



ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

Cap. 24.

An Act for inclosing and exonerating from Tythes, Lands in the Townships of *Lune*, *Holwick*, and *Romaldkirk*, in the North Riding of the County of *York*.

[4th April 1811.]

WHEREAS there is within the Manor and Township of *Lune*, in the Parish of *Romaldkirk*, in the North Riding of the County of *York*, a certain Moor or Common, called *Lune Moor*, containing, by Estimation, Three thousand three hundred and sixty-eight Acres, or thereabouts; and there are within the said Manor and Township divers Fields or Grounds, mostly open and uninclosed, which are called *Lune Town Fields*, and contain in the Whole, by Estimation, Forty-two Acres, or thereabouts; and there are also within the said Manor and Township, certain stinted Pastures, Lands or Grounds, containing together, by Estimation, Five hundred and forty Acres, or thereabouts, and commonly called *Thringarth Pasture* and *Sleights Pasture*; and there is also within the Manor and Township of *Holwick*, in the Parish of *Romaldkirk* aforesaid, a certain other Moor or Common, called *Holwick Moor*, containing, by Estimation, Two thousand six hundred and thirty Acres,

[*Loc. & Per.*]

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or

or thereabouts; and there are within the said last-mentioned Manor and Township divers other Fields or Grounds, mostly open and uninclosed, which are called *Holwick Town Fields*, and contain in the whole, by Estimation, Two hundred and sixty Acres, or thereabouts: And whereas the Right Honourable *John Bowes* Earl of *Strathmore* is Lord of the said Manors of *Lune* and *Holwick*, and as such Lord is seised of or entitled to the Soil and Royalties of and within the said Moors, called *Lune Moor*, and *Holwick Moor*; and is also seised of, or entitled to, all Mines, Minerals and Quarries, within and under the said stinted Pastures, called *Thrinbarth Pasture*, and *Sleights Pasture*, and also within and under such parts of the said Town Fields as are held under several Leases granted thereof, by some or one of his Ancestors, to divers Persons, for long Terms of Years, and under several small reserved Yearly or other Rents, Suits, Duties and Services, payable and to be performed for or in respect of the same; and the said Earl of *Strathmore* is also seised to him and his Heirs of the Reversion and Inheritance of and in divers Messuages, Lands, and Tenements within the said Manors and Townships of *Lune* and *Holwick*, expectant on the Determination of several Leases granted thereof, by some or one of his Ancestors, to divers Persons for long Terms of Years as aforesaid; and the said several Lessees are, in respect of such Messuages, Lands, and Tenements, entitled to Right of Common in and upon the said Moors, called *Lune Moor* and *Holwick Moor*, or one of them: And whereas there are within the Manor and Township of *Romaldkirk*, in the said Parish of *Romaldkirk*, a certain other Moor or Common, called *Romaldkirk Moor*, containing, by Estimation, Nine hundred and seventy Acres, or thereabouts, and a certain other Moor or Common called *Bull Common*, and *Bull Common Slope*, containing together, by Estimation, Five Acres, or thereabouts: And whereas the Reverend *Reginald Bligh* Clerk, is the present Rector of the Parish of *Romaldkirk* aforesaid, and in right of his said Rectory is the Lord of the said Manor of *Romaldkirk*, and as such is entitled to the Soil and Royalties of and within the said Moors or Commons, called *Romaldkirk Moor*, and *Bull Common*, and *Bull Common Slope*: And whereas the said Earl of *Strathmore* is the Patron of the Rectory of *Romaldkirk* aforesaid; and the said *Reginald Bligh*, as Rector of the Parish of *Romaldkirk* aforesaid, is entitled to certain Tythes, Moduses, Tythe Farms, Prescripts, or customary or other Payments in lieu of Tythes, or of certain Species of Tythes arising, renewing, and payable within the Townships of *Lune*, *Holwick*, and *Romaldkirk* aforesaid; and it would be of great Benefit and Advantage, not only to the Rector of the said Parish of *Romaldkirk* for the Time being, but also to the several Proprietors of Houses and Lands within the said Townships of *Lune*, *Holwick*, and *Romaldkirk*, and the Inhabitants of the said Townships, if the said Tythes, Moduses, Tythe Farms, Prescripts, or customary or other Payments arising or payable to the said Rector, as well for the Commonable Lands as the Inclosed and other Lands within the said Townships of *Lune*, *Holwick*, and *Romaldkirk*, were wholly extinguished, and a proper Compensation made for the same: And whereas the said Earl of *Strathmore*, the said *Reginald Bligh*, *Henry Maire* Esquire, *William Hutchinson* Esquire, *John Hugginon* Esquire, *John Dent*, *James Raine*, *Joshua Raine*, and *William Raine*, Gentlemen, and several other Persons, Owners of Messuages, Mills, Lands, Tenements or Hereditaments, or their respective Trustees, Lessees, Farmers or Tenants, are also entitled to have and enjoy

