



ANNO QUADRAGESIMO NONO

GEORGI II. REGIS.

Cap. 68.

An Act for inclosing Lands in the Manor and Township of *Allerston*, in the North Riding of the County of *York*. [12th May 1809.]

WHEREAS there are within the Manor and Township of *Allerston* in the North Riding of the County of *York*, certain Open and Uninclosed Fields, Lands and Grounds, commonly called or known by the Names of *West Field Butts*, *Middle Field*, and *East Field*, and by other Names; and also several Commons and Waste Lands commonly called or known by the Names of *West Dale*, *Morra Leas*, *Ginn Dale*, *Dale Mouth*, *Crom Hill*, *Ox Dale*, and *High Moor*, and by other Names; all which Lands and Grounds are computed to contain in the whole Fourteen thousand Acres or thereabouts: And whereas the King's most Excellent Majesty is, in Right of His Duchy of *Lancaster*, Owner of the Honour and Forest of *Pickering* in the said County of *York*, and claims to be entitled to certain Rights and Privileges over or upon the said Commons and Waste Lands, as being within the ancient Metes and Boundaries of the said Honour and Forest: And whereas *George Osbaldeston* Esquire is Lord of the Manor of *Allerston* aforesaid, and as such is entitled to the Right of Soil in and over the said Commons and Waste Lands: And whereas the very Reverend *George Markham* Doctor in Divinity, Dean of the Cathedral Church of *Saint Peter* in *York*, is, in Right of his said Deanery, Owner of a Messuage and certain Glebe Lands within the said Manor and Township entitled to Right of Common upon the said Commons and Waste Lands,

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and to Right of Average in the said Fields (subject to a Lease thereof heretofore granted to Sir *George Osborne* Baronet for Three Lives, and to the Benefit whereof *Jane Osbaldeston* Widow is entitled; And whereas the said *George Osbaldeston*, and *Richard Baker* Gentleman, are Owners or Proprietors of all the Residue of the Messuages and Cottages, or Scites of Messuages and Cottages, Lands and Grounds, within the said Manor and Township, and entitled to Right of Common upon the said Commons and Waste Lands and to Right of Average in the said Fields; and the said *George Osbaldeston* is also entitled to and hath heretofore enjoyed Right of Coney Warren upon the said Commons and Waste Lands or upon some Part or Parts thereof: 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 Facts usually required on the passing of such Acts*: And whereas the said Lands and Grounds of the said Proprietors within the said Open Fields lie intermixed, and in their present State are incapable of being sufficiently improved, and it would be beneficial to the several Persons interested in the said Open Fields, Commons, and Waste Grounds, and also of public Utility, if the same were divided and specific Allotments made to the several Proprietors in proportion to their respective Rights and Interests therein; but, as such 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 *John Hall* of *Scorbrough* in the County of *York*, and *John Egremont* of *Wakefield* in the same County, Gentlemen, and their Successors, to be nominated and appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing and allotting the said Lands and Grounds, and for carrying the said recited Act and this Act into Execution (save and except such Parts of the said recited Act as are hereby varied or altered); and all the said Commons and Waste Lands, the respective Allotments of which to be made as herein-after mentioned shall appear by the Valuation to be made in pursuance of the said recited Act and this Act to exceed the yearly Value of Five Shillings by the Acre, shall be divided and inclosed, and that all the Residue of the same Commons and Waste Lands shall be divided and allotted pursuant to the Rules, Orders, and Directions, herein after mentioned.

Commissioners.

Umpire to be appointed.

II. And, for the Purpose of settling and determining any Difference or Dispute that may arise between the said Commissioners touching any of the Matters and Things to be by them done and performed in pursuance of the said recited Act or of this Act, be it further enacted, That *Samuel William Nicoll*, of the City of *York*, Gentleman, and his Successors, to be nominated and appointed in Manner herein-after mentioned, shall be and is hereby appointed Umpire to hear and determine any such Difference or Dispute as may arise between the said Commissioners touching any Matter or Thing relating to the said Division and Inclosure, and such Umpire is hereby authorized and required to hear and determine the same, and the Judgement and Determination of the said Umpire therein shall be deemed and considered to be the Judgement and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners.

and upon all other Persons concerned in the said Division and Inclosure, so far as the Acts of the said Commissioners are by the said recited Act and this Act made final and conclusive: Provided always, that in case the said *Samuel William Nicoll*, or any Person to be nominated and appointed Umpire by virtue of this Act in his Room or Stead, shall die or refuse to act or become incapable of acting in the Execution of the said recited Act or of this Act, then and in every such Case it shall be lawful for the major Part in Value of the Proprietors or Persons interested in the Lands and Grounds directed by this Act to be divided, allotted, and inclosed, by Writing under their Hands and Seals, within One Calendar Month next after such Death, Refusal, or Incapacity shall be known to them, or they shall have Notice from the said Commissioners, by Writing to be published in the Parish Church of *Allerston* aforesaid, on some *Sunday* immediately after Divine Service, and to be affixed on the principal outer Door of the said Church, to nominate and appoint one other Person as Umpire in the Room or Stead of the said *Samuel William Nicoll*, or such other Umpire to be appointed in his Stead, so dying, refusing to act or becoming incapable of acting in the Execution of the said recited Act and of this Act, and so from Time to Time as often as any Person so nominated or appointed an Umpire shall die or refuse to act, or become incapable of acting in the Execution of the said recited Act and of this Act; and in case any such Umpire shall neglect to settle any such Difference or Dispute within Thirty Days after the same shall have been referred to him by the said Commissioners, such Neglect shall be and be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act.

