



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 163.

An Act for inclosing Lands in the Township of *Langset*, otherwise *Langside*, in the Parish of *Peniston*, in the West Riding of the County of *York*. [10th June 1811.]

WHEREAS there are within the Township of *Langset*, otherwise *Langside*, in the Parish of *Peniston*, in the West Riding of the County of *York*, divers Commons, Waste Lands, and Moors or Heaths, containing together by Estimation Four thousand Acres, or thereabouts; and also some Open Fields, not exceeding Thirty Acres: And whereas the King's Most Excellent Majesty, in right of his Duchy of *Lancaster*, is seised to himself, his Heirs and Successors, of the Honour of *Pontefract*, in the said County of *York*, in which Honour the said Commons, Wastes, Moors and Heaths are situate: And whereas *William Bosville* Esquire, is Lord of the Manor of *Middop*, otherwise *Midhope-with-Langset*, otherwise *Langside*, in the said West Riding, and as such entitled to the Minerals in and under the said Commons and Wastes, and Moors or Heaths, and to certain Rights, Royalties, Franchises, Liberties and Privileges incident and appertaining to such Lordship; and *William Payne* Esquire is Lord of the Manor of *Peningsall*, in *Langset*, otherwise *Langside* aforesaid, and as such entitled to the Quarries of Stone and Slate, and to the Clay in and under the said Commons and Wastes, and Moors or Heaths, and to certain Rights, Franchises, Liberties and Privileges incident and appertaining to such Lordship: And whereas certain

W. Bosville
Esq. Lord of
the Manor of
Langset
otherwise
Langside.

W. Payne
Esq. Lord of
the Manor of
Peningsall,

Description
of the Lands
to be divided,
&c.

Proprietors
of the
Tythes.

Proprietors
of the Lands.

Commis-
sioner ap-
pointed.

In case of
Commission-
er's Death,
&c.

Parts of the said Four thousand Acres, comprizing together One thousand Acres or thereabouts, consist of several Parcels of Common or Waste Land, situate on the North and East of a Clough or Water course, called *Fox Clough*, commencing at or near a Place called *Stone Rucks*, and terminating at the Rivulet called the *Little Dun*, near the inclosed Lands of the said *William Payne*, in the Possession of *Jonathan Bramall*, which said One thousand Acres might be greatly improved by the Division and Inclosure thereof; and the Residue of the said Four Thousand Acres consists of Moors or Heaths, now occupied as Sheep Walks, situate on the South and West of the said Clough or Water-course called *Fox Clough*, and it would not be of Advantage to the Proprietors thereof to be obliged to inclose and fence the same, though it would be of Advantage to them, that the exterior Boundaries of the whole of the said Moors or Heaths, as against the adjoining Townships, Parishes, Lordships and Districts, and the interior Boundaries of each intended Allotment, should be better ascertained and fixed: And whereas the Trustees of the Hospital of *Gilbert Earl of Shrewsbury*, long since deceased, situate at *Sheffield*, in the said County of *York*, are entitled to the Small Tythes arising or renewing within the said Township of *Langside*, and are also entitled to an annual Payment of Two Pounds Seven Shillings and Sixpence, or some other Sum or Sums of Money, and which is or are paid by the Owners of Lands and Tenements within the said Township; in lieu of and as a full Compensation for all Great Tythes arising from all the ancient inclosed Lands and Grounds within the said Township; and they are or claim to be entitled to Great Tythes which may arise or renew (if any ever should) from the said Commons, Moors and Wastes: And whereas the said *William Payne*, *Robert Pemberton Milnes Esquire*, *Richard Matthewman Esquire*, *Daniel Charlesworth*, *George Helliwell*, and several other Persons, are Proprietors of the said Commons and Wastes, and Moors or Heaths, and Open Fields, subject to the Claims in right of the Seignories and for Tythes; and it would be of Advantage to them if the same were divided among them in proportion to their respective Rights; 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 *Thomas Gee*, of *Little Houghton*, in the County of *York*, Gentleman, shall be, and he is hereby appointed the Commissioner for dividing and allotting the said Commons, and Waste Lands, and Moors or Heaths, and Open Fields, and for putting this Act into Execution, according to the Directions herein contained; and with such of the Powers and subject to such of the Directions, contained in an Act passed in the Forty-first Year of His present Majesty's Reign, 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*, as are not varied, or controuled, or otherwise provided for by this Act.

