



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. 11.

An Act for inclosing Lands in the Manor and Township of *Ulleskelf* in the Parish of *Kirby Wharfe* in the County of *York*.

[3d July 1835.]

WHEREAS there are within the Manor and Township of *Ulleskelf* in the Parish of *Kirby Wharfe* in the County of *York* divers Open Fields, Ings, and Commonable Lands called respectively *Warth Field*, *Old Mill Field*, *New Mill Field*, *Woodcroft Field*, *Birdingholme Field*, *East Field*, the Commons and the Ings and other Waste Lands and Grounds containing together by Estimation Seven hundred and eleven Acres: And whereas the Reverend *Edward Otter* Clerk, Master of Arts, is Prebendary of the Prebend of *Ulleskelf* in the Cathedral and Metropolitan Church of *Saint Peter* of *York*, and the Reverend *Archibald Galland* Clerk and *John Brook* Esquire (as Devisees in Trust of the Will of *John Shilleto* Esquire, deceased,) are by virtue of a Lease for Lives the present Lords of the Manor of *Ulleskelf*, with its Rights, Members, and Appurtenances, and as such claim to be entitled to the Soil of all the Commons and Waste Lands within the said Manor: And whereas the said *Archibald Galland* and *John Brook* (as Devisees in Trust as aforesaid), *William Grainger*, *John Addinell*, *William Hullab*, and divers other Persons are the Owners of certain ancient Messuages, Cottages, and Frontsteads within the Manor and Township of *Ulleskelf* aforesaid, and in respect thereof or otherwise are or claim to be entitled to Right of

[*Private.*]

41G.3. c.109.

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ment of new
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Common in, upon, and over the said Commons and Waste Lands, or some Part or Parts thereof: And whereas the Owners of such ancient Messuages, Cottages, and Frontsteads claim a Right of Stray or Average in, over, and upon the said Open Fields and Ings for a certain Portion of the Year after the Crops have been reaped or taken therefrom; and the Owners of the said Open Fields and Ings claim a Right of Stray or Average in, over, and upon the said Commons and other Waste Lands and Grounds, in conjunction with the Owners of the said ancient Messuages, Cottages, and Frontsteads: And whereas it is intended that such Rights of Stray and Average claimed by the Owners of ancient Messuages, Cottages, and Frontsteads over the said Open Fields and Ings, and by the Owners of the said Open Fields and Ings over the said Commons and other Waste Lands and Grounds, shall respectively cease, determine, and be extinguished as herein-after mentioned: And whereas an Act was passed in the Forty-first Year of the Reign of His Majesty King George the Third, 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 another Act was passed in the First and Second Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England*: And whereas the said Open Fields, Commons, and Waste Lands and Grounds are capable of considerable Improvement, and it would be of great Advantage to the several Persons interested therein if the same were divided and inclosed, and specific Allotments made to the several Parties interested, according to their respective Estates and Interests therein; but such beneficial Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act passed in the Forty-first Year of the Reign of King George the Third, and all the Powers, Provisions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed by the said recited Act passed in the First and Second Years of the Reign of King George the Fourth,) and also the said recited Act passed in the First and Second Years of the Reign of King George the Fourth, and all and every the Powers and Provisions therein contained, shall, so far as the same respectively are not varied, altered, or repealed, or otherwise provided for, be as valid and effectual for carrying into execution this Act as if the same had been respectively repeated and re-enacted in the Body of this Act.

II. And be it further enacted, That *James Bulmer* of the City of *York*, Gentleman, and his Successors to be appointed in manner herein-after mentioned, shall be and he is hereby appointed a Commissioner for carrying this Act and the said recited Acts into execution.

III. And be it further enacted, That in case the said Commissioner herein-before named and appointed, or any Commissioner to be appointed as herein-after mentioned, shall, previous to the finishing and completing the

the said Division, Allotment, and Inclosure, die, refuse or neglect to act, or become incapable of acting as a Commissioner in the Execution of this Act, then and so often as any such Event shall take place a public Meeting of the several Persons who for the Time being shall respectively be interested in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed (including the Lords or Lord of the said Manor for the Time being), shall be called by the Clerk to the Commissioner, or any Two or more of such Persons as aforesaid, and be held within Two Calendar Months next after such Vacancy shall occur (of which Meeting at least Ten Days previous Notice shall be given by Affixion thereof to the principal outer Door of the Church of the Parish of *Kirby Wharfe* aforesaid), and the Persons then and there assembled, or the Majority of them in Value (such Value to be ascertained by the Land Tax Assessment for that Year), or their respective Agents duly authorized by Writing under the Hands of such respective Persons, shall and may appoint some other Person (not interested in the said Division, Allotment, and Inclosure,) to be a Commissioner in the Place of the Commissioner occasioning such Vacancy; at all which Meetings the Lords or Lord of the said Manor for the Time being, or their or his known Steward or Agent, shall have Power to vote according to the Value of their or his Interest as Proprietors or a Proprietor, and also shall have a casting Vote in case of an Equality of Votes; and every Person so appointed shall have the same Powers and Authorities in all respects for carrying this Act and the said recited Acts into execution, and shall be subject to the same Regulations and Restrictions, as if he had been originally named a Commissioner in this Act; and every such Appointment shall be enrolled and deposited with the Award of the said Commissioner in manner herein-after directed with respect to such Award.

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Commis-
sioners.

IV. And be it further enacted, That the said Commissioner shall and he is hereby authorized to appoint some fit and proper Person to be his Clerk for assisting him in carrying this Act and the said recited Acts into execution, and from Time to Time to remove such Clerk, and to appoint One or more in his Stead.

Appointment
of Clerk.

V. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby empowered to call to his Assistance and to employ such Person as he shall think proper as a Surveyor or Assistant in ascertaining and setting out any Boundaries, and in making the Valuations, Calculations, Maps, Plans, Surveys, and Allotments of the said Open Fields, Common and Waste Lands, Division, Allotment, and Inclosure, and from Time to Time to remove such Surveyor or Surveyors, Assistant or Assistants, and appoint another or others in his or their Stead.

Commis-
sioner may
appoint an
Assistant to
make Sur-
veys.

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

Surveyor to
take an Oath.

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Duties incumbent on me as Surveyor by virtue of an Act passed

Oath.

‘ passed in the . . . Year of the Reign of King *William* the Fourth,
 ‘ intituled [*here set forth the Title of this Act*], 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 the Commissioner for the Time being, or any Justice of the Peace for the County of *York*, is hereby empowered and required to administer; and the said Oath or Affirmation so taken and subscribed by any such Surveyor shall be annexed to and deposited with the Award of the said Commissioner.

Allowance
to Commis-
sioner and
Clerk.

VII. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and executing this Act the said Commissioner, and the Clerk to be appointed by him as hereinbefore directed, shall respectively be paid for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act during the first Three Years next after the passing of this Act the Sum of Three Pounds and Three Shillings, and no more, and after the Expiration of the said Three Years, until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings, and no more, in full Satisfaction of their Time and Trouble, and for the several Expences which they shall be put unto during their several Journies and Attendances in the Execution of this Act, other than and except the Expences for the Use of Rooms, not exceeding Ten Shillings *per* Day on their Attendance at such Meetings for carrying this Act into execution, and the Costs and Expences of drawing, copying, engrossing, and enrolling the Award of the said Commissioner, and of Notices and Advertisements.

Regulating
the Duration
of Meetings.

VIII. And for regulating the Duration of all Meetings to be holden for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and any Meeting to be holden for the Purposes of this Act of a less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged only as Half a Day, and the said Commissioner and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk in which shall be entered the several Days on which the said Commissioner shall hold the Meetings, and at what Hour the said Commissioner was first present thereat, and at what Hour he left or adjourned the same; and such Book shall be signed by the said Commissioner, and shall be open to the Inspection of all Persons interested in the said Inclosure, their Agents or Attornies, during the several Meetings to be held in pursuance of this Act, and all such Persons may take Copies of or Extracts from such Book without paying any thing for the same: Provided also, that it shall not be lawful for the said Commissioner to retain or pay himself or such Clerk, out of any Monies to be received by him or over which he may have any Control in the Execution of this Act, any Sum of Money, on account of the Allowance hereinbefore directed to be made to such Commissioner and Clerk respectively, beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award to be made in pursuance of this Act, or in case the
 Accounts

Accounts of the said Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioner or of the said Clerk previously to the Execution of the said Award the Commissioner for the Time being shall, after the Expiration of the Time allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or of such deceased Clerk such Sum of Money as shall appear by the said Accounts to be due thereon.

