ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. cci.

An Act for regulating the depasturing and Management of certain Pastures in the Parish of *Richmond* in the County of *York*.

[15th *August* 1853.]

WHEREAS an Act of Parliament was passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for dividing, allotting, and inclosing the several Open Fields, Stinted Pasture, and Common within the Parish of* Richmond *in the North Riding of the County of* York, which Act recited that there was within the Parish of *Richmond* in the North Riding of the County of *York* (among other Lands specified in such Act) a Common Field or Stinted Pasture called *Whitcliffe Pasture*, containing about Nine hundred and fifty Acres, and that the Mayor and Aldermen of the Borough of *Richmond* claimed to be seised and possessed in their corporate Capacity, for the Use and Benefit of certain Inhabitants of the said Borough, of the said Stinted Pasture, and of the Soil and Freehold thereof, save and except that *Thomas* Lord *Dundas*, *John York*, *William Chaytor*, Esquires, and divers other Persons, as Owners of ancient Burgage Houses within the said Borough, were entitled to and did hold and enjoy, in respect to each such Burgage House, a Right of Pasture for 42 G. 3. c. 31.

One Horse or One Beast in the said Stinted Pasture between the Fifth Day of *April* and the Tenth Day of *October* in every Year, subject to the yearly Payment of Two Shillings and Sixpence for each such Horse or Beast to the said Mayor and Aldermen, and save and except that the Owners of Three Farms within the said Parish of *Richmond*, called *Applegarth*, *Jefferson's*, and *Stapleton's*, did hold and enjoy for the Time aforesaid certain Rights of Stint or Eatage in the said Pasture in right of the said Farms, under the yearly Payment of Seventeen Shillings to the said Mayor and Aldermen for such Stint or Eatage; and such Act also recited that the said Stinted Pasture was in its then present State incapable of any considerable Improvement, neither could such Lands be occupied with such Convenience and Advantage as they respectively might if the same were divided, allotted, and enclosed in manner therein-after mentioned; and such Act, after such Recitals as aforesaid, appointed a Commissioner for executing the Powers vested in him by that Act and the therein-recited Act, and such Act provided for the Inclosure and Allotment of certain Lands, including so much of the said Stinted Pasture as such Act did not, as herein-after is mentioned, appropriate, or provide for being appropriated, for the Owners of Burgage Tenements; and it was by the said Act enacted that that Part of the said Common Field or Stinted Pasture called *Whitcliffe* which had been for several Years past used as a Race Ground, and whereon the Stand for viewing the Races was erected, and also so much of that Part of the said Common Pasture which had been used as Training Ground for Horses as the said Commissioner should deem necessary, not exceeding Fifty Acres in the whole for such Training Ground, should remain in the same State and Condition as the same then were, in order that the same should or might be depastured from Time to Time thereafter by the several Owners of the ancient Burgage Tenements in the Borough of *Richmond* aforesaid having Right of Pasturage thereon in common, in the same Manner as such Owners had been theretofore used and accustomed to depasture the whole of the said Common Pasture, but subject to such Regulations and Restrictions as to the Manner and Time of stinting, and as to the Number of Cattle to be stinted in respect of every such Burgage Tenement, as the said Commissioner in his Award should direct: And whereas the said Commissioner, in and by his Award bearing Date the Twenty-third Day of *April* One thousand eight hundred and ten, stated that he had staked or set out, and did thereby appoint that Part of the said Common Field or Stinted Pasture called *Whitcliffe Pasture* which had been for several Years then past used as a Race Ground, and whereon the Stand for viewing the Races was erected, admeasuring in the whole Eighty-one Acres Three Roods and Twenty-six Perches, bounded as in such Award mentioned, and also Forty-four Acres and Eight Perches, to be called *Upper Pasture* in that Part of the said Common Pasture

which had been used as Training Ground for Horses, bounded as in such Award mentioned, to be and remain in the same State and Condition as the same were at the Time of the passing of the said Act, for the Purposes in the said Act mentioned; and the said Commissioner awarded and allotted the said several Parcels of Land to the several Owners of ancient Burgage Tenements in the Borough of *Richmond* aforesaid, their Heirs and Assigns or Representatives for ever, as Tenants in Common, in proportion to the several Cattle Gates or Burgage Houses claimed by them or on their Behalf, under the said Acts of Parliament, and allowed or determined to belong to them respectively; and the said Commissioner further ordered and directed that the said undivided Parts of the said *Whitcliffe Pasture* should be stinted or depastured by the several Owners of ancient Burgage Tenements in *Richmond* aforesaid, or their Representatives, in the Proportion and Manner therein mentioned: And whereas the Mayor, Aldermen, and Burgesses of the said Borough of *Richmond* are or claim to be seised of the Soil of and in the said Pastures used as a Race Ground and Training Ground: And whereas the Owners of the said ancient Burgage Tenements have from Time to Time since the passing of the said recited Act, and the making and publishing of the said Award of the said Commissioner, approved and inclosed some Parts of the said Common Pasture used as a Race Ground, and have erected thereon Two Cottages, *videlicet*, one at the East Entrance, and the other at the West Entrance thereto, and have also added to such Approvements by Purchase, and, by having had uninterrupted Possession for Twenty Years and upwards, they have or claim to have acquired a Right to the Soil and Freehold of such Approvements and the Land so purchased: And whereas Doubts and Difficulties have arisen, and do now exist, as to whether the Owners of the said ancient Burgage Tenements acquired Title to the said Approvements, and to the Land so purchased by them and added thereto, as Joint Tenants or as Tenants in Common, and as to whether the said Approvements and purchased Land have passed to and are now vested in the present Owners of the said ancient Burgage Tenements as appurtenant thereto, or have passed to and are now vested in some or one of such Owners by Survivorship: And whereas it is necessary and desirable that such Doubts and Difficulties should be removed, and the now Owners of the said ancient Burgage Tenements have agreed that the same Approvements and purchased Land shall be vested in a Committee of Management for the Time being, in this Act called the "Pastures' Committee," for the Purposes nevertheless and in trust for the Benefit from Time to Time of the Owners of the said ancient Burgage Tenements, as herein-after provided: And whereas the said Two Common Pastures, used respectively as a Race Ground and Training Ground, lie considerably apart, and by reason of the Difference in the productive Qualities of the said Two Pastures,