Right

Right of Common in, upon, and over the said Moors, called *Lune Moor*, *Holwick Moor*, and *Romaldkirk Moor*, *Bull Common*, and *Bull Common Slote*, or some or one of them in respect of or as appendant, appurtenant, or belonging to such their said several Messuages, Lands, Tenements or Hereditaments; and the said Earl of *Strathmore*, and divers other Persons, are severally Owners and Proprietors of the said Fields or Grounds called *Lune Town Fields*, and *Holwick Town Fields*, and the said stinted Pastures, called *Thringarth Pasture* and *Sleights Pasture*, in several specific Shares or Proportions, some whereof are of Freehold Tenure, and other Parts thereof are held under divers Leases for long Terms of Years granted by some or one of the Ancestors of the said Earl of *Strathmore*: And whereas an Act was passed in the Forty-first Year of the Reign of His 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*: And whereas the said Moors or Commons, called *Lune Moor*, *Holwick Moor*, and *Romaldkirk Moor*, *Bull Common*, and *Bull Common Slote*, and the said stinted Pastures, called *Thringarth Pasture* and *Sleights Pasture*, are in their present State but of little Use or Service; and the Lands of the several Proprietors of and in the said Fields or Grounds, called *Lune Town Fields*, and *Holwick Town Fields*, lie intermixed and dispersed in small Parcels, and are in other respects inconveniently situated and incapable of Improvement; and therefore the said Earl of *Strathmore*, and such several other Proprietors as aforesaid, are desirous that the said Commons or Moors, Town Fields, and stinted Pastures, should be respectively divided and inclosed, so as that specific Shares thereof may be allotted to them respectively, according to their several Rights and Interests therein; and that all the Lands and Tenements, as well open as inclosed, within the Townships of *Lune*, *Holwick*, and *Romaldkirk* aforesaid, should, in consideration of an adequate Compensation, be discharged of all Tythes and Payments in lieu of Tythes; but although such Divisions, Allotments, Inclosures and Exoneration from Tythes would be of great Advantage to the Parties interested, and be of public Utility, yet the same cannot be effectually completed and established without the Aid and Authority of Parliament; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Moors or Commons called *Lune Moor*, and *Holwick Moor*, and all the said Fields or Grounds called *Lune Town Fields*, and *Holwick Town Fields*, and the said stinted Pastures, called *Thringarth Pasture* and *Sleights Pasture*, and all other the Commonable Lands within the Townships of *Lune* and *Holwick* aforesaid, (except as hereinafter is excepted) shall be respectively divided, set out, and allotted, as soon as may be after the passing of this Act, by *John Rodham*, of *Richmond*, in the County of *York*, Land Surveyor, who is hereby appointed a Commissioner for the Purposes of this Act, and for carrying the same into Execution, so far as relates to the Moors or Commons, Town Fields, stinted Pastures, and other commonable Lands in the Townships of *Lune* and *Holwick* aforesaid, in such Manner and subject to such Regulations as are hereinafter contained, and with such of the Powers and subject to such of the Rules, Orders, Directions, and Regulations

Lune and
Holwick
Town Fields,
and Lune and
Holwick
Moors, and
the stinted
Pastures, to be
divided by a
Commissioner

Commissioner
for Lune and
Holwick.

Such of the Provisions of the General Act as are not repugnant to this Act to be put in Execution.

lations contained in the said recited Act of the Forty-first Year of the Reign of His present Majesty, as are not controlled by, or repugnant to, or otherwise provided for by any of the Clauses, Provisions, or Regulations contained in this Act; and the Notices by the said Act required to be given in some public Newspaper of setting out public Carriage Roads, and of reading and executing the Award or Awards of the Commissioner, shall be given and published in the Newspapers called the *York Courant*, and the *Newcastle Courant*; or if the said Newspapers shall not then be published, in some other Newspaper published in the County of *York*, and at *Newcastle-upon-Tyne* aforesaid.

Romaldkirk Moor to be divided by a Commissioner. Commissioner for Romaldkirk.

II. And be it further enacted, That the said Moor or Common called *Romaldkirk Moor*, and all other the Commonable Lands within the said Township of *Romaldkirk* (except *Bull Common* and *Bull Common Slat* hereinafter directed to be sold, and *Romaldkirk Town Street*, hereinafter mentioned), shall be divided, set out and allotted, as soon as may be after the passing of this Act, by *John Macbell*, of *Low Plains*, in the County of *Cumberland*, Land Surveyor, who is hereby appointed a Commissioner for the Purposes of this Act, and for carrying the same into Execution, so far as relates to the Moor or Common, and other Commonable Lands in the Township of *Romaldkirk* aforesaid, in such Manner and subject to such Regulations as are hereinafter contained, and with such of the Powers and subject to such of the Rules, Orders, Directions and Regulations contained in the said recited Act of the Forty-first Year of His present Majesty, as are not controlled by or repugnant to, or otherwise provided for by any of the Clauses, Provisions or Regulations contained in this Act; and the Notices by the said Act required to be given in some public Newspaper, of setting out public Carriage Roads, and of reading and executing the several Awards of each of the said Commissioners, shall be given and published in the Newspapers called the *York Courant*, and the *Newcastle Courant*; or if the said Newspapers shall not then be published, in some other Newspaper published in the County of *York*, and at *Newcastle-upon-Tyne* aforesaid.

Such of the Provisions of the General Act as are not repugnant to this Act to be put in execution.

For appointing new Commissioners for Lune and Holwick.

