



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 115.

An Act for inclosing Lands in the Township and Parish of *Seaton Ross*, in the East Riding of the County of *York*. [21st May 1811.]

WHEREAS within the Township of *Seaton Ross*, in the Parish of *Seaton Ross*, in the East Riding of the County of *York*, there is a certain Open and Stinted Pasture called the *Car*, containing about Eighty Acres, and there are also certain Common and Waste Lands, called the *Common* and the *Green*, containing about Seven hundred and twenty Acres: And whereas *Marmaduke Constable Maxwell* Esquire is Lord of the Manor of *Seaton Ross* aforesaid, and as such is entitled to the Right of Soil in and over the said Common and Waste Lands called the *Common* and the *Green*: And whereas the said *Marmaduke Constable Maxwell*, and also *Sir James Graham* Baronet, *Thomas Gardener Bramston* Esquire, and *Benjamin Handley* Esquire, as Trustees of *Susanna Houblon*, Widow, and *Gillery Pigott* Esquire and *Charlotte* his Wife, *Frank Sotheron* Esquire and several other Persons are Proprietors of the Lands in the said Stinted Pasture called the *Car*, and are also entitled to the Rights of Common in the said Common and Waste Lands called the *Common* and the *Green*: And whereas the said Open Pasture and Common and Waste Lands in their present Situation are capable of very little Improvement; but if the same were inclosed, and specific Shares thereof allotted to the several Proprietors thereof, a considerable Benefit would accrue to all Persons interested therein, and to the Public in general; but such beneficial Purposes cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in*
[*Loc. & Per.*] 261 One

Commissioner.

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: May it therefore please Your Majesty, That it may be enacted, and be it enacted by the KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Hall*, of *Scorborough*, in the County of *York*, Gentleman, and his Successors to be appointed in Manner hereinafter mentioned, shall be, and he is hereby appointed the Commissioner for dividing, allotting and inclosing the said Car and Common and Waste Lands within the Township of *Seaton Ross* aforesaid, and for carrying the several other Purposes of this Act into Execution, subject to the Regulations of the said recited Act, except in such Cases where the same are hereby varied or altered.

Appointment of new Commissioner.

II. And be it further enacted, That if the said *John Hall* shall, before the Execution of all the Powers and Authorities hereby vested in him, die, or refuse or become incapacitated to act, then and in every such Case a new Commissioner, not interested in the said Inclosure, shall be chosen in the stead of such Commissioner so dying, or refusing or becoming incapacitated to act, by a Majority in Value (such Value to be ascertained by the Land Tax Assessment) of the Proprietors of or Persons interested in the said Car and Common and Waste Lands hereby directed to be inclosed, who shall be present at any Meeting to be appointed for that Purpose, within Sixty Days next after such Death, or Refusal or Incapacity, of which Meeting Twenty Days Notice at the least shall be given in the Parish Church of *Seaton Ross* aforesaid, upon a *Sunday* immediately after Divine Service, or by Writing to be affixed on the outer Door of the said Church, and also by Notice to be given in the Newspaper called the *York Courant*, or some other public Newspaper circulated in the Neighbourhood of *Seaton Ross* aforesaid; and every such Appointment of a new Commissioner shall be reduced into Writing, and signed by the Person or Persons making the same; and every Commissioner so to be appointed and chosen shall have the like Powers and Authorities for putting this Act into Execution in all respects whatsoever, as the Commissioner in whose Place he shall have been so appointed and chosen was invested with by virtue of this Act.

Notice of Meetings.

III. And be it further enacted, That the Commissioner for the Time being shall and he is hereby required to give Notice in the Newspaper called the *York Courant*, or in some other Newspaper circulated in the Neighbourhood of *Seaton Ross* aforesaid, and also in the Parish Church of *Seaton Ross* aforesaid, upon some *Sunday* immediately after Divine Service, or by Writing to be affixed upon the principal outer Door of the same Church, of the Time and Place of their First and every subsequent Meeting for executing the Powers hereby and by the said recited Act vested in him, at least Ten Days before any such Meetings shall be held (Meetings by Adjournment only excepted), so that such Place of Meeting, whether by Adjournment or otherwise, do not exceed the Distance of Eight Miles from the Parish Church of *Seaton Ross* aforesaid; and the said Commissioner shall and may adjourn himself from Time to Time as he shall see Occasion, for the due Execution of this or the said recited Act.

