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ANNO QUADRAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 72.

An Act for inclosing Lands within the several Manors or Townships of *Normanton* and *Woodhouse*, otherwise *Newland-cum-Woodhouse Moor*, in the West Riding of the County of *York*. [29th June 1804.]

WHEREAS there are within the several Manors or Townships of *Normanton* and *Woodhouse*, otherwise *Newland-cum-Woodhouse Moor*, in the West Riding of the County of *York*, divers Open Common Fields, containing by Estimation Three hundred and thirty Acres or thereabouts; and there are also within the said Manors or Townships, certain Commons and Waste Grounds, containing by Estimation Two hundred and sixty Acres or thereabouts: And whereas the Most Noble *George William Frederick Duke of Leeds* is Lord of the said Manor of *Normanton*, and *Sir Edward Smith* Baronet is Lord of the said Manor of *Woodhouse*, otherwise *Newland-cum-Woodhouse Moor*, and severally claim to be entitled to or interested in, the Soil of the said Commons and Waste Grounds: And whereas the said *Sir Edward Smith*, *James Faville* Esquire, *Lydia Buckle* Spinster, *Thomas Copley* Esquire, *Joshua Ingham* Esquire, *William Thornton*, *William Garlick*, *Thomas Brooke*, *Joseph Armitage*, *John Hepinstall*, *William Walker*, and divers other Persons respectively, are Owners and Proprietors of the Messuages, Cottages, Tofts, Lands, and Hereditaments, situate, lying, and being within the said respective Manors or

[Loc. & Per.] 13 M Townships:

Townships: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in one Act, certain Provisions, usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Parts usually required on the passing of such Acts:* And whereas the said Open Common Fields, Commons, and Waste Grounds, are subject to certain Commonable Rights, and the Lands in the said Open Common Fields lie intermixed and dispersed with each other, and great Part thereof inconveniently situate for the respective Owners and Proprietors thereof, and the said Commons and Waste Grounds, in their present State, yield but little Profit to the several Persons interested therein; and it would be very advantageous to them if such Commonable Rights were extinguished, and the said Open Common Fields, Commons, and Waste Grounds divided, and specifick Parts or Shares thereof allotted to the several Persons interested therein, according to their respective Estates, Rights, and Interests; but such Extinguishment, Division, and Allotment, 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 *Brotkerton* in the said County of *York*, Gentleman, and his Successors, to be elected in Manner herein-after mentioned, shall be and he is hereby appointed Commissioner for dividing, allotting, and inclosing the said Open Common Fields, Commons, and Waste Grounds, and for carrying this Act into Execution, in the Manner and subject to the Rules, Orders, and Directions herein contained, and also subject to the Regulations and Provisions of the said recited Act, except where the same are hereby varied or altered.

Commissioner.

Election of
new Commis-
sioner.

II. And be it further enacted, That in case the said Commissioner, or his Successor, to be appointed as herein-after mentioned, shall die, or refuse or become incapable to act in the Execution of the Powers and Authorities hereby vested in him, before the Execution of the Award to be made by the said Commissioner, or his Successor, then and so often as it shall so happen it shall be lawful for the Lords of the said respective Manors, and the Majority in Value of the Owners and Proprietors of Lands entitled to Right of Common within the said Manors for the Time being respectively, by themselves or their Agents, at a Meeting to be called for that Purpose by the Solicitor to the said Inclosure, by Advertisement to be inserted Twice in the Newspaper called *The Leeds Intelligencer*, or in case that Paper shall not then be published, then in some other Newspaper circulated in the West Riding of the County of *York*, within Forty Days next after such Commissioner shall happen to die, refuse, or be disabled to act, and the first of such Advertisements to appear at least Fourteen Days previous to the Day of such Meeting, by a Majority of Three Votes, to be taken at such Meeting in Manner next herein-after mentioned; (that is to say), One Vote to be given by the Lord of the said Manor of *Normanton*, another Vote to be given by the Lord of the said Manor of *Woodhouse*, otherwise *Newland-cum-Woodhouse Moor*, and the Third Vote to be given by a Majority in Value of the respective Owners and Proprietors of Lands within the said Manors for the Time being respectively, to elect some other Person, not interested in the said intended Inclosure, to be a Commissioner in the room or stead of him so dying, refusing, or being disabled

disabled to act; and the Person so to be elected shall after such Election, have the like Power and Authority for carrying this and the said recited Act into Execution, as if he had been originally appointed a Commissioner in and by this Act.

