ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 147.

An Act for incloſing Lands in the Townſhip of *Stockton* in the County of *York*. [3d *June* 1813.]

WHEREAS there are within the Townſhip of *Stockton*, in the County of *York*, certain Open and unincloſed Lands, Commons, Commonable Lands and Waſte Grounds, containing together by Eſtimation One thouſand two hundred Acres or thereabouts: And whereas a certain Piece or Parcel of ſuch Lands and Grounds, containing by Eſtimation Twelve Acres or thereabouts, is commonly called or known by the Name of the *Common Piece*: And whereas *Benjamin Agar* Eſquire, and *Elizabeth Ware* Widow, are the Lord and Lady of the Manor of *Stockton* aforeſaid, the ſaid *Benjamin Agar* of Two undivided Third Parts thereof, and the ſaid *Elizabeth Ware* of the remaining undivided Third Part thereof: And whereas the Reverend *Thomas Bartholomew Woodman* Clerk, Maſter of Arts, is Prebendary of the Prebend of *Bugthorpe* in the Cathedral and Metropolitical Church of *Saint Peter* of *York*, and Lord of the Manor of *Bugthorpe* with *Stockton* in *Stockton*, and in Right of his ſaid Prebend claims to be entitled to certain Tythes, or to a Modus, or Money Payment in lieu thereof, yearly ariſing and renewing from and out of the Tytheable Lands, Tenements, and Hereditaments within the Townſhip of *Stockton* aforeſaid: And whereas the ſaid *Benjamin Agar* is Leſſee of the laſt mentioned Prebend or Manor, with the Appurtenances in *Stockton* aforeſaid, and of all Tythes and Hereditaments to the ſaid Prebend belonging, within the Pariſh, Townſhip, or Precincts of *Stockton* aforeſaid: And whereas the ſaid *Thomas Bartholomew*

Woodman, in Right of his aforesaid Prebend, is Patron of the perpetual Curacy of the Chapel of *Stockton* aforesaid; and the Reverend *William Noddins* Clerk, Bachelor in Divinity, is the Curate thereof, and claims to be entitled to certain Tythes or Moduses, or Money Payments in lieu thereof, yearly arising and renewing from and out of the Tytheable Lands, Tenements, and Hereditaments within the said Township of *Stockton*: And whereas the said *Benjamin Agar*, *Elizabeth Ware*, *Hall Plumer* Esquire, *John Pearson*, *William Pearson*, and several other Persons, are Owners and Proprietors of the Lands and Grounds hereby intended to be allotted, divided and disposed of, or entitled to Right of Common, or other Right or Interest, Rights or Interests, in or upon the same Lands and Grounds: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Open and unincloſed Lands, Commons, Commonable Lands and Waste Grounds, afford at present little Profit, but the same would, if divided and incloſed, be of great Advantage to the several Persons interested therein, and be of public Utility; but inasmuch as such Division and Inclosure 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 several Open and unincloſed Lands, Commons, Commonable Lands and Waste Grounds, situate, lying, and being within the Parish, Township, or Precincts of *Stockton* aforesaid (except certain Lands, Tenements, and Hereditaments commonly called or known by the Name of the *King's Moors*,) shall be set out, allotted, divided, incloſed, and disposed of, as soon as conveniently may be after the passing of this Act, in Manner herein-after mentioned; and that *John Tuke* of the City of *York* Gentleman, and *John Humphries* of *Ripon*, in the County of *York*, Gentleman, and their Successors, to be appointed as herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying the Purposes of this Act into Execution; and also such of the Powers and Authorities of the said recited Act as are not varied or altered by this Act, and under and subject to such of the Provisions and Regulations of the said recited Act as are not controlled by this Act.

Commissioners.

Appointment of new Commissioners.

II. And be it further enacted, That if the said *John Tuke*, or any Commissioner to be appointed in his Stead in Manner herein-after mentioned, shall die, refuse, decline, or neglect to act, or become incapable of acting in the Execution of this or the said recited Act, before the same shall be fully carried into Execution, then and as often as it shall so happen it shall be lawful for the said *Benjamin Agar*, his Heirs or Assigns, within Thirty Days next after the Death, Refusal, declining or neglecting to act, or becoming incapable of acting, of the said *John Tuke*, or any Commissioner to be appointed in his Stead, shall be made known to him or them, to appoint a new Commissioner, not interested in the said Division and Inclosure, in the Stead of the said *John Tuke*, or any such Commissioner who shall be appointed in his Stead.

III. And

III. And be it further enacted, That if the ſaid *John Humphries*, or any Commiſſioner to be appointed in his Stead in Manner herein-after mentioned, ſhall die, refuſe, decline or neglect to act, or become incapable of acting in the Execution of this or the ſaid recited Act, before the ſame ſhall have been fully carried into Execution, then and as often as it ſhall ſo happen it ſhall be lawful for the major Part in Value of the ſeveral Proprietors of ancient Meſſuages, Cottages and Tofts reſpectively, having Right of Common on the Lands and Grounds hereby intended to be allotted and divided, ſuch Value to be aſcertained by the Number of ſuch ancient Meſſuages, Cottages, and Tofts reſpectively, each being conſidered of equal Value (except the Prebendary of *Bugthorpe*, and his Succeſſors for the Time being, and his Leſſee, in reſpect of any ancient Meſſuage, Cottage, or Toft held by or under the ſaid Prebendary), who ſhall attend in their proper Perſons, or by their reſpective Agents, duly authorized in Writing under the reſpective Hands of any ſuch Proprietor being abſent, or under the Common Seal of any of them, being a Corporation Aggregate, at a Meeting to be holden for that Purpoſe in the Chapel of *Stockton* aforeſaid, within Thirty Days next after ſuch Death, Refuſal, declining or neglecting to act, or becoming incapable of acting, ſhall be made known to them, or any of them, of which Meeting Fourteen Days Notice at leaſt ſhall be given in Writing ſigned with the Name or Names of any One or more of the ſaid Proprietors, and affixed upon the principal Outer Door of the ſaid Chapel, and alſo by Advertiſement, to be inſerted in One of the public Newſpapers to be publiſhed in the City of *York* aforeſaid, to elect, nominate, and appoint, by themſelves or their Agents reſpectively, another Perſon, not intereſted in the ſaid Diviſion and Incloſure, to be a Commiſſioner in the Place of the ſaid *John Humphries*, or any Commiſſioner to be appointed in his Stead; and every Appointment of a Commiſſioner by virtue of this Act ſhall be reduced into Writing, and ſigned by the Perſon or Perſons making the ſame, and ſhall be forthwith delivered to the ſurviving or acting Commiſſioner: Provided always, that if it ſhall happen that the ſaid *Benjamin Agar*, his Heirs or Aſſigns, or if the Majority in Value of the ſaid ſeveral Proprietors, to be aſcertained as aforeſaid, ſhall neglect or omit to make ſuch Appointment of a new Commiſſioner in the Time and in Manner herein-before limited and directed for that Purpoſe, then and in every ſuch Caſe it ſhall be lawful for the ſurviving or acting Commiſſioner, and he is hereby required, at a public Meeting to be held after Notice given by him for that Purpoſe by Advertiſement, to be inſerted in One of the public Newſpapers to be publiſhed in the ſaid City of *York*, to appoint a new Commiſſioner in the Stead and Place of every Commiſſioner ſo dying, refuſing, declining or neglecting to act, or becoming incapable of acting; and every Appointment of a new Commiſſioner ſhall be annexed to and depoſited with the Award of the Commiſſioners, and a Copy thereof ſhall at all Times be admitted as legal Evidence in all Courts whatſoever; and every Commiſſioner to be appointed as herein-before mentioned, ſhall have the like and as ample Powers and Authorities for putting this and the ſaid recited Act into Execution in all Reſpects as the Commiſſioners named in and appointed by this Act are or were veſted with.

Appointment of Umpire.