IX. Provided always, and be it further enacted, That all Proprietors and Persons interested in the said Inclosure, their Attornies and Agents, shall pay their own Expences whenever they shall attend at any of the Meetings to be held in pursuance of this Act. Proprietors to pay their own Expences.

X. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be given in the Newspaper called *The Yorkshire Gazette*, or in some other Newspaper published within the said County of *York*, and also by a Notice affixed upon the principal outer Door of the Parish Church of *Kirby Wharfe* aforesaid on some *Sunday* before Divine Service, of the Time and Place of his first and every subsequent Meeting for executing the Powers hereby and by the recited Acts vested in him, at least Seven Days before every such Meeting shall be held (Meetings by Adjournment only excepted), and the said Commissioner may adjourn such Meetings from Time to Time as he shall see Occasion: Provided always, that all Meetings of the said Commissioner for executing this Act shall be held at some convenient Place in the said Parish of *Kirby Wharfe*, or within Eight Miles therefrom. Notice and Adjournment of Meetings.

XI. Provided also, and be it further enacted, That all Notices necessary or requisite to be given by the said Commissioner, except in Cases where such Notice is directed to be given otherwise in and by this Act, shall be given Seven Days at least before the Day for transacting the Business to which such Notice shall relate by Advertisement to be inserted in the said Newspaper called *The Yorkshire Gazette*, or by affixing such Notice on the principal outer Door of the Parish Church of *Kirby Wharfe* aforesaid; and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters and Things to which such respective Notices shall relate, any thing in the said first-recited Act contained to the contrary notwithstanding. How other Notices are to be given.

XII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties who now are or before the Execution of the Award of the said Commissioner may be interested in the said intended Division and Allotment, touching their respective Rights and Interests in the said Lands to be divided and allotted by virtue of this Act, or any other Matter or Thing relating to the said intended Division or Allotment, it shall be lawful for the said Commissioner and he is hereby required, upon Examination of Witnesses on Oath (which Oath the said Commissioner is hereby authorized to administer), or of any other proper Evidence, to inquire into, hear, and determine the same: Provided always, that nothing herein contained shall authorize or empower the said Commissioner to determine the Title to any Lands whatsoever, nor to determine

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any Right between any of the Parties contrary to the Possession of such Parties, except in Cases of Encroachment as herein-after mentioned; but in case the said Commissioner shall be of opinion against the Right of the Party so in Possession, except as aforesaid, he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Party, or have been recovered from such Party by Ejectment or other due Course of Law.

Power to
award Costs.

XIII. And be it further enacted, That in case the said Commissioner shall, upon the hearing or determining of any Claim or Objection to be delivered to him in pursuance of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioner and he is hereby required, 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 in whose Favour any Determination of the said Commissioner shall have been made by the Party whose Claim or Objection shall have been thereby disallowed or over-ruled; and in case the Person or Corporation who shall be liable to pay such Costs or Charges shall refuse or neglect to pay the same, on Demand, then it shall be lawful for the said Commissioner and he is hereby required by Warrant under his Hand and Seal to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Corporation so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Person or Corporation whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and if there shall not be any Goods or Chattels whereon to levy the same, or in case the Party ordered to pay such Costs be a Body Politic, Corporate, or Collegiate, then and in either of the said Cases it shall be lawful for the Party in whose Favour such Costs shall be awarded to recover the same by Action of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioner, and in consequence of such Order, without setting forth any other Proceedings under this Act.

Allowing
Parties to
try their
Rights at
Law.

XIV. Provided always, and be it further enacted, That in case any Person or Corporation interested or claiming to be interested in the said Division and Allotment shall be dissatisfied with any Determination of the said Commissioner for the Time being touching or concerning any Claim of Right of Common, or other Rights and Interests, in, over, or upon or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, or touching or concerning any Matter or Thing whatsoever relating to the Division, Allotment, or Inclosure by this Act directed, it shall be lawful for the Person or Corporation so dissatisfied with any such Determination to cause an Action to be brought in one of His Majesty's Courts of Record at *Westminster* upon a feigned Issue against the Person or Corporation in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been notified in Writing to the Person or Corporation against whom such Determination shall have been made, or to his or their known Agent or Attorney, and the Person or Corporation so dissatisfied as aforesaid may proceed to a Trial at Law of the Matter so determined by the said Commissioner at

the next or the second Assizes to be holden for the said County of *York* after such Action shall have been so commenced; and the Defendant in such Action shall and he is hereby required to name an Attorney, who shall appear thereto, or file Common Bail, and accept an Issue, whereby such Claim or Objection and the Right thereby insisted on may be tried and determined (such Issue to be settled by the proper Officer of the Court in which such Action shall be commenced in case the Parties shall differ about the same); and the Verdict which shall be given in such Action shall be final, binding, and conclusive upon every Person and Corporation whomsoever, unless the Court wherein such Action shall be brought shall set aside such Verdict and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict shall be obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim, Right, or Interest thereby determined according to the Event of such Trial: Provided always, that if no such Action at Law as aforesaid shall be commenced within the Time herein-before limited, or if any such Action shall be commenced, and the Plaintiff therein shall not proceed to Trial within the Time and in manner herein-before mentioned, then the Determination of the said Commissioner shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

XV. Provided also, and be it further enacted, That if any of the Parties, Plaintiffs or Defendants, in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Event had happened; and if any Person in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action might have been brought if living, shall die before any such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Person or Corporation respectively who might have brought such Action against the Person so dying to bring the same within the Time so limited as aforesaid against such Person as if actually living, and to serve the Clerk of the said Commissioner with Process for commencing such Action in the same Manner as the Party so dying might have been served therewith if living; and it shall thereupon be incumbent on the Heir or other Person who shall claim the Benefit of such Determination as aforesaid to appear and defend such Action in the Name of the Person so dead, and Proceedings shall be had therein in the same Manner as if such Person had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of every such Action.

Deaths of Parties not to abate Actions.

XVI. Provided always, and be it further enacted, That if any Suit shall be commenced or prosecuted touching or concerning the Right, Title, or Interest of any Person or Party in or to any Lands whatsoever for or in respect of which any Right of Common or other Rights or Interests in, over, or upon the said Lands hereby directed to be divided and allotted, or any Part thereof, shall be claimed, such Suit shall not impede, delay, or hinder the said Commissioner from proceeding in the Execution of the Powers vested in him by this Act or the said recited Acts, but the said Division and Allotment shall be proceeded in notwithstanding such Suit, and the said

Suits not to delay the Execution this Act.

said Commissioner shall award the Allotment in respect of the Lands to which such Suit shall relate to the Person or Party who shall be in the actual Possession or Enjoyment of such Hereditaments, and the same Allotment shall follow the Event of any such Suit or Suits, and may be had and taken by the Person or Party who upon the Determination of such Suit shall become entitled to the same.

Deaths of Parties not to delay the Execution of this Act.

XVII. And be it further enacted, That if any of the Parties interested in the said Division and Allotment 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 the said Commissioner shall proceed in the Execution of the Powers given to him by this Act and the said recited Acts in such Manner as he might have done in case such Party were still living; and the Share of the Person so dying shall be allotted to the Person who shall by Law become entitled to the same, and shall be accepted and taken by him according to the Directions of this Act and the said recited Acts, and he shall be liable to the Charges and Expences and the several Provisions of this Act and of the said recited Acts.

Extinguishment of Rights of Common.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioner at any Time when he shall think it convenient or proper, by Notice for that Purpose under his Hand to be affixed on one of the outer Doors of the Parish Church of *Kirby Wharfe* aforesaid on some *Sunday* before Divine Service, to order the Rights of Common, Stray, or Average in, upon, and over the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, to be extinguished or suspended either in the whole or in part; and from and after the Time to be mentioned in and fixed by any such Notice all such Rights of Common, Stray, or Average as shall be thereby directed to be extinguished or suspended shall cease and be extinguished, or shall be suspended accordingly; any Law, Usage, or Custom to the contrary notwithstanding.

Power to shorten Boundary Fences.

