
HORTON IN RIBBLESDALE

INCLOSURE.

COMMISSIONERS AWARD.

J. & W. HARTLEY,
SOLICITORS

I, Alexander Culbert so swear, That I will faithfully impartially
 and honestly according to the best of my Skill and Ability execute
 and perform the several Trusts Powers and Authorities vested
 and reposed in me as a Commissioner by Virtue of An Act for
 enclosing and reducing to a stint or for subdividing and dividing
 several Commons and Waste Grounds within the Lower
 Division of Norton in the West Riding of the County of York
 according to Equity and the Conscience and without Favor
 or Affection Prejudice or Partiality to any Person or Persons
 whomsoever

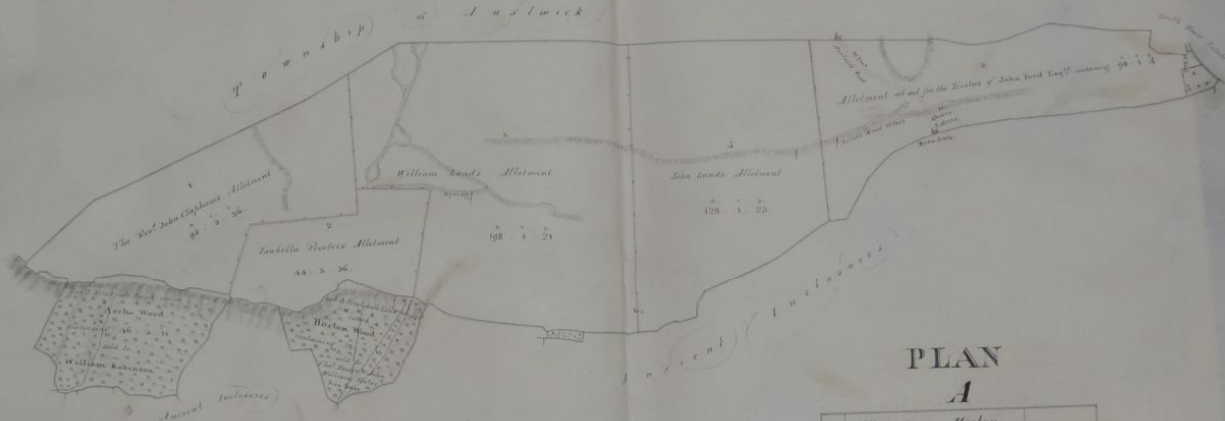
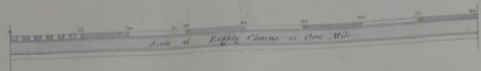
Sworn before me as one of the Justices
 of the Peace for the County of York
 the 10th day of July 1791
 at York
 in the presence of
 the Honorable and Right Worshipful
 Justices of the Peace for the County of York
 John G. Culbert
 So helps me God.
 Jas. G. Culbert
 Commissioner under the said Statute Act

I, Samuel Smith the younger of Norton in the Parish of Hildeswick and County
 of York Sheriff of the County of York do declare that I have faithfully impartially and honestly
 according to the best of my Skill and Judgment made a true accurate and
 distinct survey and ascertainment of all the lands and Grounds within the
 Lower Division of Norton in the West Riding of the County of Norton in the West Riding of the County of York
 according to the directions of the Commissioners
 appointed by an Act of Parliament for enclosing and reducing to a stint
 or subdividing and dividing several Commons and Waste Grounds within
 the Lower Division of Norton in the West Riding of the County of York
 and that according to the best of my Skill and Judgment
 the whole of the lands and Grounds within
 the said Division (including that part of the Estate of the Right Honorable
 the Duke of Devonshire which is situated within the higher Division of Norton
 in the West Riding of the County of York) contain in Nature upwards of three thousand nine
 hundred and thirty nine Acres and thirty nine Perches whereof the Ancient
 Inclosure contain five thousand six hundred and twenty six Acres three
 Acres and twenty six Perches and the Commons and Waste Grounds by
 the said Act directed to be inclosed and reduced to a stint or subdivided
 amount to three thousand two hundred and seventy nine Acres one Acre
 and thirteen Perches.

