ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 61.

An Act for inclosing Lands in the Manor of *Skelton*, in *Cleveland*, in the County of *York*.

[15th *April* 1813.]

WHEREAS there are within the Manor of *Skelton*, in *Cleveland*, in the County of *York*, divers Moors, Commons and Waste Grounds, containing together Six thousand Acres, or thereabouts, called *The High Moor*, *The Low Moor*, *Boosbeck*, *Manless Green*, and *Town Green*: And whereas *John Wharton* Esquire is Lord of the Manor of *Skelton* aforesaid: And whereas the said *John Wharton*, *Richard Scarth* Esquire, *Robert Colling* Esquire, *Thomas Wilkinson* Esquire, and divers other Persons, are Owners of Lands, Tenements, and Hereditaments within the said Manor of *Skelton*, in the said Parish of *Skelton*: 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 Open and unincloſed Grounds in the said Manor are in their present State incapable of any considerable Improvement; and inasmuch as such Improvement 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 *John Humphries* of *Ripon*, in the said County of *York*, Gentleman, shall be and he is hereby appointed the Commissioner for dividing, allotting, and inclosing the Moors, Commons, and Waste Lands, or Open and unincloſed Grounds within the said Manor of *Skelton*, and Commissioner.

and for carrying this Act and the said recited Act into Execution, under and subject to such of the Regulations, Restrictions and Provisions, contained in the said recited Act, as are not varied or altered by or repugnant to the Powers and Provisions of this Act.

A Justice may administer the Oath.

II. And be it further enacted, That any One Justice of the Peace for the North Riding of the County of *York* shall have Power and he is hereby authorized to administer the Oath or Affirmation mentioned in the said recited Act to the said Commissioner and his Successors.

Commissioner to give Notice of his declining to act.

III. And be it further enacted, That in case the said *John Humphries*, or any other Person to be appointed a Commissioner in his Stead for carrying this Act into Execution, shall decline or refuse to act in the Execution of this and the said recited Act, then and in such Case he shall give Notice in Writing to the Lord of the Manor of *Skelton* aforesaid of such his declining or refusing to act, and such Notice shall be as valid and effectual as if given in Manner directed by the said recited Act.

Appointment of new Commissioner.

IV. And be it further enacted, That in case the said *John Humphries*, or any other Person to be appointed a Commissioner to put this Act into Execution, shall happen to die or become incapable of acting, or shall decline or refuse to act, then and in such Case the Lord of the said Manor shall, within One Calendar Month after such Death or Incapacity, or declining or refusing shall be known to him, either by such Notice as aforesaid, or otherwise, nominate, in Writing under his Hand to the other Proprietors of or Persons interested in the Lands and Grounds hereby directed to be divided and inclosed, Three other proper Persons, having respectively theretofore been Commissioners under the Authority of at least Three several Acts for the Inclosure of Lands or Grounds in the North Riding of the said County of *York*, and shall, by Writing under his Hand at the Foot of such Nomination, fix some Day within One Calendar Month afterwards, but not sooner than Fourteen Days, for a Meeting of the Proprietors of Lands and Grounds within the said Manor of *Skelton*, to be holden in the Parish Church of *Skelton* aforesaid, at the Hour of Twelve at Noon, for electing and choosing out of the Three Persons so to be nominated as aforesaid One proper Person (not interested in the said Inclosure) to be a Commissioner for putting this and the said recited Act into Execution, instead of the said *John Humphries*, or any Person to be appointed a Commissioner in his Stead, which Nomination and Notice shall be placed on the principal Door of the Parish Church of *Skelton* aforesaid, and published in the same immediately after Divine Service and Sermon on the *Sunday* next after such Nomination; and shall be also advertised Once at least in each of the public Newspapers published in the City of *York*; and at such Meeting the major Part in Value of the Proprietors of and Persons interested in the Lands and Grounds hereby directed to be divided and inclosed, exclusive of the Lord of the said Manor (such Value to be ascertained by the Land Tax Assessment) who shall be present at such Meeting, shall nominate, in Writing under their Hands, some one of the Three Persons so to be nominated by the Lord of the said Manor as aforesaid to be a Commissioner in the room of the said *John Humphries*; and the Person so from Time to Time to be nominated at such Meeting shall, on taking the Oath or Affirmation

mentioned and prescribed in and by the said recited Act, have and be invested with such and the same Powers and Authorities as are by this Act or the said recited Act given to or vested in the said *John Humphries*.

