



ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

Cap. 128.

An Act for inclosing Lands in the Manor of *Pudsey*,
in the Parish of *Calverley*, in the West Riding of
the County of *York*. [25th May 1811.]

WHEREAS there are within the Manor of *Pudsey*, in the Parish
of *Calverley*, in the West Riding of the County of *York*, several
Commons or Parcels of Waste Ground, called *Upper Moor*,
Banks, *Bankhouse Green*, *Little Moor*, *Rickershaw*, *Crimples Green*, and
several other Parcels of Waste Ground, containing in the Whole by
Estimation Four hundred Acres or thereabouts: And whereas *Charles*
Milner Esquire is Lord of the said Manor of *Pudsey*, and as such
is Owner of the Soil of the said Commons and Waste Grounds, and
entitled to all Mines, Minerals, and Royalties of, within, and under
the said Commons and Waste Grounds; and *Thomas Thornhill* Esquire
is entitled to One Moiety or Half-part of such Allotment of the said
Commons, Moors, and Waste Land, as shall be made, upon an Inclo-
sure thereof unto the Lord of the said Manor, in respect of the Soil
thereof: And whereas the said *Charles Milner* and *Thomas Thornhill*, and
John Radcliffe, *Thomas Plumbe*, *Francis Maude*, Esquires, and several
other Persons, are Owners and Proprietors of Estates within the Manor
of *Pudsey* aforesaid, and in respect thereof are entitled to Right of Com-
mon, and other Rights and Interests in and upon the said Commons and
Waste Grounds: And whereas the said Commons and Waste Grounds in
their present State afford very little Profit or Advantage, but are capable
of considerable Improvement, and the same would, if divided, allotted,
[Loc. & Per.] . 30 C. and

Commissioners appointed.

and inclosed, be of great Advantage to the several Persons interested therein; but such Division, Allotment, and Inclosure cannot be made and effectually established without the Aid and Authority of Parliament: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled; *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: 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 Commons and Waste Lands, situate, lying, and being within the said Manor of *Pudsey*, shall be set out, allotted, and divided, as soon as conveniently may be after the passing of this Act, by *Jonathan Teal* of *Leeds*, in the said County of *York*, Gentleman, or his Successors, to be elected in Manner herein-after mentioned; and that he and his Successors shall be and they are hereby appointed the Commissioner or Commissioners for setting out, valuing, dividing, and allotting all the said Commons and Waste Grounds, and for carrying this Act into Execution, in such Manner and with such Powers, and subject to such Regulations as are herein-after contained; and also with such Powers and subject to such Rules, Orders, Directions, and Regulations as are contained in the said recited Act, and are not controuled by and repugnant to any of the Clauses, Provisions, and Regulations contained in this Act.

Appointment of new Commissioner.

II. And be it further enacted, That in case the said *Jonathan Teal*, or any Commissioner or Commissioners to be appointed in Manner herein-after mentioned, shall refuse or become incapable to act as a Commissioner in the Execution of the said recited Act and this Act, or shall die before all the Powers, Authorities, and Trusts reposed and vested in the said Commissioner shall be fully executed and performed, the said *Charles Milner*, and the several Owners and Proprietors of Messuages, Lands, Tenements, or Hereditaments within the said Manor of *Pudsey*, or the major Part of them in Value, according to the Land Tax Assessment of the said Manor, who shall be present in Person, or by their respective Attornies or Agents, at a Meeting to be held for that Purpose within Sixty Days after such last mentioned Death, Refusal, or Incapacity to act, (of which Meeting Notice shall be given by any Two or more of the said Owners and Proprietors, or their respective Attornies or Agents, by affixing such Notice on the principal Door of the Parish Church of *Calverley* aforesaid, and on the principal Door of the Chapel of *Pudsey* aforesaid, and causing the same to be inserted in the Newspaper called *The Leeds Mercury*, or some other Newspaper then printed or circulated in the said West Riding of the County of *York*, Fourteen Days at least before such Meeting,) shall and may, by Writing under their Hands, nominate and appoint a proper Person (not being interested in the Premises, nor being the Attorney or Agent of any Person interested therein,) to be a Commissioner in the Place and Stead of the said *Jonathan Teal*; and to make the like Appointment when and so often as any Person, so to be appointed a Commissioner in the Place of the said *Jonathan Teal*, shall die or refuse or become incapable to act as aforesaid; and every Person so to be appointed a Commissioner as aforesaid shall take and subscribe the Oath or Affirmation prescribed in the said recited Act, and shall

shall thereupon have such and the like Powers and Authorities in all Respects for putting the said recited Act and this Act in Execution, as if he had been named and appointed a Commissioner in and by this Act.