IV. And be it further enacted, That after the ſaid Commiſſioners ſhall have taken and ſubſcribed ſuch Oath as they are required to take by the ſaid recited Act, and before they proceed to any other Buſineſs touch-

ing the Execution of this or the ſaid recited Act, they ſhall and are hereby authorized and required, by Writing under their Hands, to appoint ſome other Perſon not intereſted in the ſaid Diviſion and Incloſure, to be an Umpire in caſe of any Difference in Opinion between them in the Execution of this or the ſaid recited Act; and in caſe ſuch Perſon, or any other Perſon to be appointed an Umpire as herein-after mentioned, ſhall die, refuſe, decline or neglect to act, or become incapable of acting, the ſaid Commiſſioners ſhall and they are hereby required forthwith in like Manner to appoint another Perſon, not intereſted in the ſaid Diviſion and Incloſure, to be an Umpire in his Stead; and that whenever the ſaid Commiſſioners ſhall differ or diſagree in Opinion touching any Matter or Thing to be by them done or performed in purſuance of this or the ſaid recited Act, then and in every ſuch Caſe the Matter in queſtion ſhall be determined by the Umpire ſo to be appointed as aforeſaid, whoſe Determination therein ſhall be deemed and acted upon as the Determination of the ſaid Commiſſioners.

Umpire to be ſworn.

V. Provided always, and be it further enacted, That no Perſon ſhall be capable of acting as Umpire in the Execution of this or the ſaid recited Act until he ſhall have ſubſcribed and taken the Oath or Affirmation in the Words or to the Effect following; (that is to ſay)

'I *A. B.* do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm] That I will faithfully, honeſtly and impartially, according to the beſt of my Skill and Ability, execute and perform the Powers and Authorities repoſed in me as Umpire by virtue of an Act paſſed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act for incloſing Lands in the Townſhip of* Stockton *in the County of* York, according to Equity and good Conſcience, and without Partiality, Favour or Affection, Prejudice or Malice to any Perſon or Perſons whomſoever. So help me GOD.'

Which Oath or Affirmation it ſhall be lawful for either of the ſaid Commiſſioners to adminiſter, who is hereby required to adminiſter the ſame, and ſuch Oath or Affirmation, when ſo ſubſcribed and taken by ſuch Umpire, ſhall be annexed to and depoſited with the Award of the ſaid Commiſſioners.

Clerk to be appointed.

VI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby empowered and required to appoint a Clerk to aſſiſt them in the Execution of the Powers of this and the ſaid recited Act.

Commiſſioners to give Notice of their Attendances.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to give Notice in One of the public Newſpapers to be publiſhed in the City of *York*, of the Time and Place of their Firſt and Second Attendance for receiving Claims, and every ſubſequent Attendance for hearing and determining the ſame, and of all other Attendances for executing the Powers hereby veſted in them, at leaſt Ten Days before every ſuch Attendance (Attendances by Adjournment only excepted); and all Attendances of the ſaid Commiſſioners ſhall be held within the ſaid Townſhip of *Stockton*, or within Eight Miles thereof, at the Diſcretion of the ſaid Commiſſioners; and the ſaid Commiſſioners and Umpire, and all the ſaid Proprietors,

Proprietors, ſhall at all Attendances for executing this or the ſaid recited Act pay their own Expences.

Other Notices how to be given.

VIII. And be it further enacted, That all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioners in purſuance of this or the ſaid recited Act, ſhall be made and given by Advertiſement to be inſerted in one of the public Newſpapers to be publiſhed in the City of *York* aforeſaid.

Commiſſioners to ſettle Diſputes;

but not Titles.

IX. 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 intended to be divided, allotted, incloſed or affected, 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 Commiſſioners to examine into, hear and determine all and every ſuch Diſpute and Difference: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Tythes, Tenements or Hereditaments whatſoever.

Perſons in Poſſeſſion not to be moleſted without due Courſe of Law.

X. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners to determine any Right between any Parties, contrary to the Poſſeſſion of any of ſuch Parties, (except in Caſes of Encroachments made within the Period of Twenty Years); but in caſe the ſaid Commiſſioners ſhall be of opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been given up by ſuch Perſon or Perſons, or recovered from ſuch Perſon or Perſons by Ejectment, or other due Courſe of Law.

Power to aſſeſs Coſts.

XI. And be it further enacted, That in caſe the ſaid Commiſſioners 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, or of any Diſpute or Difference between any of the ſaid Parties intereſted or claiming to be intereſted in the ſaid Diviſion and Incloſure, ſhall 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 within Ten Days after Demand thereof ſhall be made, 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 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 Over-

plus 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.

XII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the Lands and Grounds hereby intended to be allotted, divided and disposed of, or any Part thereof, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning the Claim or Claims of any Rights or Interests in, over or upon the same, 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 Matter so determined by the said Commissioners, at the First or Second General Assizes to be holden next after such Determination for the County of *York*, and for that Purpose the Person or Persons who shall be so 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 have been 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 appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, such Issue or Issues to be settled by the proper Officer 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 have been 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 Commissioners shall and they 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, 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 final and conclusive upon all Parties.

If Parties die, Proceedings not to abate.

XIII. 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.

XIV. 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

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 Commiſſioners 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, 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 not to impede the Incloſure.

XV. Provided always, and be it further enacted, That no Difference or Suit touching the Title to any Land, Right of Common, or other Rights, ſhall impede or delay the ſaid Commiſſioners or the ſaid Umpire in the Execution of the Powers veſted in them or him by this or the ſaid recited Act, but the Diviſion hereby directed to be made ſhall be proceeded in notwithſtanding ſuch Difference or Suit.

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

XVI. And be it further enacted, That if any of the Parties intereſted in the ſaid Diviſion or Incloſure, or who may be affected by this Act, ſhall die before the ſame ſhall be completed, the Powers and Authorities hereby given to the ſaid Commiſſioners ſhall not be thereby determined or ſuſpended, but the Commiſſioners ſhall proceed in the Execution of the Powers given to them by this or the ſaid recited Act, in ſuch Manner as they might have done in caſe ſuch Party or 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 as 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.

Surveyors.

XVII. And be it further enacted, That *James Bulmer* of the City of *York*, Land Surveyor, and *Edmund Gray*, of the ſame City, Land Surveyor, ſhall be and they are hereby appointed Surveyors for making ſuch Survey, Admeaſurement and Plan of the Lands and Grounds hereby intended to be allotted, divided, and diſpoſed of, and alſo of ſuch of the ancient incloſed Lands within the ſaid Townſhip of *Stockton*, as the ſaid Commiſſioners ſhall think neceſſary for the Purpoſes of this Act; and in caſe both of them, the ſaid *James Bulmer* and *Edmund Gray*, ſhall die, refuſe, or neglect to act, or be or become incapable of acting before they ſhall have completed all the Buſineſs required of them, the ſaid Commiſſioners ſhall and they are hereby required to elect and appoint One other Surveyor (not intereſted in the ſaid Diviſion and Incloſure) in their Stead, and ſo from Time to Time as often as the Surveyor to be appointed as laſt aforeſaid ſhall die, refuſe, or neglect to act, or be or become incapable of acting.

XVIII. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be capable of acting as a Surveyor or Surveyors by virtue of this

this Act, until he or they shall have severally taken and subscribed the Oath or Affirmation following; (that is to say),

Surveyor's Oath.

'I *A. B.* do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm] That I will faithfully, honestly, and impartially, 'according to the best of my Skill and Ability, execute and perform the 'Powers and Authorities reposed in me as a Surveyor, by virtue of an 'Act passed in the Fifty-third Year of the Reign of King *George* the 'Third, intituled *An Act for inclosing Lands in the Township of* Stockton, '*in the County of* York, according to Equity and good Conscience, and 'without Partiality, Favour, or Affection, Prejudice or Malice to any 'Person or Persons whomsoever.

'So help me GOD.'

Which Oath or Affirmation respectively either of the said Commissioners are hereby authorized and required to administer; and the said Oath or Affirmation severally taken and subscribed by such Surveyor or Surveyors, shall be annexed to and deposited with the Award of the said Commissioners.

Survey and Plan made by Mr. William Hotham of the old Inclosure, to be used without making a new one.

XIX. Provided always, and be it further enacted, That any Survey, Admeasurement or Plan, of all or any Part of the ancient or other inclosed Lands, Tenements, or Hereditaments within the Township of *Stockton* aforesaid, already made and drawn out by or under the Direction of *William Hotham* of *Osbaldwick*, in the County of *York*, Land Surveyor, shall be used for the Purpose of carrying this and the said recited Act into Execution, as far as the same will extend, without any new Survey, Admeasurement or Plan being made of any such Part of the Lands, Tenements, and Hereditaments as shall be comprised in any such Survey, Admeasurement, or Plan as aforesaid.

