



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.

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## *Cap. 97.*

An Act for inclosing and exonerating from Tythes, Lands in the Township of *Osgodby*, and Parish of *Hemingbrough*, in the East Riding of the County of *York*. [14th May 1811.]

WHEREAS there are within the Township of *Osgodby*, in the Parish of *Hemingbrough*, in the East Riding of the County of *York*, several Open and uninclosed Fields, Lands, Meadows, Pastures, Ings, Common, and Waste Lands and Grounds, commonly called or known by the several Names of *Teathill Field*, *Far Field*, *Mill Field*, *West Field*, *New Moors*, *Ings*, and *Common*, or by other Names, and computed to contain together Five hundred Acres, or thereabouts: And whereas *George Dawson* the younger, Esquire, is Lord of the Manor of *Osgodby* aforesaid, within the said Parish of *Hemingbrough*; and the said *George Dawson*, and certain other Persons, are respectively Owners or Proprietors of the said several Open and Common Fields, and Commonable Lands: And whereas *Thomas Wilson*, *John Tweedy*, and *Thomas Hartley*, Esquires, *William Smith*, Clerk, and *Thomas Smith*, Esquire, are respectively Impropiators of the Rectory of *Hemingbrough* aforesaid, and are seised of or entitled to all the Tythes, both Great and Small, arising within the said Township of *Osgodby*, except such of the said Tythes as belong to *Josiah Cockshut Twisleton*, Esquire: And whereas it would be greatly for the Benefit of the several Persons interested in the said Open and Common Fields, Ings, and Commonable and Waste Lands, if the same were divided, allotted, and inclosed, and specifick Shares thereof assigned and allotted to such Persons, according to their several and re-

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spective Estates, Rights, and Interests therein; but such Division, Allotment, and Inclosure cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Tuke* of *Lingcroft* in the County of *York*, Gentleman, shall be and he is hereby appointed Sole Commissioner for setting out, dividing, and allotting all the said several Open and uninclosed Fields, Lands, Meadows, Pastures, Ings, Common, and Waste Lands and Grounds within the Township of *Osgodby* aforesaid, and for carrying the several other Purposes of this Act into Execution, in such Manner, with such Powers, and subject to such Regulations and Directions as are herein-after contained, and with such of the Powers, and subject to such of the Rules, Directions, Regulations, Restrictions, and Provisions contained in an Act, made in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*, as are in controlled by or repugnant to the Clauses, Provisions, or Regulations this Act contained.

Appointment  
of new Com-  
missioners.

II. And be it further enacted, That if the said *John Tuke* shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse, or become incapacitated to act, then and in every such Case it shall be lawful for a Majority in Value (such Value to be ascertained by the Land Tax Assessment for the said Township then last made) of the Proprietors of or Persons interested in the said Division and Inclosure, who shall be present at a Meeting to be called for that Purpose within Thirty Days next after such Death, Refusal, or Incapacity shall be made known to them; and if any such Persons be Minors, then for the Guardians or Guardian of the Minor or Minors, either conjointly or solely, (as the Case may be,) to appoint a new Commissioner (not interested in the said Inclosure) in the Stead of the said *John Tuke*, and so from Time to Time as often as any Commissioner to be appointed in the Room or Stead of the said *John Tuke* shall die, refuse, or become incapacitated to act; and every such Appointment of a new Commissioner shall be made by Writing, signed by the Person or Persons making the same; and every Commissioner so to be appointed and chosen shall have the same Powers and Authorities for putting this Act into Execution, in all Respects whatsoever, as if he had been named and appointed a Commissioner herein.

III. And be it further enacted, That it shall be lawful for any One or more of His Majesty's Justices of the Peace for the East Riding of the said County of *York*, to administer to every Commissioner appointed and to be appointed by or in pursuance of this Act, the Commissioner's Oath or solemn Affirmation, which is set forth and prescribed by the said Act of the Forty-first Year of His present Majesty's Reign; and such Oath or Affirmation shall be inrolled with the Award of the Commissioner.

Appointment  
of Surveyor.

IV. And be it further enacted, That *Daniel Tuke* of *Lingcroft* aforesaid, Land Surveyor, shall be employed as Surveyor for the Purpose of surveying,

ing, admeasuring, planning, and valuing all the said Lands so intended to be divided, allotted, and inclosed in pursuance of this Act, according to the Directions contained in the said Act of the Forty-first Year of His present Majesty's Reign; and in case of the Death, Refusal, Incapacity, or Neglect of the said *Daniel Tuke*, or of his Successor, to act as such Surveyor whilst any of the Objects or Purposes of this Act remain to be executed, then that such Lands shall be surveyed, admeasured, planned, and valued by the said *John Tuke*, or by such other Person as he, and in case of his Death, as the Majority in Value (such Value to be ascertained in the Mode above mentioned) of the said Proprietors for the Time being shall nominate and appoint.

V. And be it further enacted, That no Person shall be capable of acting as a Surveyor under this Act, until he shall have taken and subscribed an Oath or Affirmation in the Form following; *videlicet*, Surveyor's Oath.

