariſh of *Middleton*; be it therefore further enacted, That the ſaid Commiſſioners ſhall ſet out, allot, and award unto and for the ſaid Pariſh Clerk and his Succeſſors Pariſh Clerks as aforeſaid, ſuch Compenſation for the ſame in Land out of the ſaid Open Fields and Lands hereby directed to be incloſed or ſome Part thereof, as to the ſaid Commiſſioners ſhall ſeem ſufficient, juſt, and reaſonable.

General Allotment of the Open Fields.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required in the next Place to ſet out, allot, and award all the Reſidue and Remainder of the ſaid Open and Common Fields by this Act directed to be divided and incloſed, unto and amongſt the ſaid *William* Duke of *Devonſhire*, *Edward Brearey*, Sir *Mark Maſterman Sykes*, and *Richard Conſit*, and all and every other Perſon and Perſons, Bodies Politick or Corporate, who at the Time of making ſuch Allotment ſhall be entitled to any Eſtate, Property, Right, or Intereſt therein, according to their reſpective Rights and Intereſts, and in ſuch Quantities, Shares, and Proportions as by the ſaid Commiſſioner ſhall be adjudged and deemed to be a Compenſation and Satisfaction for the ſeveral and reſpective Lands and Grounds, Rights and Intereſts of each and every of the ſaid Proprietors.

General Allotment of the Common Paſture.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required in the next Place to ſet out, allot, and award all the Reſidue and Remainder of the ſaid Common Paſture, Lanes, Common and Waſte Lands, hereby directed to be divided and incloſed, unto and amongſt the ſaid *William* Duke of *Devonſhire*, *John Clark*, and *John* Lord *Muncaſter*, in reſpect of their ſeveral Sheep Gates herein-before mentioned, and the ſeveral Owners or Proprietors of ancient Meſſuages or Cottages, or Scites thereof reſpectively, having Right of Common or other Intereſt in or upon the ſaid Common Paſture, Lanes, Common and Waſte Lands, according to their ſeveral and reſpective Eſtates and Inte-

reſts therein, without having any Regard to the Value of the Lands belonging to ſuch Owners or Proprietors of ancient Meſſuages or Cottages, or Scites thereof reſpectively as aforeſaid.

Allotments may be made in One Field, in lieu of Lands in another Field, *etc.*

XXII. And be it further enacted, That the ſeveral Allotments to be made as aforeſaid, to and amongſt the ſaid Tythe Owner and other Proprietors and Perſons as aforeſaid, ſhall be ſo made as near to and with as much Convenience for them and their ſeveral Eſtates as may be; and that any Allotment or Allotments in any of the ſaid Open Fields, may be made for or in lieu of Lands in any other or others of them, or for or in lieu of Common Rights or other Intereſts belonging to any of the ſaid Proprietors in or upon the ſaid Common Paſture, Lanes, Common and Waſte Lands; and alſo any Allotment or Allotments in or upon the ſaid Common Paſture, Lanes, Common and Waſte Lands may be made for and in lieu of Lands and Grounds belonging to any of the ſaid Proprietors in or upon the ſaid Open Arable Fields or any of them; any Thing herein-before contained to the contrary thereof in any wiſe notwithſtanding.

Common Rights may be ſold ſeparate from Houſes.

XXIII. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons entitled to any Right of Common in or upon the ſaid Common Paſture, Lanes, Common and Waſte Lands hereby directed to be divided and incloſed, as appurtenant to any Meſſuages or Cottages, or Scites of Meſſuages or Cottages, having ſuch Right of Common as aforeſaid in the ſaid Townſhip of *Middleton*, at any Time before the forming and drawing up of the ſaid Award of the ſaid Commiſſioners, to ſell or diſpoſe of his, her, or their Intereſt in ſuch Right of Common, in or upon the ſame Common Paſture, Lanes, Common or Waſte Lands, ſeparate and apart from the Meſſuage or Cottage, or Scite thereof, in reſpect whereof he, ſhe, or they ſhall be entitled to ſuch Right of Common; and every ſuch Sale being ſet forth and ſpecified in the Award of the ſaid Commiſſioners, ſhall be good, valid, and effectual without making or executing any Deed or other Conveyance for conveying the ſame from the Seller to the Purchaſer.

For vacating Leaſes at Rack Rent, *&c.*

XXIV. And be it further enacted, That all Leaſes and Agreements for Leaſes upon Rack Rent or from Year to Year now ſubſiſting, of all or any Part of the Tythes aforeſaid, or of all and every or any Part or Parts of the Meſſuages or Tenements, old Incloſures, Lands or Grounds, Hereditaments and Premiſes, within the ſaid Townſhip and Manor ſhall, at ſuch Time or Times as the ſaid Commiſſioners by Writing under their Hands, to be affixed upon the outer Door of the Pariſh Church of *Middleton* aforeſaid, ſhall direct, ceaſe and be void; and the reſpective Owners and Proprietors of the Hereditaments and Premiſes ſo let or agreed to be let, making ſuch Satisfaction in Money to ſuch Leſſee or Leſſees, Tenant or Tenants as the ſaid reſpective Owners and Proprietors and their Leſſee or Leſſees, Tenant or Tenants, ſhall agree upon; or upon Application made in Writing by either Party to the ſaid Commiſſioners, then as the ſaid Commiſſioners ſhall order and direct to be paid to ſuch Leſſee or Leſſees, Tenant or Tenants as an Equivalent or Satisfaction for the Loſs or Loſſes he, ſhe, or they ſhall reſpectively ſuffer on Account of the Determination of ſuch Leaſe or Leaſes, Agreement or Agreements as aforeſaid; proper Allowance being made for ſuch Conditions in the ſame as have not been fulfilled by the Leſſee or Leſſees: Provided always, that

if

if there ſhall be any ſuch Leaſe or Agreement for a Leaſe of Lands, Part of which ſhall lie in the ſaid Townſhip and Manor and Part in any adjoining Townſhip, Hamlet, or Pariſh, all and every ſuch Leaſe or Leaſes, Agreement or Agreements, may be vacated as aforeſaid; but where any Land ſhall have been taken in Exchange, which Land ſhall be under any ſuch Leaſe or Agreement and wholly ſituated in an adjoining Townſhip, Hamlet, or Pariſh, the Leaſe or Agreement of ſuch laſt mentioned Land ſhall not be vacated.

No Sheep or Lambs to be kept in the new Incloſures during the Space of Fourteen Years, unleſs guard Fences are put up.

XXV. And be it further enacted, That no Sheep or Lambs, Horſes, Aſſes, horned Cattle, Pigs, or Geeſe, ſhall be depaſtured or kept in any of the ſaid new intended Incloſures, during the Space of Fourteen Years from the Execution of the ſaid Award of the ſaid Commiſſioners, unleſs the Perſons reſpectively ſo depaſturing or keeping ſuch Sheep or Lambs, Horſes, Aſſes, horned Cattle, Pigs, or Geeſe therein, do at their own Expence Staffhold the ſame, or effectually guard and fence the Quickſet Hedges on any other Perſon's Allotment adjoining to ſuch Incloſures reſpectively, in which Sheep or Lambs, Horſes, Aſſes, horned Cattle, Pigs, or Geeſe ſhall be depaſtured and kept as aforeſaid, ſo as to prevent any Damage or Injury being done to ſuch Fences or Quickſets, by any ſuch Sheep or Lambs, Horſes, Aſſes, horned Cattle, Pigs, or Geeſe; and the Perſon or Perſons reſpectively depaſturing or keeping the ſame as aforeſaid, and neglecting or refuſing to Staffhold the ſame or guard the ſaid Quickſet Hedges, ſhall forfeit and pay any Sum not exceeding Ten Pounds nor leſs than Twenty Shillings for every ſuch Offence, which when levied ſhall be paid to the Surveyor or Surveyors of the Highways of the ſaid Townſhip of *Middleton* for the Time being, and be applied by him or them in the Amendment of ſuch Highways.

No Cattle to be turned into the Roads.

