



ANNO QUADRAGESIMO QUINTO

GEORGI II. REGIS.

Cap. 116.

An Act for confirming and establishing the Award and Decree made and passed on the Division and Inclosure of Lands in the Township of *Huttons Ambo*, in the North Riding of the County of *York*. [10th July 1805.]

WHEREAS by an Award in Writing under the Hands and Seals of *Edward Elstob, Thomas Goulton, Robert Stamper, James Ebdon, Robert Ward, William Lister, and Francis Wright*, or the major Part of them, bearing Date the Twenty-fourth Day of *September* One thousand seven hundred and twelve, after reciting that the Right Honourable *Charles Earl of Carlisle, Sir William Strickland* Baronet, *Francis Foljambe* Esquire, *Samuel Hassell junior, Francis Langley* Gentleman, *Robert Stevenson, Nathaniel Harrison, Thomas Seller, Edmund Dring, Richard Best, Margaret Mountaigne, John Pierfon, Matthew Nettleton, Samuel Hassell senior, Robert Brathwaite, William Best, Ralph Foxton, Elizabeth Richardson, and Christopher Newham* (the said Parties being all the Persons interested in the Lands, Grounds, and Premises thereafter mentioned) by Articles under their Hands and Seals, bearing Date the Sixth Day of *September* in the Year of Our Lord One thousand seven hundred and nine, for the better improving of their several and respective Estates and Interests in the Lands and Premises in the Articles of Agreement mentioned, had agreed amongst themselves to an Inclosure and Division of all and every their several and respective Lands un-

24th September 1712; Award.
Articles of Agreement of 6th September 1709.

inclosed within the Township and Lordship of *Huttons Ambo*, in the said County of *York*, the same consisting of several large Arable Common Fields, Common Pastures, and Common Meadows, which lay very much dispersed and intermixed, by reason whereof great Inconveniences had accrued and arisen to the said Owners and Proprietors, and that for the better effecting the said Inclosure and Division of the said Lands, it had been mutually agreed upon, as well by all the said Parties to the said Articles as the Commissioners thereby appointed, that there should be yearly paid to the Lord Archbishop of *York* and the Right Honourable the Earl of *Carlisle* (Lessee under the said Lord Archbishop) and to the Successors of the said Lord Archbishop and their Lessees for ever, in lieu and full Satisfaction for their Tythe of Wool and Lamb as well in the said Grounds to be inclosed, as also all other the old Inclosures whatsoever within the said Township and Lordship of *Huttons Ambo*, the Sum of Ten Pounds of lawful Money of *Great Britain*; also that there should be yearly paid to the said Lord Archbishop of *York*, and the said *Samuel Hassell* junior, (Lessee under the said Lord Archbishop) and to the Successors of the said Lord Archbishop and their Lessees for ever, for and in lieu and full Satisfaction of all Tythes whatsoever in anywise due to the said Lord Archbishop or the said *Samuel Hassell* and their Lessees, as well in the said Grounds to be inclosed as also all other the old Inclosures whatsoever within the said Township and Lordship, the Sum of Ninety Pounds Two Shillings and Nine-pence, of like lawful Money of *Great Britain*; the said several Sums of Ten Pounds and Ninety Pounds Two Shillings and Nine-pence to be raised out of all the Land within the said Township and Lordship (Glebe Lands excepted) in Manner as thereafter is particularly mentioned, which the said Lord Archbishop of *York* and the said Right Honourable the Earl of *Carlisle*, and also the said *Samuel Hassell* (in Consideration of the great Improvement and Advancement thereby made, not only of the Glebe Lands within the said Lordship but also in respect of the said Payments of the said Sums of Ten Pounds and Ninety Pounds Two Shillings and Nine-pence for the said Tythe) had agreed to accept of; the which said several Sums of Ten Pounds and Ninety Pounds Two Shillings and Nine-pence (amounting in the Whole to the Sum of One hundred Pounds Two Shillings and Nine-pence) were to be paid by the Persons, and charged upon their several Lands as thereafter mentioned and appointed, by Two equal Half Yearly Payments in the Year (to wit) at *Michaelmas* and *Lady Day*, or within Forty Days after each Day of Payment, free and clear without any Deduction or Defalcation, of any Taxes or Assessments, chargeable nevertheless with all Parliamentary Taxes, rateably and proportionably to be assessed with the Lands within the said Township and Lordship of *Huttons Ambo* aforesaid, the first Payment to begin and be made and becoming due and payable at *Michaelmas* then last (One thousand seven hundred and eleven); also reciting, that all the said Parties to the said Articles did thereby mutually agree, that one able and sufficient Person should be nominated and chosen by the Majority of the said Commissioners, who was well skilled in the Art of surveying of Lands, to survey the said Lands; and that the said Commissioners appointed *Anthony Dowden*, of the City of *York*, to survey the said Lands, who had actually surveyed the same; also reciting, that the said Parties to the said Articles had thereby nominated them the said *Edward Elstob*, *Thomas Goulton*, *Robert Stamper*, *James Hebden*, *Robert Ward*, *William Lister*, and *Francis Wright*,

