



ANNO QUADRAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 145.

An Act for inclosing Lands in the Manor, Rectory, or Rectory-Manor and Township of *Dewsbury*, in the West Riding of the County of *York*.

[11th August 1803.]

WHEREAS there are within the Manor, Rectory, or Rectory-Manor and Township of *Dewsbury*, in the West Riding of the County of *York*, several Open Commons, Moors, and Waste Grounds, called *Dawgreen*, *Dewsbury Moor*, *Steanard*, and *Batley Carr*, and other Parcels of Waste not distinguished by particular Names, containing in the Whole Two hundred and eighty-nine Acres or thereabouts: And whereas the Most Noble *George William Frederick Duke of Leeds* is Lord of the Manor of *Wakefield*, in the said West Riding of the County of *York*, within which the said Manor, Rectory, or Rectory-Manor and Township of *Dewsbury* is situate, and as such is Owner of the Soil of the said Common or Waste Ground called *Dewsbury Moor*, and of the Mines and Minerals therein: And whereas *John Carr Esquire*, is Lord of the said Manor, Rectory, or Rectory-Manor of *Dewsbury*, and Owner of the Soil of the said several Commons and Waste Grounds called *Dawgreen*, *Steanard*, and *Batley Carr*, and of the Mines and Minerals therein: And whereas the King's most Excellent Majesty is Patron of the Vicarage of *Dewsbury* aforesaid; and the Reverend *Matthew Powley* is the present Vicar thereof, and as such entitled to certain Vicarial or Small Tythes, annually arising within the said Manor and Township of *Dewsbury*: And whereas an Act was passed in the Forty-first Year of the Reign of His

Lord of the Manor of *Wakefield*.

Lord of the Manor of *Dewsbury*.

Vicar or Incumbent.

[Loc. & Per.]

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present

Freeholders.

Commissioner.

present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas *John Hague Esquire, John Heald, James Hemingway, Abraham Greenwood, Isaac Smith, Timothy Parker, Thomas Chaster, Joseph Lee*, and divers other Persons are Proprietors of ancient Messuages, Cottages, and Tofts, and old inclosed Lands within the said Manor, Rectory, or Rectory-Manor and Township, having Right of Common in and upon the said several Commons, Moors, and Waste Grounds, and it would be advantageous to them if their said Lands and Grounds were exonerated from the Small Tythes arising therefrom, and if such Commons, Moors, and Waste Grounds, (which in their present State are incapable of any considerable Improvement), were divided and inclosed in Manner herein-after mentioned, and an Allotment or several Allotments made thereout to the said Vicar of *Dewsbury* in lieu of the aforesaid Tythes; but the same 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 *William Whitelock*, of *Brotherton* in the County of *York*, Gentleman, shall be, and he is hereby appointed the Commissioner for dividing, allotting, and inclosing the said several Commons, Moors, and Waste Grounds, and for carrying this Act into Execution, in the Manner and subject to the Regulations in this Act contained, subject nevertheless to the Regulations of the said recited Act, (except in such Cases where the same are by this Act varied or altered).

How a new
Commissioner
is to be ap-
pointed.

II. And be it further enacted, That if the said *William Whitelock*, or any other Commissioner who shall be elected and appointed as herein-after directed, shall die, or refuse, or become incapable to act in the Execution of this Act of Parliament, then and in such Case, the Lords of the said respective Manors or their Agents, and the Persons who respectively for the Time being shall be interested in the Lands and Grounds intended to be divided, allotted, and inclosed as aforesaid, or the major Part of them in Value, (of which Majority the said Lords or their respective Agents shall be a Part), who in Person or by their Agents or Attornies shall attend at a Meeting to be called pursuant to Notice in Writing, to be affixed on the principal Door of the Parish Church of *Dewsbury* aforesaid, some *Sunday*, either during or immediately before or after Divine Service, (which Notice the Person who acts as Clerk to the said Commissioner is hereby authorized to give), within One Calendar Month next after such Death, Refusal, or Incapacity of the said Commissioner shall be made known, and Ten Days at least previous to such Meeting, shall and may from Time to Time, by Writing under their Hands, or the Hands of their Agents or Attornies, elect, nominate, and appoint some other fit and proper Person, (not interested in the said intended Division and Inclosure), to be the Commissioner in the Place and Stead of the Person so dying, refusing, or becoming incapable to act; which said Commissioner so to be elected and appointed as aforesaid, shall, (after taking the Oath prescribed in that Behalf), have the like Power and Authority for carrying this Act into Execution, as if he had been the Commissioner originally nominated and appointed hereby.

III. And

III. And be it further enacted, That for the more just and regular Division of the said Lands and Grounds hereby directed to be divided and inclosed, a perfect Survey and Admeasurement, and Maps and Plans thereof, shall be made by *Thomas Gee*, of *Little Houghton* in the said County of *York*, Land Surveyor, and in case of his Death, or Refusal to act, or not acting to the Satisfaction of the said Commissioner, by such other Person or Persons as the said Commissioner shall appoint; which Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods, and Perches, shall be therein set forth and ascertained, and such Survey or Admeasurement shall be laid before the said Commissioner, and used by him for the Purpose of this Act; and the said Surveyor or Surveyors and Commissioner, together with such other Persons as shall be employed by him or them, shall have full Power and Authority at any Time, (until the said intended Inclosure is completed), to enter upon, view, examine, and admeasure the said Lands and Grounds hereby directed to be divided and inclosed.