XXVI. And be it further enacted, That if any Perſon ſhall from and after the Execution of the Award of the ſaid Commiſſioners turn or put, or cauſe to be turned or put, or knowingly ſuffer to be turned or put, any of his, her, or their Sheep or Lambs, Horſes, Aſſes, horned Cattle, Pigs, or Geeſe, into any of the Roads to be ſet out by virtue of this Act, which ſhall be fenced on both Sides thereof, it ſhall be lawful for the Perſon or Perſons, whoſe Hedges, Fences, Crop, or Grounds ſhall be damaged thereby, or any other Perſon or Perſons, to impound the ſame; and every ſuch Perſon or Perſons ſo offending ſhall for every ſuch Offence of which he, ſhe, or they ſhall be convicted before any One of His Majeſty's Juſtices of the Peace for the Eaſt Riding of the County of *York* (not intereſted in the Matter in queſtion) upon the Oath or Affirmation of One or more credible Witneſs or Witneſſes (which Oath or Affirmation the ſaid Juſtice is hereby empowered to adminiſter), forfeit and pay ſuch Sum or Sums of Money from Time to Time, not exceeding at any One Time the Sum of Forty Shillings nor leſs than Five Shillings, over and above the Sum eſtimated to be the Amount of the Damage to be ſuſtained thereby, as the ſaid Juſtice ſhall think juſt and reaſonable, to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo offending, by virtue of a Warrant under the Hand and Seal of ſuch Juſtice, at any Time within Six Calendar Months next after ſuch Offence committed, returning the Overplus (if any) on Demand, after deducting the reaſonable Charges of ſuch Conviction, Warrant, Diſtreſs, and Sale, to the Owner or Owners of ſuch Goods and Chattels ſo diſtrained and ſold; which

which Penalty or Penalties when ſo recovered ſhall be paid to the Surveyor or Surveyors of the Highways for the Time being of the ſaid Townſhip of *Middleton*, and ſhall be by him or them applied in the Amendment of the Highways of the ſame Townſhip; and in caſe ſuch Diſtreſs cannot be found, and ſuch Penalty with the Charges ſhall not be forthwith paid it ſhall and may be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand or Seal, to commit ſuch Offender or Offenders, Perſon or Perſons, liable to pay the ſame reſpectively, to the Common Gaol of the Limit where the Offence ſhall be committed, or ſuch Order as aforeſaid ſhall be made, for any Time not exceeding Six Weeks nor leſs than Fourteen Days, unleſs the ſaid Penalty with the Charges ſhall be ſooner paid; and that after the Execution of the Award of the ſaid Commiſſioners, the Herbage and Produce of all the publick Roads within the ſaid Townſhip of *Middleton*, which ſhall be fenced on both Sides thereof, and alſo the Herbage and Produce of the Ground ſo to be ſet out as aforeſaid for getting Stone, Gravel, and other Materials for the Repairs of the Highways, ſhall be veſted in the ſaid Surveyor or Surveyors reſpectively, and ſhall by him or them be publickly let to the beſt Bidder or Bidders, for the Purpoſe of mowing only, and the Rents or Profits thereof ſhall be applied towards the Reparation of the ſeveral Highways within the ſaid Townſhip of *Middleton*, and ſhall be accounted for by the Surveyor or Surveyors of the Highways of the ſame Townſhip annually, on or about the Tenth Day of *October*, at a publick Meeting to be called for that Purpoſe in the ſaid Townſhip of *Middleton*.

For incloſing the Allotments to the other Proprietors.

XXVII. And be it further enacted, That the ſeveral Allotments which ſhall be ſet out and allotted by virtue of this Act (except the Allotments to be made to the ſaid Rector and his Succeſſors as aforeſaid), ſhall be incloſed and fenced in ſuch Manner, and ſuch Fences ſhall be made and for ever thereafter maintained, ſupported, ſcoured out, and kept in Repair, by and at the Expence of ſuch Perſon and Perſons as the ſaid Commiſſioners ſhall direct or appoint in and by their Award.

Openings to be left in Fences for a certain Time.

XXVIII. And be it further enacted, That ſuch convenient Openings ſhall be left in the ſaid Fences and Incloſures as the ſaid Commiſſioners ſhall direct, for the Space of Six Calendar Months next after the Execution of the ſaid Award, for the Paſſage of Cattle, Carts, and Carriages through the ſame; unleſs the ſaid Commiſſioners ſhall ſooner permit the ſame to be made up by the Perſon or Perſons intereſted therein.

Commiſſioners to direct the Courſe of Huſbandry.

XXIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required as ſoon after the paſſing of this Act as conveniently may be, by ſome Writing or Writings under their Hands, to be affixed upon a *Sunday* on the outer Door of the Pariſh Church of *Middleton* aforeſaid, to order and direct the Courſe of Huſbandry that ſhall be uſed in, over, and upon the Lands and Grounds directed by this Act to be divided, allotted, and incloſed, until the Time when they ſhall have made and completed the Diviſion and Allotment thereof, as well with reſpect to the laying down, ploughing, ſowing, fallowing, manuring, and tilling thereof, as to the ſtocking and eating the Fallows or Stubbles, and alſo the cutting, digging, or getting of Whins, Furze, or Thorns upon the ſame Lands and Grounds; and by the ſame or any other Writing or Writings under their Hands, to be affixed in Manner aforeſaid, ſhall and may make

ſuch

such Orders, Rules, and Regulations for preventing Waste or Destruction upon any of the said Lands and Grounds, in the mean Time and until such Division and Allotment shall be effected, as to them shall seem expedient; all which Rules, Orders, and Regulations of the said Commissioners shall be binding and conclusive upon all Parties interested, and their Tenants or Occupiers; and the said Commissioners shall set and impose such Penalties and Forfeitures on every Person not conforming to such Rules, Orders, and Regulations, as they shall think necessary.

Satisfaction to be made for standing Corps.

XXX. And be it further enacted, That the said Commissioners shall by some Writing or Writings under their Hands, to be affixed upon the outer Door of the said Parish Church of *Middleton*, ascertain, order, and appoint what Recompence and Satisfaction in Money shall be made to the Owner or Owners of any Crops growing at the Time the said intended Division and Allotments shall be made for the said Crops, by the Person or Persons to whom the Lands on which such Crops are growing, shall be allotted; and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of Land within the said Township of *Middleton*, as well for ploughing, tilling, and manuring of any of the Lands or Grounds which shall be allotted to any other Person or Persons, for the Profit and Advantage which such Person or Persons will obtain thereby, as for any Loss or Disadvantage which any such Tenant or Tenants, Occupier or Occupiers, shall or may sustain by the Loss of their following or waygoing Crops in any of the Open Fields, or by Means of the said Division and Inclosure; and if in any of such Cases such Recompence and Satisfaction shall not be made at the Time and in Manner to be appointed by the said Commissioners, then the said Commissioners shall and may by Warrant or Warrants under their Hands directed to any Person or Persons whomsoever (which Warrant or Warrants they are hereby authorized and empowered to grant accordingly), cause the same to be levied by Distress and Sale of the Goods and Chattels of the Peson or Persons required to make such Recompence and Satisfaction as aforesaid, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels.

Commissioners and Surveyor's Allowance.

XXXI. And be it further enacted, That each of the said Commissioners shall be paid the Sum of Two Pounds and Two Shillings for every Day he shall travel or be necessarily employed and engaged from Home for the Purpose of executing this Act, or the Trusts hereby in him reposed, for his Journey, Attendance, Labour, and Expences occasioned by the said Division and Inclosure, and the putting this Act in Execution; and that the said Surveyor shall be paid after the Rate of One Shilling for every Acre of the said Open Fields, Lands, and Grounds hereby directed to be inclosed, and after the Rate of Eight-pence for every Acre of the ancient inclosed Lands and Grounds hereby directed to be surveyed and admeasured in pursuance of this Act, as a full Recompence and Satisfaction for his Time and Trouble, and for all incidental Expences and Charges of him the said Surveyor in attending the said Commissioners, and in surveying, planning, and subdividing the said Grounds hereby intended to be inclosed, and of surveying and planning the said ancient inclosed Lands.

Damages to be recovered for not keeping Fences, *etc.* in Repair.