When Right of Common shall cease.

XX. And be it further enacted, That when the Allotments of the Lands and Grounds hereby intended to be allotted and divided shall be set or staked out, all Right of Common, of what Nature or Kind soever, upon the Lands and Grounds hereby intended to be allotted, divided and disposed of, shall thenceforth absolutely cease and be extinguished.

No Turf, &c. to be cut without Leave of the Commissioners.

XXI. And be it further enacted, That if any Person or Persons whomsoever shall after the passing of this Act cut, dig, pare, grave, flay, or carry away any Underwood, Turf, Flags, Whins, or Furze, in, upon, or from the Lands and Grounds hereby intended to be allotted, divided, and disposed of, or any Part thereof, without or contrary to the Licence of the said Commissioners first had and obtained in Writing for that Purpose (which Licence the said Commissioners are hereby empowered to grant, under such Rules, Orders, Regulations, and Restrictions as they shall think proper to insert therein), then and in every such Case the said Commissioners, upon due Proof thereof made before them upon Oath or Affirmation (which Oath or Affirmation either of them are hereby empowered to administer), shall and they are hereby required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money, not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of each Person so offending in the Premises, 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

Diſtreſs and Sale; and the Money ſo to be levied as aforeſaid ſhall be applied towards defraying the Coſts and Charges of obtaining and executing this Act.

Commiſſioners may divert Roads.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required, in all Caſes where in their Judgment it ſhall appear requiſite or proper, to divert, ſtop up, diſcontinue, alter, or change any old or accuſtomed Road, Way, or Path, paſſing or leading through or over any of the ancient incloſed or other Lands or Grounds within the ſaid Townſhip of *Stockton*, as to the ſaid Commiſſioners ſhall ſeem meet and proper; ſubject nevertheleſs to ſuch Proviſions and under ſuch Regulations as are contained in the ſaid recited Act, reſpecting the ſtopping up of any old or accuſtomed Road.

Fences and Gates to be ſet at the End of Roads to prevent Treſpaſſes from adjoining Townſhips.

XXIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners and they are hereby authorized and required to make and ſet up, or cauſe to be made and ſet up, good and ſufficient Fences and public Gates at the End of the public Roads and Highways to be made, ſet out, or appointed by the Commiſſioners by virtue of this or the ſaid recited Act, next adjoining or near to any other Road, or next to or againſt any adjoining Pariſh, Townſhip, or Place, to prevent Cattle from treſpaſſing, and for preſerving the young Quickſets to be planted in the Fences of the Lands and Grounds to be allotted and divided by virtue of this or the ſaid recited Act; and ſuch Fences and Gates ſhall for ever afterwards continue, and remain, and be maintained and kept in Repair by the Surveyor or Surveyors for the Time being of the Highways within the Townſhip of *Stockton* aforeſaid.

Commiſſioners may make Drains, &c.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall and may make, ſet out, and appoint, alter, turn, ſcour out, widen, fill up, pull down, build and rebuild, or cauſe to be made, ſet out, and appointed, altered, turned, ſcouted out, widened, filled up, pulled down, built and rebuilt all ſuch Ditches, Drains, Watercourſes, Tunnels, Water-gates, Banks and Bridges, as well in, through, and over the Lands and Grounds hereby intended to be allotted and divided, as alſo in, through, and over any ancient incloſed or other Lands or Grounds within the ſaid Townſhip of *Stockton*, or within any adjoining Pariſh or Townſhip, (making ſuch Satisfaction to the Proprietors of ſuch ancient incloſed or other Lands and Grounds for the Damage done thereby, as the ſaid Commiſſioners in their Diſcretion ſhall think reaſonable) and of ſuch Depth and Breadth, and in ſuch Directions as the ſaid Commiſſioners ſhall think proper; and the ſaid Commiſſioners ſhall and may and they are hereby directed and required, in and by their Award, to order and direct by whom and at whoſe Expence, and at what Time and in what Manner, the ſaid Ditches, Drains, Watercourſes, Tunnels, Water-gates, Banks, and Bridges, or any of them, ſhall be afterwards cleanſed, ſcoured, repaired, and maintained, and by whom and in what Manner the Expences of ſo cleanſing, ſcouring, repairing, and maintaining the ſame, or any of them, ſhall be paid, and how levied and recovered.

Allotment for Sand and Gravel Pits.

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized, empowered, and required, after ſetting out and appointing the ſeveral Ditches, Drains, Watercourſes, public and

and private Roads, Ways, and other Matters and Things directed to be ſet out and appointed by this or the ſaid recited Act, to ſet out, allot, award, and appoint, from and out of the Lands and Grounds hereby intended to be allotted, divided, and diſpoſed of (except from and out of the ſaid Piece of Land commonly called or known by the Name of the *Common Piece*), unto the Surveyor or Surveyors for the Time being of the Highways within the Townſhip of *Stockton* aforeſaid, ſuch Plot or Plots of Land or Ground as they the ſaid Commiſſioners ſhall think neceſſary, as and for a public Sand or Gravel Pit, or for public Sand or Gravel Pits, and the ſame, when ſet out, ſhall for ever thereafter be uſed by the ſaid Surveyor or Surveyors for the Time being of the ſaid Highways, and by the reſpective Proprietors for the Time being of the Lands, Tenements, and Hereditaments within the Townſhip of *Stockton* aforeſaid entitled to any Allotment or Allotments under or by virtue of this Act, and by their reſpective Heirs and Aſſigns, and his, her, and their Tenants and Occupiers thereof reſpectively for the Time being, in ſuch Manner, for ſuch Purpoſes, and under ſuch Rules and Regulations as the ſaid Commiſſioners ſhall by their Award order and direct.

Land to be ſold.

XXVI. And be it further enacted, That immediately after the paſſing of this Act it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized, required, and empowered at any Time or Times afterwards, as ſoon as conveniently may be, abſolutely to make Sale and diſpoſe of, either together or in Lots, and by public Sale or Auction, or private Contract, after Twenty Days Notice ſhall have been given of the Time and Place of ſuch Sale or Sales, in One of the public Newſpapers to be publiſhed in the City of *York*, unto any Perſon or Perſons who may be willing to become the Purchaſer or Purchaſers thereof, and for the beſt Price or Prices in Money that can be reaſonably obtained for the ſame, all that the ſaid Piece or Parcel of Land or Ground, commonly called or known by the Name of the *Common Piece*, ſituate, lying, and being in the Pariſh, Townſhip, or Precincts of *Stockton* aforeſaid, containing by Eſtimation Twelve Acres or thereabouts, be the ſame more or leſs, with all the Timber and Wood now ſtanding, growing, and being thereon, and with all the Rights, Members, and Appurtenances thereunto belonging; and the Purchaſer or Purchaſers thereof ſhall immediately pay, by Way of Depoſit, unto the ſaid Commiſſioners, or unto ſuch Perſon or Perſons as they ſhall appoint, One-tenth Part of his, her, or their Purchaſe Money, and the Remainder thereof within Three Calendar Months next afterwards, or at ſuch other Time as the Commiſſioners ſhall appoint, and in Default thereof the Money ſo to be depoſited ſhall be forfeited, and ſhall be applied towards defraying the Expences of ſuch Sale, and the Expences in and about the preparing, ſoliciting, and obtaining this Act; and that upon Payment of the Money ariſing by the Sale of any Part or Parts of the ſaid Hereditaments, hereby made ſaleable as aforeſaid, to the ſaid Commiſſioners, the Receipt or Receipts of them the ſaid Commiſſioners ſhall from Time to Time be a good and ſufficient Releaſe and Diſcharge to the Purchaſer or Purchaſers for the Money for which the ſame Hereditaments ſhall be ſo ſold, or for ſo much thereof as in ſuch Receipt or Receipts ſhall be expreſſed or acknowledged to be received; and that after ſuch Receipt or Receipts ſhall be given, ſuch Purchaſer or Purchaſers, and his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall not be obliged to ſee to the Application of

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the ſame Purchaſe Money, or any Part thereof, nor be anſwerable or accountable for any Loſs, Miſ-application, or Non-application thereof, or of any Part thereof; and that when any Part or Parts of the ſaid Hereditaments hereby made ſaleable ſhall be ſold as aforeſaid, and a Conveyance made and executed by the ſaid Commiſſioners (which Conveyance they are hereby authorized and required to make and execute) to any Purchaſer or Purchaſers, or other Perſon or Perſons by virtue of this Act, and ſuch Receipt or Receipts ſhall be given for the Purchaſe Money as aforeſaid, the ſame ſhall from thenceforth be deemed of the Tenure or Nature of Freehold of Inheritance; and all and every the Perſon and Perſons to or with whom any Sale or Conveyance of any Part or Parts of the ſaid Hereditaments hereby made ſaleable as aforeſaid, ſhall have been made, and the reſpective Heirs and Aſſigns of ſuch Perſon and Perſons ſhall and may have, hold, and enjoy the Hereditaments by them reſpectively purchaſed, freed, and abſolutely diſcharged of and from all and all Manner of Tythes, Moduſes, and Payments whatſoever in lieu thereof, and of and from all former and other Uſes, Eſtates, Limitations, Charges, Truſts, Powers, Proviſoes, Declarations, and Incumbrances whatſoever, any Thing herein or in the ſaid recited Act contained to the contrary thereof notwithſtanding.

