

HORTON IN
RIBBLESDALE
INCLOSURE
ACT.

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FOR

Inclosing and reducing to a Stint, or for subdividing and inclosing several Commons and Waste Grounds within the Lower Division of *Horton*, in *Ribblesdale*, in the Parish of *Horton*, in *Ribblesdale*, in the West Riding of the County of *York*.

WHEREAS there are within the Lower Division of *Horton*, in *Ribblesdale*, in the Parish of *Horton*, in *Ribblesdale*, in the West Riding of the County of *York*, certain Commons and Waste Grounds called *High Moor*, and *Pennygent*, *Mooton*, *Swarth Moor*, *Archa Wood*, *Horton Wood*, and *Jellet Brea*, containing, by Estimation, Two Thousand Acres or thereabouts:

And whereas *William Hefleden*, *Bryan Hefleden*, and *John Ford*, Esquires, *John Clapham*, *John Armitthead*, *George Holden*, *John Green*, and *William Atkinson*, Clerks; *Thomas Burton*, *Christopher Brown*, *John Bolland*, *John Carr*, *Isabella Clapham*, *Thomas Foster*, *Robert Foster*, *William Knipe*, *Ann Foster*, *Alice Carr*, *Nanny Foster*, *James Foster*, *William Hornby*, *Francis Howson*, *Thomas Hey*, *Edward Heelis*, *Richard Hayer*, *John Ingleby*, *Thomas Jackson*, *William Lund*, *John Lund*, *William Moor*, *Thomas Other*, *Thomas Procter*, *Francis Procter*, *Thomas Procter*, *Old Ing*, *Ellen Procter*, *William Robinson*, *Francis Slinger*, *Jeffry Tennant*, *John Tennant*, *John Wilson the younger*, *Thomas Wilson*, and *John Whaley*, are Lords of the Manor or reputed Manor of *Horton*, in *Ribblesdale* aforesaid:

And whereas the said *William Hefleden*, *Bryan Hefleden*, and *John Ford*, Esquires, together with several other Persons, are the Owners and Proprietors of the said Commons and Waste Grounds:

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And

And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled "An Act for consolidating one Act certain Provisions, usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts, usually required on the passing of such Acts:"

And whereas the said Commons and Waste Grounds are not, in their present Situation, capable of Improvement, and it would be greatly to the Advantage of the Parties concerned, if the said Commons and Waste Grounds were inclosed by Ring Fences, or by Metes and Bounds, and reduced to a regular Stint, or divided and allotted to and amongst the several Persons having Right or Interest therein; but the same cannot be effected without the Aid of Parliament,

May it therefore please your MAJESTY,

Commis-
sioner.

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 Alexander Calvert, of Richmond, in the County of York, Gentleman, shall be, and he is hereby appointed the sole Commissioner for ascertaining the Boundaries of the said Commons and Waste Grounds, and for carrying into Execution the several Powers and Authorities given to him by virtue of this Act; and also such of the Powers, Authorities and Directions, Clauses and Provisions, contained in the said recited Act as are not varied, altered, or otherwise provided for in and by this Act; and that such Commissioner shall have and receive, in Satisfaction of the Expence and Trouble which he shall incur in the Execution of the Powers hereby given to and vested in him, for carrying this Act into Execution, the Sum of Two Guineas and an Half and no more, for each and every Day which he shall be employed in and about the Execution of this Act, and so in Proportion for the Fractional Parts of a Day when he shall be so employed, out of which Allowance he shall pay and defray his own Expences, as well as his travelling Expences.

Appointment
of new Com-
missioner.

And be it further enacted, That in case the said Alexander Calvert, or any other Person or Persons to be nominated and appointed by virtue of this Act a Commissioner in his Room or Stead, shall die, refuse to act, or become incapable of acting in the Execution of this and the said recited Act, then, and in every such Case, the major Part in Value (to be ascertained by the Land-tax Assessment) of the Per-

sons interested in the said Inclosure, who shall be present at a Meeting to be holden for that Purpose, within Twenty-one Days next after such Death, Refusal, or Incapacity as aforesaid, (of which Meeting, at least Ten Days previous Notice shall be given in the Parish Church of Horton, in Ribblesdale aforesaid, on some Sunday immediately after Divine Service, and by Writing to be affixed on the Door of such Church, and inserted in the Leeds Mercury, or in some Newspaper or Newspapers printed and circulated within the West Riding of the County of York aforesaid), shall and may by any Instrument or Instruments, in Writing under their Hands, nominate and appoint another Person (not interested in the said Inclosure) to be a Commissioner in the Room and Stead of the said Alexander Calvert, or such other Commissioner so dying, refusing to act, or becoming incapable of acting as aforesaid; and every Commissioner so to be nominated and appointed as aforesaid, shall, after taking the Oath in that Behalf prescribed, have the like Power and Authority for carrying this and the said recited Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally nominated a Commissioner in and by this Act.