Commissioner to give Notice of his Attendance.

V. And be it further enacted, That the said Commissioner shall and he is hereby required, upon some *Sunday* immediately after Divine Service, to cause Notice in Writing to be affixed on the principal outer Door of the Parish Church of *Skelton* aforesaid, of the Time and Place of his first and every succeeding Attendance for executing the Powers hereby vested in him, at least Ten Days before such Attendances respectively (Attendances by Adjournment only excepted); and all the Attendances of the said Commissioner shall be held at *Skelton* aforesaid, or at some convenient Place within Five Miles of the Boundary of the said Manor of *Skelton*.

Other Notices how to be given.

VI. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made or given by the said Commissioner in pursuance of the said recited Act or this Act, or either of them, shall be made and given by Writing to be affixed upon the principal outer Door of the said Church, upon a *Sunday* immediately before or after Divine Service, and by Advertisement to be inserted in some Newspaper then published in the said City of *York*.

Commissioner to settle Disputes.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be 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, over, upon, or out of the Lands and Grounds hereby directed to be divided and inclosed, or in, over, upon, or out of any Part or Parts thereof, or touching or concerning any Matter or Thing relating to the said Division and Inclosure, it shall be lawful for the said Commissioner to examine into, hear, and determine all and every such Dispute or Difference.

Commissioner not to determine Titles nor molest Possession.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorise or empower the said Commissioner to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any of such Parties (except in Cases of Encroachments); but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment, or other due Course of Law.

Power to assess Costs.

IX. And be it further enacted, That in case the said Commissioner, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this or the said recited Act, or of any Dispute or Difference between any of the said Parties interested in the said Division and Inclosure, shall see cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination

tion of the ſaid Commiſſioner ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or overruled; 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 within Ten Days after Demand thereof ſhall be made, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authoriſed and required, 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 refuſing to pay, rendering the Overplus to ſuch Perſon or Perſons upon Demand, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Allowing Parties to try their Rights at Law.

X. 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 Commiſſioner, touching or concerning any Claim or Claims of any Rights or Intereſts in, over, or upon the Lands or Grounds hereby directed to be divided and incloſed, or any Part thereof, then and in every ſuch Caſe it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law of the Matters ſo determined by the ſaid Commiſſioner, at the next Aſſizes to be holden for the ſaid County of *York*, provided the Determination of the ſaid Commiſſioner ſhall have been made and ſignified to the Party or Parties ſo diſſatisfied at leaſt Two Calendar Months before the ſaid Aſſizes, if otherwiſe, then at the next Aſſizes but one to be holden for the ſaid County of *York*; and for that Purpoſe the Perſon or Perſons who ſhall be ſo diſſatisfied with the Determination of the ſaid 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 Four Calendar Months next after the Determination of the ſaid Commiſſioner ſhall be made known; 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 appeal thereto, or file Common Bail, and accept one or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer 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 ſaid Court to do, as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the ſaid Court, the ſaid Commiſſioner ſhall and he is hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the ſaid Commiſſioner, 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 be brought and proceeded in as aforeſaid, ſhall be binding and concluſive upon all Parties.

XI. And

If Parties die Proceedings 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 Action, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Death had happened.

In Caſes of Deaths of Parties before Actions brought the ſame to be carried on and defended in their Names.