For appointing
a new Umpire.

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

Umpire to be
sworn before
he acts.

‘ I *A. B.* do swear, [*or*, being one of the People called *Quakers*, do solemnly affirm], That I will faithfully, honestly, and impartially according to the best of my Skill and Ability, execute and perform the Power and Authority reposed in me as Umpire by virtue of an Act passed in the Forty-ninth Year of the Reign of King *George* the Third, intituled, *An Act for*, &c. [*here insert the Title of this Act*] according to Equity and good Conscience, and without Favour, Affection, Prejudice or Malice to any Person or Persons whomsoever. ‘ So help me GOD.’

Oath.

Which Oath or Affirmation it shall be lawful for either of the said Commissioners to administer, and he is hereby required to administer the same; and such Oath or Affirmation when so taken and subscribed by such Umpire, shall be annexed to and inrolled with the Award of the said Commissioners.

IV. And be it further enacted, That in case the said *John Hall* and *John Egreмонт*, or either of them, or any Person to be nominated and appointed by virtue of this Act a Commissioner in the Room or Stead of either of them, shall refuse or neglect to qualify and take upon him the Execution of the Powers vested in them by the said recited Act and this Act, for the Space of One Calendar Month next after the passing of this Act, or after such his Appointment or having qualified, shall, before the completing of the

Appointment
of new Com-
missioners.

the said Division, Allotment, and Inclosure; die, refuse to act or become incapable of acting in the Execution of the said recited Act and this Act then and in every such Case it shall and may be lawful for the major Part in Value of the Proprietors or Persons interested in the said Lands and Grounds directed by this Act to be divided and inclosed, who shall be present in Person, or by their respective Agents or Proxies duly authorized for such Purpose at a Meeting to be holden for that Purpose within One Month after such Death, Refusal, or Incapacity, shall be made known to the said Proprietors or Persons interested, by Notice from the surviving or remaining Commissioner, to be published in the Parish Church of *Allerston* aforesaid on some *Sunday* immediately after Divine Service, and affixed on the principal Door of the said Church, to nominate and appoint, by any Writing under the Hands of the major Part in Value of them the said Owners and Proprietors and Agents or Proxies aforesaid, some fit and proper Person or Persons to be a Commissioner or Commissioners in the Room or Stead of the said *John Hall* and *John Egremont*, or either of them, or of such other Person to be nominated and appointed in the Room or Stead of either of them so dying or refusing to act or becoming incapable of acting as aforesaid, and so from Time to Time as often as any such Case or Cases shall happen; and every Commissioner so to be nominated and appointed shall, after taking and subscribing the Oath prescribed in that Behalf, have the like Power and Authority for carrying the said recited Act and this Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally nominated a Commissioner in and by this Act.

Commissioners to give Notice of their Meetings.

V. And be it further enacted, That the said Commissioners shall and they are hereby required to give public Notice in the Parish Church of *Allerston* aforesaid, upon a *Sunday* immediately after Divine Service, or by Notice in Writing to be affixed on the principal outer Door of the same Church, and also to be published once at least in *The York Herald*, or some other Newspaper published in the City of *York*, of the Time and Place of their first and every other subsequent Meeting for the Execution of the said recited Act and this Act, at least Six Days before any such Meeting shall be holden (Meetings by Adjournment only excepted); and if at any Time appointed for any such Meeting or to which any such Meeting shall be adjourned, only one of the said Commissioners shall attend, then such Commissioner shall and may adjourn the said Meeting to such future Day as he shall think fit, not exceeding Fourteen Days from the Time of so adjourning, and shall give Notice thereof to the absent Commissioner; and all Meetings of the said Commissioners shall be held at *Allerston* aforesaid, or within Eight Miles thereof, at the Discretion of the said Commissioners; and the said Commissioners and Umpire, and also the said Proprietors, their Agents and Solicitors, shall at all Meetings for executing this or the said recited Act pay their own Expences.

Other Notices how to be given.

VI. And be it further enacted, That all other Public Notices necessary or requisite to be given by the said Commissioners shall be given by Advertisement to be inserted in the Newspaper called *The York Herald*, or in some other Newspaper printed or circulated in the said City of *York*.

Commissioners to determine Claims.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Proprietors or Persons interested in any of the

the Lands or other Hereditaments to be affected by this Act, touching or concerning the respective Claims, Estates, Rights or Interests which they or any of them have or claim to have in the same, or touching or concerning any Allotment or Compensation to be made in lieu thereof, or touching or concerning any Allowance claimed or to be made for plowing, sowing Turnips or Corn, laying down with Grass Seeds, manuring or improving the said Lands or any Part thereof, or touching or concerning any other Matter or Thing relating to the said Division and Allotments, it shall be lawful for the said Commissioners or the said Umpire, and they or he are or is hereby authorized and empowered to examine into and hear and determine the same respectively: Provided always, that nothing herein contained shall extend or be construed to extend, so as to enable the said Commissioners or Umpire to determine the Title to any Lands, Tenements or Hereditaments whatsoever.

Commissioners not to determine Titles.