Survey to be made.

IV. And be it further enacted, That the said Commissioner, or his Successor or Successors shall, and he or they is and are hereby required, to cause Notice in Writing to be affixed on the principal outer Door of the Parish Church of *Dewsbury* aforesaid, on some *Sunday* either during or immediately before or after Divine Service, of the Time and Place of his first Attendance, or beginning to put this Act into Execution, and also of such other Times and Places as he shall appoint for the receiving, adjusting, and settling the Claims, Rights, Shares, and Proportions of any Persons interested in the said Commons, Moors, and Waste Grounds intended to be divided and inclosed under and by virtue of this Act, or for any other Purpose whatsoever, which shall or may require the Attendance of any Person or Persons interested in the said intended Division and Inclosure, so as the Place of every such Attendance or Meeting be within Two Miles of the Town of *Dewsbury* aforesaid, and at least Fourteen Days Notice to be given previous to every such Meeting, (Meetings by Adjournment only excepted).

Notice of First and every subsequent Attendance.

V. And be it further enacted, That the Notices required by this Act, or the said General Inclosure Act, to be given or published in some publick Newspaper, of setting out publick Carriage Roads, and of reading and executing the Award of the said Commissioner, shall be given and published in *The Leeds Intelligencer*, or if that Paper be not then published, then in some other Newspaper usually circulated in the West Riding of the County of *York*.

Certain Notices to be published in the *Leeds Intelligencer*.

VI. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required, after setting out and appointing the necessary publick Carriage Roads and Highways through and over the said several Commons, Moors, and Waste Grounds hereby directed to be divided and inclosed, to set out, allot, and award unto the said Duke of *Leeds*, (as Lord of the aforesaid Manor of *Wakefield*), such Part and Parcel of the Residue of the said Common and Waste Ground called *Dewsbury Moor*, in such Place or Places as the said Duke of *Leeds* or his Agents shall appoint, so as he or they determine thereon, and give Notice thereof in Writing to the said Commissioner, within Three Calendar Months next after the passing of this Act, as shall, in the Judgement of the said Commissioner,

Allotments to the Duke of *Leeds*.

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be equal in Value to One full Twelfth Part of the Whole of the said Common called *Dewsbury Moor*, and shall also allot and award to the said Duke of *Leeds* all the Cottages, Buildings, and Encroachments which have been erected upon or taken from any Part or Parts of the said Common and Waste Ground called *Dewsbury Moor*, on or before the Twenty-sixth Day of *August* which was in the Year of our Lord One thousand seven hundred and ninety-nine, which said Allotment or Allotments and Encroachments shall be in lieu of and in full Compensation for his Right to the Soil of the said Waste Ground called *Dewsbury Moor*.

Land to be
sold to defray
the Expences
of this Act.

VII. And be it further enacted, That the said Commissioner shall and may, and he is hereby authorized and required in the next Place, to set out such Part or Parts of all the then Residue of the said several Commons, Moors, and Waste Grounds, or any of them, not interfering with the Encroachments now belonging to the said *John Carr*, or which are herein-after given to him, in Part Recompence for his Right and Interest in the said Commons, Moors, and Waste Grounds, called *Dawgreen*, *Steanard*, and *Batley Carr*, or any of them, (and which Right and Interest is herein-after mentioned to be barred and extinguished), as in his Judgment will be most proper to be sold, in order to raise by Sale thereof a sufficient Sum of Money to defray the Charges and Expences of obtaining, passing, and carrying this Act into Execution, and of preparing and in-rolling the Award of the said Commissioner, and also the Coits and Charges of forming and completing the publick Highways to be set out and appointed over and upon the said several Commons, Moors, and Waste Grounds, and of making the outward Fence or Fences of the Allotment or Allotments intended to be set out and awarded to the Vicar of *Dewsbury* aforesaid, and his Successors, in lieu of the said Small Tythes, and likewise all other incidental Charges and Expences whatsoever to be incurred or occasioned by reason of or preparatory to the said intended Division and Inclosure, and to offer such Allotment or Allotments for Sale to any Proprietor or Proprietors of ancient Messuages, Buildings, Lands, and Premises adjoining or near thereto, at such Price or Prices as he the said Commissioner shall think proper; and in case such Proprietor or Proprietors neglect or refuse to become the Purchaser or Purchasers of such Pieces or Parcels of Ground at the Price or Prices fixed thereon, then and in every such Case, it shall be lawful for the said Commissioner to sell and dispose of the same by publick Auction or private Contract, as to him shall seem meet, to any other Person or Persons whomsoever, for the best Price that can be had or gotten for the same; and that the Purchaser or Purchasers thereof shall immediately after such Sale or Sales pay (by way of Deposit) into the Hands of the said Commissioner, or such other Person or Persons as he shall direct or appoint, One Tenth Part of his, her, or their Purchase Money, and pay the Remainder of such Purchase Money within Three Months next after, or at such other Time as the said Commissioner shall appoint, and in Default thereof the Money so deposited shall be forfeited and applied towards defraying the Expences of obtaining and carrying this Act into Execution; and the Allotment or Allotments for which the Whole of the Purchase Money shall not have been so paid, shall be put up to Sale in Manner aforesaid, and resold for the best Price or Prices that can possibly be had or gotten for the same; and every Allotment for which the full Purchase Money shall be paid, shall immediately thereupon be absolutely discharged of and from