‘ I the Undersigned do make Oath, [*or, being one of the People called Quakers,*] do solemnly affirm, That I will discharge the Trusts reposed in me as a Surveyor under an Act, passed in the Fifty-first Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of this Act,*] truly, impartially, and honestly, according to the best of my Skill, Judgement, and Ability, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.  
‘ So help me GOD.’

And the Commissioner is hereby authorized to administer the said Oath or Affirmation to the said Surveyor; and the Oath or Affirmation so taken and subscribed by such Surveyor shall be inrolled with the Award of the Commissioner.

VI. And be it further enacted, That the said Commissioner shall and he is hereby required to give Notice in the Newspaper called *The York Herald*, or in some other Newspaper circulated in the Neighbourhood of *Osgodby* aforesaid, and also in the Parish Church of *Hemingbrough* aforesaid, upon a *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 every Attendance or Sitting for executing the Powers hereby vested in him, at least Ten Days before every such Attendance or Sitting shall be held, (Attendances by Adjournment only excepted,) and the said Commissioner shall and may adjourn the Attendance or Sitting from Time to Time as he shall see Occasion for the due Execution of this Act: Provided, that every Attendance and Sitting by the Commissioner of this Act for the Time being, for effecting the Purposes thereof, shall be holden within the said Parish of *Hemingbrough*, or within Eight Miles from the Boundary thereof.

Notice of Meetings.

VII. And be it further enacted, That all other Notices necessary or requisite to be made and given for the Purposes of carrying this Act into Execution, shall be so made and given by Advertisement in the said Newspaper called *The York Herald*, or in case the Publication thereof shall be discontinued, then in some other Newspaper printed or circulated in the said County of *York*, and by Notice to be affixed on the principal outer Door of the said Parish Church of *Hemingbrough* aforesaid.

Other Notices how to be given.

VIII. And

Commissioner  
to settle Dis-  
putes.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division and Allotment, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have therein, or touching or concerning any other Matter or Thing relating to the said Division and Allotments, it shall be lawful for the said Commissioner, and he is hereby authorized and required, upon proper and sufficient Inquiry and Evidence, to examine into, hear, and determine the same.

Commissioner  
not to deter-  
mine Titles.

IX. Provided always, and be it further enacted, That nothing herein contained shall authorize the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between Parties contrary to the Possession and apparent Title of any of such Parties; but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, the said Commissioner shall forbear to make any Determination thereupon, until either the Possession shall be given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

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

Power to  
assess Costs.

X. And be it further enacted, That in case the said Commissioner shall upon the Hearing and Determining of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this and the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, 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 be made, by the Person or Persons, Body or Bodies Politick, or Corporate or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politick, or Corporate or Collegiate, 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 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, Body or Bodies Politick, or Corporate or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, Body or Bodies Politick, or Corporate or Collegiate, 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.

XI. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, 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 to the Right of Soil, or other Rights or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons, Body or Bodies Politick, or Corporate or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the then next or

at

at the following Assizes to be holden for the said County of York, and for that Purpose the Person or Persons, Bodies Politick, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioner, shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Six Calendar Months next after the Determination of the said Commissioner, and the Defendant or Defendants in such Action or Actions shall and he is 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 may be commenced, in case the Parties shall differ about the same, and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politick, Corporate or Collegiate, 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 to the Right of Soil or other Rights or Interests in, over, and upon the Lands and Grounds hereby directed to be divided and inclosed, or any Part thereof, which shall not in due Time be objected to, or being objected to, the Party or Parties shall not cause such Action at Law as aforesaid to be brought and proceeded in within the Time aforesaid, shall be final and conclusive upon all Parties.

XII. Provided always, 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 shall be proceeded in as if no such Event had happened; and if any Person or Persons in whose Favour any such Determination of the said Commissioner as aforesaid shall have been made, and against whom any such Action or Actions would have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politick or Corporate respectively, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioner with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other the Party 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

Death of the Parties not to stay Proceedings, &c.

living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

No Turves,  
&c. to be cut  
without the  
Consent of  
the Commis-  
sioner.

XIII. And be it further enacted, That from and after the passing this Act, and until the several Allotments herein directed to be made shall be made and completed, it shall not be lawful for any Person or Persons, Body Politick or Corporate whomsoever, to cut, dig, pare, grave, take, gather, or carry away any Turves, Whins, or Furze, or any Earth, Sand or Sods for any Use or Purpose whatsoever, in, upon, or from any Part of the same several Open and uninclosed Fields, Lands, Meadows, Pastures, Ings, Common and Waste Lands and Grounds hereby directed to be divided and allotted, without the Consent of the said Commissioner being first had and obtained for that Purpose in Writing under his Hand, (which Consent the said Commissioner is hereby empowered to give in Writing, under such Rules, Orders, Regulations, and Restrictions as he shall think proper to express in such Writing); and if any Person or Persons, Body Politick or Corporate, shall cut, dig, pare, grave, take, gather, or carry away any such Matters or Things as last mentioned, without such Consent as last mentioned, and contrary to the true Intent and Meaning of this Act, then and in every such Case the said Commissioner, upon due Proof made before him upon Oath, shall and he is hereby required, by Warrant under his Hand and Seal directed to any Person or Persons, to cause any Sum of Money not exceeding Forty Shillings, to be levied by Distress and Sale of the Goods and Chattels of the Party so offending in the Premises, rendering the Overplus (if any) upon Demand to the Party whose Goods and Chattels shall be so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and that the Money so to be levied shall be applied toward the Payment of the Costs and Charges of obtaining and executing this Act.