XIX. And be it further enacted, That for the Purpose of shortening or rendering straight and continuous the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted and the old inclosed Lands in the said Township of *Ulleskelf*, or between such Allotments and inclosed Lands or any of them and the Lands and Grounds in any adjoining Manor, Parish, Township, or Place, it shall be lawful for the said Commissioner, with the Consent of the Lord or Lords, Lady or Ladies of the Manor or Manors in which the Lands are respectively situate, and the Owner of the Lands adjoining to such Boundary Fences, testified by Writing under their respective Hands, or under the Common Seal of any of them being a Corporation Aggregate, to alter and straighten or shorten and render continuous the same Boundary Fences or any of them, or any Part thereof, and to set out, ascertain, and determine such Boundaries as the said Commissioner shall think proper for the Purposes aforesaid; and after such Allotment shall have been so set out, and such Boundaries shall have been so ascertained and determined, the same shall be made, fenced, ditched, or mounded by such Person in such Manner and at such Time as the said Commissioner shall order or direct; and such Boundaries shall for ever thereafter be deemed and taken to be the Boundaries between the said Allotments and inclosed Lands respectively,

tively, or between the said Township of *Ulleskelf* and any adjoining Manor, Parish, Township, or Place, as the Case may be; any Law, Usage, or Custom to the contrary notwithstanding.

XX. And be it further enacted, That it shall be lawful for the said Commissioner to set out, appoint, and make such Common Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges in, through, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and also to enlarge, widen, alter, turn, scour, and cleanse all or any of the present Drains, Ditches, Streams, or Watercourses, as well in, through, and over the same Lands and Grounds intended to be divided, allotted, and inclosed, as in, through, and over any ancient Inclosures or other Lands and Grounds within the said Township of *Ulleskelf*, as to him the said Commissioner shall seem proper and necessary, making such Satisfaction to the Proprietors of such ancient Inclosures or other Lands or Grounds for the Damage done thereby as the said Commissioner shall think fair and reasonable; and the Costs and Expences of making, enlarging, widening, altering, turning, scouring, and cleansing such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges, when the same shall be first made and done in pursuance of this Act, shall be raised and levied by the said Commissioner in the same Manner and by the same Means as the other Costs and Expences of carrying this Act into execution; but all such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges shall at all Times afterwards be repaired, cleansed, scoured, and maintained by such Person or Corporation and in such Manner as the said Commissioner shall in and by his said Award order and direct; provided that no Stream or Watercourse be diverted or turned without the Consent in Writing of the Person from whose Lands the same may be diverted and of the Person into whose Lands the same may be turned.

Commissioner to set out Drains, and to enlarge and turn Watercourses.

XXI. And be it further enacted, That in setting out and appointing the several public Carriage Roads, Highways, Bridle Roads, and Footways in pursuance of this Act or the said first-recited Act, the said Commissioner shall and he is hereby authorized and empowered, if he shall think it necessary or proper, to continue or discontinue, stop up, divert, turn, or alter, any of the Carriage Roads, Highways, Bridle Roads, or Footways passing or leading through or over any of the Lands or Grounds intended to be divided and allotted by virtue of this Act, or passing or leading through or over any of the Lands or Grounds within the said Township of *Ulleskelf*, and the Soil of the Roads and Ways so to be discontinued and stopped up shall be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act; provided that no such Carriage Road, Highway, Bridle Road, or Footway passing through any of the inclosed Lands and Grounds within the said Township shall be discontinued, stopped up, diverted, turned, or altered without the Concurrence and Order of Two of His Majesty's Justices of the Peace acting for the West Riding of the County of *York*, not interested in the said Division and Allotment or in the Repairs of such Roads, such Order to be made upon and after such Notice as is directed and required by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways,*

Power to stop up Roads.

55 G. 3. c. 68.

[Private.]

ways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads; and every such Order to be made by such Two Justices of the Peace as aforesaid may include Two or more Carriage Roads, Highways, Bridle Roads, and Footways, and the same Order or any Part thereof shall be subject to an Appeal in the Manner directed by the said last-mentioned Act.

Power to widen Roads, making Compensation to Landowners.

XXII. And be it further enacted, That the said Commissioner shall and may and he is hereby authorized and empowered to widen any of the public Roads or Highways where he shall see it necessary within the said Township of *Ulleskelf*, and for that Purpose to take a sufficient Quantity of the ancient inclosed Lands and Grounds adjoining to such Roads, (the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to any House,) and to make a full Compensation for the Value of the Land or Ground so to be taken for the widening of such public Roads or Highways by allotting and awarding unto the Person from whom any such inclosed Lands or Grounds shall be so taken an adequate Part of the said Lands and Grounds hereby directed to be divided and allotted, and also to make good and substantial Fences on each Side of all such widened public Roads and Highways for and in lieu of the Fences which shall be injured or destroyed by means of such widening.

Expences of discontinuing or widening Roads.

XXIII. And be it further enacted, That the Charges and Expences attending the stopping up, discontinuing, diverting, or widening of such Roads, and the making of such Fences as aforesaid, shall be raised and paid in such and in like Manner as the Expences of passing and executing this Act are hereby directed to be raised and paid.

Justices may certify Roads in part.

XXIV. And be it further enacted, That when and so soon as any of the public Roads to be set out by virtue of the said first-recited Act and this Act shall be made and completed it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the said West Riding of the County of *York*, if they shall think fit, from Time to Time to certify and declare under their Hands and Seals any of such public Carriage Roads so to be set out to be fully and sufficiently formed, repaired, and completed, and such Road or Roads, or so much thereof as shall in any such Certificate be described or certified, shall thenceforth be supported and kept in repair by such Persons and in like Manner as the public Roads within the said Township of *Ulleskelf* are or ought to be by Law amended and kept in repair; and every such Certificate shall, at the General Quarter Sessions of the Peace to be holden for the said West Riding of the County of *York* next after the Date thereof, be filed of Record by the Clerk of the Peace for the said Riding.

Encroachments.

XXV. And be it further enacted, That all Encroachments or Inclosures taken or made from or on any Part of the said Lands hereby directed to be divided, allotted, and inclosed within Twenty Years next before the passing of this Act, and all other Encroachments or Inclosures at any Time taken or made from or on any Part of the said Lands for which any annual Rent, or other Money Payment or Acknowledgment, shall have been assessed or made within Twenty Years next before the passing of this Act, shall be deemed Part and Parcel of the Lands by this Act directed to be divided

divided and allotted; and in case any Dispute shall arise touching any such Encroachment or Inclosures, or the Extent or Duration thereof, such Dispute shall be settled and determined by the said Commissioner.

XXVI. And be it further enacted, That the said Commissioner shall, so soon after the passing of this Act as conveniently may be, and from Time to Time as he shall think fit, by Writing under his Hand to be fixed on One of the outer Doors of the Parish Church of *Kirby Wharfe* aforesaid, order and direct what Course of Husbandry, and what Stint or Rule of stocking and enjoying, shall be respectively observed and used in, over, and upon the Lands to be divided, allotted, and inclosed by virtue of this Act, until such Time as he shall have completed the said Division and Inclosure, as well with respect to the laying down, ploughing, sowing, fallowing, manuring, and tilling thereof, as to the stocking and feeding the Commonable Lands and Fallows or Stubbles upon the said Lands or Grounds, and to make such Recompence for the same as he shall think right, and shall and may make such further Orders and Regulations touching the Conduct of the Farmers and Occupiers within the said Township of *Ulleskelf* for preventing them from ploughing up, committing Waste or Destruction upon, or improperly managing or stocking any of the said Lands or Grounds to be divided and inclosed, until the said Division and Inclosure shall be completed, as to the said Commissioner shall seem proper and expedient, all which Orders and Regulations shall be binding and conclusive upon all Parties interested, their Farmers and Tenants; and the said Commissioner shall and may set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations as he shall think necessary, not exceeding the Sum of Five Pounds *per Acre* in case of cross-cropping or withholding from the Land its due Proportion of Manure, or Ten Pounds in any other Case for any One Offence, and shall and may settle, adjudge, and determine in all Cases where the Tenant is entitled by Agreement to the Manure arising from the Lands in his Occupation, by whom such Tenant shall be compensated for any such Manure left or given up by him; and such Penalties, Forfeitures, and other Sums of Money so to be settled, ordered, adjudged, and determined to be paid for or on account of the several Matters and Things aforesaid, shall be recovered and recoverable in the Manner directed in and by the said first-recited Act with respect to the levying and Recovery of Penalties.

Commis-
sioner to
direct the
Course of
Husbandry.

