



ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 170.

An Act for inclosing Lands in *Darrington*, in the
County of *York*. [9th June 1812.]

WHEREAS there are within the Township of *Darrington* and Hamlet of *Wentbridge*, in the said Township, in the Parish of *Darrington*, in the West Riding of the County of *York*, certain Open Arable Fields, Meadows, Pastures, Moor, Commons, and Waste Grounds: And whereas the King's most Excellent Majesty, in Right of His Duchy of *Lancaster*, is seized to Himself, His Heirs, and Successors, of the Honor of *Pontefract*, in the said West Riding of the County of *York*, in which Honor the said Commons and Waste Grounds are situate, and His Majesty, in such Right claims an Interest in the Soil of the said Commons and Waste Grounds: And whereas *Robert Oliver* Esquire, (in Right of *Sarah Shepley*, his Wife, and for her Life), is Lord of the Manor of *Darrington* aforesaid, and as such seized of the Soil of the said Commons and Waste Grounds, and of all Royalties whatsoever to the same belonging: And whereas the most Reverend the Lord Archbishop of *York*, in Right of his See, is seized or entitled, to him and his Successors, of, in, and to the Rectory or Parsonage of the Parish Church of *Darrington* aforesaid, and to the Tithes of Corn, Grain, and Hay, arising, renewing, happening, coming, growing, and increasing, within the said Township of *Darrington*, within the Parish of *Darrington* aforesaid, or some Part or Parts thereof; and the

[Loc. & Per.] 41 X said

said *Robert Oliver*, and *Sarah Shepley* his Wife, in her Right, or the one of them, are or is, or claim to be entitled (for her Life) to the said Tithes of Corn and Grain, under or by virtue of a Lease lately made from or by the most Reverend Father in God *William* late Lord Archbishop of *York* to Sir *John Ramsden* Baronet, (and which Lease is now subsisting), for the Three Lives therein named, and *Thomas Sayle* Esquire, is or claims to be intitled to the said Tithes of Hay for the Residue and Remainder of a Term of Twenty-one Years, yet to come and unexpired, under and by virtue of a Lease lately made from or by the said late Lord Archbishop of *York* to *Benjamin Sayle* deceased, (who was Father of the said *Thomas Sayle*,) for the said Term of Twenty-one Years: And whereas *George Hamilton Thompson* Esquire, claims to be the Improprator of or intitled to the Tithes of Corn and Grain arising, renewing, happening, growing, and increasing, from and out of some Parts and Parcels of Land within the Township of *Darrington* aforesaid: And whereas *Benjamin Sayle* Esquire, claims to be the Improprator of or intitled to the Tithes of Hay arising, renewing, happening, growing, and increasing, from and out of some Parts and Parcels of Land within the said Township of *Darrington*: And whereas the said now Lord Archbishop of *York*, in Right of his See, is also the Patron of the Vicarage and Parish Church of *Darrington* aforesaid, and the Reverend *George De Smeth Kelly* Clerk, is Vicar thereof, and in Right of his said Vicarage is entitled to certain Glebe Lands within the said Parish, and is also entitled, as Vicar as aforesaid, to all the Small Tithes whatsoever, except as herein-before mentioned, arising, renewing, happening, growing, or increasing, within the said Township of *Darrington*, and Hamlet or Place of *Wentbridge* within the said Township and Parish of *Darrington*: And whereas certain specific Lands within the said Township of *Darrington*, and Hamlet or Place of *Wentbridge*, or one of them, within the said Parish of *Darrington*, are claimed to be exempt from the Payment of certain Tithes: And whereas as well the said *Robert Oliver* (in Right of the said *Sarah Shepley*, his Wife, and for her Life) *George Hamilton Thompson*, *Thomas Sayle*, and *Benjamin Sayle*, as also the Right Honorable *William Wentworth*, Earl *Fitzwilliam*, *Frank Sotheron*, and *William Lee*, Esquires, and several other Persons, are respectively Owners and Proprietors of ancient Messuages, Cottages, and Frontsteads, Lands, and Grounds, in the said Township of *Darrington*, and in respect thereof, are, or claim to be entitled to Rights of Common, in and over all the Commons and Waste Grounds, and they are also Owners and Proprietors of all the Inclosed and Open Fields, Moor, Commons, and Waste Grounds, within the said Township of *Darrington*: And whereas an Act, 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 Lands and Grounds of the respective Proprietors in the said Open and Common Fields lie intermixed, and the same and the said Commons, Moor, and Waste Grounds, are so circumstanced as to render the Cultivation and Management in the present State inconvenient, and it would tend greatly to the Advantage of the several Proprietors thereof, and all Persons interested therein, if the said open Common Fields, Commons, Moor, and Waste Lands, were divided and inclosed, and specific Parts thereof allotted to the several Persons interested therein, in

Proportion

Proportion to their respective Rights and Interests, and a Satisfaction made for the Tithes arising therefrom, and also for the Tithes arising, renewing, happening, growing, or increasing, from and out of the Lands in the said Hamlet or Place of *Wentbridge*, within the said Township and Parish of *Darrington*, but such beneficial Purposes 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 Bower*, of *Smeathalls*, near *Ferrybridge*, in the County of *York*, and *George Addinel*, of *Tadcaster*, in the County of *York*, and *John Hall*, of *Scorborough*, in the County of *York*, Gentlemen, and their Successors, to be elected in the Manner herein-after mentioned, shall be, and they are hereby appointed Commissioners for dividing, allotting, and inclosing all the Open and Common Fields, Commons, Moor, and Waste Lands, within the said Township of *Darrington*, and for carrying the several other Purposes of this Act into Execution, subject to the Provisions, Rules, Orders, and Directions in this Act contained, and also subject to the Powers, Provisoos, and Regulations of the said recited Act, except where the same are hereby varied or altered; and that all and every the Powers and Authorities by this Act given to the said Commissioners, and all Acts, Matters, or Things, Orders, Rules, or Regulations, authorized and necessary for the Execution thereof, shall be deemed and considered to be vested in the said *John Bower*, *George Addinel*, and *John Hall*, and their Successors, or any Two of them, and the said Commissioners may adjourn from Time to Time; and if Two Commissioners shall not appear at any Meeting, or adjourned Meeting, appointed to be holden by virtue of this Act, then, and in such Case, the Commissioner then present may adjourn such Meeting to a future Day, not exceeding Ten Days from the Time of Adjournment, and shall give Notice thereof to the absent Commissioners, any Thing herein contained to the contrary notwithstanding.

Appoint-
ment of Com-
missioners.

Power vested
in Two Com-
missioners.