VIII. And be it further enacted, That in case the said Commissioners or the said Umpire shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to them in pursuance of the said recited Act or this Act, see Cause to award any Costs, it shall and may be lawful to and for the said Commissioners or the said Umpire, and they are hereby empowered upon Application made to them for that Purpose, to settle, assess and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose favour any Determination of the said Commissioners or the said Umpire shall be made, by any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Claim or Claims, Objection or Objections shall be thereby disallowed or over-ruled, or against whom the said Commissioners or the said Umpire shall have determined as aforesaid; and in case the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, it shall and may be lawful to and for the said Commissioners or the said Umpire, and they are hereby authorized and required, by Warrant under their Hands and Seals, 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, or Body or Bodies Politic, Corporate or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges of such Distress and Sale.

Commissioners to assess Costs.

IX. Provided always, and be it enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, shall be dissatisfied with any Determination of the said Commissioners or the said Umpire, touching or concerning any Claim or Claims of any Rights or Interests, in, over or upon, or in respect of the said Lands and Grounds or any Part thereof, or touching or concerning any other Matter or thing relating to the said Division, Allotment, and Inclosure, it shall and may be lawful to and for such Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, to proceed to a Trial at Law of the Matter so determined by the said Commissioners or the said Umpire, at the then next or at the following Assizes to be holden for the said County of York, and for that Purpose the Per-

Power to try Rights by an Issue at Law.

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son or Persons, or Body or Bodies Politic, Corporate or Collegiate^s who shall be dissatisfied with the Determination of the said Commissioner or Umpire, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in whose favour such Determination shall have been made, within Three Calendar Months after such Determination of the said Commissioners or Umpire; 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 the Claim or Claims and the Right or Rights thereby insisted upon may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be binding, final, and conclusive upon all and every Person or Persons whomsoever, Body or Bodies Politic, Corporate or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall and may be lawful for the said Court to do in case the said Court shall think proper; and that after such Verdict or Verdicts shall be obtained and not set aside by the said Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow of the Claim or Claims thereby determined according to the Event of such Trial or Trials.

Parties dying,
Actions not
to abate.

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

In cases of
Deaths of Par-
ties before
Actions
brought, the
same to be
carried on
and defended
in their
Names.

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

Persons in
Possession not
to be molested

XII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners or the said Umpire
to

to determine any Right between any Parties contrary to the Possession of any of such Parties, except in Cases of Encroachments made within the Period of Twenty Years as in this Act mentioned; but in case the said Commissioners or the said Umpire shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment, or other due course of Law.

without due
course of Law.

XIII. And be it further enacted, That in case it shall appear to the said Commissioners that there are or is any public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, in, through, over, or on the Sides of any of the Old Inclosed Lands or other Lands within the said Parish of *Allerston*, which may in the Judgement of the said Commissioners be diverted and turned without Inconvenience to the Public into any other public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, or to be stopped up and destroyed as unnecessary, it shall be lawful for the said Commissioners (with the Concurrence and Order of Two Justices of the Peace acting in and for the North Riding of the County of *York*, and in manner and subject to Appeal as in this or the said Act is mentioned) in and by their said Award to order and direct such public Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway to be diverted, changed, widened, altered, turned, stopped up or destroyed in such Manner as the said Commissioners shall think proper and reasonable; and in case such Highways or Highway, Bridle Roads or Bridle Road, Footways or Footway, so to be changed, diverted, widened, turned, stopped up or destroyed, do not pass through any of such Old Inclosed Lands or other Lands but on the Sides of the same, to sell and dispose of the Land and Soil of such Roads, first offering the same at a fair Valuation to the Person or Persons whose Lands lie contiguous thereto, and apply the Money arising thereby towards repairing the public Highways within the said Parish.

Commission-
ers may alter
Roads.

XIV. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot such Parcel or Parcels of the said Lands and Grounds hereby directed to be divided and inclosed or allotted, as they shall think proper, not exceeding in the whole Five Acres, for Stone, Sand, Gravel and Chalk Pits, with a convenient Road or Roads to and from the same, for repairing the public Roads within the said Township or any of them, and for other necessary Purposes, and the same shall be used by the several Proprietors of Allotments to be made by virtue of this Act and by their respective Tenants, under such Regulations as the said Commissioners shall by their Award direct or appoint.

Allotment for
Stone, &c.

XV. And be it further enacted, That if it shall appear to the said Commissioners that any Intakes or Encroachments shall have been made in or upon the said Lands and Grounds hereby directed to be divided and allotted, within the Space of Twenty Years next before the passing of this Act, all such Intakes and Encroachments shall be deemed and considered as Part and Parcel of the same Lands and Grounds, and shall be surveyed, measured, divided and allotted as Part thereof accordingly.

To determine
Encroach-
ments.

Allotment to
the King in
Right of his
Duchy of
Lancaster.

XVI. And be it further enacted, That after the said Commissioners shall have set out Common Pits, and the public and private Roads, Ways, Water-courses, Drains, and other Requisites, they shall and are hereby authorized and required in the next place to set out, allot, and award unto the King's Majesty, in Right of his said Duchy, and to His Heirs and Successors, so much and such Part or Parts of the said Commons and Waste Grounds as they the said Commissioners shall adjudge to be equal in Value to one Sixtieth Part of the same respectively, due regard and consideration being had by the said Commissioners to the Quantity, Quality, and Situation of the same, as and for a full Compensation and Satisfaction for all Rights, Claims, Privileges and Interests whatsoever of the King's Majesty, as Owner of the said Honour and Forest of *Pickering*, within or upon all the said Commons and Waste Lands to be divided and allotted by virtue of this Act.