XXVII. And be it further enacted, That the said Commissioner shall and he is hereby authorized by Writing under his Hand to ascertain, order, and appoint what Recompence or Satisfaction in Money shall be made to the Owner of any Crops growing upon the Lands or Grounds hereby directed to be divided, allotted, and inclosed at the Time such Division and Allotment shall be made, for the said Crops, by the Person to whom the Lands and Grounds on which such Crops are growing shall be allotted, unless such Owner shall, within the Time to be appointed by the said Commissioner for that Purpose, declare his Intention to cut, reap, and carry away the same; and in case of Nonpayment of such Recompence and Satisfaction for such Crops at the Time and in manner to be directed by the said Commissioner, or in case of such Election to cut, reap, and take away the same, then it shall be lawful for such Owner and his Servants and Workmen, with Horses, Carts, and Carriages, to enter into
and

Satisfaction
to be made
for growing
Crops.

and upon the Lands and Grounds whereon such Crops shall be growing, and reap, cut, and carry away the same for his own Use; and the said Commissioner shall also and he is hereby empowered by any Writing under his Hand to ascertain, order, and appoint what Recompence and Satisfaction in Money shall be paid, and to whom, for the Standage of such Crops, by the Owner electing to carry away the same as aforesaid; and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Occupier of any Land, as well for ploughing, tilling, and manuring any of the Lands and Grounds which shall be divided and allotted by virtue of this Act, for the Benefit and Advantage accruing thereby to the Party to whom such Lands and Grounds shall be allotted, as for any Loss or Disadvantage which any Tenant or Occupier shall or may sustain by the Loss of their following or waygoing Crops upon the Lands or Grounds by this Act directed to be divided and allotted; and if in any of the said Cases the Money to be paid for such Recompence and Satisfaction shall not be paid at the Time and in the Manner to be appointed as aforesaid by the said Commissioner it shall be lawful for the said Commissioner, and he is hereby authorized and required, to raise and levy the same for the Use of the Person entitled thereto by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act are herein directed to be raised, levied, and recovered.

Lands to be set out for Gravel Pits and Quarries.

XXVIII. And be it further enacted, That the said Commissioner shall and he is hereby required, before any other Allotment or Allotments shall be made in pursuance of this Act, to set out and allot such convenient Plot, Part of the Lands or Grounds hereby intended to be divided, allotted, and inclosed, as he shall think fit, if there shall be any within the said Township proper for such Purposes, for public Gravel Pits and for Stone Quarries for the Purpose of furnishing Materials for making and repairing the public Roads and Ways in and over the Lands and Grounds hereby intended to be divided, allotted, and inclosed, and elsewhere in the said Township, and for repairing the Footways in the said Township; which Plot of Ground so to be set out shall be separated, inclosed, and kept fenced in such Manner and by such Person, and shall be used under such Regulations and Restrictions, as the said Commissioner shall by his Award order and direct; and the said Plot of Ground so to be set out shall be and the same is hereby vested in the Surveyor of the Highways for the Time being of the said Township for ever, in Trust for the Uses aforesaid, and such Surveyor shall and may let the same or any Part thereof from Time to Time (subject to such digging of Materials for the Reparations of the said Roads and Ways) for the best Rent that can be obtained for the same, and apply the Rents and Profits thereof in repairing the Highways of the said Township.

Watering Places for Cattle.

XXIX. And be it further enacted, That the said Commissioner shall, in the next place, if he shall think it for the public Benefit to do so, but not otherwise, set out and allot unto the Surveyors of the Highways within the said Township of *Ulleskelf* such Parts and Parcels of the Lands and Grounds by this Act authorized to be divided, allotted, and inclosed as the said Commissioner shall think proper as and for public Watering Places for Cattle.

XXX. And

XXX. And be it further enacted, That the said Commissioner shall, in the next place, set out and allot unto and for the Lords or Lord of the Manor of *Ulleskelf* aforesaid so much and such Part or Parts of the said Commons and Waste Lands or Grounds by this Act authorized to be divided, allotted, and inclosed as shall, in the Judgment of the said Commissioner, be equal in Value (Quality and Situation considered) to One Eighteenth Part of such Commons and other Waste Lands and Grounds within the said Manor, in lieu of and as a full Compensation and Satisfaction for the Rights and Interests of the Lords or Lord of the said Manor in and to the Soil of the said Commons and other Waste Lands and Grounds, over and above and exclusive of any other Allotment which may be made to such Lords or Lord of the Manor of *Ulleskelf* aforesaid in lieu of or in satisfaction for any other Rights or Interests in such Commons or other Waste Lands or Grounds.

Allotment to the Lords of the Manor.

XXXI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, after having set out the public Roads and Highways and made the several other Allotments before mentioned, and after he shall have set out, assigned, and allotted such Portion of Lands and Grounds herein-after directed to be sold, in the next place, to apportion, divide, set out, and allot the Residue and Remainder of the said Commons and other Waste Lands and Grounds by this Act directed to be divided and inclosed unto and amongst the several Owners and Proprietors of ancient Messuages, Cottages, and Frontsteads within the said Manor and Township of *Ulleskelf*, having or being entitled to Right of Common for Commonable Cattle upon the said Common and other Waste Lands and Grounds, according to the Number of Common Rights possessed and enjoyed by such Owners of ancient Messuages, Cottages, and Frontsteads respectively, as a just Compensation for their respective Rights and Interests in, to, over, and upon the same, and in full Bar and Satisfaction of all Right of Stray and AVERAGE in, over, and upon the said Open Fields and Ings within the Manor and Township of *Ulleskelf* aforesaid.

Allotment of the Residue of the Commons and other Waste Lands.

XXXII. And be it further enacted, That the said Commissioner shall and he is hereby required, after making the several Allotments herein-before directed, and after he shall have set out, assigned, and allotted such Proportion of Lands and Grounds herein-after directed to be sold, to divide, set out, allot, and award in Severalty the Residue of the said Open Fields unto and amongst the several Owners and Proprietors thereof according to the Value of their several and respective Lands and Grounds, (Quantity, Quality, and Situation considered,) and in such Shares and Proportions as the said Commissioner shall in his Judgment and Opinion think most just, equitable, and convenient; which said Allotments so to be made and set out by the said Commissioner as aforesaid shall be in full Recompence and Satisfaction for the several and respective Claims, Rights, Shares, and Interests of the said Owners and Proprietors respectively of, in, and upon the said Open Fields hereby directed to be divided, allotted, and inclosed as aforesaid.

Allotment of the Open Fields.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby required to order and direct what Number and Description of Cattle shall be depastured on the said Pieces of Ground

For stinting the Ings.

[Private.]

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called

called the Ings, by the Occupiers thereof for the Time being, after the Crops which shall have grown thereon shall have been reaped, according to the Quantity of Ground belonging to each Proprietor, and at what Time such Cattle shall be depastured thereon, and at what Time such Cattle shall be withdrawn therefrom, and shall make such Rules and Orders in and by his said Award as he shall think most advantageous to the several Owners thereof touching the depasturing of the said Pieces of Ground called the Ings; which Rules and Orders shall for ever thereafter be binding and conclusive upon the several Owners and Occupiers thereof for the Time being respectively.

Portion of
Commons to
be allotted
as stinted
Pasture.

XXXIV. And be it further enacted, That (inasmuch as a certain Portion of the Commons called the Mires, comprising about One hundred Acres; is of so boggy and wet a Description as to render it inexpedient to subdivide and inclose the same,) it shall be lawful for the said Commissioner and he is hereby required to set out and allot the same as a stinted Pasture to and for the Use and Benefit of the said several Owners and Proprietors of ancient Messuages, Cottages, and Frontsteads within the said Manor and Township of *Ulleskelf* as aforesaid, and to order and direct what Number and Description of Cattle shall be depastured thereon; according to the Number of ancient Messuages, Cottages, and Frontsteads belonging to such Owners and Proprietors respectively, and at what Time such Cattle shall be depastured thereon, and at what Time such Cattle shall be withdrawn therefrom, and shall make such Rules and Orders in and by his said Award as he shall think most advantageous to such Owners and Proprietors respectively touching the depasturing thereof, which Rules and Orders shall for ever thereafter be binding and conclusive upon such Owners and Proprietors for the Time being respectively.

Compensa-
tion in Money
for Rights of
Stray by Pro-
prietors of
Lands with-
out Mes-
suages, &c.