Monies to be applied towards the Expences of the Act.

XXVII. And be it further enacted, That the Monies to ariſe by ſuch Sale or Sales ſhall be applied and diſpoſed of, as far as the ſame will extend, in defraying the Expences in and about the preparing, ſoliciting, and obtaining this Act, and carrying the ſame and the ſaid recited Act into Execution; and if any Surplus ſhall remain after Payment of ſuch laſt-mentioned Expences, ſuch Surplus ſhall be divided between the ſeveral Owners and Proprietors of the Hereditaments hereby made ſaleable, in Proportion to their reſpective Eſtates and Intereſts therein, and ſhall be paid to ſuch of them as ſhall be ſeiſed or entitled to any Allotment or Allotments thereof in Fee Simple; and the Share or Shares of ſuch Surplus of the others of the ſaid Perſons as ſhall not be entitled to any Allotment in Fee Simple, ſhall reſpectively be paid and applied in the Manner directed by the ſaid recited Act, with reſpect to Money to be paid for the Purchaſe or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes.

Allotment in lieu of the Tythes of the Land to be incloſed.

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required in the next Place to ſet out, allot, and award, unto and for the ſaid *Benjamin Agar*, during his Eſtate and Intereſt as Leſſee of the ſaid Prebendary, and ſubject there, unto and for the ſaid Prebendary and his Succeſſors, and alſo unto and for the ſaid *William Noddins* and his Succeſſors, Curates of the Perpetual Curacy of the Chapel of *Stockton* aforeſaid, ſuch Plot or Plots, or ſo much and ſuch Part of the Lands and Grounds hereby intended to be allotted, divided, and diſpoſed of (except the ſaid Piece or Parcel of Land commonly called or known by the Name of the *Common Piece*), as by them the ſaid Commiſſioners ſhall be adjudged to be equal in Value to One-eighth Part of all ſuch Lands and Grounds (except as laſt herein-before excepted), in lieu of and as a full Equivalent and Compenſation for all and all Manner of Tythes, both Great and Small, Moduſes, Compoſitions, Money Payments, Oblations, Obventions, and other Eccleſiaſtical Dues,

Dues, (Mortuaries, *Easter* Offerings, and Surplice Fees excepted) issuing, arising, renewing, or payable, or to issue, arise, renew, or become payable from, out or in respect of all and every or any of the unincloſed Lands, Tenements, or Hereditaments within the Parish, Townſhip, Precincts, or Territories of *Stockton* aforesaid, (except from, out or in respect of all and every the Lands, Tenements, and Hereditaments situate at a certain Place in the said Townſhip of *Stockton* called *Sandburn*, now or late the Estate of the Marquis of *Stafford*) in such Manner, Shares, and Proportions as they the said Commissioners shall adjudge and determine to be a just Compensation, Equivalent, and Satisfaction for the respective Shares, Estates, and Interests of the said Prebendary and his Lessee, and the said Curate and his Successors, of, in, and to the Tythes for or in respect of which such last-mentioned Plot or Plots shall be set out as aforesaid.

Allotment to the Prebendary and his Lessee in lieu of their Tythes of the Old Inclosure.

XXIX. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required in the next Place to set out, allot, and award, unto and for the said *Benjamin Agar*, during his Estate and Interest, as Lessee of the said Prebendary, and subject thereto, unto and for the said Prebendary and his Successors, such Plot or Plots, or so much and such further Part of the Lands and Grounds hereby intended to be allotted, divided, and disposed of, (except the said Piece or Parcel of Land, commonly called or known by the Name of the *Common Piece*), as by the said Commissioners shall be adjudged to be worth, to be let for the Term of Fourteen Years, the annual Rent or Sum of One hundred Pounds, which Plot or Plots last mentioned shall be in lieu of and as a full Equivalent and Compensation for all and all Manner of Tythes whatsoever, both Great and Small, Moduses, Compositions, Money Payments, Oblations, Obventions, and other Ecclesiastical Dues, (Mortuaries, *Easter* Offerings and Surplice Fees excepted) issuing, arising, renewing or payable, or to issue, arise, renew, or become due or payable to the said *Benjamin Agar* as Lessee as aforesaid, and the said Prebendary and his Successors, or either of them, from, out or in respect of all and every or any of the ancient or other incloſed Lands, Tenements, or Hereditaments within the Parish, Townſhip, or Precincts of *Stockton* aforesaid (except from, out or in respect of all and every the said Lands, Tenements, and Hereditaments situate at *Sandburn* aforesaid, now or late the Estate of the said Marquis of *Stafford*).

Additional Allotment to the Curate in lieu of Tythes of the Old Inclosure.

XXX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required in the next Place to set out, allot, and award unto and for the said *William Noddins*, and his Successors, Curates as aforesaid, such further Plot or Plots, or so much and such further Part of the Lands and Grounds hereby intended to be allotted and divided, as in the Judgment of the said Commissioners shall, together with the Share of the One-eighth Part of the said Lands and Grounds herein-before directed to be set out, allotted and awarded to and for the said Curate and his Successors as aforesaid, be worth, to be let for the Term of Fourteen Years, the annual Rent or Sum of One hundred and five Pounds; which said Plot or Plots last herein-before directed to be set out, allotted, and awarded unto and for the said *William Noddins*, and his Successors, Curates as aforesaid, shall and are hereby declared to be in lieu of and as a full Equivalent and Compensation for all and all Manner of Tythes, Moduses, Compositions, Money Payments, Oblations, Obventions, and other Ecclesiastical Dues (Mortuaries, *Easter* Offerings,

and Surplice Fees excepted,) iſſuing, ariſing, renewing, or payable, or to iſſue, ariſe, renew, or become due or payable to the ſaid *William Noddins*, and his Succeſſors, Curates as aforeſaid, from, out, or in reſpect of all and every or any of the ancient or other incloſed Lands, Tenements, or Hereditaments, within the Pariſh, Townſhip, or Precincts of *Stockton* aforeſaid (except from, out, or in reſpect of all and every the Lands, Tenements and Hereditaments ſituate at *Sandburn* aforeſaid, now or late the Eſtate of the ſaid Marquis of *Stafford*).

Allotment in lieu of Right of Soil.

XXXI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required in the next Place to ſet out, allot, and award, unto and for the ſaid *Benjamin Agar* and *Elizabeth Ware*, Lord and Lady of the Soil of the Freehold Manor of *Stockton* aforeſaid, and unto and for the ſaid *Benjamin Agar*, during his Eſtate and Intereſt as Leſſee of the ſaid Prebendary, and ſubject thereto; unto and for the ſaid Prebendary, and his Succeſſors, Lord of the Soil of the Copyhold Manor of *Bugthorpe* with *Stockton* in *Stockton* aforeſaid, ſuch Plot or Plots, or ſo much and ſuch Part of the Lands and Grounds hereby intended to be allotted and divided, as by the ſaid Commiſſioners ſhall be adjudged to be equal in Value to One Seventeenth Part of the Whole of the ſaid Lands and Grounds hereby intended to be allotted and divided, in lieu of their ſeveral and reſpective Rights and Intereſts in and to the Soil thereof, over and above and excluſive of ſuch Plot or Plots of the Lands and Grounds hereby intended to be allotted and divided, as they or any of them ſhall be entitled to in reſpect of any other Right or Intereſt whatſoever, and to allot and award the ſame in Severalty, and not in undivided Parts, according and in Proportion to their ſeveral Shares, Eſtates, Rights, and Intereſts of and in ſuch Soil, in ſuch Manner as they the ſaid Commiſſioners ſhall adjudge, determine, and direct; nevertheleſs the ſame ſhall be allotted and divided between the Lord and Lady of the Soil of the Freehold, and the Lord for the Time being of the Soil of the Copyhold Lands and Grounds within the ſaid Townſhip of *Stockton*, in ſuch Proportion as the Number of ancient Freehold Meſſuages, Cottages, or Tofts, having Right of Common on the Lands and Grounds hereby intended to be allotted and divided, bears to the Number of ancient Copyhold Meſſuages, Cottages, or Tofts, having ſuch Right of Common.