Allotment to
Mr. Osbalde-
ston, as Lord
of the Manor,
&c.

XVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required in the next place to set out and allot unto and for the said *George Osbaldeston*, his Heirs and Assigns, as Lord of the said Manor of *Allerston*, so much and such Part and Parts of the said Commons and Waste Grounds hereby directed to be divided and allotted, as they the said Commissioners shall adjudge to be equal in Value to one Sixteenth Part of the same, which shall be remaining after the said Allotment to His said Majesty shall be made, due regard and consideration being had by the said Commissioners to the Quantity, Quality, and Situation of the same, as and for a full Compensation and Satisfaction for all Right of Soil of him the said *George Osbaldeston* of and in the said several Commons and Waste Lands as Lord of the said Manor of *Allerston*, over and above and exclusive of such Shares, Proportions, and Allotments of the said Commons and Waste Grounds herein-after directed to be allotted to him the said *George Osbaldeston*, in respect of his Right of Warren, and also of the Messuages and Cottages and Scites thereof, Lands and Hereditaments in Right whereof he shall in like manner as other Proprietors be entitled to Allotments in and upon the said Commons and Waste Grounds; and that they the said Commissioners shall in the next place set out, allot and award unto the said *George Osbaldeston*, as Lord of the said Manor; such Parts, Shares, and Proportions of the Remainder of the said Commons and Wastes then unallotted and unset out, as the said Commissioners shall deem to be a full, just, and adequate Compensation and Satisfaction for his Coney Warrens and Strays for Rabbits upon the said Commons and Wastes or any of them, so as that the Allotment to be made to the said *George Osbaldeston* doth not exceed the Annual Value of Ten Pounds.

Allotment of
the Residue of
the Fields,
Commons,
&c.

XVIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required in the next place to set out and allot all the Residue and Remainder of the said Open Fields, Lands, Commons and Waste Grounds hereby directed to be divided, inclosed, and allotted unto and amongst the said *George Osbaldeston*, the said Dean of *York* and his Successors, or his or their Lessee, and the said *Richard Baker*, and all and every other the Person and Persons, Body or Bodies Politic, Corporate or Collegiate, who at the Time of making such Allotments shall be entitled to any Estate, Right or Interest therein respectively, according to their several and respective Estates, Rights, and Interests, and in such Quantities, Shares,
and

and Proportions as by the said Commissioners or the said Umpire shall be adjudged and determined to be a just and full Compensation and Satisfaction for, and equal in Value to the several and respective Lands and Grounds, Rights of Common, and Interests therein of each of the said Proprietors respectively, such Rights and Interests to be settled and ascertained by such ways and means as the said Commissioners shall think reasonable; and in making the several Allotments herein-before directed, the said Commissioners are hereby required to have due regard to the Quality as well as Quantity, Situation and other Circumstances of each Proprietor's present Share and Interest in the Land so to be divided and allotted, as to the Quantity, Quality, and Situation of the Lands to be allotted in lieu thereof upon such Division as aforesaid.

XIX. Provided always, and be it further enacted, That the said Commissioners shall, and they are hereby authorized and directed to set out, allot and award unto the King's Majesty, as and for the Allotments or Allotment to be made to him in pursuance of this Act, so much of the said Commons and Waste Grounds to be divided and allotted by virtue of this Act, and of the ancient inclosed Lands or Grounds belonging to the said *George Osbaldeston*, called *Staindale*, within the Manor and Township of *Allerston* aforesaid, as lies next or adjoins to certain Lands belonging to His said Majesty, in Right of his said Duchy, situate at *High Dalby*, and called by the Name of *Dalby Ridge*; and the said ancient inclosed Lands and Grounds shall be surveyed, measured, and taken up, and shall be considered, divided and allotted as Part and Parts of the Lands hereby directed to be divided and inclosed, and thereupon such Allowance shall be made to the said *George Osbaldeston*, on account of the beneficial Difference of Property between old inclosed Land and Commonable Land as the said Commissioners shall adjudge to be just and reasonable; and the said Commissioners shall and they are hereby required to set out, allot and award unto and for the said *George Osbaldeston*, in lieu of the said ancient inclosed Lands and Grounds, so much and such Plot or Plots of Land, Part of the Commons and Waste Grounds hereby directed to be divided and inclosed, as they the said Commissioners shall think just and reasonable, subject to the Rules, Orders, and Directions in this and the said recited Act contained.

Allotment to
the King's
Majesty.

XX. And be it further enacted, That the several Plots of Ground which shall or may be set out for Stone or Gravel Pits, and the Allotment to be made to the said Dean of *York* and his Successors or his and their Lessee, in lieu of Glebe; and also so much of the Allotment to be set out to His Majesty in Right of his said Duchy in pursuance of this Act, as adjoins upon *High Dalby Warren*, shall be inclosed and fenced with Ditches and Quickset Hedges, or other proper Mounds or Fences, with proper Posts, Rails, and other Guard Fences to such Quickset Hedges, in such Manner as the said Commissioners shall order and appoint, by and at the joint Charges of the several other Proprietors, to be ascertained and assessed in the same manner as the Costs and Charges of this Act are to be ascertained and assessed as herein mentioned; and the said Commissioners shall direct and appoint to whom the said Fences shall belong, after the same shall be properly made as aforesaid; and the said Hedges, Ditches, or other Mounds or Fences, when properly made and supported as aforesaid, shall be thereafter for ever maintained and kept, supported and scoured by and at the Expence of

Glebe Allotments to be fenced by the other Proprietors.