XII. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Bodies Politic or Corporate, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame, within the Time ſo limited as aforeſaid, againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk to the ſaid Commiſſioner with Proceſs for commencing ſuch Action or Actions, in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall be thereupon incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead; and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living, and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Suits reſpecting Titles not to impede the Execution of the Act.

XIII. And be it further enacted, That if any Suit or Suits ſhall be commenced or proſecuted touching or concerning the Title of any Perſon or Perſons in or to any Lands, Tenements, or Hereditaments, for or in reſpect of which any Right or Intereſt in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, ſhall be claimed, ſuch Suit or Suits ſhall not impede, delay, or hinder the ſaid Commiſſioner from proceeding in the Execution of the Powers veſted in him by this Act, but the ſaid Diviſion, Allotment, and Incloſure, ſhall be proceeded in notwithſtanding ſuch Suit or Suits, and the Allotment may be had and taken by the Perſon or Perſons who upon the Determination of ſuch Suit or Suits ſhall become entitled to the ſame.

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

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

Commiſſioner to fill up Ditches and alter Watercourſes.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to cauſe any Ditches, Fences, Drains, Brooks or Watercourſes, in or upon the Lands and Grounds hereby directed to be divided and incloſed, and in or upon any other Lands and Grounds within the ſaid

ſaid Manor of *Skelton*, and between or dividing the ſaid Manor and any adjoining Pariſh or Place to be cleanſed, opened, ſcoured, widened, deepened, made, diverted, turned, enlarged or conveyed, in ſuch Courſe and through ſuch Lands and Grounds as he ſhall judge neceſſary and convenient, and to make ſuch Orders for maintaining and keeping the ſame in Repair as he ſhall think proper, provided that no ſuch Works ſhall be made upon any other Lands and Grounds than thoſe hereby directed to be incloſed, without the previous Conſent of the Owner or Owners thereof, teſtified in Writing under his, her, or their Hand or Hands; and that no ſuch Brook or Watercourſe ſhall be made, diverted or turned, without the Conſent in Writing of the Owner or Owners of the Lands from which any ſuch Brook or Watercourſe ſhall be propoſed to be diverted or turned, and alſo of the Owner or Owners of the Lands through or into which the ſame ſhall be intended to be carried or conveyed; and all Hedges, Ditches, Fences, Drains, Bridges, Gates, Stiles, Common Sewers, Watercourſes, Sluices, Cloughs, Flood Gates, Banks, and Improvements ſo to be ſet out and appointed as aforeſaid, ſhall be made and completed, and at all Times thereafter cleanſed, maintained, and kept in Repair, by ſuch Perſon or Perſons, and in ſuch Manner as the ſaid Commiſſioner ſhall by his Award, to be by him made in purſuance of this or the ſaid recited Act, order, direct, and appoint; and the Jury for the Court Leet and Court Baron of the Manor of *Skelton* ſhall yearly, within One Month after the Feaſt of *Saint Michael* the Archangel, and at ſuch other Time and Times as the ſame Jury reſpectively ſhall think proper, view all and every or any Part of the ſaid Hedges, Ditches, Fences, Drains, Bridges, Gates, Stiles, Common Sewers, Watercourſes, Sluices, Cloughs, Flood Gates, Banks, public Watering Places and Improvements, and ſhall, at the next Court Leet or Court Baron to be holden for the ſaid Manor, preſent all ſuch Defaults and Defects as they ſhall find in the cleanſing, repairing or maintaining, any ſuch Hedges, Ditches, Fences, Drains, Bridges, Gates, Stiles, Common Sewers, Watercourſes, Sluices, Cloughs, Flood Gates, Banks, public Watering Places and Improvements; and the Steward of the Courts of the ſaid Manor ſhall fine and amerce the ſeveral and reſpective Perſons preſented as Defaulters in ſuch Sum or Sums of Money as the ſame Steward, with the Conſent of the ſame Jury, ſhall think proper, not being more than Double the Expence which the cleanſing, repairing and maintaining, preſented as being in default or defective, ſhall or may amount unto; and all ſuch Amerciaments ſhall be made and levied by Warrant under the Hand and Seal of the ſaid Steward, by Diſtreſs and Sale of the Goods and Chattels (within the ſame Manor) of the Perſon ſo fined and amerced reſpectively, and the ſame when ſo levied ſhall be applied to the Uſe of the Lord of the ſaid Manor.