XXXII. And be it further enacted, That in case any Person or Persons by whom any Roads, Hedges, Fences, Banks, Ditches, Drains, Watercourses, Sewers, Bridges, Gates, Stiles, or other Works and Improvements, shall be ordered or directed by the said Commissioners to be maintained, cleansed, and kept in Repair, or his, her, or their Tenant or Tenants, shall neglect or refuse to maintain, cleanse, and keep in Repair the same or any Part thereof for the Space of Twenty-one Days after Notice given by the Person or Persons aggrieved, of any Default therein, then and in every such Case it shall be lawful for the Person or Persons who shall be damaged or aggrieved thereby, to make Complaint thereof upon Oath or Affirmation before any One Justice of the Peace for the East Riding of the County of *York* aforesaid (not interested in the Matter in question), who is hereby authorized and required to administer such Oath or Affirmation, and to hear and determine the Matter of every such Complaint in a summary Way, and for that Purpose to summon the Party or Parties so accused, or upon his, her, or their Neglect or Refusal to appear, except for some reasonable Excuse, to examine Witnesses upon Oath or Affirmation (which Oath or Affirmation every such Justice is hereby empowered to administer), and thereupon to give Judgement accordingly, and condemn the Party or Parties accused in such Penalty or Penalties, Sum or Sums of Money from Time to Time (not exceeding at any One Time the Sum of Five Pounds) as he the said Justice shall think just and reasonable; and thereupon to issue a Warrant under his Hand and Seal to cause such Penalty or Penalties to be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, together with reasonable Costs, returning the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels; which Penalty or Penalties, Sum or Sums of Money, when so recovered shall be paid to the Person or Persons so damaged or aggrieved as aforesaid.

For defraying the Charges and Expences of obtaining and executing this Act.

XXXIII. And be it further enacted, That the Costs, Charges, and Expences of inclosing the Allotments herein directed to be made to the said *Edward Brearey* and his Successors Rectors as aforesaid, in lieu of the said Glebe Land and Tythes, and all the Costs, Charges, and Expences incident to and attending the obtaining this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds to be divided and allotted by virtue of this or the said recited Act, and of preparing and inrolling the Award of the said Commissioners, and all the Charges and Expences of the said Commissioners, their Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioners in, and about the Premises, either before or after the Execution of the said Award, and all Expences of forming, completing, and repairing the publick Carriage Roads and Highways to be set out and appointed by the said Commissioners, and all other Expences of carrying this Act into Execution, (save and except the Expences of Exchanges and Partitions as after mentioned) shall be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act (save and except the said *Edward Breary* and his Successors for or in respect of any Allotment and Allotments which shall be made to him and them in lieu of Glebe Land and Tythes); which said Costs, Charges, and Expences, together with the Proportions thereof to be paid by the several Persons hereby made liable to the Payment thereof, shall be adjusted and settled by the said

aid Commiſſioners; and the ſaid Commiſſioners are hereby authorized and empowered from Time to Time to make and form Eſtimates of all ſuch Coſts, Charges, and Expences, and to raiſe the Amount of ſuch Eſtimates by Rate or Rates, at any Time after the Allotments ſhall have been ſtaked out and confirmed from Time to Time as they ſhall deem neceſſary and proper, in Manner directed in and by the ſaid recited Act. Mode of recovering the Expences.

XXXIV. And be it further enacted, That all Coſts, Charges, and Expences attending the making of Exchanges or Partitions under and by virtue of the ſaid recited Act, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall by their ſaid Award order and direct, and the ſame ſhall and may (in caſe of Nonpayment thereof) be recovered by Diſtreſs and Sale, in ſuch Manner as the Expences of obtaining and executing this Act are by the ſaid recited Act directed to be recovered. Expences of Exchanges how to be paid.

XXXV. And be it further enacted, That the Award to be made by the ſaid Commiſſioners in Manner directed by the ſaid former Act, ſhall within the Space of Twelve Calendar Months from the Execution thereof, be enrolled in the Publick Regiſter Office at *Beverley*, in the ſaid Eaſt 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 enrolled in One of the Books uſed for enrolling Bargains and Sales of Lands in the ſaid Office accordingly; and a true Copy (to be ſigned by the ſaid Commiſſioners) 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 kept in a Tin Box, and be lodged for ſafe Cuſtody in the Cheſt of the Church of *Middleton* aforeſaid, for ever, for 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 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 Bargain and Sale; 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 Regiſter Office, and to inſpect and examine ſuch Copy of the ſaid Map or Plan, paying for the ſame to ſuch Regiſter or his Deputy One Shilling and no more; and ſhall 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, and ſhall from Time to Time when requeſted certify the ſame under his Hand to be a true Copy from ſuch Inrolment, for which the ſaid Regiſter or his Deputy making the ſame ſhall be paid after the Rate of Sixpence *per* Sheet, reckoning One hundred Words to each Sheet 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. Award.

XXXVI. And

Freehold Land to be distinguished from Copyhold.

XXXVI. And be it further enacted, That the said Commissioners in making the several Allotments hereby directed to be made, shall in their said Award take Notice of, distinguish, and set forth whether the same are Freehold or Copyhold within and Part of the Manor of *Middleton* aforesaid; and that the several and respective Proprietors to whom any such Copyhold Lands shall be allotted by the said Award, shall within Twelve Calendar Months next after the Execution thereof be admitted Tenants to the same Lands by the Lord of the same Manor of *Middleton*, and entered on the Rolls of the same Manor, without paying any Fine for the same, and after such Admittance the same Copyhold or Customary Lands shall be at all Times held under, and subject to such Uses, Estates, Tenures, Fines, Rents, and other Payments, as the Copyhold or Customary Premises in respect whereof such Allotments shall be made, are now held under and subject to; and that all other Parts of the Lands directed to be allotted as aforesaid, (except what shall be so ascertained to be Copyhold Lands as aforesaid) shall from thenceforth be deemed, taken, and enjoyed as Freehold Land, subject to such Free Rents, Payments, and Services as are now payable out of or in respect of the Lands or Hereditaments for which they shall have been allotted, except as to such Leases and Agreements as shall be determined under this Act, or when any other Provision of this or the said former Act shall be to the contrary; but such Allotments shall nevertheless be subject to such Charges and Incumbrances thereon as shall be made in pursuance of the said former or of this Act.

Allotments to the Proprietors having Lands, *etc.* held under different Titles.

XXXVII. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which shall be allotted, partitioned, or exchanged by virtue of this or the said former Act, shall hold their respective Lands or Hereditaments by different Tenures, or for different Estates, or under different Titles, the said Commissioners shall, upon the Request of such respective Proprietors in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held by each of such Tenures, for each of such Estates, and under each of such Titles respectively, and shall accordingly in their said Award set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments; and where from the Want of the necessary Information before the said Commissioners, or from any other Cause, their Award shall omit discriminating as herein-before is mentioned such different Titles and different Estates, and different Tenures, and after the making of the said Award, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument or Instruments, then and in every such Case the said Commissioners are hereby authorized to do every Thing necessary for supplying such Omission, and so far as that Purpose shall require to examine Witnesses, and in every other Respect to proceed and act as if the Award had not been made; and when they shall have obtained what they shall think sufficient Information, they are hereby also authorized by any Deed under their Hands and Seals, to ascertain and distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make distinct and several Allotments in the same Manner as is hereby required where such Determination should be contained in the said Award; and every such separate Instrument after having been duly executed by the said Commissioners,

Supplemental Instrument may be executed by the Commissioners subsequent to the Award for supplying Omissions in certain Cases.

ſioners, ſhall have the ſame Effect as if it was contained in the ſaid Award, and ſhall be delivered unto the Perſon or Perſons upon whoſe Requeſt the ſaid Omiſſion ſhall have been ſupplied, or the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings concerning the Title to the Premiſes in queſtion ſhall in the Opinion of the ſaid Commiſſioners moſt properly belong for the Time being; and all Expences which ſhall be reaſonably incurred in and about any ſuch ſupplementary Inſtrument as aforeſaid, ſhall be payable by the Perſons who ſhall have ſo requeſted the ſaid Commiſſioners as aforeſaid, or by his, her, or their Heirs, Executors, or Adminiſtrators.

Commiſſioners to lay their Accounts before a Barriſter.