Commissioner, with  
Two Justices,  
may order  
unnecessary  
Roads over  
the old Inclo-  
sures to be  
stopped up.

XIV. And be it further enacted, That the said Commissioner shall and may and he is hereby empowered to divert or stop up any such old or accustomed Road or Roads, or Way or Ways, leading through, over, or between any of the old Inclosures in the said Township of *Osgodby*, as in his Judgement ought to be diverted or stopped up, and the Soil of the Roads and Ways so to be stopped up shall be deemed and taken to be Part of the Lands to be divided and allotted under this Act: Provided, that Two or more Justices of the Peace acting in and for the said East Riding (not interested in the Repair of such Road or Roads) shall make an Order concurring therein, but which Order shall be subject to an Appeal to the Quarter Sessions for the said Riding in the Manner in such Cases directed by the said Act of the Forty-first Year of the Reign of His present Majesty.

Allotments  
for Watering  
Places, and  
for getting  
Materials for  
Repair of  
Roads.

XV. And be it further enacted, That the said Commissioners shall set out and allot unto the Surveyors of the Highways, within the Township of *Osgodby* aforesaid for the Time being, such Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as he shall think necessary, as and for common Watering Places for Cattle, and as and for publick Pits for the Purpose of getting Gravel, Sand, and other Materials for the Repairs of the several publick Highways within the said Township, and to and for such other Uses and Purposes as the said Commissioner shall think expedient, and subject to such Rules, Orders,

Orders, and Regulations, as he shall by his said Award direct or appoint.

XVI. And be it further enacted, That the said Commissioner shall and may scour out, widen, and change the Course and Direction of all and every such ancient Ditches, Drains, Watercourses, Tunnels, and Bridges in the Township of *Osgodby* aforesaid, as he shall think proper; and also shall and may set out and appoint such new Ditches, Drains, Watercourses, Tunnels, Water Gates, Banks, and Bridges, to be made of such Depth, Width, and Extent, and in such Situation and Direction, as the said Commissioner shall think fit, as well in, through, and over the Lands and Grounds intended to be divided, allotted, and inclosed as aforesaid, as also in, over, and through any ancient Inclosures, or other Lands or Grounds within the said Township of *Osgodby* aforesaid, making such Satisfaction to the Proprietors of such ancient Inclosures, or other Lands or Grounds not so intended to be divided, allotted, and inclosed, for the Damage to be done thereby, as the said Commissioner shall judge reasonable; and he is hereby directed in and by his said Award to order and direct by whom, at whose Expence, at what Time, and in what Manner, the said Ditches, Drains, Watercourses, Tunnels, Water Gates, Banks, and Bridges shall be thereafter repaired, cleansed, scoured, and maintained: Provided always, that nothing in this Act contained shall authorize the said Commissioner to divert or turn any such Drains or Watercourses, or any Stream, Brook, or Rivulet, without the Consent in Writing of the respective Owners of the Lands from or into which the same shall be diverted or turned.

Drains and  
Ditches.

XVII. 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 *George Dawson*, as Lord of the Manor of *Osgodby* aforesaid, his Heirs or Assigns, so much and such Part or Parts of the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, as shall in the Judgement of the said Commissioner be equal in value to One Sixteenth Part of Nine Tenth Parts of the said Common and Waste Grounds within the said Township of *Osgodby*, in lieu of and as a full Recompence for all and every the Estate, Right, and Interest of the said *George Dawson* therein, as Lord of the said Manor.

Allotment to  
the Lord of  
the Manor  
for Right of  
Soil.

XVIII. And be it further enacted, That in case any Person or Persons, seized or entitled for any Estate of Inheritance or Freehold of or to any Lands or Tenements in the Township of *Osgodby*, shall be desirous of exonerating from Tythes their Lands or Tenements in such Township in Manner herein-after mentioned, and shall have sufficient Property in the said Open Fields and other Commonable Lands hereby directed to be allotted to make Compensation in Land for such Tythes, and shall by Writing under their, his, or her Hands or Hand, to be delivered to the said Commissioner at any Time before the Eleventh Day of *October* One thousand eight hundred and eleven, express such Desire, it shall be lawful for the said Commissioner, and he is hereby required and empowered to set out and allot to the said *Thomas Wilson*, *John Tweedy*, *Thomas Hartley*, *William Smith*, and *Thomas Smith*, as such Impropropriators as aforesaid, their Heirs, Appointees, or Assigns, or other the Impropropriator or Impropropriators of the said Rectory for the Time being, such Parcel or Parcels of the Lands and Grounds hereby directed to be divided.