III. Provided always, and be it further enacted, That if the said *John Rodham* shall, before the Execution of all the Powers and Authorities hereby in him vested, die, decline, neglect or refuse to act, or become incapable of acting, a new Commissioner for the Execution of all the then remaining Powers and Authorities shall be elected in Manner following; that is to say, it shall be lawful for the said Earl of *Strathmore*, or the Lord of the said Manors of *Lune* and *Holwick* for the Time being, or his known Agent, or Attorney, and the Majority in Value (such Value to be ascertained according to the Land-Tax Assessment for that Year) of the Proprietors and Persons interested in the said Commonable Lands in *Lune* and *Holwick* aforesaid, or their known Agents or Attornies, who shall be present at a public Meeting to be held for that Purpose, in the Parish of *Romaldkirk* aforesaid, in pursuance of a Notice in Writing for that Purpose, to be signed by any Two or more of the Proprietors or Persons interested in the same Commonable Lands, and affixed upon the outer Doors of the Parish Church of *Romaldkirk* aforesaid, and of the Chapel in the Township of *Lune* aforesaid, called *Laith Kirk*, at least Fourteen Days before such Meeting, by Writing under their Hands, to nominate
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and appoint a proper Person, not interested in the said Division and Inclosure, to be a Commissioner in the Room of the said *John Rodham*, for executing the Powers and Authorities of this Act, which relate to the Lands and Grounds within the Manors and Townships of *Lune* and *Holwick* aforesaid, and so from Time to Time, as often as any Commissioner so to be appointed as last aforesaid shall die, decline, neglect or refuse to act, or become incapable of acting; and if the said *John Machell* shall, before the Execution of all the Powers and Authorities hereby in him vested, die, decline, neglect or refuse to act, or become incapable of acting, a new Commissioner for the Execution of all the then remaining Powers and Authorities shall be elected in Manner following; that is to say, it shall be lawful for the said *Reginald Blyb*, or the Lord of the Manor of *Romaldkirk* for the Time being, or his known Agent or Attorney, and the Majority in Value (such Value to be ascertained according to the Land-Tax Assessment for that Year) of the Proprietors and Persons interested in the said Commonable Lands in the Township of *Romaldkirk* aforesaid, or their known Agents or Attornies, who shall be present at a public Meeting to be held for that Purpose in the Township of *Romaldkirk* aforesaid, in pursuance of a Notice for that Purpose, to be signed by any Two or more of the Proprietors or Persons interested in the same Commonable Lands, and affixed upon the outer Door of the Parish Church of *Romaldkirk* aforesaid, at least Fourteen Days before such Meeting, by Writing under their Hands, to appoint a proper Person, not interested in the said Division and Inclosure, to be a Commissioner in the Room of the said *John Machell* for executing the Powers and Authorities of this Act, which relate to the Lands and Grounds within the Manor and Township of *Romaldkirk* aforesaid, and so from Time to Time, as often as any Commissioner so to be appointed as last aforesaid shall die, decline, neglect, or refuse to act, or become incapable of acting.

For appointing new Commissioners for Romaldkirk.

IV. And be it further enacted, That true and exact Surveys and Admeasurements shall be taken, and fair Plans made, of the said Moors called *Lune Moor* and *Holwick Moor*, and of all the Town Fields and stinted Pastures, and other Commonable Lands in the Townships of *Lune* and *Holwick*, so intended to be divided and inclosed, some Time before the First Day of *June* next, or as soon after as conveniently may be, by the said *John Rodham*, or the Commissioner for the Time being to be appointed in the Room of the said *John Rodham*, or by such other fit and proper Person or Persons not interested in the said Division, as the Commissioner for the Time being shall, by Writing under his Hand, from Time to Time nominate and appoint; and that true and exact Surveys and Admeasurements shall be taken, and fair Plans made of the said Moor called *Romaldkirk Moor*, and of all other the Commonable Lands in the said Township of *Romaldkirk* so intended to be divided and inclosed, some Time before the said First Day of *June* next, or as soon after as conveniently may be, by the said *John Machell*, or the Commissioner for the Time being to be appointed in the Room of the said *John Machell*, or by some other fit and proper Person or Persons not interested in the said Division, as the Commissioner for the Time being shall, by Writing under his Hand, from Time to Time nominate and appoint.

Surveys to be made.

Surveyor to
take an Oath.

V. Provided always, and be it further enacted, That no Person or Persons, other than the Commissioners respectively for the Time being, shall be capable of acting as Surveyor as aforesaid, until he or they shall have taken and subscribed an Oath in the Form following; that is to say,

‘ I *A. B.* do swear, That I will faithfully,
‘ impartially, and honestly act, according to the best of my Skill and
‘ Judgment, in surveying and admeasuring all the Lands within the
‘ Townships of *Lune* and *Holwick* [or, Township of *Romaldkirk*, as the
‘ Case may be], intended to be divided or inclosed by virtue of an Act
‘ passed in the Fifty-first Year of the Reign of King *George* the Third, in-
‘ titled [here set forth the Title of this Act], and in making true Maps or
‘ Plans thereof for putting the said Act into Execution.

‘ So help me GOD.’

Which Oath the said Commissioners respectively for the Time being are hereby authorized and required to administer when and as often as Occasion shall require; and the said Oath, and also the Instruments and Instrument of Appointment of any new Surveyor, shall be respectively deposited in the same Place, and Evidence thereof given in the same Manner, as by the said recited Act and this Act is directed concerning the General Award or Awards to be made by the Commissioners respectively for the Time being.

Commissioner
to give No-
tice of his
Sitting.

VI. And be it further enacted, That each of the Commissioners for the Time being shall, and he is hereby required to cause a Notice in Writing, under his Hand, to be affixed upon the principal Doors of the Parish Church of *Romaldkirk* aforesaid, and of the said Chapel in the Township of *Lune* aforesaid, called *Laith Kirk*, and also to be inserted in one or more of the Newspapers published in the City of *York*, and Town of *Newcastle-upon-Tyne* aforesaid, of the Time and Place of his First, Second, and Third Sittings or Meetings respectively, for the Execution of this Act, at least Twenty Days before such respective Sittings; and that each of the said Commissioners for the Time being shall, after his said Third Sitting or Meeting, from Time to Time appoint such Time and Place for every subsequent Sitting or Meeting as he or they shall think proper, he causing a Notice in Writing, under his Hand, to be affixed upon the principal Doors of the said Parish Church and Chapel respectively, Eight Days at least before every such subsequent Sitting; but the said Commissioner, at the said First, Second, or Third, or any subsequent Sitting or Meeting, shall have full Power and Authority, from Time to Time, as he shall think it convenient, to continue such First, Second, and Third, and any subsequent Sittings or Meetings, or any of them, by Adjournment, for such Time or Times as he shall think proper for the due Execution of this Act, without giving any Notice thereof: Provided always, that all Sittings to be holden by each of the said Commissioners for carrying this Act or the said recited Act into Execution, shall be holden within the Parish of *Romaldkirk* aforesaid, or within the Distance of Eight Miles from the Boundary of the said Parish.