Commiſſioner may divert Roads.

XVI. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authoriſed and required, in all Caſes where in his Judgment it ſhall appear to be requiſite or proper, or for the more convenient Occupation of the Lands and Tenements within the ſaid Manor of *Skelton*, to divert and turn, with the Conſent of Two Juſtices, any old or accuſtomed Road, public Way or Path, paſſing or leading through or over any Part of the Incloſures within the ſaid Manor, or to ſtop up or diſcontinue ſuch Roads, Ways and Paſſages, as to the ſaid Commiſſioner ſhall ſeem meet and proper, ſubject nevertheleſs to ſuch Proviſions and

under

under such Regulations as are contained in the said recited Act respecting the stopping up of any old or accustomed Road.

Allotments for Materials for Repair of Roads.

XVII. And be it further enacted, That the said Commissioner shall set out and allot in convenient Places from the Moors, Commons, and Waste Grounds within the said Manor of *Skelton*, Stone Quarries, which shall be in his Judgment sufficient in all Times to come to supply the Repairs of all public and private Roads, and of all public and private Fence-walls of any Allotment or Allotments within the same Manor of *Skelton*; and the Soil and Herbage of every such Allotment or Allotments for Stone Quarries shall be vested in the Lord of the Manor of *Skelton* for the Time being; and the same Allotments shall be fenced, and such Fences repaired and maintained in such Manner as the said Commissioner shall direct and appoint.

Allotment of Land to the Lord, and Residue.

XVIII. And be it further enacted, That the said Commissioner shall, in the next Place, set out and allot unto and for the said *John Wharton*, as Lord of the Manor of *Skelton* aforesaid, One Seventeenth Part in Value of all the Moors, Commons, and Waste Grounds within the said Manor of *Skelton*, and shall then set out and allot all the then Residue of the said Moors, Commons, Waste Grounds, and other Open and unenclosed Grounds within the said Manor of *Skelton*, unto and amongst the said *John Wharton*, and the several other Owners and Proprietors thereof and Persons interested therein, in Proportion to their several and respective Lands, Rights, and Interests therein respectively.

Fencing Curates Allotments.

XIX. Provided always, and be it further enacted, That all such Allotment and Allotments as shall be made in pursuance of this Act to the Curate of *Skelton* aforesaid, in respect of Glebe, shall, within Six Calendar Months next after staking and setting out such Allotments, be well and sufficiently inclosed and fenced with an outward or Ring-fence, planted with good transplanted Quickwood, and guarded with good Oak Posts, and Three good Riven Rails, or Two Sawn Rails, between such Posts, together with proper Gates and Oak Gate-posts, and proper Iron-work for the hanging such Gates, and be well and sufficiently ditched, such Posts and Rails, where such Ring-fence shall adjoin a public or private Road, to be set and fixed on the Outside of the Ditches, at any Distance not exceeding Four Feet from such Quickwood or Quicksets, by and under the Direction of the said Commissioner, at the Expence of the other Owners and Proprietors of the Lands and Grounds within the said Manor of *Skelton*; and such Proportion of the said Fences, as the said Commissioner shall judge reasonable and direct and appoint, shall be for ever afterwards repaired, supported, and maintained by the said Curate and his Successors respectively.

New Allotments to remain to the same Uses.