IV. And

IV. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioner, shall be so made and given by Advertisement in the said Newspaper called the *York Courant*, or in some other Newspaper circulated in the Neighbourhood of *Seaton Ross* aforesaid. Other Notices how to be given.

V. And be it further enacted, That *John Foster* of *Betwick*, in *Holderness*, in the County of *York*, Gentleman, shall be and he is hereby appointed the Surveyor for the Purpose of making a Survey and Admeasurement of the said *Car*, Common and Waste Lands hereby directed to be divided, allotted and inclosed in such Manner as directed by the said recited Act, and such Surveyor shall have and he is hereby invested with the same Powers and Authority as if he had been originally appointed by the said Commissioner under and by virtue of the said recited Act, and in case of the Death, or Refusal, or Incapacity to act of the said *John Foster*, or in case he shall not proceed to make such Survey and Admeasurement with such Expedition as the said Commissioner shall think proper, then the same Survey and Admeasurement shall be made by such other Person or Persons as the said Commissioner shall from Time to Time nominate and appoint under and by virtue of the Power and Authority for such Purpose given in and by the said recited Act. Appointment of Surveyor.

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

VII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any of such Parties (except in respect of Encroachments), but in case the said Commissioner shall be of opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereon until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law. Possession not to be molested without due Course of Law.

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

or

or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on demand, then and in such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Allowing
Parties to
try their
Rights by an
Issue at Law.

IX. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim or Claims of the Right to the Soil of the said Car, Common and Waste Lands, hereby directed to be divided, allotted and inclosed, or of any Rights of Common or Interest, in, over or upon the same or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the then next or at the following Assizes to be holden for the said County of *York*, and for that Purpose, the Person or Persons who shall be so dissatisfied with the Determination of the said Commissioner, shall cause an Action to be brought on a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall be made; and the Defendant or Defendants in such Action or Actions shall, and he, she or they is and are hereby required to name an Attorney or Attornies who shall appear thereto or file Common Bail, and accept one or more Issue or Issues whereby such Claim or Claims, and the Right or Rights thereby insisted on may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced in case the Parties shall differ about the same, and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive on all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials; provided always, that the Determination of the said Commissioner, touching such Claim or Claims of Right to the Soil of the said Car, Common and Waste Grounds, or of any Rights of Common, in, over or upon the same or any Part thereof which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in within the Time and in Manner aforesaid, shall be final and conclusive upon all Parties.

X. And

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

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

XII. And be it further enacted, That the said Commissioner shall, and he is hereby required to set out, allot and award unto the Surveyors of the Highways within the Township of *Seaton Ross* aforesaid, such Part or Parts of the Lands and Grounds hereby directed to be divided and inclosed as he shall think necessary, not exceeding Three Acres in the whole, as and for Sand or Gravel Pits for the Repair of the Highways and Roads within the said Township, and that the same Part or Parts, when set out, shall, for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of Houses, Lands, Tenements and Hereditaments within the said Township for the Time being, in such Manner and under such Rules and Regulations as the said Commissioner shall, by his Award direct or appoint: Provided nevertheless, That no Person shall be permitted to burn Lime in the Common Pits so set out as aforesaid, unless he be a Proprietor of Land in the said Car, Common or Waste Lands. Allotments for Stone and Gravel Pits.

XIII. And be it further enacted, That the said Commissioner shall, and he is hereby required to set out, allot and award unto and for the said *Marmaduke Constable Maxwell*, as Lord of the Manor of *Seaton Ross* aforesaid, or such other Person or Persons as for the Time being shall be the Owner or Owners of the said Manor, such Parcel or Parcels of the said Common and Waste Lands, called the Common and the Green (but not of the said Car), hereby directed to be divided and inclosed, as shall in the Judgment of the said Commissioner be equal in Value to One-eighteenth Part of the Remainder of the said Common and Waste Lands, the same to be in lieu of and as a full Compensation and Satisfaction for all Rights and Interest in and to the Soil of the said Common and Waste Lands. Manerial Allotment.