II. And be it further enacted, That if the said *Thomas Gee* shall die or neglect to act for the Space of Six Weeks, when Occasion shall require his Attendance on the Business of the said Inclosure, or shall become incapable of acting, before all the Powers and Authorities hereby vested in

in him shall be carried into Execution, then, and in such Case, it shall be lawful for the Majority in Value of the Proprietors of the said uninclosed Lands, (to be ascertained by the Land-Tax Assessment or other sufficient Means,) or their respective Agents, present at a Meeting to be holden for that Purpose, (of which Meeting Ten Days' previous Notice shall be given, by any One or more of the said Proprietors, in like Manner as is hereinafter directed, with respect to the first Sitting of the Commissioner,) by Writing under their Hands, to appoint One fit Person to be a Commissioner in the Room of the said *Thomas Gee*; provided that before such Commissioner to be appointed as aforesaid shall act in the Execution of this Act, the said *William Bosville*, his Heirs or Assigns, shall, by Writing under his or their Hand or Hands, signify his or their Approbation of such Appointment, and all future Vacancies shall be supplied in like Manner.

III. And be it further enacted, That the Commissioner shall cause a Notice, specifying the Time and Place of his first Meeting for executing this Act, to be affixed on the principal outer Door of the Church at *Peniston* aforesaid, on some *Sunday*, before Divine Service, Ten Days at least before such Meeting; and it shall be lawful for the Commissioner to adjourn his Meetings (without giving any public Notice) as he shall see Occasion; provided, that all the Meetings of the said Commissioner, for the Purposes of this Act, shall be held at *Peniston* aforesaid, or within the Distance of Eight Miles therefrom.

Notice to be given of Commissioner's first Meeting.

IV. And be it further enacted, That the Notices by the said Act of the Forty-first Year of the present Reign, required to be given in some public Newspaper shall be given in the *Sheffield Mercury*, or if that Newspaper shall not then be published, in some other Newspaper then published in *Sheffield* aforesaid or at *Doncaster*, in the said County.

How other Notices are to be given.

V. And be it further enacted, That the said Commissioner shall only divide, separate and apportion such Parts of the said uninclosed Lands as come within the Denomination or Description of Moors or Heaths, and as are now occupied as Sheep-Walks as aforesaid; and he shall not require the same to be inclosed or fenced in, save where the same adjoin such Parts of the said uninclosed Lands as come within the Denomination or Description of Commons and Wastes, which are alone to be divided, allotted and fenced; and the said Commissioner shall require the Parties to whom he shall allot any Part or Parts of the said Moors or Heaths, occupied as Sheep-Walks as aforesaid, merely to ascertain their respective Allotments, by Boundary Stones or other sufficient Marks of Partition; it being intended only, that the exterior Boundaries of the whole of the said Moors or Heaths, against adjoining Townships, Parishes, Lordships and Districts, and the interior Boundaries of each intended Allotment, shall be better ascertained and fixed.

Particular Directions to the Commissioner.

VI. And be it further enacted, That *William Fairbank* and *Josiah Fairbank*, both of *Sheffield*, in the County of *York*, Land Surveyors, shall be, and they are hereby appointed Surveyors, of the said Commons, Waste Lands, Open Fields and Moors, and also of such of

Surveyors appointed.

the ancient uninclosed Lands without the said Township, as the said Commissioner shall think necessary to be surveyed for the Purposes of this Act; and in case both of them shall die before they shall have completed all the Business required of them, or in case they shall refuse or neglect to do the Business of a Surveyor, pending the Execution of this Act, the said Commissioner shall have Power to appoint some other fit and competent Person or Persons to be the Surveyor or Surveyors for the Purposes of this Act.