Notice of
Sittings.

And be it further enacted, That the said Commissioner shall, and he is hereby required to give or cause to be given public Notice in the said Newspaper, or in some Newspaper or Newspapers printed or circulated within the West Riding of the County of York, and also by Writing, signed by him, affixed upon the principal Door of the Parish Church of Horton, in Ribblesdale aforesaid, on some Sunday immediately before Divine Service, of the Time and Place of his first and every other subsequent Sitting, for executing the Powers of the said recited Act, and of this Act, Ten Days at least before every such Sitting (Sittings by Adjournment only excepted); and that all Sittings of the said Commissioner, as well as Meetings of the said Proprietors, for the Purpose of putting this Act into Execution, shall be holden in the Parish of Horton, in Ribblesdale aforesaid, or within Eight Miles thereof.

Commis-
sioner to
settle Dis-
putes.

And be it further enacted, That if any Dispute or Difference shall arise between any of the Persons interested or claiming to be interested in the said Commons and Waste Grounds, or any Part or Parts thereof, or touching or concerning the respective Rights or Interests which they or any of them shall have or claim to have, over and upon the Lands and Grounds to be inclosed by virtue of this Act, or touching

touching or concerning any other Matter or Thing relating to the said Inclosure, it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and empowered to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize or empower the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Power to
assess Costs.

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

Allowing
Parties to
try their
Rights by
an Issue at
Law.

And be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Inclosure, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim to any Rights of Common, or other Rights or Interests in, over, or upon the said Commons and Waste Grounds hereby directed to be inclosed, or any Part thereof, then and in every such Case it shall and may be lawful to and for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matters so determined by the said Commissioner, at the then next or following Assizes, to be holden for the County of York, and for that Purpose the Person or Persons who shall be dissatisfied with

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the Determination of the said Commissioner, shall cause an Action or Actions to be brought upon a feigned Issue against the Person or Persons in whose Favor such Determination shall have been made, or against the Commissioner or Clerk to the said Commissioner, within Two Calendar Months next after the Determination of the said Commissioner shall be made; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is, and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, (such Issue or Issues to be settled by the proper Officer or Officers of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final, binding, and conclusive, upon all and every Person and Persons whomsoever, unless the Court, wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioner shall, and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that in case the Determination of the said Commissioner, touching any Claim or Claims, or any Rights of Common, or other Interests, in, over, and upon the said Commons and Waste Grounds, hereby directed to be inclosed, or any Part thereof, shall not be objected to, or being objected to, such Action or Actions at Law shall not be brought and proceeded in within the Time and in the Manner for that Purpose mentioned such Determination shall be final and conclusive upon all Parties.

Provided always, and be it further enacted, That no such Difference, Suit, Action, or Proceeding as aforesaid, nor any Difference, Suit, Action, or Proceeding, touching or concerning the Title to any Lands, Tenements, or Hereditaments, shall impede, delay, or hinder the said Commissioner from proceeding in the Execution of the Power vested in him by the said recited Act and this Act, but the said Inclosure shall be proceeded in, notwithstanding such Difference, Suit, Action, or Proceeding.

Actions not
to delay the
Inclosure.

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And

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

In case of Death of Parties, Actions to be carried on in their Names. Provided also, and be it further enacted, That if any Person or Persons in whose Favor any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought, (if living) shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons who might have brought such Action or Actions against the Person or Persons so dying, to bring the same, within the Time so limited as aforesaid, against such Person or Persons, as if actually living, and to serve the Clerk of the Commissioner with Process for commencing such Action or Actions in the same Manner, as the Party or Parties might have been served therewith if living; and it shall also be incumbent on the Heir or Heirs, or other Person or Persons who claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions, in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Persons shall be equally bound and concluded by the Event of such Action or Actions.