III. And be it further enacted, That the said Commissioner shall and is hereby required to cause Notice in Writing under his Hand to be affixed upon the principal outer Door of the Parish Church of *Calverley* aforesaid, and upon the principal Door of the Chapel of *Pudsey* aforesaid, and also to be inserted in the said Newspaper called *The Leeds Mercury*, or some other publick Newspaper circulated in the West Riding of the County of *York*; of the Time and Place of his First, Second, and Third Attendances respectively, for the Execution of this Act; at least Fourteen Days before such respective Attendances (Attendances by Adjournment excepted); and that the said Commissioner shall and may, after the said Third Attendance, from Time to Time appoint such Time and Place for every subsequent Attendance as he shall think proper: Provided always, that the said Commissioner shall cause a Notice in Writing under his Hand to be affixed upon the principal outer Door of the said Parish Church, and the principal Door of the said Chapel, Ten Days at least before every such subsequent Attendance; but the said Commissioner shall have full Power and Authority, from Time to Time as he shall think proper, to continue such First, Second, Third, and any subsequent Attendance by Adjournment, to such Time or Times as he shall think proper for the due Execution of this Act, without giving any Notice thereof, provided that every Attendance of the said Commissioner for the executing of this or the said recited Act, whether by Adjournment or otherwise, shall be held within the Manor of *Pudsey* aforesaid, or within Six Miles of the same: Provided always, that the said Proprietors, their Attornies and Agents, shall pay their own Expences when they, or any of them, shall attend the said Commissioner at any of his Attendances to be holden in pursuance of this Act.

Notice of Attendances.

Proprietors to pay their own Expences at Commissioner's Meetings.

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made or given by the said Commissioner shall be made and given by Advertisement in the Newspaper called *The Leeds Mercury*; or in case the same shall not then be published, then in some other Newspaper printed or circulated in the said West Riding of the said County of *York*.

Other Notices, how to be given.

V. And be it further enacted, That if any Dispute or Difference shall arise between any of the said Parties interested in, or claiming to be interested in the said Division, Allotment, and Inclosure, touching or concerning the respective Rights or Interests which they, or any of them, shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division and Allotment, it shall be lawful for the said Commissioner for the Time being, and he is hereby authorized to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Messuages, Cottages, Lands, and Hereditaments whatsoever.

Disputes to be determined by the Commissioners, but not Disputes as to Titles.

VI. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right

Persons in Possession not to be molested.

without due
Course of
Law.

Right between any Parties contrary to the Possession of any of such Parties, (except in Cases of Encroachments made within the Period of Twenty Years as herein-after mentioned); but in case the said Commissioner shall be of Opinion against the Rights of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Power to
award Costs.

VII. And be it further enacted, That in case the said Commissioner shall, upon the Hearing or Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this Act or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, 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 Favour any Determination of the said Commissioner 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 the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioner for the Time being, and he is hereby authorized and required, by Warrant under his Hand and Seal directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels within the said Riding 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.

Parties dis-
satisfied with
the Commis-
sioner's De-
termination,
may try their
Rights at
Law.

VIII. Provided always, and be it further enacted, That in case any Person or Persons making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioner for the Time being, and shall by Writing under his or their Hand or Hands signify the same to the said Commissioner within One Calendar Month after such Determination shall be made, it shall be lawful for the Person or Persons so dissatisfied with such Determination to have the Matter tried at Law by One or more Action or Actions, to be brought or commenced within Three Calendar Months next after such Determination shall be made, upon a feigned Issue or Issues, to be settled by the proper Officer or Officers of the Court in which such Action or Actions shall be brought, if the Parties shall differ about the same; in which Action or Actions the said Commissioner for the Time being shall be Plaintiff, and the Person or Persons so dissatisfied with such Determination the Defendant or Defendants; and each Party shall so proceed therein as to have the same tried at the First or Second Assizes to be holden in and for the County of York next after such Determination of the said Commissioner for the Time being, and the Costs and Charges of prosecuting and defending such Action or Actions shall abide the Event of the Trial or Trials to be had therein respectively; but all such Costs and Charges as shall be incurred

incurred by the Plaintiff in every such Action and Actions, of which the Plaintiff shall or may in anywise become liable to in consequence of any such Action or Actions, shall be raised, levied, and paid in like Manner as the Costs and Charges of obtaining and passing this Act are hereby provided for, the Person and Estates of the said Commissioner being hereby expressly discharged from all such Costs and Charges; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politick, Corporate or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioner for the Time being 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 all such Determinations of the said Commissioner for the Time being as aforesaid which shall not be objected to as aforesaid, or being objected to the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be binding, final, and conclusive upon all Parties whomsoever.

IX. 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 Action, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

If any of the Parties die, the Proceedings not to abate.

X. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination 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 herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politick or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said 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 thereon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

XI. And be it further enacted, That if any Person or Persons interested therein shall be dissatisfied with the Determination of the said Commissioner made in pursuance of the Directions of this or the said recited Act, respecting the Boundaries of the said Manor of *Pudsey*, or of any Manor, Township, Hamlet, or District adjoining thereto, and shall be desirous of having the Boundaries affected by such Determination tried

Boundaries to be settled by a Trial at Law.

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at Law, and shall by themselves or their respective Agents or Attornies, within Two Calendar Months next after the Determination of the said Commissioner shall have been made and published by him, give Notice in Writing to the said Commissioner of such his, her, or their Objection to the said Boundaries so determined by the said Commissioner, and of such Desire to have the same Boundaries settled by Trial at Law, then and in every such Case the said Commissioner shall and he is hereby required, immediately on Receipt of such Notice as aforesaid, or as soon afterwards as conveniently can be, to give Notice to One or more of the Parties interested therein, who shall insist upon the Boundaries so determined by the said Commissioner; or to his, her, or their respective Agents or Attornies, by Writing under his Hand, to be delivered to or left at the usual Place of Abode of such Party or Parties, Agents or Attornies respectively; and it shall and may be lawful for the Person and Persons giving such Notice to the said Commissioner as aforesaid, or his or their Heirs, Successors or Assigns, after the Expiration of Two Calendar Months from the Time such Notice being given to the said Commissioner as aforesaid, to proceed to a Trial at Law for the ascertaining of such Boundaries so objected to at the next Assizes to be holden for the County of *York*, in an Action or Actions for that Purpose to be commenced in one of His Majesty's Courts of Law at *Westminster*, by the Person or Persons giving such Notice to the said Commissioner as aforesaid, their respective Heirs, Successors or Assigns, against any such Person or Persons interested therein, who shall insist on the Boundaries so determined by the said Commissioner as aforesaid; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall file Common Bail, or appear and accept One or more Issue or Issues, whereby all such Boundaries may be properly tried and determined, (such Issue or Issues, if the Parties differ about the same, to be settled by the proper Officer of the Court wherein such Action or Actions shall be commenced,); and the Jury or Juries who shall try such Issue or Issues shall find the true Boundary or Boundaries of all or any of such Townships, Manors, Parishes, Hamlets, or Districts so in dispute, and the same shall, under the Directions of the Judge who shall try the said Issue or Issues, be indorsed especially on the *Postea*, in case the same shall be thought necessary for ascertaining such Boundaries; and the Verdict or Verdicts which shall be given in any such Action or Actions shall be final and conclusive to every Person and Persons, Body and Bodies Politick and Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside the Verdict or Verdicts so to be given as aforesaid, and order a new Trial or new Trials to be had, (which it shall be lawful for the said Court to do, and also upon sufficient Cause shewn to put off the said Trial of such Issue or Issues, as is usual in other Cases); and after any Verdict or Verdicts shall have been obtained and not set aside by the Court as aforesaid, the said Commissioner shall and he is hereby authorized and required to conform to such Verdict or Verdicts, any Thing in the said recited Act or in this Act contained to the contrary notwithstanding: Provided, that the Defendant or Defendants in any such Actions shall be by the said Commissioner reimbursed all the Costs, Charges, and Expences which he or they shall reasonably pay, expend, or be put unto in the Defence of such Action or Actions, by and out of the Money to be raised for carrying this Act into Execution.

XII. And

XII. And be it further enacted, That a true, exact, and particular Survey, Admeasurement, and Plan of all the Commons and Waste Grounds to be divided, allotted, and inclosed by virtue of this Act, and also all the Messuages, Cottages, ancient inclosed Lands, Tenements, and Hereditaments within the said Manor, and of all Buildings and Encroachments whatsoever made in and upon the said Commons and Waste Grounds, shall, as soon as conveniently may be after the passing of this Act, be made and reduced into Writing by *Samuel Gawthorpe*, or by such other Person as shall be nominated in his Stead, in Manner herein-after mentioned, and the Number of Acres and decimal Parts of an Acre in Statute Measure contained in all the said Commons and Waste Grounds, and also in all the said ancient inclosed Lands, Tenements, Hereditaments and Encroachments, shall be therein set forth and specified, and the said Survey, Admeasurement, and Plan shall be verified by the Oath of the said *Samuel Gawthorpe*, or by the Oath or Affirmation of the Person making the same as aforesaid, at any Meeting to be held after the making thereof; which Oath or Affirmation the said *Jonathan Teal*, or any Commissioner to be appointed in his Stead as herein-before mentioned, is hereby empowered and required to administer; and the Proprietors and their respective Agents, and all Persons interested in the said Division and Allotment, shall have Liberty at all seasonable Times to peruse and inspect the Survey, Admeasurement, and Plan, and to take Copies thereof and Extracts therefrom respectively.