III. And be it further enacted, That *Thomas Gee*, of *Little Houghton*, in the Parish of *Darfield*, in the said County, Land Surveyor, shall be and he is hereby appointed Surveyor for the Purposes of this Act; and in case the said *Thomas Gee*, or his Successor to be appointed in his room by virtue of this Act, shall die, or refuse or become incapable to act as Surveyor to the said intended Inclosure, then and so often as it shall so happen, another fit Person shall be elected and appointed in his room in like Manner as herein-before directed for the Election and Appointment of a Commissioner.

Appointment
of a Surveyor.

IV. And be it further enacted, That the said Commissioner shall be paid and allowed such Sum or Sums of Money for his Trouble and Expences in and about the Execution of this Act, as shall be reasonable and proper; and that the Surveyor shall be paid such Sum or Sums of Money for his Trouble and Expences in and about the Execution of this Act, as the said Commissioner shall order and direct.

Commissioner
and Surveyor
how to be paid

V. And be it further enacted, That the said Commissioner shall, and he is hereby required to cause Notice in Writing to be given of the Time and Place of his first and every other Attendance or Sitting for the Execution of this Act, by affixing such Notice upon the principal outer Door of the Parish Church of *Normanton* in the said Riding, and causing the same to be inserted in the said Newspaper called *The Leeds Intelligencer*, or in some other Newspaper printed and circulated within the West Riding of the said County of *York*, Eight Days at least before every such Attendance or Sitting (Attendances or Sittings by Adjournment only excepted, and which Adjournment the said Commissioner is hereby empowered to make): Provided always, that no Attendance or Sitting of the said Commissioner, Surveyor, or either of them, for putting in Execution this or the said recited Act, shall be held at any Place or Places of greater Distance from the said Manors or Townships than *Ferrybridge* in the said Riding.

Notice of At-
tendance of
the Commis-
sioner.

VI. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioner, or the Solicitor to the said Inclosure, shall be so made and given by affixing the same upon the principal outer Door of the Parish Church of *Normanton* aforesaid, and by Advertisement to be inserted in *The Leeds Intelligencer*, or in case that Paper shall not then be published, then in some other Newspaper printed and circulated within the West Riding of the said County of *York*.

Other Notices,
how to be
given.

VII. And be it further enacted, That all Encroachments which within Twenty Years previous to the First Day of *January* One thousand eight hundred and four, shall have been made on the said Commons and Waste Grounds, shall be deemed Part thereof, and shall be divided and allotted accordingly as Part thereof; and, in case any Dispute or Difference shall arise touching any such Encroachments, or the Extent thereof, such Dispute

Encroach-
ments.

Dispute shall be determined by the said Commissioner: Provided nevertheless, that all such Encroachments shall be allotted to the Person or Persons who shall at the Time of making such Allotments, be in Possession or Receipt, or entitled to the Rents and Profits, of such Encroachments, in Part of his, her, or their Share or Proportion of the said Commons and Waste Grounds by virtue of this Act, or so far as the same will extend in Value; and in case any such Encroachment shall in the Judgement of the said Commissioner be of greater Value than the Share or Proportion of the said Commons and Waste Grounds which the Person or Persons so entitled ought to have by virtue of this Act, then the Person or Persons to whom such Encroachment shall be allotted shall pay to the said Commissioner for the Purposes of this Act, such Sum of Money as he shall adjudge to be of the Value of such Encroachment, over and above the Value of the Allotment to which such Person or Persons shall be entitled.

For determining
Boundary
Fences.