from all Common and other Right thereon and therein, and be vested in Fee Simple in and inclosed, and from thenceforth held in Severalty by such Purchaser or Purchasers thereof respectively as his, her, or their private and absolute Property, and shall be assigned and allotted to them by the said Commissioner in and by the said Award; and all the Money arising from such Sale or Sales shall be applied by the said Commissioner in and towards defraying the several Charges and Expences aforesaid, and in case there shall be any Overplus, the same shall be distributed amongst the several Persons interested in the said Commons, Moors, and Waste Grounds in such Manner, Shares, and Proportions as the said Commissioner shall think proper; but in case the Money arising from the Sale of such Allotment or Allotments as aforesaid, and the Money to be paid by the said Duke of *Leeds* as herein-after is mentioned, shall not be sufficient to defray all the said Charges and Expences, then the Deficiency shall be made up by the several Persons to whom any Allotment or Allotments of the said several Commons, Moors, and Waste Grounds hereby intended to be divided and inclosed, or any of them, (other than and except the Vicar of the said Parish of *Dewsbury*), and shall be paid in such Shares and Proportions, and within such Time as the said Commissioner shall direct.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioner and he is hereby authorized and empowered to charge the said Duke of *Leeds*, or any succeeding Lord or Lords, Lady or Ladies of the said Manor of *Wakefield*, with such Sum or Sums of Money as he the said Commissioner shall think proper and right for or on Account of the Benefits to arise to the said Duke of *Leeds*, his Heirs or Assigns, from or in respect of the Allotment or Allotments herein-before directed to be set out and awarded to him, which Sum or Sums of Money shall be applied towards defraying the Charges and Expences of obtaining, passing, and carrying this Act into Execution.

Commissioner to charge the Duke of *Leeds* with Part of the Expences of the Act.

IX. And be it further enacted, That the said Commissioner shall and may and he is hereby authorized and required, (after making the Deductions before enumerated), to set out, allot, and award unto the said *John Carr*, in such Part or Parts of the Residue of the said several Commons, Moors, and Waste Grounds, called *Dawgreen*, *Steanard*, and *Batley Carr*, or One of them, as he the said *John Carr*, or his Agents shall appoint, so as he or they give Notice thereof in Writing to the said Commissioner, within Three Calendar Months next after the passing of this Act, an Allotment or several Allotments to contain Six Statute Acres, and also all the Cottages, Buildings, Erections, and Encroachments which have been erected upon or taken from the said several Commons and Waste Grounds called *Dawgreen*, *Steanard*, and *Batley Carr*, on or before the Twenty-seventh Day of *November* which was in the Year of our Lord One thousand eight hundred and two, (other than and except a Piece or Parcel of Land lately taken in and inclosed from the said Waste Ground called *Dawgreen* by *John Hague* Esquire), which said Allotment or Allotments, Buildings, Erections, and Encroachments shall be in lieu of and as a full Recompence for his Right, (as Lord of the said Manor, Rectory, or Rectory Manor of *Dewsbury*), to the Soil of the said Commons and Waste Grounds called *Dawgreen*, *Steanard*, and *Batley Carr*, and of the Mines and Minerals therein: Provided always, that none of the Encroachments herein-before directed to be awarded to the said Duke of *Leeds* and *John Carr*,

Allotments to *John Carr* Esquire.

Carr, or either of them, shall be entitled to any Allotment or Allotments in respect thereof.

Persons claiming Right of Common to specify in their Claims, the Tenure of the Messuages or Lands in respect whereof they claim.

X. And be it further enacted, That all Persons having or claiming any Right of Common, or any other Right in or over the Lands and Grounds hereby directed to be divided and inclosed, are hereby required by themselves or their Agents, to deliver in their respective Claims in Writing under their Hands or the Hands of their Agents, unto the said Commissioner at his First or Second Meeting, distinguishing in such Claims the Particulars in respect whereof such Claims are made, and also the Freehold and Copyhold Property from each other, and whether such Copyholds are held or claimed to be held by Fine certain or arbitrary, and that no such Claims shall be received by the said Commissioner after his Second Meeting, (except for some Special Cause to be by him allowed).

Allotments for Stone Quarries.

XI. And be it further enacted, That the said Commissioner shall and may and he is hereby required, in the next Place, to ascertain, set out, and appoint certain Pieces or Parcels of Ground, (Part of the Residue of the said several Commons hereby directed to be inclosed or some of them), not exceeding Six Acres, for the Purpose of getting Stone, Gravel, Sand, and other Materials for making the publick Roads and Drains of or belonging to the said several Commons, Moors, and Waste Grounds, or any of them, and for repairing the same, and all the other publick Highways within the said Township of *Dewsbury*, and that the Herbage growing and renewing in and upon such Pieces or Parcels of Ground, shall from and after the Execution of the said Award, be vested in the Churchwardens and Overseers of the Poor for the Time being, and their Successors of the Township of *Dewsbury*, in Trust, (but subject to be entered upon for the Purposes aforesaid), to let the same for the most Money that can be made thereof, and apply the Rents, Issues, and Profits thereof to and for the Use of the Poor of and belonging to the said Township.

Allotments to the Vicar in lieu of Small Tythes, with Power to lease the same for Twenty-one Years.