and

and the Inferiority of the Vesture and Herbage of the said Common Pasture used as a Training Ground, as compared with the Vesture and Herbage of the said Common Pasture used as a Race Ground, and by reason of the small Area and Extent of the said Common Pastures as compared with the Number of ancient Burgage Tenements to which a Right of Stray and Depasturage is appurtenant, it is almost impracticable that the said Pastures can be stinted in such a Manner as to give or secure to each Owner of such ancient Burgage Tenements the Right, Title, Interest, and Share therein or thereto to which such Owner of an ancient Burgage Tenement is entitled; and it would therefore be advantageous, and is desirable, that the personal Right of the Owners of the said ancient Burgage Tenements having a Right of Stray upon the said Common Pastures should be extinguished, and that the same Right, and the Direction and Management, and the Ownership of the said Common Pastures should, subject to the Regulations herein-after provided, be vested in the "Pastures' Committee," for the Purposes nevertheless and in trust for the Benefit from Time to Time of the Owners of the said ancient Burgage Tenements; but such Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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,

Interpretation of Terms.

I. That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Words "Burgage Pastures" shall mean that Part of *Whitcliffe Pasture* appropriated and allotted for and to the said Owners of Burgage Tenements aforesaid, and the Approvements, Buildings, and Inclosures by them made thereto and thereon, and also the Land purchased by the said Owners and added to such Approvements and Inclosures, and now enjoyed therewith:

The Words "Burgage Owners" shall mean the Persons for the Time being owning and possessing, either in Fee or in Fee Tail, or for Life or for a Term of Years, One or more ancient Burgage Tenements, in respect of which such Persons shall be entitled to a Right of Stint or Depasturage on the said Burgage Pastures, and shall also include the Persons who now are or who may hereafter become possessed of any Right of Stint or Depasturage on the said Burgage Pastures which may have been or may hereafter be conveyed separately and distinct from any such ancient Burgage Tenements, so far as the same can by Law be so separated and holden distinct therefrom:

The

The Richmond Burgage Pastures Act, 1853.

The Words "Pastures' Committee" shall mean the Committee of Management of the said Burgage Pastures appointed as herein-after provided.

Short Titles.

II. That in citing the said recited Act and this Act for any Purposes whatsoever it shall be sufficient, if the said Acts are cited together, to use the Expression "The *Richmond* Burgage Pastures Acts, 1802 and 1853," and if cited separately, then to use the Expression "The *Richmond* Burgage Pastures Act, 1802," or "1853," as the Case may require, to distinguish the Act so intended to be cited.

Suspension and Extinguishment of individual Rights.

III. That from and after the Eleventh Day of *October* next after the passing of this Act the individual Right of the said Burgage Owners, by themselves or through their Representatives, to stint and depasture the said Burgage Pastures, shall be extinguished, and such Right shall hereafter be exercised for and on their Behalf by the Pastures' Committee, as herein-after provided; and if any Person shall thereafter permit his Horses, Cattle, Sheep, or other Animals to go or depasture upon any Part of the said Burgage Pastures, it shall be lawful for the said Pastures' Committee, or any other Person by their Order, to distrain such Horses, Cattle, Sheep, or other Animals being upon any Part of the said Burgage Pastures, and to impound the same until the Person so offending shall pay the Person so distraining such Sum of Money as the said Pastures' Committee shall have previously ordered, not exceeding Ten Shillings for each Horse or Head of Cattle or Animals so distrained, and in case the same shall not be paid within Seven Days after the same shall have been impounded, the said Pastures' Committee are hereby authorized to recover the same by way of Penalty as herein-after mentioned.

Vesting Property of Burgage Owners in Pastures' Committee.

IV. That upon the passing of this Act the Vesture and Herbage of the said Burgage Pastures and other the Rights and Property of the said Burgage Owners in and to the said Burgage Pastures, except as to the Right of stinting up to the Eleventh Day of *October* next, shall be and the same are hereby vested in the Pastures' Committee appointed by this Act, and their Successors, to be appointed from Time to Time as herein-after provided, and the Management and Superintendence of the Affairs of the said Burgage Owners relating to the said Burgage Pastures, and all Things incidental thereto, shall be absolutely reposed in such Pastures' Committee, except as herein-after provided.

Number and Qualification of Pastures Committee.