Survey to be made, and Surveyor appointed.

XIII. And be it further enacted, That in case the said *Samuel Gawthorpe*, or any other Person to be nominated in his Stead as herein-before mentioned, shall die, refuse, or neglect to act or become incapable of acting in the Execution of this and the said recited Act, then and in every such Case it shall and may be lawful for the said Commissioner for the Time being, by Writing under his Hand and Seal, to nominate and appoint some other fit and proper Person, not interested in the said Division and Inclosure, to be a Surveyor in the Room or Stead of every Surveyor so dying, refusing, or neglecting to act, or becoming incapable of acting as aforesaid; and every Surveyor so nominated and appointed shall have the like Powers and Authorities, and shall be subject to the like Rules, Regulations, and Restrictions, as if he had been originally named a Surveyor in and by this Act; which said several Appointments shall be annexed to the Award of the said Commissioner.

Commissioners to appoint new Surveyor.

XIV. And be it further enacted, That from and immediately after the passing of this Act, until the Execution of the Award of the said Commissioner, it shall not be lawful for any Person or Persons whomsoever to grave, dig, get, pare, cart, or carry away any Sods or Turves, contrary to the true Intent and Meaning of this Act; and every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Graving of Turves, &c. prohibited.

XV. And be it further enacted, That all Encroachments 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 divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachment, or the Extent thereof, such Dispute or Difference shall be determined by the said Commissioner.

Encroachments within Twenty Years deemed Part of the Waste.

Encroachments to be allotted to the Persons in Possession.

XVI. Provided always, and be it further enacted, That the Lands and Grounds comprised in such Encroachments shall be allotted to the Person or Persons who shall be in Possession thereof, in case such Person or Persons shall be entitled to any Allotment by virtue of this Act, without regard to the Value of such Improvements as shall or may have been made thereon since such Encroachments were made, in case the Person or Persons so in Possession shall desire the same to be so allotted, and shall signify such Desire in Writing, signed by him, her, or them, to be delivered to the said Commissioner at his First or Second Attendance to be holden in pursuance of this and the said recited Act; and the Value of such Encroachments shall be deducted from the Allotments to which such Person or Persons shall be entitled under this Act, unless it shall happen that the Value of such Encroachments respectively (Quantity and Quality considered) shall be greater than the Allotment or Allotments to which such Person shall be entitled by virtue of this and the said recited Act, and in that Case a proportional Part only of such Encroachments shall be deducted therefrom, and the Residue thereof shall be sold by the said Commissioner; and if the Person or Persons in Possession of such Encroachments shall not be entitled to any Allotment under or by virtue of this and the said recited Act, then the Whole of such Encroachments shall be sold by the said Commissioner, and conveyed by him in Fee Simple to the Purchaser or Purchasers thereof, and the Money arising from such Sale or Sales shall be applied towards defraying the Expence of obtaining and executing this Act.

Application of Surplus Money (if any) arising by Sale of Encroachments.

XVII. And be it further enacted, That in case any Surplus shall remain after such last mentioned Sale as aforesaid, such Surplus Money shall be divided and apportioned between the several Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, according to their several and respective Interests therein, and paid to them, in case they shall be seized in Fee Simple of their several Allotments; or otherwise, such Surplus Money shall be paid into the Bank of *England* in Manner directed by the said recited Act, with respect to Money thereby directed to be paid into the Bank 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 Hereditament, to be settled to the same Uses.

Allotment of Land for Sale to pay Expencs.

XVIII. And be it further enacted, That it shall and may be lawful for the said Commissioner, as soon after the passing of this Act as conveniently may be, and from Time to Time as he shall see Occasion before the Execution of his Award, to sell by publick Auction or private Contract such Pieces or Parcels of the said Commons or Waste Lands hereby directed to be divided, allotted, and inclosed, as he shall deem expedient, proper, and beneficial for the said Inclosure, (such Sale to be subject to the Regulations and Directions mentioned in the said recited Act,) and to apply the Money which shall arise by such Sale in and towards the defraying the Costs, Charges, and Expences of obtaining this Act, and carrying the same into Execution; and all and every Part and Parts of the said Commons and Waste Lands which shall be so sold by the said Commissioner shall, upon Payment by the respective Purchaser or Purchasers thereof of his, her, or their Purchase Money for the same to the said Commissioner, or to such Person or Persons, and at such Place and Time

as

as the said Commissioner shall for that Purpose appoint, and taking a Receipt to be signed by the said Commissioner for the same, be and become absolutely vested in such Purchaser or Purchasers, and his, her, or their respective Heirs; without any further or other Conveyance or Assurance thereof whatsoever; and after such Payment such Purchaser or Purchasers shall not be bound to see to the due Application thereof, but be for ever thereof discharged.