XXXVIII. And be it further enacted, That Once at leaſt in each and every Year, during the Execution of this Act (ſuch Year to be computed from the Day of the paſſing thereof), the ſaid Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them referred to, and laid before *Robert Oſborne* of the Town of *Kingſton-upon-Hull*, in the County of the ſame Town, Eſquire, Barriſter at Law, to be by him examined and balanced; and ſuch Balance ſhall be by ſuch Referee ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners.

In caſe of his Death, *etc.* another Referee to be appointed.

XXXIX. Provided always, and be it further enacted, That in caſe the ſaid *Robert Oſborne*, or any future Referee to be appointed as herein-after is mentioned, ſhall die or refuſe to act, or become incapable of acting as a Referee as aforeſaid, before the Matters and Things to be done by virtue of this Act ſhall be fully performed, it ſhall be lawful for the Majority in Value of the Proprietors of the Lands and Grounds hereby authorized to be divided and incloſed, aſſembled at a Meeting ſpecially convened for that Purpoſe by Notice in Writing under the Hands of the ſaid Commiſſioners, to be affixed on the outer Door of the ſaid Pariſh Church of *Middleton*, and alſo by Advertiſement in the ſaid Newſpapers called the *York Courant* and *Hull Packet*, or in One of them, or in ſome other Newſpaper circulated in the Neighbourhood of *Middleton* aforeſaid, Ten Days at the leaſt before the Time appointed for holding ſuch Meeting, to appoint by Writing under the Hands of ſuch Majority, ſome other fit and proper Perſon (not intereſted in the ſaid Diviſion and Incloſure) to be a Referee for the Purpoſe aforeſaid, in the Place and Stead of the ſaid *Robert Oſborne*, or of ſuch other Referee as aforeſaid.

Accounts not to be binding till allowed by Referee.

XL. And be it further enacted, That no Charge or Item in ſuch Accounts ſhall be binding on any of the Parties intereſted, until the ſame ſhall have been duly allowed by the ſaid *Robert Oſborne* or ſuch other Referee as aforeſaid.

Appeal to the Quarter Seſſions.

XLI. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, (other than and except ſuch Acts, Orders, and Determinations of the ſaid Commiſſioners, as in and by this or the ſaid former Act are directed to be final and concluſive, or where an Iſſue at Law ſhall be tried as herein-before mentioned) he, ſhe, or they may appeal to the

General Quarter Seſſions of the Peace to be holden for the ſaid Eaſt Riding of the County of *York*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners and to the Party or Parties concerned Twenty Days Notice in Writing of ſuch Appeal and of the Matter thereof; and the Juſtices not intereſted in the Premiſes in their 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) 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 ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by *Certiorari* or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants as to them in their Diſcretion ſhall ſeem reaſonable and to be levied in Manner aforeſaid.

Publick Act.

XLII. And be it further enacted, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty, and when ſo printed may be given in Evidence in all Courts of Juſtice and before all Judges and Juſtices whomſoever, who ſhall take judicial Notice thereof, in like Manner as if the ſame had been declared to be a publick Act.

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

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 80.

An Act for dividing and incloſing the ſeveral Open Fields, Commons, and Waſte Grounds, within the Manor and Townſhip of *Clifford*, in the Weſt Riding of the County of *York*. [11th *June* 1803.]

WHEREAS there are within the Manor and Townſhip of *Clifford*, in the Weſt Riding of the County of *York*, ſeveral Open Arable Fields, containing together, by Eſtimation, Three hundred and ſeventy-five Acres or thereabouts; and certain Commons or Waſtes called *Clifford Moor* and *Grange Moor*, containing together by Eſtimation, Four hundred and ſixty Acres, or thereabouts: And whereas Sir *Thomas Gaſcoigne* Baronet, is Lord of the Manor of *Clifford* aforeſaid, and entitled to the Soil of all the ſaid Commons and Waſte Grounds, and to all the Royalties belonging to the ſaid Manor: And whereas the ſaid Sir *Thomas Gaſcoigne*, *James Fox* Eſquire, *Richard Thompſon* Eſquire, and ſeveral other Perſons are Owners and Proprietors of Meſſuages and Cottages, or Scites of Meſſuages and Cottages, Lands, and Grounds within the ſaid Manor of *Clifford*, and entitled to Right of Common upon the ſaid Commons and Waſte Grounds, and to Right of Average in the ſaid Fields, or ſome Part thereof:

41 Geo. 3. thereof: 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 Lands and Grounds of the said Proprietors within the said Common Fields, lie intermixed and dispersed in small Parcels, and in their present State are incapable of any considerable Improvement; and it would be of great Advantage to all Persons interested in the said Open Fields, Commons, and Waste Grounds, and also of publick Utility, if the said Open Fields, Commons, and Waste Grounds, were divided and inclosed, and specific Allotments made to the several Proprietors, according to their respective Rights and Interests therein; but as the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Open Fields, Commons, and Waste Grounds,

Commissioner. shall be divided, allotted, and inclosed, by *William Shipton* of *Green Hammerton*, in the said County of *York*, Gentleman, or his Successor, to be elected in Manner herein-after mentioned, who is hereby appointed sole Commissioner for carrying the several Purposes of the said recited Act and this Act into Execution, subject to the Regulations of the said recited Act, except in such Cases where the same are hereby varied or altered.

Appointment of Commissioner in case of Vacancy.

II. And be it further enacted, That if the said *William Shipton*, or any other Commissioner to be appointed in Manner herein-after mentioned, shall die, or shall neglect, refuse, or become incapable of acting or carrying this Act into Execution, that then it shall and may be lawful, to and for the Lord of the said Manor for the Time being, or the major Part in Number and Value of the other Proprietors or Persons interested in the said Open Fields, Commons, and Waste Grounds, by themselves or their Agents, who shall be present at a publick Meeting to be held for that Purpose, at some convenient Place in the Township of *Clifford* aforesaid, in pursuance of a Notice to be given in the *Leeds Intelligencer*, and also in the Parish Church of *Bramham*, immediately after Divine Service, or by Writing to be affixed on the Front Door of the said Church, at least Ten Days before such Meeting, (which Notice any Proprietor of, or Person interested in the said Open Fields, Commons, or Waste Grounds is hereby authorized to give), by Writing under their Hands, or the Hands of their Agents duly authorized, to elect and appoint some fit and proper Person, not interested in the said Inclosure, to be a Commissioner in the Place of the said *William Shipton*, and so from Time to Time as often as any Commissioner to be appointed as aforesaid, shall die, or refuse, or neglect to act in the Execution hereof; and every Commissioner so to be appointed as aforesaid, shall have the like Powers and Authorities for putting this Act into Execution as the said *William Shipton* is hereby invested with, in all Respects whatsoever, until the said Division and Allotment of the said Open Fields, Commons, and Waste Grounds, and the Powers and Authorities given by this Act, shall be completely effected and carried into Execution.

Notice of Commissioner's Attendance to receive Claims.

III. And be it further enacted, That the said Commissioner shall, and he is hereby directed to cause Notice to be published in the Parish Church of *Bramham*

Bramham aforesaid, on some *Sunday* during Divine Service, and by Writing to be affixed on the principal Door of the said Church, and also to be published Once at least in the said Newspaper of the Time and Place of his beginning to put this Act in Execution; and also of such other Day or Days as he shall appoint for receiving the Claims of any Person or Persons, or Bodies Politick or Corporate, to any Share, Right, or Interest in the said Open Fields, or any Average therein, or any Right of Common upon the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, so as the Place of Attendance to be mentioned in every such Notice be within Five Miles of the Town of *Clifford* aforesaid, and so as every such Notice be given Ten Days at least before the First Day so to be appointed; and the said Commissioner shall and may afterwards proceed in the Execution of this Act, and from Time to Time adjourn to such Time and Place as he shall think proper.

Other Notices how to be given.

IV. Provided always, and be it enacted, That all other Notices necessary or requisite to be made and given by the said Commissioner, shall be so made and given by Advertisement in the said *Leeds Intelligencer*, or in some other Newspaper printed or circulated in the said West Riding of the County of *York*.

Proprietors to pay their own Expences.

V. And be it further enacted, That the said Proprietors shall at all Attendances upon the said Commissioner for executing this Act, pay their own Expences, and also the Expences of their own separate Agents or Solicitors.

Claims to be delivered to the Commissioner.