V. That the Number of the Pastures' Committee shall be Nine, and the Qualification of a Member of the Committee shall be the Possession in his own Right of an ancient Burgage Tenement in Fee,

or in Fee Tail, or for Life, which would have entitled him in respect thereof to exercise a Right of Stint on the said Burgage Pastures had not this Act been passed, and whose Residence shall not be more than Seven Miles from the Boundaries of the Municipal Borough of *Richmond*.

First Pastures' Committee.

VI. That the Right Honourable *Thomas* Earl of *Zetland*, *George Smurthwaite*, *George Harrison*, *Christopher Croft*, *Leonard Cooke*, *John Bowe*, *Richard Machell Jaques*, *Robert Robson*, and *Richard Bowes* shall be the First Pastures' Committee.

Election of Pastures' Committee at First Meeting.

VII. That the Pastures' Committee appointed by this Act shall continue in Office until the First Meeting of Burgage Owners to be holden after the passing of this Act, and at such Meeting the Burgage Owners present, personally or by Proxy, may either continue in Office the Pastures' Committee appointed by this Act, or any Number of them, or may elect a new Pastures' Committee, or Members to supply the Places of those not continued in Office, the Members of the Pastures' Committee appointed by this Act being eligible to be re-appointed; and at the General Annual Meeting to be holden on the First *Thursday* after the Twenty-fifth Day of *March* in every Year thereafter the Burgage Owners present, personally or by Proxy, shall elect Persons to supply the Places of the Members of the Pastures' Committee then retiring from Office, agreeably to the Provisions herein-after contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Members of the Pastures' Committee until others are elected in their Stead, as herein-after mentioned.

Rotation of Pastures' Committee.

VIII. That the Pastures' Committee appointed by this Act, and continued in Office as aforesaid, or the Members of the Committee elected to supply the Places of those retiring as aforesaid, shall retire from Office at the Times and in the Proportions following, the Individuals to retire being in each Instance determined by Ballot among the Pastures' Committee, unless they shall otherwise agree; (that is to say,)

On the First *Thursday* after the Twenty-fifth Day of *March* in the Year One thousand eight hundred and fifty-five, One Third of the Persons constituting such Pastures' Committee shall go out of Office:

On the First *Thursday* after the Twenty-fifth Day of *March* in the Year One thousand eight hundred and fifty-six, One Half of the remaining Number of such Pastures' Committee shall go out of Office:

On

On the First *Thursday* after the Twenty-fifth Day of *March* in the Year One thousand eight hundred and fifty-seven, the Remainder of such Pastures' Committee shall go out of Office:

And in each Instance the Places of the retiring Members of the Pastures' Committee shall be supplied by an equal Number of qualified Burgage Owners; and at the General Annual Meeting in every subsequent Year One Third of the Pastures' Committee, being those who have been longest in Office, shall go out of Office, and their Places shall be supplied in like Manner; nevertheless every Member of the Pastures' Committee so retiring from Office may be re-elected immediately or at any future Time, and after such Re-election shall, with reference to the going out of Office by Rotation, be considered as a new Member of the Pastures' Committee.

Supply of occasional Vacancies in Pastures' Committee.

IX. That if any Member of the Pastures' Committee shall die or resign, or become disqualified or incompetent to act as a Member of the Committee, or cease to be a Member of the Committee by any other Cause than that of going out of Office by Rotation as aforesaid, the remaining Members of the Pastures' Committee, if they think proper so to do, may elect in his Place some other Burgage Owner duly qualified to be a Member of the Pastures' Committee, and the Burgage Owner so elected to fill up any such Vacancy shall continue in Office as a Member of the Pastures' Committee so long as the Person in whose Place he shall have been elected would have been entitled to continue if he had remained in Office.

Powers of the Burgage Owners to be exercised by the Pastures' Committee.

X. That the Pastures' Committee shall and may lawfully exercise all the Powers of the said Burgage Owners, except as to such Matters as are directed by this Act to be transacted by the General Annual Meeting, or by any Meeting of Burgage Owners duly convened, but all the Powers so to be exercised shall be exercised in accordance with and subject to the Provisions of this Act; and the said Pastures' Committee shall regulate the Time during which Stock or Animals shall be admitted to and excluded from the said Burgage Pastures, and shall maintain and keep in order the Fences, Gates, Ditches, Drains, and Watercourses, or make any new Fences, Gates, Ditches, Drains, or Watercourses, and do all Works necessary for the Maintenance and Improvement and good Order of the said Burgage Pastures, and shall and may distrain all Stock and Animals found thereon contrary to the Regulations of the said Burgage Pastures, and the convenient Use and Occupation thereof, as the said Pastures' Committee shall think fit, and shall maintain and keep in repair all Buildings which now are or hereafter shall be erected in and upon the said Burgage Pastures; and where the Burgage Owners at any Meeting shall direct that any Buildings for the Shelter of Stock or Animals be erected thereon, the said Pastures' Committee shall, with

the Consent of the said Mayor, Aldermen, and Burgesses, and their Successors, cause such Buildings to be erected, in pursuance of such Directions; and the said Pastures' Committee shall have Power from Time to Time to demise or lease all or any Part of the said Burgage Pastures, and all or any Part of the Buildings now or at any Time hereafter erected thereon, from Year to Year, at the best yearly Rent that can be reasonably had for the same, and shall receive the Rents thereof, and such Rents shall be applicable to such and the same Purposes as are herein-after expressed and declared of and concerning all Sums of Money which shall hereafter be received by the said Pastures' Committee: Provided always, that in the letting of all or any Part or Parts of the Burgage Pastures which now are or at any Time hereafter shall be in Grass it shall be lawful to and for the said Pastures' Committee to reserve to themselves a Right to allow all or any Part of such Burgage Pastures to be used by the Inhabitants of *Richmond* aforesaid, for the Purposes of Exercise and Recreation, under and subject to such Restrictions as to the said Committee shall from Time to Time seem proper: Provided also, that in letting the said Burgage Pastures it may be lawful for the said Pastures' Committee to reserve to themselves a Right to allow all or any Part of such Pastures to be used for the Purpose of training Horses, upon such Terms, and under and subject to such Restrictions, as to the said Committee shall from Time to Time seem proper.