Allotment of the Reſidue.

XXXII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required in the next Place to ſet out, allot, and award the Reſidue of the Lands and Grounds hereby intended to be allotted and divided unto and amongſt the ſeveral Perſons, Body or Bodies Politic, Corporate or Collegiate, having Right of Common or other Right or Intereſt therein, in ſuch Situations, Quantities, Shares and Proportions, as in the Judgment of the ſaid Commiſſioners ſhall be a juſt Compenſation and Satisfaction for and equal to the Rights of Common, or other Rights or Intereſts therein of ſuch Perſons reſpectively, diminiſhing each Perſon's Share of ſuch Reſidue in Proportion to the Benefit which ſhall accrue to him, her, or them, from any Exoneration from Tythes of his, her, or their ſaid ancient incloſed Lands and Grounds within the Townſhip of *Stockton* aforeſaid, according to the Value of each ſuch Perſon's ſaid ancient incloſed Lands and Grounds, ſo that the Burthen of exonerating ſuch ſaid ancient incloſed Lands and

Grounds from Tythes as aforesaid, may fall upon the Owners and Proprietors of such ancient inclosed Lands and Grounds individually, and not upon the Owners and Proprietors thereof at large.

Share of B. Agar in respect of Tythes.

XXXIII. Provided always, and be it further enacted, That the Share of the said *Benjamin Agar* of and in the said Residue of the Lands and Grounds hereby intended to be allotted and divided, shall in respect of the Tythes of his ancient inclosed Lands and Grounds, situate at a certain Place called *Karleton* otherwise *Carleton*, within the said Township of *Stockton*, be diminished so much as would be worth to be let for the Term of Fourteen Years, the annual Rent or Sum of Five Pounds, and no further or greater Sum.

Prebendary not to contribute to Allotment.

XXXIV. Provided always, and be it further enacted, That the said Prebendary and his Successors, and his and their Lessee, shall not in respect of their ancient inclosed Lands and Grounds in the Township of *Stockton* aforesaid, contribute to any Allotment or Allotments to be made by virtue of this Act to him or them for or in lieu of Tythes.

Cottage or Toft to have an equal Share in Value with a Messuage.

XXXV. Provided always, and be it further enacted, That the said Commissioners shall not, in setting out any Allotment or Allotments for or in respect of any Messuage, Cottage, or Toft, Messuages, Cottages, or Tofts, having Right of Common on the Lands and Grounds hereby intended to be allotted and divided, make any Difference or Distinction whatsoever on that Account only, but a Cottage or Toft shall have and be entitled to an equal Share in Value with a Messuage of the Lands and Grounds hereby intended to be allotted and divided.

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

XXXVI. Provided always, and be it further enacted, That in case there are any Homesteads, Gardens, Orchards, ancient inclosed or other Lands, Tenements, or Hereditaments within the Parish, Township, or Precincts of *Stockton* aforesaid, the respective Owners or Proprietors whereof shall not happen to be entitled to any or a sufficient specific Allotment to make Compensation for the Tythes of his, her, or their Homesteads, Gardens, Orchards, ancient inclosed or other Lands, Tenements, or Hereditaments within the Township of *Stockton* aforesaid, such Owners and Proprietors respectively (except the Owners and Proprietors for the Time being of the said Lands, Tenements, and Hereditaments situate at *Sandburn* aforesaid, now or late the Estate of the said Marquis of *Stafford*) shall pay such Sum or Sums of Money to the said Commissioners as they shall order, direct, and appoint by any Writing under their Hands, as an Equivalent for which any or a sufficient Compensation as aforesaid cannot be made by the said Owners and Proprietors respectively as aforesaid, which last mentioned Sum or Sums of Money shall be applied by the said Commissioners towards defraying the Expences in and about the preparing, soliciting, and obtaining this Act, and carrying the same and the said recited Act into Execution, and shall be levied and recovered in such and the same Manner as those Expences, or any other Expences, are hereby or by the said recited Act directed to be recovered; and in case there shall be any Surplus, such Surplus shall be divided amongst the several Persons from whose Allotment or Allotments any Diminution shall have been made as hereby directed, in such Shares and Proportions as the said Commissioners shall think fit, and shall be paid to such of them as

as ſhall be ſeiſed in Fee Simple of their ſeveral Allotments, or otherwiſe ſhall be paid and applied in the Manner directed by the ſaid recited Act, with reſpect to Money to be paid for the Purchaſe or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes.

Tenants for Life, &c. of old Incloſures, empowered to charge their Eſtates with Money paid for diſcharging the ſame from Tythes.

XXXVII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for all and every the Owners and Proprietors, being Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, and alſo for the Huſbands, Guardians, Truſtees, Committees or Attornies of any of the Owners or Proprietors of Homeſteads, Gardens, Orchards, or ancient or other incloſed Lands, Tenements or Hereditaments within the Pariſh, Townſhip, Precincts or Territories of *Stockton* aforeſaid, not having any or a ſufficient ſpecific Allotment to make Compenſation for the Tythes of his, her, or their Homeſteads, Gardens, Orchards, or ancient or other incloſed Lands, Tenements or Hereditaments, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Diſability or any other contingency, or otherwiſe intereſted as aforeſaid, (except the Owners and Proprietors for the Time being of the ſaid Lands, Tenements and Hereditaments ſituate at *Sandburn* aforeſaid) to charge ſuch Homeſteads, Gardens, Orchards, or ancient or other incloſed Lands, Tenements, or Hereditaments, or any Lands to be taken in Exchange for the ſame, with ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall by their Award, or by any Writing under their Hands previous to the Execution thereof, declare to have been paid or direct or appoint to be payable, as an Equivalent for and in Diſcharge of the Tythes thereof; and to grant, mortgage, ſurrender, leaſe or demiſe, or otherwiſe ſubject ſuch Homeſteads, Gardens, Orchards, ancient or other incloſed Lands, Tenements or Hereditaments, unto ſuch Perſon or Perſons as ſhall advance and lend ſuch Sum and Sums of Money reſpectively, his, her, and their Executors, Adminiſtrators and Aſſigns, for any Term or Number of Years; or in caſe any Perſon in Poſſeſſion, who ſhall be charged with a Sum or Sums of Money as aforeſaid, ſhall chooſe to advance, pay or diſcharge the ſame, it ſhall be lawful for the ſaid Commiſſioners by any Deed or Writing under their Hands and Seals, to be atteſted by Two or more credible Witneſſes, in like Manner to grant, mortgage, ſurrender, leaſe, demiſe or otherwiſe ſubject the ſaid Homeſteads, Gardens, Orchards, ancient or other incloſed Lands, Tenements or Hereditaments, to ſuch Perſon or Perſons reſpectively paying or diſcharging the ſame, and to his, her, or their Executors, Adminiſtrators and Aſſigns, for any Term or Number of Years, to and for the Payment of ſuch Sum or Sums of Money as aforeſaid, with Intereſt for the ſame, to commence on the Termination of his, her, or their Right and Eſtate in the Premiſes, ſo that every ſuch Grant, Mortgage, Surrender, Leaſe or Demiſe, be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered or re-aſſigned, when ſuch Sum or Sums of Money thereby to be ſecured, with the Intereſt thereof, ſhall have been fully paid and ſatisfied, and alſo with a Covenant to pay and keep down the Intereſt ſo that no Perſon or Perſons afterwards becoming entitled to any ſuch Homeſteads, Orchards, Gardens, ancient or other incloſed Lands, Tenements or Hereditaments, ſhall be liable to pay any further or larger Arrear of Intereſt than for Six Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhall have commenced; and that every

ſuch Mortgage, Surrender, Leaſe or Demiſe ſo to be made in purſuance of this Act, ſhall be good, valid, and effectual in the Law, and that no Mortgagee or Mortgagees advancing or lending Monies upon ſuch Security or Securities, ſhall be liable to or anſwerable for the Application or Miſapplication of the Monies ſo advanced or lent.