II. And be it further enacted, That if the said *John Bower*, or any Commissioner to be appointed in his Stead, as herein-after mentioned, shall die, refuse, or be disabled to act, then, and in every such Case, it shall be lawful for the said Lord Archbishop of *York* for the Time being, within Two Calendar Months next after such Death, Refusal, or Disability, shall be signified in Writing to the said Lord Archbishop, by the surviving or remaining Commissioners, or either of them, to elect and appoint a new Commissioner, not interested in the said Inclosure, in the Stead of the said *John Bower*, or such Commissioner so dying, refusing, or becoming disabled to act; and if the said *George Addinel*, or any Commissioner to be appointed in his Stead, as herein-after mentioned, shall die, refuse, or become disabled to act; then, and in every such Case, it shall be lawful for the said *George De Smeth Kelly*, or his Successors, Vicars for the Time being as aforesaid, within Two Calendar Months next after such Death, Refusal, or Disability, shall be signified in Writing to the said *George De Smeth Kelly*, or his Successors, Vicars for the Time being as aforesaid, by the surviving or remaining Commissioners, or either of them, to elect and appoint a new Commissioner, not interested in the said Inclosure, in the Stead of the said *George Addinel*, or such Commissioner so dying, refusing,

New Com-
missioners to
be appointed
upon Va-
cancies.

ing,

If Vacancies of Commissioners not filled up by the Parties in Two Months, the remaining Commissioners to elect.

ing, or becoming disabled to act; and also if the said *John Hall*, or any Commissioner to be appointed in his Stead, as herein-after mentioned, shall die, refuse, or become disabled to act, then, and in every such Case, it shall be lawful for the major Part in Value, such Value to be ascertained by the Land-tax Assessment, of the said Proprietors of Common Right, Houses, and Lands, within the said Township of *Darrington* (except the said Lord Archbishop, and *George De Smeth Kelly*, or his Successors, Vicars for the Time being as aforesaid,) who shall be present at a Meeting convened for that Purpose, within Two Calendar Months after such Death, Refusal, or Disability to elect and appoint a new Commissioner, not interested in the said Inclosure, in the Stead of such Commissioner so dying, refusing, or becoming disabled to act, of which Meeting Ten Days Notice at the least, in Writing, shall be given and fixed upon the most public Door of the Parish Church of *Darrington* aforesaid, and such Elections and Appointments shall be made in Writing, under the Hands of the respective Parties making the same, and shall be delivered to the surviving or remaining Commissioner or Commissioners; and in case the said respective Parties, or any of them, shall make Default in appointing any such new Commissioner, within Two Calendar Months next after any such Death, Refusal, or Incapacity shall happen, and shall be known and signified to them respectively as aforesaid, then the surviving or remaining Commissioners or Commissioner shall, and they are hereby required, from Time to Time, by Writing under his or their Hand or Hands, within One Calendar Month after the Expiration of the said Two Calendar Months allowed to the respective Parties for naming such new Commissioner or Commissioners by them respectively as aforesaid, to appoint one other Commissioner, not interested in the said Division and Inclosure, in the Place of such Commissioner dying, refusing, or becoming disabled to act, and every such new Commissioner so to be appointed, shall have the like Powers and Authorities for putting this Act in Execution, in all respects whatsoever, as the Commissioner in whose Place he shall have been so appointed and chosen was invested with by virtue of this Act.

Notice of first and every other Meeting.

III. And be it further enacted, That the said Commissioners shall and they are hereby empowered and required to give or cause to be given public Notice in the Parish Church of *Darrington* aforesaid, upon some *Sunday* immediately before Divine Service, or by Writing under their Hands to be affixed on the principal outer Door of the said Church, of the Time and Place of their first Meeting, for executing the Powers hereby and by the said recited Act vested in them, Ten Days at least before such Meeting, and the like Notice in some Newspaper usually circulated in the said County of *York*, of every subsequent Meeting of the said Commissioners, to be by them held in pursuance of the Directions of this or the said recited Act, at least Ten Days before such Meeting, (Meetings by Adjournment, which it shall and may be lawful for the said Commissioners, or any of them, from Time to Time to make, only excepted :) Provided always, that all the Meetings of the said Commissioners shall be held at some convenient Place within the said Township or Parish, or within Eight Miles of the Boundary of the said Parish.

IV. And

IV. And be it further enacted, That all other Notices requisite and necessary to be made and given by the said Commissioners shall be so made and given by Advertisement in some Newspaper usually circulated in the said County of York. Other Notices how to be given.

V. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested in the said Division and Inclosure, touching or concerning the respective Rights and Interests which they, or any of them, shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division and Inclosure, or any Allotment or Allotments to be made in Consequence thereof, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to examine into, hear, and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Lands, Tenements, Tithes, or Hereditaments whatsoever. Commissioners to settle Disputes.

VI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, (except in respect of Incroachments) but in case the said Commissioners 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 such Person or Persons or recovered from such Person or Persons by Ejectment, or other due Course of Law. Persons in Possession not to be molested without due Course of Law.

VII. And be it further enacted, That in case the said Commissioners shall, upon the hearing and determining of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this and the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, 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 in whose Favour any Determination of the said Commissioners shall be made by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay 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 Commissioners, 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 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 attending such Distress and Sale. Power to assess Costs.

VIII. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested, or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims to the Right of Soil, or other Rights Allowing Parties to try their Rights by an Issue at Law.

or Interests in, over, or upon the Lands and Grounds hereby intended to be divided 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 Commissioners, at the then next Assizes or the Assizes following, to be holden for the said County of *York*, and for that Purpose the Person or Persons, Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Six Calendar Months next after the Determination of the said Commissioners, and the Defendant or Defendants in such Action or Actions shall, and they are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court, in which the said Action or Actions may be commenced, in case the Parties shall differ about the same), and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body or Bodies 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 be lawful for the Court to do, as is usual in other Cases, and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall, and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners, touching such Claim or Claims to the Right of Soil, or other Rights or Interests in, over, or upon the said Lands and Grounds hereby directed to be divided and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties shall not cause such Action at Law as aforesaid to be brought and proceeded in, within the Time aforesaid, shall be final and conclusive upon all Parties.

Death of Parties not to stay Proceedings.

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

In Cases of Death of Parties before Actions brought, the same to be carried on and defended in their Names.

X. Provided always, and be it further enacted, That if any Person or Persons, in whose Favour any such Determination of the said Commissioners shall have been made, and against whom any such Action or Actions might have been brought, if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, 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 Commissioners with Procefs 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

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

XI. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title to any Messuages, Lands, Tenements, or Hereditaments, for or in respect of any Right or Interest, in, over, or upon the Lands and Grounds, hereby directed to be divided, allotted, and inclosed, or any Part thereof, such Suit or Suits shall not delay, impede, or hinder the said Commissioners from proceeding in the Powers vested in them by this Act, but the said Allotments shall be proceeded in notwithstanding such Suit or Suits, and may be had and taken by the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who, upon the Determination of such Suit or Suits, shall become entitled to the same.

Trials not to suspend the Execution of the Powers of the Act.

XII. And be it further enacted, That if any Person or Persons, by or for whom any Claim or Claims of Right of Common shall be made, as by the said recited Act is directed, shall happen to die before the said intended Division shall be made and perfected, and the said Commissioners shall not have made their Award touching the same, then, and in such Case, the Powers and Authorities hereby, and by the said recited Act, given and vested in the said Commissioners, shall not be in anywise determined, suspended, or affected by such Death or Deaths, but that the said Commissioners shall and may proceed in and execute the said Powers and Authorities, and every of them, in such and the like Manner as they could or might have done, if such Person or Persons had not died, and that the Part or Parts, Share or Shares, of the said Open Common Fields, Moor, Commons, and Waste Grounds, which any Person or Persons so dying would have been entitled unto, shall be allotted and set out to the Person or Persons who shall be entitled to the same, according to the best of the Information or Knowledge of the said Commissioners, and such Person and Persons shall accordingly accept and fence, and have, hold, and enjoy the same, according to the several Limitations, Trusts, Provisoos, and Interests, any Ways limited, declared, appointed, or provided, of and concerning the Premises, in respect whereof he, she, or they shall be entitled to, such Part or Parts, Share or Shares, of the said Lands and Grounds, hereby directed to be divided and inclosed.

The Death of Persons not to hinder Commissioners from proceeding in the Inclosure.