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such

such Person and Persons to whom the same shall be allotted or directed to belong as aforesaid.

Proprietors not compelled to make Fences on the South-west Side of the King's Allotment.

XXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to compel the said Proprietors to make any Hedge, Ditch, or Fence on the South-west Side of the Allotment to be set out to the King's Majesty in pursuance of this Act, for inclosing the same; but that the Mound or Fence which divides the said Warren or Lands in *Dalby* aforesaid from such Allotment, shall be and remain a Fence for the Purpose of such Division.

For settling Allotments to Mr. Osbaldeston.

XXII. And be it further enacted, That the several Allotments to be made to or for the said *George Osbaldeston*, his Heirs and Assigns, in pursuance of this Act, shall be set out in such Situations as he or they shall require, so as not to interfere with the general Convenience of the other Persons interested in the said Division.

Power to inclose Allotments of the Open Commons.

XXIII. And be it further enacted, That the Allotments to be made by virtue of this Act of the Commons and Waste Lands directed to be divided and allotted, shall be held and enjoyed by the respective Owners thereof, subject to such Rules, Orders, and Regulations, touching the future using, stocking, and Enjoyment thereof, as the said Commissioners shall in and by their Award for that Purpose order and direct: Provided nevertheless, that it shall be lawful for the respective Persons to whom any Allotment or Allotments shall be made of the Commons and Waste Lands which are not herein-before directed to be inclosed, to inclose and fence such respective Allotment or Allotments or any Part thereof at his or their own Expence, at such Time and in such Manner as he, she, or they shall think proper; and that from and after such Inclosure thereof, all such Right of Depasturage thereon by the Cattle of the several other Proprietors as the same shall have been subject to by such Rules, Orders, and Regulations as aforesaid, shall thenceforth cease and determine.

When Place prepared it may be inspected, and Objections are to be heard.

XXIV. And be it further enacted, That when and as soon as the said Commissioners shall have ascertained the respective Shares, Rights, and Interests of the several Owners and Proprietors in the Lands and Grounds so to be divided, inclosed, and allotted by virtue of this Act, and shall have designed and marked out a Map or Plan of the Shares and Proportions by them the said Commissioners intended to be set out and allotted unto such several Owners and Proprietors, the said Commissioners shall and they are hereby required to cause Notice in Writing to be given of a Time and Place of Meeting, by affixing such Notice on the principal Door of the Parish Church of *Allerston* Eight Days at least before such Meeting shall be holden, when and where such several Owners and Proprietors may inspect the said Map or Plan, and if upon such Inspection any of the said Owners and Proprietors shall be dissatisfied with his, her, or their Allotment or Allotments, then and in such Case the said Commissioners shall at such Meeting give Notice of one other Meeting at least to be holden by them for receiving Complaints and Objections of and to such several Allotments; and after the hearing and examining into such Complaints and Objections, the said Commissioners or the said Umpire may either confirm or alter any such Allotment or Allotments or any Part or Parts thereof, and the Decision and Determination

mination of the said Commissioners or Umpire therein shall be final and conclusive.

XXV. And be it further enacted, That all subsisting Leases and other Agreements at Rack Rent of all or any Part or Parts of the Lands or Grounds hereby directed to be divided and allotted, along with or without any ancient or other inclosed Lands and Tenements, and all other Agreements for any Term or Terms therein at Rack Rent, shall cease, determine and be void immediately upon such Allotments being made, and the said Award of the said Commissioners executed and enrolled as aforesaid, or at such other Time either before or after the Execution and Enrolment thereof as the said Commissioners by any Notice or Notices in Writing under their Hands to be affixed on the principal outer Door of the Church of *Al-lerston* aforesaid shall appoint (in case the Lessee or Lessors do not otherwise among themselves agree); the respective Owners of any Allotment or Allotments to be made as aforesaid, who shall have made any such Lease or Leases or Agreements, making such Satisfaction to such Lessee or Lessees, Tenant or Tenants, as the said Commissioners shall ascertain as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants, on account thereof, or as an Equivalent for his, her, or their Term or Terms of Years or other Right and Interest therein: Provided always, that if there shall be any Lease or Leases of Lands, Part of which shall lie in the Manor and Township aforesaid and Part in any adjoining Parish or Township, all and every such Lease or Leases upon Rack Rent now subsisting may and shall be vacated; but where any Land shall have been taken in exchange, which Land shall be under Lease, and wholly situate in an adjoining Township, or Parish, the Lease or Leases of such last-mentioned Land shall not be vacated.

Leases at Rack Rent to be void.

XXVI. And be it further enacted, That if any Person hath sold, or contracted or agreed to sell, or shall at any time before the execution of the said Award sell or contract, or agree to sell his or her Right, Interest or Property in, over, or upon the said Open Common Fields, Meadows, Commons, and Waste Lands or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser in such Sale, Contract or Agreement, or to his, her or their Heirs, Executors, Administrators or Assigns, for or in respect of such Right, Interest and Property so sold or contracted or agreed to be sold as aforesaid; and every such Vendee or Purchaser, and his and her Heirs and Assigns, shall and may from and after the execution of the said Award hold and enjoy the Lands so to be allotted to him, her or them as aforesaid, in the same manner to all Intents and Purposes as the Vendor in every such Sale, Contract or Agreement might, could or ought to have held and enjoyed the same in case such Sale, Contract or Agreement had not been made, or such Right, Interest, or Property had not been vested in such Vendor at the Time of making such Allotment as aforesaid.