Commissioners empowered to determine Differences.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the Lands or Grounds hereby directed to be divided and allotted, touching or concerning the respective Shares and Proportions which they or any of them shall have or claim to have therein, or touching, or concerning any other Matter or Thing relating to the said Division, Allotment, or Inclosure, it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and required, upon proper and sufficient Enquiry and Evidence, to examine into, hear and determine the same; provided, that nothing herein contained shall authorize the said Commissioner to determine the Title to any Lands, Tenements or Hereditaments whatsoever, nor any Right between any Parties contrary to the Possession of any such Parties, (except in Cases of Inclosures or Encroachments as hereinbefore mentioned); but in case the said Commissioner shall be of Opinion against the Right 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 or recovered from such Person or Persons by Ejectment or other due Course of Law.

Nor Rights contrary to the Possession.

Power to award Costs.

VIII. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of the said recited Act or of this Act, see cause to award any Costs, it shall and may be lawful to and 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, Body or Bodies Politic or Corporate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons Body or Bodies Politic or Corporate, 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 and may be lawful to and for the said Commissioner, 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 of the Person or Persons, Body or Bodies Politic or Corporate so neglecting or refusing to pay the same, rendering the Overplus (if any), upon Demand, to the Person or Persons, Body or Bodies Politic or Corporate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

IX. Pro-

IX. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Right or Interest therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioner, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person or Persons, Body or Bodies Politic or Corporate, so desirous to have the same tried at Law, shall and do by themselves or their respective Stewards, Receivers, Attornies or Agents, give or cause to be given Notice thereof in Writing to the said Commissioner within one Calendar Month next after such Determination shall have been so made by the said Commissioner; (of which Notice the said Commissioner is hereby required, immediately on the Receipt thereof, or as soon afterwards as conveniently may be done, to give Information to the adverse Party or Parties or his, her or their respective Stewards, Receivers, Attornies or Agents, by Writing under their respective Hands, to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies or Agents as aforesaid); then it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, their respective Heirs, Successors or Assigns, and he, she or they is and are hereby required to proceed to a Trial or Trials at Law of the same at the first Assizes to be holden for the County of *York* next after the Expiration of Two Calendar Months from the Time when such Notice as aforesaid shall have been given, in a feigned Action or Actions for that Purpose, to be commenced in His Majesty's Court of King's Bench or Common Pleas at *Westminster*, by the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid against any Person or Persons, Body or Bodies Politic or Corporate, interested in the said Division, in whose Favour such Determination of the Commissioner shall have been made; 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 the Claim or Claims, Rights and Interests in question may be properly tried and determined (such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties shall differ about the same); and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right or Rights or Interests than was or were claimed by such Party, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be endorsed on the Postea in addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined as if no such Special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such Special Finding and Indorsement, or such Special Finding or Indorsement, if any such shall be made, shall be binding upon all and every Body or Bodies Politic and Corporate, and Person and Persons, whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts or Finding and Indorsement, and

Persons dissatisfied with the Commissioners' Determination may try their Rights at Law.

order a new Trial or Trials to be had thereupon (which it shall be lawful for the Court to do as is usual in other Cases); and after such Verdict or Verdicts or Special Finding or Indorsement shall be obtained (the same not being set aside by the Court), the said Commissioner shall, and he is hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, or Interest or Interests thereby determined, according to such Verdict or Verdicts or Finding and Indorsement as aforesaid: Provided always, that it shall be lawful for the Court in which any Action commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action, although the Time hereinbefore limited for the Trial of such Action may be thereby exceeded; but if no such Action, or Actions shall be brought or commenced by the Person or Persons, Body or Bodies Politic or Corporate giving such Notice within the Time aforesaid, or if such Action or Actions shall not be proceeded in to a Trial or Trials at the first Assizes which shall be holden for the said County of *York*, after the Expiration of Two Calendar Months from the Day of giving such Notice, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then, and in such Case, the Determination of the said Commissioner shall be final, binding and conclusive unto and upon all Parties whomsoever.

Actions not to abate by the Deaths of a Party.

Allowing Actions to be brought after Death of Parties.

X. Provided always, and be it enacted, That if any of the Parties in any Action or Actions to be brought and prosecuted in pursuance of this Act, shall die pending the same, such Action or Actions shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought, if living, shall die before any Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate respectively, who might have brought such Action 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 Notice of such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall 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.

Encroachments.

XI. And be it further enacted, That all Encroachments taken from the said Commons, Wastes and Moors within Twenty-five Years last past, shall be deemed Part of the Lands to be divided by virtue of this Act.