VI. And be it further enacted, That all Persons and Bodies Politick or Corporate having or claiming any Lands, or Rights of Common, or other Right or Interest in, or upon any of the said Open Fields, Commons, or Waste Grounds, shall, and they are hereby required by themselves or their Agents, to lay all such their respective Claims, in Writing under their Hands, or the Hands of their Agents, before the said Commissioner, upon such Day or Days as he shall in Manner aforesaid appoint for receiving such Claims, together with a Description of their respective Open Field Lands, and also of their respective Rights of Common, or other Right respectively as aforesaid, and in respect of what Messuages, Cottages, or Scites thereof, Lands, Tenements, Grants, Privileges, or Prescriptions they claim the same; and all Persons and Bodies Politick or Corporate neglecting so to lay or cause to be laid such their Claims, with such Descriptions of their respective Interest, before the said Commissioner as aforesaid, shall be, and he, she, or they are hereby excluded and debarred of and from all Right, Title, and Interest in and to the said Open Fields, Commons, and Waste Grounds respectively, and from any Part, Share, Allotment, or Benefit in lieu thereof, unless the said Commissioner shall see good Cause to prolong the Time for making such Claims; and that all Claims so made as aforesaid shall by the said Commissioner be produced, upon Request of any of the Proprietors interested in the said Division and Inclosure for Examination, and to take Copies thereof, if desired, to the Intent that such Claims may be known and fairly considered; and that all such Claims so made and delivered as aforesaid, and which shall not be objected to within One Month next after the Time so appointed for the Delivery of such Claims respectively, shall be final and conclusive, and shall never afterwards be objected against, con-

controverted, or disputed; and that if upon the Day or Days appointed by the said Commissioner for receiving such Claims, or within One Month next after the Claim of any Person, or Body Politick or Corporate, so made as aforesaid, shall be objected to by any other Person or Body Politick or Corporate interested in the said Division and Inclosure as aforesaid, or by his, her, or their Agent, in Writing, under his, her, or their Hands, setting forth the Cause or Reason of such Objection; or if the Person or Body Politick or Corporate making such Claims so objected against as aforesaid, shall persist in the Claim or Claims so laid before the said Commissioner as aforesaid, or if any other Dispute or Difference shall arise between any of the Parties interested in the said Division, touching or concerning any Matters or Things by this Act to be done and performed, that then and in every such Case, it shall and may be lawful to and for the said Commissioner, and he is hereby empowered and required, by Examination of Witnesses upon Oath, (which Oath the said Commissioner is hereby empowered to administer), and upon other proper Evidence to hear and determine the same, and to make such Determination therein as to him may appear just; and in case the Party or Parties making such Claim or Claims, or the Person or Persons objecting thereto, shall be dissatisfied with the Determination of the said Commissioner, concerning the said Claim or Claims, then all such Claims and Objections shall be tried by an Issue at Law, in Manner herein-after mentioned.

Boundaries to be perambulated, and Claims may be tried at Law.

VIII. And, for preventing all unnecessary Obstructions and Delays in the said intended Division and Inclosure, and determining all Differences and Disputes that may arise concerning the Boundaries of the said Commons or Wastes, be it further enacted, That the said Commissioner shall, and he is hereby required, as soon as conveniently may be, to perambulate the Boundaries of the said Commons or Wastes, so far as the same shall adjoin and lie open to the Commons or Wastes of any other adjoining Manor, first causing Eight Days Notice at the least of the Day, Hour, and Place, of beginning such Perambulation, to be given in Writing, to be affixed on the great Door of each of the Parish Churches of *Bramham* aforesaid, and of *Collingham* in the same West Riding, on some *Sunday* in the Forenoon; and the said Commissioner shall, by such Perambulation as aforesaid, and by such other legal Ways and Means as he shall think proper, ascertain, fix, and settle, the said Boundaries, and so far as the same shall adjoin upon the Commons or Wastes of any other Manor or Place, cause the same to be distinctly set out and marked by Stakes, Trenches, or otherwise accordingly; and shall cause Notice in Writing of the Ascertainment of so much of the said Boundaries so to be marked by Stakes, Trenches, or otherwise as aforesaid, to be affixed upon the aforesaid Church Doors, within Twenty Days next after the said Commissioner shall have ascertained such Boundaries, in order that any disputed Part or Parts of such Boundaries, or of the Lands and Premises included in such Perambulation, may be ascertained and settled in Manner herein-after directed; and in case the Lord or Lords of any Manor or Manors, or Owner or Owners of the Commons or Wastes adjoining to such Boundaries, shall, by Writing under his, her, or their Hand or Hands, or the Hand or Hands of his or their Solicitor, to be delivered to the said Commissioner within Six Weeks next after such Boundaries shall have been set out and marked, and Notice thereof given as aforesaid, object to such Boundaries, or any Part thereof, it shall be lawful to have the Matter of such Objection or Objections, and the Right thereby

thereby disputed, tried at Law, by an Action or Actions to be commenced in His Majesty's Court of King's Bench, wherein the Lord of the said Manor of *Clifford*, and the Person or Persons so objecting to such Boundaries as aforesaid, or any Part thereof, shall be Parties, upon One or more feigned Issue or Issues; which Issue or Issues shall be settled by the proper Officer of the said Court, in case the Parties shall differ about the same; such Action or Actions to be brought or commenced before *Hilary* Term One thousand eight hundred and four, and the Defendant in every such Action, shall and he is hereby required to appear to such Action, accept a Declaration, and plead to Issue, and the Plaintiff or Plaintiffs shall thereupon proceed in such Actions respectively, so as to have the same brought to Trial at or before the *Lent* Assizes to be holden for the County of *York*, in the Year One thousand eight hundred and four; and the Verdict or Verdicts to be given in such Action or Actions respectively, unless the same shall be set aside by the said Court, and new Trials granted therein, shall be final and conclusive upon all Parties; and that such Action or Actions shall not abate by the Death of any Party or Parties to the same; and the said Court of King's Bench is hereby empowered and directed to award the Costs of such Action or Actio s, in like Manner, and as is usual in Actions upon the Case, in other Cases brought or commenced in that Court; and that all the Costs and Charges which shall or may be incurred by the Lord of the said Manor of *Clifford*, or to which he may be liable for or by reason or on Account of such Action or Actions, shall be borne and paid in such Manner as the Expences of obtaining this Act, and carrying the same into Execution, are herein-after directed to be raised and paid; the same to be paid at such Time, and to such Person or Persons as the said Commissioner shall order and direct: Provided always, that if no such Objection shall be made to the said Boundaries, or to the Right of the said Sir *Thomas Gascoigne*, as Lord of the said Manor of *Clifford*, or to the Lands and Premises included in such Perambulation, within the Time and in Manner aforesaid; or if, after the making of any such Objection, the Party making the same shall not cause the same to be tried or determined in any such Action or Actions, as aforesaid, the Boundaries so perambulated, fixed, and settled, by the said Commissioner, shall be binding, final, and conclusive, upon all Parties whatsoever.

Commissioner to settle Disputes;

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested in the said Division and Inclosure, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the said Fields, Commons, and Wastes, hereby intended to be divided, allotted, and inclosed, or touching or concerning any Matter or Thing relating to the said Division and Inclosure, it shall be lawful for the Commissioner for the Time being to examine into, hear, and determine the same: Provided always, that nothing in this act contained shall authorize any such Commissioner to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

but not to determine upon Title.

Power to assess Costs.

IX. And be it further enacted, That in case any such Commissioner, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of the said recited Act, or of this Act, or of any Dispute or Difference between any of the

Parties interested in the said Division and Inclosure, shall be Cause to award any Costs, it shall be lawful 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 his 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 the 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 such Case it shall be lawful for such Commissioner, and he is hereby required and authorized, by Warrant under his Hand and Seal, 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 at Law.

X. Provided always, That in case any Person or Persons, interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of any such Commissioner, touching or concerning any Claim or Claims of any Rights or Interests in, over, or upon the said Fields, Commons, and Wastes, hereby intended to be divided 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 Matter so determined by such Commissioner, at the then next or at the following Assizes to be holden for the West Riding of the said County of *York*; and for that Purpose the Person or Persons, who shall be so dissatisfied with the Determination of such Commissioner, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of such Commissioner shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they, is and are hereby required to name an Attorney or Attornies, who shall appear thereto and 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 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, such 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 the Determination of the Commissioner for the Time being, touching such Claim or Claims, which shall not be objected to, or being objected to, the Party or Parties objecting, not causing such Action or Actions at Law

to

to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

If Parties die Actions not to abate.