Meetings of Pastures' Committee.

XI. That the Pastures' Committee shall hold Meetings at such Times as they shall appoint for the Purpose, and they may meet and adjourn as they think proper, from Time to Time and from Place to Place, and at any Time any One Member of the Pastures' Committee may require the Pasture Master who shall be appointed as herein-after provided to call a Meeting of the Committee, or any Two Members may call such Meeting themselves; and in order to constitute a Meeting of the Pastures' Committee there shall be present at the least One Third of the Pastures' Committee; and all Questions at any such Meeting shall be determined by the Majority of Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote in addition to his Vote as One of the Pastures' Committee.

Permanent Chairman of Pastures' Committee.

XII. That at the First Meeting of the Pastures' Committee held after the passing of this Act, and at the First Meeting of the Pastures' Committee appointed at the First Meeting of the Burgage Owners to be held under this Act, and at the First Meeting of the Pastures' Committee held after each annual Appointment of Members to supply the Places of the retiring Members of the Pastures' Committee, the Members of such Committee present at such Meeting shall choose One of their Number to act as Chairman of such Committee

Committee for the Year following such Choice, and shall also, if they think fit, choose another Member of such Committee to act as Deputy Chairman for the same Period; and if the Chairman or Deputy Chairman die or resign, or cease to be a Burgage Owner, or otherwise become disqualified to act, the Members of the Pastures' Committee present at the Meeting next after the Occurrence of such Vacancy shall choose some other of the Members of the Pastures' Committee to fill such Vacancy; and every such Chairman or Deputy Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened.

Occasional Chairman of Pastures' Committee.

XIII. That if at any Meeting of the Pastures' Committee neither the Chairman nor Deputy Chairman be present, the Members present shall choose some One of their Number to be Chairman of such Meeting.

Chairman of Meeting of Burgage Owners.

XIV. That the Chairman or Deputy Chairman of the Pastures' Committee shall preside at all Meetings of the Burgage Owners; and in the Absence of the Chairman or Deputy Chairman of the Pastures' Committee some one of the Pastures Committee to be chosen for that Purpose by the Meeting shall be the Chairman, or in the Absence of all the Pastures' Committee any Burgage Owner to be chosen for that Purpose by a Majority of the Burgage Owners present at the Meeting shall be the Chairman.

Contracts by Pastures' Committee how to be entered into.

XV. That the Power of the Pastures' Committee to make Contracts on behalf of the Burgage Owners may lawfully be exercised as follows; that is to say,

The Pastures' Committee shall enter into all Contracts in the Name of and by the Style and Designation of "The Burgage Owners of the Borough of *Richmond* in the North Riding of the County of *York*:"

With respect to any Contract required by Law to be in Writing and under Seal, such Pastures' Committee may make such Contract in the Name and on the Behalf of the said Burgage Owners in Writing (using the Style and Designation hereinbefore mentioned), under the Seal and Signature of the Chairman, Deputy Chairman, or (in their Absence) of the presiding Chairman of the Pastures' Committee, as Circumstances may require, and in the same Manner the Contracts so entered into may be varied and discharged:

With respect to any Contract required by Law to be in Writing, and signed by the Parties to be charged therewith, then such Pastures' Committee may make such Contract on behalf of the

Burgage Owners in Writing (using the Style and Designation herein-before mentioned) and signed by any of the Persons herein-before authorized to sign and seal a Contract on behalf of the said Burgage Owners, and in the same Manner such Contracts may be varied and discharged:

With respect to any Contract which would be valid in Law if made by Words only, and not reduced into Writing, such Pastures' Committee may make such Contract on behalf of the Burgage Owners, without Writing, and in the same Manner may vary and discharge the same:

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Burgage Owners for the Time being, and all other Parties thereto, their Heirs, Representatives, or Assigns, as the Case may be.

Proceedings to be entered into a Book, and to be Evidence.

XVI. That the Pastures' Committee shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by the Pastures' Committee, and of the Orders and Proceedings of all Meetings of the Burgage Owners and of the Pastures' Committee, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Pastures' Committee, and every such Entry shall be signed by the Chairman of each Meeting; and such Entry, purporting to be so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Burgage Owners, or Members of the Pastures' Committee, or of the Signature of the Chairman, or of the Fact of his having been Chairman, all of which last-mentioned Matters shall be presumed, until the contrary be proved.

Informalities in Appointment of Committee not to invalidate Proceedings.

XVII. That all Acts done by any Meeting of the Pastures' Committee, or by any Person acting as a Member of the Pastures' Committee, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Member of the Pastures' Committee, or Persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed, and had been duly qualified to act in the Capacity in which he may have so acted.

Committees not to be personally liable.