XII. And

XII. And be it further enacted, That it shall be lawful for the said Commissioner to stop up, discontinue, divert or alter any Carriage Road, Bridle Way, or Foot Path, leading through or over the Lands and Grounds intended to be divided or allotted by virtue of this Act, or passing or leading through any of the inclosed Lands in the said Township of *Langset* otherwise *Langiede*; and the Soil of the Roads and Ways so to be stopped up or discontinued shall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act: Provided that no such Carriage Road, Bridle Way, or Foot Path passing or leading through any of the inclosed Lands in the said Township, shall be stopped or discontinued, diverted or altered without the Concurrence and Order of Two Justices of the Peace for the said West Riding, not interested in the Repair of such Roads; and which Order shall be subject to Appeal to the Quarter Sessions for the said Riding, in like Manner as if the same had been originally made by such Justices.

XIII. And be it further enacted, That the said Commissioner shall, and he is hereby required to set out and allot in all or any of the several Districts in which the said Commons, Moors and Waste Lands are situate; such Quantity of the said Commons, Moors and Waste Lands as he may think proper for the Use and Benefit of the Persons entitled to any Allotments of the said Commons, Moors and Waste Lands, for the Purpose of getting Stone, Sand or Gravel or other Materials for making and repairing their public and private Roads, Walls, Bridges and Drains, and to be used as Watering-Places for Cattle.

Stone Quar-
ries and Wa-
tering-
Places.

XIV. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and required to divide, set out, and allot unto the King's Most Excellent Majesty, his Heirs and Successors, in right of his Duchy of *Lancaster*, as Lord of the Honor of *Pontefract*, so much and such Part or Parts of the said Commons and Wastes, Moors or Heaths hereby directed to be allotted and inclosed, as shall, in the Judgment of the said Commissioner, be equal in Value to One-sixtieth Part of the same respectively, due Regard being had to the Quantity, Quality and Situation thereof, as and for a full Compensation for the Right, Claim, and Interest of the said King's Majesty, his Heirs and Successors, in, over and upon the said Commons and Waste Lands, Moors or Heaths hereby directed to be allotted and inclosed; and the said Commissioner shall, and he is hereby required, within Three Months after the Execution of the Award hereinafter directed, to make an Extract on Parchment under his Hand, of so much thereof as shall contain an accurate Description of the Allotment or Allotments which shall be made to His said Majesty, his Heirs or Successors, together with such Regulations or Provisions relative to, such Allotment or Allotments, or to any other Rights or Interests of his said Majesty, as may be contained in such Award, and shall annex to such Extract a Map or Plan of such Allotment or Allotments, and transmit the same to the Clerk of the Counsel of His Majesty's

Majesty's Duchy of *Lancaster* for the Time being, there to remain of Record.

Allotment to
W. Bosville,
Esq.

XV. And be it further enacted, That the said Commissioners shall, in the next place, set out, allot and award unto the said *William Bosville*, or the Lord or Lords of the said first mentioned Manor, for the Time being, to be held in Severalty, Thirty Acres of Land, according to Statute Measure, lying between the *Doncaster* and *Salter's Brook* Turnpike Road and the aforesaid Clough or Water-course South thereof, to commence at Eight hundred and three Yards on the West, opposite the North West Corner of the outward Fence Wall of *Bordbill Farm*, belonging to the said *William Bosville*, following the said Turnpike Road, and to extend from the said Turnpike Road to the first Swamp or Slack to the South, and thence to proceed in an Eastwardly Direction, until the Allotment of the said Thirty Acres, and the Allotment next hereinafter directed to be made, shall be completed; which Allotment shall be in lieu of all the Rights, Claims, Advantages, and Interests whatsoever of the said *William Bosville*, or the Lord of the same Manor for the Time being, of, in and to the Soil of the said Moors or Heaths hereby directed to be divided, but not inclosed; and the said Commissioner shall, after setting out Roads, also set out, allot and award unto the said *William Bosville*, or the Lord or Lords of the same Manor for the Time being, so much of the Residue of the said uninclosed Lands, which come within the Denomination or Description of Common and Wastes, and which are not only to be divided, but inclosed and fenced, as in the Judgment of the said Commissioner shall be equal in Value to one full Thirtieth Part of such Residue of the said Commons and Wastes to be divided, inclosed and fenced, but not of the said Moors or Heaths; which last mentioned Allotment shall, if the said *William Bosville*, his Heirs or Assigns shall require it, in Part consist of and include an Encroachment recently made by *Daniel Charlesworth* adjoining to the said *Bordbill Farm*, and the whole of the said last mentioned Allotment, or the Remainder of it as aforesaid, shall adjoin the said Allotment of Thirty Acres hereinbefore directed to be made to the said *William Bosville*, and shall extend further Eastwardly in the Direction or Course hereinbefore mentioned (notwithstanding any intervening Incroachment) towards the said *Bordbill Farm*, and shall be bounded on the South by the said Clough or Water-course; and the said last-mentioned Allotment shall be accepted and taken in lieu of, and as a Compensation for, all the Right and Interest of the said *William Bosville*, his Heirs or Assigns, or the Lord or Lords of the same Manor for the Time being, in and to the Soil of such Commons and Wastes hereby directed to be divided, allotted and inclosed.

