



ANNO SEXTO

# GULIELMI IV. REGIS.

\*\*\*\*\*

*Cap. lxx.*

An Act to provide for the better Regulation of certain Common Pastures within the Borough of *Beverley* in the East Riding of the County of *York*.  
[21st June 1836.]

**W**HEREAS there are within the Borough of *Beverley* in the East Riding of the County of *York* certain Common Pastures called *Westwood*, *Hurn*, *Figham*, and *Swinemoor* otherwise *Swinemere*, containing respectively Five hundred and four Acres, One hundred and ten Acres, Two hundred and ninety-seven Acres, and Two hundred and sixty-three Acres: And whereas the Freemen of the said Borough of *Beverley*, Inhabitants of the said Borough, and residing within the Limits of the said Borough, as defined previously to the passing of an Act of the Second and Third Years of the Reign of His present Majesty, intituled *An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs, in England and Wales, in so far as respects the Election of Members to serve in Parliament*, are or claim to be entitled to the Pasturage of and the Right to stock the said Common Pastures: And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Beverley* are or claim to be entitled to the Soil of the said Common Pastures: And whereas *Richard Dickson* of *Stockton upon Tees* in the County of *Durham*, Esquire, is or claims to be entitled to an annual Rent of One hundred Shillings issuing out of the said Pastures called *Westwood* and *Hurn*: And whereas the said

2 & 3 W. 4.  
c. 64.

[*Local.*]

26 Y

Mayor,

Mayor, Aldermen, and Burgesses of *Beverley*, and the Owners of certain Farms adjoining the said Pastures, and divers other Persons, are or claim to be entitled to certain Horse and Cattle Gates in the said Pastures, or some of them: And whereas the Inhabitants of the Parish of *Bishop Burton* claim to be entitled to a Right of Stray for Pigs in a certain Part of *Westwood* Pasture called *Burton Hill*, but which Right hath not been exercised for many Years past: And whereas the Times of opening and shutting the said Common Pastures, and the Mode of stocking the same, have heretofore been regulated by certain Bye Laws of the Corporation of the said Borough of *Beverley* made in or about the Year One thousand six hundred and sixty-four: And whereas the said Corporation have appointed Pasture Masters for the Management of the said Common Pastures, and have from Time to Time fixed the Amount of the Head Money and other Sums to be paid by the Parties stocking the same, for the Purpose of defraying the Expences incident to draining, fencing, and keeping the said Pastures in good and proper Condition: And whereas the said Corporation have also from Time to Time made other Bye Laws and Regulations for enforcing the said Bye Laws and Orders made in or about the Year One thousand six hundred and sixty-four, and recovering Payment of the Head Money and other Monies hereinbefore mentioned, and have exercised the Right of disfranchising inhabitant Burgesses of the said Borough for Breach of the Burgess Oath in not obeying and observing the said Bye Laws and Regulations: And whereas the said Mayor, Aldermen, and Burgesses are or claim to be entitled in their own Right to several Pieces or Parcels or Strips of Land adjoining the said Pastures called *Figham Banks*, *Swine-moor Banks*, *Lund Land*, *Bull Close*, and the *Banks of Beverley Beck*, and containing respectively Fourteen Acres, Fourteen Acres, Fifteen Acres, and about Three Fourths of an Acre, which said Banks, or Pieces or Parcels or Strips of Land, the said Corporation have heretofore let to the said Pasture Masters at various Rents, which have been paid out of the Head Money for Cattle depastured in the said Pastures: And whereas Doubts have been entertained as to the Power of the Council of the said Borough of *Beverley*, as constituted under the Act passed in the Fifth and Sixth Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, to appoint Pasture Masters, and to make and enforce Bye Laws for the Regulation of the said Common Pastures: And whereas at a Meeting of the Freemen of the said Borough of *Beverley* convened by public Notice, and holden in the Guildhall of the said Borough on *Monday* the Twenty-second Day of *February* last, it was resolved, that in consequence of the Municipal Corporation Act having abrogated the Powers and Authorities which were vested in the late Corporation relative to the Pastures belonging to the Freemen of the Town, without giving similar Powers to the present Town Council, this Meeting deems it absolutely necessary that Application be made to Parliament for obtaining a Bill for the Purpose of granting to a Body of Pasture Masters, to be annually appointed by the Freemen at large, such Powers as may be deemed necessary for the Protection and Regulation of the Rights of the present Freemen and their Successors for ever with respect to the said Pastures; and that a Committee be appointed,

appointed, with full Power to adopt all Measures necessary for carrying the above Resolutions into effect; and that the said Committee be empowered to defray all Expences necessarily incurred for that Purpose from and out of the Head Monies of the said Pastures, rendering an Account to Two Auditors, not Members of the Committee, to be appointed at the said Meeting; that until the Objects specified in the First Resolution shall have been carried into effect by Parliament, or on Failure thereof until the First Day of *March* One thousand eight hundred and thirty-seven, the Committee now appointed shall have and possess all the Powers which an unanimous Consent of all the Freemen of the Borough of *Beverley* can give for the Protection and Regulation of the public Pastures of the said Borough, and particularly for fixing the Time at which they shall be opened and closed, and the Amount of the Head Money to be paid and applied to the Purposes above specified or heretofore accustomed, and for punishing by every legal Method all Trespassers upon the said Pastures, and all Transgressions against any Charters and Bye Laws or Customs now in force for regulating or restraining the Enjoyment of the said Pastures; that the said Committee be empowered to appoint a Treasurer, who shall account for all Monies by him received to the Auditors now to be appointed, and, if required, shall give Security, to be approved by the said Committee, for the Payment of any Balance in his Hands to the Chairman of the said Committee, when required so to do by the said Chairman during the Continuance of the Powers of the said Committee, and from and immediately after the Cessation thereof to such Person as shall be authorized to receive the same by virtue of any Act of Parliament, or in Failure thereof by virtue of any Order or Resolution to be passed at any General Meeting of the Freemen of *Beverley* convened by the Mayor of the said Town, or by a Notice signed by Ten Freemen, and affixed to the Market Cross of the said Town Seven Days before the said Meeting is held; that the Reverend *William Robinson Gilby*, *George Stephenson* the younger, *William Oxley*, *John Hobson*, *Thomas Larcum*, *John Tigar*, *John Thompson*, *John Charles Lee*, *George Jennison*, *William Jennison*, *Robert Watson*, and *Richard Oxley*, be the Committee above mentioned, with Power for any Five to act, to add to their Number, and to appoint a Chairman; and *John Myers* and *Francis Wilkinson* be the Auditors of the Pasture Accounts: And whereas at a Meeting of the said Pasture Masters held at the Guildhall at *Beverley* on the same Twenty-second Day of *February* last *John Hustwick* was appointed a Pasture Master in the Stead of the said *John Charles Lee*, who had declined to act, and the said *William Robinson Gilby* was appointed the Chairman of the said Pasture Masters: And whereas the said several Persons so elected and appointed Pasture Masters as aforesaid (except the said *John Hustwick*, who also declined to act) have ever since their said Election and Appointment acted and are now acting as Pasture Masters of the said Borough, with the full Concurrence and free Approbation and Consent of the said Mayor, Aldermen, and Burgesses of the said Borough, who are willing and desirous that the Right of electing the said Pasture Masters shall be vested in such of the Freemen Inhabitants of the said Borough as are entitled to stock the said Common Pastures: And whereas it would be of great Benefit and Advantage to the several Persons who are entitled to the Right of Pas-  
torage,

turage, or are otherwise interested in the said Common Pastures, if the same were placed under proper Regulations, and Provision were made for reducing the Number of Cattle hitherto allowed to be kept by each Inhabitant Freeman therein, and for permitting such of the Inhabitant Freemen of the same Borough as do not exercise their Right of stocking to let or otherwise dispose of such Right to other Inhabitant Freemen of the said Borough, and if the Inhabitant Freemen of the said Borough entitled to the Right of Pasturage in such Common Pastures were authorized to elect Pasture Masters, with Power to make Bye Laws, Rules, and Regulations for the better Government and Management of the said Common Pastures : But such beneficial Purposes cannot be effected without the 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 the Town Clerk of the Borough of *Beverley* in the East Riding of the County of *York* shall, on or before the Fourth *Monday* next after the passing of this Act, make out a List, to be called "The Pasture Freemen's List," of all the Persons admitted and enrolled upon the Freemen's Roll (which, in pursuance of the Directions contained in an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, is to be kept by the said Town Clerk,) who shall be actually and *bonâ fide* resident within the Limits of the said Borough, as defined previously to the passing of an Act of the Second and Third Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs, in England and Wales, in so far as respects the Election of Members to serve in Parliament*, and shall cause a Copy of such List to be fixed on or near the outer Door of the Guildhall of the said Borough, or in some public and conspicuous Situation within the said Borough, on every Day during the Week next following the making out of such List, and shall permit a Copy of such List to be perused by any Person at all reasonable Times, upon Payment of the Sum of One Shilling for each Inspection, and of Two Shillings and Sixpence more for every Hour during which such Inspection shall continue after the first Hour, and shall deliver a Copy of such List, or an Extract therefrom, to any Person requiring the same, on Payment of the Sum of Sixpence for any Number of Words not exceeding One hundred, and so in proportion for any greater Number of Words.

Town Clerk to make out the "Pasture Freemen's List."

5 & 6 W. 4. c. 76.

2 & 3 W. 4. c. 64.

Persons omitted and who claim to be inserted on the List to give Notice to the Town Clerk.  
Notice as to Persons not

II. And be it further enacted, That every Person whose Name shall have been omitted in such List, and who shall claim to have his Name inserted therein, shall, within Fourteen Days next after such List shall have been so affixed on the Door of the said Guildhall, give Notice thereof in Writing to the Town Clerk ; and every Person whose Name shall have been inserted in such List may object to any other Person as not being entitled to have his Name retained therein, on the Ground that the Person so objected to is not actually and *bonâ fide* resident within the Limits aforesaid ; and every Person so objecting

objecting shall within the said Period of Fourteen Days give Notice thereof in Writing to the Town Clerk of the said Borough, and also to the Person objected to, either personally or by leaving the same at his usual Place of Residence; and the Town Clerk shall, within Ten Days next after the Period herein-before limited for giving such Notices, insert in such List the Name of any Person who shall be proved to his Satisfaction to be entitled to be inserted therein, and expunge from such List the Name of any Person so objected to who shall not be proved to his Satisfaction to be actually and *bonâ fide* resident within the Limits aforesaid; and after such List shall have been so corrected as aforesaid the same shall be signed by the Town Clerk, and shall be retained by him for the Purposes herein-after provided; and when and so soon as Pasture Masters shall have been elected from amongst and by the Freemen named in such List, in pursuance of the Provisions for that Purpose herein-after contained, the Town Clerk of the said Borough shall deliver a Copy of the said List signed by him to the said Pasture Masters.

entitled to be retained on such List.  
Town Clerk to determine upon Claims and Objections, and to insert or expunge Names, and sign the List.