XIX. And be it further enacted, That in case such Part or Parts of the said Commons or Waste Grounds hereby directed to be sold shall produce more Money than will be required for defraying the Charges and Expences hereby directed to be defrayed thereout, then and in such Case the Surplus Money arising by such Sale shall be divided and apportioned between the several Proprietors of the Lands hereby directed to be divided, allotted, and inclosed; according to their several and respective Interests therein, and paid to them; in case they shall be seised in Fee Simple, or Fee Tail general or special, of their several Allotments; or in case any of the Parties shall not be so seised, the Shares of such last mentioned Parties shall be paid into the Bank of *England* in the Manner directed by the said recited Act, in respect of Money thereby directed to be paid into the Bank for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments; to be settled to the same Uses.

Application
of Surplus
Money.

XX. And be it further enacted, That the said Commissioner shall, after setting out and appointing the publick Carriage Roads and Highways through and over the said Commons and Waste Grounds by this Act intended to be divided, allotted, and inclosed as aforesaid, set out such Part or Parts of the said Commons and Waste Grounds as he shall think proper, not exceeding Two Acres in the Whole, to be used and enjoyed by the respective Proprietors of Lands within the said Manor of *Pudsey*, for the Purposes of common Watering Places for Cattle, and getting Stones and other Materials for erecting and repairing any publick Buildings, Bridges, Walls, Fences, and other Works, and for the Reparation of the publick and private Roads within the said Manor.

Allotments
for Stone
Quarries, &c.

XXI. And be it further enacted, That the said Commissioner shall, in the next Place, assign, set out, allot, and award unto and for the said *Charles Milner*, as Lord of the said Manor, or to such Person or Persons as shall then be entitled to the said Manor, his, her, or their Heirs and Assigns, and unto the said *Thomas Thornhill*, his Heirs and Assigns, in equal Moieties, such Part and Parcel, Parts and Parcels of the Residue and Remainder of the said Commons and Waste Grounds, as shall, in the Judgement of the said Commissioner, be equal in Value to One full Sixteenth Part of the said Residue of the said Commons and Waste Grounds, in lieu of and as a full Reconpence for all such Right and Interest in and to the Soil of the said Commons and Waste Grounds, as is not herein-after expressly saved and reserved.

Allotment to
the Lord of
the Manor.

XXII. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, assign, and allot such Part and Parcel of the said Commons and Waste Grounds, lying within the said Manor,

Allotment
for an addi-
tional Burial
Ground.

of *Pudsey*, as he shall think proper and sufficient, not exceeding Two Statute Acres, as and for an additional Cemetery or Burial Ground for the Use of the said Chapel of *Pudsey*; and such Allotment shall be vested in such and the same Persons as the present Burial Ground is vested.

Allotment
of Residue.

XXIII. And be it further enacted, That after the setting out, assigning, and allotting such Sixteenth Part to the said *Charles Milner* and *Thomas Thornhill* as aforesaid, the said Commissioner for the Time being shall set out, assign, and allot the Residue of the said Commons and Waste Grounds, unto and amongst the several Proprietors of Messuages, Cottages, and Tofts within the said Manor, which have been erected Sixty Years and upwards, and are entitled to Right of Common upon the said Waste Ground, (other than and except such Messuages, Cottages, and Tofts as have at any Time or Times within Sixty Years from the passing of this Act been erected upon or taken from any Part or Parts of the said Waste Ground hereby directed to be inclosed, and which said last mentioned Messuages, Cottages, and Tofts are intended to be hereby barred from having or claiming any Allotment or Allotments in respect thereof,) and the Owners of the old inclosed Lands and Grounds situate and being within the said Manor, in such Parts, Shares, and Proportions as herein-after mentioned; that is to say, One-fourth Part in Value of the Residue of the said Commons and Waste Grounds unto and amongst the several Owners of such Messuages, Cottages, and Tofts as before mentioned, in Proportion to the Number, and without regarding the Value of such Messuages, Cottages, and Tofts; and the remaining Three-fourth Parts in Value of the said Residue of the said Commons and Waste Grounds, unto and amongst the several and respective Owners and Proprietors of ancient inclosed Lands and Grounds situate within the said Manor, and not having or being at any Time or Times within Sixty Years last before the passing of this Act been Parcel of the said several Commons and Waste Grounds, or of any of them, in Proportion and according to the full and fair Value thereof, in full Bar and Compensation for their several and respective Rights and Interests upon the said Waste Grounds, or any of them.