Allotments
in lieu of
Tythes, &c.

XVI. And be it further enacted, That the said Commissioner shall set out, allot and award unto the Trustees of the said Hospital at *Sheffield* for the Time being, and their Heirs, in right of the said Hospital, such Part or Parts of the said Commons and Wastes to be divided, inclosed and fenced, as in the Judgment of the said Commissioner shall be equal in Value to One full Tenth Part of all the said
Commons

Commons and Wastes to be divided, inclosed and fenced, and of the said Moors and Heaths to be divided, and of all the Incroachments made therefrom respectively within the Memory of Man; and particularly of certain Incroachments, now the Property of the said *William Bosville*, and of *Thomas Taylor*, and *Daniel Charlesworth*, and of the said *William Payne*, respectively situate at *Bordbill*, at *Salters Brook*, at *Swinden Walls*, or elsewhere, and which contain together about Eighty Acres; and the said Commissioner shall also set out, allot and award unto the Trustees of the said Hospital for the Time being, and their Heirs, in right of the said Hospital, such further Part of the said Commons and Wastes as in the Judgment of the said Commissioner shall be worth, to be let or demised for, and be equal to the Annual Rent or Value of Twenty-four Pounds (when ring-fenced), clear of all Deductions and Out-payments, (except the Landlord's Property Tax), which said Allotments hereinbefore directed to be made to the Trustees of the said Hospital, shall be laid together, and shall be situate upon the Common called *Fulshaw Common* (Part of the Lands to be divided and inclosed), and shall adjoin the Commons or Wastes in the Township of *Thurstone*.

XVII. And be it further enacted, That as soon as the said Commissioner shall have staked out the Allotments hereinbefore directed to be made to the Trustees of the said Hospital, and before he shall proceed to stake or set out any other Allotments, he shall give Notice to the said Trustees or their Agents of the same under his Hand, describing the Situations and Quantities of the said Allotment or Allotments, and in case the said Trustees shall feel dissatisfied with the Quantity, Quality, Value or Situation of the same, they may, within One Calendar Month after the Delivery of such Notice, appoint some competent and disinterested Person to act in Manner hereinafter mentioned, in respect to the Matter in Dispute; and the said Commissioner, and such Person so to be appointed by the Trustees of the said Hospital, shall in the first Place, and within Twenty Days from the Time of naming such Person, appoint One other competent and disinterested Person to act along with them in the Premises, until such Two Persons so named and elected shall, as to the Matter in Dispute, but no further, be and be considered as additional Commissioners, and shall have Power to make such Alterations in respect to the disputed Allotment or Allotments, either as to the Quantity, Quality, Value or Situation thereof, as they or a Majority of them shall think proper, so that the Question in Difference may be decided by them or a Majority of them; and the Determination of them and the said *Thomas Gee*, or other the Commissioner to be appointed in his Stead in Manner hereinbefore directed, or of any Two of them, shall (whether the same increase or diminish the disputed Allotment) be final and conclusive upon all Parties and Persons interested; and the said *Thomas Gee*, or such other Commissioner to be elected in his Room, shall by his Award confirm such Determination, and the same shall be considered as if it had been the undisputed Act of the said Commissioner appointed to execute this Act; and such the Determination of the said Three Persons, or the Majority of them, shall be reduced into Writing, and signed by such of them as shall acquiesce therein; and shall be left with the said *Thomas Gee*, or other the Commissioner who may be appointed in his Stead as

In case
Tythe
Owners be
dissatisfied.