Persons selling Rights before Execution of Award, Commissioners to allot to the Purchasers.

XXVII. And be it further enacted, That in the meantime and until such Divisions, Partitions, or Allotments shall be made as aforesaid, all the Tillage, Pasture, or other Lands hereby intended to be divided and inclosed, shall be stocked with such Cattle, and sown by the respective Owner or Owners, Occupier or Occupiers thereof, with such Sort of Corn, Grain, or Grass Seeds,

Commissioners to regulate Course of Husbandry.

Seeds, and shall be kept, ordered, tilled and continued in such course of Husbandry, as the said Commissioners by any Writing or Writings under their Hands in that Behalf shall award, order, direct, and appoint, any Usage or Custom of stocking and sowing to the contrary notwithstanding; and the Expences of such Tillage and sowing with Grass Seeds, and all such other Expences as shall be occasioned by any Order of the said Commissioners, shall be duly ascertained by them and apportioned upon the several Persons who shall in the Judgement of the said Commissioners be benefited thereby, in such Manner as the said Commissioners shall think reasonable, and shall in Default of Payment be recovered in like Manner as the Costs and Charges of passing this Act and carrying the same into Execution are to be recovered; and that no Meadows, Pastures, or Waste Grounds, Parts of the Lands and Grounds hereby intended to be divided and allotted, and not now in Tillage, shall before that Time be ploughed, broken up or converted into Tillage; and also that it shall and may be lawful for the said Commissioners at any Time hereafter, when they in their Judgement shall think convenient and necessary, by Notice for that Purpose under their Hands, to be affixed on the principal outer Door of the Parish Church of *Allerston* aforesaid, to suspend or totally extinguish all or any Part of the Right of Common in and over the Lands and Grounds hereby intended to be divided and allotted, and from and after such Notice given, all such Right of Common over the Lands and Grounds as by such Notice or Notices shall be directed or declared to be suspended or extinguished, shall cease and be utterly extinguished, or otherwise suspended for such Time as the said Commissioners shall in and by such Notice direct; and after such Suspension or Extinguishment of such Right of Common, if any of the said Proprietors or Occupiers shall permit his, her, or their Cattle to go, depasture, or feed upon any of the Lands and Grounds so exonerated from Common, then it shall be lawful for any other of the said Proprietors or Occupiers to distrain such Cattle being upon such Lands and Grounds contrary to such Order, and to impound the same until such Person or Persons so offending shall pay to the Person or Persons so distraining any Sum not exceeding Ten Shillings for each of the Cattle so distrained, to be determined by the said Commissioners at their next Meeting; and in case the same shall not be paid at such Time as the said Commissioners shall fix, then the said Commissioners are hereby authorized and empowered, upon Proof of such Offence or Offences having been committed, and Non-payment of the Penalty hereby imposed, to cause the Cattle so distrained or such Part thereof as they shall think necessary, or other Goods and Chattels of the Person so offending, to be sold for raising and paying the Penalty aforesaid, together with the Costs and Charges attending such Distress and Sale, rendering the Overplus (if any) upon Demand to the Owner of such Cattle.

Turf or Soil
not to be cut
or taken away
without leave
of the Com-
missioners.

XXVIII. Provided always, and be it further enacted, That if any Person shall, after the passing of this Act, cut, dig, pare, grave or take away Peat, Turf, Sods, or Soil, in, upon or from the said Commons or Waste Grounds or any Part thereof, without or contrary to the Licence of the said Commissioners first had and obtained in Writing for that Purpose, then and in every such Case the said Commissioners, upon due Proof made to them upon Oath (which Oath either of the said Commissioners is hereby empowered to administer), shall and they are hereby required by Warrant under their Hand and Seals to cause any Sum of Money not exceeding Five Pounds, to be levied by Distress and

Sale of the Goods and Chattels of the Persons so offending in the Premises, 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 attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards the Costs and Charges of obtaining and executing this Act.

XXIX. And be it further enacted, That no Sheep or Lambs shall be depastured or kept in any of the new Inclosures to be made by virtue of this Act, during the Space of Seven Years from the Execution of the said Award, unless the same shall be fenced with sufficient Stone Walls, or the Person or Persons keeping such Sheep or Lambs shall and do at his, her and their own Expence fence or guard his, her, or their Neighbour's Quicksets adjoining the Inclosures wherein such Sheep or Lambs shall be kept, so as to prevent any Damage being done to such Quicksets by such Sheep or Lambs; and the Person or Persons respectively depasturing or keeping the same as aforesaid, and neglecting or refusing to guard and fence the young Quicksets as aforesaid, shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence, which Penalty when levied and recovered shall be paid to the Surveyor or Surveyors of the Highways of the said Township of *Allerston*.

During the first Seven Years, no Sheep or Lambs to be depastured in the new Inclosures.

XXX. And be it further enacted, That the Herbage growing and renewing in and upon all and every the public Roads and Ways to be set out in pursuance of the said recited Act and this Act shall be and are and is hereby vested in the Surveyors of the Highways for the Time being of the said Township, in Trust that such Surveyor shall annually let the same, for the first Fifteen Years next after the same Roads shall be set out and fenced off, to be mown for Hay, and not depastured, for the best Rent that they can get for the same, and from and for ever after the Expiration of the said Fifteen Years in Trust that such Surveyor shall in like Manner let the Pasturage of all such Herbage, and apply all such Rents and Profits as aforesaid in ease of the Highway Assessments of the said Township.