Right of Possession of Persons not to be determined by Commissioner. Provided also, and be it further enacted, That nothing in this Act shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Encroachments made since the Year One Thousand Seven Hundred and Ninety-four); but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

For shortening Boundary Fences. And be it further enacted, That if the said Commissioner shall deem it expedient or proper to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted, and the Lands and Grounds of any Parish or Township adjoining thereto, or to make the said Boundary Fences regular, it shall be lawful

lawful for the said Commissioner, with the Consent in Writing, under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors, in which the Lands are situate, and of the Owner or Owners of the Lands upon which any Fence or Fences shall or may be intended to be made, to set out, ascertain, and determine the Boundary Fences to be made between the Lands and Grounds by this Act directed to be divided and allotted, and the Lands lying in such adjoining Parish or Township, Parishes or Townships respectively, in such Manner as they shall judge proper, for the Purposes aforesaid; and after such Boundaries shall be set out and ascertained as aforesaid, the same shall be fenced by such Person or Persons, in such Manner, and at such Time or Times as the said Commissioner shall direct, and shall for ever thereafter be deemed and be taken to be the Boundaries between the said Lower Division of Horton, in Ribblesdale aforesaid, and such adjoining Parish or Township, Parishes or Townships respectively; any Law, Usage, or Custom to the contrary thereof notwithstanding.

Encroachments. And be it further enacted, That Inclosures, or Incroachments which at any Time within Twenty Years now last past, have been made upon the said Commons and Waste Grounds shall be deemed Part thereof, and shall be inclosed accordingly as Part thereof; and in case any Dispute or Difference shall arise, touching such Inclosure or Incroachments, or the Extent thereof, such Dispute shall be determined by the said Commissioner.

Allotment for digging Turf. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required in the first Place to set out and appoint so much and such Parts of the said Commons or Waste Grounds as he shall think proper for the digging and getting Turf by all such Person or Persons for their own Use, but not for Sale, as are now entitled to the Right of getting Turf in such respective Commons or Waste Grounds.

Watering Places and Stone Pits. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required, to set out and allot such Part or Parts of the said Commons or Waste Grounds, as he shall think fit, to be used and enjoyed for ever thereafter, by the Persons having Rights or Interests on the said Commons or Waste Grounds for the Purpose of public Watering Places for Cattle, or getting Stones and other Materials for erecting and repairing of Buildings, Bridges, Walls,

Walls, Fences, and other Works within the same, for the Reparation of the Highways and private Roads, which now are or shall be, within the Lower Division of Horton, in Ribblesdale aforesaid, and shall also, in his Award, order and direct by whom and for what Purpose the Herbage or Pasture of the said Commons or Waste Grounds so to be set out for the Purposes aforesaid, shall be used or applied.

Land to be sold for defraying Expences.

And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required in the next Place to mark and set out so much and such Part or Parts of the said Commons or Waste Grounds as will, in his Judgment, be most convenient to be sold, for the Purpose of defraying the Costs, Charges, and Expences of obtaining and passing this Act, of surveying, valuing, allotting, and ring-fencing the said Commons or Waste Grounds, and for preparing the Award hereinafter mentioned, and all other the necessary Costs and Charges of the said Commissioner, in and about the Execution of this Act; and the said Commissioner shall and may, and he is hereby authorized and required, to sell the same in such Allotment or Allotments as to him shall seem right and proper, to any Person or Persons, for the best Price or Prices that can be gotten for the same, and shall apply the Money arising by such Sale or Sales, in discharging the said Costs, Charges, and Expences; and the Lands so sold, shall be Freehold of Inheritance, and the Award to be made and executed by the said Commissioner shall be valid and effectual in Law, to vest the same in such respective Purchasers and their Heirs: Provided, that nothing herein contained shall extend, or be construed to extend, to authorize or empower the said Commissioner to mark and set out for sale, or to sell or dispose of any Part of the said Commons and Waste Grounds, called Mooton Moor and Jetter Brea, until he shall first have allotted and set out a due and proportionate Quantity thereof to the said John Ford, in Right of a certain Estate in Horton aforesaid, called Beecroft Hall, and adjoining thereto.

Application of Surplus.