VIII. And be it further enacted, That in order to determine the Boundary Fences between the said Manors of *Normanton* and *Woodhouse*, otherwise *Newland-cum-Woodhouse Moor*, and between the same Manors, or either of them, and the adjoining Manors, Parishes, Townships, Hamlets, or Places, it shall be lawful for the said Commissioner (with the Content in Writing under the respective Hands of the Lords of the said Manors, and under the Hands of the major Part in Value of the Land Owners in any Manor, Parish, Township, Hamlet, or Place, interested in any Commons or Waste Grounds adjoining to the said Manors of *Normanton* and *Woodhouse*, otherwise *Newland-cum-Woodhouse Moor*, aforesaid, and also under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which such Fence or Fences are intended to be made), to set out, ascertain, and determine the Boundaries between the said Manors of *Normanton* and *Woodhouse*, otherwise *Newland-cum-Woodhouse Moor*, and between the same Manors, or either of them, and such other adjoining Manors, Parishes, Townships, Hamlets, or Places as aforesaid, in such Manner as he shall judge proper for the Purposes aforesaid; and after such Boundary shall be set out, ascertained, and determined as aforesaid, the same shall be fenced by such Person or Persons in such Manner, and at such Time or Times as the said Commissioner shall order and direct in and by his Award; and such Boundary Fences shall be for ever thereafter deemed and taken to be the Boundaries between the said Manors of *Normanton* and *Woodhouse*, otherwise *Newland-cum-Woodhouse Moor*, aforesaid, and such adjoining Manors, Parishes, Townships, Hamlets, or Places; any Law, Usage, or Custom, to the contrary notwithstanding.

Commissioner
to settle Dis-
putes.

IX. And be it further enacted, That in case any Dispute or Difference shall happen to arise touching or concerning any Right or Rights, Claim or Claims, in, over, or upon the said Open Common Fields, Commons, and Waste Grounds, or any Part or Parts thereof, or the allowing or disallowing the same Rights or Claims, or touching or concerning any other Matter or Thing relative to the said Division and Inclosure, it shall be lawful for the said Commissioner, and he is hereby authorized and required, as well by Examination of Witnesses upon Oath (which Oath the said Commissioner is hereby empowered to administer), as upon any other proper and sufficient Enquiry and Evidence, to examine into, hear, and determine the same: Provided always, that nothing in this Act

contained

contained shall authorize the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments, whatsoever.

X. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be made or delivered to him in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered, 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 or Parties in whose Favour any Determination of the said Commissioner shall have been made by the Person or Persons whose Claim or Claims, Objection or Objections, shall have been thereby disallowed or over-ruled; and in case the Person or Persons liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such case it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges of such Distress and Sale.

Power to assess
Costs.

XI. Provided always, and be it enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Right or Rights, Claim or Claims, in, over, or upon the said Commons and Waste Grounds, or of any Rights of Common or other Rights or Interests, in, over, or upon the other Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the then next or the following Assizes to be holden for the said County of York, and for that Purpose the Person or Persons who shall be so dissatisfied with the Determination of the said Commissioner shall cause an Action to be brought upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination 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 appoint an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties or their Attornies differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be binding on all the Parties thereto, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or new Trials to be had, upon Cause shewn, as in other Cases; and that after such Verdict or Verdicts obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto: Provided also, that no such Action, Verdict, or new Trial, shall

Parties to try
their Rights
by an Issue at
Law.

impede or delay the said Commissioner in the Execution of the Powers hereby vested in him; but the Division and Inclosure hereby directed to be made shall be proceeded in, in such and the same Manner as if no such Action or Suit were pending.

Actions not to
abate on
Deaths of
Parties.

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

Commissioner
to divert Roads
over old In-
closures.

XIII. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required, in all Cases where in his Judgement it shall appear to be requisite or proper, or for the more convenient Occupation of the Lands and Tenements within the said several Manors and Townships, to divert and turn any old or accustomed Road, Way, or Path passing or leading through or over any Part of the old Inclosures within the said Manors or Townships, or either of them, or to stop up and discontinue such Roads, Ways, and Passages, as to the said Commissioner shall seem meet and proper: Provided always, that no such Road, Way, or Path shall be diverted, turned, stopped up, or discontinued, without such Concurrence and Order, and subject to such Appeal as mentioned or referred to in and by the said recited Act.

Allotments
for Watering
Places, Stone
Quarries, &c.