A Copy of the List, to be delivered to the First Pasture Masters.

III. Provided always, and be it further enacted, That every Order, Judgment, or Determination of the said Town Clerk in reference to the said Pasture Freemen's List shall be subject to Appeal in manner herein-after mentioned.

Right of Appeal.

IV. And be it further enacted, That the Town Clerk of the said Borough shall cause a Copy of the said Pasture Freemen's List, when the same shall have been so corrected and signed by him as aforesaid, to be fixed on or near the outer Door of the Guildhall of the said Borough, or on some public and conspicuous Situation within the said Borough, on every Day during the Seven Days next succeeding the Correction of such List, and shall permit a Copy of such List to be perused by any Person at all seasonable Times, upon Payment of the Sum of One Shilling for each Inspection, and of Two Shillings and Sixpence more for every Hour during which such Inspection shall continue after the first Hour, and shall deliver a Copy of such List, or an Extract therefrom, to any Person requiring the same, on Payment of the Sum of Sixpence for any Number of Words not exceeding One hundred, and so in proportion for any greater Number of Words.

Town Clerk to cause a corrected Copy of the List to be fixed on the Guildhall.

V. And be it further enacted, That upon the Seventeenth Day of *October* now next ensuing the several Persons whose Names shall be inserted in the Pasture Freemen's List as aforesaid shall openly assemble at the Guildhall of the said Borough, and elect from among their Number Twelve Persons, who shall be and be called "The Pasture Masters" of the said Borough, and Two other Persons who shall be and be called "The Auditors of the Pasture Accounts," and who shall respectively continue in Office until the First Day of *March* which will be in the Year One thousand eight hundred and thirty-eight, and until others shall be elected in their Stead as herein-after mentioned; that on the First Day of *March* which will be in the Year One thousand eight hundred and thirty-eight; and on the First Day of *March* in every succeeding Year, the several Persons whose

Persons named in the List to meet on the 17th of *October*, and elect Twelve Pasture Masters and Two Auditors.

Future Election of Pasture Masters and Auditors.

[Local.]

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Names

Names for the Time being shall be inserted on the Pasture Freeman's Roll, herein-after directed to be made and kept by the said Town Clerk, shall in like Manner openly assemble at the Guildhall of the said Borough, and shall elect from amongst their Number Twelve Pasture Masters and Two Auditors of Accounts for the Year ensuing: Provided always, that whenever the First Day of *March* shall happen on a *Sunday*, then and in such Case the Election of Pasture Masters and Auditors shall take place on the *Monday* following: Provided also, that the Pasture Masters and Auditors going out of Office on any annual Day of Election shall for all the Purposes of this Act be considered as the Pasture Masters and Auditors of the said Borough, not only until the Business of the Day shall have terminated, but until others shall have been elected in their Place or Stead: Provided also, that any Pasture Master and Auditor so going out of Office shall be capable of being forthwith re-elected.

Elections of Pasture Masters to be held before Mayor.

VI. And be it further enacted, That all Elections of Pasture Masters and Auditors shall be held before the Mayor, or One or more of the Aldermen of the said Borough to be deputed by such Mayor, and the voting at every such Election shall commence at Nine of the Clock in the Forenoon and shall finally close at Four of the Clock in the Afternoon of the same Day, and shall be conducted in manner following; (that is to say,) every Person whose Name shall be entered on the Pasture Freeman's List or Pasture Freeman's Roll (as the Case may be) may vote for Twelve Persons, being Freeman of the said Borough, and having their Names inserted on such List or Roll, (as the Case may be,) to be the Pasture Masters of the said Borough, and for Two other Persons, being Freeman of the said Borough, and having their Names in like Manner inserted in such List or Roll, to be the Auditors of the Pasture Accounts, by delivering to the presiding Officer at such Election a voting Paper containing the Christian Names and Surnames of the Persons for whom he votes, with their respective Places of Abode and Descriptions, and distinguishing which Persons shall be Pasture Masters and which shall be Auditors of the Pasture Accounts, such Paper being previously signed with the Name and Address of the Person voting.

Officer may close the Poll at Elections at any Time if Votes cease to be tendered.

VII. Provided always, and be it further enacted, That at any Election for Pasture Masters or Auditors under the Provisions of this Act it shall be lawful for the presiding Officer to close the Poll at any Time before Four of the Clock, if Twenty Minutes shall have elapsed during which no Vote shall have been tendered for any Candidate.

No Inquiry of the Voter except as to his Identity, and whether he has voted before at the same Election.

VIII. And be it further enacted, That no Inquiry shall be permitted at any Election as to the Right of any Person to vote in the Election of Pasture Masters or Auditors for the said Borough, except only as follows; (that is to say,) that the presiding Officer at such Election shall, if required by any Two Freeman entitled to vote at the same Election, put to any Voter at the Time of his delivering in his Voting Paper, and not afterwards, the following Questions, or any of them, and no other;

First.

First. Are you the Person whose Name is signed as *A. B.* to the voting Paper now delivered in by you? Forms of Questions as to these Points.

Second. Are you the Person whose Name appears as *A. B.* on the Pasture Freeman's List [or the Pasture Freeman's Roll, as the Case may be,] now in force for this Borough, being registered therein as resident at

[here state the Place of Residence of the Voter as entered on the Pasture Freeman's List or the Pasture Freeman's Roll, as the Case may be.]

Third. Have you already voted at the present Election?

And no Person required to answer any of the said Questions shall be permitted or qualified to vote until he shall have answered the same; and if any Person shall wilfully make a false Answer to any of the Questions aforesaid, he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly.

IX. And be it further enacted, That at every Election of Pasture Masters and Auditors the presiding Officer shall examine the Voting Papers so delivered as aforesaid, for the Purpose of ascertaining which of the several Persons voted for are elected, and the Twelve Persons named as Pasture Masters who shall have the greatest Number of Votes shall be deemed to be elected Pasture Masters, and the Two Persons named as Auditors of the Pasture Accounts who shall have the greatest Number of Votes shall be deemed to be elected Auditors; and in case of an Equality in the Number of Votes for any Two or more Persons as Pasture Masters, and in like Manner in the Case of an Equality of Votes for any Two or more Persons as Auditors, the presiding Officer shall name from amongst those Persons named as Pasture Masters for whom the Number of Votes shall be equal so many as shall be requisite to complete the said Number of Twelve Persons herein-before directed to be chosen Pasture Masters, and in like Manner shall name from amongst those Persons named as Auditors for whom the Number of Votes shall be equal the Two Persons, or, as the Case may be, the One Person, who shall be the Auditors or Auditor of the Pasture Accounts; and the Voting Papers shall be kept by the said Town Clerk at his Office during Six Calendar Months at the least after every such Election, and the said Town Clerk for the Time being shall permit any Freeman of the said Borough whose Name shall be enrolled in the Pasture Freeman's Roll to inspect the Voting Papers of any Year, on the Payment of One Shilling for every Search, and the Sum of Two Shillings and Sixpence more for every Hour during which such Inspection shall continue after the first Hour; and the presiding Officer at every such Election shall publish a List of the Names of the Persons so elected not later than Two of the Clock in the Afternoon of the Day next but one following the Day of such Election, unless such Day be *Sunday*, and then on the *Monday* following.

Result of Elections how to be declared.

Voting Papers to be kept by the Town Clerk for Six Months, and be open to Inspection.

X. And be it further enacted, That if the Mayor of the said Borough shall, at the Time when it shall be necessary to execute the Powers In case of Death, &c. of Mayor,

Council to  
appoint an  
Alderman  
to preside at  
the Election.

Powers and Duties herein-before directed to be performed by him, be dead, absent, or otherwise incapable of acting, the Council of the said Borough shall appoint some One or more of the Aldermen of the said Borough to execute such Powers and Duties in the Place of the Mayor.

Occasional  
Vacancies  
of Pasture  
Masters or  
Auditors to  
be filled up  
by Pasture  
Masters.

XI. And be it further enacted, That when and so often as any Pasture Master or Auditor to be elected by virtue of this Act shall die, or become incapable of acting, or shall resign his Office, it shall be lawful for the Pasture Masters, or the remaining Pasture Masters, as the Case may be, to appoint some other Freeman whose Name shall be entered on the Pasture Freeman's Roll to be a Pasture Master or Auditor in his Place or Stead; and every Person so appointed as last aforesaid shall hold the Office of Pasture Master or Auditor until the Time at which the Person in room of whom he was chosen would regularly have gone out of Office, and he shall then go out of Office, but shall be capable of immediate Re-election.

Provision for  
supplying  
Vacancies  
where more  
than Two  
occur at any  
One Time.

XII. Provided always, and be it further enacted, That if more than Two Vacancies shall occur at any One Time in the Office of Pasture Master, then and in such Case such Vacancies shall not be filled up by the remaining Pasture Masters, but a Special Meeting of the Pasture Freeman shall be called by the remaining Pasture Masters within the Space of One Calendar Month from the Time when the Third Vacancy occurred, and the Vacancies shall be supplied by the Election of a sufficient Number of competent Persons by the Pasture Freeman in the Manner herein-before provided for the original Election of Pasture Masters and Auditors.

Pasture  
Masters to  
elect Chair-  
man.

XIII. And be it further enacted, That the Pasture Masters present at the First Meeting of Pasture Masters which shall be holden after the first and every subsequent Day of Election shall elect out of their own Number some Person to be their Chairman, who shall continue in his Office until the next Annual Day of Election, and when and as often as the Chairman so appointed shall die, or resign, or cease to be a Pasture Master, the Pasture Masters present at the first Meeting of Pasture Masters which shall be held after such Vacancy shall happen shall elect some other of their Number to be Chairman in his Stead.

Pasture  
Masters not  
to act until  
they have  
made a  
Declaration.

XIV. And be it further enacted, That no Person elected to be a Pasture Master of the said Borough shall be capable of acting as such, except in administering the Declaration herein-after contained, until he shall have made and subscribed before any Two or more of such Pasture Masters (who are hereby respectively authorized and required to administer the same to each other) a Declaration in the Words or to the Effect following; (that is to say,)

Form of  
Declaration.

‘ I *A. B.* having by virtue of the Provisions of an Act passed in the  
‘ Year of the Reign of His Majesty King *William* the  
‘ Fourth, intituled [*here insert the Title of this Act*], been elected  
‘ one of the Pasture Masters for the said Borough of *Beverley*, do  
‘ hereby



‘ hereby declare that I take the said Office upon myself, and that I  
 ‘ will faithfully, impartially, and honestly, according to the best of my  
 ‘ Skill and Ability, execute and perform the Power and Authority  
 ‘ vested and reposed in me as a Pasture Master of the said Borough,  
 ‘ according to Equity and good Conscience, and without Favour or  
 ‘ Affection, Prejudice or Malice, to any Person whomsoever.’