[Loc. & Per.]

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aforesaid;

aforesaid; and unless such Determination shall be so reduced into Writing, and signed and delivered to the said *Thomas Gee*, or such other Commissioner as aforesaid, within Two Months after the Election of the said Two Persons, the original Determination of the said Commissioner shall be binding and conclusive upon all Persons concerned; and in case the said Trustees of the said Hospital, after receiving such Notice and Description of their Allotments as aforesaid, shall not appoint such Person as aforesaid, within the Time hereby limited for their doing so, then the Act of the said *Thomas Gee*, or other the Commissioner who may be elected in his Room, shall be conclusive; and half of all the Charges and Expences of the said Referees shall be paid by the Trustees of the said Hospital, and the other half out of the Monies to be raised for defraying the Expences of this Act.

Allotment of the Residue. XVIII. And be it further enacted, That the said Commissioner shall set out, allot and award all the Residue of such Commons and Wastes, Moors or Heaths unto and among the several Proprietors of ancient inclosed Lands and Tenements having Right of Common thereon in respect thereof, in proportion and according to the Value of such their respective Lands and Tenements, and as a full Compensation for all their Right of Common upon the said Commons and Wastes, Moors or Heaths.

Allotments to the Hospital to be fenced. XIX. And be it further enacted, That the said Commissioner shall cause the said Allotments to be set out and allotted to the Trustees of the said Hospital, to be ring-fenced with good and sufficient Fences; and the Expence of making such Fences shall be paid by the said Commissioner out of the Monies to be raised for the Purpose of defraying the Expences of obtaining and executing this Act; but the same Fences shall for ever afterwards be repaired by the Trustees of the said Hospital.

Other Allotments to be fenced. XX. And be it further enacted, That the Commissioner shall have Power to give such Directions, either by his Award or any Writing under his Hand, about fencing the several Allotments upon the said Commons and Wastes as he shall think proper; and such his Directions shall be observed and carried into Execution.

XXI. And be it further enacted, That it shall be lawful for the said Commissioner to set out or allot any of the Lands or Grounds hereby directed to be divided and allotted, or any Messuages, Buildings, inclosed Lands, Grounds, Tythes or other Hereditaments in the Parish of *Peniston* aforesaid, in lieu of and in exchange for any other Messuages, Buildings, Lands, Tythes or other Hereditaments in the same Parish, or any other Parish or Township adjoining thereto, so as every such Exchange be set forth and ascertained by the Award of the said Commissioner, and so also as every such Exchange be made with the Consent of the respective Proprietors or Persons seised or entitled in Possession of or to the Hereditaments so to be exchanged for any Life or Lives, or for Years determinable on any Life or Lives, or for some Estate of Inheritance less than an Estate in Fee Simple, or with the Consent of the Husbands, Guardians, Trustees, Committees or Attornies of any such

such Proprietors who shall at the Time of making such Exchange be Females Covert, Infants, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves; and so as that every such Exchange of any Lands, Tenements or Hereditaments holden in right of any Church, Chapel or other Ecclesiastical Benefice, be made with the Consent of the Patron thereof and the Bishop of the Diocese within which the same shall lie or be situate, and that all such Consents as aforesaid be respectively signified by Writing under the Hands of the consenting Parties, or under the Seals of any of them being Corporations Aggregate; and every Exchange which shall be so made and declared, shall, as well in respect of the Hereditaments within the Parish of *Peniston* aforesaid, as in respect of the Hereditaments within any other Parish or Township adjoining thereto, be for ever good, valid and effectual in the Law to all Intents and Purposes.

XXII. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any Allotment, to sell, mortgage, dispose of and convey his Estate and Interest therein before the Execution of the Commissioner's Award, separate and distinct from the Estate in right of which he, she or they is or are entitled to the same, in the same Manner as he, she or they might have done at any Time after the Execution of the said Award; and also to sell, mortgage, dispose of and convey the Estate in right of which he, she or they may be entitled to any Allotment, separate and apart from and retaining to himself, herself or themselves such Allotments, Common Right and Interest; and the said Commissioner is hereby required to award such Allotment or Allotments accordingly.