XIII. And be it further enacted, That the said Commissioners shall, and they are hereby empowered to appoint a Clerk to assist them in the Execution of this and the said recited Act, and that *William Bingley* of *Wombwell Wood Head*, in the said County of *York*, Gentleman, and *William Pilkington*, of *Hensall*, in the said County of *York*, Gentleman, shall be employed by the said Commissioners as their Surveyors in the Execution of this Act, and in case of the Death, Incapacity, or declining to act; of such Clerk so to be appointed, and of the Death, Incapacity, or declining to act, of the Surveyors or either of them, then, and in either or any of such Cases, the said Commissioners shall and may appoint any other Person or Persons they may think proper to be their Clerk or Surveyors or Surveyor, as the Case may be.

Appointment of Clerk and Surveyors.

XIV. And

Not to cut
Turf, Trees,
or Whins,
until Allot-
ments set
out.

XIV. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any Person or Persons to cut or dig any Turves, nor to fell, cut down, strip, or destroy any of the Trees, Underwood, Bushes, Furze, or Whins, which are now standing or growing upon any of the Lands or Grounds hereby directed to be divided and inclosed, until such Division and Allotments shall be made, as herein-after mentioned, without the Consent of the said Commissioners in Writing under their Hands first had and obtained for that Purpose.

Ancient In-
closures and
Encroach-
ments.

XV. And be it further enacted, That the said Commissioners in ascertaining, setting out, determining, and fixing the Boundaries of the said Commons, Commonable Lands, Moor, and Waste Grounds, in Manner directed by the said recited Act, shall inquire into and determine what Inclosures have been taken from, and what Encroachments have been made upon the said Commons, Commonable Lands, Moor, and Waste Grounds by this Act intended to be divided, allotted, and inclosed, and all such Inclosures taken out, and Encroachments made upon, or from any Part thereof (except such Part or Parts thereof as have been enjoyed for Twenty Years last past without Interruption) shall be deemed Part and Parcel of the said Commons, Commonable Lands, and Waste Grounds hereby directed to be divided and inclosed, and shall be divided and allotted accordingly.

Power to
stop up and
divert Roads.

XVI. And be it further enacted, That it shall be lawful to and for the said Commissioners, with the Concurrence and Order of Two Justices of the Peace acting in and for the said Riding, in manner and subject to Appeal, as in the said recited Act is mentioned, to divert, stop up, discontinue, alter, or change any old public Carriage Roads or Footways leading into, through, over, or upon the said Commons and Waste Grounds, or in, to, through, or upon the old Inclosures lying within the said Parish, as to them shall appear useless and unnecessary, or proper to be diverted or altered, and that such public Carriage Roads, as shall be so stopped up and discontinued, shall be deemed Part of the Lands and Grounds to be sold or divided, allotted, and inclosed, pursuant to this Act.

Drains and
Ditches.

XVII. And be it further enacted, That the said Commissioners shall and may scour out, widen, and change the Course or Direction of all and every such ancient Ditches, Drains, Water-courses, Tunnels, and Bridges in the Township of *Darrington* aforesaid, as they shall think proper; and also shall and may set out and appoint such new Ditches, Drains, Water-courses, Tunnels, Water-gates, Banks, and Bridges, to be made of such Depth, Width, and Extent, and in such Situation and Direction as they, the said Commissioners, shall think fit, as well in, through, and over the Lands and Grounds hereby intended to be divided and inclosed as aforesaid, as also, with the Consent of the Owner, in, over, and through any ancient Inclosures, or other Lands or Grounds within the said Township of *Darrington* aforesaid, making such Satisfaction to the Proprietors of such ancient Inclosures, or other Lands or Grounds not hereby intended to be divided and inclosed, for the Damage done thereby, as they shall judge reasonable; and the said Commissioners shall and they are hereby directed, in and by their said Award, to order and direct by whom at whose Expence, at what Time and in what Manner the said Ditches, Drains, Water-courses, Tunnels, Water-gates, Banks, and Bridges shall be thereafter repaired, cleansed, scoured,

scoured, and maintained: Provided always, that nothing in this Act contained shall authorize the said Commissioners to divert or turn any such Water-course, or any Stream, Brook, or Rivulet, without the Consent, in Writing, of the respective Owners of the Lands from or into which the same shall be diverted or turned.

XVIII. And be it further enacted, That the said Commissioners shall, as soon as conveniently may be after their first or second Meeting, in pursuance of this Act, and before they proceed to make any other Allotment, set out and allot such Parcel or Parcels of Land (not exceeding Three Acres), Part of the Lands or Grounds by this Act intended to be divided, allotted, and inclosed, in such Situation or Situations as they shall think proper, for the Purpose of getting Gravel, Sand, or other Materials, for the Repairs of the several public Highways within the said Township of *Darrington*, and for other necessary Purposes, as they the said Commissioners shall think expedient. Allotments for Gravel.

XIX. And be it further enacted, That the said Commissioners shall, in the next place, assign, set out, allot, and award unto the King's most Excellent Majesty, His Heirs and Successors, in Right of His Duchy of *Lancaster*, as Lord of the Honor of *Pontefract* aforesaid, and unto and for the said *Robert Oliver*, (in Right of the said *Sarah Shepley*, his Wife,) as Lord of the Manor of *Darrington* aforesaid, so much and such Part or Parcel of the then Residue of the said Commons and Waste Grounds, hereby directed to be divided, allotted, and inclosed, as shall, in the Judgment of the said Commissioners, be equal in Value to One-eighteenth Part of the said Commons and Waste Grounds within the said Township of *Darrington* aforesaid, in Lieu of and as a full Compensation for their several and respective Rights and Interests in and to the Soil of the said Commons and Waste Grounds hereby directed to be divided and inclosed, over and above and exclusive of such Shares, Proportions, and Allotments of such Commons and Waste Grounds herein-after directed to be allotted to them, the said *Robert Oliver* and *Sarah Shepley*, his Wife, in respect of the Messuages, and Cottages, and Sites thereof, Lands and Hereditaments in Right whereof, they shall, in like Manner as other Proprietors, be entitled to Allotments in and upon the said Commons and Waste Grounds, such One-eighteenth Part to be divided by the said Commissioners in equal Shares and Proportions, Quantity, Quality, and Situation considered, between the King's most Excellent Majesty, His Heirs and Successors, and the said *Robert Oliver*, (in Right of the said *Sarah Shepley*, his Wife,) as the Lord of the said Manor. Allotment for Right of Soil.

XX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to make such Deduction or Abatement in Value from the said Eighteenth Part, as they shall think just and reasonable, in Consideration of the said *Robert Oliver*; and all the other Proprietors of Estates in *Darrington*, being entitled to Common of Estovers in and over the said Commons and Waste Grounds. Deduction for Estovers.