Power to  
Commis-  
sioner with  
Consent of  
Proprietors to  
allot Land to  
the Impropri-  
ators in lieu  
of Tythes.

vided and allotted, as shall in the Judgement of the said Commissioner; according to the Proportions herein-after mentioned, be equal in value to the Tythes payable to the said Impropropriators, and issuing out of the Lands and Grounds, as well open as inclosed, of such Person or Persons so desiring to exonerate the same from Tythes as aforesaid, in ascertaining which Compensation the said Commissioner shall estimate the Tythes payable to the said Impropropriators as Equivalent to the following Proportions of the Lands and Tenements, out of which such Tythes do issue, according to the Nature and Quality thereof, (that is to say,) One-fifth Part of the Open Common Fields; One-seventh Part of the Ings; One-tenth Part of the Common and Waste Grounds; and One-seventh Part of the Homesteads, Gardens, Orchard, and other anciently inclosed Lands; and shall make a proportional Deduction from the Allotments of such Person or Persons so desiring to exonerate as aforesaid, which said Proportions so to be deducted and allotted to the said Impropropriators shall be accepted and taken by them in lieu of and as a full Compensation and Satisfaction for all the Tythes, as well Great as Small, Compositions, Dues, and all other Payments whatsoever in lieu of Tythes, issuing and payable to the said Impropropriators from and out of the several Lands and Grounds, as well open as inclosed, of such Person or Persons as last aforesaid, in the Township of *Osgodby* aforesaid: Provided, that nothing herein-before contained shall extend to any Tythes or Compositions in lieu of Tythes now payable to the said *Josiah Cockshut Twisleton*, but that the same shall remain payable in like Manner as if this Act had not passed.

Allotment of  
the Residue  
to the Pro-  
priators.

XIX. And be it further enacted, That the said Commissioner shall have full Power and Authority, and he is hereby directed in the next Place to divide, set out, allot, and award all the Residue and Remainder of the said several Open and uninclosed Fields, Lands, Meadows, Pastures, Ings, Common, and Waste Lands and Grounds, intended to be divided and allotted by virtue of this Act, unto, between, and amongst the several Persons who at the Time of making such Allotments shall be respectively entitled thereto, and interested therein, in Proportion to their respective Rights, Interests and Shares therein, (other than and except the several Persons to whom Allotments are herein-before directed to be made in respect of such Rights and Interests as may be compensated for by such Allotments).

Compensa-  
tion for Tofts.

XX. Provided always, and be it further enacted, That all Tofts, Foundations, or Scites of ancient Commonable Messuages or Cottages within the Township of *Osgodby* aforesaid, now demolished, shall, upon Proof thereof being made to the Satisfaction of the said Commissioner, be considered and deemed as Commonable Messuages or Cottages respectively, and that the respective Owners thereof shall be entitled to the same Compensation for the respective Rights of Common originally belonging thereto, as if such Messuages or Cottages were still standing.

How and by  
whom the  
Allotments  
shall be  
fenced.

XXI. And be it further enacted, That the Allotment herein-before directed to be made to the said *Thomas Wilson*, *John Tweedy*, *Thomas Hartley*, *William Smith*, and *Thomas Smith*, in lieu of Tythes as aforesaid, shall, for the first Time, be inclosed with an outward Fence and Ditch, to be planted with good transplanted Quicksets, and defended with good and sufficient Posts and Rails, and with proper Gates where necessary; and



and where such Ring-fence shall adjoin a publick or private Road, such Posts and Rails shall be set and affixed upon the Bank on the outside of the Ditches, by and under the Directions of the said Commissioner, at the Expence of the other Proprietors, to be ascertained and assessed by the said Commissioner in the same Manner as the Costs and Charges of passing and executing this Act are to be ascertained and assessed; and that such Fences and Gates shall for ever after be maintained and kept in Repair by the said *Thomas Wilson, John Tweedy, Thomas Hartley, William Smith, and Thomas Smith*, in such Manner as the said Commissioner shall direct, award, and appoint; and the several other Allotments to be made by virtue of this Act shall be inclosed, hedged, ditched, or otherwise fenced, and such Fences for ever thereafter repaired by and at the Expence of the respective Persons to whom the same shall be allotted, within such Times, and in such Proportions and Manner, as the said Commissioner shall direct.

XXII. And be it further enacted, That such convenient Openings shall be left in the said Fences and Inclosures as the said Commissioner shall direct, for the Space of Six Calendar Months next after the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages through the same, unless the said Commissioner shall sooner permit the same to be made up by the Person or Persons interested therein.

Openings to be left in Fences for a certain Time.

XXIII. And it is hereby further enacted and declared, That the several Lands and Tenements which shall be allotted by virtue of this or the said first mentioned Act, shall upon the Allotment thereof respectively become and be of the same Tenure, and be held under the same Rents and Services, as the Hereditaments in respect whereof the said Lands and Tenements shall be respectively allotted would be subject unto if such Allotment had not been made, or this Act had not been passed.

Allotments to be of the same Tenure, and to be subject to the same Uses, as the Lands in lieu whereof they were made.