Wright, Commissioners to set forth and divide the said Lands, and had also empowered and authorized them the said Commissioners or the major Part of them to allot, set forth, and assign the said Lands to the respective Parties to the said Articles, by Metes and Bounds, as also to the said Lord Archbishop and his Lessees, in lieu of the Glebe Lands within the said Township and Lordship, and also to set out all and every the Ways, Fences, and other Matters necessary for the Perfection of the said intended Inclosure (the said Commissioners to make their Award concerning the Premises before the Twenty-ninth Day of *September* One thousand seven hundred and twelve) they the said Commissioners, in pursuance of the Authority given and Trust reposed in them (after a strict and exact Valuation taken by them and by the said Freeholders of the said Township and Lordship of *Huttons Ambo* of all the Lands intended to be inclosed and improved, and due regard had to the Quality thereof) did by their said Award now in recital (with the Consent of all the Parties interested in such Division and Inclosure as aforesaid) agree, order, award, determine, allot, set forth, and assign the said Lands and Premises aforesaid, to be held and enjoyed in severalty, by all and every the said Parties above named, in Manner and in the Proportions therein after mentioned and expressed; and the said Commissioners did thereby (amongst other Things) award, order, allot, set forth, and assign unto the said Lord Archbishop of *York*, and the said *Samuel Hassell junior*, Lessee under the said Lord Archbishop and to the Successors of the said Lord Archbishop and their Lessees for ever, several Pieces or Parcels of Land as the same were then bounded and set out, containing together, according to the Survey, One hundred and fifty-four Acres Two Roods and Nine Perches, were the same more or less, in lieu and full Satisfaction, Share, Part, and Proportion, of and for all and every the Lands and Grounds whatsoever, lying within the several Fields, Precincts, and Lordship of *Huttons Ambo* aforesaid, belonging to the said Lord Archbishop, as Glebe Lands, and also in full Satisfaction and Discharge of all Common Right, Beast, or Pasture Gates, in any the Moors, Fields, Carrs, Ings, Lands, Grounds, Commons, or Pastures whatsoever within the said Township and Lordship of *Huttons Ambo*, and the Precincts thereof; and the said Commissioners did also by their said Award ascertain and fix the Share and Proportion to be paid by each of the said Persons interested as aforesaid, of the said Sum of One hundred Pounds Two Shillings and Nine-pence, in lieu of Tythe, and did likewise make several other Orders, Regulations, and Provisions of and concerning the Premises, according to and in pursuance of the Powers and Authorities to them given by the same Articles of Agreement: And whereas the said Award was, on the Twenty-fourth Day of *November* in the Year of Our Lord One thousand seven hundred and sixteen, confirmed and established by a Decree for that Purpose obtained in the High Court of Chancery, in a Cause in which the said *Francis Foljambe* and *Francis Langley* were Complainants, and the said *Charles Earl of Carlisle*, *John Lord Archbishop of York*, *Sir William Strickland*, *Samuel Hassell junior*, *Robert Stevenson*, *Nathaniel Harrison*, *George Seller*, *Margaret Mountaigne*, *Elizabeth Pierson*, *William Lister*, *Richard Best*, *Matthew Nettleton*, *Samuel Hassell junior*, *Robert Braithwaite*, *William Best*, *Robert Foxton*, *Elizabeth Richardson*, and *Christopher Newham*, were Defendants: And whereas the said Lord Archbishop of *York*, and the said *Samuel Hassell junior*, as his Lessee, at the Time of the Date and Execution of the said recited Award, entered into the several Allotments, Lands,