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XIV. And

General Al-
lotments of
the Car.

XIV. And be it further enacted, That the said Commissioner shall, and he is hereby required in the next Place to set out, allot and award all the Residue and Remainder of the said Open and Stinted Pasture called the Car, by this Act directed to be divided and inclosed unto and amongst all and every Person and Persons, Bodies Politic or Corporate, who at the Time of making such Allotment, shall be entitled to any Estate, Property, Right or Interest therein according to their respective Rights and Interests, and in such Quantities, Shares and Proportions as by the said Commissioner shall be adjudged and deemed to be a Compensation and Satisfaction for the several and respective Lands and Grounds, Rights and Interests of each and every of the said Proprietors.

General Al-
lotment of the
Common and
Waste Lands.

XV. And be it further enacted, That the said Commissioner shall, and he is hereby required in the next Place to set out, allot and award the Residue and Remainder of the said Common and Waste Lands called the Common and the Green hereby directed to be divided and inclosed, unto and amongst the several Owners or Proprietors of ancient Messuages or Cottages, or Sites thereof respectively, having Right of Common or other Interests, in or upon the said Common and Waste Lands, according to their several and respective Estates and Interests therein, without having any regard to the Value of the Lands belonging to such Owners or Proprietors of ancient Messuages, or Cottages, or Sites thereof respectively as aforesaid.

Those Lands
to be restored.

Respecting
Mr. Sothe-
ron's Share
of Allot-
ments.

XVI. Provided always and be it further enacted, That nothing herein contained shall prevent or restrain the said Commissioner from making to the said *Frank Sotheron* a greater Allotment of the said Common and Green in respect of his Common Right House (if his Claim thereto shall be established), and of his old inclosed Lands in the Township of *Seaton Ross* aforesaid, than to an Owner of a Messuage or Cottage, or Site of a Messuage or Cottage without any Land, or only with a small Quantity of Land, in case the said Commissioner shall be of Opinion that the said *Frank Sotheron* is intitled to a greater Allotment in respect of such House and old Inclosed Lands; and in such Case the said Commissioner shall and he is hereby authorized and directed to make to the said *Frank Sotheron* such greater Allotment as he may think just and reasonable.

Allotments to
be laid as near
Estates as
possible.

XVII. And be it further enacted, That the several Allotments to be made as aforesaid, to and amongst the said *Marmaduke Constable Maxwell*, and the several other Proprietors and Persons as aforesaid, shall be so made as near to and with as much Convenience for them and their several Estates as may be, and that any Allotment or Allotments in the said Open Pasture called the Car, may be made for or in lieu of Common Rights, or other Interests belonging to any of the said Proprietors in or upon the said Common and Waste Lands, and also any Allotment or Allotments in or upon the said Common and Waste Lands, may be made for or in lieu of Lands belonging to any of the said Proprietors, in or upon the said Open Pasture called the Car, any thing hereinbefore contained to the contrary thereof, in any wise notwithstanding.

Fencing Al-
lotments.

XVIII. And be it further enacted, That the several Allotments which shall be set out and allotted by virtue of this Act, shall be inclosed and fenced in such Manner, and the Fences shall be made and for ever thereafter maintained,

maintained, supported, scoured out and kept in Repair, by and at the Expence of such Person and Persons as the said Commissioner shall direct or appoint in and by his Award.

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

Damages to be recovered for not keeping Fences in Repair.