XXIV. And be it further enacted, That where the Proprietor or Proprietors of any Lands, or other Hereditaments which shall be allotted by virtue of this or the said first mentioned Act, shall hold their respective Lands or Hereditaments by different Tenures, or for different Estates, or under different Titles, the said Commissioner shall upon the Request of such respective Proprietors, in Writing under his Hand, ascertain and determine, by the Examination of Witnesses on Oath, or other sufficient Evidence, 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 and other Hereditaments.

Allotments to Proprietors having Lands, &c. held under different Tenures.

XXV. And be it further enacted, That it shall be lawful for the said Commissioner to assign, set out, allot, and award any of the Allotments to be made by virtue of this Act, or any Part or Parts of such Allotments, or any Manors, Messuages, Cottages, old Inclosures, Lands, Tenements, Rents, Commons, or other Hereditaments situate or arising within the said Parish of *Hemingbrough*, in lieu of and in Exchange for any other Manors, Messuages, Cottages, old Inclosures, Lands, Tenements, or other Hereditaments situate or arising in the same Parish, or within any other Parish or Place adjoining thereto, so as every such Exchange be

Power to exchange.

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made

made by the Award of the said Commissioner, and be made with the Consent and Approbation of the respective Proprietors, or other Person or Persons, Bodies Politick or Corporate, seised or possessed or in Receipt of the Rents or other Profits of the Hereditaments which shall be so exchanged, whether such Proprietor or Proprietors be Tenant or Tenants in Fee Simple in Tail, or for Life or for Years determinable on a Life or on Lives, or by and with the Consent of the Husbands, Trustees or Guardians, Committees or Attornies of or for any such Proprietors, who at the Time of making any such Exchange shall be under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Disability or Incapacity of acting for themselves, or of the major Part of the Trustees for any charitable or publick Use respectively, and so as every such Exchange of Lands, Tenements, or Hereditaments holden in Right of any Church, Chapel, or other Ecclesiastical Benefice, be made with the Consent of the Bishop of the Diocese in which such Hereditaments shall lie or be situate, and the Patron or Patrons thereof for the Time being, such Consents to be respectively testified by Writing under the Hands of the consenting Parties, or under the Common Seal of any of them, being a Corporation Aggregate; and that every such Exchange so to be made and declared shall, as well in respect of the Hereditaments within the said Parish of *Hemingbrough* as in respect of the Hereditaments within any such other Parish or Place as aforesaid, be for ever good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Settlements,  
&c. not to be  
affected, nor  
Wills re-  
voked.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed or adjudged to extend to revoke, make void, annul, or alter any Settlement, Deed, Will, or Lease, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge, or Incumbrance whatsoever, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided and allotted, or which shall be exchanged or assigned in Compensation for any other Estate or Right in pursuance of this Act, but as well the Lands allotted, as the Tenements and other Hereditaments which shall be assigned in Exchange or in Compensation for any other Estate or Right, shall immediately after such Allotment, Exchange, or Assignment, be vested and shall remain and enure; and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and with such Powers, and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, Rents, Services, and Incumbrances, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Assignments, and Exchanges 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, assigned, or exchanged, and this Act had not been made, save and except such Rents and Services as shall have been compensated for and extinguished, and such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act, and subject nevertheless to all such Mortgages and Sales as shall be made by Authority of this Act or of the said Act of the Forty-first Year of the present Reign.

XXVII. And

XXVII. And be it further enacted, That it shall and may be lawful for the said Commissioner, if he in his Discretion shall think fit, to determine all and every or any Lease or Leases, Agreement or Agreements at Rack Rent now subsisting for any Term of Years, or from Year to Year, or at Will, of any Part or Parts of the Lands and Grounds hereby directed to be divided and allotted, and of all or any Part of the Lands and Hereditaments within the said Parish of *Hemingbrough*, which shall be exonerated from Tythes, or exchanged by virtue of this Act, as to the Whole or any Part of such Land in any such Lease to be comprized, at such Time or Times as the said Commissioner shall direct; and it shall be lawful for the said Commissioner to adjudge and determine what Satisfaction shall be made by the respective Lessors or Landlords to the Lessees or Tenants respectively for the Determination of their Interests in such Lands and Hereditaments, either by the Payment of a gross Sum, or (where other Lands and Hereditaments are or shall be comprized in the same Demise) by a Reduction and Apportionment of the Rent to be paid during the Remainder of the Term for the Residue of the Premises in every such Lease and Demise comprized; and every such Lease shall upon the Compliance of the Lessor with the Direction and Order of the said Commissioner for the Determination thereof, and not otherwise, cease and determine accordingly: Provided always, that nothing in this Act contained shall extend to prejudice or affect any Leases or Agreements of or concerning any Lands or Hereditaments which shall be exchanged by virtue of this Act, unless the Whole of the said demised Premises shall be situate in the Township of *Osgodby* aforesaid.

Leases at Rack Rent may be determined.