XII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, in the next Place, to make a just and fair Estimate of the true Value, One Year with another, of all the Vicarial or Small Tythes and Moduses, Compositions, or other Payments in lieu of Vicarial or Small Tythes, arising and payable to the Vicar of *Dewsbury* aforesaid for the Time being, out of or for or in respect of all and singular the Lands and Grounds within the said Township of *Dewsbury*, as well those now inclosed as those intended to be divided and inclosed as aforesaid, and the said Commissioner shall after making such Estimate, set out, allot, and award unto the said Vicar of *Dewsbury* and his Successors, such Portion of the said several Commons, Moors, and Waste Grounds, or some or One of them, as he the said Commissioner shall think equal in Value to the same Vicarial Tythes, Moduses, Compositions, and other Payments; which said Allotment shall be inclosed or fenced with an Outward Ring Fence, and planted with Quicksets, and guarded with Posts and Rails in such Manner as the said Commissioner shall direct, and the Expence thereof shall be borne, defrayed, levied, and paid in the same Way as the Costs, Charges, and Expences of obtaining, passing, and carrying this Act into Execution, are herein-before directed to be raised and paid, and that the said Fence shall for ever afterwards be repaired and maintained in such Manner as the said Commissioner shall by his said Award direct,

direct, and such Allotment shall be in full Compensation for all Vicarial Tythes, yearly or otherwise becoming due and payable out of all or any Part of the Lands or Grounds within the said Township of *Dewsbury*, and for all Moduses, Compositions, and other Payments in lieu of Vicarial or Small Tythes, (*Easter Dues* or Offerings, Mortuaries, and Surplice Fees excepted).

XIII. And be it further enacted, That the said Commissioner shall and may, and he is hereby authorized and required to assign, set out, allot, and award the Residue of the said several Commons, Moors, and Waste Grounds hereby directed to be divided and inclosed (after making the several Deductions before mentioned), unto and amongst the several Proprietors of Messuages, Cottages, and Tofts which have been erected One hundred Years and upwards; and are entitled to Right of Common in and upon the said Waste Grounds (other than and except such Messuages, Cottages, and Tofts as have at any Time or Times heretofore been erected upon or taken from any Part or Parts of the said Waste Grounds hereby directed to be inclosed, and which have since the Erection thereof been enfranchised, and made Freehold by the Lord or Lords, Lady or Ladies for the Time being of the aforesaid Manor of *Wakefield*, and Manor, Rectory, or Rectory Manor of *Dewsbury*, or either of them, and which said Messuages, Cottages, and Tofts are intended to be hereby barred from having or claiming any Allotment or Allotments in respect thereof), and the Owners of old inclosed Lands and Grounds, situate and being within the said Township of *Dewsbury*, in such Parts, Shares, and Proportions as herein-after mentioned, that is to say, One-Sixth Part in Value of the Residue of the said Commons and Waste Grounds, unto and amongst the several Owners of such Messuages, Cottages, and Tofts, as before mentioned, in Proportion to the Number, and without regarding the Value of such Messuages, Cottages and Tofts, and the remaining Five-Sixths Parts in Value of the Residue of the aforesaid Commons, Moors, and Waste Grounds, unto and amongst the several and respective Proprietors of ancient inclosed Lands and Grounds, situate within the aforesaid Township of *Dewsbury*, and not having or being at any Time or Times heretofore, Parcel of the said several Commons and Waste Grounds, or of any of them, in Proportion and according to the Value thereof, and in full Bar and Compensation for their several and respective Rights and Interests upon the said Waste Grounds, or any of them.

Allotment of
Residue of
Commons.

XIV. And be it further enacted, That the said Commissioner shall ascertain and determine what Encroachments have been made upon the said Common or Waste Ground called *Dewsbury Moor*, since the Twenty-sixth Day of *August* which was in the Year of our Lord One thousand seven hundred and ninety-nine, and on the said several Commons, Moors or Waste Grounds, called *Dawgreen*, *Steanard*, and *Balley Carr*, since the Twenty-seventh Day of *November* which was in the Year of our Lord One thousand eight hundred and two, and that all such Encroachments shall be deemed Part of the said several Commons, Moors, and Waste Grounds intended to be divided and inclosed, under or by virtue of this Act, and shall be awarded to the Person or Persons, who (at the Time of making the said Allotments), shall be in the Possession or Receipt of or entitled unto the Rents and Profits of such Encroachments, in case such Person or Persons shall be entitled to any Common Right in or upon the said

Encroach-
ments made
within a li-
mited Time,
to be deemed
Part of the
Waste
Grounds.