XX. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any Right of Common in or upon the said Common and Waste Lands called the Common and the Green, hereby intended to be divided and inclosed as appurtenant to any Messuages or Cottages, or Sites of Messuages or Cottages having such Right of Common as aforesaid in the said Township of *Seaton Ross*, at any Time before the forming and drawing up of the Award of the said Commissioner to sell and dispose of his, her or their Interest in such Right of Common, or the Allotment staked out in lieu thereof in or upon the same Common and Waste Lands, separate and apart from the Messuage, or Cottage, or Site thereof, in respect whereof he, she or they shall be entitled to such Right of Common, and every such Sale being set forth and specified in the Award of the said Commissioner, shall be good, valid and effectual, without making or executing any Deed or other Conveyance for conveying the same from the Seller to the Purchaser.

Common Rights may be sold separate from the Houses.

XXI. And be it further enacted, That wherethe Proprietor or Proprietors of any Lands or other Hereditaments which shall be allotted, partitioned or

For declaring the Tenure of Lands by

separate In-
strument.

or exchanged by virtue of this or the said recited Act, shall hold their respective Lands or Hereditaments by different Tenures, or for different Estates, or under different Titles, the said Commissioner shall, on the Request of such respective Proprietors, in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held by each of such Tenures for each of such Estates, and under each of such Titles respectively, and shall accordingly, in his said Award, set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments, and where, from the want of the necessary Information before the said Commissioner, or from any other Cause, his Award shall omit discriminating as herein-before mentioned such different Titles, different Estates, and different Tenures, and within Twelve Calendar Months after the making of the said Award, Request shall be made to the said Commissioner by any Person or Persons interested, by Writing under his, her or their Hand or Hands, to have such Omission supplied by a separate Instrument or Instruments, then and in every such case the said Commissioner shall and he is hereby authorized and required to do every Thing necessary for supplying such Omission, and so far as that Purpose shall require to examine Witnesses, and in every other respect to proceed and act as if the Award had not been made; and when he shall have obtained what he shall think sufficient Information, he is hereby also authorized by any Deed under his Hand and Seal, to ascertain and distinguish the Difference of such Tenures, Estates and Titles respectively, and accordingly to make distinct and several Allotments in the same Manner as is hereby required, where such Discrimination should be contained in the said Award, and every such separate Instrument, after having been duly executed by the said Commissioner, shall have the same Effect as if it was contained in and formed Part of the said Award, and shall be delivered to the Person or Persons upon whose Request such Omission shall have been supplied, or the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question, shall, in the Opinion of the said Commissioner, most properly belong for the Time being, and all Expences which shall be reasonably incurred in and about any such supplementary Instrument as aforesaid, shall be payable by the Person or Persons who shall have so requested the said Commissioner to supply such Omission, or by their, her or his Heirs, Executors or Administrators.

Exchanges.

XXII. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot and award any of the Lands or Grounds hereby directed to be divided and allotted, or any other Lands, Tenements, Rents, Tythes or Hereditaments whatsoever within the said Parish of *Seaton Ross*, in lieu of, and in exchange for any other Lands, Tenements, Rents, Tythes or Hereditaments whatsoever within the same Parish, or within any adjoining Parish, Hamlet, Township or Place, so that every such Exchange be ascertained, specified and declared in and by the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the said Lands, Tenements, Rents, Tythes or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life or Lives, or in Fee Tail general or special, or by the Curtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or
other

other Uses, Husbands, Committees or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Coverts, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself, such Consent to be testified in Writing under the Common Seal of the Body or Bodies Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange and Exchanges so to be made shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments held in Right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof and of the Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments so to be exchanged shall lie and be situate.

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

Expences of Exchanges how to be paid.

XXIV. And be it further enacted, That no Sheep or Lambs, Horses, Asses, horned Cattle, Pigs or Geese, shall be depastured or kept in any of the said new intended Inclosures; during the Space of Fourteen Years from the Execution of the Award of the said Commissioner, unless the Persons respectively so depasturing or keeping such Sheep or Lambs, Horses, Asses, horned Cattle, Pigs or Geese therein, do at their own Expence staff-hold the same, or effectually guard and fence the Quickset Hedges on any other Persons Allotment, or adjoining to such Inclosures respectively, in which Sheep or Lambs, Horses, Asses, horned Cattle, Pigs or Geese, shall be depastured and kept as aforesaid, so as to prevent any Damage or Injury being done to such Fences or Quicksets, by any such Sheep or Lambs, Horses, Asses, Horned Cattle, Pigs or Geese.