XIV. And be it further enacted, That the said Commissioner shall (after setting out and appointing the necessary publick Carriage Roads and Highways through and over the said Commons and Waste Grounds, hereby directed to be divided and inclosed) and he is hereby authorized and required, to assign, set out, and allot unto the Surveyors of the Highways, within the said Manors or Townships of *Normanton* and *Woodhouse*, otherwise *Newland-cum-Woodhouse Moor* aforesaid, such Parts of the said Commons and Waste Grounds hereby directed to be divided and allotted as the said Commissioner shall think necessary, not exceeding One Acre and an Half in the Whole, upon the Common or Piece of Waste Ground called *Normanton Common*, nor exceeding One Acre in the Whole upon the Common called *Woodhouse Moor*, as and for publick Watering Places for Cattle, and for the Purpose of getting Stone, Gravel, Sand, and other Materials; and the same Allotments, when set out, shall for ever thereafter be used for the making and forming the publick Roads and Ways over the said respective Commons or Waste Grounds, and afterwards by the Surveyors of the Highways, and by the Proprietors of Lands, Tenements, and Hereditaments, within the said respective Manors or Townships, and their Tenants, for the Time being, in such Manner, and under such Rules and Regulations as the said Commissioner shall by his Award direct and appoint.

Allotments to
the Lords for
Right of Soil,
&c.

XV. 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 Commons and Waste Grounds hereby directed to be divided and inclosed, and after setting out the said Allotments for Stone, Gravel, Sand, and Materials as aforesaid, in the next place assign, set out, and allot unto and for the said Duke of *Leeds* and Sir *Edward Smith*, Lords of the said several Manors of *Normanton* and *Woodhouse*, otherwise *Newland-cum-Woodhouse*

house Moor respectively, and being the Owners of the Soil of said Commons and Waste Grounds respectively as aforesaid, such Parts of the said several Commons and Waste Grounds as in the Judgement of the said Commissioner shall be equal to One-Twelfth Part in Value of the Whole of the said several Commons and Waste Grounds, according to the respective Rights and Interests of the said several Lords in and to the Soil of the said several Commons and Waste Grounds, in lieu of such their respective Rights and Interests therein; and also as a Compensation for the Satisfaction which the said Lords respectively are hereinafter by this Act directed to make in the Event of getting and working the Minerals under the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed.

XVI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, to divide, set out, and allot, all the Residue and Remainder of the said Commons and Waste Grounds hereby directed to be divided and inclosed, unto and amongst the several Persons, Bodies Politick, Corporate, and Collegiate, having Right of Common, in, over, or upon the same Commons and Waste Grounds, in the Proportions and in Manner following (that is to say), One-Third Part thereof (the Whole in Three equal Parts to be divided), of such Commons and Waste Grounds, to be allotted and awarded unto and amongst the several Owners or Proprietors of ancient Messuages, Cottages, and Tofts, having Right of Common, in proportion to the Number, and without regard to the Value of such Messuages, Cottages, and Tofts; and the remaining Two-Third Parts in Value of the said Residue and Remainder of such Commons and Waste Grounds unto and amongst the several Owners and Proprietors of such ancient Inclosed Lands and Grounds, and the said Open Common Fields, in proportion and according to the Value thereof, and in full Bar and Compensation of and for their respective Rights of Common, or other Rights or Interests, in, over, and upon the said Commons and Waste Grounds, or any Part thereof.

Allotment of Residue.

XVII. And be it further enacted, That the said Commissioner shall, and he is hereby required, to divide and allot the said Open Common Fields unto and amongst the several Owners and Proprietors thereof, according to their several and respective Rights and Interests therein.

Division of the Open Common Fields.

XVIII. And be it further enacted, That it shall be lawful for any of the Persons entitled to Right of Common upon the said Commons and Waste Grounds hereby directed to be inclosed, to sell and dispose of his, her, and their Right, Share, and Interest, in such Commons and Waste Grounds, and the Allotment and Allotments in respect thereof, separate and detached from the Property to which such Right and Interest shall appertain or belong; and the said Commissioner shall award the Allotment and Allotments to be made in lieu of the Right of Common so sold and disposed of to the Purchaser or Purchasers thereof respectively, upon Request being made to the said Commissioner so to do, in Writing, signed by the Owners or Proprietors of such Right of Common in the Presence of One or more credible Witness or Witnesses; and that such Purchaser or Purchasers, and his, her, and their Heirs, shall be seised thereof, and

Proprietors may sell their Common Rights detached from their Estates, and the Commissioner to award to the Purchaser.

and hold and enjoy the same to and for his and their own Use and Uses.

Commissioner to order the Management of the Open Fields from the Time of passing this Act to the Time of the Execution of the Award.