said Waste Grounds, as the Whole or Part of the Share or Proportion of the said Commons, Moors, and Waste Grounds to which such Person or Persons may be entitled by virtue of this Act, without considering the Value of any Erections thereon, or Improvements made thereto; and in case any such Encroachment shall in the Judgement of the said Commissioner be of greater Value, (exclusive of such Erections and Improvements), than the Share or Proportion of the said Waste Grounds, to which the Person or Persons in Possession or Receipt of the Rents and Profits thereof shall be entitled, then the Person or Persons to whom such Encroachments shall be awarded, shall pay to the said Commissioner, at or within such Time as he shall appoint, such Sum of Money as the said Commissioner shall adjudge to be the Value of such Encroachment or Encroachments, over and above the Value of the Allotment to which such Person or Persons shall be entitled, and exclusive of any such Erections and Improvements as aforesaid: Provided also, that in all Cases where Encroachments have been made on the said several Commons, Moors, and Waste Grounds, or any of them, and Cottages, Dwelling Houses, or other Buildings have been erected thereon within the Times respectively above mentioned, and the Person or Persons who shall be in the Possession or the Receipt of the Rents and Profits thereof, shall not be entitled to any Allotment of the said Commons, Moors, and Waste Grounds, it shall and may be lawful for the said Commissioner, and he is hereby authorized and required, (in all Cases wherein it shall not appear to him to be attended with any Inconvenience or Disadvantage to the Owner or Owners of any old inclosed Lands, or to the Lands and Grounds hereby intended to be divided and inclosed), to award and allot such Encroachments, or any Part or Parts thereof, to the Person or Persons who at the Time of making such Allotments shall be in the Possession or Receipt of, or entitled to the Rents and Profits thereof, they paying the Price of the Lands to be set upon them by the said Commissioner, without any Regard had to the Value of the Erections thereon or Improvements made thereto; and such Person or Persons shall from the executing of the said Award be discharged from all Rents which may have been set upon them by any Lord or Lords, Lady or Ladies of the said Manor of *Wakefield*, or of the Manor, Rectory, or Rectory Manor of *Dewsbury*, or for their or either of their Stewards or Agents, and shall for ever after be held as Freehold in Fee Simple; and in Default of Payment of such Sum of Money, or any Part thereof, within the Time to be appointed as aforesaid, the same shall be recovered by Distress and Sale of the Goods and Chattels of such Person or Persons making Default in Payment, by Warrant under the Hand and Seal of the said Commissioner directed to any Person or Persons whomsoever, they tendering the Overplus (if any) of the Money to be raised thereby, after deducting the reasonable Costs and Charges of such Distress and Sale, unto the Owner of the said Goods and Chattels, or the said Commissioner may sell and dispose of such last mentioned Encroachments by publick Sale or otherwise for the most Money that can be reasonably had or obtained for the same, and in either of the said Cases the Money arising therefrom shall be applied towards defraying the Expences of obtaining and carrying this Act into Execution: Provided also, that where the said Commissioner shall think it proper or expedient that any of the last mentioned Buildings and Encroachments should be allotted to any other Person or Persons than such as shall be then in Possession or entitled to receive the Rents and Profits thereof, the said Commissioner shall and he is hereby authorized
and

and required to allot and award the same to such Person or Persons as he thinks proper, and shall charge the same with the Payment of such Sum or Sums of Money as to him shall seem reasonable to be paid at such Times, Manner, and Form, by the Person or Persons to whom such Encroachments shall be allotted and awarded to the Person or Persons entitled to the Rents and Profits thereof, as he the said Commissioner shall direct; and in case of Non-payment, the same shall be recovered by Distress and Sale in Manner above mentioned.

XV. And be it further enacted, That all such Lands or Grounds as shall be allotted to any Person or Persons in respect of ancient Freehold Messuages, Lands, Tenements, and Hereditaments shall be deemed and taken to be Freehold, and that all such Lands or Grounds as shall be allotted and awarded to any Person or Persons in respect of Copyhold Messuages, Lands, and Tenements shall be deemed and taken to be Copyhold, and shall from Time to Time pass and be surrendered into such Courts, and held in such Manner as the ancient Copyhold Premises in respect whereof they shall be set out and allotted, are or have been passed, surrendered, and held, and shall be demised and demisable in such Manner, and subject to the like (arbitrary or certain) Fines, Fees, Suit of Court, Duties, Services, and Customs in all Respects as the said ancient Copyhold Premises are subject or liable to.

Allotments in respect of ancient Freehold Premises to be Freehold, and of Copyhold Premises to be Copyhold.

XVI. And be it further enacted, That it shall and may be lawful to and for any of the Persons entitled to Right of Common upon the said Commons, Moors, and Waste Grounds hereby directed to be inclosed, to sell and dispose of his, her, or their Right, Share, or Interest in such Commons, Moors, and Waste Grounds separate and apart from the Property to which such Right or Interest is appurtenant, and the said Commissioner may award the Allotments to be made in lieu of the Right of Common so sold and disposed of to the Purchaser or Purchasers thereof respectively, having received a Request in Writing so to do, signed by the Owners or Proprietors of such Rights of Common in the Presence of One or more credible Witness or Witnesses, and that such Purchaser or Purchasers shall hold and enjoy the same unto him, her, or them, his, her, or their Heirs and Assigns for ever, notwithstanding any Law to the contrary thereof.

Proprietors may sell their Common Rights, and the Commissioner shall award the same to the Purchaser or Purchasers.

XVII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested in the Division and Inclosure hereby directed to be made, touching or concerning the Right to the Soil of the said several Commons, Moors, and Waste Grounds, or any of them, or any Part or Parts thereof, or touching or concerning the several and respective Rights and Interests therein, which they or any of them have, or claim to have, in or to such Commons, Moors, and Waste Grounds, or touching or concerning any other Matter or Thing relating to the said intended Division and Inclosure, it shall and may be lawful to and for the said Commissioner to examine into, hear, and determine the same, and for that Purpose to summon such Witnesses as he shall think necessary, and the said Commissioner shall have the Sum of Two Pounds and Two Shillings a Day for his Loss of Time and Expences, on each and every Day that he shall attend and be engaged in examining Witnesses, and settling and determining such Disputes or Differences, to be paid by

Commissioner to settle Disputes and Differences.