Sworn before me as one of the Justices
 of the Peace for the County of York
 in the Year of our Lord one thousand
 eight hundred and twenty one
 at York
 So helps me God.
 Commissioner under the said Statute Act



20

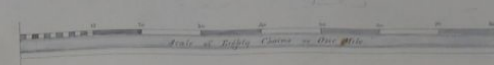


PLAN A

| Allotments in Boston | |
|---------------------------|----------|
| No. | A R P |
| 1 | 93 3 36 |
| 2 | 44 3 36 |
| 3 | 128 1 23 |
| 4 | 128 1 23 |
| 5 | 98 1 4 |
| 6 | 2 0 0 |
| Allotments in Bellet Bros | |
| 7 | 0 3 30 |
| 8 | 0 0 36 |
| Allotments in Boston Wood | |
| 9 | 0 2 16 |
| 10 | 0 3 23 |
| 11 | 2 0 0 |



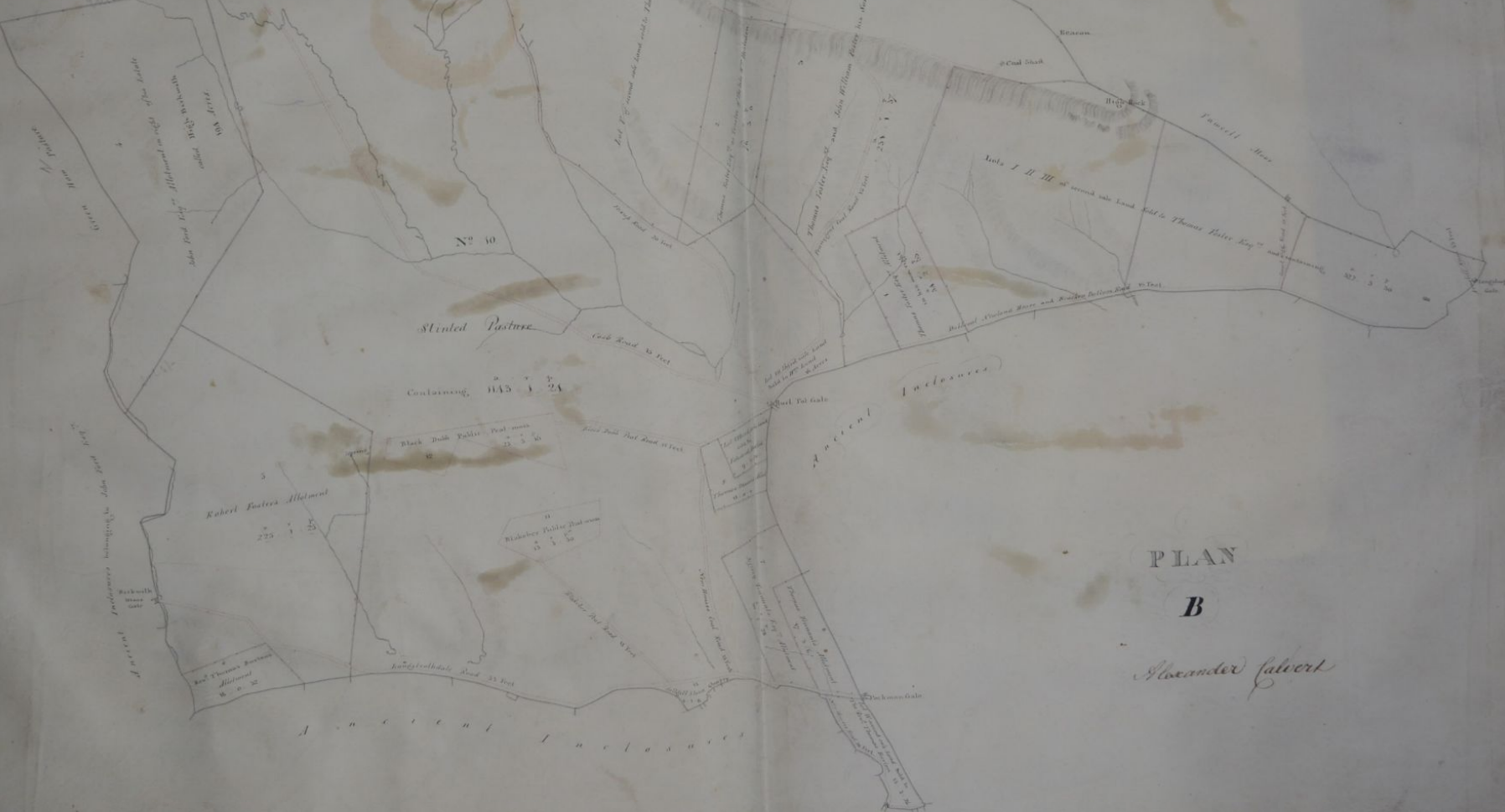
Alexander Calvert.