XXVIII. Provided always, and be it further enacted, That in case there are any Homesteads, Gardens, Orchards, or ancient inclosed Lands and Grounds in the said Township of *Osgodby*, subject or liable to the Payment of Tythes in Kind, or to any Composition in lieu of Tythes, and the said respective Proprietors of such Homesteads, Gardens, Orchards, and inclosed Lands, shall not happen to be entitled to any or a sufficient Allotment of Land to make full Compensation for the Tythes or any Composition in lieu of Tythes, payable out of or in respect of Homesteads, Gardens, Orchards, or ancient inclosed Lands and Grounds respectively, then and in such Case the Homesteads, Gardens, Orchards, and ancient inclosed Lands of such Proprietors respectively, or so much and such Part thereof respectively, the Tythes or Compositions for Tythes whereof shall not be compensated for as aforesaid, shall remain subject and liable to the Payment of Tythes, or Compositions in lieu of Tythes, to the respective Tythe Owners for the Time being, in the same Manner to all Intents and Purposes as the same were subject and liable to before the passing of this Act.

Proprietors not having sufficient Allotments to compensate, to remain tytheable.

XXIX. 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 Seven Years from the Execution of the said 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 staffhold the same, or effectually guard and fence the Quickset Fences, or any other Person's Allotment adjoining to such Inclosures respectively, in which Sheep or Lambs, Horses, Asses, Horned Cattle, Pigs,

No Sheep or Lambs to be kept in the new Inclosure during the Space of Seven Years, unless Guard-fences are put up.

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.

Money advanced by the Proprietors to be paid with Interest.

XXX. And be it further enacted, That if any Person shall advance and pay any Money in discharge of the Fees or other Expences of obtaining and executing this Act, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioner, together with lawful Interest for the same.

For defraying the Charges and Expences of obtaining and executing this Act.

XXXI. And be it further enacted, That the Costs, Charges, and Expences of inclosing and fencing the Allotment herein directed to be made to the said *Thomas Wilson, John Tweedy, Thomas Hartley, William Smith, and Thomas Smith*, as such Impropiators as aforesaid, their several Heirs, Appointees, and Assigns, in lieu of Tythes or Composition for Tythes, and all Costs, Charges, and Expences incident to and attending the obtaining this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds to be divided and allotted by virtue of this or the said Act of the Forty-first Year of the present Reign, and of preparing and inrolling the Award of the said Commissioner, and all the Charges and Expences of the said Commissioner, their 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 the said Award, and all the Expences of forming, compleing, and repairing the publick Carriage Roads and Highways to be set out and appointed by the said Commissioner, and of making any publick Drains, Sewers, Bridges, Banks, Sluices, and other Requisites, which shall or may be necessary, and all other Expences of carrying this Act into Execution, (save and except the Expences of Exchanges and Partitions to be made in pursuance of this Act,) shall be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made, or whose Lands shall be exonerated from Tythes by virtue of this Act, (save and except the said Impropiators and their several and respective Heirs, Appointees, and Assigns, for or in respect of the Allotment which shall be made to them in lieu of Tythes and Compositions for Tythes as aforesaid; and also save and except the Surveyors of the Highways within the said Township of *Osgodby* for the Time being, for and in respect of any Allotment to be made to them as such, as herein-before mentioned,) which said 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, who 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 Estimates by a Rate or Rates at any Time after the Allotments shall have been staked out, from Time to Time as he shall deem necessary and proper in Manner directed in and by the said Act of the Forty-first of the present Reign: Provided nevertheless, that all Costs, Charges, and Expences (exclusive of the said Award of the said Commissioner) attending the making of any such Exchanges or Partitions as may be made under the Authority of this Act, shall be paid, borne, and defrayed by the several Persons whose Estates shall be exchanged or parted, in such Manner and Proportions as the said Commissioner shall by

by Writing under his Hand order and direct, and shall be recovered in the same Manner as is herein directed respecting the Recovery of the Expences of obtaining this Act; and that the said Proprietors, and their Attornies or Agents, shall pay their own Expences when they shall attend the said Commissioner at any Sitting to be held in pursuance of this Act.

Proprietors  
to pay their  
own Ex-  
pences.

XXXII. And be it further enacted, That the said Commissioner acting in the Execution of the Trusts and Powers hereby vested in him, and the Clerk to be by him employed, shall be allowed and paid, in Satisfaction for his Trouble and Expences, the Sum of Three Pounds and Three Shillings for every Day on which he shall be employed in travelling to, attending in, or returning from so acting; and that at all Sittings to be held in pursuance of this Act, the said Commissioner and his Clerk, and all Persons attending such Sittings, shall pay their own Expences.