Roads to be vested in the Surveyors for the Time being.

XXXI. And be it further enacted, That the said Commissioners shall, either before or at the Time of making their Award, direct and appoint what Gaps or Openings shall be left in any of the Hedges or Fences hereby or by the said recited Act directed to be made, and for any and what Time, for the Passage of Cattle, Carts, and Carriages.

Openings to be left.

XXXII. And be it further enacted, That the said Commissioners shall and may divert, scour out, deepen, widen, and alter all such Brooks, Streams, Ditches, Watercourses, Tunnels and Bridges within the said Manor and Parish of *Allerston*; and also shall and may set out, order, and direct such new Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges, to be made of such Depth and Breadth, and in such Situation and Direction as they the said Commissioners shall think proper, as well in, through, over and upon the Lands and Grounds hereby intended to be divided, inclosed and allotted as aforesaid, as also in, through, and over any ancient Inclosures or other Lands and Grounds in the said Parish of *Allerston*, or any Part or Parts thereof, making such Satisfaction to the Owners and Proprietors of such ancient Inclosures or other Lands and Grounds not hereby intended to be divided and inclosed for the Damage done
[*Loc. & Per.*] 15 B thereby,

Commissioners to make Drains, &c.

thereby, as they shall judge reasonable; and the said Commissioners shall and may and they are hereby directed, in and by their Award to order and direct by whom, at whose Expence, at what Time and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks, and Bridges shall be thereafter repaired, cleansed, scoured, and maintained: Provided always, that no Brook, Stream or Watercourse, shall be diverted or turned without the Consent in Writing of the Owner or Owners of the Lands and Grounds from or into which any such Brook, Stream, or Watercourse shall be so diverted or turned: Provided also, that nothing herein contained shall authorize the said Commissioners or any other Person or Persons to change, alter, or divert the Course of a certain Brook running through the Town of *Allerston* aforesaid, on which Two ancient Watermills belonging to the said *George Osbaldeston* are situate, or any of the Springs, Streams, or Watercourses, by which the said Brook is now supplied with Water, without the Consent of the said *George Osbaldeston*, his Heirs or Assigns.

This Act not
to revoke
Wills, &c.

XXXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, annul or affect any Settlement, Deed, Will or Lease whatsoever, (other than and except Leases at Rack Rent), or prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Rent, Debt, Charge, or Incumbrance in, out of, upon, or affecting any Lands, Tenements, or Hereditaments to be divided, allotted, inclosed, or exchanged by virtue of the said recited Act made in the Forty-first Year of the Reign of His present Majesty, or of this Act, or any Part or Parts thereof respectively; but that the several Lands, Grounds, and Hereditaments, and other Estates so to be assigned, allotted, or given in Exchange respectively, shall, from and after the making of such Allotments or Exchanges respectively be held and enjoyed, and the several Persons to whom the same shall be assigned and allotted or given in Exchange as aforesaid, shall from thenceforth stand and be seised and possessed thereof respectively, to such and the same Uses, for such and the same Trusts, with such and the same Powers of granting Leases or otherwise, and subject to the same Wills, Limitations, Conditions, Settlements, Provisoos, Remainders, Rents, Outrents, Fee Farm Rents, Debts, Charges, and Incumbrances, as the said several Messuages, Dwelling Houses, Cottages, Lands, Tenements or Hereditaments in respect or in lieu whereof such Allotments or Exchanges shall be respectively made, were and stood severally limited or subject or liable to at the Time of the making such Division, Allotment, or Exchange respectively; and in such Manner as he, she, or they could have been in case this Act had not been made; and the Lands, Grounds, Tenements, and Hereditaments so to be taken in Exchange, shall, from and after the Time of making and perfecting any such Exchange as aforesaid, be freed and discharged from any former Use, Trust, Limitation, Leases, Rents, Conditions, Charges, and Incumbrances whatsoever.

Allotments to
be of the
same Tenure
as the Lands
in respect
of which the
same shall be
allotted.

XXXIV. And be it further enacted, That all such Lands and Grounds as shall by virtue of this Act be allotted to any Person or Persons, shall be held by them respectively in the same Manner and by the same Tenure as the Messuages, Cottages, Lands, Tenements, and Hereditaments, for or in respect of which such Allotments shall be made, are or shall be holden, and shall be subject to the Payment of Tythes, Moduses, and Compositions

in lieu of Tythes, in the same Manner and to the same Persons as the Land and Estates in respect whereof such Allotments shall be made are subject.

XXXV. And be it further enacted, That within the Space of Twelve Calendar Months after the signing and sealing of the Award by the said recited Act directed to be made by the said Commissioners, a true Copy or Duplicate of the same Award, written on Parchment, and signed and attested by the said Commissioners to be a true Copy or Duplicate thereof, together with a proper Map or Plan thereto annexed, shall be delivered to the Register for the North Riding of the said County of *York* or his Deputy, who is hereby required to deposit and keep the same in the Register Office of the said North Riding, so that Recourse may be had thereto by any Person or Persons interested in the said Premises, for the Reception whereof the said Register or his Deputy shall be paid the Sum of Two Pounds and Two Shillings and no more, and for the Inspection or Perusal thereof the Sum of One Shilling and no more; and the said Award shall from and after the Delivery of such Copy thereof, so signed and attested as aforesaid, to the said Register or his Deputy, be deemed and taken to be inrolled according to the Directions and within the Meaning of the said recited Act; and the said Award and the Copy thereof, or any other Copy thereof, or of any Part thereof, attested by the said Commissioners, or by the said Register or his Deputy (for which Copy no more shall be given than Two Pence *per* Sheet, each Sheet containing Seventy-two Words), shall from Time to Time and at all Times hereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever, and the said Award shall be delivered to such Person as the said Commissioners shall appoint.