XV. And be it further enacted, That the Pasture Masters for the  
 Time being shall have full Power and Authority to meet and  
 adjourn from Time to Time and from Place to Place, and also at  
 any Time to call a General Meeting of the Pasture Freemen for any  
 Purpose they may think proper, and to appoint the Time and Place  
 for holding any such Meeting.

Meetings of  
 Pasture  
 Masters.

XVI. And be it further enacted, That every Meeting of the  
 Pasture Freemen which shall be held under the Provisions of this  
 Act, whether the same shall be held in pursuance of the Directions  
 herein-before contained, or shall be specially called by the Pasture  
 Masters, shall be convened by a Notice in Writing signed by the  
 Chairman of the Pasture Masters or by any Two or more of such  
 Pasture Masters, a Copy of which Notice shall be affixed on or near  
 the outer Door of the Guildhall of the said Borough, and also to the  
 Market Cross of the same Town, for Seven Days previously to the  
 Day on which such Meeting is intended to be held, and such Notice  
 shall express the Time and Place of Meeting, and, in case of a  
 Special Meeting, the Purpose for which such Meeting is intended to  
 be held.

Notice to be  
 given of  
 Meetings  
 of Pasture  
 Freemen.

XVII. And be it further enacted, That at every such Meeting  
 any Question which shall be submitted thereto, except the Election  
 of Pasture Masters and Auditors, for whose Election special Direc-  
 tions are herein-before contained, shall be determined by Show of  
 Hands, unless a Ballot shall be demanded in Writing under the  
 Hands of any Five or more of the Pasture Freemen present, and then  
 and in such Case every Pasture Freeman shall deliver to the  
 presiding Officer at such Meeting a printed or written Paper, con-  
 taining the Substance of the Resolution or Resolutions submitted to  
 such Meeting, and a Statement whether he votes for or against the  
 same, such Paper being previously signed with the Name and Ad-  
 dress of the Pasture Freeman voting, and the presiding Officer shall  
 examine such Voting Papers, and shall declare the Result of such  
 Ballot so soon as the same shall have been ascertained; and in case  
 the Number of Votes given shall be equal, the presiding Officer shall  
 give a second or casting Vote; and such Ballot may, at the Discre-  
 tion of the presiding Officer, be taken when the same shall be de-  
 manded, or when the Meeting shall break up or adjourn, or on the  
 following Day, and shall be closed whenever all the Pasture Freemen  
 present, and not declining to vote, shall have given their Votes,  
 but in no Case shall the Ballot be kept open for more than Seven  
 Hours.

Questions at  
 Meetings of  
 the Pasture  
 Freemen  
 (except the  
 Election of  
 Pasture  
 Masters and  
 Auditors) to  
 be decided  
 by Show of  
 Hands un-  
 less Ballot  
 demanded.

XVIII. And be it further enacted, That it shall be lawful for the  
 said Pasture Masters to appoint such Person as they shall think fit  
 [Local.]

Pasture  
 Masters may  
 appoint  
 to  
 Treasurer.

His Duties.

to be their Treasurer, and to displace or remove such Treasurer for Negligence, Misconduct, or any other reasonable Cause, and to allow him such Salary as they shall think fit; and such Treasurer shall keep separate Accounts of all Monies received and paid for or on account of each Pasture; and the Receipt of such Treasurer shall be an effectual Discharge for all Monies paid to him on account or for the Purposes of the said Pasture Freemen, and shall wholly exonerate the Person paying the same from seeing to the Application thereof; and no Money shall be paid by such Treasurer except on a written Order, signed by the Chairman, or any Two Pasture Masters, and countersigned by the Clerk.

Pasture Masters may appoint Clerk and other Officers.

XIX. And be it further enacted, That the said Pasture Masters shall annually appoint a Clerk and all such other Officers for the Execution of this Act as they shall think proper, and shall and may from Time to Time suspend, displace, or remove such Clerk and Officers, or any of them, and elect or appoint others in the Room or Stead of those suspended, displaced, or removed, or who may die or relinquish their Offices, and shall and may, out of the Monies to be received by virtue of this Act, pay such Salaries, Wages, and Allowances to the said Officers and other Persons as the said Pasture Masters shall think reasonable.

Prohibiting the same Person from acting as Clerk and Treasurer.

XX. Provided always, and be it further enacted, That it shall not be lawful for the said Pasture Masters to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or any Clerk or other Person in the Service or Employment of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or any Clerk or other Person in the Service or Employment of such Treasurer or of his Partner, to be the Clerk to the said Pasture Masters for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or a Clerk or other Person in the Service or Employment of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer, or the Partner of such Treasurer, or a Clerk or other Person in the Service or Employment of such Treasurer or his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as the Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Pasture Masters other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Security to be taken

XXI. And be it further enacted, That it shall be lawful for the said Pasture Masters and they are hereby required to take good and sufficient

sufficient Security from the Treasurer to be appointed by virtue of this Act for the due Execution of his Office of Treasurer according to the true Intent and Meaning of this Act, which Security shall be to the full Amount of the Sum likely to be in the Hands of such Treasurer at any one Time, and such Security shall be given to the Pasture Masters by the Style and Title of "The Pasture Masters of the Borough of *Beverley* in the East Riding of the County of *York*," and shall remain a valid and subsisting Security notwithstanding any Change of Pasture Masters or Re-appointment of the said Officer or Officers; and may be sued upon by the Pasture Masters for the Time being, when required, by the Style and Title aforesaid; and in case any such Treasurer shall neglect or refuse or shall be unable for the Space of Fifteen Days next after his Appointment to give or offer such Security to the Satisfaction of the said Pasture Masters, then the Appointment of every such Person shall be null and void to all Intents and Purposes, and the Pasture Masters shall forthwith appoint some other fit and proper Person to the Office of Treasurer, instead of the Person or Persons so refusing or neglecting or being unable to give such Security as aforesaid, and so from Time to Time until some Person shall be found who shall be willing and able to give sufficient Security for the due Execution of his Office.

from Treas-  
urer.

XXII. And be it further enacted, That every such Treasurer, Clerk, and other Officer and Person so to be appointed shall, under his Hand, and at such Times and in such Manner as the said Pasture Masters shall direct, deliver to the said Pasture Masters, or to such Person as they shall authorize for that Purpose, a true Account in Writing of all Matters committed to his Charge by virtue of this Act, and also of all Monies which shall have been received by him by virtue or for the Purposes of this Act, and how much thereof shall have been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and also a List of the Names of all such Persons as shall not have paid the Monies due from them for the Purposes of this Act, and of the Amount due from each of them; and every such Officer shall pay all such Monies as shall remain due from him to the Treasurer for the Time being, or to such Person as the said Pasture Masters shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such Account, or the Vouchers relating to the same, or such List as aforesaid, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Pasture Masters, or to such Person as they shall authorize, within Three Days after being thereunto required by Notice in Writing under the Hands of any Three or more of the said Pasture Masters, to be given to or left at the last Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Pasture Masters, or to such other Person as aforesaid, respecting the same, then and in every such Case, upon Complaint made on behalf of the said Pasture Masters by such Person as they shall authorize for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the said Borough of *Beverley* or for the East Riding of the County of *York*, or other Jurisdiction wherein such Officer so refusing shall be or reside, such Justice is hereby

Officers to  
account.

Summary  
Remedy  
against  
Officers for  
not account-  
ing.

Remedy by  
Action.

hereby authorized and required to issue a Warrant under his Hand and Seal for bringing such Offender before any Two Justices of the Peace for such Borough, Riding, or Jurisdiction; and upon the said Officer appearing, or not being found, it shall be lawful for such Justices to hear and determine the Matter in a summary Way, and if it shall appear to such Justices that any Monies remain due from such Officer, such Justices may and they are hereby authorized and required upon Nonpayment thereof, by Warrant under their Hands and Seals, to cause such Monies to be levied by Distress and Sale of the Goods of such Officer; and if sufficient Goods shall not be found to satisfy the said Monies and the Charges of the Distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such Account, or the Vouchers relating thereto, or such List as aforesaid, or that any Books, Papers, or Writings relating to the Execution of this Act remain in the Hands or in the Custody or Power of such Officer, and that he has refused or wilfully neglected to deliver the same, or to give Satisfaction respecting the same as aforesaid, then and in every such Case such Justices shall and they are hereby required to commit such Offender to the Common Gaol or House of Correction for the Borough, Riding, or Jurisdiction where such Offender shall be, or reside, there to remain without Bail until he shall have paid such Monies as aforesaid, or shall have compounded with the said Pasture Masters for such Monies, and shall have paid such Composition, in such Manner as they shall appoint (which Composition the said Pasture Masters are hereby empowered to make and receive), or until he shall have delivered a true Account as aforesaid, together with such Vouchers and Lists as aforesaid, or until he shall have delivered up such Books, Papers, and Writings, or have given Satisfaction in respect thereof to the Pasture Masters, or to such other Person as aforesaid (as the Case may be): Provided always, that no Person so committed shall be detained in Prison for Want of sufficient Distress only for a longer Space of Time than Three Calendar Months: Provided also, that nothing in this Act contained shall prevent or abridge any Remedy by Action against any such Officer so offending as aforesaid, or against any Surety for such Offender, but such Officer shall not be sued by Action and also proceeded against in a summary Manner by virtue of this Act for the same Cause: Provided further, that it shall and may be lawful to and for such Justice of the Peace, if he think fit, before committing such Offender, to issue his Warrant to search for such Vouchers, Books, Papers, or Writings so withheld by any such Treasurer, Clerk, or Officer, or other Servant of the Pasture Masters, under which Warrant the Officers thereby authorized shall enter into and search the Dwelling House or other Premises of such Treasurer, Clerk, or other Officer or other Servant, or such other Place or Places as the Justice shall authorize to be entered or searched, and take away and deliver to the Pasture Masters any of the said Vouchers, Books, and Papers that may be there found.

For recover-  
ing Books  
from the  
Executors  
or Assignees  
of Officers.

XXIII. And be it further enacted, That in case of the Death of any such Treasurer, Clerk, Officer, or other Person so to be appointed as aforesaid, or of his becoming bankrupt or insolvent, before he shall have delivered up all Books, Papers, Writings, and other Things concerning

cerning his Office, or relating to the Execution of this Act, the Executors or Administrators of such Treasurer, Clerk, Officer, or Person, or the Assignees of his Estate and Effects, or other Person possessing the same, or in whom the same have or has been vested; shall, upon Demand, deliver up to the said Pasture Masters, or to any Person appointed by them, all such Books, Papers, Writings, and other Things; and in case of the Non-delivery thereof for the Space of Five Days next after the same shall have been demanded it shall be lawful for the said Pasture Masters to proceed in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators or Assignees, or other Persons possessing the Estate and Effects which did belong to such deceased or bankrupt or insolvent Officer or Person, for Recovery of such Books, Papers, Writings, and Things, or for the Damage for the Non-delivery thereof, together with full Costs of Suit in each Case.