Allotments in lieu of Tythes to be fenced by the other Proprietors.

XXXVIII. And be it further enacted, That all and every of the Allotments of Land or Ground which ſhall or may be allotted or ſet out unto and for the ſaid *Benjamin Agar*, and the ſaid Prebendary and his Succeſſors, and unto and for the ſaid Curate and his Succeſſors, or any of them reſpectively in lieu of Tythes, ſhall within Six Calendar Months next after the ſtaking and ſetting out ſuch Allotments, be well and ſufficiently incloſed and fenced with an Outward or Ring Fence and Ditch, and planted with good tranſplanted Quickwood, and guarded with good Oak Poſts, and Three good Riven Oak or Aſh Rails between ſuch Poſts, together with proper Gates and Oak Gate Poſts, and proper Iron Work for the hanging and faſtening 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 Commiſſioners, at the Expence of the Proprietors of the other Allotments of the Lands and Grounds hereby intended to be allotted and divided, in ſuch Proportions as the ſaid Commiſſioners ſhall direct and appoint; and the ſaid Commiſſioners ſhall direct and appoint what Part of the ſaid Ditches and Fences ſhall afterwards reſpectively belong to the ſaid Prebendary and his Leſſee, and to the ſaid Vicar and his Succeſſors, and what Part to any other Owner or Proprietor; and the ſaid Ditches 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 to belong as aforeſaid; and the ſeveral other Allotments to be made by virtue of this Act ſhall be incloſed, hedged, ditched or otherwiſe fenced, and ſuch Fences for ever thereafter repaired and ſcoured out by and at the Expence of the reſpective Perſons to whom the ſame ſhall be allotted, within ſuch Time and in ſuch Proportions and Manner as the ſaid Commiſſioners ſhall in and by their Award, or any other Writing under their Hands, direct and appoint.

Other Fences.

XXXIX. And be it further enacted, That ſuch of the ſaid Proprietors, the Fence and Ditch, or Fences and Ditches of whoſe Allotment or Allotments ſhall abut againſt the Side of the Ditch or Ditches of any other Allotment or Allotments, or of any Lands already incloſed, ſhall be at Liberty and are hereby empowered from the Time of ſtaking out of the ſeveral Allotments hereby directed to be made, to ſet and place, and from Time to Time maintain, and at all Times thereafter continue, Rails acroſs the Ditch or Ditches of ſuch Allotment or Allotments, or of ſuch Lands already incloſed, and to ſet and place Poſts upon the Bank or Banks of ſuch other Allotment or Allotments, or of ſuch Lands already incloſed adjoining and contiguous thereto.

Preſervation of Fences.

XL. 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 allotted and divided, be it further enacted, That it ſhall

ſhall not be lawful for any Perſon or Perſons to depaſture, either with Horſes, Aſſes, Sheep, Lambs, Cattle, Pigs, or Geeſe, any of the Highways, Roads or Lanes which ſhall be made by virtue of this or the ſaid recited Act, for the Term of Fifteen Years next after the reſpective Allotments ſhall be ſet out and the Fences made; nor ſhall it be lawful for any Perſon or Perſons whomſoever to keep or depaſture any Horſes, Aſſes, Sheep, Lambs, Cattle, Pigs, or Geeſe, in any of the Allotments to be made by virtue of this Act, for the ſaid Term of Fifteen Years next after ſuch Allotments ſhall be ſet out and fenced as aforeſaid, unleſs the Perſon or Perſons ſo feeding or depaſturing the ſame 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 any ſuch Horſes, Aſſes, Sheep, Lambs, Cattle, Pigs, or Geeſe, 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 Allotments adjoining thereto.

Allotments to be of different Tenures.

XLI. And be it further enacted, That all the Lands and Grounds which ſhall be ſet out, allotted or diſpoſed of by virtue of this or the ſaid recited Act (except ſuch Lands and Grounds as ſhall or may be ſet out or allotted for or in reſpect of any Copyhold or Cuſtomary Meſſuage, Cottage or Toft, Meſſuages, Cottages or Tofts,) ſhall, from and immediately after the ſame ſhall be ſo ſet out, allotted or diſpoſed of, be deemed to be of the Tenure or Nature of Freehold; and the ſeveral herein-before excepted Lands and Grounds which ſhall or may be ſet out or allotted by virtue of this or the ſaid recited Act, for or in reſpect of any Copyhold or Cuſtomary Meſſuage, Cottage or Toft, Meſſuages, Cottages or Tofts, ſhall, from and immediately after the ſame ſhall be ſo ſet out or allotted, be deemed to be of the Tenure or Nature of Copyhold, and ſhall be held of the Lord or Lords of the Fee thereof under the ſame Rents, and by the ſame Cuſtoms and Services as the Copyhold or Cuſtomary Meſſuage, Cottage or Toft, Meſſuages, Cottages or Tofts, for or in reſpect of which they ſhall or may be reſpectively ſet out or allotted, were or ought to have been held; and the Owner or Owners thereof reſpectively ſhall pay to the Lord of the Manor of *Bugthorpe with Stockton* in *Stockton* aforeſaid, a Fine of One Shilling *per* Acre for every Statute Acre thereof, and ſo in Proportion for leſs than an Acre, on every Admittance to, and upon every Deſcent, Deviſe or Surrender of, the ſame Lands and Grounds, but no further Fine; and all and every Perſons and Perſon to whom any ſuch Copyhold Lands and Grounds ſhall be ſet out or allotted as aforeſaid, ſhall within Six Calendar Months next after the Execution of the Award of the ſaid Commiſſioners, or at any Time before the Execution of ſuch Award, if any ſuch Perſon or Perſons ſhall require the ſame, be admitted a Tenant or Tenants of or to ſuch Copyhold Lands and Grounds reſpectively.

Allotments to Proprietors in reſpect of different Eſtates or Titles, may be diſtinguiſhed in the Award

XLII. And be it further enacted, That where any Perſon or Perſons ſhall be ſeiſed, poſſeſſed, or entitled of, in or to any Meſſuage, Cottage, or Toft, Meſſuages, Cottages, or Tofts, Lands, Tenements, or Hereditaments, within the Townſhip of *Stockton* aforeſaid, held by different Tenures, or for, by or under different Eſtates or Titles, in reſpect of which any ſuch Perſon or Perſons ſhall or may be entitled to any Allotment or

and Commissioners may execute a separate Deed in certain Cases.

Allotments, the said Commissioner shall, upon Request of the Person or Persons so seised, possessed or entitled, by Writing under his, her or their Hand or Hands, enquire into, ascertain and distinguish the respective Messuages, Cottages, Tofts, Lands, Tenements and Hereditaments, held by each different Tenure, and for, by, or under each different Estate or Title respectively, and shall set out, and by their Award allot distinct Allotments in respect of each such different Tenure, Estate and Title; and where, from the Want of necessary Information before the said Commissioners, or from any other Cause, the said Commissioners shall in their Award have omitted to distinguish each such different Tenure, Estate or Title, or omitted to have allotted distinct Allotments in respect thereof respectively, and if at any Time within Twelve Calendar Months after the making of the said Award, Request shall be made to the said Commissioners by any Person or Persons interested in the Premises, by Writing under his, her, or their Hand or Hands, to have such Omission supplied and rectified by a separate Instrument, then and in every such Case the said Commissioners shall and they are hereby authorized and required to do every Act, Matter or Thing necessary for supplying and rectifying such Omission; and for that Purpose they are hereby authorized and required to summon and examine Witnesses, and in every other Respect to proceed and act as if their Award had not been made; and when they shall have obtained what shall appear to them sufficient Information, they are hereby also authorized and required, by any Deed or Instrument in Writing under their Hands and Seals, to ascertain and distinguish each such different Tenure, Estate and Title respectively, and accordingly to make distinct and several Allotments in respect thereof, in the same Manner as is hereby required, where such Discrimination shall be contained in their said Award; and every such separate Deed or Instrument shall, from and immediately after the due Execution thereof by the said Commissioners, have the same Effect to all Intents and Purposes as if the Contents thereof had been inserted and contained in their said Award; and such Deed or Instrument shall be delivered to the Person or Persons at whose Request any such Omission shall have been supplied and rectified, 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 incurred in and about any such Deed or Instrument as last aforesaid, shall be paid and payable by the Person or Persons requesting the same, or by his, her, or their Heirs, Executors, Administrators or Assigns, and shall be raised and levied by such and the same Ways and Means as the Costs, Charges and Expences in and about the preparing, soliciting and obtaining this Act, are hereby or by the said recited Act directed to be raised and recovered.