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Commissioner to award Costs.

the Person or Persons against whom the Decision and Determination of the said Commissioner shall be made; and if the said Commissioner upon the hearing and determining of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this Act, shall see Cause to award 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 thinks reasonable to be paid to the Party or Parties in whose Favour any Decision of the said Commissioner shall be made by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay the said Commissioner such Recompence for his Trouble and Expences, and such other 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, empowered, and required by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause the Recompence so to be made to the said Commissioner for his extra Trouble and Expences, and such other Costs and Charges as he shall assess and award as aforesaid, 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, after deducting the reasonable Costs and Charges attending such Distress and Sale upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Persons dissatisfied may try their Rights by a feigned Issue.

XVIII. Provided always, and be it further enacted, That in case any Person or Persons whomsoever, 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 herein-before directed to be settled by him, or of the Right of the Soil to the said several Commons, Moors, and Waste Grounds hereby directed to be divided, allotted, and inclosed, or any Part or Parts 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 held in and for the County of *York*, and for that Purpose the Person or Persons 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 Two Calendar Months next after the said Decision of the said Commissioner; 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 such Action or Actions shall be commenced, in case the Parties differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be binding on all Persons and Bodies Politick and Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought, set aside such Verdict or Verdicts, and order a new Trial or new Trials to be had, which it shall be lawful for the Court to do, and also upon sufficient Cause shewn to put off the Trial of such

such Issue as is usual in other Cases; and that 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: Provided always, that the Pendency of such Suit or Suits at Law shall not obstruct or hinder the Execution of this Act, or delay the same, until such Suit or Suits are terminated, but the said Commissioner is hereby authorized and empowered to cause to be made One or more supplementary Award or Awards touching or concerning the Matters so in Suit, when the said respective Suit or Suits shall be determined, in case the same shall be necessary.

XIX. And be it further enacted, That it shall be lawful for the Proprietors or Owners of the Allotments of the said Commons, Moors, and Waste Grounds, to get Stone, Slate, and Gravel within their several and respective Allotments, and to dispose of the same as he, she, or they shall think proper.

Proprietors of Allotments to get Stone therein.

XX. And be it further enacted, That the several Allotments to be made as aforesaid, shall within such Time either before or after the Execution of the said Award as the said Commissioner shall direct, be inclosed and fenced, and such Fences for ever afterwards maintained, repaired, and supported by and at the Expence of the several and respective Proprietors thereof; in such Manner, Shares, and Proportions as the said Commissioner shall by his Award order and direct: Provided always, that if any Person or Persons whomsoever shall after such Direction of the said Commissioner (whether before or after the Execution of the said Award), commit any Trespass or Trespases upon the said several Allotments, or any of them, either by destroying the Fences or otherwise howsoever, or shall during the Space of Ten Years from and after the Execution of the said Award, keep and depasture or permit any Sheep or Lambs to be kept and depastured in the said Allotments (unless he, she, or they shall first effectually fence and guard the adjoining Allotment or Allotments belonging to any other Proprietor or Proprietors, from any Injury to his, her, or their Quicksets or new planted Fences), or shall wilfully turn or put, or cause any Sheep, Lambs, Horses, Asses, or other Beasts or Cattle to be turned or put in any of the Lanes, Ways, or Roads to be set out over the said Commons, Moors, and Waste Grounds, or any of them, on either Side whereof any new Fence shall be planted, every Person offending in any of the said Cases shall, upon Conviction thereof before any One or more of His Majesty's Justices of the Peace acting in and for the West Riding of the County of York, on the Oath of One or more credible Witness or Witnesses (which Oath the said Justice or Justices is and are hereby empowered to administer), forfeit and pay for every such Offence, any Sum of Money not exceeding Five Pounds nor less than Fifty Shillings (over and above the Costs previous to and attending such Conviction), at the Discretion of the Justice or Justices before whom such Offender is convicted, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons subject or liable to the Payment of the said Penalty, by Warrant under the Hand and Seal of such Justice or Justices, together with the Costs and Charges of the said Distress and Sale, and every such Penalty when so levied shall be paid to the Person or Persons injured.

Allotments to be inclosed and fenced within such Time as the Commissioner shall direct, but no Sheep or Lambs to be kept thereon within Ten Years after the Execution of the Award.

XXI. And

Leases at
Rack Rent,
and Agree-
ments to be
void.

XXI. And be it further enacted, That all and every Lease or Leases for any Term not exceeding Twenty-one Years, subsisting at Rack, improved, or extended Rent, of all or any Part of the Lands or Grounds hereby intended to be inclosed as aforesaid, and all Right of Common in and upon the same, and all other Agreements for any Term or Time at Rack, improved, or extended Rent, shall as to the said several Commons, Moors, and Waste Grounds so intended to be divided and inclosed as aforesaid, upon the First Day of *January* which will be in the Year of our Lord One thousand eight hundred and four, cease and be void, the respective Persons who have made or entered into any such Leases or Agreements, making such reasonable Satisfaction to the Lessee or Lessees, Tenant or Tenants on Account thereof, or as an Equivalent for the same when required, as the said Commissioner shall direct and appoint.

Settlements,
Deeds, or
Wills not to
be affected.