XXIV. And be it further enacted, That all Acts whatsoever authorized or required by virtue of this Act to be done by the said Pasture Masters, and all Questions of Adjournment, or others that may come before the said Pasture Masters at any Meeting to be held under the Authority of this Act, may be done and decided by a Majority of the said Pasture Masters who shall be present at any Meeting held in pursuance of this Act, the whole Number present at such Meeting not being less than Five; and at all such Meetings the Chairman of the said Pasture Masters, if present, and if not some Pasture Master to be appointed by such Meeting, shall preside as Chairman, and such Chairman shall in all Cases of an Equality of Votes have a second or casting Vote; and Minutes of the Proceedings of all such Meetings shall be drawn up and fairly entered in a Book to be kept for that Purpose, and shall be signed by the Chairman or presiding Pasture Master at such Meeting, and the said Minutes shall be open to the Inspection of any Freeman of the said Borough *bonâ fide* resident within the Limits aforesaid, at all reasonable Times, on Payment of a Fee of One Shilling: Provided always, that previous to any Meeting of the Pasture Masters held by virtue of this Act a Notice of the Time and Place of such intended Meeting shall be given, Three clear Days at least before such Meeting, by fixing the said Notice on or near the outer Door of the Guildhall of the said Borough; and such Notice shall be signed by the Clerk of the said Pasture Masters; and the Chairman of the said Pasture Masters shall have Power to call a Meeting of the said Pasture Masters as often as he shall think proper, or whenever he shall be thereunto required by any Three Pasture Masters; and in case the Chairman shall refuse to call any such Meeting after a Requisition for that Purpose signed by Three of the Pasture Masters shall have been presented to him, it shall be lawful for the said Three Pasture Masters to call a Meeting of the Pasture Masters by giving such Notice as is herein-before required in that Behalf, such Notice to be in like Manner signed by the Clerk, and stating therein the Business proposed to be transacted at such Meeting; and in every Case a Summons to attend the Meeting, specifying the Business proposed to be transacted at such Meeting, signed by the Clerk to the said Pasture Masters, shall be left at the usual Place of Abode of every

Powers vested in the Pasture Masters may be exercised by a Majority at any Meeting, the Pasture Masters at such Meeting not being less than Five;

Pasture Masters to give Notice of their Meetings.

Pasture Master Three clear Days at least before such Meeting; and no Business shall be transacted at such Meeting other than is specified in the Notice: Provided always, that there shall be Four Quarterly Meetings of the said Pasture Masters in every Year, at which the said Pasture Masters shall meet for the Transaction of general Business, and no Notice shall need to be given of the Business to be transacted on such Quarterly Days; and the said Quarterly Meetings shall be holden on such Days and at such Hours as the said Pasture Masters shall think fit; and the said Pasture Masters shall at every Quarterly Meeting fix the Day and Hour on which the succeeding Quarterly Meeting shall be held.

Pasture Masters to meet quarterly.

XXV. And be it further enacted, That the said Pasture Masters shall and may sue and be sued in the Name of their Clerk for the Time being or of any one of the said Pasture Masters; and no Action or Proceeding which may be brought or instituted by or against the said Pasture Masters by virtue of or on account of this Act shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by the Death or Non-re-election to Office of such Pasture Master, or by any Act or Default of such Clerk or Pasture Master done or suffered without the Direction or Consent of the said Pasture Masters, but such Clerk or Pasture Master shall always be deemed Plaintiff or Defendant in all such Actions and Proceedings, except in Cases of Actions or Proceedings prosecuted between the said Pasture Masters and their Clerk for the Time being: Provided always, that in all Cases in which the Clerk for the Time being of the said Pasture Masters, or any Pasture Master as aforesaid, shall be Plaintiff or Defendant on the Record in any Action or Proceeding in which in effect the said Pasture Masters shall be suing or sued in the Name of such Clerk or Pasture Master as aforesaid, such Clerk or Pasture Master as aforesaid may, if not otherwise interested or objectionable, be a good and competent Witness in such Action or Proceeding either for or against the said Pasture Masters; and all Affidavits of Debt or Service which may be necessary to be made in reference to any such Action or Proceeding may be lawfully made by such Clerk or Pasture Master (as the Case may be), notwithstanding he shall be nominal Plaintiff or Defendant on the Record as aforesaid: Provided also, that every Clerk or Pasture Master as aforesaid in whose Name any Action or Proceeding may be instituted or defended, as herein-before mentioned, shall always be reimbursed out of the Monies arising by virtue of this Act, all such Costs and Expences as he shall incur or become chargeable with by reason of his being so made Plaintiff or Defendant, and shall not be personally answerable or liable for the same, unless such Action or Proceeding shall have arisen in consequence of his own wilful Neglect or Default, or have been instituted or defended without the Direction or Consent of the said Pasture Masters.

Pasture Masters may sue and be sued in the Name of their Clerk.

XXVI. And be it further enacted, That it shall be lawful for the said Pasture Masters to appoint out of their own Body, from Time to Time, such and so many Committees, either of a general or a special Nature, and consisting of such Number of Persons as they may think fit, for any Purposes which in the Discretion of such Pasture Masters would

Pasture Masters may appoint any of their Number to be Committees.

would be better regulated and managed by means of such Committees; Provided always, that the Acts of every such Committee shall be submitted to the general Body of the said Pasture Masters, for their Approval.

XXVII. And be it further enacted, That the Town Clerk of the said Borough shall, on or before the Seventeenth Day of *December* next after the passing of this Act, cause the Pasture Freeman's List herein-before directed to be made and kept by him to be fairly and truly copied into one general alphabetical List in a Book to be by him provided for that Purpose; and whenever any Freeman of the said Borough shall come to reside within the Limits aforesaid, and shall give Notice thereof in Writing to the said Town Clerk, by leaving the same at his Office or with his Clerk, and shall claim to be admitted on the same Roll, the said Town Clerk shall examine into such Claim, and if he shall find the same to be correct he shall immediately admit and enter the Name of such Freeman upon the Pasture Freeman's Roll, for which Admission and Entry such Freeman shall pay to the said Town Clerk the Sum of One Shilling and no more; and in like Manner, whenever any Person shall be hereafter admitted a Freeman of the said Borough, and shall be actually and *bonâ fide* resident within the Limits aforesaid, and shall claim to be admitted on the said Roll, the said Town Clerk shall, upon his producing to him his Burgess Oath, and such other Evidence as he may require of his being a Freeman of the said Borough, and actually and *bonâ fide* resident within the Limits aforesaid, examine into such Claim, and upon the same being established shall immediately admit and enter his Name upon the Pasture Freeman's Roll, for which Admission and Enrolment such Freeman shall pay to the said Town Clerk the Sum of One Shilling and no more; and whenever any Freeman whose Name shall have been inserted on the said Roll shall die, or cease to be actually and *bonâ fide* resident within the Limits aforesaid, the said Town Clerk shall, upon such Evidence thereof as he shall think fit to require, expunge from the said Pasture Freeman's Roll the Name of the Freeman who shall so die or cease to be actually and *bonâ fide* resident within the Limits aforesaid; and the Town Clerk for the Time being shall cause such Book to be completed and made correct on or before the Twenty-first Day of *February* in every Year, and shall deliver such Book, at the Expiration of his Office, to the Person succeeding him in such Office; and such Book shall be the Pasture Freeman's Roll of the Pasture Freeman of the said Borough entitled to depasture Cattle in the said Common Pastures, and entitled to vote, after the first Election of Pasture Masters under this Act, in the Choice of Pasture Masters of the said Borough as herein-before is mentioned at any Election which may take place between the First Day of *March* inclusive in the Year wherein such Pasture Freeman's Roll shall have been made or completed and the First Day of *March* in the succeeding Year: Provided that no Stamp Duty shall be payable in respect of the Admission, Registry, or Enrolment of any Freeman on the Pasture Freeman's Roll under the Provisions of this Act.

The Town Clerk to make the Pasture Freeman's Roll;

and may insert Names therein, or expunge Names therefrom.

XXVIII. Pro-

Right of  
Appeal.

XXVIII. Provided always, and be it further enacted, That every Order, Judgment, or Determination of the said Town Clerk in reference to the said Pasture Freeman's Roll shall be subject to Appeal in manner herein-after mentioned.

Town Clerk  
to deliver  
Copies of  
Freemen's  
Rolls.

XXIX. And be it further enacted, That the said Town Clerk shall deliver Copies of the Pasture Freeman's Roll to all Persons applying for the same, on Payment of a reasonable Price for each Copy.

Persons  
whose  
Names have  
been omitted  
or expunged  
from the Roll  
claiming to  
have their  
Names in-  
serted there-  
in or restored  
thereto to  
give Notice  
before 1st  
February.

XXX. And be it further enacted, That every Person whose Name shall have been omitted or expunged from the said Pasture Freeman's Roll, and who shall claim to have his Name registered thereon or restored thereto, shall, on or before the First Day of *February* in every Year, give Notice thereof in Writing to the said Town Clerk, by leaving the same at his Office or with his Clerk; and every Person whose Name shall have been registered in the said Roll may object to any other Person as not being entitled to have his Name retained therein, on the Ground that the Person so objected to is not actually and *bonâ fide* resident within the said Limits, or on any other Ground whatever; and every Person so objecting shall on or before the said First Day of *February* give Notice thereof in Writing to the said Town Clerk, by leaving the same at his Office or with his Clerk, and also to the Person objected to, either personally or by leaving the same at his usual Place of Residence; and the said Town Clerk shall immediately take such Claim or Objection into consideration, and shall examine into the Correctness thereof, and if such Claim shall be proved to his Satisfaction he shall insert in such Roll or restore thereto the Name of such Claimant, and if such Objection shall in his Opinion be substantiated he shall expunge from such Roll the Name of the Person objected to.

Widows  
Roll.