XVIII. That no Member of the Pastures' Committee lawfully executing any of the Powers given to them shall be subject to be sued or prosecuted, either individually or collectively, by any Person whomsoever, except as herein-after provided; and the Bodies or Goods or Lands of the Members of the Pastures' Committee shall not

not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into by them, or by reason of any other lawful Act done by them in the Execution of any of the Powers by this Act reposed or confided in them; and the Members of the Pastures' Committee, their Heirs, Executors, and Administrators, shall be indemnified out of the Revenues of the said Burgage Pastures for all Payments made or Liability incurred in respect of any Acts done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them; and the Pastures' Committee may and shall from Time to Time apply the existing Funds of the Burgage Owners derived from the said Burgage Pastures for the Purpose of such Indemnity.

Register of Burgage Owners.

XIX. That the Pastures' Committee shall cause a Book to be kept, to be called "The Register of Burgage Owners," and in such Book shall be fairly and distinctly entered from Time to Time the Names and Additions of the several Persons entitled to be Burgage Owners, together with the Number of Stints to which such Burgage Owners shall be respectively entitled, and the Property in respect of which they claim such Stint, and such Register shall from Time to Time be authenticated by the Signature of the presiding Chairman of the Pastures' Committee; and every Burgage Owner may at all convenient Times peruse such Register *gratis*, and may require a Copy thereof or of any Part thereof; and for every Hundred Words so required to be copied the Pastures' Committee, or their Officer having the Custody of such Register, may demand a Sum not exceeding Sixpence.

Disputes as to Claimants to be decided by Recorder.

XX. That if any Dispute shall arise between the Pastures' Committee and any Claimant to be inserted in the Register of Burgage Owners, such Dispute shall be referred to the Decision of the Recorder of the Borough for the Time being, or his Deputy, in Quarter Sessions, who is hereby required to entertain every Application of any such Claimant, and to decide thereon, and such Decision shall be final, and the Costs attending or incident to such Reference or Inquiry shall be paid by such Parties, and in such Manner as the said Recorder or his Deputy, in his Discretion, shall order and adjudge.

Notice of Application to be given.

XXI. That before such Application shall be entertained it shall be incumbent on the Applicant to prove (unless the same be admitted) that Fourteen Days' Notice in Writing has been given to the Pasture Master, and to the Chairman or Deputy Chairman of the Pastures' Committee, of an Intention to make such Application.

XXII. That

General Meetings to be holden.

XXII. That the Burgage Owners shall hold Meetings from Time to Time, and their First Meeting shall be held on the First *Thursday* after the Twenty-fifth Day of *March* next, and a General Annual Meeting shall be held on the First *Thursday* after the Twenty-fifth Day of *March* in each Year thereafter.

How Meetings are to be convened.

XXIII. That all Meetings of the Burgage Owners shall be convened in conformity to the Terms prescribed in the Award of the Commissioner acting under the Authority of the "*Richmond* Burgage Pastures' Act, 1802," save and except that the Notice convening the Meeting shall be deemed sufficient if signed by the Chairman or Deputy Chairman of the Pastures' Committee, or by the Pasture Master, instead of being signed by Three Burgage Owners; and a Copy of every Notice convening a Meeting shall also be sent through the Post to every Burgage Owner whose Name shall appear on the Register of Burgage Owners.

Place of Meeting.

XXIV. That every Meeting shall be held in the Town Hall of the Borough of *Richmond*, or in such other convenient Place within the Borough as shall be named in the Notices convening such Meeting.

Adjournment of Meeting.

XXV. That every Meeting of Burgage Owners may be adjourned from Time to Time and from Place to Place, and, except as regards any Meeting adjourned to a later Hour of the same Day, or to the next Day, Notice thereof shall be sent through the Post to each registered Burgage Owner.

Business to be transacted at Meetings.

XXVI. That all Matters relating to the Appropriation of the Revenues to be derived from the Burgage Pastures shall be discussed, debated, and determined at any Meeting of Burgage Owners, or any Adjournment thereof: Provided always, that no Business shall be entered upon at any Meeting, other than the General Annual Meeting, but such as shall be set forth in the Notice convening such Meeting, and no adjourned Meeting shall enter upon any other Business than that which was left unfinished at the Meeting so adjourned.

Mode and Scale of Voting.

XXVII. That all Burgage Owners shall be entitled to attend each Meeting and every Adjournment thereof, personally or by Proxy, and to vote thereat accordingly; and all Resolutions of such Meeting shall be determined by the Majority of the Votes of the Burgage Owners so present, personally or by Proxy; and every Burgage Owner having One, or any Number of Burgage Tenements not exceeding Four, shall have One Vote, and every Burgage Owner having Five Burgage Tenements shall have Two Votes, and an additional

additional Vote for every Five Burgage Tenements beyond the first Five Burgage Tenements owned by him, but so that no One Person shall be entitled to more than Ten Votes; and in case there should be an Equality of Votes the Chairman presiding at such Meeting shall have a Second or Casting Vote: Provided always, that no Person claiming to be a Burgage Owner shall be entitled to vote at any Meeting, or participate in the Funds to be derived from the said Burgage Pastures, unless his Name, and the Number of Stints to which he may claim to be entitled, shall have been inserted in and remain on the Register of Burgage Owners; and all Joint Owners and Tenants in Common of One or more Burgage Tenements shall vote by Proxy, but it shall be competent for them to appoint One of themselves such Proxy: Provided also, that every Resolution of every such Meeting shall be carried into effect by and through the Medium of the Pastures' Committee.