XI. 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 Death had happened.

Recompence for Crops and Course of Husbandry.

XII. And be it further enacted, That it shall be lawful for the said Commissioner to settle and ascertain what Recompence shall be paid to the Owners of any Crop growing upon the said Open Fields at the Time of the Division thereof, for the Value of the said Crop, by the Person or Persons to whom the Land on which such Crop shall be so growing may be allotted, or otherwise that the Owner or Owners of such Crop shall be at Liberty to collect, gather, lead, and carry away the same within the Time to be limited by the said Commissioner, without any Molestation or Hindrance of any Person or Persons to whom the Land on which the Crop so growing shall be allotted, making such Satisfaction for the Standage thereof as the said Commissioner shall order and direct; and also to ascertain what Recompence shall be made for the making of Fallows by such Person or Persons to whom such Fallow Grounds shall be awarded, to such Person or Persons as shall have made such Fallows; and that from and immediately after the passing of this Act the said Commissioner shall order, direct, and appoint the Course of Husbandry that shall be used in the said several Open Fields, and the Owners thereof shall be subject and liable to such Directions as the said Commissioner shall within such Time appoint, as well with regard to the stocking, as to the ploughing, tilling, sowing, or laying down the same; and shall and may in and by any Writing or Writings under the Hand of the said Commissioner set and impose such Penalty on every Person not conforming to such Orders and Directions as he shall think reasonable, not exceeding Five Pounds for each such Offence, to be levied by Warrant under the Hand and Seal of the said Commissioner by Distress and Sale of the Goods and Chattels of the Offender or Offenders, together with the reasonable Charges of such Distress and Sale, rendering the Overplus (if any), to the Owner of such Goods and Chattels upon Demand; and all such Orders of the said Commissioner shall be binding and conclusive, as well upon all Parties interested, as upon their Farmers or Tenants.

Leases at Rack Rent vacated.

XIII. And be it further enacted, That all subsisting Leases and other Agreements at Rack Rent of all or any Part or Parts of the said Lands and Grounds so intended to be divided and inclosed, shall immediately after such Lands and Grounds respectively shall be set out or allotted, or as soon after as the said Commissioner shall by his Award direct, cease, determine, and be void, (in case the Lessors and Lessees do not otherwise agree amongst themselves); and the respective Owners or Proprietors of the Lands or Grounds comprized in such Leases or Agreements respectively, or any Part or Parts thereof, shall make such Satisfaction to their respective Lessees or Tenants for any Loss or Prejudice they may respectively sustain thereby, as the said Commissioners shall adjudge or ascertain, by Writing under his Hand, as a reasonable Recompence to be paid to such Lessees or Tenants by Way of Equivalent for their respective Terms therein.

XIV. And

Respecting Encroachments on the Wastes.

XIV. And be it further enacted, That all Encroachments and Inclosures which at any Time within Ten Years now last past, have been made upon the said Commons and Waste Grounds, shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments, or the Extent thereof, such Dispute shall be finally ascertained by the said Commissioner.

The Inclosures in the Fields to remain as they now are.

XV. And be it further enacted, That all and every the Closes and inclosed Lands and Grounds whatsoever which now are, or shall be at the Time of the passing of this Act, or by any Ways, or for any Use whatsoever have been taken or inclosed, or of whatsoever Tenure or Holding the same now are, shall, with their Appurtenances, in every Respect remain, continue, and be as they now are or shall be at the Time of the passing of this Act, and the same, and every of them, and every Part thereof shall also continue and remain unaltered and be the real Property and fixed Estates of the Person or Persons who by Right, Usage, and Custom have hitherto enjoyed the same, without being subject under this Act to any Division or Inclosure, or any Alteration, Change, Encroachment, or Diminution whatsoever, and also free and clear of and from all Manner of Strays and Rights of Common and Average in, upon, or over the same, unless the respective Owner or Owners, Proprietor or Proprietors thereof shall consent and agree that the same shall be deemed and taken by the said Commissioner to be Open Field Land, and shall permit the same to be divided and allotted as such, by virtue and in pursuance, and according to the Directions of this Act.

Directing the Breadth of Roads.

XVI. And be it further enacted, That the respective Turnpike Roads on the said Commons and Wastes, shall be of such Breadth as the said Commissioner shall appoint, but not less than Forty Feet at the least between and exclusive of the Ditches; and that all private Roads and Ways shall be inclosed or left open and uninclosed as the said Commissioner shall think proper, and if inclosed shall be of such Breadth as the said Commissioner shall direct.

Allotment for Watering Places, Sand Pits, &c.

XVII. And be it further enacted, That the said Commissioner shall and may, and he is hereby authorized to set out, award, and allot such Part or Parts of the Lands and Grounds hereby directed to be divided and inclosed, as he shall judge most fit and proper for Watering Places for Cattle, and for common Pits for getting Stones, Gravel, Sand, or other Materials for repairing the Highways within the said Township of *Clifford*, and for such other Purposes as the said Commissioner shall award and direct, not exceeding Three Acres; and that the same shall remain for the Use of the Inhabitants thereof for the Time being for ever, for the Purposes aforesaid; and that the Herbage growing thereon, and also the Herbage of the publick Carriage Roads within the said Township, after the Expiration of Seven Years from making the Award of the Commissioner herein-after directed, shall be, and are hereby vested in the Surveyors of the Highways of the said Township of *Clifford* for the Time being, in Trust to let the same for the best Rent or Rents that can be gotten, and to apply such Rents in repairing the publick Highways and Roads within the said Township, they the said Surveyors accounting with the Inhabitants

ants thereof touching the Application of such Rents at the Time of settling their annual Accounts.

Reserving of the *Spaw Bank* and *Spaw*, &c. to Sir *Thomas Gascoigne*.

XVIII. Provided always, and be it further enacted, That a certain Piece or Parcel of Waste Ground, called the *Ox Close Bank* otherwise *Spaw Bank*, within the said Manor, and the Well or Spaw therein, and the Erections or Improvements made thereon, shall not be divided and allotted by virtue of this Act; but that the same shall be and remain the sole, absolute, entire, and exclusive Property of the said Sir *Thomas Gascoigne*, his Heirs and Assigns, notwithstanding any Thing herein contained to the contrary, subject nevertheless to the Right and Liberty to and for the Owners of ancient Common Right Messuages and Cottages, and their Tenants and Occupiers resident within the said Manor of *Clifford* for the Time being, of taking Water at the said Well or Spaw, for his, her, and their own domestick and Family Use only, without paying any Consideration or Satisfaction for the same.

Allotment to the Lord of the Manor for his Right of Soil.

XIX. And be it further enacted, That after the said Commissioner shall have adjusted and settled all Claims and Disputes, and set out Common Pits and Watering Places, and publick and private Roads, Ways, Watercourses, Drains, and other Requisites, he the said Commissioner shall and he is hereby authorized and required in the next Place, to set out, allot, and award, unto the said Sir *Thomas Gascoigne*, as Lord of the Manor of *Clifford* aforesaid, his Heirs and Assigns, as a Compensation for his and their Right and Interest in and to the Soil of the Commons and Waste Grounds, called *Clifford Moor* and *Grange Moor*, within the said Manor and Township of *Clifford*, and for his Consent to the Division and Inclosure thereof One Sixteenth Part, (Quantity, Quality, and Situation considered) of the said Commons and Waste Grounds, over and above, and exclusive of such Shares, Proportions, and Allotments of the said Commons and Waste Grounds, herein-after directed to be allotted to him the said Sir *Thomas Gascoigne*, in respect of the Messuages and Cottages, and Scites thereof, Lands and Hereditaments, in Right whereof he shall, in like Manner as other Proprietors, be entitled to Allotments in and upon the said Commons and Waste Grounds.

Allotment of the Residue of *Clifford Moor*.