XXI. And whereas certain Chief Rents, Quit Rents, Fee-Farm Rents, Chantry Rents, Castle Guard Rents, and other Rents or Payments, amounting in the Whole to the Annual Sum of Two Pounds Nine Shillings and Two-pence Halfpenny, or thereabouts, are yearly issuing and payable His Majesty's Allotment to be in lieu of certain Rents which are henceforth to

[*Lot. & Per.*]

be released
and extin-
guished.

payable out of or in respect of the said Manor, and certain Lands and Tenements in *Darrington* aforesaid, to the King's most Excellent Majesty, in Right of His said Duchy, who is seized of the same to Himself, His Heirs and Successors, in Fee-simple, as Part and Parcel of the Estates and Possessions of the same Duchy, and in Consideration of One Moiety of the said One-eighteenth Part in Value of the said Commons and Waste Grounds by this Act directed to be set out and allotted unto His said Majesty, His Heirs and Successors, it hath been agreed that the said Manor, Lands, and Tenements, shall be for ever hereafter exonerated and discharged from the Payment of the said several Chief Rents, Quit Rents, Fee Farm Rents, Chantry Rents, Castle Guard Rents, and other Rents, to His Majesty, His Heirs and Successors; be it therefore further enacted, That the Moiety or Half Part of the said Allotment, so to be set out and allotted unto the King's most Excellent Majesty, His Heirs and Successors, shall be accepted and deemed to be in lieu of, and as a full Compensation and Satisfaction for all His said Majesty's Right and Interest, as well in the Soil of the said Wastes, as in and to the said Chief Rents, Quit Rents, Fee Farm Rents, Chantry Rents, Castle Guard Rents, or other Rents or Payments, in Right of His said Duchy of *Lancaster*, as Lord of the Honor of *Pontefract* aforesaid; and that the same Chief Rents, Quit Rents, Fee Farm Rents, Chantry, Castle Guard, or other Rents or Payments, shall be and are hereby extinguished and destroyed, and shall not in future be payable to His said Majesty, His Heirs and Successors, but shall be merged in the several Owners and Proprietors of the Lands, Tenements, and Hereditaments, out of which the same have been heretofore issuing and payable.

Allotment
in lieu of
Glebe.

XXII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, in the next place, to assign, set out, allot, and award unto and for the said *George De Smeth Kelly*, so much and such Part and Parcel of the said Open Arable Fields, Meadow, and Pasture Grounds, hereby intended to be divided, allotted, and inclosed, as shall, in the Judgment of the said Commissioners, be equal in Value to the Glebe Lands lying in the said Open Arable Fields, Meadow, and Pasture Grounds in the said Township of *Darrington*, and to the Rights of Common upon the Common Moor and Waste Grounds therein respectively belonging to him.

Allotment in
lieu of
Tithes.

XXIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, in the next place to assign, set out, allot, and award, unto and for the said several and respective Tithe Owners for the Time being, according to their several and respective Rights and Interests therein, such Parcel or Parcels of the said Lands and Grounds hereby directed to be divided and inclosed as shall, in the Judgment of the said Commissioners, be equal in Value to One-fifth Part of the said Open Common Fields, lying within the said Township of *Darrington*, to One-seventh Part of the old Inclosures and Moor, lying within the said Township of *Darrington*, and to One-eighth Part of the Leys, and other Waste Grounds hereby directed to be divided and inclosed; and also to One-seventh Part of all the ancient Inclosures in the said Hamlet of *Wentbridge*, in the Township and Parish of *Darrington* aforesaid, (except such Parts thereof as are exempt from the Payment of Tithes,) in lieu of and as a full Compensation and Satisfaction

Satisfaction for all Tithes, both great and small, Moduses, and all other Ecclesiastical Dues and Payments whatsoever, (Mortuaries, *Easter Offerings*, and Surplice Fees due to the same Vicar, and his Successors, only excepted,) arising, growing, renewing, increasing, payable, or happening, or to arise, grow, renew, increase, become payable, or happen within, from, for, or in respect of the said respective Lands and Grounds hereby directed to be divided and inclosed, or any of them, or any Part thereof; and also of and from the Messuages, Cottages, Garths, Orchards, and ancient inclosed Lands and Grounds within the said Township of *Darrington*; which said Allotment or Allotments so to be set out and allotted in lieu of Tithes as aforesaid, the said Commissioners are hereby authorized, and required to divide, set out, and apportion between the said Lord Archbishop of *York*, *George Hamilton Thompson*, *Benjamin Sayle*, and the said *George De Smeth Kelly*, as Vicar as aforesaid, according to their respective Rights and Interests therein, or in the several Tithes, so to be compensated for by the said Allotment or Allotments as aforesaid, to be ascertained by and according to the Judgment of the said Commissioners; and in case the Owners of any of the said Messuages, Cottages, Garths, Gardens, Orchards, and ancient inclosed Lands within the said Township of *Darrington*, except the Hamlet of *Wentbridge*, shall not have, or be intitled to Lands or Common Rights, or other Property in the said Lands and Grounds hereby respectively directed to be divided and inclosed, or a sufficient Quantity thereof, to make such Satisfaction and Compensation for the Tithes of such their Messuages, Cottages, Garths, Gardens, and ancient inclosed Lands as aforesaid, (Mortuaries, *Easter Offerings*, and Surplice Fees only excepted,) then, and in every such Case, Compensation shall be made for such Deficiency by and out of the Property in the said Lands hereby directed to be divided, allotted, and inclosed, belonging to the said several other Proprietors, in such Manner as the said Commissioners shall appoint; and such Person or Persons who shall be entitled to or possessed of such Messuages, Cottages, Garths, Gardens, Orchards, or ancient Inclosures, shall pay, or cause to be paid, to such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as they the said Commissioners shall think equivalent to and as a full Satisfaction and Compensation for the Tithes of the said Messuages, Cottages, Garths, Gardens, Orchards, or ancient Inclosures; which Sum and Sums of Money shall be applied towards Payment of such Proportion of the Costs, Charges, and Expences of obtaining this Act and carrying the same into Execution as shall be payable by such Person or Persons whose Property in the said Lands hereby directed to be divided and allotted shall be reduced or diminished by the Deduction to be made therefrom in Compensation for such last-mentioned Tithes, and which Sum or Sums of Money shall or may be levied or recovered as the Costs and Expences of executing this Act may be levied or recovered, and the Surplus (if any) of such Sum or Sums of Money shall be divided between the several Persons interested in the Lands and Grounds hereby intended to be divided and inclosed in the said Township of *Darrington* whose Property shall have been so reduced or diminished as aforesaid, in such Shares as shall be in Proportion to their Rights and Interest, and the Shares of such of them as shall be Tenants in Fee-simple of their Allotments, shall be paid to them, and the Shares of such other Proprietors in such Surplus Money shall be applied and disposed of in Manner directed by

by the said recited Act, with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or the Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Allotment of
Residue of
Fields.

XXIV. And be it further enacted, That the said Commissioners shall have full Power and Authority, and they are hereby directed in the next place, to divide, set out, allot, and award all the Residue and Remainder of the said Open Common Fields, to be inclosed by virtue of this Act, unto, between, and amongst the several Persons who, at the Time of making such Division and Allotments, shall be intitled to Land or other Property in the said Open Common Fields, in Proportion to their respective Rights, Interests, and Shares therein, other than and except the several Persons to whom Allotments are herein-before directed to be made in respect of the Rights, Property, and Interests intended to be compensated for by such Allotments.

Allotment of
Darrington
Moor.

XXV. And be it further enacted, That the said Commissioners shall and they are hereby required to divide, set out, allot, and award, in severally, the Residue of the Piece or Parcel of Ground called *Darrington Moor*, in the Township of *Darrington* aforesaid, unto and amongst the several Owners and Proprietors, or other Persons having Beast-gates, Cattle-gates, or other Rights or Interests in the same, in Proportion to their respective Number of Gates, Rights, and Interests.

Allotment
for Cridling
Park.