Commis-
sioners may
determine

VII. And be it further enacted, That in case any Dispute or Difference shall happen to arise between the Parties interested or claiming to be interested

terested in the said intended Division and Inclosure, or any of them, touching or concerning the respective Interests, Shares, and Proportions which they or any of them shall claim in the said Lands and Grounds hereby intended to be divided and inclosed as aforesaid, or any of them; or any Inclosures or Encroachments, in or upon the same; or touching or concerning any other Matter or Thing relating to the said intended Division, Inclosure, and Allotments, it shall and may be lawful for the Commissioner for the Time being, and he is hereby required to hear and determine the same: Provided always, that nothing herein contained shall authorize the Commissioner for the Time being to determine the Title to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever; nor to determine any Right between any Parties, contrary to the Possession of any such Parties (except with regard to such Encroachments as are hereinafter directed to be deemed Part of the said Moors or Commons); but in case the Commissioner for the Time being 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.

disputed
Claims.

Commissioner
not to deter-
mine Titles,
nor Rights
contrary to
Possession,
except as to
Encroach-
ments.

VIII. Provided also, and be it further enacted, That it shall be lawful for the Commissioner for the Time being, if he shall so think fit, to assess such Costs and Charges as he shall think reasonable, for the Use and Benefit of the Party or Parties in whose Favour he shall make his Awards or Determinations, upon or against the Person or Persons whose Claims, Complaints, or Objections shall be thereby disallowed (as the Case shall happen), and by Warrant under his Hand and Seal to levy such Costs and Charges by Distress and Sale of the Goods and Chattels of such last-mentioned Person or Persons, rendering the Overplus (if any) upon Demand (after deducting the reasonable Charges attending such Warrant, Distress and Sale), to the Person or Persons whose Goods and Chattels shall be so distrained and sold as aforesaid.

Commissioner
to assess Costs.

IX. Provided always, and be it further enacted, That if any Person or Persons making any Claim or Claims to any Lands, or other 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 any Commissioner, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law; and the Person or Persons so desirous of having the same tried at Law shall, by themselves or their respective Agents or Attornies, give Notice thereof in Writing to the Commissioner for the Time being, within Two Months after such Determination shall have been so made (of which Notice the said Commissioner is hereby required immediately on Receipt thereof, or as soon afterwards as conveniently may be done, to give Information to the adverse Party or Parties, 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), then, but not afterwards or otherwise, it shall be lawful for the Person or Persons giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, to proceed to a Trial at Law of the same, in a feigned Action or Actions for that Purpose (to be commenced within

Power to try
disputed
Claims at
Law.

Two

Two Calendar Months after such Notice given to the said Commissioner as aforesaid, in one of His Majesty's Courts of Law at *Westminster*, by the Person or Persons, Body or Bodies Politic or Corporate, their respective Heirs, Successors or Assigns, giving such Notice as aforesaid), against any Person interested in the said Division, who shall make any such Claim or Objection 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 Claim or Claims, and Rights and Interests, may be properly tried and determined (such Issue or Issues to be settled by the proper Officers of the Court wherein such Action or Actions shall be commenced, 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, Interest or Interests, than was or were claimed by such Party, then it shall 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 indorsed 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 Special Finding had been made; and the Verdict or Verdicts which shall be given in the said 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 and Indorsement, if any such shall be made, shall be final and conclusive to all and every Person and Persons, Body and Bodies Politic and Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, and Finding and Indorsement, and 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 any Verdict or Verdicts, or Special Finding and Indorsement shall have been obtained, and not set aside by the Court, the said Commissioner shall, and is hereby authorized and required to conform thereto; but if no such Action or Actions at Law, shall be brought or commenced by the Person or Persons giving such Notice within the Time aforesaid, or if such Action or Actions shall not be proceeded in to a Trial or Trials, at some Assizes to be holden in, and for the said County of *York*, within Six Calendar Months after the Commencement thereof, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case the Determination of the Commissioner shall be final, binding, and conclusive unto and upon all Parties whomsoever; provided, 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, or to award a new Trial therein, although the Time hereinbefore limited for the Trial of such Action may be thereby exceeded.

Actions not to abate by Death of Parties; and how to be brought after their Deaths.

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

brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, 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 for the Time being 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 such Person or Persons so deceased, 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.

XI. And be it further enacted, That it shall be lawful to and for the said Commissioner for the Time being, at any Time when he in his Judgment shall think it convenient and proper, by Notice for that Purpose under his Hand, to be affixed on the principal Doors of the Parish Church of *Romaldkirk*, and Chapel of *Laith Kirk* aforesaid, on some *Sunday*, before Divine Service, to order the Rights of Common in, upon, and over the said Moors or Commons, and other Lands to be divided or allotted, or any of them, to be extinguished, either in the Whole or in Part, or to be suspended; and from and after the Time to be mentioned in and fixed by any such Notice, all such Right of Common as shall thereby be directed to be extinguished or suspended, shall cease and be extinguished, or shall be suspended according to, and as shall be expressed in, and directed by such Notice.