XXIII. And be it further enacted, That the several Lands and Hereditaments which shall be allotted or exchanged by virtue of the said Act of the Forty-first Year of His present Majesty, or of this Act, shall go to the same Persons, and be held for and upon the same Estates, Uses and Trusts, and be subject to the same Charges and Incumbrances of every Kind, as the Hereditaments in respect whereof the same shall be respectively allotted or exchanged, shall at the Time of making such Allotment or Exchange be limited, or subject to, or affected by.

XXIV. And be it further enacted, That the Allotments hereinbefore directed to be made to the said Trustees of the said Hospital shall be accepted and taken by them in lieu of, and as a full Compensation for, and to extinguish and bar their Right to all and all Manner of Tythes both Great and Small, and of the said Modus or all other Payments and Compositions in lieu thereof, arising or becoming due and payable for all Times to come after the Allotments shall be fenced, and in a State to be let, and to produce Rent, out of, or from or in respect of all and singular the said Commons and Wastes, Moors and Heaths, and all Incroachments therefrom, and all, and every, or any of the ancient inclosed Lands and Grounds in the said Township of *Langset* otherwise *Langside*; but Easter Offerings, Mortuaries and Surplice Fees shall not be prejudiced or affected.

Money advanced to be repaid with Interest.

XXV. And be it further enacted, That if any Person or Persons shall advance any Money towards defraying the Expences of obtaining this Act, or carrying the same into Execution by the said Commissioner, the same shall be repaid, with lawful Interest, out of the first Monies to be raised by the said Commissioner by virtue of this Act.

Expences of the Act.

XXVI. And be it further enacted, That the Expences of obtaining and executing this Act shall be raised as follows, *videlicet*, such Part thereof as the Commissioner shall adjudge ought to be paid by the Proprietors of the said Open Fields, in respect of the Benefit they may derive by virtue of this Act, shall be paid by them in such Proportions and at such Time as the Commissioner shall direct; such further Part thereof as the Commissioner shall adjudge ought to be paid by any Persons making Exchanges or Sales by virtue of this Act or of the said Act of the Forty-first Year of the present Reign, shall be paid by them in such Proportions and at such Times as the Commissioner shall direct, and the Remainder shall be raised by Sale of Part of the said Commons and Wastes, Moors or Heaths, or any of them; and in case the Money arising by such Sales shall not be sufficient, the Deficiency shall be paid by the Persons interested, in such Proportions, at such Times, and in such Manner as the Commissioner shall direct; and if the said Commissioner shall happen to raise by such Sales as aforesaid more Money than will be sufficient to pay and defray the whole of the Costs, Charges and Expences directed to be raised by such Sale, then, and in that Case, the Surplus Money shall be divided between the several Persons interested in proportion to their respective Interests and Property therein, and the Shares of such of them as shall be Tenants thereof in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors shall be applied in Manner directed by the said recited Act with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements or Hereditaments, or of 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.

Award deposited.

XXVII. And be it further enacted, That the Award to be made by the said Commissioner, when inrolled in the Manner directed by the said recited Act, shall be deposited in the Church Chest of the Parish of *Peniston* aforesaid.

Commissioner to lay Accounts before one Justice.

XXVIII. 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 Day of the passing thereof), the said Commissioner shall make, 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 One of His Majesty's Justices of the Peace for the said Riding (not interested in the said Inclosure), to be by him examined and balanced; and such Balance shall be by such Justice stated in the Book of Accounts to be kept in the Office of the Clerk 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 Justices.

XXIX. And

XXXIX. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done in pursuance of the said Act of the Forty-first of His present Majesty, or of this Act (except as to such Acts, Determinations or Proceedings of the said Commissioner as are by the said Act or this Act directed to be final, binding or conclusive, and also except as to such Claims, Objections, Matters and Things as by this Act are directed or authorized to be ascertained, settled, tried or determined by the Verdict of a Jury), he, she or they may appeal to the General Quarter Sessions of the Peace to be held for the West Riding of the County of York, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the said Court of Quarter Sessions are hereby authorized to determine such Appeal, and to award such Costs as to them shall seem reasonable, which Determination shall be final and conclusive, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever.