And be it further enacted, That in case such Part or Parts of the said Commons or Waste Grounds hereby directed to be sold as hereinbefore mentioned, shall be sold for more Money than will be required to defray such Costs, Charges, and Expences, then, and in such Case, such surplus Money shall be paid, applied, and disposed of by the said Commissioner, unto and amongst the said several Proprietors and Persons who would have respectively been entitled to Rights of Common, in, over, or upon the said Commons or Waste Ground, if

if this Act had not been made, according to their respective Rights and Interests (such Rights and Interests to be settled by the Commissioner, with the Power of Appeal as aforesaid); and the Shares of such of them as shall be Tenants in Fee-simple, shall be paid to them respectively, and the Shares of the others of the said Persons shall be paid into the Bank of England, in Manner directed by the said recited Act, with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses; and in case the Money directed to be raised by the Sale of Part of the said Commons or Waste Grounds, shall be insufficient to defray such Costs, Charges, and Expences, the Deficiency thereof shall be raised and paid by the said several Proprietors and Persons entitled to such Rights of Common as aforesaid, rateably and in Proportion to the Value of their several and respective Estates, Rights, and Interests, such Value to be ascertained and set down by the said Commissioner, with the Power of Appeal as aforesaid.

And be it further enacted, That the said Commissioner shall, and he is hereby required as soon as conveniently may be, to cause the Residue of the said Commons or Waste Grounds to be inclosed by Ring Fences, or the Extent thereof ascertained by Metes and Bounds, or otherwise, as he shall think proper, the Expence whereof shall be defrayed by him out of the Money to be raised by the Sale of Land as aforesaid, and such Fence shall be, from time to time, for ever kept in good and sufficient Repair, at the Costs and Charges of the several Persons who, for the Time being, shall be entitled to Cattle-gates or Pasture-gates thereon, in Proportion to his, her, or their several and respective Rights and Interests; and after the said Commons and Waste Grounds shall be so inclosed, and Notice thereof shall be given by the said Commissioner, by Writing, affixed on the principal Door of the said Parish Church of Horton, in Ribblesdale, all Right of Common of what Nature or Kind soever, claimed by any Person or Persons whomsoever, in, over, or upon any of the said Commons or Waste Grounds hereby intended to be inclosed, shall cease, determine, and be for ever extinguished: Provided that nothing in this Act contained shall prejudicially affect the Right or Claim of any Person or Persons to have his, her, or their Part or Parts, Share or Shares of the said Commons and Waste Grounds ascertained,

ascertained, and distinctly and separately set out and allotted to him, her, or them, as hereinafter is mentioned and provided.

Com-
missioner to
ascertain
and stint the
Commons.

And be it further enacted, That the said Commissioner shall, and he is hereby required to ascertain, specify, and set forth in his Award, to be made in pursuance of this Act, the proportional Value of the said Commons and Waste Grounds, for regulating the Stint thereof, and the Number of Cattle-gates, which the same shall be capable of agisting or depasturing, and shall also set out, apportion, and limit the Number of Beast-gates, Sheep-gates, or Cattle-gates, and Parts and Shares of Cattle-gates to which all and every the Owners of Messuages, Lands, Tenements, or Hereditaments shall be entitled, in respect of such Messuages, Lands, Tenements, or Hereditaments, Claims, Rights, and Interests, which they may respectively have and be entitled to upon the said Commons and Waste Grounds.

Proprietors
to make
Orders for
stinting.

And be it further enacted, That it shall be lawful for the several Proprietors, or Persons seized or possessed, for the Time being, of any Freehold Estate of Inheritance, or for any Term or Number of Years absolute, exceeding Ninety-nine Years, in any Cattle-gates, or Parts of Cattle-gates, upon the said Commons or Waste Grounds when inclosed as aforesaid, and who shall not have separate and distinct Parts thereof allotted to them, in respect of their Rights and Interests upon such Commons and Waste Grounds, under the Power hereinafter contained, or of the Majority of them in Value, (such Value to be ascertained by the Number of Cattle-gates to which they shall respectively be entitled) from time to time after the Execution of the said Commissioner's Award, by Writing under their Hands, or under the Hands of their Agents or Attornies thereto, authorized by Writing under the Hands of such Proprietors, to make such Rules, Orders, and Regulations, and Appointments for regulating the Manner of using and occupying such Part of the said Commons or Waste Grounds as shall not be allotted to and inclosed by the Person or Persons requiring the same to be staked out and allotted under the Power hereinafter contained, in lieu and full Satisfaction of their Rights and Interests in such Commons and Waste Grounds, at all Times of the Year, as a stinted Pasture or stinted Pastures, and of stocking the same with Cattle, Sheep, Horses, and other Stock, and for limiting and stinting the Number and Kinds of the said Stock, and for limiting the Times and Seasons of stocking and freeing the same, and for providing and paying such Herdsmen as shall be thought necessary, and