Commissioners may extinguish or suspend Rights of Common

XII. And be it further enacted, That the said *John Redham*, or the Commissioner for the Time being to be appointed in his Room, as hereinbefore mentioned, shall, and he is hereby directed in the first Place to set out and appoint any Quantity of Land, not less than Fifty Acres, and not exceeding One hundred Acres, of and from each of the said Moors or Commons called *Lune Moor* and *Holwick Moor* respectively, for the Use of the said Proprietors within the said Townships of *Lune* and *Holwick* respectively, and their respective Tenants, for the Purpose of getting Peat, Turf and Ling therefrom; and that the said *John Machell*, or the Commissioner for the Time being, to be appointed in his Room, as hereinbefore mentioned, shall and he is hereby directed in the first Place to set out and appoint any Quantity of Land, not less than Fifty Acres and not exceeding One hundred Acres, of and from the said Moor or Common called *Romaldkirk Moor*, for the Use of the said Proprietors and their respective Tenants within the said Township of *Romaldkirk*, for the Purpose of getting Peat, Turf and Ling therefrom: Provided always, that nothing herein contained shall extend to authorize the said Proprietors or Tenants to sell any such Peat, Turf, or Ling, or dispose of the same, otherwise than in or upon the Messuages or Tenements in respect whereof they shall obtain an Allotment or Allotments under or by virtue of this Act, or in or upon such Allotment or

Commissioners to set out a Quantity of Land for Peat, Turf, and Ling.

[*Loc. & Per.*]

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Allotments

Allotments respectively, or to authorize the said Proprietors or their Tenants to depasture any Sheep or Cattle in or upon such Part of the said Moors or Commons called *Lune Moor*, *Holwick Moor*, and *Romaldkirk Moor*, respectively, as shall be set out and appointed for the Purposes last aforesaid.

Power to shorten Boundary Fences.

XIII. And be it further enacted, That in order to straighten and shorten the Boundary Fences between, as well any of the Moors or Commons by this Act directed to be divided and inclosed, as between the Lands by this Act directed to be divided and inclosed, and other Lands in any adjoining Township or Townships, Manor or Manors, it shall be lawful for the Commissioner for the Time being, with such Consent as is hereinafter mentioned, to straighten and shorten such Boundary Fences as aforesaid, or any of them, or any Part or Parts thereof, and to set out and ascertain such Boundary Fences, for the Purposes aforesaid, as the said Commissioner shall judge proper; and after any such new Boundary Fences shall be set out and ascertained as aforesaid, the same shall be made by such Person or Persons, in such Manner, and at such Time or Times, as the said Commissioner shall order and direct, and such Fences shall accordingly for ever thereafter be deemed and taken to be the Boundaries between such Townships and Manors respectively; provided that no new Boundary Fence shall be set out or made in pursuance of this Act without the previous Consent in Writing, under the Hands of the Lord or Lords of the Manor or Manors, or Owner or Owners of the Soil liable to be affected thereby, or the major Part in Value, (such Value to be ascertained according to the Land Tax Assessment for that Year) of such Owners, and also of the Owner or Owners of the Lands upon which any new Fence is intended to be made for that Purpose, first had and obtained.

Encroachments made within Twenty Years, to be deemed Common.

XIV And be it further enacted, that all Encroachments which shall have been taken or made from any Part of the said Moors or Commons, or any of them (save such as have been enjoyed peaceably and quietly for Twenty Years last past, or upwards, without any Interruption given to the Possession thereof, or any Acknowledgment paid for the same,) shall be deemed Part or Parcel of the same Commons or Moors respectively, to be divided and inclosed by virtue of this Act.

Power to stop Roads between or over old Inclosures.

XV. And be it further enacted, That it shall be lawful for the Commissioner for the Time being to divert or stop up any old Carriage Road, Driftway, Bridleway, or Footpath, public or private, leading between, through and over any of the old Inclosures in the said Townships of *Lune*, *Holwick* and *Romaldkirk*, or any of them; and the Soil of the public Roads and Ways so to be stopped up shall be deemed part of the Lands to be divided and allotted by virtue of this Act; provided, that no such Carriage Road, Driftway, Bridleway, or Footpath passing or leading between, through or over any of the old Inclosures in the said Townships respectively, shall be stopped up without the Concurrence and Order of Two Justices of the Peace for the said North Riding of the County of *York*, not interested in the Lands to be divided and allotted; and that every such Order shall be subject to an Appeal to the Quarter Sessions in like Manner and under the same Forms and Restrictions

tions as Orders originally made by Justices for diverting and turning Roads and Ways.

XVI. And be it further enacted, That when and so soon as Two or more of His Majesty's Justices of the Peace for the said North Riding, at any Special Sessions to be holden by them, shall find, and shall under their Hands and Seals certify and declare, any of the public Carriage Roads to be set out in pursuance of the said recited Act and of this Act, or any Part of any such Roads, to be fully and sufficiently formed, repaired and completed, such Road or Roads, or so much thereof as shall in any such Certificate be described and certified, shall thenceforth be supported and kept in Repair by such Persons, and in like Manner as the public Roads within the said Townships respectively are or ought by Law to be amended and kept in Repair; and every such Certificate shall, at the General Quarter Sessions of the Peace to be holden for the said North Riding next after the Date thereof, be filed of Record by the Clerk of the Peace for the said Riding.

Justices empowered to declare any of the Roads completed.

XVII. And be it further enacted, That the Commissioner for the Time being shall and may scour out and widen all such Brooks, Sreams, Ditches, Watercourses, Tunnels and Bridges within the said Townships of *Lune*, *Holwick* and *Romoldkirk* respectively; and also shall and may set out, order and direct such new Ditches, Drains, Watercourses, Tunnels, Watergates, Banks and Bridges, to be made of such Depth and Breadth, and in such Situation and Direction, as he the said Commissioner shall think proper, as well in, through, over and upon the Lands and Grounds hereby intended to be divided and inclosed as aforesaid, as also in, through and over any ancient Inclosures, or other Lands and Grounds within the said Townships of *Lune*, *Holwick* and *Romoldkirk*, or any of them, or any Part or Parts thereof, making such Satisfaction to the Owners and Proprietors of such ancient Inclosures, or other Lands and Grounds not hereby intended to be divided and inclosed, for the Damage done thereby, as the said Commissioner shall judge reasonable; and the said Commissioner for the Time being shall and may, and he is hereby directed, in and by his Award or Awards, to order and direct by whom and at whose Expence, and at what Time, and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks and Bridges shall be thereafter repaired, cleaned, scoured and maintained: Provided always, that no such Brook or Stream shall be diverted or turned without the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands and Grounds from which any such Brook or Stream shall be diverted, or into which the same shall be turned,

Commissioner may scour out Brooks, make Ditches, &c.