Persons dissatisfied may appeal to Quarter Sessions.

XXX. Provided always, and be it further enacted, That nothing in this Act contained shall be construed or adjudged to defeat, lessen or prejudice the respective Rights or Interests of the said *William Bosville*, or the Lord or Lords of the said first mentioned Manor for the Time being, or of the said *William Payne*, or the Lord or Lords of the said Manor of *Peningsall* in *Langset* otherwise *Langside*, for the Time being, of, in or to the Seignories, Franchises, Royalties, Free Warrens, Executions and Returns of all Writs, Liberties, Jurisdictions, Pre-eminences, and other Rights, Privileges, and Appurtenances whatsoever, incident and belonging to the said respective Manors, or to the Lords in respect thereof respectively; but that they and all Persons claiming or to claim under or in Trust for them respectively as Lords of the said Manors, shall and may at all Times hereafter have, hold, and enjoy all such Free Warrens, Executions and Returns of all Writs, Courts, Courts Leet, Courts Baron, View of Frankpledge and whatsoever to View of Frankpledge belongeth, Suits, Services, Rights, Royalties, Rents, Fines, Perquisites and Profits of Courts and Leets, Fairs, Markets, Tolls, Reliefs, Escheats, Liberties, Franchises, Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Outlaws, Attaintures, Forfeitures, Deodands, Waifs, Estrays, Mines of Lead Ore, and other Mines, Veins, Beds or Seams of Coal, Iron, Stone, and other Minerals, Metals and Semimetals, and other Rights, Privileges and Jurisdictions whatsoever, with the Appurtenances, which to the said respective Manors or to the Lords thereof respectively are or is incident or belonging, appendant or appurtenant, (other than and except the respective Rights of the said *William Bosville*, or the Lord or Lords of the said first mentioned Manor for the Time being, and of the said *William Payne* or the Lord of the said Manor of *Peningsall* in *Langset* otherwise *Langside* aforesaid for the Time being, to the Stone-Quarries, Flags or Paving-Stones, and Beds of Clay in and under such of the said Commons and Wastes, and Moors or Heaths, as shall be allotted to them respectively; and other than and except the respective Rights of the said Lords, as such, to the Soil of the said Commons and Waste Grounds, and Moors or Heaths in lieu of which an Allotment or Allotments shall be set out and awarded in pursuance of this Act,) in as full, ample and beneficial a Manner, to all Intents and Purposes, as the same might have been held

Saving to the Lords of the said Manors;

and enjoyed in case this Act had not been made: Provided nevertheless, that no Coal, Iron-stone, Lead or other Minerals shall at any Time hereafter be dug for, sought for, got or carried away from any of the Lands or Grounds within the said Township of *Langset* otherwise *Langside*, by the respective Lords of the said Manors or either of them for the Time being, or by any Person on their or either of their Behalf, or by their or either of their Direction or Consent, without making a full and reasonable Compensation and Satisfaction to the Proprietors of such Lands or their Tenants for all Damage and Spoil which thereby shall be done or caused to the Surface of such Lands, but such reasonable Compensation and Satisfaction shall be made to them immediately after such Damage or Spoil shall be done or caused.

General
Saving.

XXXI. Saving always to the King's Most Excellent Majesty, His Heirs and Successors, as well in right of His Crown as in right of His Duchy of *Lancaster*, and all other Persons, Bodies Politic and Corporate, their respective Heirs, Successors, Executors, Administrators and Assigns (other than and except the King's Majesty, and the several Persons, Bodies Politic and Corporate to whom any Allotment or other Compensation shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, their respective Heirs, Successors, Executors, Administrators and Assigns, and except such other Rights and Interests as the Intent and Purpose of the Inclosure hereby authorized shall absolutely require to be barred, destroyed or extinguished by virtue of this Act), all such Estates, Rights, Titles and Interests as they, every or any of them, had or enjoyed of, in, to or out of the said Commons, Wastes and Open Fields hereby directed to be inclosed, before the passing of this Act, or could or might have had and enjoyed if this Act had not been made.

Evidence
Clause.

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

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