No Sheep or Lambs to be kept in Allotments for Fourteen Years without being fenced.

XXV. And be it further enacted, That no Person shall, from and after the Execution of the Award of the said Commissioner, turn or put or cause to be turned or put, or knowingly suffer to be turned or put, any of his, her or their Sheep or Lambs, Horses, Asses, Mules, Horned Cattle, Pigs or Geese, into any of the Roads to be set out by virtue of this Act, which shall be fenced on both Sides thereof, and that after the Execution of the Award of the said Commissioner, the Herbage and Produce of all the public Roads, set out by the said Commissioner within the said Township of *Seaton Ross* which shall be fenced on both Sides thereof, and also the Herbage and Produce of the Ground so to be set out as aforesaid, for getting Sand or Gravel for the Repairs of the Highways, shall be vested in the said Surveyor or Surveyors respectively, and shall by him or them be publickly let to the

No Cattle to be turned into the Roads.

best Bidder or Bidders, for the Purpose of mowing only, and the Rents or Profits thereof shall be applied towards the Reparation of the several Highways within the said Township of *Seaton Ross*, and shall be accounted for by the said Surveyor or Surveyors of the Highways of the same Township annually, on or before the Tenth Day of *October*, at a public Meeting to be called for that Purpose in the said Township of *Seaton Ross*.

Expences of
the Act.

XXVI. And be it further enacted, That all the Costs, Charges and Expences incident to and attending the obtaining this Act, and of surveying, admeasuring, planning, valuing, dividing and inclosing the Lands and Grounds, to be inclosed by virtue of this or the said recited Act, and of preparing and inrolling the Award of the said Commissioner, and all the Charges and Expences of the said Commissioner, his Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioner in and about the Premises, either before or after the Execution of his Award, and all the Expences of forming, completing and repairing the Public Carriage Roads and Highways, to be set out and appointed by the said Commissioner and all other Expences of carrying this Act into Execution (save and except the Expences of Exchanges and Partitions as hereinbefore mentioned) shall be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act, which Costs, Charges and Expences, together with the Proportions thereof to be paid by the several Persons hereby made liable to the Payment thereof, shall be adjusted and settled by the said Commissioner; and the said Commissioner is hereby authorized and empowered from Time to Time to make and form Estimates of all such Costs, Charges and Expences, and to raise the Amount of such Estimate by a Rate or Rates, at any Time after the Allotments shall have been staked out, and confirmed from Time to Time as he shall deem necessary and proper in Manner directed in and by the said recited Act.

Commissioner's and Surveyor's Allowance.

XXVII. And be it further enacted, That the said Commissioner shall be paid the Sum of Three Pounds Three Shillings for every Day he shall travel or be necessarily employed or engaged from Home, for the Purpose of executing this Act or the Trusts hereby in him reposed, for his Journey, Attendance, Labour and Expences occasioned by the said Division and Inclosure, and the putting this Act into Execution; and that the said Surveyor shall be paid after the Rate of One Shilling for every Acre of the said Open Pasture called the Car, and the said Common and Waste Lands called the Common and the Green, hereby directed to be inclosed, as a full Recompence and Satisfaction for his Time and Trouble, and for all incidental Expences and Charges of him the said Surveyor in attending the said Commissioner, and in surveying and planning and subdividing the said Grounds hereby intended to be divided, allotted and inclosed.

Auditing
Account.

XXVIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act (the First Year to be computed from the Day of the passing thereof) the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received and expended, or due to him for his

his own Trouble or Expences in the Execution of this and the said recited Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before One or more of His Majesty's Justices of the Peace acting in and for the said East Riding of the said County of *York*, to be by such Justice or Justices examined and balanced; and such Balance shall be by him or them stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by such Justice or Justices.