In making
Allotments,
Convenience
and Situation
to the Persons
entitled to be
regarded.

XXIV. And be it further enacted, That in making the said Allotments, due Regard shall be had by the said Commissioner to the Convenience of the Parties interested therein respectively, not only with respect to the Situation of the Estates or Property contiguous or near adjoining to the said Commons and Waste Lands, but also with respect to the laying and plotting of the several Allotments to be made to any of such Persons together in One Plot or otherwise, as the Necessity or Convenience of the Case may require, provided the same can be done, in the Judgement of the said Commissioner, without Prejudice to any other Proprietor; so as that all such Persons being desirous of having their Allotments laid together, or as near as may be as aforesaid, shall signify such their Desire to the said Commissioner in Writing under their Hands, within the Space of Three Calendar Months next after the First Attendance of the said Commissioner for receiving the Claims of the Parties as aforesaid, or at the Time of making such Claims respectively.

Alienation
of Common
Rights, and

XXV. And be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time before the Execution of the Award of the

the said Commissioner sell, his, her, or their Right or Interest, or Property in, over, or upon the said Commons and Waste Grounds, or any Part thereof, to any other Person or Persons, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required to make an Allotment of Land to the Purchaser or Purchasers in such Sale, or to his, her, or their Heirs or Assigns, for, or in respect of such Right, Interest, or Property so sold; and every such Purchaser or Purchasers, his, her, or their Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to him, her, or them as aforesaid, in the same Manner to all Intents and Purposes as the Vendor or Vendors in every such Sale might, could, or ought to have held and enjoyed the same, in case such Sale had not been made.

Powers to award Allotments to Purchasers.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Manor, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Manor, or within any adjoining Manor, Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politick, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunaticks, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politick, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided always, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent (testified as aforesaid) of the Patron thereof, or of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate.

Power to make Exchanges.

XXVII. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making and completing of any Exchanges and Partitions, shall be paid, borne, and discharged by the several Persons making such Exchanges and Partitions, in such Manner and in such Proportions as the said Commissioner shall by his Award order and direct.

Expences of Exchanges and Partitions to be borne and paid by the Parties making them.

XXVIII. Provided always, and be it further enacted, That all Terms in Leases and Agreements held at Rack Rent, and now subsisting of or respecting

Leases at Rack Rent made void.

respecting any Common Rights upon the said Common and Waste Grounds, or any Messuages, Buildings, Homesteads, Gardens, Orchards, or inclosed Lands, which shall be exchanged by virtue of this or the said recited Act, shall cease, determine, and be void immediately on such Allotment or Exchange being made; the respective Tenants and Lessees thereof receiving from the respective Owners and Proprietors of the same Premises so leased or held as aforesaid, what the said Commissioner shall ascertain and declare to be reasonable and direct to be paid to such Lessees or Tenants respectively; which Money shall (if not paid within Ten Days after Demand made thereof,) be raised by the said Commissioner for the Time being, in such and the same Manner, as the Charges and Expences of obtaining and passing this Act are herein-after directed to be raised; but such Terms and Leases being made void as aforesaid shall not affect any Promise, Contract, or Agreement respecting any other Lands or Hereditaments contained in such Leases or Agreements respectively: Provided, that if there shall be any Lease of Land, Part of which shall lie in the said Manor of *Pudsey*, and Part in any adjoining Manor, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated; but where any Lands shall have been taken in Exchange, which Lands shall be under Lease, and wholly situate in an adjoining Manor, Township, or Place, the Lease of such last mentioned Lands shall not be vacated.

Settlements,
&c. not to
be affected.

XXIX. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend or be construed or adjudged to extend to revoke, make void, annul, or alter any Settlement, Deed, Will, or Lease, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent, Debt, Charge, or Incumbrance whatsoever, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby directed to be divided and allotted, or which shall be exchanged or assigned in Compensation for any other Estate or Right in pursuance of this or the said recited Act; but as well the Lands allotted as the Tenements or other Hereditaments which shall be assigned in Exchange, or in Compensation for any other Estate or Rights, shall immediately after such Allotment, Exchange, or Assignment shall be made, be vested, remain, and enure; and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, his, her, or their Heirs and Assigns respectively, shall thenceforth stand and be seized and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Trusts, Intents, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, Tenures, Rents, Services, and Incumbrances, as the several Lands, Tenements, and Hereditaments, in respect whereof such Allotments, Assignments, and Exchanges shall have been made, should or would have stood severally limited, settled, vested, or subject or liable to, or been held, in case the same had not been allotted, assigned, or exchanged, and this Act had not been made; save and except such Leases and Tenancies at Rack Rent as shall become void by virtue of this Act, and subject nevertheless to all such Mortgages and Sales as shall be made by Authority of this Act or of the said recited Act.