XVIII. And be it further enacted, That the said *John Rodham*, or the Commissioner for the Time being to be appointed in his Room in the Manner hereinbefore mentioned, shall and may, and he is hereby authorized and required, according to the best of his Skill and Judgment (after deducting so much and such Part and Parts of each of the said Moors or Commons, called *Lune Moor* and *Holwick Moor*, as he may in pursuance of this Act think proper to set out, ascertain and appoint for Peat, Turf and Ling, and for public Highways, Roads and Drains,

Manner of Divisions of the Residue of *Lune* and *Holwick Moor*.

and

and for a common Quarry or Quarries, and common Watering Places or Wells, by virtue of the said recited Act and this Act) to set out and allot the Residue of the said Moors or Commons in Manner following; (that is to say) as to the said Moor or Common, called *Lune Moor*, the said Commissioner shall, in the first Place, set out and allot unto and for the said Earl of *Strathmore*, his Heirs and Assigns, as a Compensation for the Soil of the said Moor or Common, as Lord of the said Manor of *Lune*, one full Sixteenth Part (Quantity, Quality, and Situation of the Land being considered,) of all the Residue of the lastmentioned Moor or Common, over and above and exclusive of such Share and Allotment of the said Moor or Common, or the Residue thereof, as is hereinafter directed to be allotted to him, in Lieu of or as an Equivalent for his Rights of Common thereon; and in the next Place the said Commissioner shall set out and allot unto and for the said *Reginald Bligh*, and his Successors, Rectors of the said Rectory or Parish Church of *Romaldkirk*, in Lieu of and full Compensation for all and every the Tythes, Moduses, Tythe Farms, Prescripts, or customary or other Payments in Lieu of Tythes, or of any certain Species of Tythes arising, renewing or payable within the said Township of *Lune*, and all other the Rights, Dues, Moduses and Payments of every Kind or Denomination whatsoever, yearly or otherwise arising, issuing, growing or payable from or out, or for or in respect, or on account of any of the Lands, Tenements or Hereditaments, situate, lying or being within the said Township of *Lune*, to which he or they now is or otherwise would or might be entitled, as the Rector or Rectors of the said Rectory (except Easter Offerings, Mortuaries, and Surplice Fees,) so much and such Parts of the then Residue of the said Moor or Common, called *Lune Moor*, as (Quantity, Quality, and Situation considered, and with such Farm House, Barns, Stables, Erections and Buildings thereon, as the Commissioner for the Time being shall think fit to erect and build for the proper and convenient Use and Occupation thereof, and which Erections and Buildings he is hereby authorized by and out of the Monies to be raised by the said Commissioner for the Purposes of this Act, to erect and build or cause to be erected and built accordingly) shall, in the Opinion and Judgment of the said Commissioner be worth, to be let to a responsible Tenant or Tenants for a Term of Twenty-one Years, at the clear and net yearly Rent or Sum of Two hundred and ten Pounds of lawful Money of *Great Britain*, which Allotment so to be made to the said *Reginald Bligh*, and his Successors Rectors as aforesaid, shall be and is hereby vested in him and them (subject and without Prejudice to the Rights and Privileges by this Act saved and reserved to the said Earl of *Strathmore*, his Heirs and Assigns, as Lord or Lords of the Manor of *Lune* aforesaid); and the same Allotment shall, from and after such Time as shall be fixed by the said Commissioner for the Time being, in and by any Writing or Writings under his Hand, be accepted and taken by him, the said *Reginald Bligh*, as Rector of *Romaldkirk* aforesaid, and his Successors for ever, in Lieu of and full Compensation and Satisfaction for all and every the Tythes, Moduses, Tythe Farms, Prescripts, or customary or other Payments in Lieu of Tythes, or of any certain Species of Tythes arising, renewing or payable within the said Township of *Lune*, and all other Dues, Moduses and other Payments, Rights and Interests of every Kind or Denomination whatsoever arising, issuing, growing or payable, or that may or otherwise