XXII. Provided always, and be it further enacted, That nothing in this Act shall extend, or be deemed or taken to revoke, alter, annul, or make void any Settlement, Deed, Will, or Limitation, or to prejudice any Person having or claiming any Jointure, Dower, Portion, Reversion, Rent, Service, Debt, Charge, or Incumbrance of, in, to, out of, upon, or affecting any of the Lands and Grounds so intended to be divided and inclosed, or any Part thereof respectively, but that the several Lands and Grounds to be assigned and allotted to the respective Parties concerned, or their Trustees, shall, immediately after such Allotments are made, be, remain, and enure, and the several Persons to whom the same are awarded shall from thenceforth stand and be seised thereof to and for such and the same Uses and Estates, and subject to such and the same Wills, Settlements, Limitations, Remainders, Charges, Tenures, Rents, Services, Quit Rents, and Incumbrances as the several Lands, Tenements, and Hereditaments, in respect whereof such Allotment or Allotments shall be made as aforesaid, now are or would have been subject and liable to be charged with or affected by, in case this Act had not been made.

Allowance to
the Commis-
sioner and
Surveyor.

XXIII. And be it further enacted, That the said Commissioner shall be allowed and paid the Sum of Two Pounds and Two Shillings, and no more, for every Day he shall attend and be employed at any Meeting or Meetings, or in going to or returning from thence, or otherwise howsoever in executing the Powers and Authorities hereby given to the said Commissioner, including his Expences; and that the said Surveyor or Surveyors shall be paid and allowed such Sum or Sums of Money, for the surveying, mapping, and planning of the said several Commons, Moors, and Waste Grounds, and for every Day which he or they shall attend or be employed (by Order of the said Commissioner), at any Meeting or Meetings as the said Commissioner shall direct; and that the Map or Plan of the ancient Messuages, Lands, Tenements, Hereditaments, and Premises, situate and being within the said Township of *Dewsbury*, heretofore made by *John Parsons*, shall be used by the said Commissioner for the Purpose of carrying this Act into Execution: Provided always, that all the Proprietors or Persons interested or claiming to be interested in the said Commons and Waste Grounds, his, her, or their Agents or Attornies shall pay their own Expences when they or any of them shall attend the said Commissioner in the Execution of this Act.

Proprietors to
pay their own
Expences.

XXIV. And

XXIV. And be it further enacted, That Once at least in each and every Year during the Execution of this Act, (such Year to be computed from the Day of the passing 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 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 laid before any Two or more of His Majesty's Justices of the Peace for the West Riding of the said County of *York*, to be by them examined and balanced, and such Balance shall be by such Justices 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 Justices.

Commissioner to lay his Accounts before Two Justices Once in every Year.

XXV. And be it further enacted, That if any of the said Proprietors, or any other Person or Persons whomsoever, shall advance or pay any Money in Discharge of the Fees or other Expences of obtaining, passing, and executing this Act; the Money so advanced and paid shall be repaid and satisfied, together with lawful Interest for the same, by the Direction of the said Commissioner, out of the Money to be raised by Sale of the Allotments to be set out by him for that Purpose as aforesaid.

Persons advancing Money towards defraying the Expences of this Act, to be repaid with lawful Interest.

XXVI. And be it further enacted, That within Three Calendar Months after the said Commissioner shall have made and executed his said Award, the same shall be transcribed or inrolled at the Register Office of the West Riding of the County of *York*, or his Deputy, and an attested Copy of such Part or Parts of the said Award as relates to Allotments to be made under or by virtue of this Act, to, for, or in respect of Messuages, Tenements, and Premises held of the Lord of the aforesaid Manor of *Wakefield* by Copy of Court Roll, according to the Custom of the said Manor, shall be lodged in the Rolls Office of the Court Baron of the aforesaid Manor of *Wakefield*, and that a true Copy of such Inrolment, or of any Part thereof, signed by the said Register or his Deputy, (for which no more than Four-pence a Folio, or common Law Sheet of Seventy-two Words, shall be paid), and also the said original Award, and the attested Copy of a Part or various Parts thereof so directed to be deposited in the Rolls Office of the Manor of *Wakefield*, shall be admitted and allowed as good and legal Evidence in all Courts, and upon all Occasions whatsoever; and the several Allotments therein set forth, and all Orders, Directions, Regulations, Decisions, Matters, and Things whatsoever which shall be made, specified, and set forth in and by the said Award, shall be final, binding, and conclusive upon all Persons and Parties interested therein.

Award of the Commissioner to be inrolled.

XXVII. Provided always, and be it further enacted, That nothing contained in this Act shall be construed to defeat, lessen, or prejudice the Right, Title, or Interest of the said Duke of *Leeds*, as Lord of the said Manor of *Wakefield*, and of the said *John Carr*, as Lord of the aforesaid Manor, Rectory, or Rectory-Manor of *Dewsbury*, their or either of their Heirs or Assigns, of, in, and to the Seigniories and Royalties incident and belonging to the said Manor of *Wakefield*, or to the said Manor, Rectory, or Rectory-Manor of *Dewsbury*, but that the said Duke of *Leeds*

Saving of Manorial Rights.