and for the better Management and more convenient Enjoyment of the said Commons and Waste Grounds, as a stinted Pasture or stinted Pastures, as they the said Proprietors, their Agents or Attornies, shall from time to time think proper, and for the general Benefit of all Persons interested therein, according to their several Rights and Interests, and so from time to time in like Manner to annul, repeal, or alter, all or any of such Rules, Orders, Regulations, and Appointments, and make such others as they shall deem expedient, and for the general Benefit of all Persons interested therein, according to their respective Rights and Interests; and such Rules, Orders, Regulations, and Appointments respectively, so long as they shall continue in Force, shall be binding upon and observed by all Persons interested in the said Commons or Waste Grounds, or intended stinted Pastures, and any Person acting contrary thereto, shall forfeit, pay, and incur, such Sum or Sums of Money, Penalties, and Forfeitures respectively, as shall be therein from time to time for that Purpose mentioned and declared, provided that no such Penalty or Forfeiture shall exceed the Sum of Ten Pounds for any one Offence; and all such Penalties and Forfeitures shall and may be recovered by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record at Westminster, wherein no Effoin, Protection, or Wager at Law, or more than one Imparllance shall be granted or allowed; and the same respectively shall be from time to time paid and applied in such Manner, and to and for such Uses and Purposes respectively as in the said Rules and Orders, or any of them, shall be from time to time expressed or prescribed; and the said Rules, Orders, and Regulations, previous to their being signed from time to time by the Parties or Persons making the same, shall be fairly entered in a Book or Books to be kept and provided for that Purpose, by and at the Expence of the Owners of Cattle-gates in and upon the said Commons or Waste Grounds, and intended stinted Pastures, which Book shall be from time to time lodged with the Constable of the Township of Horton aforesaid for the Time being, who shall at all Times have the same forthcoming, under the Penalty of Ten Pounds, to be recovered in Manner aforesaid, unless prevented by some inevitable Accident thereto happening, or by some other Cause which shall be allowed a sufficient Excuse, and which Book or Books shall be admitted in Evidence in all Courts whatsoever, who shall and may take Cognizance of any of the Matters therein to be contained: Provided always, that the said Rules, Orders, Regulations, and Appointments, shall be from time to time made at a Meeting of the said Proprietors of the said intended stinted Pastures,

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by themselves to be called for the Purpose, and to be holden from time to time at Horton, in Ribblesdale aforesaid, and not at any other Time or Times, or elsewhere, and so as Notice be given of all and every such Meeting or Meetings Fourteen Days at least before the holding of the same, by and under the Hands of any Three Owners or Proprietors of Cattle-gates for the Time being, upon the said Commons or Waste Grounds directed to be made into stinted Pastures as aforesaid, not having less than Twelve Cattle-gates conjunctively thereon, and which Notice shall be put upon the Door of the said Parish Church of Horton, in Ribblesdale, Two Sundays at least next immediately preceding any such Meeting, during the Morning Service in the said Church: Provided that all such Rules, Orders, and Regulations, and all Convictions for any Penalty or Forfeiture imposed by virtue thereof, shall be liable to appeal to the Justices at the Quarter Sessions, as is hereinafter provided or mentioned with respect to any other Matter of Appeal.

Allotment in
lieu of
Cattle-gates,
&c.

Provided always, and be it further enacted, That in case any one or more Person or Persons, Proprietor or Proprietors, entitled to any Beast-gates, Sheep-gates, or Cattle-gates, or other Right or Interest in the said Commons and Waste Grounds, shall be desirous to have an Allotment or Allotments staked and set out, in lieu and Satisfaction of their respective Beast-gates, Sheep-gates, or Cattle-gates, or other Rights and Interests in or upon the said Commons or Waste Grounds, and shall signify the same to the said Commissioner, by Writing under his, her, or their Hands, or the Hands of his, her, or their Attorney or Agent for that Purpose, at a Meeting to be held for receiving the Claims of the said several Proprietors and Parties interested in the said Division and Inclosure, and shall agree to inclose and fence any Part or Parts of such Allotment or Allotments, at his, her, or their own Expence, in such Manner as the Commissioner shall deem equitable and proper, and by his Award direct and appoint, that then and in such Case it shall and may be lawful to and for the said Commissioner and his Successors, and he is hereby directed and empowered to set out, assign, and allot, to each of the said Person or Persons, Proprietors or Parties making such Request as aforesaid, an Allotment or Allotments of and upon the said Commons and Waste Grounds, in lieu of the Beast-gates, Sheep-gates, or Cattle-gates, or other Rights and Interests which he, she, or they may be entitled to therein, according and in Proportion to the Values of their respective Estates, having Right of Common or other Rights in or upon the said Commons