otherwise might be claimed by him, the said *Reginald Bligh*, or his Successors, in Right of the said Rectory (except *Easter Offerings*, Mortuaries, and Surplice Fees) upon, from or out of, or for or in respect of all, every or any of the Lands or Grounds, Tenements or Hereditaments whatsoever, situate, lying or being within the Township of *Lune* aforesaid; and after making such Deductions as aforesaid, the said Commissioner for the Time being shall, and he is hereby authorized and required in the next Place to set out, allot, apportion and divide, all the Residue or remaining Part of the same Moor or Common called *Lune Moor*, unto and amongst the said Earl of *Strathmore* and the several other Persons having Right of Common upon the same Moor or Common, in Proportion and according to the real annual Value of the Messuages, Mills, Lands, Tenements and Hereditaments in respect whereof they are severally entitled to Right of Common thereupon, and without any Preference or Priority whatsoever, such annual Value to be ascertained by the said Commissioner in such Manner as he shall think fit; and as to the said Moor or Common called *Holwick Moor*, the said *John Rodham*, or the Commissioner for the Time being to be appointed in his Room in the Manner hereinbefore mentioned, shall in the first Place set out and allot unto and for the said Earl of *Strathmore*, his Heirs and Assigns, as a Compensation for the Soil of the said Moor or Common, as Lord of the said Manor of *Holwick*, one full Sixteenth Part (Quantity, Quality, and Situation of the Land being considered) of all the Residue of the said last-mentioned Moor or Common, over and above, and exclusive of such Share and Allotment of the said Moor or Common, or the Residue thereof, as is hereinafter directed to be allotted to him, in Lieu of or as an Equivalent for his Right of Common thereon; and in the next Place the said Commissioner shall set out and allot unto and for the said *Reginald Bligh* and his Successors, Rectors of the said Rectory or Parish Church of *Romaldkirk*, in Lieu of and full Compensation for all the Tythes, Moduses, Tythe Farms, Prescripts, or customary or other Payments in Lieu of Tythes, or of any particular Species of Tythes arising, renewing or payable within the said Township of *Holwick* (including the Hamlets of *Croftbwaite* and *Lonton*), and all other the Rights, Dues, Moduses and Payments of every Kind or Denomination whatsoever, yearly or otherwise arising, growing or payable from or out, or for or in respect, or on account of any of the Lands, Tenements, or Hereditaments, situate, lying or being within the said Township of *Holwick* (including *Croftbwaite* and *Lonton* aforesaid), to which he or they now is or are, or otherwise would or might be entitled as the Rector or Rectors of the said Rectory (except *Easter Offerings*, Mortuaries and Surplice Fees), so much and such Parts of the then Residue of the said Moor or Common called *Holwick Moor*, as (Quantity, Quality, and Situation considered, and with such Farm House, Barns, Stables, Erections and Buildings thereon, as the Commissioner for the Time being shall think fit to erect and build for the proper and convenient Use and Occupation thereof, and which Erections and Buildings he is hereby authorized, by and out of the Money to be raised by the said Commissioner for the Purposes of this Act, to erect and build, or cause to be erected and built accordingly,) shall in the Opinion and Judgment of the said Commissioner be worth, to be let to a responsible Tenant or Tenants for a Term of Twenty-one Years, at the clear and net yearly Rent or Sum of One hundred and twenty Pounds of lawful Money of *Great Britain*; which last-mentioned Allotment so to

Allotment of
Residue of
Lune Moor.

Rector's Al-
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be made to the said *Reginald Bligh* and his Successors, Rectors as aforesaid, shall be and is hereby vested in him and them, subject and without Prejudice to the Rights and Privileges by this Act saved and reserved to the said Earl of *Strathmore*, his Heirs and Assigns, as Lord or Lords of the Manor of *Holwick* aforesaid; and the same Allotment shall, from and after such Time as shall be fixed by the said Commissioner for the Time being, in and by any Writing or Writings under his Hand, be accepted and taken by him the said *Reginald Bligh*, as Rector of *Romaldkirk* aforesaid, and his Successors for ever, in Lieu of and full Compensation and Satisfaction for all and every the Tythes, Moduses, Tythe-Farms, Pre-scripits, or customary or other Payments in Lieu of Tythes, or of any certain Species of Tythes arising, renewing or payable within the said Township of *Holwick* (including *Croftbwaite* and *Lonton* aforesaid), and all other Dues, Moduses and other Payments, Rights and Interests of every Kind or Denomination whatsoever arising, issuing, growing or payable, or that may or otherwise might be claimed by him the said *Reginald Bligh*, or his Successors, in right of the said Rectory (except *Easter Offerings*, *Mortuaries*, and *Surplice Fees*), upon, from, or out of, or for or in respect of all, every, or any of the Lands or Grounds, Tenements or Hereditaments whatsoever, situate, lying or being within the Township of *Holwick* aforesaid (including *Croftbwaite* and *Lonton* aforesaid); and after making such Deductions as aforesaid, the said Commissioner for the Time being shall be, and is hereby authorized and required in the next Place to set out, allot, apportion and divide all the Residue or remaining Part of the same Moor or Common called *Holwick Moor*, unto and amongst the said Earl of *Strathmore* and the several other Persons having Right of Common upon the said Moor or Common called *Holwick Moor*, in Proportion and according to the real annual Value of the Messuages, Mills, Lands, Tenements and Hereditaments, in respect whereof they are severally entitled to Right of Common thereupon, and without any Preference or Priority whatsoever; such annual Value to be ascertained by the said Commissioner in such Manner as he shall think fit.

Division of
Romaldkirk
Moor.

XIX. And be it further enacted, That the said *John Machell*, or the Commissioner for the Time being to be appointed in his Room in the Manner hereinbefore mentioned, shall and may, and he is hereby authorized and required, according to the best of his Skill and Judgment (after deducting so much and such Part and Parts of the said Moor or Common called *Romaldkirk Moor*, as he may in pursuance of this Act think proper to set out, ascertain, and appoint for Peat, Turf and Ling, and for public Highways, Roads, and Drains, and for a common Quarry or Quarries, and common Watering-Places or Wells, by virtue of the said recited Act and this Act), to set out and allot the Residue of the same Moor or Common in Manner following; that is to say, in the First Place, the said Commissioner shall set out and allot, unto and for the said *Reginald Bligh*, and his Successors, Rectors of the said Rectory or Parish Church of *Romaldkirk*, as a Compensation for the Soil of the said Moor or Common, as Lord of the said Manor of *Romaldkirk*, one full Sixteenth Part (Quantity, Quality, and Situation of the Land being considered,) of all the Residue of the said last-mentioned Moor or Common, over and above, and exclusive of such Share and Allotment of the same Moor or Common, or the Residue thereof, as is hereinafter directed to be allotted to him in
Lieu

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lotment.