Award of the
Commissioners.24th November
1716.
Decree confirming the
Award.Allotments
entered upon
and enjoyed,
and Tythe
Lands,
Rents paid

without Interruption, ever since the Execution of the Award.

and Hereditaments, allotted and awarded to them, by the said Commissioners, in and by their said Award as aforesaid, and they or their respective Successors, Heirs, or Assigns, have ever since continued in the Possession or in the Receipt of the Rents and Profits thereof, and the said Lord Archbishop and the said Earl of *Carlisle* and the same *Samuel Hassel* as his respective Lessees, according to their several Interests therein, have ever since continued in the Receipt of the said annual Sum of One hundred Pounds Two Shillings and Nine-pence, in lieu of Tythes, without any Interruption or Disturbance whatsoever: And whereas the said *Charles Earl of Carlisle*, *Sir William Strickland*, *Francis Foljambe*, *Samuel Hassel junior*, and the said several other Persons interested in the said Lands and Grounds within the Township of *Huttons Ambo* aforesaid, at the Time of the Date and Execution of the said recited Award, entered into the several Allotments, Lands, and Hereditaments, allotted and awarded to them respectively by the said Commissioners in and by their same Award; and they or their respective Heirs or Assigns have respectively ever since continued in the Possession, or in the Receipt of the Rents and Profits thereof, and from Time to Time paid their respective Shares or Proportions of the said annual Sum of One hundred Pounds Two Shillings and Nine-pence in lieu of Tythes, and enjoyed their same several Allotments, Lands, and Hereditaments, free from the Payment of Tythes in Kind accordingly, without any Interruption or Disturbance whatsoever: And whereas the said Award and Decree have been productive of considerable Benefit to the See of *York*, and to the Owners and Proprietors of the Estates within the said Township of *Huttons Ambo*, and great Inconvenience and Detriment would arise to all Persons concerned if the same were set aside or disturbed; but they cannot be made binding and conclusive without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Award and Decree of the High Court of Chancery, and the several Clauses, Orders, Directions, Provisions, Regulations, Matters, and Things in the same Award and Decree respectively contained, and likewise the said Division, Allotment, and Inclosure of the said Lands and Grounds within the Township of *Huttons Ambo* aforesaid, and the said annual Money Payment in lieu of Tythes, shall be and the same and every of them are and is hereby established, ratified, and confirmed, according to the Tencor, Purport, and true Meaning of the same Award and Decree respectively, and shall for ever hereafter be binding and conclusive upon all Persons whomsoever, and be observed, paid, and performed, as fully and effectually to all Intents, Constructions, and Purposes whatsoever, as if all and every the same Clauses, Orders, Directions, Provisions, Regulations, Matters, and Things, were expressed, declared, and contained in this Act of Parliament, except so far as the same or any of them are or is hereby altered or explained.

Award and Decree not binding, without the Authority of Parliament.

Award and Decree confirmed.

Further Power to the Archbishop and his respective Lessees to recover each

II. And be it further enacted, That the said annual Money Payment or Sum of One hundred Pounds Two Shillings and Nine-pence, shall be paid in the Shares mentioned in the Schedule to this Act; and that the said Shares shall be severally charged on the Lands or Grounds mentioned after the same respectively in the said Schedule; each Division or Portion of

of Land mentioned in the said Schedule being charged with that Share of the said annual Money Payment, or Sum of One hundred Pounds Two Shillings and Nine-pence, which is written opposite to such Division or Portion of Land, and with no greater or other Part of the same; and the said Shares shall be paid by equal Half Yearly Portions on the Tenth Day of *October* and the Fifth Day of *April* in every Year; and the First Half Yearly Payment of the same shall be made on the Tenth Day of *October* next after the passing of this present Act of Parliament.