XX. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out, allot, and award in Severalty, the Residue of the said Common or Waste Ground, called *Clifford Moor* unto and amongst the Owners and Proprietors, as well of Messuages, Cottages, and Frontsteads, having Right of Common upon the said Common or Waste Ground, as of the Open Fields and other Lands and Grounds already inclosed within the Hamlet of *Clifford*, in such Shares and Proportions as herein-after mentioned; (that is to say), Two Third Parts in Value of such Residue, (Quantity, Quality, and Situation considered), shall be set out, allotted, and awarded unto and amongst the said Sir *Thomas Gascoigne*, the said *James Fox*, and the rest of the Owners and Proprietors of Messuages and Cottages, and Scites of Messuages and Cottages, within the Hamlet of *Clifford* aforesaid, having Right of Common thereon, according to the Number of such Messuages, Cottages, and Scites, without any Distinction as to Messuages or Cottages, and without any regard to the Value thereof, as the said Commissioner shall in his Judgement think most just and equitable; and the remaining Third

Part in Value of such Residue (Quantity, Quality, and Situation considered) shall be set out, allotted, and awarded unto and amongst the several Owners and Proprietors of Open Field Lands, and other Lands and Grounds already inclosed within the said Hamlet of *Clifford*, (who were also Owners and Proprietors of ancient Messuages, Cottages, or Scites, before the First Day of *January* One thousand eight hundred and three, and having Right of Common in respect thereof as aforesaid), without regard to the Value of Erections or Buildings thereon, according to the Value of such Lands and Hereditament, and according to such respective Proprietors Rights and Interests therein, as the said Commissioner shall in his Judgement think most just and equitable, and in full Recompence and Satisfaction for the several and respective Rights of Common, and other Interests of such Owners and Proprietors respectively in or upon the said Common or Waste Ground, called *Clifford Moor*, hereby directed to be divided and inclosed as aforesaid.

Allotment of the Residue of the Common called *Grange Moor*.

XXI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required in the next Place to set out, allot, and award in Severalty, the Residue of the said Common or Waste Ground called *Grange Moor*, in such Shares and Proportions as herein-after mentioned; (that is to say), One Third Part in Value of the Residue of the said Common called *Grange Moor*, (Quantity, Quality, and Situation considered), shall be set out, allotted, and awarded, unto and amongst the Owners and Proprietors of Lands and Hereditaments within the District or Hamlet of *Micklethwaite Grange*, (without Regard to the Value of Erections or Buildings thereon), according to the Value of such Lands and Hereditaments, and according to such respective Proprietors Rights and Interests therein, as the said Commissioner shall, in his Judgement think most just and equitable; and the remaining Two Third Parts in Value of the Residue of the said Common called *Grange Moor*, (Quantity, Quality, and Situation considered), shall be so set out, allotted, and awarded unto and amongst the Owners and Proprietors of Messuages and Cottages, and Scites of Messuages and Cottages within the said Hamlet of *Clifford*, and the said District or Hamlet of *Micklethwaite Grange* respectively, having Right of Common thereon, according to the Number of such Messuages, Cottages, and Scites, without any Distinction as to Messuages or Cottages, and without any Regard to the Value thereof, as the said Commissioner shall in his Judgement think most just and equitable, and in full Recompence and Satisfaction for the several and respective Rights of Common and other Interests of such Owners and Proprietors respectively in or upon the said Common or Waste Ground called *Grange Moor*, hereby directed to be divided and inclosed as aforesaid.

Allotments to Mr. *Fox*, and Sir *Thomas Gascoigne*.

XXII. And be it further enacted, That such Part of the said Commons and Wastes as shall fall to be the Right and Property of the said *James Fox*, shall be set out and allotted to him, in case he shall require the same in One Plot, from that Part of the said Common called *Clifford Moor*, adjoining to certain Closes in *Bramham*, called *West-Wood Closes*, and to extend to the Turnpike Road leading from *Bramham* to *Wetherby*; and that such Part of the said Commons or Wastes as shall fall to be the Right and Property of the said Sir *Thomas Gascoigne*, as well in Right of his Soil as otherwise, shall, in case he shall require the same, be set

out

out and allotted to him, ſo as to adjoin and bound upon the ſaid Allotment of the ſaid *James Fox*, or as near thereto as the ſame can be done.

Allotment of the Reſidue of the Open Fields.

XXIII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required to ſet out, allot, and award in Severalty, all the Reſidue of the ſaid Open Fields within the ſaid Hamlet of *Clifford*, unto and amongſt all and every the Owners and Proprietors of Lands and Grounds, or other Intereſts in the ſaid Open Fields, all or any of them, according to their reſpective Rights, Properties, and Intereſts therein, in ſuch Shares and Proportions, (Quantity, Quality, and Situation conſidered) as the ſaid Commiſſioner ſhall in his Judgement think moſt juſt and equitable, ſo as each Owner may, in caſe he ſhall require the ſame, have his, her, or their fair Proportion of Land allotted in the ſame Field in which it now lies, and in full Recompence and Satisfaction for their ſeveral Rights and Intereſts in or upon the ſaid Open Fields or any of them, which they now reſpectively have and enjoy: Provided nevertheleſs, that if the Property or Intereſt of any Two or more of the ſaid Proprietors in the ſaid Open Fields ſhall be ſo ſmall, that each Proprietor's Allotment in ſuch Field or Fields will not, in the Judgement of the ſaid Commiſſioner, be worth the Expence of incloſing, it ſhall and may be lawful to and for the ſaid Commiſſioner to lay the Allotments of ſuch Proprietors together in One Plot in any of the ſaid Open Fields, which may be, in the Judgement of the ſaid Commiſſioner, moſt convenient, equitable, and beneficial for ſuch Proprietors, or may allot to ſuch Proprietor an Equivalent for the ſame from the ſaid Commons and Waſte Grounds, in Augmentation of ſuch Proprietor's Share of ſuch Commons and Waſte Grounds, in which Caſe the Share of ſuch Proprietor in the ſaid Open Fields ſhall be added to the Allotment or Allotments there, of ſome other Proprietor or Proprietors whoſe Allotment in the ſame Commons and Waſte Grounds ſhall be proportionably reduced, in like Manner, as if an Exchange had actually taken place between them; any Thing herein contained to the contrary notwithſtanding.

Proprietors may ſell their Intereſts in the Lands to be incloſed, ſeparate from their other Property.

XXIV. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons intereſted in the ſaid Commons and Waſte Lands within the ſaid Manor and Townſhip of *Clifford*, at any Time before the forming and drawing up of the Award of the ſaid Commiſſioner, to ſell and diſpoſe of all or any Part of his, her, or their Right, Title, and Property in or to any Right of Common or other Intereſt in and upon the ſame Common and Waſte Lands, or any of them, ſeparate and apart from the Meſſuages, Cottages, or Frontſteads, Lands, and Grounds reſpectively, in reſpect whereof he, ſhe, or they ſhall be entitled to ſuch Right of Common or other Intereſt; and every ſuch Sale being ſpecified and ſet forth in the Award of the ſaid Commiſſioner, ſhall be good, valid, and effectual to all Intents and Purpoſes whatſoever.

This Act not to affect any former Charge upon the Lands to be incloſed.

XXV. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend to revoke, alter, or annul any Deed, Will, Settlement, or Leaſe, or to prejudice any Perſon having or claiming any Right, Intereſt, or Charge whatſoever in, to, or upon, or any Ways affecting any of the Lands ſo to be divided, incloſed, and exchanged as aforeſaid, or any of the ſaid old Incloſures; but that the Lands and Grounds which ſhall be allotted to the ſaid Proprietors reſpectively,

reſpectively, or their reſpective Heirs, Succeſſors, Executors, Adminiſtrators, or Aſſigns, ſhall be taken, held, and enjoyed, and the ſeveral Perſons, or Bodies Politick, Corporate, or Sole, to whom the ſame ſhall be reſpectively allotted or awarded ſhall from thenceforth ſtand and be ſeiſed thereof, to and upon ſuch and the ſame Uſes and Truſts, and for ſuch and the ſame Eſtates, and under and ſubject to ſuch and the ſame Limitations, Remainders, Leaſes, and Incumbrances reſpectively, as the ſeveral Lands, Grounds, Tenements, and Hereditaments in lieu whereof ſuch Allotments ſhall be made ſhould and would have been ſubject and liable to be charged with and affected by, in caſe ſuch Diviſion and Allotment had not been made; and the Lands and Grounds, which, before the making ſuch Diviſion and Allotment, were ſubject and liable thereto, and all the Perſons to whom the ſame ſhall be reſpectively allotted, ſhall from the Time of making the ſaid Diviſion and Allotment reſpectively, be diſcharged therefrom.