Commissioners  
Allow-  
ance.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of any of the Lands hereby authorized to be divided or allotted, or any of the inclosed Lands within the said Parish, being under Coverture, Minors, Lunaticks, beyond the Seas, or under any other legal Disability, and for any of the said Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, to charge such Lands and Premises with such Sum or Sums of Money as the said Commissioner shall by his Award, or by Writing under his Hand, either before or after the Execution of such Award, adjudge necessary, to pay and defray the Charges and Expences incident to and attending the obtaining of this Act, and carrying the same into Execution, and of charging the said Lands as aforesaid, so that the same shall not exceed the Sum of Five Pounds for every Acre of such Lands, and to mortgage, lease, or demise, or otherwise subject the Lands, Tenements, and Hereditaments so to be charged, unto such Person or Persons as shall advance and lend the same respectively, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years; or in case any Person in Possession, who shall not be liable to and charged with a Share of the Expences as aforesaid, or enabled by this Act to charge such Lands with the same, shall choose to advance, pay, and discharge such Sum or Sums of Money, then it shall be lawful for the said Commissioner, by any Deed or Writing under his Hand and Seal, to be attested by Two or more credible Witnesses, in like Manner to mortgage, surrender, lease, demise, or otherwise subject the said Lands and Premises to such Person or Persons respectively paying and discharging the same, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, to and for the Payment of such Sum and Sums of Money so advanced, paid, and discharged by him, her, or them, with lawful Interest for the same, to commence on the Termination of his, her, or their Right in the Premises, so that every such Mortgage, Lease, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, or re-assigned, when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied, and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards

Power for  
Persons under  
legal Disability  
to raise  
Money to pay  
Expences of  
this Act.

becoming possessed of or entitled to any such Land and Premises shall be liable to pay any further or larger Arrear of Interest than for Twelve Calendar Months preceding the Time when the Title to such Possession shall have commenced; and that every such Charge, Mortgage, Lease, or Demise, shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Power to  
Commission-  
ers to deduct  
Land for  
Allotment of  
Proprietors  
equivalent  
to their Pro-  
portion of the  
Expences.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioner, at the Request in Writing, to be delivered to such Commissioner within Six Calendar Months next after passing this Act, of any of the Owners or Proprietors of any of the Lands hereby directed to be divided and allotted, or of any Interest or Interests therein, whether for an Estate in Fee Simple, Fee-Tail, or for Lives or Life, or for any other determinable Estate, not being Lessees or a Lessee for Years, subject to Rents or a Rent, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Agents or Attornies of or for any such Owners or Proprietors being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or for the Persons acting as such Guardians, Trustees, Committees, Agents or Attornies, to deduct from the Value and Amount of the Allotment or respective Allotments of such Owner or Owners by whom or on whose Behalf such Request shall be made as aforesaid, so much as shall in the Judgement of the said Commissioner be equal to his, her, or their Share and Proportion, or respective Shares and Proportions of the Charges and Expences of passing this Act, and of carrying the same into Execution, and to allot, award, and divide the Land and Value so deducted to and amongst such of the Owners or Proprietors as shall by the said Commissioner be charged with, and shall pay such Charges and Expences, in Proportion to the Sums they shall respectively pay or contribute thereto: Provided, that it shall be lawful to and for the said Commissioner, and he is hereby required, upon any such Request as aforesaid, and upon Payment by the Person or Persons making such Request of his, her, or their full Proportion of such Costs and Expences, to allot to the Person or Persons respectively by whom or on whose Behalf such Request and Payment shall be made, his, her, or their Heirs or Assigns, the Land which shall have been so deducted; and the Person or Persons respectively to whom any such Allotment shall be made and awarded, shall, upon such Award being made, be and become seised thereof for an absolute Estate in Fee Simple, freed and discharged from all former Titles, Charges, and Incumbrances whatsoever: Provided, that the Value of the Land so to be deducted from any Allotment or Allotments shall not in any Case exceed, according to the Opinion and Judgement of the said Commissioner, the Rate of Five Pounds for every Acre of the Land which shall by virtue of this Act be allotted or exchanged to the Person or Persons making such Request; and that in all Cases where Land shall be deducted from any Allotment or Allotments as aforesaid, no Money shall be raised or charged by Mortgage, or any other Ways or Means in the said recited Act, or this Act mentioned, upon such last mentioned Allotment or Allotments for the Coits and Charges of passing and executing this Act.

Proprietors  
may sell or  
mortgage

XXXV. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under and by virtue of this Act, to give, grant, bargain, sell, demise, convey and

and assure, his, her, and their Interest in the same, at any Time or Times before the Execution of the Award of the said Commissioner, for all or any Part of his, her, or their expectant Estate or Interest therein, and every such Gift, Grant, Bargain, Sale, Conveyance, and Assurance, shall be of the same Force and Validity as if made after the Execution of the said Award; and it shall be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of the same, or of the Allotment or Allotments to be made in respect thereof by virtue of this Act, separate and distinct from the Estate in Right of which he or she is entitled to the same, in such Manner as he or she might have done at any Time after the Execution of the said Award; and every Grant, Conveyance, and Assurance of such Common Right or Allotment, shall have the same Force and legal Operation as if made and executed after the Execution of the said Award; and it shall be lawful for the said Commissioner, and he is hereby authorized and required, to award every such Allotment or Allotments which shall be so sold and disposed of to the Purchaser or Purchasers thereof, or to any other Person or Persons who shall be entitled to the same by virtue of any such Sale or Disposition.

their Allotments before the Award.