Expences of
the Act.

XXX. And be it further enacted, That the Charges and Expences incident to and attending the obtaining and passing of this Act, and of
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the surveying, measuring, dividing, allotting, and inclosing the said Commons and Waste Grounds, and of surveying the other Premises, and of the preparing and filing the Award of the said Commissioner, and also the Charges and Expences of the said Commissioner and of the several Persons to be employed by him, either before or after the Execution of the said Award, and other the necessary Expences in and about the Execution of the Premises, shall, in case the Money to be raised by the Sale or Sales of Land as herein-before mentioned shall fall short or be insufficient for the Purposes, be paid, borne, and defrayed by the Owners or Proprietors and Persons interested in the Premises, in Proportion to their respective Shares, Interests, and Proportions therein, at such Time or Times as the said Commissioner shall, either before or after the Execution of the said Award, by Notice in Writing under his Hand, to be affixed on the principal outer Door of the Parish Church of *Calverley* aforesaid, and also upon the principal Door of the Chapel of *Pudsey* aforesaid, order or direct; which Notice is hereby directed to be fixed at least Fourteen Days before the Time of such Payment; and in case any of the Persons aforesaid shall refuse or neglect to pay his, her, or their Share or Shares of such Charges and Expences, or any Part thereof, within the Time to be limited unto the said Commissioner, or such Person or Persons as he shall appoint to receive the same, then the same shall be levied and recovered in Manner directed by the said recited Act.

XXXI. And be it further enacted, That the Money which shall be advanced or expended by any Person or Persons for the Purpose of obtaining and passing this Act shall be repaid, with lawful Interest, to such Person or Persons who shall advance or lend the same, his Executors, Administrators and Assigns, by the said Commissioner out of the first Monies which he shall receive by virtue of this Act. Monies advanced for the Purposes of this Act to bear lawful Interest.

XXXII. And be it further enacted, That once at least in every Year, during the Execution of this Act, (such Year to be computed from 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 and expended, or due to him for his own Trouble and Expences, in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before any One or more of His Majesty's Justices of the Peace for the West Riding of the County of *York*, to be by him or them examined and balanced; and such Balance shall be by such Justice or Justices stated in the Books of Accounts to be kept by the Clerk to the said Commissioner, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices. Commissioner to lay Accounts before a Justice.

XXXIII. And be it further enacted, That the Award to be made by the said Commissioner for the Time being, in Manner directed by the said recited Act, shall, within the Space of Twelve Calendar Months from the Execution thereof, be inrolled in the publick Register Office at *Wakefield*, in the said West Riding of the said County of *York*; and the Register of the said Office, or his Deputy for the Time being, is and are hereby directed to cause the said Award to be inrolled in one of the Books used for inrolling Bargains and Sales of Land in the said Office accord-

[Loc. & Per.]

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ingly,

ingly, and a true Copy, to be signed by the said Commissioner for the Time being, of the Map or Plan annexed to such Award, shall be also lodged at the said Register Office at the Time of the Inrolment of the said Award, and there kept for ever; and the said Award, together with the Map or Plan thereto annexed, shall immediately after the Inrolment of such Award be put into and be lodged in safe Custody in the Parish Church of *Calverley*, subject to the Inspection and Perusal of the several Persons interested therein, or their respective Agents, who shall be at Liberty to inspect and peruse the same, on Application for such Purpose, at all reasonable Times, and to make Copies or Extracts therefrom; and the said Register shall be entitled to such Fees for the Inrolment of the said Award as he is entitled to for inrolling any Bargains and Sales; and the said Register, or his Deputy for the Time being, shall permit any Person or Persons whomsoever from Time to Time, within the Office Hours of Attendance, to peruse the Inrolment of the said Award at the said Register Office, and to inspect and examine such Copy of the Map or Plan, paying for the same, to the Register or his Deputy, One Shilling and no more; and shall also from Time to Time, upon Request to him made by any Person or Persons whomsoever, cause a true Copy of the Whole or any Part or Parts of the Inrolment of the said Award to be made and written out from such Inrolment, for which the said Register, or his Deputy making the same, shall be paid after the Rate of Sixpence for every Seventy-two Words and no more; and the said original Award, or a true Copy of the Inrolment thereof, or any Part thereof, so certified under the Hand of the said Register, or his Deputy for the Time being as aforesaid, shall from Time to Time be allowed and admitted as legal Evidence in all Courts whatsoever.

Appeal to
the West
Riding
Session.