XXVI. And whereas the Master, Fellows, and Scholars of *Sydney College*, in the University of *Cambridge*, are Owners of certain Messuages and Lands, called *Cridling Park*, in the Parish of *Darrington*, in respect of which they Claim a Right of Common, or Stray, or Pasturage, upon some specific Part of the Common called *Darrington Leys*, in the Township of *Darrington*, hereby intended to be divided and inclosed, and *Thomas Vaux* and *William Crosland* are respectively Lessees thereof for Terms of Years which are unexpired; be it therefore enacted, That the said Commissioners shall have full Power and Authority, and they are hereby required before they proceed to allot the Residue of the said Commonable Lands by this Act directed to set out, allot, and assign, unto the said Master, Fellows, and Scholars, and their Successors for ever (subject to the said several Leases), such Part of the said Common as shall, in the Judgment of the said Commissioners (Quantity, Quality, and Situation, considered), be a full Equivalent and Satisfaction for the said Sheep Gates, Right of Stray, or Pasturage: Provided always, that nothing in this Act contained shall extend, or be construed to extend, in any Manner to comprise or affect the said Estate, called *Cridling Park*, or any Part thereof, or the said Master, Fellows, and Scholars, or their Successors, or their Lessees in Right thereof, save only in respect to the said Right of Common, or Stray, or Pasturage, without the Consent of the said Master, Fellows, and Scholars, or their Successors for the Time being, being first had and obtained in Writing under their common Seal, and of the said Lessees, also had and obtained in Writing under their Hands and Seals.

XXVII. And

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, allot, and award in Severalty the Residue of all the said Commons and Waste Grounds hereby directed to be divided and inclosed, unto and amongst the said *Robert Oliver*, in Right of the said *Sarah Shepley*, his Wife, and other the Owners and Proprietors, as well of Messuages, Cottages, and Frontsteads, having Right of Common, or other Right upon the said Commons and Waste Grounds, as of the Open Fields and Lands situate on *Darrington Moor*, and also the Lands and Grounds already inclosed within the said Township of *Darrington* aforesaid, in such Shares and Proportions as herein-after mentioned, (that is to say) One-third in Value of the said Residue of the said Commons and Waste Grounds, (Quantity, Quality, and Situation considered) shall be set out, allotted, and awarded unto and amongst the Owners and Proprietors of Messuages, Cottages, and Frontsteads, having Right of Common, or other Right upon the said Commons and Waste Grounds, without paying any regard whether the same are Messuages or Messuage Steads, or Cottages or Cottage Steads, and the remaining Two-thirds in Value of the said Residue of the said Commons and Waste Grounds, (Quantity, Quality, and Situation considered) shall be set out, allotted, and awarded, unto and amongst the Owners and Proprietors of Open Field Land, and of Land situate on *Darrington Moor*, and also of the Lands and Grounds already inclosed within the said Township of *Darrington*, in Proportion to the Value of such their Open Field Land, Land on *Darrington Moor*, and the Lands and Grounds already inclosed respectively, such Value to be estimated and ascertained by the said Commissioners.

XXVIII. And be it further enacted, That the Allotment or Allotments herein-before directed to be made to the said Lord Archbishop of *York*, *Robert Oliver*, (in Right of the said *Sarah Shepley*, his Wife) *Thomas Sayle*, *George Hamilton Thompson*, *Benjamin Sayle*, and the said *George De Smeth Kelly*, in lieu of Tithes and Glebe in the said Township of *Darrington* as aforesaid, shall for the first Time be inclosed with an outward Fence and Ditch, to be planted with good Quicksets, and defended with good and sufficient Posts and Rails, and with proper Gates and Bridges where necessary, and where such Ring Fence shall adjoin any Road, the same shall be guarded by Posts and Rails, on the outside thereof as well as within, by and under the Directions of the said Commissioners; and after the first making the said Fences, Gates, and Bridges, the same shall forever after be maintained and kept in Repair by the said Lord Archbishop of *York*, *Robert Oliver*, *Thomas Sayle*, *George Hamilton Thompson*, *Benjamin Sayle*, and the said *George De Smeth Kelly*, in such Manner as the said Commissioners shall direct, award, and appoint.

XXIX. And be it further enacted, That all the other Allotments to be made by virtue of this Act, shall be inclosed, hedged, ditched, or otherwise fenced, and such Fences for ever thereafter repaired by and at the Expence of the respective Persons to whom the same shall be allotted, within such Times, and in such Proportions and Manner as the said Commissioners shall direct.

XXX. Provided always, and be it further enacted, That it shall be lawful for any of the Persons entitled to Right of Common upon any of the Lands and Grounds hereby intended to be divided and inclosed, to sell
[*Loc. & Per.*] 42 A and
Rights of Common may be sold separate from other Rights.

and dispose of his, her, and their Right or Interest in any such Rights of Common, separate and apart from the Property to which the same are appurtenant, and the said Commissioners shall award the Allotments to be made in lieu of the Rights of Common so sold and disposed of to the Purchasers thereof respectively, having received a Request in Writing so to do, signed by the Proprietors or Owners of such Rights of Common, in the Presence of One or more credible Witness or Witnesses, any Law to the contrary notwithstanding.

Allotments to be made of the same Tenure as former Property.

XXXI. And be it further enacted, That the Lands and Grounds which shall be allotted to any of the said Proprietors in respect of any Lands and Grounds, or other Right in or upon the Lands and Grounds hereby intended to be divided and inclosed, shall be held by the same Tenures, Customs, Rents, and Services, by which the Lands and Grounds, Tenements, and Hereditaments, or other Rights, in respect whereof such Allotments shall be made are now held.

Exchanges may be made.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Messuages, Lands, Tenements, or Hereditaments, within the said Parish, in lieu of and in Exchange for any other Messuages, Lands, Tenements, or Hereditaments, within the same 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 Messuages, Lands, Tenements, and Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, be a Body or Bodies Politic, 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 a 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 Owners 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 of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges when so made, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent (testified as aforesaid) of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate.

Costs of Exchanges and Partitions to be borne by the Parties.

XXXIII. And be it further enacted, That the Expences attending any Exchanges or Partitions of the Lands and Grounds by this Act intended to be divided, allotted, and inclosed, which shall be made by virtue of this or the said recited Act, shall be borne and defrayed by the respective Parties making such Exchanges or Partitions, distinct and apart from the other Expences attending the Execution of this Act, (except only such Exchanges

Exchanges or Partitions, as shall be made by the said Lord Archbishop, in respect of his Tithes, in which case the same shall be borne and paid by his respective Lessees) in such Manner as the said Commissioners shall order and direct.

XXXIV. And be it further enacted, That from and immediately after the Allotments herein-before directed to be made shall be marked and staked out, and the said Commissioners shall have directed the same to be entered upon by the Persons for whom the same shall be intended, or at such other Time or Times as the said Commissioners shall appoint, every Lease or other Agreement at Rack or extended Rent subsisting of all or any Part or Parts of the Land, or Right of Common in or upon the said Common, Commonable Lands, and Pastures, or of the Tithes, Dues, Modusses, or Compositions hereby intended to be extinguished, shall cease and be void, the Person or Persons who hath or have made any such Lease or Agreement, making Satisfaction to his, her, or their respective Lessee or Lessees, Tenant or Tenants, as the said Commissioners shall ascertain as reasonable, and by the said Award, or any Writing under their Hands, direct to be paid to such Lessee or Lessees, Tenant or Tenants, on account thereof, or as an Equivalent for the same (except in such Cases where the Parties themselves shall have otherwise fixed or agreed concerning such Satisfaction), and that it shall be lawful for the said Commissioners, and they are hereby authorized, by Writing under their Hands, to ascertain and determine what Rent or Share, or Proportion of Rent shall be paid by the several Tenants of the Lands to be inclosed by virtue of this Act, and of the Right of Common in and upon the same, and of the Tithes, Dues, Payments, and Compositions hereby intended to be extinguished for their respective Holdings, to the respective Owners of the Premises from the passing of this Act, until the said Allotments shall be marked, staked out, and entered upon as aforesaid, which Determination shall be binding and conclusive upon all such Tenants and Owners respectively: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in the said Township and Parish, or either of them; and Part in any adjoining Township or Parish, all and every such Lease or Leases upon Rack Rent now subsisting may 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 of such last-mentioned Lands shall not be vacated.