Persons
Quota of the
Tythe Rent
as fixed by
a Schedule.

III. And be it further enacted, That in case Default shall be made in the Payment of any Share of the said annual Money Payment or Sum of One hundred Pounds Two Shillings and Nine-pence, at the Days and Times herein-before mentioned for Payment thereof, then and in every or any such Case the said Lord Archbishop for the Time being, and his Lessees for the Time being, and their respective Executors, Administrators, and Assigns, shall and may, for recovering and compelling Payment of the same, and the Costs, Charges, and Expences occasioned by the Non-payment thereof, have such and the same Powers and Remedies of Distress on the Lands and Grounds charged with the Share so in Arrear, and such and the same Right of Action or Suit against the Persons liable to pay the same, and their respective Heirs, Executors, Administrators, and Assigns, as by the Laws or Usages of this Realm Landlords have for recovering or compelling the Payment of Rent reserved on common Demises or Leases for Years, and secured by the Express or implied Covenant of the Lessee; and if any such Distress shall be made, and an Action of Replevin shall be brought, it shall be sufficient for the Defendant therein to alledge, in his Avowry or Cognizance, that the Plaintiff or Tenant is indebted to the Defendant, in respect of the same Lands, or of so many Acres of Land in the said Township of *Huttons Ambo*, whereof the Place of making such Distress was Parcel, in so much Money for his the Defendant's Share of the said annual Money Payment or annual Sum of One hundred Pounds Two Shillings and Nine-pence, due and of Right payable unto the Defendant according to the Statutes in such Cases made and provided, in lieu of all Tythes of Wool and Lamb, and all other Tytheable Matter within the Township of *Huttons Ambo* aforesaid; and that in case any Action or Actions at Law shall be brought for the Rent so in Arrear, it shall be lawful for the Plaintiff to declare that the Defendant therein is indebted in Manner aforesaid.

Power to
compel Pay-
ment of such
Money Pay-
ment in case
of Default.

IV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except the respective Persons and Bodies Politick or Corporate to whom any Allotments or Allotment of Land or Compensation have or hath been made under or by virtue of the said recited Award and Decree, or either of them, in respect of the Property or Interest for which such Allotments or Allotment or Compensation were or was made, his, her, and their Heirs, Successors, Executors, and Administrators respectively) all such Estates, Rights, and Interests, as they, every, or any of them had or enjoyed, of, in, to, or out of the Lands and Grounds and Hereditaments within the said Township of *Huttons Ambo*, before the Execution of the said Award and passing of the said

General
Saving.

[Loc. & Per.]

25 K

Decree

Decree respectively, or could or might have had or enjoyed in case the same respectively and this Act had not been made.

Act may be given in Evidence when printed.

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

The SCHEDULE to which the foregoing Act refers.