XXXV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to order and direct all and every the Proprietors of Lands and Grounds situate in the several Open Fields and Ings, or any of them, who shall not have been the Owner of any ancient Messuages, Cottages, or Frontsteads for Twelve Calendar Months previous to the passing of this Act, to make such Compensation in Money for the Exoneration of such Lands and Grounds respectively from the Right of Common, Stray, or Average in, over, and upon the same as the said Commissioner shall in his Judgment consider to be a fair Compensation to the several Persons entitled to such Right of Common, Stray, or Average; which Money shall be applied by the said Commissioner towards paying such Portions of the Expences of carrying into execution this Act as the said Owners of ancient Messuages, Cottages, or Frontsteads shall be liable to for putting this Act into execution, according to the Number of Common Rights held by such Owners of ancient Messuages, Cottages, and Frontsteads respectively, and which Compensation in Money shall be paid at such Times and in such Manner as the said Commissioner shall order and direct by Writing under his Hand or by his Award, and shall be recovered and recoverable in the same Manner and by the same Means as the Expences of obtaining and carrying into execution this Act are recoverable.

Commis-
sioner, on
Application,

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioner, either before or within One Year after the Execution of the Award

Award to be made in pursuance of this Act, on Application being made to him by any of the Owners or Proprietors for the Time being seised of or entitled in Possession to any Allotment or Allotments to be made by virtue of this Act, or to the actual Receipt of the Rents, Issues, and Profits thereof, 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 for Life or Lives in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or upon Application being made to him by the Guardians, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid who at the Time of such Application shall be respectively Infants, Females 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 Application to be made to the said Commissioner in Writing under the Common Seal of any such Body Politic, Corporate, or Collegiate, or under the respective Hands of the other applying Parties, to sell any Part or Parts of the Allotment or Allotments which by virtue of this Act shall have been set or marked out for or actually awarded to the Owner or Owners, Proprietor or Proprietors, who by himself, herself, or themselves, or such other Person or Persons on his, her, or their Behalf as aforesaid, shall make such Application as herein-before mentioned for the Purpose of raising a Sum of Money sufficient to defray the Whole or Part of the Costs, Charges, and Expences which such Owner or Owners, Proprietor or Proprietors as aforesaid shall by virtue of this Act or of the said recited Acts be subject or liable to, and such Sale or Sales shall be made by the said Commissioner in manner herein-after directed; and the said Commissioner shall, with and out of the Money to arise from such Sale or Sales, pay all the Expences attending the same or in anywise relating thereto, and shall, with and out of the Residue of the said Monies, defray the Costs, Charges, and Expences for the defraying of which such Sale or Sales were respectively made: Provided always, that it shall not be lawful for the said Commissioner to raise by Sales respectively any further or greater Sum of Money for the Purpose of defraying such Costs, Charges, and Expences as aforesaid, than the respective Owners or Proprietors or other Person or Persons making such Application are or is by the said first-recited Act empowered or authorized to borrow and charge for the Purpose of defraying his, her, or their respective Share or Shares of Charges and Expences, reckoning after the Rate of Five Pounds for each and every Acre of such Allotment or Allotments: Provided also, that if the Money so to be raised by the Sale of such Allotment or Allotments shall not be equal to the Sum of Money that may be borrowed and charged by virtue of the said first-recited Act and this Act on the Lands and Grounds to be allotted by virtue of this Act to such Owner or Owners, Proprietor or Proprietors, reckoning Five Pounds for each and every Acre thereof, then and in every such Case it shall be lawful for the said Owner or Owners, Proprietor or Proprietors, to borrow and charge upon his, her, and their Allotment or Allotments any Sum or Sums of Money not exceeding the Excess or Difference: Provided also, that nothing in this Act contained shall extend, or be deemed or construed to extend, to prevent or hinder any Owner or Proprietor, or other Person or Persons, from exercising, in preference to the said Power of selling, the Power of borrowing and charging given by the said first-recited Act and this Act; but such Charge

may sell Part
of Allotments
to defray Ex-
pences.

is then not to exceed Five Pounds for each and every Acre of the Lands allotted to such Owner or Proprietor.

Power to
sell small
Pieces of
Waste Lands.

XXXVII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required from Time to Time as he shall think expedient to sell and dispose of, either by public Sale or by private Contract, all such small Pieces or Parcels of Waste Lands and Grounds as from their Situation cannot be conveniently allotted to any of the Owners of ancient Messuages, Cottages, or Frontsteads; and the Money to arise therefrom shall be paid into the Hands of the Commissioner, and shall be by him applied towards paying or lessening the Expences of the Owners of the said ancient Messuages, Cottages, or Frontsteads in putting this Act into execution, in proportion and according to the Number of Common Rights held by such Owners of ancient Messuages, Cottages, or Frontsteads as aforesaid respectively; and the several Receipts of the said Commissioner for such respective Purchase Monies shall be sufficient Discharges to the respective Purchasers for the same; and upon Receipt of the whole Purchase Money for any of the Premises which shall be sold as aforesaid the said Commissioner shall and he is hereby authorized to grant and convey the said Premises, and the Fee Simple and Inheritance thereof in Possession, by some Deed under his Hand and Seal, unto and to the Use of or in Trust for the Purchaser thereof, and his Heirs and Assigns, or unto, upon, and for such Uses, Trusts, and Purposes as such Purchaser shall direct; and immediately upon and after the Execution of such Deed by the said Commissioner the Premises therein described and thereby granted and conveyed, with their Appurtenances, shall become vested as Freehold of Inheritance in such Purchaser and his Heirs and Assigns, or in such other Person, and unto, upon, and for such Uses, Trusts, and Purposes, as in and by such Deed shall be mentioned, expressed, and declared; and every or any such Conveyance may be in the following Form, or to the like Effect; (that is to say,)

Form of
Conveyance.

‘ I the Commissioner acting in execution of an Act
‘ of Parliament passed in the Year of the Reign of King
‘ *William* the Fourth, intituled [*here insert the Title of this Act*], by
‘ virtue of the Power and Authority to me given by the said Act, and
‘ in consideration of the Sum of paid into my Hands by
‘ which said Sum is the whole Purchase Money agreed
‘ to be paid by him to me for the Purchase of the Land and Heredita-
‘ ments herein-after described, being Part and Parcel of the Lands by
‘ this Act authorized to be sold and disposed of by me, and is to be
‘ by me applied and disposed of in the Manner directed by the said
‘ Act, and the Receipt of which said Sum I do hereby acknowledge, do
‘ by this Deed under my Hand and Seal, by the Direction of the said
‘ testified by his Execution of these Presents, grant and
‘ convey unto his Heirs and Assigns, all that [*here*
‘ *describe the Premises*], together with the Appurtenances to the said
‘ Premises belonging, and the Fee Simple and Inheritance thereof in Pos-
‘ session, to have and to hold the same unto the said his
‘ Heirs and Assigns [*here state the Uses, Trusts, or Purposes of the Con-*
‘ *veyance, as the Case may require*]. Dated this Day of
‘ in the Year of our Lord

And

And all such Purchase Monies as shall be from Time to Time raised or received by the said Commissioner by such respective Sales as aforesaid shall, after Payment of the Charges and Expences attending such respective Sales, be paid and applied by the said Commissioner for and towards paying and lessening the Expences herein-before mentioned and referred to; and the respective Purchasers or other Persons paying the same shall not in any Manner be liable to see to the Application or be answerable for any Misapplication thereof.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands within the said Township of *Ulleskelf* in lieu of and in exchange for any other Lands within the said Township of *Ulleskelf*, or any adjoining Parish, 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 Owners of the Lands which shall be so exchanged, whether such Owners shall be Corporations, 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, by and with the Consent of the Lessor or Lessors thereof, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, such Consent to be testified in Writing under the Common Seal of the Corporation and under the Hands of the other consenting Parties respectively; and all 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 held in Right of any Church or Chapel or other Ecclesiastical Benefice without the Consent, testified as aforesaid, of the Patron thereof and of the Bishop of the Diocese in which such Lands so to be exchanged shall be situate: Provided always, that all Costs, Charges, and Expences attending the making of any Exchanges shall be paid, borne, and defrayed by the several Persons making such Exchanges in such Shares and Proportions, and at such Time, and to such Person as the said Commissioner shall by any Writing under his Hand order and direct, and in case of Nonpayment thereof shall be recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Power of Exchange.