No Sheep or Cattle to be depaſtured in the Allotments for Seven Years.

XXVI. And, for the more effectual Preſervation of the Quick Fences, to be planted and ſet for dividing and ſeparating the Lands and Grounds hereby intended to be divided and incloſed; be it further enacted, That it ſhall not be lawful for any Perſon or Perſons to depaſture either with Sheep, Aſſes, or other Cattle, any of the Highways or Lanes which ſhall be made by virtue of this Act, for the Term of Seven Years next after the reſpective Allotments ſhall be ſet out and the Fences made; nor ſhall it be lawful for any of the ſaid Proprietors, Owners, or Occupiers of any Part of the Lands and Grounds intended by this Act to be divided and incloſed, to keep or depaſture any Sheep, Aſſes, or any other Cattle, in any of the Allotments to be made by virtue of this Act, for the Term of Seven Years next after ſuch Allotments ſhall be made as aforeſaid, unleſs the Perſon or Perſons ſo keeping or depaſturing Sheep or other Cattle ſhall firſt make or cauſe to be made a Fence ſufficient to guard the young Quick Fences round ſuch Allotments from being cropped, hurt, or damaged by ſuch Sheep or other Cattle, whether ſuch young Quick Fences be planted or ſet by the Perſon or Perſons owning or occupying ſuch Allotments as aforeſaid, or by any Perſon or Perſons owning or occupying the Allotment adjoining thereto.

Award to be depoſited.

XXVII. And be it enacted, That the Award to be made by the ſaid Commiſſioner ſhall be ſigned and publiſhed by him, and depoſited in the Pariſh Church of *Bramham* aforeſaid, under the care of the Vicar and Churchwardens of the ſaid Pariſh for the Time being.

Commiſſioner's and Surveyor's Fees and Expences how to be paid.

XXVIII. And be it further enacted, That the ſaid Commiſſioner ſhall be paid the Sum of Two Guineas for every Day he ſhall be employed in, or travel, or be from Home for the Purpoſe of executing this Act, or the Truſts hereby in him repoſed, and for his Journies, Attendances, and Expences occaſioned by the ſaid Diviſion and Incloſure, and the putting this Act in Execution; and that the Surveyor to be employed in purſuance of this Act, ſhall be allowed and paid the Sum of One Guinea for every Day he ſhall be employed in ſtaking out the Quality of the Lands, attending the Commiſſioner in valuing, in allotting, and ſtaking out the Allotments, or ſhall attend at any Meeting or Meetings of the ſaid Commiſſioner, by the Direction of the ſaid Commiſſioner, for his Expences, and as a ſufficient Recompence and Satisfaction to the ſaid Sur-

veyor for such Attendance and Expences; which Allowances and Payments, and also all the Costs, Charges, and Expences in and about the preparing, soliciting, and obtaining this Act, and the surveying, dividing, and allotting the said Open Fields, and Commons or Waste Grounds, and of the surveying all the ancient Inclosures, or such Parts thereof as may be necessary; and all the Charges of the said Commissioner in and about the preparing and inrolling the Award to be made in pursuance of this Act, and also all other incidental Charges and Expences whatsoever, for or by Reason of the said intended Division and Inclosure, and the hearing and determining any Claims in relation to the Premises, and the carrying of this Act into Execution, (except in such Cases as are otherwise hereby provided), shall be borne and paid by the respective Persons to whom Allotments shall be made by virtue of this Act, and who shall have the immediate Possession thereof, or Interest therein or thereto, in such Manner, and at such Time or Times as the said Commissioner shall direct and appoint, by an Assessment to be laid on all the Lands and Grounds to be divided and inclosed as aforesaid, by an equal Pound Rate, according to the Value of their respective Allotments, (the Allotment or Allotments to be made to the said Sir *Thomas Gascoigne* for and in respect of his Right of Soil as aforesaid only excepted, and which shall not be chargeable therewith), and all the old Inclosures to be charged according as the same are benefited thereby, such Value and Proportion to be ascertained by the said Commissioner; and that the Proportion of the said Costs, Charges, and Expences to be borne, defrayed, and paid by the said respective Owners and Proprietors, or Persons interested, shall be settled, adjusted, and ascertained by the said Commissioner.

Commissioner's Accounts to be examined.

XXIX. And be it further enacted, That the said Commissioner shall, at least Once in every Year from the Date of the passing of this Act, until his Accounts shall be finally allowed, produce to the Reverend *Francis Wilkinson* Clerk, *Richard Clark* Gentleman, *Samuel Tate* Gentleman, and *Joseph Wadington* Gentleman, a true Statement of all Sums of Money by him received and expended, or due to him for his own Trouble and Expences, together with the Vouchers relating to the same; which Statement and Vouchers shall be examined by the said *Francis Wilkinson*, *Richard Clark*, *Samuel Tate* and *Joseph Wadington*, or any Two of them; and the Balance by him 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 Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by the said *Francis Wilkinson*, *Richard Clark*, *Samuel Tate*, and *Joseph Wadington*, or any Two of them.

Persons advancing Money to be paid with Interest.

XXX. And be it further enacted, That such Person or Persons as shall advance any Money for defraying the Expences of applying for, soliciting, and obtaining this Act, or carrying the same into Execution, shall be repaid such Money, with lawful Interest for the same, out of the Money which shall be first raised by virtue of this Act.

Persons aggrieved may appeal to the Quarter Sessions.

XXXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggieved by any Thing done in pursuance of this Act, (other than and except where the Orders and Determinations

minations of the ſaid Commiſſioner are declared to be final, binding, or concluſive, and except in ſuch Caſes where an Iſſue at Law is directed to be tried as herein-before mentioned), then and in every ſuch Caſe, he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden in and for the Weſt Riding of the ſaid County of *York*, within Three Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioner and to the Party or Parties concerned, Fourteen Days Notice in Writing of ſuch Appeal, and of the Matter and Cauſe thereof; and the Juſtices (not intereſted in the Premiſes) in their 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) 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 ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere, but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them in their Diſcretion ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

Saving Manorial Rights.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained ſhall prejudice, leſſen, or defeat the Right, Title, or Intereſt of the ſaid Sir *Thomas Gaſcoigne*, Lord of the ſaid Manor, or any future Lord or Lords thereof, of, in, and to the Seigniories and Royalties, Rights and Services, incident or belonging to the ſaid Manor, but that the ſaid Sir *Thomas Gaſcoigne*, and all and every the Lord or Lords, Lady or Ladies thereof for the Time being, ſhall and may from Time to Time and at all Times hereafter, hold and enjoy all Courts Leet, Courts Baron, Rents, Chief Rents, Quit Rents, Audit Rents, Services, Rights, Royalties, Perquiſites and Profits of Courts, and all other Juriſdictions and Privileges to the ſaid Manor incident, appendant, belonging, or appertaining, conſiſtent with this Act, in as full, ample, and beneficial Manner to all Intents and Purpoſes whatſoever, as he, ſhe, or they could, ought, or might have held and enjoyed the ſame, before the paſſing of this Act, or in caſe the ſame had never been made.

General Saving.

XXXIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Eſtate, Right, Title, and Intereſt (other than ſuch as are meant and intended to be barred and deſtroyed by this Act), as they and every of them had and enjoyed of, in, to, or in reſpect to the Lands and Grounds hereby directed to be divided, allotted, and incloſed or exchanged before the paſſing of this Act, or would or ought to have had and enjoyed, in caſe this Act had not been made.

XXXIV. And

XXXIV. And be it further enacted, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty; and when ſo printed, may be given in Evidence in all Courts of Juſtice, and before all Judges and Juſtices whomſoever, who ſhall take judicial Notice thereof in like Manner as if the ſame had been declared to be a publick Act. Act to be printed by the King's Printer.

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