XXXV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease or Leases from his Grace the said Lord Archbishop of York, or from any Bodies Politic or Corporate, or of any other Person or Persons, of any Lands, Tenements, Tithes, or Hereditaments, in the Townships or Hamlets of *Darrington* and *Wentbridge* aforesaid, to any Person or Persons whomsoever, but the Person or Persons entitled to such beneficial Lease or Leases shall and may hold and enjoy his, her, or their several and respective Allotments, of or for or in lieu of such Lands, Tenements, Tithes, or Hereditaments, for and during all such Estate or Estates, Terms and Interests as he, she, or they shall or may then be entitled to under or by virtue of such Leases respectively, and subject to such and the same Rents, Covenants, and Agreements, as is or are in such Lease

Leases at
Rack Rent
to be void.

Not to vacate
beneficial
Leases.

or

or Leases respectively reserved and contained on the Lessees Part to be paid and performed.

Wills and Settlements not to be affected.

XXXVI. And be it further enacted, That nothing in this Act contained, shall revoke or alter any Will or Settlement, or prejudice any Right of Dower, Jointure, Portion, Debt, or Incumbrance, out of, upon, or affecting any of the Tenements or Hereditaments to be divided, allotted or exchanged by virtue of this Act; but that each and every Proprietor shall stand and be seized of the several Tenements and Hereditaments to be allotted to or exchanged with him, her, or them, to such and the same Uses, and for such and the same Estates, and subject to such and the same Charges and Incumbrances, as the Tenements and Hereditaments whereof such Proprietor was seized or possessed at or immediately before the Execution of the said Award, or of such other Deed or Deeds, Instrument or Instruments as aforesaid, 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.

Tithes may be compensated for by a Deduction from old Inclosures.

XXXVII. Provided always, and be it further enacted, That in case any or either of the said several and respective Proprietors of or Persons entitled to Messuages, Cottages, Garths, Gardens, Orchards, and old Inclosures, in the said Hamlet or Place of *Wentbridge*, shall not be intitled to any Allotment or Allotments in the Lands and Grounds in the said Township of *Darrington*, hereby directed to be divided and inclosed, or a sufficient Quantity thereof to make such Satisfaction and Compensation as herein-before directed, then and in every such Case Compensation shall be made for such Deficiency by and out of the ancient inclosed Lands of such Proprietor or Proprietors respectively in the said Hamlet or Place of *Wentbridge*.

Apportionment of Tithe Allotments.

XXXVIII. And be it further enacted, That the said Commissioners are hereby required to set out, apportion, and divide the Allotment or Allotments to be made to the said Lord Archbishop, in lieu of Tithes as aforesaid, between the said *Robert Oliver*, (in Right of the said *Sarah Shepley*, his Wife) and *Thomas Sayle*, as Lessees under the said Lord Archbishop as aforesaid, in proportion and according to their respective Rights and Interests therein, or in the several Tithes so to be compensated for by the said Allotment or Allotments according to the Judgment of the said Commissioners.

Tithes to continue payable for a certain Time.

XXXIX. And be it further enacted, That until the First Day of *April* next after the several Allotments to the said several Tithe Owners, and Vicar respectively shall be set out and inclosed, the said several Tithe Owners and Vicar respectively shall be intitled to and shall have, receive, and take such and the same Tithes, as he or they could, might, or ought to have done in case this Act had not been made.

Vicar may commute for Tithes of Stapleton, &c.

XL. And whereas the said *George De Smeth Kelly*, as Vicar of, the said Parish Church of *Darrington*, is entitled to the great and small Tithes arising, renewing, happening, growing, or increasing from and out of the Hamlets or Places of *Stapleton*, *Cridling Park*, *Cridling Out Park* Lands and

and Grove, within the Parish of *Darrington* aforesaid, and it is adviseable that the said great and small Tithes should be abolished and extinguished, and in lieu thereof an adequate Compensation made to the said *George De Smeth Kelly*, and his Successors, Vicars as aforesaid, be it therefore enacted, That if the Owners and Proprietors of Estates within the said Hamlets and Places of *Stapleton, Cridling Park, Cridling Out Park* Lands and Grove aforesaid, or any of them, shall, previous to the making the Award of the said Commissioners, with the Consent and Approbation of the said Lord Archbishop of *York*, agree with the said *George De Smeth Kelly*, or his Successors, Vicars as aforesaid, for the Time being, for the Compensation to be made in lieu of such great and small Tithes, or any of them, and the Consent or Consents testified in Writing, under the Hand and Seal, or Hands and Seals, of the said Owner or Owners, Proprietor or Proprietors, and the said Lord Archbishop of *York*, and the said *George De Smeth Kelly* respectively, directed and presented to the said Commissioners at some of their Meeting or Meetings for carrying this Act into Execution, previous to their making their said Award, then, and in such Case, but not otherwise, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to assign, set out, allot, and award, to and for the said Vicar, and his Successors, Vicars as aforesaid, in lieu of and as a Compensation for such Tithes, so much and such Part or Parts of the ancient inclosed Lands and Grounds, situate within the Hamlets or Places of *Stapleton, Cridling Park, Cridling Out Park* Lands and Grove, or any new Allotment or Allotments which shall or may be set out by virtue hereof, for or in respect of any ancient inclosed Lands and Grounds, situate within the said Hamlets or Places of *Stapleton, Cridling Park, Cridling Out Park* Lands and Grove aforesaid, or otherwise set out to the Owner or Owners thereof, as shall belong to such Owner or Owners, Proprietor or Proprietors, as shall so agree with the said Vicar, or his Successors as aforesaid, and as shall, in the Judgment of the said Commissioners, be equal in Value to such great and small Tithes so agreed for as aforesaid.

XLI. And be it further enacted, That it shall and may be lawful to and for the said *George De Smeth Kelly*, or his Successors, Vicars of *Darrington* as aforesaid, during their respective Incumbencies, with the Consent and Approbation of the Archbishop of *York* for the Time being, testified by some Writing under his Hand and Seal, to charge all and every, or any of the Allotment or Allotments, to be set out to the said Rector and his Successors as aforesaid, with any Sum or Sums of Money not exceeding in the Whole the Sum of Eight hundred Pounds, together with lawful Interest thereon, for the Purpose of providing a suitable and convenient Farm House, with such Barns, Out-houses, and other Buildings, as shall be necessary for the profitable Use and Occupation of the said Allotment or Allotments, to be made to the said Vicar and his Successors as aforesaid; and that the Money so to be charged shall and may be repaid in the like Manner, and by the same Means, as is directed by an Act of Parliament of the Seventeenth Year of the Reign of His present Majesty, intituled *An Act to promote the Residence of the parochial Clergy, by making Provisions for the more speedy and effectual building, rebuilding, repairing, or purchasing Houses, and other necessary Buildings and Tenements for the Use of their Benefices*; and by an Act made in the Twenty-first Year of the Reign of His present Majesty, intituled

Empowering
the Vicar to
borrow Mo-
ney for build-
ing.

An Act to explain and amend an Act made in the Seventeenth Year of the Reign of His present Majesty, intituled, 'An Act to promote the Residence of the parochial Clergy, by making Provision for the more speedy and effectual building, rebuilding, repairing, or purchasing Houses, and other necessary Buildings and Tenements for the Use of their Benefices.'