XXIX. And be it further enacted, That the Award and all separate Instruments supplemental thereto, to be made by the said Commissioner in Manner directed by this and the said recited Act, shall, within the Space of Twelve Calendar Months from the Execution thereof, be inrolled in the Public Register Office at *Beverley*, in the East Riding of the said County of *York*, and the Register of the said Office or his Deputy for the Time being, shall, and he and they is and are hereby directed to inrol or cause the same to be inrolled in one of the Books used for inrolling Bargains and Sales of Lands in the said Office accordingly, and a true Copy (to be signed by the said Commissioner) of the Map or Plan annexed to such Award, shall be lodged at the said Register Office at the Time of the Inrolment of the said Award, and there kept for ever: And the said Award, together with the Map or Plan thereto annexed, shall, immediately after the Inrolment of such Award, be put into and kept in a Tin Box, and be lodged for safe Custody in the Chest of the Church of *Seaton Ross* aforesaid, for ever, for the Inspection and Perusal of the several Persons interested therein, or their respective Agents; who shall be at Liberty to inspect and peruse the same, on Application for such Purpose, at all seasonable Times, and to make Copies or Extracts therefrom: and the said Register shall be intitled to such Fees for the Inrolment of the said Award and Instruments respectively as he is intitled to for inrolling any Bargain and Sale; and the said Register or his Deputy for the Time being shall permit any Person or Persons whomsoever, from Time to Time, within the Office Hours of Attendance, to peruse the Inrolment of the said Award and Instruments at the Register Office, and to inspect and examine such Copy of the said Map or Plan, paying for the same to such Register or his Deputy One Shilling and no more; and shall also from Time to Time, on Request to him made by any Person or Persons whomsoever, cause a true Copy of the Whole or any Part or Parts of the Inrolment of the said Award or other Instruments to be made and written out from such Inrolment, and shall from Time to Time, when requested, certify the same under his Hand to be a true Copy from such Inrolment, for which the said Register or his Deputy making the same shall be paid after the Rate of Six-pence *per* Sheet, reckoning One hundred Words to each Sheet and no more; and the said original Award and Instruments, or a true Copy of the Inrolment thereof, or any Part thereof, so certified under the Hand of the said Register or his Deputy for the Time being as aforesaid, shall from Time to Time be allowed and admitted as legal Evidence in all Courts whatsoever.

XXX. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done or omitted to be done

Appeal.

done

done in pursuance of the said recited Act or of this Act (other than and except such Acts, Orders and Determinations of the said Commissioner, as in and by this and the said recited Act are directed to be final and conclusive, or where an Issue at Law shall be tried, as hereinbefore mentioned) he, she or they may appeal to the General Quarter-Sessions of the Peace, to be holden for the said East Riding of the County of *York*, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Party or Parties concerned, 'Twenty Days' Notice, in Writing, of such Appeal, and of the Matter thereof; and the Justices not interested in the Premises in their said General Quarter-Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs and Damages as to them, in their Discretion, shall seem reasonable; and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and the Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere, but in case such Appeal shall appear to the said Justices to be frivolous, vexatious or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

Tythes not
to be affected.

XXXI. Provided always and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or affect the Right or Title of the said *Marmaduke Constable Maxwell* to any Tythes whatsoever arising, growing, renewing or increasing out of, upon or from any of the Lands by this Act directed to be divided or allotted, but that the several Allotments to be made as aforesaid shall be and remain exempt from or subject to Tythes in the same Manner in all respects as the old Inclosed Lands in the said Township are now exempt or subject.

General
Saving.

XXXII. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person or Persons, Bodies Politic, Corporate and Collegiate, his, her and their Heirs, Executors and Administrators, and all Persons claiming under or in Remainder after them, all such Rights, Title and Interest, (other than and except such as is and are hereby meant and intended to be barred, destroyed and extinguished) as they, every or any of them could or ought to have had, and enjoyed of, in, to or out of the Lands and Grounds hereby directed to be divided, allotted and inclosed in case this Act had not been passed.

Act to be
printed by
the King's
Printer.

XXXIII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justice and others.