XXXIV. And be it further enacted, That if any Person or Persons shall find himself, herself, or themselves aggrieved by any Thing done or to be done in pursuance of this or the said recited Act, then and in every such Case, (except as to such Claims, Matters, and Things as are herein-before or by the said recited Act directed or authorized to be tried, settled, or determined by the Verdict of a Jury, or where any of the Clauses or Provisions of the said recited Act or of this Act shall express that the same shall be final and conclusive,) such Person or Persons may appeal to the General Quarter Sessions of the Peace which shall be held in and for the said West Riding of the County of *York*, within Four Calendar Months next after the Cause of Complaint shall have arisen; and the Justices at such Sessions are hereby required to hear and determine the Matter of every such Complaint, and to make such Order therein as they shall think reasonable; and such Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Saving to the
Lord of the
Manor.

XXXV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend or defeat, lessen, or prejudice the Right, Title, or Interest of the said *Charles Milner*, or any of the future Lord or Lords, Lady or Ladies of the Manor of *Pudsey* aforesaid, in or to the Seigniories and Royalties incident or belonging to the said Manor of *Pudsey*, but that the said *Charles Milner*, and such other Person or Persons as aforesaid, shall and may from Time
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to Time for ever hereafter hold and enjoy all and all Manner of Free, Chief, and other Rents, of what Nature or Kind soever, and all Services, Courts, Perquisites, and Profits of Courts, Goods, and Chattels of Felons and Fugitives, Felons of themselves, Persons outlawed, put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and all other Jurisdictions whatsoever, in and upon the said Commons and Waste Grounds hereby directed to be divided and inclosed as aforesaid; and all Mines, Minerals, and Quarries of what Nature or Kind soever, lying and being within or under the said Commons and Waste Grounds, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they could or might respectively have held and enjoyed the same in case this Act had not been passed; and that the said *Charles Milner*, and such other Person or Persons as aforesaid, shall and may, from Time to Time and at all Times hereafter, have, hold, win, work, and enjoy exclusively all Mines and Quarries, of what Nature or Kind soever, within and under the said Commons and Waste Grounds, and within and under every Part thereof, (save and except only the said publick Quarries herein-before directed to be set out as aforesaid,) together with all convenient and necessary Ways, and full Liberty of making, laying, and repairing Waggon Ways and other Ways in, through, over, and upon the said Commons and Waste Grounds, or any Part thereof; and with full and free Liberty, Power, and Authority of digging, sinking, searching for, winning, and working the said Mines, Minerals, and Quarries, and leading and carrying away the Stones, Slate, Flags, Lead Ore, Coals, Ironstone, Fossils, and other Things to be gotten thereout, and of making Pits, Shafts and Pumps, Pit Rooms, Drifts, Levels, and Watercourses, and of repairing, amending, and upholding the same; and of erecting, building, and using Houses, Kilns, Fire Engines and other Engines, Mills, and other Erections and Buildings, and of altering, changing, pulling down, and carrying away the same, or all or any of the Materials thereof, at their free Will and Pleasure; and to do, execute, and perform all such other Works, Acts, Matters, and Things, either now in Use or hereafter to be invented, as shall or may be necessary for the full and complete Working, Use, and Enjoyment of the said Mines, Minerals, and Quarries hereby reserved, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they might or could have done in case this Act had not been passed; yet nevertheless the said *Charles Milner*, or such Lord or Lords, Lady or Ladies of the said Manor for the Time being, shall annually make, pay, and allow to the Person or Persons who for the Time being shall be Proprietors or Occupiers respectively of the Ground wherein any Quarries, Pits or Shafts shall be made, sunk, driven, or worked, or such Engines, Machines, or Buildings erected, or such Rubbish laid, or such Ways, Roads, or Passages made and used respectively, an adequate, full, fair, and reasonable Compensation, Recompence, and Satisfaction for all such Damages as shall from Time to Time, by the Exercise and Enjoyment of all and every or any of the Liberties and Privileges aforesaid, be done thereto, or to any Buildings to be erected, made, or constructed thereon, or any Part thereof, in Proportion to the Injury such Proprietors or Occupiers shall sustain thereby: Provided always, that it shall and may be lawful for the Owners and Occupiers of Allotments of the said Commons and Waste Lands to get Clay, Stones, and Gravel within their respective Allotments, for their own respective Use only and not for Sale, or any other Purposes whatsoever.

Mining Damages to be reimbursed.

General
Saving.

XXXVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Person or Persons, Bodies Politick, Corporate or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them or in Remainder after them, and such other Person and Persons herein mentioned, as far as his, her, or their respective Rights and Interests shall be respectively affected thereby,) all such Estate, Right, Title, and Interest, as they, every, or any of them could or ought to have had or enjoyed, in, to, or out of the Commons and Waste Grounds, hereby directed to be divided, allotted, and inclosed, in case this Act had not been passed.

Evidence.

XXXVII. 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 by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.