Commissioners to direct the Course of Husbandry.

XLII. And be it further enacted, That the said Commissioners shall, as soon after the passing of this Act as conveniently may be, by some Writing or Writings under their Hands, to be published as herein-before directed with respect to Notice of Meetings, order and direct the Course of Husbandry that shall be used in all the said Open Fields hereby directed to be divided, and from Time to Time to alter or amend such Orders and Directions, or give new ones, as shall appear to them necessary and proper, until the Time when they shall have made and completed the said intended Division and Allotments, as well with respect to laying down, ploughing, sowing, reaping of Crops, fallowing, and tilling thereof, as to the cleaning, weeding, stocking, and eating of the Fallows or Stubbles; and shall and may in and by the same, or any such other Writing as aforesaid, set and impose such Penalties, on every Person not conforming to such Orders and Directions, and for doing and committing any Damage, Waste, or Destruction in or upon the said Open Fields, Pastures, Commons, Moor, and Waste Grounds, as they the said Commissioners at the Time of making such Orders and Directions shall think reasonable, not exceeding Five Pounds *per* Acre, which Penalties shall be recovered and applied in Manner directed by the said recited Act; and all such Orders of the said Commissioners shall be final, binding, and conclusive upon all Parties interested, and upon their several and respective Farmers and Tenants.

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

XLIII. And be it further enacted, That, unless the said Commissioners shall in and by their said Award make any Order to the contrary, all the Tillage Parts of the said Open Fields, which shall be Fallow or sown with Corn upon Fallow, at the Time when such Division and Allotments shall take place, shall continue in Possession of the respective Occupiers and Tenants thereof respectively, until the next ensuing Harvest, and the Crops thereof shall be then reaped or cut by such Occupiers and Tenants thereof respectively, every one his own Land, who may enter thereon, and till and cultivate the same at his Pleasure, every such Occupier and Tenant paying the Proprietor to whom the same shall be allotted, before he shall reap or cut such his Crop, such Satisfaction for the Standage of such Crop, and Damage done by the cultivating of such Land, and reaping or cutting and taking away such Crop, as the said Commissioners in and by their said Award shall direct or appoint: Provided always, that the said Commissioners may, if they think proper, make and give any other Order and Direction in the Premises which they shall see more equal and convenient by their said Award.

No Sheep or Lambs to be kept in new Inclosures during the Space of

XLIV. And be it further enacted, That no Sheep or Lambs, Horses, Asses, horned Cattle, Pigs, or Geese, shall be depastured or kept in any of the said new intended Inclosures during the Space of Seven Years from the Execution of the said Award of the said Commissioners, unless the Persons respectively so depasturing or keeping such Sheep or Lambs, or Horses,

Asses, horned Cattle, Pigs, or Geese therein do at their own Expence staff-hold the same, or effectually guard and fence the Quickset Hedges, on any other Persons Allotment, adjoining to such Inclosures respectively, in which Sheep or Lambs, Horses, Asses, horned Cattle, Pigs, or Geese, shall be depastured and kept as aforesaid, so as to prevent any Damage or Injury being done to such Fences or Quicksets by any such Sheep or Lambs, Horses, Asses, horned Cattle, Pigs, or Geese.

Seven Years, unless guard Fences are put up.

XLV. And be it further enacted, That if any Person shall, from and after the Execution of the Award of the said Commissioners, turn or put, or cause to be turned or put, any of his, her, or their Sheep or Lambs, Horses, Asses, horned Cattle, Pigs, or Geese, into any of the Roads to be set out by virtue of this or the recited Act, which shall be fenced on both Sides thereof, it shall be lawful for the Person or Persons whose Hedges, Fences, Crop, or Grounds shall be damaged thereby, or any other Person or Persons, to impound the same: Provided always, that after the Execution of the Award of the said Commissioners the Herbage and Produce of all the public Roads within the said Township of *Darrington*, which shall be fenced on both Sides thereof, and also the Herbage and Produce of the Ground so to be set out as aforesaid, for getting Stone, Gravel, and other Materials for the Repairs of the Highways, shall be vested in the said Surveyor or Surveyors respectively, and shall by him or them be publicly let to the best Bidder or Bidders for the Purpose of mowing only, and the Rents and Profits thereof shall be applied towards the Reparation of the several Highways within the said Township of *Darrington*, and shall be accounted for by the said Surveyor or Surveyors of the Highways of the said Township annually, on or about the Tenth Day of *October*, at a Public Meeting to be called for that Purpose in the said Township of *Darrington*.

No Cattle to be turned into the Roads.

XLVI. And be it further enacted, That all the Charges and Expences, preparatory to, and attending the obtaining and passing this Act, and of surveying the Lands already inclosed, and surveying, dividing, and allotting the said Lands and Grounds hereby directed to be allotted and inclosed, and of setting out, making, and forming any public Roads, Drains, Sewers, Bridges, Banks, Sluices, and other necessary Works, and for fencing the Allotments to be made to the said Lord Archbishop of *York*, *Robert Oliver*, (in Right of the said *Sarah Shepley*, his Wife,) *George Hamilton Thompson*, *Thomas Sayle*, *Benjamin Sayle*, and the Reverend *George De Smeth Kelly*, for Tythes and Glebes as herein-before mentioned, and of preparing and enrolling the Award of the said Commissioners, and the reasonable Expences and Charges of the said Commissioners, and also of the said Surveyors and Clerks to be employed by the said Commissioners, and all other proper and necessary Expences in the Execution of this and the said recited Act, which are not otherwise directed to be borne, paid, and defrayed, shall, from Time to Time, as the same shall respectively accrue, be borne and defrayed by the several Owners and Proprietors of and Persons interested in the Lands and Grounds hereby directed to be divided and inclosed, and exonerated from Tithes respectively, (except by the said Lord Archbishop of *York*, *Robert Oliver*, (in Right of the said *Sarah Shepley*, his Wife,) *George Hamilton Thompson*, *Thomas Sayle*, *Benjamin Sayle*, and the Reverend *George De Smeth Kelly* in respect of their Allotments for Tithes and Glebe only), in such Shares and Proportions as

Expences to be raised by Rate.

as the said Commissioners shall appoint, by any Rate or Rates to be made by them for that Purpose; and the said several Sums thereby rated shall be paid to such Person or Persons, in such Proportions and Manner, and at such Time or Times, as the said Commissioners shall by Writing under their Hands (to be affixed on the outer Door of the Parish Church of *Darrington* aforesaid, Ten Days at least before the Time of Payment,) direct or appoint; and in case any Person or Persons liable to the Payment of such Charges and Expences as aforesaid shall refuse or neglect to pay his, her, or their Share or Proportion thereof, at the Times and in the Manner to be appointed by the said Commissioners, then the same shall be levied and recovered in the Manner prescribed or directed by the said recited Act.

Proprietors
or Agents to
pay their
own Ex-
pences.

XLVII. Provided always, and be it further enacted, That the said Proprietors, their Attornies and Agents, shall pay their own Expences, when they, or any of them, shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act.

How raised.