XIX. And be it further enacted, That, from and after the passing of this Act until the Execution of the Award of the said Commissioner, all the Open Common Fields hereby directed to be divided, allotted, and inclosed, shall be subject and liable to such Directions and Regulations as the said Commissioner shall from Time to Time, by Writing under his Hand appoint, as well with regard to the stocking as to the ploughing, sowing, tilling, manuring, and managing the same; and that it shall be lawful for the said Commissioner to order and direct such Sum and Sums of Money in respect thereof to be paid by any Person or Persons interested in the said Open Common Fields, his, her or their Tenant or Tenants, as he the said Commissioner shall think reasonable; and in case any Person or Persons who shall be directed to pay any such Sum or Sums of Money as aforesaid, shall neglect or refuse to pay the same at the End of Ten Days after the same shall have been demanded, then and in such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, to distrain for, raise, and levy the same, for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, may be by Law distrained for, raised, and levied.

No Cattle to be kept in the new Inclosures for Seven Years, unless, &c.

XX. And be it further enacted, That no Cattle, Sheep, or Lambs, shall be depastured or kept upon, or put into any of the Allotments to be made by virtue of this Act, from the said Open Common Fields, Commons, and Waste Grounds, during the Space of Seven Years next after the Execution of the said Award, unless the Person or Persons so keeping or putting in such Cattle, Sheep, or Lambs, shall first, at his, her, or their own Expence, make and maintain a Fence sufficient to guard the young Quick Fences round such Allotments from being cropped, hurt, or damaged by such Cattle, Sheep, or Lambs, whether such Quick Fences be planted or set by the Owners or Occupiers of such Allotments so to be depastured as aforesaid, or by the Owners or Occupiers of the Allotment or Allotments adjoining thereto.

Allotments, &c. to be of same Tenure as the Lands in respect of which they are allotted.

XXI. And be it further enacted, That all the Messuages, Lands, and Hereditaments, which shall be allotted or awarded in Exchange by virtue of this Act, to any Person or Persons for or in lieu of any other Messuages, Lands, or Hereditaments, holden of any Manor or Manors by Copy of Court Roll, or for or in lieu of any Leasehold Messuages, Lands, or Tenements, or for or in respect of any Right of Common, or any other Right or Interest appurtenant or appendant to any such Copyhold or Leasehold Premises, shall, from and after the Execution of the said Award, be deemed and taken to be Copyhold and Leasehold respectively, and shall be held as such by and under the same Tenure, Rents, Payments, Fines, Customs, and Services, as the Copyhold and Leasehold Messuages, Land, Tenements, or Hereditaments respectively, for or in lieu whereof such Allotments or Exchanges shall be made, are now, or shall be held at the Time of the Execution of the said Award; and that such Parts of the said Lands and Grounds as shall be allotted by virtue of this Act in respect of any Messuages, Lands, or Hereditaments, of the Tenure

Tenure of Copyhold, shall be deemed and taken to be Copyhold, and shall be subject to, and the Owner and Owners thereof shall pay to the Lord or Lady, Lords or Ladies of the Manor or Manors of which such Copyhold Messuages, Lands, or Hereditaments, are holden, all such Customary Rents, Fealties, Fines, and Services, as the Copyhold Messuages, Lands, or Hereditaments, in respect whereof the same shall be allotted, are or shall be subject to; and that all and every Person or Persons, his, her, or their Heirs, to or with whom such Copyhold Messuages, Lands, and Hereditaments, shall be allotted or exchanged as aforesaid, shall, within Six Calendar Months next after the Execution of the said Award, be admitted Tenant or Tenants to the same, without paying any Fine or other Relief or Heriot, to the Lord or Lords, Lady or Ladies of the said Manor or Manors, for such first Admission; but that after such first Admission, the Copyhold Messuages, Lands, and Hereditaments, so to be allotted or exchanged as aforesaid, shall at all Times be held under and subject to the same Rents, Fealties, Fines, Reliefs, Heriots, and other Payments, as the Messuages, Lands, or Tenements, in lieu or in respect whereof the same shall be allotted or exchanged, are now, or at the Time of the Execution of the said Award shall be held under and subject to; and the said Commissioner shall by his Award ascertain and describe the Messuages, Lands, and Hereditaments respectively, which are to be and remain Copyhold or Leasehold; and all other Messuages, Lands, and Grounds, to be allotted and exchanged by virtue of this Act, shall be from thenceforth deemed, taken, and enjoyed as Freehold, subject nevertheless to such Free Rents, or other Rents and Services, as are now payable out of the same, or out of the respective Messuages, Lands, Tenements, or Hereditaments, for or in respect whereof they shall be so allotted or exchanged; and that all Allotments of any Part of the said Commons and Waste Grounds hereby directed to be divided and inclosed, shall be entitled to such and the same Exemptions in respect to Tythes, and in all other Respects whatsoever, as the several Messuages, Lands, and Hereditaments, in respect whereof such Allotments shall be made, are entitled unto.