XXXI. And whereas the Widows of Freeman of the said Borough of *Beverley*, during their Widowhood, and so long as they are resident within the Limits of the said Borough as defined previously to the passing of the said Act of the Second and Third Years of the Reign of His present Majesty, are or claim to be entitled to the Privilege of stocking the said Common Pastures in the same Manner and to the same Extent as their Husbands might have done if resident within the Limits aforesaid: And whereas it is expedient that such Privilege should be preserved to such Widows, but that the Persons entitled to exercise the same should be accurately ascertained; be it therefore further enacted, That the said Town Clerk shall, on or before the Seventeenth Day of *December* next after the passing of this Act, make out a List or Roll, to be called "The Widows Roll," of all such Widows of Freeman of the said Borough as shall be actually and *bonâ fide* resident within the Limits aforesaid, and shall, by Notice in Writing left at the Office of the said Town Clerk or with his Clerk, claim to be entitled to the Privilege of stocking the said Common Pastures or any of them, and shall in the Opinion of the said Town Clerk be legally entitled thereto; and the said Town Clerk shall from Time to Time enter upon such Roll the Names of such Widows as shall become entitled to stock the said Common Pastures or any of them, and shall in the Manner herein-before directed claim to have their



their Names inserted in the said Roll; and the said Town Clerk shall in like Manner expunge from the said Roll the Names of all such Widows as shall from any Cause whatever cease to be entitled to the said Privilege, so that such Roll may at all Times shew the Names of the Widows entitled to stock the said Common Pastures; and every Widow whose Name shall be inserted in the said Roll shall, so long as her Name shall be continued therein, have and be entitled to and shall and may exercise and enjoy the same Rights and Privileges of stocking the said Common Pastures or any of them; and all other Rights and Privileges whatever, except that of voting in the Election of Pasture Masters and Auditors, and shall be subject to and be bound by the same Bye Laws, Penalties, Restrictions, and Conditions, and Right of Objection and Appeal, and shall be subject to the same Liability of having her Right of stocking suspended, and to the Payment of the same Admission and Enrolment Fees and Head Money, and other Sum and Sums of Money, as any Freeman of the said Borough whose Name for the Time being shall appear on the Freeman's Roll shall be subject or liable.

XXXII. And be it further enacted, That it shall be lawful for the said Pasture Masters from Time to Time to make such Rules and Regulations as they shall think fit for the fencing, draining, and Improvement of the said Common Pastures, and to fix the Time when the same shall be broken or depastured, and when the same shall be shut up and closed, and at any Time to postpone the opening or shutting thereof, and to order and direct in what Manner the same shall be used and stocked, and to limit and settle the Number of Horses and Cattle which each Pasture Freeman shall be entitled to turn into the said Common Pastures, and from Time to Time to alter and change the Custom and Manner of feeding or depasturing such Common Pastures, and to permit any Person entitled to stock such Common Pastures or any of them to stock the same with Sheep instead of Horses, Cows, or other Cattle, and to limit and settle the Number of Sheep which each such Person may turn thereon, and from Time to Time to fix and determine into which of such Common Pastures such Sheep or Cattle may be turned, and to ascertain and fix the Amount of Head Money which every Person entitled to stock such Common Pastures or any of them shall pay to the Treasurer of the said Pasture Masters before he shall be permitted to turn any Stock thereon, and the Time and Manner in which the same shall be payable, and to appoint Field Reeves, Neat Herds, and other sufficient and proper Persons to superintend the fencing, draining, and improving the said Common Pastures, and the stocking thereof, and to enforce the Rules, Orders, and Regulations which shall from Time to Time be made by the said Pasture Masters for the Purposes aforesaid; and to allow such Field Reeves and Neat Herds such Salaries and Wages and other Emoluments as such Pasture Masters shall think fit.

Pasture  
Masters  
Powers.

XXXIII. And be it further enacted, That it shall be lawful for the said Pasture Masters from Time to Time, in case they shall so think fit, but not otherwise, to authorize and empower any Pasture Freeman, and any Widow whose Name shall for the Time being be inserted

Pasture  
Masters may  
authorize  
Parties on  
the Roll or  
entitled to

[Local.]

27 C

inserted

Horse or  
Cattle  
Gates to sell  
and dispose  
of their  
Rights;

inserted on the Widows Roll, and any Person who shall be entitled to any Horse or Cattle Gate in the said Common Pastures or any of them, to sell and dispose of his or her Right to stock such Common Pastures, or, as the Case may be, his Right to such Horse or Cattle Gate, to any other Person being a Pasture Freeman, under such Restrictions as the said Pasture Masters shall think proper to impose; and the Person to whom such Right to stock or such Horse or Cattle Gate shall be sold and disposed of shall for the Remainder of the Season, if such Sale or Disposition shall be made after the Commencement of the Season, and if not then during the next ensuing Season, but no longer, unless a fresh Sale or Disposition shall be made to him thereof, be entitled to the same Rights and Privileges with respect to turning Stock into the said Common Pastures or any of them as the Person by whom such Sale or Disposition shall be made; and such Rights and Privileges shall be in addition to any Rights or Privileges which he may have already possessed in his own Right as a Pasture Freeman.

may make  
Bye Laws  
for the  
Regulation  
of the  
Pastures.

XXXIV. And be it further enacted, That it shall be lawful for the said Pasture Masters from Time to Time to make such Bye Laws, Rules, and Orders as they shall think right and proper, for the Management of the said Common Pastures, and for increasing, reducing, or limiting the Number of Horses, Cattle, and Sheep which may be depastured in each of such Common Pastures, and for determining into which of such Common Pastures such Horses, Cattle, and Sheep may be turned by the Persons entitled to stock the same, and for fixing the Amount, and Time and Manner of paying the Head Money and other Monies payable by the Persons entitled to stock such Pastures or any of them, and for regulating the several Horse and Cattle Gates, Right of Stray for Pigs, and other Rights and Privileges for the Time being existing in the said Common Pastures, and for preventing the Abuse thereof, and for the good Government of the Members, Officers, and Servants of the said Pasture Masters, and for regulating and conducting the Proceedings of the General Meetings which may be held under the Authority of this Act, and the Mode of voting thereat, and the more effectually carrying the Purposes of this Act into execution in all respects whatever, as they the said Pasture Masters may think proper, and from Time to Time to alter and repeal such Bye Laws, Rules, and Orders, or any of them, and to make others, and to impose, inflict, and enforce such reasonable Fines and Forfeitures upon all Persons offending against the same, not exceeding Five Pounds for any Offence, as to them shall seem meet, such Fines and Forfeitures to be levied and recovered as other Penalties and Forfeitures may by this Act be levied and recovered; which said Bye Laws, Rules, and Orders, being reduced into Writing, and signed by any Five or more of the said Pasture Masters, shall be printed and published, and so many and such Part thereof as shall impose any Fine or Penalty on any Person using or employed in the said Common Pastures or any of them shall be painted on Boards, and affixed and continued in some conspicuous Part of each of the said Common Pastures, near the Entrance thereof; which Boards shall from Time to Time be renewed as often as the same or any of them, or any Part thereof respectively, shall be defaced, obliterated,  
or

or destroyed; and such Bye Laws, Rules, and Orders shall be binding upon and be observed by all Persons, and shall be sufficient in all Courts of Law or Equity, to justify all Persons who shall act under the same; provided that such Bye Laws, Rules, or Orders be not repugnant to the Law of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any of the Provisions in this Act contained; and all such Bye Laws, Rules, and Orders shall be subject to Appeal in manner herein-after mentioned.

XXXV. Provided always, and be it further enacted, That it shall be lawful for the said Pasture Masters, if they shall think it expedient so to do, to provide by such Bye Laws that any Pasture Freeman who shall offend against the same or any of them shall be suspended or prohibited from exercising his Right or Privilege of stocking the same for a Time to be limited; and when and as often as any Pasture Freeman shall have been convicted of any Offence for which he shall be subject or liable to be prohibited from the Exercise of such Right or Privilege, such Pasture Freeman shall during the Time to be so limited be deprived of all Right and Privilege of stocking the said Common Pastures or any of them.

Punishment  
for Offences  
against the  
Bye Laws.

XXXVI. And be it further enacted, That it shall be lawful for the said Pasture Masters to keep the several Boundary Hedges, Ditches, Mounds, and Fences of the said Common Pastures, and the several Gates, Stiles, and other Entrances, in good, complete, and substantial Repair, and from Time to Time to renew such Hedges, Ditches, Mounds, Fences, Gates, and Stiles when and as often as the same may be necessary; and also to set out, appoint, and make such common Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Holdstocks, Banks, and Bridges, of such Size, Extent, and Form, and in such Places and Situations, as the said Pasture Masters shall think necessary or convenient, in, through, over, and upon the said Common Pastures or any of them, or any Part thereof respectively; and also to enlarge, widen, turn, scour, cleanse, or alter the Course of and improve any of the existing Drains, Ditches, Streams, or Watercourses, Holdstocks, Banks, or Bridges, in, through, over, or upon the said Common Pastures or any of them, or any Part thereof respectively, as the said Pasture Masters shall deem necessary; and to cause such Number of Wells, Pipes, and Pumps to be dug, sunk, laid down, or set up as they shall think expedient; and also to cause to be made, set up, and erected, in such Parts of the said Common Pastures as they shall think fit, such and so many Benches and Seats for the Accommodation of the Public as they shall think proper, and to cause such Benches and Seats to be from Time to Time repaired and painted when and as often as Occasion or Need shall be or require.

Pasture  
Masters  
to keep  
Boundary  
Fences in  
repair,  
make Drains,  
and set up  
Benches;

XXXVII. And be it further enacted, That the said Pasture Masters shall and they are hereby required, as soon as conveniently may be after the passing of this Act, to set out and make One or more Road or Roads to lead from a certain public Road called the *Walkington Road*, over and upon the said Pastures, to certain Mills situate upon such Pastures, for the Convenience and Use of the Owners of and other Persons passing to or from such Mills with Carts

and to make  
Roads to  
Mills.

or

Persons going to or from Mills to use the same, on Penalty.

or other Carriages; and from and after the Formation and Completion of such Road or Roads, in case the Owner or Owners of or any Person passing to or from such Mills shall deviate from such Roads, and pass with any Cart or other Carriage over any Part of the Herbage of the said Pastures, every such Owner and Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Pasture Masters may impound Cattle improperly depastured, and sell the same;

XXXVIII. And be it further enacted, That it shall be lawful for the said Pasture Masters, or any Person authorized by them, to seize, take, and impound any Horse, Ass, or other Beast, Swine, Sheep, or Cattle, and Geese whatsoever, which shall be depastured or attempted to be depastured upon the said Common Pastures or any of them, or any Part thereof respectively, by any Person whatever who shall not be entitled to stock or depasture the same, and also any Horse, Ass, or other Beast, Swine, Sheep, or Cattle, and Geese whatever, which shall be depastured or attempted to be depastured on the said Common Pastures or any of them, by any Person entitled to stock or depasture the same, exceeding the Number allowed by the said Pasture Masters, or which shall be depastured or attempted to be depastured therein by any Person after he shall have in the Manner by this Act directed parted with or disposed of his Right to stock or depasture the same to any other Person, and the same in Pound to retain and keep until the Owner thereof shall have paid such Penalty as shall have been imposed for such Offence by the Bye Laws herein-before authorized to be made, over and besides the reasonable Charges and Expences of impounding and keeping the same; and in case the said Penalties, Charges, and Expences shall not be paid within Three Days next after such impounding as aforesaid, it shall be lawful for the said Pasture Masters, or such Person as they shall appoint, on giving Twelve Hours previous public Notice of the intended Sale by the public Crier of the said Town, to sell or cause the same to be sold; and the Money arising from such Sale, after deducting the said Penalties, Costs, Charges, and Expences, and also the Expences of Sale, shall be paid to the Owner of the Beast or Thing impounded, so sold, upon Demand; and in case any Person shall release or attempt to release any Horse, Ass, Beast, Swine, Sheep, Cattle, or Geese which shall be so seized or taken for the Purpose of being impounded from the Pound or Place where the same shall be so impounded, or shall break or open such Pound or Place, or any Fastening with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress which shall be made before the same shall be impounded, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

may purchase Cattle Gates and Rights of Stray.