mons or Waste Grounds, provided that the Allotments so required to be set out upon the said Common called Pennygent, be staked and set out adjoining each other, either at the North or South End thereof, and not in the Middle or Centre of such Common, anything contained in this or the said recited Act to the contrary notwithstanding; and shall charge such Person or Persons respectively, for whose Benefit such Allotment or Allotments shall be made, with the Payment of such Sum and Sums of Money as shall be necessary to defray the Costs and Charges of making such Allotment or Allotments; and that it shall and may be lawful to and for the respective Persons to whom such Allotments shall be set out as aforesaid, to accept and inclose the same at any Time within Three Years next after the Execution of the said Award; and that until the making of such Inclosures as aforesaid, within the Time hereinbefore limited, and after the Expiration thereof, all such Parts thereof as shall remain unaccepted and uninclosed, shall for ever thereafter be deemed and adjudged to be Part and Parcel of the said Commons and Waste Grounds respectively, and as such to be used and enjoyed by the several Proprietors and Parties, according and in Proportion to the Number of Beast-gates, Sheep-gates, Cattle-gates, or other Right or Interest they may respectively be entitled to thereon, any thing hereinbefore contained to the contrary notwithstanding: Provided, that in case where the said Commissioner shall direct a Part of the Fence or Fences of the said Allotment or Allotments to be made by the Person or Persons requiring the same, the said Commissioner shall direct, by his Award, by whom and in what Proportion the Residue of such Fence or Fences shall be made and repaired, and such Direction of the said Commissioner shall be binding and conclusive on all Person or Persons interested therein: Provided also, that when and so soon as any Allotment or Allotments shall be ascertained and set out to any Person or Persons as aforesaid, in respect of his, her, or their Messuages, Lands, or Tenements, (and which Allotment or Allotments the said Commissioner is hereby authorized and required to make and set out within the Space of Three Years next after such Notice shall have been so given to him as aforesaid), all Rights of Common of Pasture, and other commonable Rights and Interests, and all Rights of Game, in, or upon, or over, and the Ground, Soil, and Herbage of the said Allotment or Allotments shall be, and the same are hereby vested absolutely in such Person or Persons, and the Rights of any and every other Person or Persons in, over, or upon the same, shall cease and be for ever extinguished, subject nevertheless to the Proviso hereinafter contained.

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Cattle-gates to be of the same Tenure as the Lands in Right of which they are allotted.

And be it further enacted, That all such Beast-gates, Sheep-gates, or Cattle-gates, and Parts and Shares of Beast-gates, Sheep-gates, and Cattle-gates, Allotment or Allotments, Rights and Interests respectively, of and in the said Commons and Waste Grounds as shall be appointed, set out, and allotted by the said Commissioner in Manner aforesaid, shall respectively become and be of the same Tenure, and held in the same Manner as the Hereditaments in respect whereof the same Beast-gates or Cattle-gates shall be respectively appointed, set out, and allotted, would belong or stand, or be subject to, if such Appointment, Setting-out, or Allotment, had not been made, or this Act had not been passed.

Settlements not to be affected.

And be it further enacted, That all and singular the Beast-gates or Cattle-gates, and Parts and Shares of Beast-gates or Cattle-gates, Allotment or Allotments, which shall be respectively set out, assigned, or allotted, under and by virtue of the said recited Act and this Act, shall, immediately after such Allotment shall be made, be, remain, and enure, and the several Persons to whom the same shall be set out and allotted, shall, from thenceforth, stand and be seized thereof, to, for, and upon such and the same Uses, Estates, Trusts, and Purposes, and the same shall be held under and subject to the same Wills, Settlements, Limitations, Powers, Remainders, Leases, Charges, and Incumbrances, as the several and respective Messuages, Buildings, Lands, Tenements, and Hereditaments, in lieu or in respect whereof such Cattle-gates or Allotments shall be respectively made or taken, would have been subject to, or liable to be charged with, or affected by, in case this Act had not been passed.