XXII. And be it further enacted, That every Tenant and Occupier under any Lease or Agreement in Writing, or otherwise, at rack or extended Rent, for any Term of Years, or from Year to Year, of Lands in any Open Common Fields or old Inclosures, within the said Manors or Townships, or either of them, which shall be allotted or exchanged by virtue of this or the said recited Act, shall immediately after the Execution of the Award of the said Commissioner, or within such further Time as the said Commissioner shall appoint, and whereof Notice in Writing shall be given for that Purpose, or at such other Time previous to the Execution of the said Award as the said Commissioner shall direct in Writing under his Hand, give up and relinquish peaceable Possession of such allotted or exchanged Lands to the Person or Persons to or with whom the same shall be respectively allotted or exchanged, such respective Tenants and Occupiers of such allotted or exchanged Lands receiving from the said respective Owners and Proprietors thereof such Satisfaction as the said Commissioner shall adjudge, ascertain, and direct to be paid to such Tenant or Tenants respectively, as an Equivalent for the Loss or Losses he, she, or they shall respectively sustain thereby; and if the Money so to be adjudged and directed to be paid as aforesaid, shall not be paid to the Person or Persons entitled to receive the same within Fourteen Days after

Tenants to give up allotted or exchanged Lands, having Satisfaction made.

Demand made thereof, it shall be lawful for the said Commissioner, and he is hereby required to raise, levy, and distrain for the same, for the Use and Benefit of the Person and Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, may be raised, levied, and distrained for.

Satisfaction to be made to Tenants who shall not agree to take the Allotments of Common set out in respect of their respective Farms.

XXIII. And be it further enacted, That in all Cases where an Allotment or Allotments of any Part of the said Commons and Waste Grounds shall be made for or in respect of the Rights of Common belonging to any Messuages, Lands, or Tenements, within the said Manors or Townships, which are held by any Tenants or Occupiers for a Term of Years by virtue of any Lease or Agreement at rack or extended Rent, heretofore made thereof, and such Tenants or Occupiers do not or shall not come to an Agreement with the Person or Persons to whom such Allotments shall be made, for the Use and Occupation thereof, such Tenants or Occupiers shall not be entitled to enter upon, occupy, or hold the said Allotment or Allotments, but shall nevertheless have and receive from the respective Owners and Proprietors thereof such an Abatement from the Yearly Rent or Rents reserved and made payable in and by such Lease or Leases, Agreement or Agreements for the Remainder of the Term or Terms then to come therein, as the said Commissioner shall adjudge to be a reasonable Compensation to such Tenants or Occupiers for the Right of Common which hath been accustomed to be used and exercised by such Tenants or Occupiers, and which shall be extinguished by this Act.

Money advanced by Proprietors to be repaid with Interest.

XXIV. And be it further enacted, That if any of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any other Person or Persons on his, her, or their Behalf, 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.

XXV. And be it further enacted, That the Costs, Charges, and Expences, of inclosing the Allotments hereby directed to be made to the Surveyors of the Highways within the said Manors or Townships, and all Costs, Charges, and Expences, incident to and attending the obtaining of this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands, Grounds, and Hereditaments, to be divided and allotted by virtue of this or the said recited Act, and of preparing and enrolling the Award of the said Commissioner, and of the Copy or Copies thereof, and all the Charges and Expences of the said Commissioner, his Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioner in and about the Premises either before or after the Execution of the said Award, and all the Expences of forming, completing, and repairing the publick Carriage Roads and Highways to be set out and appointed by the said Commissioner, and all other Expences of carrying this Act into Execution, shall be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act (save and except the Surveyors of the Highways within the said Manors or Townships, for and in respect of the Allotments hereby directed to be made to them as aforesaid), which said Costs, Charges, and Expences,