	Reputed Quantity of Land.			Money Payable in lieu of Tithes			To whom payable.
	A.	R.	P.	£.	s.	d.	
The Right Honourable FREDERICK Earl of CARLISLE: One Messuage and several Clofes or Parcels of Land, in the Occupations of his Lordship and of Robert ETTY -	303	0	0	9	10	—	The Archbishop of York and the Earl of Carlisle his Lessee.
BOSVILLE, WILLIAM, Esquire: In Buckton Acres—A Clofe or Parcel of Land, in the Occupation of John Woffendin - - - - -	20	1	27	—	10	—	- - D ^o
His Grace the Archbishop of YORK, and WILLIAM BOSVILLE, Esquire, his Lessee: Several Clofes or Parcels of Land, in the Occupations of Widow Carr, John Woffendin, and John Bulmer -	154	2	9	—	0	0	—
The Right Honourable the Earl FITZWILLIAM: Several Clofes or Parcels of Land, in the Occupations of Robert Marshall, Thomas Davye, Thomas Robinson, and John Foster - - - - -	28	2	33	1	9	4	The Archbishop of York, and William Bosville, Esq. his Lessee.
BOSVILLE, WILLIAM, Esquire: Four Messuages, with several Clofes or Parcels of Land, in the Occupations of John Woffendin, John Bulmer, Widow Carr, and William Sheffield -	382	0	0	24	1	2	- - D ^o
BEST, JOSEPH: A Messuage and several Clofes or Parcels of Land, in his own Occupation - - - - -	51	0	0	2	4	3	- - D ^o
CARR, ELIZABETH: A Messuage, and Two Clofes or Parcels of Land in her own Occupation -	5	0	0	—	6	6	- - D ^o
DODSWORTH, GEORGE, Esquire: Several Clofes or Parcels of Land, in the Occupations of Thomas Ewbank and Robert Boulton - - - - -	14	0	0	2	5	10	- - D ^o
ETTY, ELIZABETH: Several Clofes or Parcels of Land, in the Occupations of Thomas ETTY and Robert ETTY - - - - -	30	0	0	1	1	—	- - D ^o
FOLJAMBE, FRANCIS FERRAND, Esquire: Five Messuages and several Clofes or Parcels of Land in the Occupations of himself and of William Horsley senior, William Horsley junior, William Catton, Widow Salkeld, George Nickson, William Marshall, — Fenton, and Richard Terrick Stainforth, Esquire - - -	400	0	0	12	16	6	- - D ^o
LAVERACK, JOHN: One Cottage with a Garth, in his own Occupation - - - - -	1	0	0	—	—	—	- - D ^o
Carried forward - - - - -				51	4	7	

	Reputed Quantity of Land.			Money Payment in lieu of Tythes.			To whom payable.
	A.	R.	P.	£.	s.	d.	
Brought forward - -	-	-	-	54	4	7	
MARSHALL, THOMAS : One Cottage in his own Occupation -	-	-	-	-	-	-	-
MILLS, WILLIAM and BLAND, HENRY : A capital Messuage, and several Clofes or Parcels of Land, in the Occupation of David Lambert - - - - }	14	0	0	-	11	2	The Archbishop of York, and William Bosville, Esquire, his Lessee.
RICHARDSON, JOHN : A Messuage, and several Clofes or Parcels of Land, in his own Occupation }	30	0	0	-	-	-	-
RIVIS, ROBERT : Several Clofes or Parcels of Land, in his own Occupation - - - - }	9	0	0	-	12	-	- - D°
RIVIS, JOHN : One Cottage with a Garth in his own Occupation - - - - }	1	0	0	-	-	-	-
ROBINSON, THOMAS : A Messuage, and several Clofes or Parcels of Land in his own Occupation }	124	0	0	4	12	9	- - D°
ROBINSON, DINAH : A Messuage, and several Clofes or Parcels of Land, in the Occupation of Matthew Norton - - - - }	90	0	0	4	5	-	- - D°
SOLLETT, JOHN : Four Cottages with a Garth, in the several Occupations of himself and Thomas Best, Richard Wigell, and Norton - - - - }	0	2	0	-	-	-	-
SOLLETT, WILLIAM : One Cottage in his own Occupation -	-	-	-	-	-	-	-
SPAVIN, THOMAS : A Messuage, and several Clofes or Parcels of Land in his own Occupation }	67	0	0	2	14	8	- - D°
STAINFORTH, RICHARD TERRICK, Esquire : Eight Messuages, and several Clofes or Parcels of Land, in the Occupations of John Jackson, John Puckering, Richard Moody, Christopher Shepherd- son, John Coates, George Taylor, John Richardson, Mark Smith, John Skelton, John Shaw, Ralph Rutter, and John Laverack - - - - }	812	0	0	32	13	3	- - D°
WHITE, WILLIAM : Two Cottages with the Garths, in the Occupations of John Waller and Thomas Skelton - - - - }	2	0	0	-	1	-	- - D°
WOFFENDIN, THOMAS, junior : Several Clofes or Parcels of Land, in the Occupation of Thomas Sollitt - }	15	0	0	-	8	4	- - D°
				100	2	9	