XX. And be it further enacted, That the several Lands and Grounds so to be allotted and awarded upon the said Division, Allotment, and Inclosure to the several Persons interested, or which shall be exchanged in pursuance of this or the said recited Act, shall, immediately after the making of such Allotments, be, remain and enure, and the several Persons to whom the same shall be so respectively allotted and awarded shall from thenceforth stand and be seised and possessed thereof to such and the same Uses, Estates, Trusts and Purposes, and subject to such and the

ſame Wills, Settlements, Limitations, Powers, Remainders, Leaſes (except at Rack Rent), Charges and Incumbrances, as the ſeveral and reſpective Meſſuages, Lands, Tenements, old Incloſures, new Allotments, or other Hereditaments, in lieu whereof ſuch Allotments or Exchanges ſhall be reſpectively made as aforeſaid, are now held under or ſubject to, or liable to be charged with or affected by, or might or could have been held under or ſubject to, or liable to be charged with or affected by, in caſe this Act had not been made.

For making Exchanges.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to ſet out, allot, and award any Lands, Tenements, and Hereditaments in the ſaid Pariſh of *Skelton*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Pariſh, or within any adjoining Pariſh, Hamlet, Manor, Townſhip or Place, provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioner, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate or Collegiate, or Tenant or Tenants in Fee Simple or in Fee Tail General or Special, or for Life, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every Exchange and Exchanges ſo to be made ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchanges ſhall be made of any Lands, Tenements or Hereditaments, held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid, of the Patron thereof, and of the Lord Archbiſhop or Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged, ſhall lie and be ſituate.

Expences of Exchanges and Partitions by whom paid.

XXII. And be it further enacted, That the Coſts, Charges, and Expences attending the making and completing of any Exchanges or Partitions to be made under or by virtue of the ſaid recited Act or this Act, ſhall be paid, borne, and defrayed by the ſeveral Perſons conſenting to the making ſuch Exchanges, in ſuch Manner and in ſuch Shares and Proportions as the ſaid Commiſſioner ſhall by his Award order and direct.

Allotments to be of ſame Tenure.

XXIII. And be it further enacted, That all and every the Allotments to be made by virtue of this Act to the Owners or Proprietors of any Meſſuages, Lands or Hereditaments, or in Right or in reſpect thereof, ſhall, from and immediately after the ſame ſhall be ſo ſet out and allotted by the ſaid Commiſſioner, be of the ſame Tenure reſpectively as the Meſſuages, Lands, or Hereditaments in reſpect whereof the ſaid ſeveral Allotments ſhall be reſpectively made.

XXIV. And

Expences of the Act.

XXIV. And be it further enacted, That for the Purpoſe of defraying the Expences of obtaining and paſſing of this Act, and of executing the Powers hereby and by the ſaid recited Act given to the ſaid Commiſſioner, the ſaid Commiſſioner ſhall make a fair and equal Aſſeſſment on all the Proprietors of and Perſons intereſted in the Lands within the ſaid Manor of *Skelton* (except the ſaid Curate in reſpect of his Glebe Lands), according to the Value of ſuch Lands; and the Benefit of the Proprietor thereof ſhall be deemed by the ſaid Commiſſioner to obtain by virtue of the Execution of this and the ſaid recited Act, and ſhall, according to the Diſcretion of ſuch Commiſſioner, either raiſe the ſame in Manner directed by the ſaid recited Act, or by levying the ſame on the Goods and Chattels of ſuch Proprietor: Provided always, that the ſaid Commiſſioner ſhall not ſell any Part or Parts of the Allotments to be made to any Proprietor under the Authority of the ſaid recited Act, if ſuch Proprietor ſhall pay or duly tender to the ſaid Commiſſioner the Amount of his Rate or Aſſeſſment within One Week after he ſhall have Notice of ſuch the Amount thereof.

Allowance to Commiſſioner.

XXV. And be it further enacted, That out of the Money that ſhall be raiſed for defraying the Expences of obtaining and executing this Act there ſhall be paid to the ſaid Commiſſioner, as a Recompence for his Pains and Trouble, the Sum of Two Pounds Twelve Shillings and Sixpence, and no more, for each Day he ſhall be employed in travelling to, returning from, and attending at Meetings for the Execution of this or the ſaid recited Act; and that the ſaid Commiſſioner ſhall out of ſuch Allowance pay and defray all his travelling Charges, and alſo his own Expences, at Meetings to be held in purſuance of this Act.