XXXIX. And be it further enacted, That it shall be lawful for the Pasture Masters for the Time being of the said Borough and they are hereby authorized and empowered from Time to Time to treat, contract, and agree with, and to employ any Person to treat, contract, and agree with, the Mayor, Aldermen, and Burgesses of the said Borough, and with the several other Persons who may be possessed of or entitled to Horse and Cattle Gates, Rights of Stray for Pigs, and other Rights and Privileges in the said Common Pastures or any of them, or any Part thereof respectively, and who shall be willing to sell the

the same, for the Purchase, Abandonment, or Relinquishment of such Horse and Cattle Gates, Rights of Stray, and other Rights and Privileges, or any of them; and to pay such Sum or Sums of Money for the Purchase of such Horse and Cattle Gates, Rights of Stray, and other Rights and Privileges, as shall be agreed upon between the Corporation or Persons respectively entitled thereto and the said Pasture Masters; and upon Payment of such Purchase Money to the Corporation or Person entitled thereto, upon the Execution of a Conveyance of such Horse or Cattle Gates, Rights of Stray, or other Rights and Privileges, to the said Pasture Masters, such Horse and Cattle Gates or Rights of Stray, and other Rights and Privileges as aforesaid, shall be extinguished, and thereupon and for ever thenceforth the said Common Pastures shall be exonerated and discharged from all Claims and Demands of any Corporation or Person entitled to such Horse and Cattle Gates or Rights of Stray, or any of them.

XL. And whereas the said Pasture Masters are empowered to purchase the Right of Stray for Pigs heretofore exercised by the Inhabitants of the Parish of *Bishop Burton* on that Part of *Westwood* Pasture called *Burton Hill*; but inasmuch as such Right of Stray is possessed or claimed to be possessed by the Inhabitants of the said Parish generally there is not any Mode by which an effectual Conveyance or Relinquishment thereof can be made; be it therefore further enacted, That the Compensation to be paid by the said Pasture Masters for the Relinquishment and Extinguishment of such Right of Stray shall be such Sum as shall be agreed upon between the said Pasture Masters and the Churchwardens and Overseers for the Time being of such Parish; and such Compensation Money shall be paid by the said Pasture Masters to the Churchwardens and Overseers for the Time being of the said Parish of *Bishop Burton*; and shall be by such Churchwardens and Overseers applied for such general or public Purposes within the said Parish as a Vestry thereof, to be convened by such Churchwardens and Overseers for that Purpose; shall direct; and such Right of Stray shall be thereupon conveyed or released by such Churchwardens and Overseers to the said Pasture Masters; and such Conveyance or Release shall be valid and effectual for the Purpose of divesting all the Inhabitants of the said Parish of *Bishop Burton*, and other Persons claiming to be entitled thereto, of such Right of Stray; and the same shall thereupon cease and be extinguished, and the same Common Pastures shall be exonerated and discharged therefrom.

Churchwardens and Overseers of the Parish of *Bishop Burton* may receive Compensation for the Right of Stray for Pigs.

XLI. And be it further enacted, That it shall be lawful for the said Pasture Masters from Time to Time, by Writing under the Hands of any Three of such Pasture Masters, to enter into any Contract for the Performance of any of the Works by this Act authorized to be done, or for the Supply of any Materials, Implements, Labour, or other necessary Matters or Things for the Purposes of this Act: Provided always, that every such Contract shall specify the several Works to be done, and the Materials to be supplied, and the Prices to be paid for the same, and the Periods within which such Works are to be completed and such Materials supplied, and the Penalties (if any) to be suffered in case of Nonperformance thereof; and every such

Pasture Masters may contract for any of the Works hereby authorized.

Contract shall be also signed by the Person contracting with the said Pasture Masters, and Copies of all such Contracts shall be entered in a Book to be kept for that Purpose by the Clerk to the said Pasture Masters; and the said Pasture Masters so contracting shall, if they see fit, take Security from every such Contractor for the due Performance of his Contract; and in case the same shall not be duly performed according to the true Intent and Meaning of such Contract the said Pasture Masters shall and may bring an Action at Law or Suit in Equity against the Party so neglecting to perform such Contract, for any Injury sustained on account of the Nonperformance thereof; and upon the proving the signing of the said Contract, and the Nonperformance thereof, the said Pasture Masters shall recover such Penalty or Damages as may be awarded, with full Costs of Suit.

Pasture Masters may compound for Breaches of Contract.

XLII. Provided always, and be it further enacted, That it shall be lawful for the said Pasture Masters to compound and agree with any Person and Party who shall have entered into any Contract with the said Pasture Masters, and shall not have performed the same, or with the Surety of any such Person, for any Penalty contained in any such Contract, or in any Bond or other Security for the Performance thereof, for such Sum of Money or other Recompence as the said Pasture Masters shall think proper.

Pasture Masters exempt from personal Responsibility.

XLIII. And be it further enacted, That nothing in this Act, or in any Contract or other Instrument hereby authorized to be entered into or made by the said Pasture Masters, shall extend to charge the Person of any of the Pasture Masters executing such Contract or other Instrument, or the Heirs, Executors, Administrators, or the Lands, Tenements, Goods, or Chattels of such Pasture Masters, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in any such Contract or other Instrument contained on the Part of such Pasture Masters; but the Amount of all Costs, Charges, Damages, and Expences which shall or may be recovered in any Suit at Law or in Equity against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such Contract or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Pasture Masters shall pay or be put to, or which shall be occasioned by reason of any such Contract, Agreement, or other Instrument, or any Action or Suit to be brought or prosecuted thereupon, shall respectively be paid and discharged by and out of the Monies to be raised by virtue of this Act.

Power to borrow Money.

XLIV. And be it further enacted, That it shall be lawful for the said Pasture Masters, and they are hereby empowered, from Time to Time to borrow any Sum or Sums of Money, not exceeding in the whole the Sum of Two thousand Pounds, which they shall think necessary for the Purposes of this Act, and by Writing under their Hands and Seals, or under the Hands and Seals of any Three or more of them, to mortgage, assign, and charge the Head Monies and other Monies arising by virtue of this Act, the Costs and Charges of assigning the same to be paid out of such Head Monies or other Monies, as a Security for the Repayment of such Sum or Sums of Money

Money as may be so borrowed, with Interest, to or for the Benefit of the Person or his Trustee who shall advance the same, and such Head Monies and other Monies aforesaid shall vest in the respective Holders of any Mortgages or Assignments made under or by virtue of this Act; and the said Creditors, their Executors, Administrators, and Assigns respectively, shall, upon Default in Payment of such their Principal Money and Interest, and until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Nonpayment thereof, have the same Powers and Authorities for the Recovery of such Head Monies and other Monies as are by this Act given to the said Pasture Masters; and every such Mortgage, Assignment, or Charge shall be by Deed duly stamped, and may be in the Words or to the Effect following, with such Variations therein as the Circumstances of the Case may render necessary; (that is to say,)

Number  
 BY virtue of an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], we, being of the Pasture Masters acting in the Execution of the said Act, in consideration of the Sum of advanced and lent by *A. B.* of upon the Credit and for the Purposes of the said Act, do assign unto the said *A. B.*, his Executors, Administrators, and Assigns, all and singular the Head Monies and other Monies arising by virtue of the said Act, and all our Estate, Right, Title, and Interest of, in, and to the same, to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of *per Centum per Annum*, shall be repaid and satisfied. In witness whereof we have hereunto set our Hands and Seals this Day of in the Year of our Lord

Form of Mortgage.

XLV. And be it further enacted, That it shall be lawful for any Person to whom any such Mortgage shall have been so made as aforesaid, or who shall be entitled to the Money thereby secured, his Executors, Administrators, and Assigns, as the Case may be, at any Time, and from Time to Time, to assign or transfer the Security, or Principal or other Money and Interest thereby secured, granted, or made payable, and all Benefit and Advantage thereof, and all his Right, Title, and Interest in and to the same, unto any other Person, who may again in like Manner assign the same, and so *toties quoties*; and such Assignee, his Executors and Administrators, and all Persons claiming under him, shall be and are hereby invested with the same Powers, Authorities, and Privileges as the original Mortgagee is invested with by virtue of this Act; and every such Assignment or Transfer shall be by Deed duly stamped (wherein the Consideration shall be truly stated), and may be in the Form or to the Effect following; (that is to say,)

Mortgages may be transferred.

I *A. B.* in consideration of the Sum of to me paid by *C. D.*, do hereby transfer a certain Mortgage or Assignment, under the Hands and Seals of of the Pasture Masters acting in

Form of Transfer of Mortgage.

in the Execution of an Act passed in the Year of  
 the Reign of His Majesty King *William* the Fourth, intituled  
 [here set forth the Title of this Act], bearing Date the  
 Day of and numbered for securing the Sum of  
 and Interest, and all my Right, Estate, and Interest  
 in and to the Money thereby secured, and to the Head Monies and  
 other Monies thereby assigned, to hold the same unto the said  
 C. D., his Executors, Administrators, and Assigns. Dated this  
 Day of

Power to  
 borrow  
 Money at a  
 lower Rate  
 of Interest.

XLVI. Provided always, and be it further enacted, That in case  
 the said Pasture Masters can at any Time borrow or take up any Sum  
 or Sums of Money at a lower Rate of Interest than the Mortgages,  
 Assignments, or Securities which shall be then in force shall bear, it  
 shall be lawful for the said Pasture Masters from Time to Time, in  
 manner aforesaid, to charge the aforesaid Head Monies and other  
 Monies respectively mortgaged and assigned with such Sum or Sums  
 of Money respectively as they shall think proper, and the Interest  
 thereof at such lower Rate as aforesaid, and to pay off and discharge  
 the Mortgages, Assignments, or Securities bearing a higher Rate of  
 Interest.

No prefer-  
 ence in  
 Payment of  
 Mortgages.