The Liberty of Cosh.

Parish of Moor

Parish of Hutton Hill



PLAN

B

Alexander Calvert



Act of Parliament
recited.

To all to whom these Presents shall come.

Alexander
Calvert of Shropshire in the county of Northampton
Sendeth Greeting Whereas by an Act of
Parliament made and passed in the fifty fourth year of
the reign of His late Majesty King George the third in
intituled An Act for inclosing and retaining to a stint or
for subdividing and inclosing several common and waste
grounds within the Lower Division of Shropshire in in or
Shropshire in the parishes of Shropshire in Shropshire in
the West Riding of the county of York. Reciting
that there were within the Lower Division of Shropshire in
Shropshire in the parishes of Shropshire in Shropshire in or
the West Riding of the county of York certain common
and waste grounds called West Shropshire and Painsworth
Shropshire Shropshire Shropshire Shropshire Shropshire in
and West Shropshire containing by estimation two thousand
aces or thereabouts and that William Shropshire Shropshire
Shropshire and John Shropshire Esquires John Chapman John
Shropshire George Shropshire John Shropshire and William
Shropshire Esquires Thomas Shropshire Esquires Shropshire in
John Shropshire John Carr John Shropshire Chapman Thomas
Shropshire Robert Shropshire William Shropshire John Shropshire Shropshire
Carr James Shropshire James Shropshire William Shropshire in
Shropshire Shropshire Thomas Shropshire Shropshire Shropshire
Shropshire John Shropshire Thomas Shropshire William Shropshire

John Duke William Morte Thomas Chace Thomas Procter
 Francis Procter Thomas Procter (sic) Hugh Ellen Procter
 William Godwin Francis Hunter Jeffrey Tammant John &
 Tammant John Withen the younger Thomas Withen and
 John Withen were lords of the Manor or reputed Manor
 of Aberton in Shropshire. **And** that the said William
 Godwin John Godwin and John fford Esquires together
 with several other persons were the owners and proprietors
 of the said manors and waste grounds. **Also reciting**
 that an Act was passed in the forty first year of the reign of
 the said late Majesty intituled **in** Act for reworking
 in one Act certain provisions usually inserted in Acts of
 in nature and for facilitating the mode of proving the several
 facts usually required on the passing of such Acts. **And**
also reciting that the said manors and waste &
 grounds were not in their then situation capable of an
 improvement and it would be greatly to the advantage of
 the parties concerned if the said manors and waste
 grounds were inclosed by wall fences or by hedges and bounds
 and reduced to a regular plan or divided and allotted to and
 amongst the several persons having right or interest in
 them but the same could not be effected without the aid of
 Parliament. **It was and is therefore** amongst
 various other things **enacted** that the said Elizabeth
 Chace (and the persons to be appointed in manner therein
 mentioned) should be and she was and is hereby appointed
 the sole commissaries for ascertaining the boundaries of
 the said manors and waste grounds and for carrying into