Cattle-gates may be sold.

And be it further enacted, That if any Person or Persons, who shall be entitled, in Fee-simple, to any Beast-gates or Cattle-gates, or Parts or Shares of Beast-gates or Cattle-gates, Allotment or Allotments, Rights or Interests, under or by virtue of this Act, shall sell and dispose of the same, or any Part thereof, previous to the Award of the said Commissioner, to any Person or Persons whomsoever, and shall request the same to be appointed, set out, and allotted, by the said Commissioner, to the Person or Persons who have so purchased the same, then it shall be lawful for the said Commissioner, and he is hereby required to award such Cattle-gates, or Parts of Cattle-gates, or Allotments, Rights, or Interests, so sold or disposed of, to the Person or Persons entitled to the same by virtue of such Sale or Disposition; and the said Property so sold and disposed of, shall, in every such

such Case, from and after the Execution of the Award of the said Commissioner, become, and the same is and are hereby declared vested in and settled upon the Person or Persons to whom the same shall have been so sold or disposed of as aforesaid, and his, her, or their Heirs or Assigns, to all Intents and Purposes whatsoever.

And be it further enacted, That if any Person shall advance and pay any Money in Discharge of the Expences of obtaining and executing this Act, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioner, together with lawful Interest for the same, out of the first Money to be raised by the said Commissioner, in pursuance of this or the said recited Act.

Money advanced to be repaid with Interest.

And be it further enacted, That once at least in each and every Year during the Execution of this Act, such Year to be computed from the Day of the passing thereof, the said Commissioner shall, and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received or expended, or due to him for his own Trouble or Expence in the Execution of this Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by him laid before One of His Majesty's Justices of the Peace for the West Riding of the County of York, to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts, to be kept in the Office of the Clerk of the said Commissioner, and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall have been allowed by such Justice.

Accounts to be laid before a Justice of Peace.

And be it further enacted, That the Award which shall be made and executed by the said Commissioner, in pursuance of the said recited Act and this Act, or either of them, and the Map and Plan, Maps and Plans to be thereunto annexed, and also the Oath and Oaths to be taken and subscribed by the said Commissioner, and Appointment or Appointments of any new Commissioner or Commissioners, (if any such there shall be) shall be deposited in the public Register Office at Wakefield, in the West Riding of the County of York, and the Register there, or his Deputy, is hereby required to file the same in the said Office, for safe Custody and good Preservation, for which no greater Fee than One Guinea shall be paid for each Instrument, so to be filed and kept; and that a Copy of the said Award, Maps, Plans, Oaths, Appointment and Appointments respectively,

Award to be deposited.

specifically, or any Part or Parts thereof, signed by the Register or his Deputy for the Time being, shall, from time to time, and at all Times be received and allowed in all Courts of Law or Equity, or elsewhere, as Evidence of so much thereof respectively as shall be contained in such Copy or Copies, and which shall be previously certified as being a true Copy or Copies thereof respectively, under the Hand of the said Register or his Deputy for the Time being, and who is or are hereby required to certify the same accordingly, upon any Request to be made to him for that Purpose, and that the said Register, or his Deputy, shall be entitled to receive for such Copies thereof, after the Rate of Sixpence for every Seventy-two Words therein contained, and Two Shillings and Sixpence for each Signature and Certificate as aforesaid; and the said Register or his Deputy, shall permit and suffer any Person or Persons whomsoever, at any reasonable Time or Times, to peruse and inspect the said Award, Oaths, or Appointments respectively, paying for each of the Instruments so inspected One Shilling, and no more; and the said Commissioner shall make and execute a Counterpart of his said Award, with a Map or Plan to be annexed thereto, and the same shall be deposited and kept in the Parish Church of Horton, in Ribblesdale aforesaid, for the Inspection of all Persons interested therein, without Fee or Reward, at all reasonable Times.

Appeal.