XXXIX. Provided always, and be it further enacted, That if at the Time of the Execution of the said Award there shall remain due from any Person or Corporation any Sum of Money which shall have been adjudged, ordered, or directed to be paid by virtue of this Act, it shall be lawful for the said Commissioner, and he is hereby authorized and required, to levy and raise the same in like Manner as he might or could have done before the Execution of his Award.

Monies may be recovered after Execution of Award.

XL. And be it further enacted, That it shall be lawful for the said Commissioner from Time to Time, as he in his Discretion shall think fit, to borrow of any Person willing to lend the same such Sum of Money as may be deemed necessary for paying the Expences of applying for and obtaining

Commissioner may borrow Money, and the Party lending the

[Private.]

same shall be repaid with Interest.

obtaining and executing this Act; and the Person who shall lend or advance any such Money shall be repaid the same out of the Monies which shall be raised or collected in pursuance of this Act, with Interest for the same from the Time of lending or advancing such Sum as aforesaid to the Time of the Repayment thereof.

Commissioner to appoint Time for receiving Applications for Situation of Allotments.

XLII. And be it further enacted, That the said Commissioner shall and he is hereby required to give Ten Days Notice of Meeting for receiving Applications from the Owners and Proprietors of the Lands and Grounds hereby directed to be divided and allotted touching the Situation in which they would respectively choose to have their Allotments set out and allotted.

Meetings for objecting to Allotments.

XLIII. And be it further enacted, That when and so often as the said Commissioner shall have ascertained the respective Rights and Interests of the said Proprietors in the Lands and Grounds to be divided and allotted by virtue of this Act, and also the respective Shares and Proportions by him proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioner shall hold a Meeting at some convenient Time and Place when and where the Proprietors may be informed of such Allotments, and see the same set out and delineated upon a Map or Plan to be produced for their Inspection; and if any of the said Proprietors upon such Inspection be dissatisfied with the proposed Allotments, the said Commissioner shall at such Time and Place aforesaid, or at some other Time and Place to be appointed by him for that Purpose, receive Statements in Writing of the Complaints and Objections of any Proprietor against any such Allotment, and shall forthwith, or so soon after as conveniently may be, determine the same, and such Determination shall be binding and conclusive on all Parties interested in such Allotment.

Directions for fencing Allotments.

XLIII. And be it further enacted, That the several and respective Allotments to be made of the said Lands hereby directed to be divided, allotted, and inclosed within the said Township of *Ulleskelf* after the Division thereof shall within Six Calendar Months, to be computed from the signing and sealing of the Award of the said Commissioner, or within any such shorter Space of Time to be appointed by the said Commissioner, be inclosed and fenced in such Manner as the said Commissioner may direct; and such Fences as shall be composed of Quicksets, where the same shall adjoin upon any public or private Road or Way, and in such other Place or Places as the said Commissioner shall think fit, shall be guarded with good and substantial Posts and Rails or otherwise, and with such Ditches on either or each Side thereof, as the said Commissioner shall direct and appoint; all which said Fences shall be so planted and guarded as aforesaid by and at the proper Costs and Charges of the respective Parties to whom the same shall be respectively allotted, in such Manner, Shares, and Proportions as the said Commissioner shall in and by his said Award order and direct.

Proprietors may fence before Award signed.

XLIV. And be it further enacted, That it shall be lawful for any of the said Proprietors after their respective Allotments shall have been by Order of the said Commissioner marked and staked out, and at any Time before the signing of the Award, to ditch and fence their own particular Allotments respectively in such Manner as the said Commissioner shall

in Writing under his Hand order and direct, any thing herein contained to the contrary notwithstanding; and that such of the said Proprietors whose Allotments shall abut against the Side or Ditch of any other Allotments, or of any Lands already inclosed, shall be at liberty and are hereby empowered, from the Time of staking out the several Allotments hereby directed to be made, to set up and place, and from Time to Time maintain, and at all Times thereafter to continue Rails across the Ditches and Posts upon the Banks of such other Allotments or Lands already inclosed.

XLV. And be it further enacted, That no Person whomsoever shall at any Time after the passing of this Act permit any Sort of Cattle or Sheep or Swine, or Geese, to graze in any Highway, Lane, or Passage adjoining to any Inclosure to be awarded and allotted by virtue of this Act; and any Owner or Proprietor of Lands within the said Township, and his Servants and Labourers, is and are hereby empowered to take and impound all such Cattle, Sheep, or Swine, or Geese, so found grazing as aforesaid, as Cattle Damage feasant.

Roads not to be depastured.

XLVI. And be it further enacted, That the said Commissioner shall and may in and by his said Award order and appoint to whom and for whose Use and Benefit the Grass and Herbage growing and renewing in and upon all and every the private Roads to be set out and ascertained by him in the said Township shall belong, and the same shall for ever thereafter remain to and for the Use and Benefit of such Person, and to no other Use or Purpose whatsoever.

For awarding Herbage of private Roads.

XLVII. And be it further enacted, That no Person shall graze or keep any Horses, Asses, Bullocks, Cows, Sheep, Lambs, Pigs, or other Beasts or Cattle in any of the said Allotments or intended Inclosures during the Space of Seven Years from the Time the Fences thereof shall have been planted, made, or completed, unless the Person so depasturing or keeping any such Cattle or other Beast as aforesaid therein shall first at his own Expence staffhold the same, or effectually guard and fence the Quicksets or Hedges of the Person whose Allotment or Inclosure shall adjoin upon those wherein any such Cattle as aforesaid shall be so depastured and kept, so as to prevent any Damage or Injury being done thereby to such neighbouring Quicksets or Fences; and in case any Person shall depasture or keep any Horse, Ass, Bullock, Cow, Sheep, or Lambs, Pigs, or other Beasts or Cattle in any such Allotment or intended Inclosure without first staffholding the same, or effectually raising and keeping up such Fence as aforesaid, it shall be lawful to and for the Owner and Occupier of any adjoining Allotment or intended Inclosure, or his Servants or Labourers, to enter thereon, and take, drive away, and impound the same as Cattle Damage feasant.

To prevent Cattle damaging Fences.

XLVIII. And be it further enacted, That it shall and may be lawful for the said Commissioner to make Partition of any Lands or new Allotments within the said Township of *Ulleskelf* respectively held by any Persons as Copartners, Joint Tenants, or Tenants in Common, so as every such Partition be made upon Application from and with the Consent and Approbation of any of the several Proprietors thereof, signified in Writing under his Hand, or under the Hands respectively of the Husbands, Guardians, Trustees, Committees, or Attornies duly authorized of any of the said

Commissioner may make Partitions.

said several Proprietors who may be under Coverture, Minors, Lunatics; or beyond the Seas, or under any other legal Disability or Incapacity to act, and so as every such Partition be specified in the Award of the said Commissioner, or some other Instrument under his Hand and Seal; and every such Partition shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Tenure of
Allotments.

XLIX. And be it further enacted, That all Lands which shall be allotted by virtue of this Act to any Person shall be held by such Person under the same Tenure, Rents, Customs, and Services as the Messuages, Cottages, Lands, and other Hereditaments in respect of which such Allotments shall be respectively made or given were respectively held under or enjoyed by such Person as aforesaid before the passing of this Act, or would have been held under or enjoyed by in case this Act had not been passed; and the several Lands which shall be allotted for any Freehold Messuages or Cottages, Lands or Hereditaments, shall be deemed Freehold, and shall be held of the Lords or Lord of the Fee thereof under the same Rents or other Payments as the Freehold Messuages, Cottages, Lands, and Hereditaments for which they were allotted were before that Time held under; and the several Lands which shall be allotted for Copyhold or Customary Messuages, Cottages, Lands, or Hereditaments shall in like Manner be deemed Copyhold or Customary Lands, and shall be held of the Lords or Lord of the Fee thereof under the same Rents and by the same Customs and Services as the Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments for which they were so allotted were or ought to have been held under, and shall pass by the like Surrenders as the Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments in respect whereof such Allotments shall be made do now pass by; and that every Person to whom such Copyhold or Customary Lands and Hereditaments shall be allotted as aforesaid may, at any Court which shall be holden for the said Manor of *Ulleskelf* after the Execution of the Award thereof, be admitted Tenant to the same without paying any Fine or other Charge to the Lords or Lord or to the Steward or Stewards of the said Manor (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and the Customary Fees to the Steward of the said Manor respectively); but in case the Person to whom such Copyhold or Customary Lands and Hereditaments shall be allotted shall die without Admission thereto, then the Customary Fines and other Payments shall be due and payable on the Admission of the Person entitled to such Copyhold or Customary Lands and Hereditaments; and after every such first Admission as aforesaid the Copyhold or Customary Lands so to be allotted as aforesaid shall at all Times be held under and subject to the same Tenures, Fines, and other Payments as the present Copyhold or Customary Messuages, Cottages, Lands, and Hereditaments in respect whereof such Lands were allotted are now held under and are subject to, any Law, Usage, or Custom to the contrary notwithstanding; and the several Lands which shall be allotted for any Leasehold Messuages, Cottages, Lands, or Hereditaments shall in like Manner be deemed Leasehold Lands, and shall be held under the same Rents and Covenants as the Lands or Hereditaments in respect of which they may be allotted were held, and the Remainder or Reversion thereof shall be and remain vested in the same Lessor or Lessors respectively as the Reversion or Remainder of the Leasehold Messuages, Cottages,
Lands,

Lands, or Hereditaments for which they were allotted were before that Time held under.