Expences, together with the Proportions thereof, to be paid by the several Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioner, and shall be paid at such Time and Place, and to such Person or Persons as the said Commissioner shall appoint; and the said Commissioner shall, and he is hereby authorized and required, to make a Rate or Assessment thereof accordingly, under his Hand; and the same Rate or Assessment so made and signed shall be binding and conclusive on all Persons thereby charged and made liable, and their several and respective Heirs, Executors, and Administrators; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of such Costs, Charges, and Expences as aforesaid, within such Time, and to such Person or Persons as the said Commissioner shall appoint, then and in such Case the said Commissioner shall cause the same to be levied and recovered in the Manner directed by the said recited Act.

XXVI. Provided always, and be it further enacted, That all Costs, Charges, and Expences, attending the making and completing of any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges and Partitions in such Manner, and in such Proportions as the said Commissioner shall by his said Award, or other separate Deed or Instrument, order and direct.

Expences of Exchanges and Partitions, how to be made.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioner, if he shall judge it right or expedient, and in case he shall be requested so to do by any Tenant for Life, or in Tail, or other Person being in Possession of but not having the absolute Estate or Interest in any Messuages, Lands, Tenements, or Hereditaments, within the said Manors or Townships, or either of them, such Request being in Writing under the Hand or Hands of such Person or Persons, to deduct from the respective Allotment or Allotments to be made to such Person or Persons in respect of such Messuages, Lands, Tenements, or Hereditaments, so much as shall in the Judgement of the said Commissioner be equal in Value to the respective Proportions of the Expences of obtaining and putting in Execution this Act which such Person or Persons ought to be charged with, and to the Expences of fencing, ditching, inclosing, and putting in a proper State for letting, the Allotment and Allotments to such Person or Persons; and the said Commissioner shall assign, allot, and award the Land so to be deducted, to such Person or Persons as he shall think proper, upon Payment of the Value thereof by such Person or Persons to the said Commissioner, who shall apply the same in or to the Payment of such Expences, and in fencing, ditching, inclosing, and putting in a proper State for letting, the said Allotment and Allotments respectively.

Commissioner may deduct from Allotments to Tenants for Life, &c. for Expences.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever, within the said Manors or Townships, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever, within the said Manors or Townships, or within any adjoining Manor, Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners,

Exchanges may be made,

which

Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politick, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees, for charitable or other Uses, Husbands, Committees, or Attornies, of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femmes Covert, Lunaticks, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing, under the Common Seal of the Body Politick, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments, so to be exchanged shall lie and be situate.

Commissioner
to lay his Ac-
counts before
Two Justices
once in every
Year.

XXIX. 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 expenced, 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 Books 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.

Proprietors
and Agents to
pay their own
Expences.

XXX. Provided always, and be it enacted, That the said Proprietors, their Solicitors and Agents, shall pay their own Expences when they, or any of them, shall attend the said Commissioner or Surveyor at any of the Attendances or Sittings to be holden in pursuance of this Act.

Wills and Set-
tlements not
to be affected.

XXXI. Provided always, That nothing in this Act contained shall extend, or be construed to extend, so as to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Messuages, Buildings, Lands, or Grounds to be divided, allotted, inclosed, or exchanged as aforesaid, or any Part or Parts thereof respectively, but that the Messuages, Lands, or Hereditaments, which shall be allotted or given in Exchange by virtue of this Act, shall be subject to and chargeable with,
and

and the Person or Persons, to whom the same shall be so allotted or given in Exchange, shall be seised thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and none other, as the Messuages, Lands, and Hereditaments, whereof such Person was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioner, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been made.