Perſons paying Money on account of the Execution of this Act to be reimburſed with Intereſt.

XXVI. And be it further enacted, That if any of the Proprietors or Perſons intereſted in the Lands and Grounds hereby intended to be divided and incloſed, or any other Perſon or Perſons, ſhall advance and pay any Money in diſcharge of the Fees or other Expences of obtaining and executing this Act, the Money ſo paid and advanced ſhall be repaid and ſatisfied by the Direction of the ſaid Commiſſioner, together with lawful Intereſt for the ſame.

Commiſſioner to account.

XXVII. And be it further enacted, That Once at leaſt in each and every Year during the Execution of this Act, (ſuch Year to be computed from the Day of the paſſing of this Act,) the ſaid Commiſſioner ſhall and he is hereby required to make a true and juſt Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble and Expence in the Execution of this and the ſaid recited Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by him laid before ſome Juſtice of the Peace (not intereſted in the Premiſes) for the North Riding of the ſaid County of *York*, to be by him examined and balanced, and ſuch Balance ſhall be by ſuch Juſtice ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioner; and no Charge or Item in ſuch Account ſhall be binding on the Parties concerned, or valid in the Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice as aforeſaid.

Award to be made.

XXVIII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authoriſed to make an Award, as to the Matters and

Things hereby and by the ſaid recited Act authoriſed to be done by the ſaid Commiſſioner; and that the Award of the ſaid Commiſſioner to be made in purſuance of this and the ſaid recited Act ſhall, within Six Calendar Months after the ſame ſhall be ſigned by the ſaid Commiſſioner, be inrolled in the Regiſter Office kept at *North Allerton* for the North Riding of the County of *York*, and then be delivered to and left (together with a Plan annexed thereto) with the Curate and Churchwardens of the ſaid Pariſh of *Skelton*, to be by them kept with the Pariſh Regiſters in the Pariſh Church of *Skelton*, to the End that Recourſe may be had thereto for Inſpection or Peruſal within the ſaid Manor of *Skelton*.

Perſons aggrieved may appeal to the Quarter Seſſions.

XXIX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done or omitted to be done in purſuance of this Act or the ſaid recited Act, or by any Rule, Order, or Determination of the ſaid Commiſſioner, (other than and except ſuch Rules, Orders, and Determinations of the ſaid Commiſſioner, as are by this or the ſaid recited Act directed to be final, binding, or concluſive, and other than and except in ſuch Caſes where an Iſſue at Law ſhall be tried as herein-before mentioned,) then and in every ſuch Caſe he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace, to be holden in and for the North Riding of the County of *York*, within Four 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 the Matter thereof; and the Juſtices in the ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and to award ſuch Coſts, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts 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 Diſtreſs and Sale; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then the ſaid Juſtices may award ſuch Coſts to be paid by the Appellant or Appellants, as to the ſaid Juſtices in their Diſcretion ſhall ſeem reaſonable; and ſuch Coſts may be levied in Manner aforeſaid, and the Determination of the ſaid Juſtices in ſuch Appeal ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

General Saving.

XXX. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, his, her, or their Heirs, Succeſſors, Executors and Adminiſtrators, (except the ſeveral Perſons to whom any Allotment or Allotments ſhall be made in purſuance of this Act, for and in reſpect of ſuch Rights and Intereſts as are hereby meant and intended to be barred, deſtroyed, and extinguiſhed, and all Perſons claiming under them, or in Remainder after them,) all ſuch Right, Title, and Intereſt, as he, they, every, or any of them, could or ought to have had and enjoyed in, to, and out of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, in caſe this Act had not been made.

XXXI. And

XXXI. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorised to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them, shall be admitted as Evidence thereof by all Judges, Justices, and others. Act may be given in Evidence.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1813.