L. And be it further enacted, That if any Person has sold, or shall at any Time before the Execution of the Award of the said Commissioner sell, his Right, Interest, and Property in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, to any Person, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, upon such Sale being made, to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, or to his Heirs or Assigns, for and in respect of such Right, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, or his Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him as aforesaid in the same Manner to all Intents and Purposes as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotments as aforesaid; and it shall be lawful for any Person who shall be entitled to any Allotment under or by virtue of this Act to give, grant, bargain, sell, surrender, demise, mortgage, limit, appoint, convey, and assure the same Allotment, or all or any Part of his Estate or Interest therein or Right thereto, at any Time before the Execution of the said Award; and every such Gift, Grant, Bargain, Sale, Surrender, Demise, Mortgage, Limitation, Appointment, Conveyance, and Assurance shall be of the same Force and Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person entitled to any Allotment as aforesaid to sell, dispose of, and convey the Estate in right of which he may be entitled to any such Allotment separate and apart from and retaining to himself such Allotment, Common Right, and Interest; and the said Commissioner is hereby required to award such Allotment accordingly.

Persons may sell or mortgage their Estates before Execution of the Award.

LI. And be it further enacted, That every Person to whom any Grant, Mortgage, Lease, or Demise shall be made by virtue of this Act as a Security for any Sum of Money by him lent and advanced on the Credit of and for the Purposes mentioned in this Act, or who shall be entitled to the Money thereby secured, shall and may from Time to Time by any Deed, Surrender, or Writing under his Hand and Seal, to be executed in the Presence of and attested by some credible Witness, assign and transfer the same Security, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his Estate, Right, Title, or Interest, and Term of Years then to come and unexpired of, in, and to the same, unto any Person whomsoever, who may again in like Manner assign the same, and so *toties quoties*; and such Mortgagee or Assignee, and his Executors or Administrators, and all Persons claiming under them or any of them, shall and may use, take, and pursue all such lawful Methods, Causes, and Expedients in Law or Equity for recovering or obtaining Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid in Cases of Nonpayment of the Principal Money and Interest to be thereby secured, or any Part thereof respectively, as is or are used, taken, and pursued in Cases of the like Nature.

Mortgages may be assigned.

Directions
for charging
Copyhold
Lands with
Expences.

LII. Provided always, and be it further enacted, That every Mortgage which shall by virtue of the said first-recited Act or of this Act be made of any Copyhold Lands, whether by Deed or otherwise, shall be presented and entered on the Court Rolls of the said Manor, whereupon the same Fees and other Payments shall be due and paid as in other Cases of Surrender by way of Mortgage, and shall operate as a Surrender to the Use of the Mortgagee and his Heirs or Assigns respectively, according to the Custom of the said Manor, subject nevertheless to Redemption on Repayment of the Principal Monies thereby respectively intended to be secured, with Interest thereon, as is herein provided in the Case of other Mortgagees, instead of being demised to such Mortgagee, and his Executors, Administrators, and Assigns, for a Term of Years, as mentioned and prescribed in and by the said first-recited Act.

Leases at
Rack Rent
to be void.

LIII. And be it further enacted, That from and immediately after the Allotments herein directed to be made shall be marked and staked out, and the said Commissioner shall have directed the same to be entered upon by the Persons respectively to or for whom the same shall be intended, every Lease and other Agreement at Rack Rent subsisting of all or any Part of the said Lands hereby directed to be divided, allotted, and inclosed, and of any Right of Common thereon, and of the Messuages or Tenements and Homesteads respectively belonging thereto, for any Term of Years not exceeding Twenty-one Years (save and except such Leases and Agreements as by the express Terms thereof are not to be void in case of an Allotment in Severalty or Inclosure), shall cease, determine, and be void as to all such Lands and Rights of Common respectively, but not as to any other Hereditaments comprised therein, such Compensation being paid to or allowed by the respective Landlords whose Leases or Agreements shall be so vacated as the said Commissioner shall by Writing under his Hand order and direct in that Behalf; and it shall be lawful for the said Commissioner by Writing under his Hand to ascertain, direct, and appoint what Rent or Share or Proportion of Rent shall be paid by the several Tenants of the Lands to be inclosed by virtue of this Act, or the Rights of Common thereof in their respective Holdings, to their respective Landlords, from the Time of the passing of this Act until such Lands shall be marked and staked out and be directed to be entered upon as aforesaid, and also to order and direct what Proportion and Amount of the whole Rent reserved upon such Leases or Agreements respectively shall be paid by such Tenants from the Time of the passing of this Act to their respective Landlords for the Messuages, Homesteads, or ancient Inclosures comprised in such Leases or Agreements respectively until the Expiration thereof, and which are not meant or intended to be made void as to such Messuages, Homesteads, or ancient Inclosures; provided that no Lease or Agreement comprising Messuages, Homesteads, or ancient Inclosures only shall be made void by this Act.

Beneficial
Leases not to
be vacated.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease from any Corporation or Person of any Lands in the said Township of *Ulleskelf*, but the Person entitled to such beneficial Lease shall and may hold and enjoy his Term at and under the same Rents and Covenants as are specified in his Lease from the same Corporation or Person.

LV. Pro-

LV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to revoke, annul, make void, alter, vary, or in anywise affect any Grant, Assurance, Limitation of Use or Uses, Declarations of Trust, or any Deed or Will whatsoever (except such Leases and Agreements as herein-before mentioned), or to prejudice any Person having any Right or Claim of Dower, Jointure, Portion, Rent-charge, Annuity, Debt, Rent, Incumbrance, or other Claim or Demand, out of, upon, or affecting any of the Lands or Grounds hereby directed to be divided and allotted, or any of the Messuages, Lands, or Hereditaments which shall be exchanged or parted with in pursuance of this Act; but that as well the Lands allotted and exchanged as the Hereditaments which shall be assigned in partition or in compensation for any other Estate or Right by virtue of this Act or the said recited Acts, or either of them, shall immediately after such Allotment, Exchange, Partition, or Assignment remain and enure, and the several Persons to whom the same shall be allotted, assigned, or given in exchange or in partition as aforesaid shall thenceforth stand, be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances in all respects, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Exchanges, Partitions, and Assignments shall have been made should or would have stood severally limited, settled, vested, or subject or liable to, or been held by, in case the same had not been allotted, exchanged, parted with, or assigned as aforesaid, and this Act had not been passed, save and except such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act, and except where any other of the Provisions of this Act are to the contrary, and subject nevertheless to all such Mortgages and Sales as shall be made by Authority hereof or of the said first-recited Act.

Deeds, Wills,
&c. not to be
affected.

LVI. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, defeat, or in anywise affect the Right, Title, or Interest of the respective Tithe-owners for the Time being respectively in or to any Tithes, Moduses, Dues, Payments, Mortuaries, *Easter Offerings*, Surplice or other Fees, Lands, Tenements, or Hereditaments within the said Township of *Ulleskelf*, but that such Tithes, Moduses, Dues, Payments, Mortuaries, *Easter Offerings*, Surplice and other Fees, shall be payable and paid at all Times hereafter in the same Manner as if this Act had not been passed.

Not to affect
Tithes, &c.

LVII. And be it further enacted, That when any Proprietor of Lands which shall be inclosed, allotted, or exchanged by virtue of this Act shall hold such Lands under different Titles and for different Estates, and under different Grants or beneficial Leases, the said Commissioner shall, upon the Request in Writing of such Proprietor, ascertain and distinguish the Lands held for each of such Estates, and under each of such Titles, Grants, and Leases respectively, and shall accordingly in his Award set out and distinguish distinct and separate Allotments for such respective Lands.