execution the several powers and authorities given to him by
 statute of this Act and also some of the powers authorities
 directions clauses and provisions contained in the said Act of the
 forty first year of the reign of the said late Majesty (wherein
 recited) as are not varied altered or otherwise provided for in and
 by this Act. **And it was and is further**
enacted that the said Commissioners should and he is
 hereby required to give public notice in the next Gazette
 or in some Newspaper or Newspaper printed or circulated in
 within the West Riding of the county of York and also by a
 writing signed by their officers upon the principal door of the
 private manors of Aberton in Shropshire aforesaid on some or
 sundry immediately before divine service of the time and a
 place of the first and every other subsequent sitting for a
 executing the powers of the said several Acts of Parliament
 ten days at least before every such sitting (sittings by an
 adjournment only excepted) and that all writings of the
 said Commissioners as well as objections of the said
 proprietors for the purpose of putting the said Act into a
 execution should be delivered in the parish of Aberton in a
 Shropshire aforesaid or within eight miles thereof. **And**
it is further enacted that if any dispute or
 difference should arise between any of the persons interested
 or claiming to be interested in the said manors or
 waste grounds or any part or parts thereof or touching or
 concerning the respective rights or interests therein they or
 any of them should have or claim to have over and upon
 the lands and premises to be inclosed by virtue of this Act
 or touching or concerning any other matter or thing in





relating to the said inclosure it should and might be as
 lawful to and for the said Commissionier and he is hereby
 authorized and empowered to examine into them and in
 determine the same *Provided* that nothing therein
 contained should authorize or empower the said Commissionier
 to determine the title to any messuages lands tenements or
 hereditaments whatsoever *And it is further
 enacted* that in and any person or persons interested
 or claiming to be interested in the said intended inclosure in
 should be identified with any determination of the said
 Commissionier touching any claim to any right of common
 or other right or interest in or over or upon the said common
 and waste grounds hereby directed to be inclosed or any part or
 thereof then and in every such case it should be lawful for
 the person or persons so identified to try their right by an
 issue at law in the manner therein prescribed *Provided*
 that nothing in the now recited Act contained should
 extend to enable the said Commissionier to determine any
 right belonging to any party contrary to the possession of any
 such party except in cases of custom made since
 the year one thousand seven hundred and ninety four in
And it is further enacted that if the said
 Commissionier should deem it expedient or proper to
 shew 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 require it should be lawful
 for the said Commissionier with the consent in writing in
 under the hand or hands of the Lord or Lords Lady or Ladies

of the Shire or Shires in which the lands were situate
 and of the owner or owners of the lands upon which any fence
 or fences should or might 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
 parishes or township parishes or townships respectively in such
 manner as they should judge proper for the purposes aforesaid
 and after such boundaries should be set out and ascertained as
 aforesaid the same should be fenced by such person or
 persons in such manner and at such time or times as the
 said Commissionier should direct and should for ever thereafter
 be deemed and taken to be the boundaries between the several
 divisions of the town or shires aforesaid and such
 adjoining parishes or township parishes or townships in
 respectively any law usage or custom to the contrary thereto
 notwithstanding *And it was and is
 further enacted* that inclosures or enclosures
 within at any time within twenty years then last past
 and been made upon the said common and waste grounds
 should be deemed part thereof and should be inclosed in
 accordingly as part thereof and in and any dispute or
 difference should arise touching such inclosure or
 enclosures or the extent thereof such dispute should be
 determined by the said Commissionier *And it is
 further enacted* that the said Commissionier in
 should and he is hereby authorized and required in the
 first place to set out and appoint so many and such parts
 of the said common or waste grounds as he should think