XXXVI. And be it further enacted, That the said Commissioner shall, as soon after the passing of this Act as conveniently may be, by some Writing or Writings under his Hand, to be affixed upon the principal outer Door of the Parish Church of *Hemingbrough* aforesaid, order and direct the Course of Husbandry that shall be used in, over, and upon the said several Open and uninclosed Fields, Lands, and Grounds hereby directed to be divided, allotted, and inclosed, and from Time to Time to alter or amend such Orders and Directions, or give new ones, as shall appear to him necessary and proper, until the Time when he shall have made and completed the said intended Division and Allotment, as well with respect to laying down, ploughing, sowing, reaping of Crops, fallowing and tilling thereof, as to the cleaning, weeding, stocking, and eating off the Fallows or Stubbles; and shall and may in and by the same, or any such other Writing as aforesaid, set and impose such Penalties on every Person not conforming to such Orders and Directions, and for doing and committing any Damage, Waste, or Destruction in or upon the said Open and uninclosed Fields, Lands, Meadows, Pastures, Ings, Common, and Waste Lands and Grounds, as he the said Commissioner at the Time of making such Orders and Directions shall think reasonable, not exceeding the Sum of Five Pounds *per Acre*, which Penalties shall be recovered and applied in Manner directed by the said Act; and all such Orders of the said Commissioner shall be final, binding, and conclusive upon all Parties interessed, and upon their several and respective Farmers and Tenants.

Commissioner to direct Course of Husbandry.

XXXVII. And be it further enacted, That unless the said Commissioner shall by any Writing under his Hand, or in and by his Award herein-after mentioned, make any Order to the contrary, all the Tillage Parts of the said Open Fields which shall be Fallow, or sown with Corn upon Fallow at the Time when such Division and Allotment shall take place, shall continue in Possession of the respective Occupiers and Tenants thereof respectively until the next ensuing Harvest, and the Crops thereof shall then be reaped or cut by such Occupiers and Tenants respectively,

Commissioner to settle Satisfaction for Standage of Crops, or give Orders therein.

every

every one his own Land, who may enter thereon, and till and cultivate the same at his Pleasure, every such Occupier and Tenant paying to the Proprietor to whom the same shall be allotted, before he shall reap or cut such his Crop, such Satisfaction for the Standage of such Crop, and Damage done by the Cultivation of such Land, and reaping or cutting, and taking away such Crop, as the said Commissioner in and by such Writing as aforesaid, or by his said Award shall direct or appoint: Provided always, that the said Commissioner may, if he thinks proper, make and give any other Order and Direction in the Premises which he shall see more equal and convenient, either by any such Writing as aforesaid, or by his said Award.

Commissioner  
to lay his Ac-  
counts before  
a Justice.

XXXVIII. And be it further enacted, That once at least in every Year during the Execution of this Act, (such Year to be computed from the Day of the passing thereof,) the said Commissioner shall make, and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him referred to and laid before One or more of His Majesty's Justices of the Peace acting in and for the said East Riding (not interested in the said Inclosure), 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.

Award.

XXXIX. And be it further enacted, That the Award to be made by the said Commissioner in Manner directed by the said Act of the Forty-first Year of the present Reign, shall, within the Space of Twelve Calendar Months from the Execution thereof, be inrolled in the publick Register Office at *Beverley*, in the said East Riding; and the Register of the said Office, or his Deputy for the Time being, is and are hereby directed to cause the said Award 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 also lodged in 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 said Parish Church, subject to 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 that Purpose at all reasonable Times, and to make Copies thereof or Extracts therefrom; and the said Register shall be entitled to such Fees for the Inrolment of the said Award as he is entitled 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 at the Register Office, and to inspect and examine such Copies of the said Map or Plan, paying for the same to such Register or his Deputy One Shilling,  
and



and no more; and shall also from Time to Time, upon 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, 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 Sixpence *per* Sheet, reckoning One hundred Words to each Sheet, and no more; and the said original Award, 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.

XL. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done by the said Commissioner in pursuance of the said Act of the Forty-first Year of the present Reign, or of this Act, (other than and except such Determinations of the said Commissioner as are by the same Acts declared to be final, binding, or conclusive, and except in Cases where an Issue at Law may be tried as herein is mentioned,) then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace for the East Riding of the County of *York*, which shall be holden within Six Calendar Months from the Time when the Cause of Complaint shall have arisen, 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 therein, and to 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 made liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, and without Foundation, then and in such Case 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 such Costs shall be levied in Manner aforesaid.

Appeal to  
Quarter  
Sessions.

XLI. Provided always, and be it further enacted, That this Act, or any Thing herein contained, shall not extend or be construed to extend to prejudice, abridge, or lessen the Right, Title, or Interest of the Right Reverend Father in God *Shute* Lord Bishop of *Durham*, or his Successor for the Time being, Lord of the Hundred or Liberty of *Howden*, in the said County of *York*, of, in, or to the Royalties, Rights, Franchises, Rents, or Services incident or belonging to, or for or in respect of the Hundred or Liberty of *Howden*.

Saving the  
Rights of the  
Bishop of  
*Durham*.

1974

General  
Saving.

51° GEORGII III. Cap. 97.

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

Evidence  
Clause.

XLIII. 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, Justices, and others.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1811.