Separate
Allotments
for Land held
under dif-
ferent Titles.

LVIII. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said first herein-before recited Act or this

Application
of Monies
paid for Pur-
Act,

chase or Exchange, if amounting to 200l.

1G. 4. c. 35.

Act, to be paid for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon, which shall belong to any Corporation, Tenant for Life or in Tail, or to any Feoffee, or Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought, in pursuance of this Act, to be laid out in the Purchase of other Lands to be settled to the same Uses, it shall be lawful for the said Commissioner out of such Sums to defray such Proportion of the Expence of passing this Act and of carrying the same into execution as shall (if any) be charged upon any of the Lands of the Person or Corporation, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall, in the Judgment of the said Commissioner, be proper to be made, and shall be made under his Direction upon any Lands to be by virtue of this Act allotted to such Person, Corporation, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, and shall when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Corporation who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or other Incumbrance affecting the same Lands belonging to such Person or Corporation as the said Court of Exchequer shall authorize to be purchased or redeemed, or paid or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the afore-mentioned Lands stood limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime, and

and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Corporation who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased, conveyed, and settled.

LIX. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Corporation for the Time being entitled to the Rents and Profits of the Lands so purchased or exchanged, and of his Guardian or Committee in case of Infancy, Idiocy, Lunacy, or Incapacity, with the Approbation of the said Commissioner to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Corporation who for the Time being would be entitled to the Rents and Profits of the said Lands, such Nomination to be approved of by the said Commissioner, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal (as the Case may be) of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where less than 200*l.* and amounting to 20*l.*

LX. Provided also, and be it further enacted, That in case the Surplus of such Money shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Corporation who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased or exchanged, for his or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his Guardian, Committee, or Trustee, to and for the Use and Benefit of the Person entitled thereto.

Where not exceeding 20*l.*

LXI. And be it further enacted, That it shall be lawful for the said Commissioner at any Time before the executing of his final Award to make any such Alterations in the Allotments or in the Fences which he may have set out and ordered, or in any of the Orders and Directions relating thereto which he may have made in pursuance of this Act, as he may think right and expedient; and in case any Person shall be injured by any such Alteration on account of any Expences he may have incurred, or otherwise, the said Commissioner shall ascertain and determine what Recompence shall be made to him for such Injury, and shall either pay the Amount thereof out of the Monies to come to his Hand in the Execution of this Act, or shall order and direct by whom and in what

Alterations may be made in the Allotments before the Award.

[*Private.*]

Manner such Recompence shall be made, the same to be levied and recovered, in case of Nonpayment, in the same Manner as the Costs and Charges of obtaining and executing this Act might have been levied and recovered by virtue of the said recited Act passed in the Forty-first Year of the Reign of His Majesty King *George* the Third in case the same or any Part thereof were raised by a Rate upon the Proprietors.

Award to be made and deposited.

LXII. And be it further enacted, That as soon as conveniently may be after the said Divisions and Allotments shall be completed the said Commissioner shall form, draw up, and execute an Award, which, together with a proper Map or Plan thereunto annexed, shall within Forty Days after the Execution thereof be delivered to the Clerk of the Peace for the West Riding of the County of *York*, who is hereby required to deposit and keep the same among the Records of the said Riding, for the Reception whereof the Fee of Two Pounds and Two Shillings, and no more, shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be enrolled within the Intent and Meaning of the said first-recited Act; and a Copy of the said Award written on unstamped Paper or Parchment, and of the said Map or Plan, signed by the said Commissioner, shall within the Time aforesaid be deposited with the Steward of the Courts of the Manor of *Ulleskelf* aforesaid for the Time being, and by him kept in a proper Box to be provided for that Purpose; and the said Award and the said Copy thereof, and any other Copy of the said Award or of any Part thereof attested by the Clerk of the Peace for the Time being of the said West Riding or his Deputy (for every Sheet of which containing One hundred Words Sixpence and no more shall be paid), shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Commissioner may make Copies of the Award for Proprietors.

LXIII. And be it further enacted, That the said Commissioner shall and may, upon the Request and at the Costs and Charges of any Person interested in the aforesaid Award, cause a true Copy of the whole or so much of the Award as relates to the Allotment or Interest of the Party requesting the same to be made out and taken from the said Award, fairly written upon Parchment or Paper; and such Copy, being certified under the Hand of the said Commissioner, shall be admitted in all Courts whatsoever as legal Evidence concerning the Matters and Things therein contained.

Accounts to be audited.

LXIV. And be it further enacted, That once at least in every Year during the Execution of this Act (to be computed from the Time of passing thereof) the said Commissioner shall and he is hereby required to make a true and just Statement and Account of all the Sums of Money by him received and expended or applied in the Execution of this Act, and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid and disbursed; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before One of His Majesty's Justices of the Peace for the County of *York* not interested in the said Inclosure, to be by him examined and balanced, and such Balance shall

shall be stated in the Book of Accounts to be kept in the Office of the Person acting as Clerk to the said Commissioner; and an Abstract of such Account shall, within Fourteen Days after the same shall have been so examined and balanced, be from Time to Time advertised in some Newspaper published in the City of *York*; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in the Law, unless the same shall have been allowed by such Justice, and until such Account or the Abstract thereof shall have been so advertised as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

LXV. And be it further enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of this Act, (other than and except as to the Allotments, and except such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, settled, tried, or determined by any Issue at Law, or where by any of the Provisions of this Act the Determinations, Acts, or Proceedings of the said Commissioner are directed to be final or conclusive,) he may appeal to any General or Quarter Sessions of the Peace which shall be holden for the said West 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 concerned Ten Days Notice in Writing of such Appeal and the Matter thereof; except with respect to the Accounts of the Commissioner, which, notwithstanding the same shall have been examined and balanced as aforesaid, may be appealed against at any Time within Six Calendar Months after the depositing of the Award with the Clerk of the Peace for the said West Riding, on giving to the said Commissioner such Notice as last aforesaid; and the Justices (not interested in the Premises) at the said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs as to them 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 liable to pay the same, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Warrant of Distress and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous and vexatious or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant as to them in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

Power of
Appeal.

LXVI. And be it further enacted, That all the Costs, Charges, and Expences of obtaining this Act, and all Proceedings which have been taken relative or preparatory thereto, and also all Charges and Expences which may be incurred in carrying this Act into execution, and of making and completing the public Roads to be set out, and of preparing and enrolling the Award of the said Commissioner, shall be borne, made up, and paid by all the Owners and Proprietors of or Persons having Rights or Interests in the Lands or Grounds hereby directed to be divided, allotted, and inclosed, in proportion to the Value of their several and respective Rights, Shares, and Interests therein; and the Amount thereof shall be settled,

For paying
the Expences
of this Act.

settled, ascertained, and adjusted by the said Commissioner, and shall be paid at such Time and Place or Times and Places, and to such Person or Persons, as the said Commissioner shall appoint; and the said Commissioner shall and he is hereby authorized and required accordingly to make One or more Rate or Rates or Assessment or Assessments thereof respectively under his Hand; and the same Rate or Rates, Assessment or Assessments, so made and signed, shall be binding and conclusive on all Parties thereby charged and made liable, and their several and respective Executors and Administrators; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of such Rate or Rates, Assessment or Assessments as aforesaid, within such Time or Times, and to such Person or Persons, and at such Place or Places as the said Commissioner shall appoint, then and in such Case the said Commissioner shall cause the same to be levied and recovered in manner directed by the said first-recited Act.

Construction
of Terms in
this Act.

LXVII. And be it further enacted, That whenever in this Act any Word or Words is or are used importing the Singular Number only the same shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and the Word "Person" and also the Word "Corporation" shall respectively be understood to include a Body or Bodies Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, as well as an Individual or Individuals; and any Word or Words importing the Masculine Gender only shall be understood to include Females as well as Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments as well as Lands; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

General
Saving.

LXVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Persons and Person, Bodies Politic or Corporate and Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest, Claim and Demand, (other than and except such as are expressly barred and compensated for or intended to be barred and compensated for and extinguished by this Act,) as they, every or any of them, could or might have had, held, and enjoyed of, in, to, or out of the said Lands authorized to be divided, allotted, and inclosed, or any Part thereof, in case this Act had not been passed.

Act to be
printed by
the King's
Printers.

LXIX. 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 SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1835.