Award to be deposited with the Registrar for the North Riding.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Allerston*, in lieu of and in exchange for any other Lands, Tenements or Hereditaments whatsoever, within the said Parish, or within any adjoining Parish, Hamlet, Township or Place; provided that all such Exchanges be ascertained, specified and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, 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 Politic, Corporate or Collegiate, Corporation Aggregate or Sole, 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 Owner or Owners, Proprietor or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself, such Consent to be testified in Writing under the Common Seal or Seals of the Body or Bodies Politic, 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 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,

Exchanges may be made

taments, held in right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

Expence of Exchanges how to be paid.

XXXVII. And be it further enacted, That all the Costs, Charges, and Expences attending the making and completing of any Exchanges and Partitions which shall be made under or by virtue of the said recited Act or this Act, shall be paid and borne by the several Persons making such Exchanges and Partitions, in such Manner and in such Proportions as the said Commissioners shall by their Award order and direct.

For defraying Expences of this Act.

XXXVIII. And be it further enacted, That the said Commissioners hereby appointed or to be appointed, and also the Umpire to be appointed as aforesaid in pursuance of this Act, shall respectively be paid the Sum of Three Pounds and Three Shillings and no more, for every Day they shall respectively be employed in attending the Execution of this Act, and in travelling to and from the Meetings necessary for that Purpose, but so as that each such Commissioner and the Umpire respectively shall not be paid or allowed more than One Day's Pay for his Journey to attend at any Meeting or Meetings, and the like in returning therefrom, during the Time the said Inclosure shall be pending; and that all such Payments and Allowances, and also all Costs, Charges and Expences preparatory to and of obtaining this Act, and of inclosing such of the Allotments to be made to the King's Majesty and His Lessee in respect of the said Sixtieth Part of the said Commons and Waste Lands, and to the said Dean and his Lessee in respect of the said Glebe, as by this Act are directed to be divided and inclosed, and of inclosing the Allotments to be made for Stone, Sand, and Gravel, and all the Costs, Charges, and Expences of surveying, planning, dividing, and allotting the Lands and Grounds to be divided and allotted by virtue of this Act, and of preparing the Award of the said Commissioners and of the said Copy thereof, and all other proper incidental Charges and Expences whatsoever in and about the Premises, either before or after the Execution of the said Award, and all Expences of forming, completing, and repairing the public Carriage Roads and Highways to be set out and appointed by the said Commissioners, and all other the Expences of carrying this Act into Execution, shall be borne and defrayed by the several Persons to whom any Allotment shall be made by virtue of this Act, (save and except the King's Majesty and His Lessee in respect of the said Sixtieth Part of the said Commons and Waste Lands, and also save and except the said Dean of York and his Lessee in respect of the said Glebe); which said Costs or Charges and Expences, together with the Proportion thereof, to be paid by the several Persons hereby made liable to the Payment thereof, shall be adjusted by the said Commissioners, and shall be paid at such Time and Place and to such Person or Persons as the said Commissioners shall appoint.

Commissioners to lay Accounts before one Justice.

XXXIX. And be it further enacted, That once at least in every Year during the Execution of this Act (such Year to be computed from the passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account,

when

when so made, together with the Vouchers relating thereto, shall be by them laid before any one or more of His Majesty's Justices of the Peace for the North Riding of the County of *York*, to be by him or them examined or balanced, and such Balance shall be by such Justice or Justices stated in the Books of Accounts to be kept by the Clerk to the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by such Justice or Justices.

XL. And be it further enacted, That if any of the Proprietors or Persons interested in the Lands or Grounds hereby directed to be divided and allotted, or any other Person or Persons on his, her, or their Behalf shall advance and pay any Sum of Money in discharge of the Fees or other Expences of obtaining or executing this Act, or of carrying the same into Execution, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same.

Money advanced for the Purposes of this Act to be repaid.

XLI. 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 or the said recited Act, then and in every such Case (except in such Cases where the Orders and Determinations of the said Commissioners or the said Umpire are by this or the said recited Act directed to be final, binding and conclusive) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said North Riding of the said County of *York* within Four Calendar Months next after such Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned Ten Days Notice of such Appeal, and the Matter thereof; and the Justices at such Sessions are hereby required to hear and determine the Matter of every such Appeal, and make such Order therein, and to award such Costs as to them shall seem reasonable, and by their Order and Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale, which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari* or any Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Persons aggrieved may appeal to the Quarter Sessions.

XLII. Saving always unto the King's most Excellent Majesty, His Heirs and Successors, as well in Right of His Crown as of His Duchy of *Lancaster*, and to all and every Person and Persons, Bodies Politic, Corporate or Collegiate, his, her, or their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest (other than and except such as is and are hereby meant and intended to be barred, destroyed and extinguished), as they, every or any of them had or enjoyed, of, in, to or out of the said Lands and Grounds so directed to be divided and allotted as aforesaid before the passing of this Act, or could or might have held and enjoyed in case the same had not been made.

General Saving.

This Act may
be given in
Evidence.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1809.