For making Exchanges.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Messuages, Cottages, Lands, Tenements, or Hereditaments within the said Township of *Stockton*, in Lieu of and in Exchange for any other Messuages, Cottages, Lands, Tenements or Hereditaments within the same Township, 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 Commissioners, or in any Instrument or Writing under their Hands

Hands and Seals to be annexed thereto, and depoſited in like Manner and at the ſame Place as the Award of the ſaid Commiſſioners is hereby directed to be depoſited, or in or by any other Inſtrument or Writing to be by them ſigned and ſealed at any Time after the Execution of ſuch Award, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Meſſuages, Cottages, Land, 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 a 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 Exchange ſhall be made of any Meſſuages, Cottages, 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 Biſhop of the Dioceſe in which ſuch Meſſuages, Cottages, Lands, Tenements or Hereditaments ſo to be exchanged ſhall lie or be ſituate.

Expences of Exchanges and Partitions by whom to be paid.

XLIV. And be it further enacted, That the Coſts, Charges, and Expences attending the making and completing of any Exchange or Exchanges, Partition or Partitions, to be made under or by virtue of this or the ſaid recited Act, ſhall be borne, paid and defrayed by the ſeveral Perſons making ſuch Exchange or Exchanges, Partition or Partitions, diſtinct and apart from the other Expences attending the Execution of this Act, in ſuch Manner and in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall by their Award, or any other Inſtrument in Writing under their Hands, order and direct.

The Curate with the Conſent of the Archbiſhop and Patron may leaſe for Twenty-one Years, upon certain Conditions.

XLV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid *William Noddins*, and his Succeſſors Curates as aforeſaid, by Indenture or Indentures under his or their Hand and Seal, with the Conſent and Approbation of the Archbiſhop of *York*, and of the Patron of the Curacy of *Stockton* aforeſaid, to leaſe or demiſe all or any Part of the Allotment or Allotments, Lands, Tenements and Hereditaments, to be ſet out or allotted unto or for, or taken in Exchange by the ſaid Curate and his Succeſſors, by virtue of this or the ſaid recited Act, to any Perſon or Perſons whomſoever, for any Term or Number of Years not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the Execution of the Award of the ſaid Commiſſioners, ſo that the Rent or Rents for the ſame ſhall be thereby reſerved to the ſaid Curate and his Succeſſors by Four Quarterly Payments in every Year, and ſo that there

there be thereby alſo reſerved and made payable to the ſaid Curate and his Succeſſors, the beſt and moſt improved Rent or Rents that can reaſonably be had or gotten for the ſame, without taking any Fine, Foregift, Premium, Sum of Money or other Conſideration, for the making or granting any ſuch Leaſe or Demiſe, and ſo that no Leſſee, by any ſuch Leaſe or Demiſe, be made diſpuniſhable for Waſte by any expreſs Words to be therein contained, and ſo that there be inſerted in every ſuch Leaſe or Demiſe, Power of Re-entry on Non-payment of the Rent or Rents to be thereby reſerved, within a reaſonable Time to be therein limited after the ſame ſhall become due, and ſo that a Counterpart of every ſuch Leaſe or Demiſe be duly executed by the Leſſee or Leſſees to whom any ſuch Leaſe or Demiſe ſhall be made as aforeſaid; and every ſuch Leaſe or Demiſe ſhall be valid and effectual, any Law or Uſage to the contrary notwithſtanding.

Vacating Leaſes.

XLVI. And be it further enacted, That all and every ſubſiſting Leaſe or Leaſes, Agreement or Agreements at Rack Rent of all or any Part of the Lands and Grounds hereby intended to be allotted, divided, diſpoſed of, or taken in Exchange, and of all or any of the Common Rights upon the ſaid Lands and Grounds alone, or with any Homeſtead, ancient or other incloſed Lands, Tenements or Hereditaments, ſhall ceaſe, determine, and become void at ſuch Time or Times as the ſaid Commiſſioners, by any Writing or Writings under their Hands, to be affixed upon the principal Outer Door of the Chapel of *Stockton* aforeſaid ſhall direct; and the reſpective Owners and Proprietors of the Lands, Tenements and Hereditaments, compriſed in ſuch Leaſe or Leaſes, Agreement or Agreements reſpectively, ſhall make ſuch Satisfaction in Money to their reſpective Leſſee or Leſſees, Tenant or Tenants for any Loſs or Prejudice they may reſpectively ſuſtain thereby, as the ſaid Commiſſioners ſhall adjudge and aſcertain, by Writing under their Hands, as a reaſonable Recompence to be paid to ſuch Leſſee or Leſſees, Tenant or Tenants, by way of Equivalent for their reſpective Terms and Intereſts therein, proper Allowance being made for ſuch Conditions in the ſaid Leaſe or Leaſes, Agreement or Agreements, as ſhall not have been fulfilled by the Leſſee or Leſſees, Tenant or Tenants; and if the Money ſo to be paid as aforeſaid, ſhall not be paid to the Perſon or Perſons entitled to receive the ſame, within Six Calendar Months after Demand made thereof in Writing under the Hand or Hands of the Perſon or Perſons to whom the ſame ſhall be payable, it ſhall be lawful for the ſaid Commiſſioners and they are hereby required to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges and Expences of preparing, obtaining and ſoliciting this Act ſhall or may be raiſed or recovered: Provided always, that if there ſhall be any Leaſe or Leaſes, Agreement or Agreements, of or for any Lands, Tenements or Hereditaments, Part of which ſhall be in the Townſhip of *Stockton*, and Part in any adjoining Townſhip, Pariſh or Place, all and every ſuch Leaſe or Leaſes, Agreement or Agreements upon Rack Rent now ſubſiſting, ſhall be vacated; but where any Lands, Tenements or Hereditaments ſhall be taken in Exchange, which ſhall be under Leaſe or Agreement, and wholly ſituate in an adjoining Townſhip, Pariſh, or Place, the Leaſe or Agreement of or for ſuch laſt-mentioned Lands, Tenements, or Hereditaments, ſhall not be vacated.

XLVII. And

Allotments to remain to the same Uses as the Estates in Right of which they shall be made.

XLVII. And be it further enacted, That the several Allotments, Lands, Tenements and Hereditaments which shall be respectively set out, allotted, awarded, or given or taken in Exchange by virtue of this or the said recited Act, shall from thenceforth respectively be and enure; and the several Persons, Body or Bodies Politic, Corporate or Collegiate, to whom the same shall be respectively allotted, awarded or given, or taken in Exchange as aforesaid, shall respectively stand and be seised thereof to and for such and the same Uses, Trusts, Ends, Intents and Purposes, and subject to such and the same Charges and Incumbrances, as the respective Messuages, Cottages, Tofts, Lands, Tenements and Hereditaments, in right of which or in lieu whereof such Allotments or Exchanges shall be respectively made shall at the Time of making such Allotments or Exchanges respectively, stand limited, or be subject to or charged with (except such Lease or Leases, Agreement or Agreements at Rack Rent as shall become void by virtue of this Act).

In case any Person shall sell his Common Right, the Allotment to be made to the Purchaser.

XLVIII. Provided always, and be it further enacted, That notwithstanding any Thing herein contained, if any Person or Persons hath or have sold, or shall at any Time before the Execution of the Award of the said Commissioners sell his, her, or their Right, Interest or Property, in, over or upon the Lands and Grounds hereby intended to be allotted and divided, or any Part thereof, to any Person or Persons whomsoever, then and in every such Case it shall be lawful for the said Commissioners and they are hereby authorized to make an Allotment or Allotments of Land unto the Vendee or Purchaser, Vendees or Purchasers, and to his, her, or their Heirs and Assigns, for and in respect of such Right, Interest or Property so sold as aforesaid; and every such Vendee or Vendees, Purchaser or Purchasers, and his, her and their Heirs and Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy such Lands so to be allotted to him, her or them as aforesaid, in the same Manner to all Intents and Purposes, as the Vendor or Vendors might, could or ought to have held and enjoyed the same, in case such Sale had not been made.