And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Thing done in pursuance of the said recited Act or this Act, (other than and except such Orders and Determinations of the said Commissioner, as are by the said recited Act or this Act, directed to be final and conclusive, and (except in such Cases when an Issue at Law shall be tried, as hereinbefore mentioned) then and in every such Case he, she, or they, may appeal to the next General Quarter Sessions of the Peace, which shall be holden for the West Riding of the County of York, within Three Calendar Months next after the Cause of Complaint shall have arisen, on giving the said Commissioner, and the Party or Parties concerned, Fourteen Day's Notice, in Writing, of such Appeal, and of the Matter thereof; and the Justices, not interested in the Premises at their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs and Charges which shall be so awarded by Distress and Sale of the

the Goods and Chattels of the Party and Parties liable to pay the same, rendering the Overplus (if any) on demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices therein shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without any Foundation, then and in such Cases the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, to be levied in Manner aforesaid.

And be it further enacted, That the Ground and Soil of the said Commons and Waste Grounds hereby directed to be inclosed and reduced to a Stint as aforesaid, and all Manorial and other Rights, Seigniories, Royalties, Quarries, Mines, Minerals, Perquisites, Liberties, and Privileges in, over, or upon the same, shall be, and the same is and are hereby declared to be and remain vested in the several Proprietors and Persons having, or being entitled to any Cattle-gates, Allotment, or other Rights or Interests in or upon the same Commons or Waste Grounds, in such and the same Manner, and with such and the same Privileges, Powers and Authorities, and in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they or any of them might or could have held and enjoyed the same before the passing of this Act, or in case the same had not been made, making Satisfaction for the Damages occasioned by digging and working any Mines or Quarries as hereinafter mentioned: Provided, that nothing herein contained shall extend, or be deemed or taken to deprive the Person or Persons to whom any Allotment or Allotments shall be made as aforesaid, of the several and exclusive Right to all Manner of Game in or upon such Allotment or Allotments.

Provided always, and be it enacted, That in case any of the Proprietors or Persons having, or being entitled to any Cattle-gates, Allotments, or other Rights or Interests in, or upon the said Commons or Waste Grounds directed to be inclosed as aforesaid, or any Person or Persons claiming under him, her, or them, shall after such Inclosure be made as aforesaid, search for, win, work, or lead away Coal, Lead, Tin, Copper, Stones, Lime, Slate, Metal, or Minerals, lying within, or under any of such Commons or Waste Grounds, or

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within,

Manorial Rights not to be affected.

Satisfaction to be made for working Mines.

within, under, or upon any Allotments or Inclosures so to be made as
aforesaid, then and in every such Case the Person or Persons so search-
ing for, winning, working, or leading away the same, shall make full
and reasonable Satisfaction for the Damage and Spoil of Ground occa-
sioned thereby, or in making or using Waggon-ways, or other Ways,
or any other Matters or Things to the Person or Persons, Bodies Po-
litic, Corporate, or Collegiate, who shall be in Possession of such
Ground, Cattle-gates, or Allotments at the Time or Times of such
Damage or Spoil: Provided always, that nothing herein contained
shall extend, or be construed to extend, to prevent the several Owners
and Occupiers to whom Allotments shall be made as aforesaid, from
digging, taking, and carrying away within, from, or under their respec-
tive Allotments, any Quantity of Lime or other Stone for their own
Use only, but not for Sale.

General Sav- Saving always, to the King's Most Excellent Majesty, and to all
ing. and every Person and Persons, and Bodies Politic, Corporate, or Col-
legiate, his, her, and their Heirs, Successors, Executors and Admini-
strators, all such Rights, Title, and Interest, other than and except such
as is and are hereby meant and intended to be barred, destroyed, and
extinguished, as they, every, or any of them had or enjoyed, or exer-
cised, of, in, to, or out of the Commons or Waste Grounds hereby
directed to be inclosed, in case this Act had not been made.

Public Act. And be it further enacted, That this Act shall be printed by the
several Printers to the King's Most Excellent Majesty, duly autho-
rized to print the Statutes of the United Kingdom, and a Copy thereof
so printed by any of them shall be admitted as Evidence thereof by all
Judges, Justices, and others.

TO
THE
PRINTERS
OF
THE
PARLIAMENT

AN
ACT
FOR

Incloding and reducing to a Surt, or for subdividing and inclosing several Commons and Waste Grounds within the Lower Division of *Horton*, in *Kilbuckadee*, in the Parish of *Horton*, in *Kilbuckadee*, in the West Riding of the County of *York*.

1815.

J. Darlington,
Surveyor of Commons.