XXXII. And be it further enacted, That within Six Calendar Months Award. after the said Commissioner shall have made and executed his Award, the same shall be enrolled in the Register Office for the West Riding of the said County of York, and an attested Copy of such Part or Parts of the said Award as shall relate to any Allotments or Exchanges to be made in respect of, or relating to any Messuages, Tofts, Lands, or Hereditaments, held of the Lord of the said Manor of *Woodhouse*, otherwise *Newland-cum-Woodhouse Moor*, by Copy of Court Roll, or by Custom of the said Manor, shall be deposited with the Steward of the Courts of the said Manor, and be kept amongst the Court Rolls and Records thereof; and that a Copy of such Inrolment, or any Part thereof, signed by the said Register or his Deputy (for which no more than Sixpence for each Sheet of Seventy-two Words to a Sheet shall be charged or paid) and also the said original Award, and the attested Copy of a Part or Parts thereof so directed to be deposited as aforesaid, shall be admitted and allowed as legal Evidence in all Courts, and upon all Occasions whatsoever; and that after the same shall be enrolled, and an attested Copy of such Part or Parts thereof, as before directed, shall be made as aforesaid, the said Award shall be deposited and kept in the Parish Church of *Normanton* aforesaid, or in such other Place as the said Commissioner shall appoint, for the Use and Benefit of all Parties interested in the said Division and Inclosure.

XXXIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by anything done or to be done in pursuance of this or the said recited 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) he, she, or they may appeal to the General Quarter Sessions of the Peace to be holden in and for the West Riding of the said County of York, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner, and to the Party or Parties concerned or interested, Ten Days Notice in Writing of such intended Appeal, and of the Matter and Cause and Causes thereof; and the Justices (not being interested in the Premises), in their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), to the Persons aggrieved may appeal to the Quarter Sessions.

[Loc. & Per.]

13 P

Owner

Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Intents and Purposes upon all Parties concerned and interested, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable to be levied in Manner aforesaid.

Preservation
of Minerals to
the Lords of
the Manors,
etc.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to alter, 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 *Normanton Common*, or under any other the Waste Grounds within the said Manor of *Normanton*, or the Right or Title of the said Sir *Edward Smith*, his Heirs or Assigns, to the Mines and Minerals lying under the said Common or Waste Ground called *Woodhouse Moor*, or under any other the Waste Grounds within the said Manor of *Newland*, otherwise *Newland-cum-Woodhouse Moor*; but that the said Duke of *Leeds*, his Heirs and Assigns, and the said Sir *Edward Smith*, his Heirs and Assigns respectively, 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 other Mines and Minerals of what Nature or Kind soever, within or under the said Commons and Waste Grounds called *Normanton Common* and *Woodhouse Moor*, and other the Waste Grounds within the said several Manors respectively, with all convenient and necessary Ways, Wayleaves, Roads, and Passages, and Liberty of laying, making, and repairing Waggon Ways and other Ways, in, over, and along the said Commons and Waste Grounds, or any Part thereof, and of searching for, winning, and working the said Coal Mines and other Mines, and of loading and carrying away the Coals and Minerals so to be won and gotten; 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 otherwise in working or getting the said Coal Mines so reserved as aforesaid, at his and their own free Will and Pleasure respectively, and to do all such other 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 as he or they respectively could or might have done in case this Act had not been made, they the said Duke of *Leeds* and Sir *Edward Smith*, and their several Heirs and Assigns, making, allowing, and paying to the Owners and Occupiers of the Allotments, Lands, or Grounds, whereon or wherein such Mines or Minerals shall be searched for, won, gotten, or taken away, full Satisfaction and Recompence for the Damages which may be done, occasioned, or sustained in the Premises, by reason of such searching for, winning, getting, or taking away, or of erecting, continuing, or removing any Engines, Buildings, or Materials, or of laying Coals or Rubbish, or of making or using any Waggon Ways, Roads, or Passages, or by Reason
of

of any other Matter or Thing whatsoever, relative to the searching for, winning, or taking away such Mines or Minerals; such Satisfaction and Recompence to be in proportion to the Loss and Damage sustained by such Owners and Occupiers respectively, according to their several and respective Rights and Interests in such Allotments, Lands, or Grounds respectively: Provided also, that it shall be lawful for the Proprietors or Owners of the Allotments of the said Commons and Waste Grounds, to get Stone, Slate, and Gravel, therein respectively, and to dispose of the same as he, she, or they shall think proper.

Proprietors to
get Stone, etc.
in their Allot-
ment.

XXXV. 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, his, her, and their Heirs, Successors, Executors, and Administrators (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them, or in Reversion or Remainder after them), all such Right, Estate, Title, and Interest, as they, every, or any of them, could, or ought to have had and enjoyed, of, in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

General
Saving.

XXXVI. 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 given in Evidence, without being pleaded, 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.

Publick Act;

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1804.