proper for the digging and getting turf by all such persons or persons for their own use but not for sale as were then entitled to the right of getting turf in such respective townships or waste grounds. **And it is further enacted** that the said Commissioners should and he is hereby authorized and required to set out and allot such part or parts of the said townships or waste grounds as he should think fit to be used and enjoyed for ever hereafter by the persons having rights or interests in the said townships 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 fences and other works within the same for the repairation of the highways and private roads which then were or should be within the lower division of Shroton in Liberties aforesaid and should also in said division order and direct by whom and for what purpose the herbage or pasture of the said townships or waste grounds do to be set out for the purposes aforesaid should be used or applied. **And it is further enacted** that the said Commissioners should 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 townships or waste grounds as should in his judgment be most convenient to be sold for the use and purpose of defraying the costs charges and expenses of obtaining and paying the debt of surveying returning allotting andeing fencing the said townships or waste grounds and for preparing the division hereinafter mentioned and all other the necessary costs and charges of

the said Commissioners in and about the execution of this Act and the said Commissioners should and might and he is hereby authorized and required to sell the same in such allotment or allotments as to him should seem right and proper to any person or persons for the best price or prices that could be gotten for the same and should apply the moneys arising by such sale or sales in defraying the said costs charges and expenses and the lands so sold should be freehold of inheritance and the award to be made and executed by the said Commissioners should be valid and effectual in law to vest the same in such respective purchasers and their heirs. **Provided** that nothing therein contained should extend or be construed to extend to authorize or empower the said Commissioners to mark and set out for sale or to sell or dispose of any part of the said townships or waste grounds called Shroton Moor and in Parish of St. Andrew until the said first have allotted and set out a due and proportionate quantity thereof to the said John fford in right of a certain estate in Shroton aforesaid called a Streetoff Obail and adjoining thereto. **And it is further enacted** that the said Commissioners should and he is hereby required as soon as conveniently might be to cause the residue of the said townships or waste grounds to be inclosed by ring fences or the extent thereof ascertained by metes and bounds or otherwise as he should think proper the expense whereof should be defrayed by him out of the moneys to be raised by the sale of land as aforesaid and such fence should be firm &

time to time for ever kept in good and sufficient repair
 at the cost and charges of the several persons unto for the
 time being should be entitled to rathigates or pasture in
 parts thereof in proportion to the size or their several and
 respective rights and interests and after the said common
 and waste grounds should be so inclosed and notice
 thereof should be given by the said Commissioners by
 writing affixed on the principal door of the said parish
 church of Wotton in Shropshire all right of common of
 what nature or kind soever claimed by any person or
 persons whatsoever in or upon any of the said
 common or waste grounds hereby intended to be
 inclosed should cease determine and be for ever
 extinguished *Provided* that nothing in the now
 recited Act contained should prejudicially affect the
 right or claim of any person or persons to have the
 said or their part or parts share or shares of the
 said common and waste grounds ascertained and
 distinctly and separately set out and allotted to them
 the or them as herein and hereinafter is mentioned
 and provided *And it is further*
enacted that the said Commissioners should and
 he is hereby required to ascertain specify and set
 forth in his charter to be made in pursuance of
 this Act the proportional value of the said common
 and waste grounds for regulating the stint thereof
 and the number of rathigates within the same
 should be capable of agisting or depasturing and



in return should also set out appertaining and limit the number
 of rathigates of severalty rathigates or rathigates and parts and shares
 of rathigates to which all and every the owners of
 the said severalty lands tenements or hereditaments should be
 entitled in respect of such severalty lands tenements or
 hereditaments having rights and interests therein they
 respectively have and be entitled to upon the
 said common and waste grounds *And it is*
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 twenty
 years in any rathigates or parts of rathigates upon the
 said common 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 common and waste
 grounds under the power hereinafter contained or of
 the majority of them in value shall value to be
 ascertained by the number of rathigates to which
 they should respectively be entitled from time to time
 after the execution of the said Commissioners charter
 by writing under their hands or under the hands of
 their agents or attorneys hereto 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
 parts of the said common and waste grounds as should
 not be allotted to and inclosed by the person or persons