Votes of Lunatics, Minors, &c.

XXVIII. That if any Burgage Owner be a Lunatic or Idiot, such Lunatic or Idiot may vote by his Committee, and if any Burgage Owner be a Minor he may vote by his Guardian or any One of his Guardians, and every such Vote may be given either in Person or by Proxy.

Regulations as to Proxies.

XXIX. That no Person shall be entitled to Vote as a Proxy unless the Instrument appointing such Proxy have been transmitted to the Pasture Master Twenty-four Hours before the Time appointed for holding the Meeting at which such Proxy is to be used.

Form of Proxy.

XXX. That every Instrument appointing such Proxy may be according to the Form in the Schedule to this Act annexed, or in a Form to the like Effect, under the Hand of the Party nominating such Proxy.

Authority to sue and be sued.

XXXI. That the Burgage Owners shall sue and be sued and they shall be made and become Parties to all Actions and Suits or other Proceedings at Law or in Equity or otherwise in respect of all Claims, Contracts, Torts, Trespasses, and Matters in any way affecting or arising in respect of the said Burgage Pastures, by the Name, Style, and Designation of "The Burgage Owners of the Borough of "*Richmond* in the North Riding of the County of *York*;" and all such Actions, Suits, and Proceedings shall be commenced, prosecuted, defended, continued, compromised, or abandoned under the Authority and by the Direction of the Pastures' Committee; and no Action, Suit, or other Proceeding shall abate by reason of any Change in the said Pastures' Committee, or any Change in the Constitution of the Burgage Owners; and all Processes and Notices shall be deemed to have been effectually served if the same shall have been served upon the Chairman or Deputy Chairman of the Pastures' Committee, or

upon the Pasture Master, and all such Notices required to be given by or on behalf of the Burgage Owners shall be deemed sufficient if signed by the Chairman or Deputy Chairman of the Pastures' Committee, or by the Pasture Master.

Pastures' Committee to appoint Officers.

XXXII. That the Pastures' Committee shall appoint, and from Time to Time remove, as they see fit, a Pasture Master, Field Reeves, Herds, and such other Officers as they may from Time to Time deem it expedient to appoint, for the better Management and Protection of the said Burgage Pastures; and such Pasture Master, Field Reeves, Herds, and other Officers shall in all respects be under the Control and Direction and carry into effect and execute the Orders and Instructions of, the Pastures' Committee, and they shall be paid such reasonable Salaries or Allowances as the Pastures' Committee shall appoint.

Annual Report and Account of Pastures' Committee.

XXXIII. That the Pastures' Committee shall submit to a Meeting once in every Year, to be holden on the First *Thursday* after the Twenty-fifth Day of *March*, a full Report of their Proceedings during the preceding Year, and a full Statement of Account made up to the End of such preceding Year, and showing all their actual Receipts and Expenditure during the same Period, with all Vouchers and Particulars in support and explanation of such Account, and shall submit to such Meeting a Balance Sheet showing the State and Prospects of the Burgage Pastures, and the Monies and Proceeds derived therefrom; and it shall be competent for the Burgage Owners at such Meeting to appoint Auditors to investigate and report upon such Account, and the Auditors, when so appointed, shall make a Report on such Account; and every such Report of the Pastures' Committee and of the Auditors shall be read at such Meeting or any Adjournment thereof, or at the next Meeting of Burgage Owners; and the Pastures' Committee and Auditors respectively shall make at every such Meeting such Explanations of their respective Reports and Account as may be required by any of the Burgage Owners present thereat.

Vesting of Monies and Application of Proceeds of Burgage Pastures.

XXXIV. That the Sum of Five hundred and fifty-five Pounds Seven Shillings and Twopence, now in the Hands of Messieurs *Roper* and *Priestman*, Bankers in *Richmond* aforesaid, to the Credit of the Committee of Burgage Owners, and all other Monies derived from the said Burgage Pastures in the Hands of any Person or Persons who shall have been intrusted therewith, shall from and after the passing of this Act be vested in the Pastures' Committee, and shall be recoverable by them in the Names of the Burgage Owners, as herein-before provided; and all such Monies, and all Monies to be hereafter received by the said Pastures' Committee in respect of the Stints, yearly Rents, or Profits of the said Burgage Pastures, or of any other

other Rights or Interests therein, shall be applied by the Pastures' Committee, but subject to the Provisions herein-before contained in the manner herein-after mentioned; that is to say,

First, in Payment and Discharge, in such Order as shall be deemed most convenient, of all the Costs, Charges, and Expenses of and attending or incident to the preparing, applying for, and obtaining and passing this Act, or in any way relating thereto:

Second, in Payment of all Taxes, Rates, Assessments, Tithe Commutation Rentcharges, Indemnities, and other Outgoings, in respect of the said Burgage Pastures, which ought to be borne and paid by the said Burgage Owners, or which are hereinbefore directed to be paid or retained from the Proceeds of the Burgage Pastures:

Third, in Payment of the Salaries and Wages of the Pasture Master, Field Reeves, Herds, and other Officers of the said Burgage Pastures, and of all Costs, Charges, and Expenses of and attending the keeping in good Order and Repair the Gates, Fences, Ditches, Drains, and Watercourses upon or belonging to the said Burgage Pastures, and cleansing and keeping in repair the Pipes and Reservoirs for the Supply of Water thereto, and in maintaining a Supply of Water thereto, and in the maintaining of the Buildings already erected by the Burgage Owners on the said Burgage Pastures, and in the Erection and maintaining upon the said Burgage Pastures of any Buildings which it may be deemed expedient at any Time hereafter to erect or maintain thereon, and in the making of any temporary or permanent Improvements on the said Burgage Pastures, and of all other Costs and Expenses incurred in and about the Management and Improvement of the said Burgage Pastures, or in the Execution of the Provisions of this Act, or anywise in relation thereto:

And, subject to the foregoing Application, the net Surplus of the Funds of the said Burgage Owners derived and to be derived from the said Burgage Pastures shall in each Year be divisible amongst the Persons whose Names shall be duly registered in "The Register of Burgage Owners," in proportion to the Number of their several and respective Burgage Tenements and Rights of Stint on the said Burgage Pastures.

Burgage Owners may recover their Proportion of Income.

XXXV. That every Burgage Owner shall be entitled to receive his divisible Proportion of such net Surplus from the Pastures' Committee on the Expiration of Fourteen Days after the Meeting to be holden on the First *Thursday* after the Twenty-fifth Day of *March* in each Year, or any Adjournment thereof, at which such Surplus shall have been ascertained, and in case of Nonpayment thereof may recover the same by Action at Law against the Burgage Owners, suing them in the Manner herein-before prescribed, and the Amount such

such Burgage Owner may recover shall, along with such Costs as may be allowed him, be leviable and shall be levied on the Funds of the Burgage Owners in the Hands of the Pastures' Committee; and on Execution being issued to levy the same; and the Pastures' Committee refusing or neglecting to satisfy such Execution the same may be levied on the Goods and Chattels of any individual Member of the Pastures' Committee.

Officers to account, on Demand.

XXXVI. That every Officer employed by the Burgage Owners shall from Time to Time, when required by the Pastures' Committee, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account in Writing under his Hand of all Monies received by him on behalf of the Burgage Owners; and such Account shall state how and to whom and for what Purpose such Monies shall have been disposed of, and, together with such Account, such Officer shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Pastures' Committee, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

Summary Remedy against Parties failing to account.

XXXVII. That if any such Officer fail to render such Account, or to produce and deliver up all the Vouchers and Receipts relating to the same, in his Possession or Power, or if he shall destroy, mutilate, or render illegible any of such Vouchers or Receipts, or if he fail to pay the Balance of such Account when thereunto required, or if for Three Days after being thereunto required he fail to deliver up to the Pastures' Committee, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things in his Possession or Power relating to the Execution of this Act or the said recited Act, or belonging to the Burgage Owners, then, on Complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before Two or more Justices at a Time and Place to be set forth in such Summons, to answer such Charge; and upon the Appearance of such Officer, or, in his Absence, upon Proof that such Summons was personally served upon him or left at his last known Place of Abode, such Justices may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer or upon Evidence, or upon Inspection of the Account, that any Monies of the Burgage Owners are in the Hands of such Officer, or owing by him to the Burgage Owners, such Justices may order such Officer to pay the same, as well as such Costs attending such Complaint as such Justices shall think fit, and if he fail to pay the Amount it shall be lawful for such Justices to grant a Warrant to levy the same by Distress.

XXXVIII. That

Officers refusing to deliver up Documents, &c. to be imprisoned.

XXXVIII. That if any such Officer refuse to make out such Account in Writing, or to produce and deliver to the Justices the several Vouchers and Receipts relating thereto, or to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Burgage Owners, such Justices may lawfully commit such Offender to Gaol, there to remain until he shall have made out such Account, and shall have delivered up all the Vouchers and Receipts, if any, in his Possession or Power, relating thereto, and have delivered up all Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power, belonging to the Burgage Owners; and if any such Officer shall have destroyed, mutilated, or rendered illegible any of such Vouchers or Receipts, Books, Papers, or Writings, such Justices may lawfully commit such Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months.

Power to Pastures' Committee to make Rules, &c.

XXXIX. That it shall be lawful for the Pastures' Committee from Time to Time to make such Rules, Orders, and Regulations as they think fit for the Purpose of regulating the stinting of the said Burgage Pastures, and the Conduct of the Persons who shall stint the said Burgage Pastures under their Authority, and for regulating the Conduct of the Officers of the Burgage Owners, and for providing for the due Management of the Affairs of the Burgage Owners relating to the said Burgage Pastures in all respects whatsoever, and from Time to Time to alter or repeal any such Rules, Orders, and Regulations, and make others, provided such Rules, Orders, and Regulations be not repugnant to the Laws of *England*, or to the Provisions of this Act; and such Rules, Orders, and Regulations, and every Alteration and Repeal thereof or of any of them, shall be reduced into Writing, and shall be signed by the presiding Chairman of the Pastures' Committee at the Meeting at which such Rules, Orders, and Regulations shall be made or repealed.

Fines for Breach of Rules.

XL. That it shall be lawful for the Burgage Owners by such Rules and Regulations to impose such reasonable Penalties upon all Persons offending against such Rules, Orders, and Regulations, or stinting the said Burgage Pastures, or any Parts or Part thereof, without the Sanction of the Pastures' Committee, as the Burgage Owners shall think fit, not exceeding Forty Shillings for any One Offence; provided that all such Rules, Orders, and Regulations be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order a Part only of such Penalty to be paid, if such Justices shall think fit.