XLVII. And be it further enacted, That no Preference shall be  
 given to any Person, or to any Assignee of any Person, who may ad-  
 vance any Money under the Authority of this Act, by reason of the  
 Priority of Date of any Mortgage or Assignment or other Security  
 for the same, but such Persons respectively, and their respective As-  
 signs, shall be respectively entitled to their respective Quotas of the  
 said Head Monies and other Monies in proportion to the annual  
 Amount of the Interest of the Monies borrowed on Mortgage, with-  
 out any Preference.

Monies  
 borrowed to  
 be paid off  
 within  
 Fourteen  
 Years.

XLVIII. Provided always, and be it further enacted, That the  
 Monies to be borrowed under the Provisions of this Act shall be  
 paid off and discharged within Fourteen Years from the Time when  
 the same were originally borrowed, so that the Head Monies and  
 other Monies chargeable therewith may within the said Space of  
 Fourteen Years be released and discharged from all Securities which  
 shall have been given for the Discharge thereof; and the said Pasture  
 Masters shall make Provision accordingly for the Payment of such  
 Monies within the Time aforesaid, and in order thereto they shall  
 and they are hereby authorized and required to levy and raise, yearly  
 and every Year, by way of Head Money, over and above and in ad-  
 dition to the Sum which may be necessary to be raised for the ordi-  
 nary Purposes of this Act, such a Sum as shall be sufficient to satisfy  
 the Interest of the Monies so borrowed, and such further Sum, as  
 shall insure the Payment of the whole Sum borrowed within Fourteen  
 Years from the Time of borrowing the same; and such Sum shall  
 be applied, under the Directions of the Pasture Masters, in discharge  
 of the Interest, and of so many of the Principal Sums on the said Se-  
 curities as such Money will extend to discharge in each Year until  
 the whole of the Money for which such Securities shall be made, and  
 the



the Interest thereof, shall be fully paid and discharged; and the said Pasture Masters are hereby required to fix One or more Days in each Year on which such Payment shall be made, and shall make Orders for the Payment of the Head Monies in due Time, so as to provide for the regular Payment thereof; and they are hereby required to cause an exact and regular Account to be kept in a Book or Books, separate and apart from the other Accounts, of all Receipts and Payments on account of the said Securities, and the same to adjust and settle in such Manner that it may be easily seen what Interest is growing due, and what Principal Money has been discharged, and what remains due; and such Books or Accounts shall at all Times be open to the Inspection of every Freeman whose Name for the Time being shall be upon the Pasture Freeman's Roll, without Fee or Reward.

XLIX. And be it further enacted, That all Monies to be raised and received by the said Pasture Masters by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto, and the Remainder of such Money shall be applied in improving the said Common Pastures, the Payment of Salaries, Wages, and Allowances to Officers, Servants, and Workmen, and in otherwise carrying this Act into execution. Application of Monies.

L. And be it further enacted, That if any Person shall lend or advance any Sum or Sums of Money for defraying the Expences of obtaining and passing this Act, or for carrying the same into execution, every such Person shall be repaid the same, with Interest, after the Rate of Five Pounds *per Centum per Annum*, out of the first Monies which shall be raised or come to the Hands of the said Pasture Masters by virtue of this Act. Money advanced to be repaid with Interest.

LI. And be it further enacted, That the Accounts of the Receipts and Disbursements of the said Pasture Masters shall once at least in every Year be submitted to the Auditors herein-before provided to be elected, for the Purpose of being audited and examined; and the said Auditors shall, with the Assistance of the Treasurer and Clerk of the said Pasture Masters, inspect and examine all the Books, Papers, Receipts, and Vouchers which they shall think necessary, and if the said Accounts shall be found to be correct the Auditors shall sign the same; and after such Accounts shall have been so audited and examined the Treasurer shall make out in Writing a full Abstract of such Accounts for the Year, and the same shall be open to the Inspection of every Pasture Freeman, who shall be entitled to a Copy thereof on Payment of a reasonable Price for such Copy. Accounts to be audited.

LII. And be it further enacted, That until Pasture Masters shall be elected under the Authority of this Act the several Persons who have been so elected or appointed Pasture Masters as herein-before is mentioned, and who are now acting as Pasture Masters, shall continue to act as such, and shall be entitled to have, exercise, and enjoy all the Rights, Powers, Privileges, and Authorities which they might Until Pasture Masters are elected under this Act the Persons now acting as such to have

[Local.]

the Manage-  
ment of the  
Pastures,  
and to be  
indemnified.

have exercised and enjoyed in case this Act had not been passed, and they shall be and they are hereby indemnified from and against all that they may lawfully do or cause to be done under or by virtue of any such Right, Power, Privilege, or Authority; and the Pasture Masters appointed by the said Mayor, Aldermen, and Burgesses shall be and they are hereby indemnified from and against any Liability which they may have incurred by having paid over the Balance in their Hands of the Monies received and paid on account of the said Common Pastures to the Pasture Masters so elected and appointed as aforesaid, and shall not be answerable or accountable for the Application or Misapplication thereof.

The Ap-  
pointment  
and other  
Matters  
of Form to  
stand ad-  
mitted in  
Evidence,  
unless No-  
tice be  
given to  
produce  
them.

LIII. And be it further enacted, That in any Action or Suit to be brought by or against the Pasture Masters for the Time being, or any of the Persons acting in the Execution of this Act, for any Cause, Matter, or Thing arising out of this Act, the Election of the Pasture Masters or other Officers or Persons appointed or to be appointed by the said Pasture Masters under the Authority of this Act, and the Books of Entries of the said Pasture Masters, shall, upon the Trial of any such Action or Suit, stand admitted in Evidence, unless the other Party shall, if Defendant, at or before the Time of pleading, or if Plaintiff before Issue joined in such Action or Suit, give Notice in Writing to the Plaintiff or Defendant, or to the Attorney of the Plaintiff or Defendant, that he intends to dispute such Election or Appointment, or any Entry or Proceeding, or such of them as shall be particularly specified in the said Notice so hereby required to be given as aforesaid; and where in any such Action or Suit any such Notice shall have been given, if the Plaintiff or Defendant (as the Case may be) shall at the Trial prove the Matters required to be proved in and by such Notice, or any of them, or if the other Party shall at the Trial admit the same, the Judge before whom the Cause shall be heard shall, if he shall see fit, grant a Certificate that such Proof or Admission was made upon such Trial, and the Plaintiff or Defendant (as the Case may be) to whom or to whose Attorney such Notice shall have been given as aforesaid shall be entitled to the full Costs of Suit to be occasioned by such Notice, such Costs to be taxed by the proper Officer of the Court in which the Action or Suit shall be tried as aforesaid; and such Costs shall (in case such Plaintiff or Defendant, as the Case may be, to whom or to whose Attorney such Notice shall have been given as aforesaid, shall obtain a Verdict) be added to his Costs; and if the other Party shall obtain a Verdict, then such Costs shall be deducted from the Costs which the Party giving such Notice as aforesaid would be otherwise entitled to receive from the Person to whom or to whose Attorney such Notice shall have been given as aforesaid; and in case the Costs occasioned as aforesaid shall exceed the Costs which the Party giving such Notice would otherwise have been entitled to receive, the Person to whom or to whose Attorney such Notice shall have been given as aforesaid shall be entitled to recover the Difference of the said Costs in like Manner as if Costs had been awarded to such last-mentioned Person.

Declaring  
what shall be  
good Service

LIV. And be it further enacted, That in all Cases in which it may be necessary for any Corporation or Person to serve any Summons or Demand,

Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Pasture Masters, personal Service thereof upon any One of the said Pasture Masters, or delivering the same to some Inmate of his last or usual Place of Abode, or upon the Clerk or Treasurer of the said Pasture Masters, or leaving the same at the Office of such Clerk or Treasurer, or delivering the same to some Inmate of his last or usual Place of Abode, or leaving a Copy thereof at the Office of the said Pasture Masters, or in case the same respectively shall not be found or known then Service upon any other Agent or Officer employed by the said Pasture Masters, or delivering the same to some Inmate of his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Pasture Masters.

of Notice on the Pasture Masters.

LV. And be it further enacted, That in all Cases in which it may be necessary for the said Pasture Masters to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, or otherwise, upon any Corporation or any Person whomsoever, under the Provisions or Directions contained in this Act, personal Service thereof respectively upon some Member or upon the Clerk or other Officer of such Corporation, or upon such Person, or delivering the same to some Inmate of the last or usual known Place of Abode of such Person, or leaving the same at the Office of such Clerk or Officer, shall be deemed good and sufficient Service of the same respectively upon such Corporation or Person, as the Case may be, except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Pasture Masters, may be signed by the Clerk or Treasurer of the said Pasture Masters, or by any One of the said Pasture Masters, and may be in Writing or in Print, or partly in Writing and partly in Print.

Declaring what shall be good Service of Notice by the Pasture Masters.

LVI. And be it further enacted, That if any Person shall wilfully or maliciously deface, injure, cut, pull down, or break any Bank, Seat, or Bench within the said Common Pastures or any of them, or pull down, injure, break, deface, destroy, or damage any Hedge, Fence, Post, Railing, Palisado, Wall, Sluice, Drain, Holdstock, Tunnel, Staunch, Stopgate, or any other of the Works erected or made for the improving, fencing, draining, or preserving the said Common Pastures, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also make Satisfaction for the Injury by him done as aforesaid.

Persons destroying Works subject to a Penalty.

LVII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by or in pursuance of this Act, the Manner of levying and recovering whereof is not herein otherwise particularly directed, may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any Justice of the Peace for the County, Riding, Borough, Town, or Place wherein the Offence shall be committed, on Complaint to him for that Purpose made upon the Oath of any Person, or on the Confession of the Party offending; and in default of the Payment of such Penalties and Forfeitures the same shall be levied by Distress and Sale of the Goods

Recovery and Application of Penalties.

Goods and Chattels of the Offender, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), after discharging such Penalty or Forfeiture, and the reasonable Costs and Charges of such Distress and Sale, on Demand, to the Party whose Goods and Chattels shall be so distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid, One Moiety to the Informer, and the Remainder to the Treasurer of the said Pasture Masters, for the Use and Benefit of the said Pasture Masters, to be applied by them to the general Purposes of this Act; provided always, that if such Penalties or Forfeitures shall be incurred by the said Pasture Masters, the same shall be paid, One Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Parish, Township, or Place within which the Offence shall have been committed, to be applied by such Overseers for the Benefit of the Poor of such Parish, Township, or Place; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justice and he is hereby required to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance before such Justice, or before some other Justice of the Peace having Jurisdiction in the Premises, at such Time as shall be appointed for the Return of such Warrant of Distress, such Time not being more than Eight Days from the taking of such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalties or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, but he is hereby required, by Warrant under his Hand and Seal, to commit the Offender to some Common Gaol or House of Correction for the County, Riding, City, Borough, Town, or Place within his Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained as aforesaid, shall be sooner paid and satisfied.