and *John Carr*, and all succeeding Lords or Ladies of the said Manor of *Wakefield*, and the said Manor, Rectory, or Rectory-Manor of *Dewsbury*, shall and may respectively from Time to Time, and at all Times hereafter, hold and enjoy their several and respective Rights, Customs, and Services, and all Courts, Perquisites, and Profits of Courts, and other Rights whatsoever incident to the aforesaid Manor of *Wakefield*, and Manor, Rectory, or Rectory-Manor of *Dewsbury*, or either of them, or to the respective Lord or Lords, Lady or Ladies thereof belonging or appertaining, (other than and except such Common Right as could or might be claimed by the said Duke of *Leeds*, or the Lord or Lords, Lady or Ladies of the said Manor of *Wakefield* for the Time being, as Owner or Owners of the Soil and Inheritance of the said Common and Waste Ground called *Dewsbury Moor*, and other than and except such Common Right as could or might be claimed by the said *John Carr*; or the Lord or Lords, Lady or Ladies (for the Time being) of the said Manor, Rectory, or Rectory-Manor of *Dewsbury*, as Owner or Owners of the Soil and Inheritance of the said Commons, Moors, and Waste Grounds called *Dawgreen*, *Steanard*, and *Batley Carr*, and of the Right of winning and getting the Coal Mines, Veins, Beds, and Seams of Coal, and all other Mines and Minerals within the last mentioned Waste Grounds called *Dawgreen*, *Steanard*, and *Batley Carr*, which said Rights are and is intended to be hereby barred and for ever extinguished), in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they the said Duke of *Leeds* and *John Carr*, or either of them, could or might have had, held, and enjoyed the same, if this Act had not been made.

Power of the Duke of *Leeds* to get his Minerals on *Dewsbury Moor*, on making Satisfaction for the Damages done thereby.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to alter, change, defeat, or impeach the Right or Title of the said Duke of *Leeds*, his Heirs or Assigns, to the Mines and Minerals lying under the said Common or Waste Ground called *Dewsbury Moor*, but that the said Duke of *Leeds*, his Heirs and Assigns, shall and may, from Time to Time and at all Times hereafter, have, hold, win, work, and enjoy all Mines, Veins, Beds, or Seams of Coal, and all other Mines and Minerals of what Nature or Kind soever, within and under the said Common and Waste Ground called *Dewsbury Moor*, together with all convenient and necessary Ways, Wayleaves, Roads, and Passages, and Liberty of laying, making, and repairing Waggonways and other Ways, in over, and along the said Common and Waste Ground called *Dewsbury Moor*, or any Part thereof, and of searching for, winning, and working the said Coal Mines and other Mines, and loading and carrying away the Coal to be gotten thereout, and of making Pits, Shafts, Pit Rooms, and Heap Rooms, Drifts, Levels, Ways, and Watercourses, and of erecting and using Fire Engines and other Engines, and of altering, changing, pulling down, and carrying away the same, or any of the Materials thereof, and to have and use any Stone got in the course of sinking Pits or Shafts, or working or getting the said Coal Mines so reserved as aforesaid, at his and their own free Will and Pleasure, and to do all such other Works, Acts, and Things either now in Use or hereafter to be invented, as may be necessary and convenient for the full and complete Enjoyment thereof, in as ample and beneficial a Manner, to all Intents and Purposes, as he or they could or might have done in case this Act had not been made, yet nevertheless the said Duke of *Leeds*, his Heirs or Assigns, shall be obliged to pay, and shall annually pay

pay to the Person or Persons who for the Time being shall be Owners or Proprietors of the Ground wherein such Pits or Soughs shall be made, driven, or worked, or such Engines, Machines, or Buildings erected, or such Coals or Rubbish laid, or such Ways, Roads, or Passages made and used respectively, a reasonable and adequate Recompence and Satisfaction for all such Damages as shall from Time to Time be thereby done there-to, in Proportion to the Loss sustained by such Owners and Occupiers respectively, according to their Rights and Interests therein.

XXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, then and in every such Case, (except as to such Claims, Matters, and Things as are herein-before directed or authorized to be tried, settled, or determined by the Verdict of a Jury, or where any of the Clauses or Provisions of the said recited Act or of this Act, shall express that the same shall be final and conclusive), such Person or Persons may appeal to any General Quarter Sessions of the Peace to be held in and for the West Riding of the County of *York* within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving Thirty Days Notice to the said Commissioner of such his, her, or their Intention of appealing; and the Justices at such Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Charges which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale, which Determination of the said Justices shall be final and conclusive on all Parties, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts at *Westminster* or elsewhere; and in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall and may and they are hereby authorized and empowered to award such Costs, to be paid by the Appellant or Appellants, and to be levied in Manner aforesaid, as to them in their Discretion shall seem reasonable.

Persons thinking themselves aggrieved may appeal within a limited Time to the Quarter Sessions.

XXX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick, and Corporate, his, her, or their Heirs, Successors, Executors, Administrators, and Assigns, (other than and except the several and respective Persons to whom any Allotment or Allotments of Lands or other Compensation shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, and except such other Rights and Interests as are meant and intended to be barred by this Act); all such Estate, Right, Title, Interest, Claim, and Demand, as they, every, or any of them had or enjoyed, of, in, to or in respect of the several Commons, Moors, and Waste Grounds hereby directed to be divided and inclosed before the passing of this Act, or could or might have had or enjoyed if this Act had not been made.

General Saving.

XXXI. And

Declaring the
Act publick.

XXXI. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and when so printed may be given in Evidence in all Courts of Justice, and before all Judges and Justices whomsoever, who shall take judicial Notice thereof, in like Manner as if the same had been declared to be a publick Act.

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Printers to the King's most Excellent Majesty. 1803.