XLVIII. Provided always, and be it further enacted, That for the Purpose of raising the Quota or Proportion of any Rate or Rates hereinbefore directed to be made, to be paid by the Proprietors or Owners of Estates in the said Township of *Darrington*, in respect of their Estates within that Township, the said Commissioners shall and they are hereby authorized and required, after they have set out the Allotments hereinbefore directed to be made and set out, in lieu of Tithes and Manorial Rights, and before they proceed to set out or allot the Residue of the Commons and Waste Lands within the said Township of *Darrington* to assign, set out, and allot such Part or Parts of the said Commons and Waste Grounds in the said Township of *Darrington* as shall in the Judgment of the said Commissioners be fully sufficient, by Sale of the Fee-simple thereof, to pay and defray such Quota or Proportion as aforesaid, which Quota or Proportion shall be raised and paid by Sale, (either together or in Lots, in the Manner and pursuant to the Directions of the said recited Act,) of the said Allotment or Allotments to be marked and set out for that Purpose as aforesaid; and the said Commissioners shall and they are hereby authorized, (if required by the Purchaser or Purchasers of the Allotment or Allotments which shall be so sold,) upon Payment of the full Purchase Money for such Allotment or Allotments, by Deed or Deeds, under their Hands and Seals, to grant, release, and convey, or otherwise by their Award herein-after directed to be made, to award the same to the Purchaser or Purchasers thereof, his, her, or their Heirs or Assigns, in Fee Simple, or to such Use or Uses as he, she, or they shall direct or appoint; and the Purchase Monies of the said Allotment or Allotments so sold shall be applied by the said Commissioners in defraying such Quota of the Costs or Proportion as aforesaid: Provided always, that the Purchaser or Purchasers of the Land to be sold and conveyed as aforesaid shall be subject and liable to the Performance of all Orders, Regulations, and Directions, which shall be made and given by the said Commissioners for inclosing, fencing, and draining such Lands, and for maintaining the Fences and Drains belonging thereto in good and sufficient Repair; and in case the Purchase Money arising by such Sale shall not be sufficient to defray such Quota or Proportion aforesaid, then the Deficiency shall be made up by the several

veral Persons interested in the said Commons and Waste Lands hereby directed to be divided and inclosed, and shall be paid in such Shares and Proportions, within such Time and to such Person or Persons as the said Commissioners shall direct, nominate, and appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Quota or Proportion as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof, within the Time to be appointed as aforesaid, or at any Time afterwards, upon Demand, the same shall and may be levied and recovered in Manner directed by the said recited Act: Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to charge the said *George De Smeth Kelly*, as Vicar as aforesaid, and the several Owners or Impropriators of Tithes, or their Lessees respectively, in respect of such Tithes, with any Part of such Quota or Proportion, nor with any other Costs, Charges, or Expences, either of Drainage or otherwise, incurred previously to the Execution of the said Award, any Thing in this Act to the contrary notwithstanding.

XLIX. And be it further enacted, That in case any Part or Parts of the said Commons and Waste Lands, shall be sold for more Money than will be required to defray such Charges and Expences as aforesaid, then and in such Case such Surplus Money shall be divided and apportioned between the several Proprietors of the Lands hereby directed to be divided, allotted, and inclosed, according to their several and respective Interests therein, and paid to them, in case they shall be seized in Fee-simple of their several Allotments, or otherwise such Surplus Money shall be paid into the Bank of *England*, in Manner directed by the said recited Act, in those Cases wherein any Money is to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or any Timber, or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Application
of Surplus
Money.

L. And be it further enacted, That in all Cases where any of the Persons, Bodies Politic or Corporate, interested in any Allotment or Allotments of the said Commons or Wastes, shall be desirous of paying their respective Shares of the said Expences in Money, instead of sustaining a Loss of Land in their respective Allotments, and shall at the First or Second Attendance of the said Commissioners for receiving Claims of Right of Common, give Notice in Writing to the said Commissioners of such their Desire, that then and in every such Case the Share or respective Shares of the Party or Parties so giving such Notice as aforesaid, of and in all such Expences, shall be paid and defrayed in Money by such Party or Parties respectively, in such Manner, and at such Time or Times, and to such Person or Persons, as the said Commissioners shall by Writing under their Hands order, direct, and appoint; and in all Cases where any such Payment or Payments in Money shall be so made as aforesaid the said Commissioners shall consider the same in setting out the Allotment or Allotments of the Party or Parties making such Payment or Payments respectively, and in ascertaining the Share and Proportion of each of the said Commons or Wastes, so to be set out and allotted to such Body or Bodies Politic or Corporate, and other Persons respectively.

Option given
to the Pro-
priators to
pay their
Share of Ex-
pences in
Money.

Money advanced by Proprietors to be repaid with Interest.

LI. 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 Commissioners, together with lawful Interest for the same.

Commissioners' Allowance.

LII. And be it further enacted, That each and every Commissioner appointed by this Act, or to be elected in Manner aforesaid, shall be paid and allowed out of the Money to be raised in Manner as herein-before is directed for defraying the Expences attending the passing of this Act, and the Execution thereof, for each Day they shall respectively travel or attend for the Purpose of executing the Powers given by this Act, the Sum of Three Guineas, and no more, as a Recompence for his Time and all other Expences.

Commissioners to account.

LIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act (the first Year to be computed from the Day of passing of this Act), 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 or expended or due to them for their 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 them laid before One or more Justice or Justices of the Peace for the West Riding of the said County of York, (not interested in the said Inclosure) to be by him or them examined and balanced; and such Balance shall be by him or them stated in the Book of Accounts to be kept in the Office of the Clerk of 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.

Plan of the King's Allotments to be sent to the Clerk of the Duchy.

LIV. And be it further enacted, That the said Commissioners shall and they are hereby required within Three Calendar Months after the Execution of their Award, to make an Extract upon Parchment, under their Hands, of so much thereof as shall contain an accurate Description of the Allotment or Allotments which shall be made to His Majesty, together with the Regulations or Provisions relative to such Allotment or Allotments, or to any other Rights or Interests of His Majesty as may be contained in such Award, and shall annex to such Extract a Map or Plan of such Allotment or Allotments, and transmit the same to the Clerk of the Council of His Majesty's Duchy of Lancaster for the Time being; and such Extract may be produced and admitted as Evidence in all Courts of Law or Equity in all Causes and on all Occasions when it may be necessary to produce the same.

Award to be deposited.

LV. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act shall, together with a Plan thereunto annexed, be deposited in the Parish Church of *Darrington* aforesaid.

LVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done in pursuance of this or the said recited Act, (other than and except such Orders and Determinations of the said Commissioners as are by the said recited Act or this Act directed to be final, binding, and conclusive, and except in such Cases where an Issue at Law shall be tried as herein-before mentioned) then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said Riding within Three Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned Ten Days Notice in Writing of such Appeal, and of the Matter thereof, and the Justices (not interested in the Premises) in their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or 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) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale, and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in Manner as aforesaid.

Persons aggrieved may appeal to the Quarter Sessions.

LVII. Saving always unto the King's most Excellent Majesty, His Heirs and Successors, as well in Right of His Crown, as in Right of His Duchy of *Lancaster*, and to all and every other Person and Persons, Body or Bodies Politic, 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 Remainder after them,) all such Right, Title, and Interest, as they, every, or any of them, could or ought to have had and enjoyed in, to, and out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been passed; and particularly the Tenure of the said Manor of *Darrington*, of His said Majesty's Honor of *Pontefract*, and the Suit and Service of the Resiants in *Darrington* aforesaid, at the Leet of the said Honor, before and at the Time of passing this Act, due and accustomed, the Suit and Service for the said Manor of *Darrington*, at the Court Baron of the said Honor, and the ancient Payment made for the same being by this Act intended to be granted and released.

General Saving.

LVIII. And

3784

52 GEORGII III. Cap. 170.

Act to be
given in Evi-
dence as
Public Act.

LVIII. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them 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. 1812.