Justices may proceed by Summons for the Recovery of Penalties.

LVIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace it shall be lawful for such Justice before whom Complaint shall be made of any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing shall be as good, valid, and effectual to

to all Intents and Purposes as if an Information in Writing had been exhibited.

LIX. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath and to give Evidence before such Justice, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Compelling  
Witnesses  
to attend.

LX. And be it further enacted, That no Person whomsoever shall be disqualified from being a competent Witness or from being admitted to give Evidence in any Action, Information, Prosecution, Appeal, Cause, or Proceeding whatsoever authorized by or relating to the Execution of this Act, by reason of his being one of the Pasture Masters for the Time being of the said Borough, or of holding any Office or Employment under the said Pasture Masters, or being a Pasture Freeman.

Officers, &c.  
not to be  
incompetent  
Witnesses.

LXI. And be it further enacted, That no Proceeding to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or by any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Proceedings  
not to be  
quashed for  
Want of  
Form, &c.

LXII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards done by the Party so distraining, but the Person aggrieved by any such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not  
to be  
deemed un-  
lawful for  
Want of  
Form.

LXIII. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made to him, or to his Attorney, by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall be depending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given

Plaintiff not  
to recover  
after Tender  
of Amends.

in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Damages and Charges, in case of Dispute, to be settled by Justices of the Peace.

LXIV. And be it further enacted, That in all Cases wherein Damages and Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Justice of the Peace; and where by this Act any Damages or Charges are directed to be paid, in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justice by or before whom any Offender shall be convicted of such Offence; and such Justice is hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offenders Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

Persons aggrieved may appeal to Quarter Sessions.

LXV. And be it further enacted, That all Corporations and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of the said Town Clerk in reference to the said Pasture Freemen's List, Pasture Freemen's Roll, or Widows Roll, herein-before directed to be made by him, and all Corporations and Persons who may think themselves aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, or Order of the said Pasture Masters, and all Bodies Corporate and Persons who may think themselves aggrieved by any Order or Judgment or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, or for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County, Riding, or Place where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Ground and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Town Clerk or Pasture Masters (as the Case may be), and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two or more sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court therein; and the said Court shall in a summary Way either hear or determine the said Complaint at such General or Quarter Sessions, or, if such Court think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County, Riding, or Place; and the said Court of Session may, if such Court see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Rule, Order, or Determination, and may also order any such Satisfaction to be made to the Party injured as such Court shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved

grieved by the Party aggressing as the said Court shall think reasonable.

LXVI. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted of or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up in the Forms following, or any other Form to the same Effect, as the Case may require; (that is to say,)

Forms of  
Information  
and Convic-  
tion:

to wit. } A. B. of informeth me C. D., One of His Majesty's Justices of the Peace for that of [here describe the Offence, and the Time and Place when and where committed], contrary to an Act passed in the Year of the Reign of His Majesty King William the Fourth, intituled [here insert the Title of this Act], which hath imposed a Forfeiture of for the said Offence.  
Taken the Day of before me  
' C. D.'

Form of  
Information.

to wit. } BE it remembered, That on the Day of in the Year of our Lord A. B. is convicted before me C. D., One [or us C. D. and E. F., Two] of His Majesty's Justices of the Peace, for, &c., for that the said A. B., after the passing of a certain Act of Parliament made and passed in the Year of the Reign of His Majesty King William the Fourth, intituled [here insert the Title of this Act], on the Day of in the Year at the Parish of [here state the Offence], for which Offence I [or we] do adjudge the said A. B. to have forfeited [if the Offence is to be subject to a Fine] the Sum of [insert the Penalty], together with the Sum of for Costs [if any given: or if to be imprisoned, then] do adjudge the said A. B. to be committed to the [naming the Gaol or House of Correction] for the Space of [insert the Time, and if the Commitment be for Non-payment of a Penalty, then add, unless the said Sum of shall be sooner paid.] Given under my Hand and Seal [or our Hands and Seals] the Day and Year first above written.

Form of  
Conviction

to wit. } To the Constables, Serjeants-at-Mace, and other Peace Officers of the Parish of in the County of

Warrant of  
Distrain for  
Penalty or  
Forfeiture.

WHEREAS A. B. of in the County of was this Day convicted before me C. D., One [or us C. D. and E. F., Two] of His Majesty's Justices of the Peace for the said Riding [or County, Borough, Town, or Place], by virtue of an Act passed in the Year of the Reign of His Majesty King William the Fourth, intituled [here insert the Title of this Act], for that he the said A. B. did [here state the Offence, with the Time and Place]; and I [or we] have therefore adjudged the said A. B. to have forfeited the Sum of [insert the Forfeiture], together with the Sum of for Costs [if any given],

' given], which said Sum of . . . . . the said *A. B.* hath  
 ' refused to pay: These are therefore in His Majesty's Name to  
 ' command you, or any or either of you, forthwith to levy the said  
 ' Sum of . . . . . by Distress and Sale of the Goods  
 ' and Chattels of the said *A. B.*, such Goods and Chattels being kept  
 ' before the same are sold until the Seventh Day after such Distress  
 ' shall be made, including the Day on which it shall be made and the  
 ' Day of such Distress (and if such Seveuth Day shall happen to be  
 ' *Sunday*, then such Sale shall be on the next or following Day), and  
 ' out of the Money arising by such Sale that you do pay [*here state*  
 ' *the Manner in which the Forfeiture is to be applied*], returning the  
 ' Overplus (if any), on Demand, to the said *A. B.*, the reasonable  
 ' Charges of such Distress, and of any Removal, keeping Possession,  
 ' Appraisement, and Sale, being first deducted; and if sufficient  
 ' Distress cannot be found or had or taken, then that you certify the  
 ' same to me [*or us*], to the end that such further Proceedings may  
 ' be had therein as to the Law doth appertain: And I [*or we*] do  
 ' hereby strictly charge and command all and singular the Constables  
 ' and other His Majesty's Peace Officers, within their respective Ju-  
 ' risdictions and Liberties, to be aiding and assisting in all things  
 ' relating to the Premises. Given under my Hand and Seal [*or our*  
 ' Hands and Seals] this . . . . . Day of . . . . . in  
 ' the Year of our Lord . . . . .

' C. D.'

Authenti-  
cated Bye  
Laws to be  
Evidence.

LXVII. And be it further enacted, That in all Cases of Prose-  
 cution for Offences against the Bye Laws, Rules, or Orders of the  
 said Pasture Masters, the Production of a written or printed Paper,  
 purporting to be the Bye Laws, Rules, or Orders of the said Pasture  
 Masters, and authenticated by the Signatures of any Five or more  
 of the said Pasture Masters, shall be Evidence of the Existence of  
 such Bye Laws, Rules, or Orders; and it shall be sufficient to prove  
 that a printed Paper or painted Board, containing a Copy of such or  
 so many of the Bye Laws, Rules, or Orders as shall impose any Fine  
 or Penalty on any Person not being a Pasture Freeman, hath been  
 affixed and published in manner by this Act directed, and in case of  
 its being afterwards displaced or damaged hath been replaced by  
 another such Board as soon as conveniently might be, unless Proof  
 shall be adduced by the Defendant that such printed Paper or Board  
 is not a Copy of such Bye Laws, Rules, or Orders as aforesaid, or  
 hath not been duly affixed and generally continued in manner by this  
 Act directed.

Limitation  
of Actions.

LXVIII. And be it further enacted, That no Action, Suit, or In-  
 formation, nor any other Proceeding, of what Nature soever, shall be  
 brought, commenced, or prosecuted against any Person for any thing  
 done or omitted to be done in pursuance of this Act, or in execution  
 of the Powers or Authorities or any of the Orders made, given, or  
 directed in, by, or under this Act, unless Ten Days previous Notice  
 in Writing shall have been given by the Party intending to commence  
 and prosecute such Action, Suit, or other Proceeding to the intended  
 Defendant, nor unless such Action, Suit, or Information or Proceed-  
 ing shall have been brought or commenced within Four Calendar  
 Months



Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Four Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, Information, or Proceeding shall be laid and brought in the County within which the Matter or Dispute or Cause of Action shall have arisen; and the Defendant, in such Action, Suit, Information, or Proceeding may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done or omitted to be done, as the Case may be, in pursuance and by the Authority of this Act; and if they shall appear to have been so done or to have been so omitted to be done, or that such Action, Suit, Information, or Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

LXIX. And be it further enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to any Person before he shall be examined by or before such Justice.

General Power to Justices to administer Oaths.

LXX. And be it further enacted, That in all Cases where any Justice is empowered by this Act to impose any Penalty or Forfeiture it shall be lawful for such Justice to mitigate the same at his Discretion.

Power to Justices to mitigate Penalties.

LXXI. And be it further enacted, That if any Witness who shall be examined by or before any Justice of the Peace or otherwise under the Authority of this Act shall wilfully and corruptly give false Evidence, and shall be thereof convicted, such Person so giving false Evidence shall be subject to the same Punishment as Persons convicted of wilful Perjury are by Law subject or liable to.

Punishment of Persons giving false Evidence.

LXXII. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as One Person, Matter, or Thing; and every Word importing the Plural Number shall extend and be applied to One Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Land" shall extend to every Species of Land, whether Arable, Meadow, or Pasture, and whether Freehold, Copyhold, or Customary, or of any other Tenure; and the Word "Person" shall extend to any Body

Meaning of certain Words in this Act.

[Local.]

[27 G]

Politic,

Politic, Corporate, or Collegiate, Municipal, Civil, or Ecclesiastical, Aggregate or Sole, as well as an Individual; and the Word "Corporation" where used shall be understood to mean any Body Politic, Corporate, or Collegiate, Municipal, Civil, or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Act not to affect Claim to beneficial Ownership of the Soil of the Pastures.

LXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to settle, determine, affect, or prejudice the Right, Title, or Interest of any of the Parties in this Act named, of, in, and to the beneficial Ownership of the Soil of the said Common Pastures.

Public not to be excluded from resorting to the Pastures as heretofore.

LXXIV. Provided also, and be it further enacted, That nothing in this Act contained shall authorize the said Pasture Freemen or Pasture Masters to exclude or debar the Public from resorting to the said Common Pastures for Purposes of Exercise, Amusement, and Recreation, as freely as they have heretofore been permitted and accustomed to resort to them.

General Saving.

LXXV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Corporation, his Heirs, Successors, Executors, and Administrators all such Estate, Right, Title, and Interest, Claim and Demand (other than and except such as are expressly barred and compensated for, or intended to be barred and compensated for and extinguished by this Act,) which they, every or any of them, could or might have had, held, or enjoyed of, in, to, or in respect of the said Common Pastures, and other Lands and Interests therein respectively, in case this Act had not been passed.

Public Act.

LXXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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