Declaring when Tythes shall cease.

XLIX. And be it further enacted, That from and after the staking or setting out of the several Allotments to or for the said Prebendary and his Lessee or either of them, and the said Curate, in lieu of Tythes as aforesaid, by virtue of this Act, all and all Manner of Tythes whatsoever, as well Great as Small, Oblations, Obventions and other Ecclesiastical Dues and Payments (Mortuaries, *Easter* Offerings, and Surplice Fees excepted), arising or to arise within the Parish, Township, Precincts or Territories of *Stockton* aforesaid, (except the Tythes arising or to arise from or out of all and every the said Lands, Tenements and Hereditaments situate at *Sandburn* aforesaid, now or late the Estate of the said Marquis of *Stafford*, which are declared not to be exonerated or discharged from Tythes by virtue of this Act), shall cease, determine, and be no longer paid or payable.

Payment to Commissioners and Umpire, and Expences of the Act.

L. And be it further enacted, That the said Commissioners and Umpire shall be severally paid the Sum of Three Pounds and Three Shillings, and no more, for each and every Day that they or any of them shall be employed in, or travel, or be from Home for the Purpose of executing this

this Act, or the Truſts hereby in them or any of them repoſed, which, together with the Coſts, Charges, and Expences preparatory to and in and about the preparing, ſoliciting, and obtaining this Act, and of ſurveying, valuing, dividing, and allotting the Lands and Grounds hereby intended to be allotted, divided, and diſpoſed of, and any other Lands, Tenements, or Hereditaments, in purſuance of this or the ſaid recited Act, and of incloſing and fencing the ſeveral Allotments to be made by virtue hereof for or in lieu of Tythes, and of making, executing, and depoſiting the Award of the ſaid Commiſſioners, and all Inſtruments or Writings to be ſigned or ſealed by them, or any Umpire to be by them appointed by virtue hereof, and of every Perſon to be employed by the ſaid Commiſſioners in and about the Execution of this or the ſaid recited Act, either before or after the Execution of their Award, and all other the Coſts, Charges, and Expences in, about, and concerning, or carrying the ſame fully into Execution, (except where the ſame or any of them are hereby otherwiſe provided for, or directed by whom the ſame or any of them ſhall be paid, borne, and defrayed) ſhall, in caſe the Money ariſing by Sale of the ſaid Piece or Parcel of Land or Ground, commonly called or known by the Name of the *Common Piece*, hereby made ſaleable, ſhall not be ſufficient to defray all the Charges and Expences aforeſaid, be borne, paid, and defrayed by the reſpective Perſon and Perſons, Body or Bodies Politic, Corporate, or Collegiate, to or for whom any Allotment or Allotments ſhall be made or ſet out, under or by virtue of this or the ſaid recited Act, and by the ſeveral Perſon and Perſons whoſe ancient Incloſure ſhall be exonerated from Tythes by virtue hereof, who ſhall have the immediate Poſſeſſion thereof, or Intereſt therein or thereto (except the Surveyor or Surveyors of the Highways for the Time being of the Townſhip of *Stockton* aforeſaid, in reſpect of any Plot or Plots to be ſet out or allotted to him or them as herein-before mentioned, and alſo except the Prebendary of *Bugthorpe* and his Succeſſors for the Time being, and his and their Leſſee, and the ſaid Curate and his Succeſſors, in reſpect of any Plot or Plots, Lands, Tenements, or Hereditaments to be ſet out, allotted, or awarded unto or for them or any of them, for or in lieu of Tythes), in ſuch Shares and Proportions, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, either before or after the Execution of the ſaid Award, as the ſaid Commiſſioners by any Writing under their Hands ſhall order and direct; and in caſe any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, ſhall refuſe or neglect to pay his, her, or their Share or Proportion of ſuch Charges and Expences as herein-before mentioned, or any other Charges and Expences hereby left to the Determination or Direction of the ſaid Commiſſioners, within the Time to be by them ordered and directed, and to ſuch Perſon or Perſons as they ſhall appoint, then and in ſuch Caſe the ſame and every or any Part of ſuch Charges and Expences ſhall and may be levied and recovered in ſuch and the ſame Manner as is provided or mentioned for the Purpoſes aforeſaid, or any of them, in and by the ſaid recited Act.

Money advanced to bear Intereſt.

LI. 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 firſt Money which ſhall be raiſed by virtue of this or the ſaid recited Act.

LII. And

Commissioners to account.

LII. 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 hereof) 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 Trouble or Expences 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 them laid before any One Justice of the Peace for the North Riding of the said County of *York* (not interested in the Premises), to be by him examined and balanced; and such Balance shall be by such Justice stated in the Book of Accounts to be kept by the Clerk of the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice.

Award.

LIII. And be it further enacted, That the Award directed to be made by the said recited Act, and any Map or Maps, Plan or Plans, Instrument or Instruments in Writing, which is or are by this or the said recited Act directed to be annexed thereto, instead of being enrolled as directed by the said recited Act, shall be deposited, within Twelve Calendar Months after the Execution of the said Award, with the Register or his Deputy for the Time being of the Register Office kept at *Northallerton*, in and for the North Riding of the County of *York*, who is hereby required to receive the same, and to certify the Receipt thereof under his Hand, upon being paid the Sum of One Guinea as a Fee for so doing, and to keep the same at the said Register Office, to the End that Recourse may be had thereto at all Times thereafter by all Persons whomsoever; and the said Register and his Deputy for the Time being shall and he and they is and are hereby required to produce the same at the Request, Costs, and Charges of any Person or Persons whomsoever, before any Court of Judicature, or otherwise, as Occasion shall require, at any Time or Times after the same shall have been so deposited, and at all Times permit the same to be inspected and perused by any Person or Persons, such Person or Persons from Time to Time respectively paying for such Inspection and Perusal the Sum of One Shilling, and no more; and a Copy of the the said Award, and of any Map or Maps, Plan or Plans, Instrument or Instruments, that shall or may be annexed thereto as aforesaid, or any Part thereof, or of any of them, signed by the said Register or his Deputy for the Time being, purporting the same to be a true Copy, shall from Time to Time be made and delivered by such Register or his Deputy for the Time being as aforesaid to any Person or Persons requesting the same, for which no more shall be paid than Sixpence for every Sheet of Seventy-two Words; and a Copy of the said Award, together with a Plan annexed thereto, shall be put into a Box or Chest to be provided for that Purpose, and deposited in the Chapel of *Stockton* aforesaid; and the said Award, and any Copy thereof, or of any Part thereof, or of any Map or Maps, Plan or Plans, or of any other Instrument or Instruments in Writing that shall or may be annexed thereto, or of any Part of them, or of any of them, attested by the said Commissioners, or by the said Register or his Deputy for the Time being, shall from Time to Time and at all Times thereafter be received, admitted, and allowed as legal Evidence of the Matters and Things therein contained, in all Courts whatsoever.

Appeal.

LIV. 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 or the ſaid recited Act, then and in every ſuch Caſe, except where the Orders and Determinations of the ſaid Commiſſioners by this or the ſaid recited Act are declared to be final, binding, or concluſive, and except in ſuch Caſes where an Iſſue at Law ſhall be tried as herein-before mentioned, he, ſhe, or they may appeal to the Quarter Seſſions of the Peace to be holden for the North Riding of the ſaid 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, Fourteen Days Notice in Writing of ſuch Appeal, and the Matter thereof; and the ſaid Juſtices in their ſaid Quarter Seſſion are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and 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) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices 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.

LV. Saving always to the King's moſt Excellent Majeſty, His Heirs, and Succeſſors, and to all and every other Perſon and Perſons, Body or Bodies Politic, Corporate, or Collegiate, his, her, and their reſpective Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Eſtate, Right, Title, and Intereſt (other than and except ſuch as is and as are hereby meant and intended to be barred, deſtroyed and extinguiſhed) as he, they, every or any of them could or ought to have had and enjoyed of, in, to, or out of the Lands and Grounds hereby intended to be divided, allotted, and diſpoſed of, in caſe this Act had not been made.

Act to be printed by the King's Printers.

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

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