containing the same to be staked out and allotted under the
 the power hereinafter contained in lieu and full in
 satisfaction of their rights and interests in such as in
 common and waste grounds at all times of the year
 as a staked pasture or staked pastures and of in
 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 feeding the same and for
 providing and putting sure securities as shall be
 thought necessary and for the better management
 and more convenient enjoyment of the said in
 common and waste grounds as a staked pasture or
 staked pastures as they the said proprietors their
 agents or attorneys 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 amend repeal or alter all or any of these rules or
 orders regulations and appointments and make such
 others as they should deem expedient and for the
 general benefit of all persons interested therein in
 according to their respective rights and interests in
 such manner and form as is therein and hereby
 expressed and provided *Provided always*
and it is further enacted that in case
 any one or more person or persons proprietor or
 proprietors entitled to any benefices receivables or
 participations or other right or interest in the said in

common and waste grounds should be desirous to
 have an allotment or allotments staked and set out in
 lieu and satisfaction of their respective benefices in
 receivables or participations or other rights and interests in
 or upon the said common or waste grounds and shall
 signify the same to the said commissioners by writing a
 under the seal or their hands or the hands of the seal 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 benefices
 and income and should agree to insert and set in
 part or parts of such allotment or allotments at the
 seal or their own expense in such manner as the said
 Commissioners should deem equitable and proper and by
 the said directors direct and appoint that they and in
 case it should and might be lawful to and for the said
 Commissioners and the directors and he is hereby
 directed and empowered to set out assign and allot to
 one of the said person or persons proprietors or
 parties in his or her request as aforesaid an allotment
 or allotments of and upon the said common and
 waste grounds in lieu of the benefices receivables or
 participations or other rights and interests within the year or
 or they might be entitled to therein according and in
 proportion to the values of their respective estates in
 having right of common or other right in or upon
 the said common or waste grounds provided that
 the allotments so required to be set out upon the said
 common waste premises were staked and set out in

adjoining and other estates at the north or south end in
 thereof and not in the middle or centre of such common
 any thing contained in this or the said writs but to the
 contrary notwithstanding and should charge such person
 or persons respectively for whose benefit such an
 allotment or allotments should be made with the
 payment of such sum or sums of money as should
 be necessary to defray the costs and charges of making
 such allotment or allotments and that it should and
 might be lawful to and for the respective persons to
 whom such allotments should be set out as aforesaid
 to accept and inherit the same at any time within
 three years next after the execution of the said charters
 and that until the making of such allotments as
 aforesaid within the time hereinafore limited and
 after the expiration thereof all such parts thereof as
 should remain unaccepted and uninclosed should for
 ever hereafter be deemed and adjudged to be part and
 parcel of the said common and waste grounds in
 respectively and as usual to be used and enjoyed by the
 several proprietors and parties according and in
 proportion to the number of shares respectively in
 participations or other right or interest they might
 respectively be entitled to therein any thing hereinafore
 contained to the contrary notwithstanding **Provided**
 that in cases where the said Commissioners should 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 Commissioners should in

direct by his charters by return and in what proportion
 the expense of such fence or fences should be made and in
 respect and such direction of the said Commissioners in
 should be binding and conclusive on all persons or
 persons interested therein **Provided also** that
 when and so soon as any allotment or allotments
 should be determined and set out to any person or
 persons as aforesaid in respect of the free or free
 messuages lands or tenements and other allotment or
 allotments the said Commissioners is hereby authorized
 and required to make and set out within the space of
 three years next after such notice should have been
 given to him as aforesaid all rights of common of
 pasture and other reasonable rights and interests and
 all rights of game in upon or over and the ground soil
 and herbage of the said allotment or allotments
 be and the same were hereby vested absolutely in
 person or persons and the rights of any and every other
 person or persons in over or upon the same should
 cease and be forever extinguished subject nevertheless to
 the proviso hereinafter contained **And it is**
further enacted that all such shares in
 participations or participations and parts and shares of
 participations participations and participations allotment or
 allotments rights and interests respectively of and in the
 said common and waste grounds as should be
 appointed set out and allotted by the said Commissioners
 in manner aforesaid should respectively become and be
 of the same tenure and held in the same manner as