Penalties to be summarily recovered

XLI. That every Penalty imposed by any Rule, Order, or Regulation made in pursuance of this Act may be recovered by summary Proceedings before Two Justices; and on Complaint being made to any

before Justices.

any Justice he shall issue a Summons requiring the Party complained against to appear before Two Justices, at a Time and Place to be named in such Summons; and every such Summons shall be served upon the Party offending, either in Person or by leaving the same with some Inmate at his usual or last known Place of Abode; and upon the Appearance of the Party complained against, or, in his Absence, after Proof of the due Service of such Summons, it shall be lawful for Two Justices to proceed to the Hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before them, and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for such Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty incurred, as well as such Costs attending the Conviction as such Justices shall think fit.

Penalties to be levied by Distress.

XLII. That if forthwith upon any such Adjudication as aforesaid the Amount of the Penalty and of such Costs as aforesaid be not paid, the Amount of such Penalty and Costs shall be levied by Distress, and such Justices or either of them shall issue their or his Warrant of Distress accordingly.

Imprisonment in default of Distress.

XLIII. That it shall be lawful for such Justices or Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of such Justices or Justice, for his Appearance before them or him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justices or Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had within the Jurisdiction of such Justices whereon to levy such Penalty and Costs, they or he may, if they or he shall think fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to the Justices or Justice, then such Justices or Justice shall by Warrant cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty and Costs be sooner paid and satisfied.

Distress, how to be levied.

XLIV. That where in this Act any Sum of Money, whether in the Nature of a Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus

Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money, and the Expenses of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

XLV. That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such a Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Application of Penalties.

XLVI. That all Penalties and Forfeitures by this Act imposed or authorized to be imposed for any Offence against the same shall, when levied, be paid to or for the Use of the Burgage Owners, to be applied in aid of the Funds to be derived from the said Burgage Pastures, and shall be applied accordingly; and the Receipt of the Pasture Master for the Time being, or of any other Person authorized by the Pastures' Committee to receive the same, shall be a good Discharge for the Amount expressed in such Receipt to have been received.

Saving Rights of Mayor, &c. of the Borough of Richmond.

XLVII. Provided always, That this Act shall not affect, prejudice, weaken, or destroy the Right and Interest of the Mayor, Aldermen, and Burgesses of the Borough of *Richmond* aforesaid, and their Successors, to and in the Soil of the said Burgage Pastures now used as a Race Ground and Training Ground, or to or in a certain Building on the said Race Ground called the "*Winning Chair*," or to or in the Mines, Minerals, Stone, and other Substrata under such Parts of the said Burgage Pastures as are now used as a Race Ground and Training Ground, or their Right to hold Fairs and Markets in and upon the same or any Part thereof, in such Manner as they have been heretofore used and accustomed to hold such Fairs and Markets, or their Right to any Seignories, Royalties, Franchises, and Manorial Jurisdictions which they the said Mayor, Aldermen, and Burgesses previous to the passing of this Act were entitled to have, hold, use, exercise, or enjoy in or upon the said Burgage Pastures now used as a Race Ground and Training Ground, or any Part thereof; and that all such Rights and Interests of the said Mayor, Aldermen, and Burgesses, and their Successors, shall be saved and excepted out of the Operation of this Act.

Saving Rights of the Public to the Race Ground, &c.

XLVIII. Provided also, That this Act shall not affect, prejudice, weaken, or destroy the Right of the Public to use as a Race Ground in as full and ample a Manner as hitherto has been done that Part of the said Burgage Pastures which has been used for several Years past as a Race Ground, and whereon the Stand for viewing the Races has

has been erected, or the Right or Interest of the Subscribers of the said Stand to and in the said Stand, and the Space of Ground comprised within the sunk Fence or Inclosure whereon the said Stand is erected, or the Exercise of the Powers of the said Subscribers or of any Committee of the said Subscribers of the said Stand for the Time being for the Control and Management of the said Stand for the Benefit and Advantage of the Subscribers thereof.

Saving Rights of the Crown.

XLIX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Persons and Person, and Corporation, whether sole or aggregate, and to their, his, and her Heirs, Executors, Administrators, and Successors, (other than the Mayor, Aldermen, and Burgesses of the Borough of *Richmond* in respect of any Approvements made by the said Burgage Owners on the said Common Pastures, and of any Buildings erected on the same, and of any Approvements made by Purchase, as heretofore mentioned, and other than the Persons who are or may become entitled to or interested in the ancient Burgage Tenements in the said Borough, and saving to them, excepting as regards the stinting and Management of the said Burgage Pastures, all other their Rights, Franchises, and Privileges) all such Estates, Rights, Titles, and Interests of, in, or to the said Burgage Pastures, as they, every, or any of them now have, hold, or enjoy, or were entitled to have, hold, or enjoy before the passing of this Act, or could, might, or ought to have held or enjoyed in case this Act had not been passed.

The SCHEDULE referred to in the foregoing Act.

Form of Proxy.

RICHMOND BURGAGE PASTURES.

A. B., an Owner of [ ] Burgage Tenements, doth hereby appoint *C. D.* of , to be the Proxy of the said *A. B.*, in his Absence to vote in his Name upon any Matter relating to the Richmond Burgage Pastures to be proposed at the Meeting of the Burgage Owners to be held on the Day of , in such Manner as he the said *C. D.* doth think proper. In witness whereof the said *A. B.* hath hereunto set his Hand, the Day of 18

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