Lieu of the Tythes of the said Township, and as an Equivalent for his Right of Common on the same Moor or Common; and in the next Place the said Commissioner shall set out and allot, unto and for the said *Reginald Bligh*, and his Successors, Rectors of the said Rectory or Parish Church of *Romaldkirk*, in Lieu of and full Compensation for all and every the Tythes, Moduses, Tythe Farms, Prescripts, or customary or other Payments in Lieu of Tythes, or of any particular Species of Tythes, arising, renewing or payable within the said Manor and Township of *Romaldkirk*, and all other the Rights, Dues, Moduses and Payments of every Kind or Denomination whatsoever, yearly or otherwise arising, issuing, growing or payable, from or out, or for or in respect, or on account of any of the Lands, Tenements or Hereditaments, situate, lying or being within the said Manor or Township of *Romaldkirk*, to which he or they now is or otherwise would or might be entitled as the Rector or Rectors of the said Rectory (except *Easter Offerings*, *Mortuaries*, and *Surplice Fees*;) so much and such Parts of the then Residue of the said Moor or Common, called *Romaldkirk Moor*, as (Quantity, Quality, and Situation considered, and with such Farm House, Barns, Stables, Erections, and Buildings thereon, as the Commissioner for the Time being shall think fit to erect and build for the proper and convenient Use and Occupation thereof, and which Erections and Buildings, not exceeding in Costs and Charges the Sum of Three hundred Pounds, he is hereby authorized to erect and build, or cause to be erected and built accordingly, by and out of the Money to be raised by the said Commissioner for the Purposes of this Act,) shall in the Opinion and Judgment of the said Commissioner be worth, to be let, and by him be let, to a responsible Tenant or Tenants for a Term of Twenty-one Years, at the clear and net yearly Rent or Sum of Fifty Pounds of lawful Money of *Great Britain*; which last-mentioned Allotment so to be made to the said *Reginald Bligh*, and his Successors, Rectors as aforesaid, shall be and is hereby vested in him and them; and the same Allotment shall, from and after such Time as shall be fixed by the said Commissioner for the Time being, in and by any Writing or Writings under his Hand, be accepted and taken by him the said *Reginald Bligh*, as Rector of *Romaldkirk* aforesaid, and his Successors for ever, in Lieu of and full Compensation and Satisfaction for all and every the Tythes, Moduses, Tythe Farms, Prescripts, or customary or other Payments in Lieu of Tythes, or of any particular Species of Tythes, arising, renewing or payable within the said Manor or Township of *Romaldkirk*, and all other Dues, Moduses and other Payments, Rights and Interests of every Kind or Denomination whatsoever, arising, issuing, growing or payable, or that may or otherwise might be claimed by him the said *Reginald Bligh*, or his Successors in Right of the said Rectory, upon, from or out of, or for or in respect of all, every or any of the Lands or Grounds, Tenements, or Hereditaments whatsoever, situate, lying or being within the Manor and Township of *Romaldkirk* aforesaid; and after making such Deductions as aforesaid, the said Commissioner for the Time being shall be, and is hereby authorized and required in the next Place to set out, apportion, and divide all the Residue or remaining Part of the same Moor or Common, called *Romaldkirk Moor*, unto and amongst the said *Reginald Bligh* and his Successors, Rectors as aforesaid, and the several other Persons having Right of Common upon the same Moor or Common, in Proportion and according to the Real annual Value
of

of the Messuages, Mills, Lands, Tenements and Hereditaments, in respect whereof they are severally entitled to Right of Common thereupon, and without any Preference or Priority whatsoever; such annual Value to be ascertained by the said Commissioner in such Manner as he shall think fit.

How the
Town Fields
and stinted
Pastures are
to be allotted.

XX. And be it further enacted, That the said *John Rodham*, or the Commissioner for the Time being to be appointed in his Room in the Manner hereinbefore mentioned, shall and he is hereby authorized and required to set out, divide and allot the said Fields or Grounds, called *Lune Town Fields*, and *Holwick Town Fields*, and the said stinted Pastures, called *Thringarth Pasture* and *Sleights Pasture* respectively, and other the Commonable Lands and Grounds hereby authorized to be divided and allotted, and which shall not be set out for the Purpose of any such Road or Way as aforesaid, unto and amongst the said Earl of *Strathmore*, and the several other Owners and Proprietors of the same Town Fields, stinted Pastures, and other commonable Lands respectively, in such Shares and Proportions as the said *John Rodham* or the Commissioner for the Time being, shall judge and determine to be proportionate to the Value of his, her and their several and respective Rights and Interests in the said Town Fields, stinted Pastures, and other commonable Lands respectively (Quantity, Quality, and Situation being considered); and the several Allotments so to be made of and in the said Town Fields, stinted Pastures, and other commonable Lands respectively, shall be fenced and kept in Repair by such Person or Persons, and in such Manner and Form, as the Commissioner for the Time being shall by his Award order and direct.

All Inclosures
belonging to
Two or more
Proprietors to
be allotted.
Such Parts of
Lune and
Holwick
Town Fields
as shall have
been inclosed
by One Prop-
rietor not to
be allotted
without his
Consent.
Lune Forest
and Soulgill
Moor not to
be divided.

XXI. And be it further enacted, that all Inclosures within the said Townships of *Lune* or *Holwick*, or either of them, belonging to Two or more distinct Proprietors, shall be deemed and taken to be Parts of the Lands and Grounds by this Act directed to be divided and allotted, as lastly hereinbefore mentioned: Provided always, that nothing in this Act contained shall extend or be construed to extend to authorize the said Commissioner to set out, divide or allot any Part or Parts of the said Town Fields, called *Lune Town Fields* and *Holwick Town Fields*, respectively which shall heretofore have been inclosed and fenced round by any single Proprietor or Owner thereof, by any Walls or Quickset Fences, unless such Proprietor or Owner shall testify his Consent in Writing to the said Commissioner, that the same shall be considered as Town Field Land, and set out, divided and allotted accordingly: Provided always, that nothing in this Act contained shall extend or be construed to extend to authorize the Commissioner for the Time being to set out or allot all or any Part of *Lune Forest* and *Soulgill Common*, or either of them, within the said Township of *Lune*, or of the Waste or Common within the Manor and Township of *Romaldkirk*, called or known as *Romaldkirk Town Street*.

Deductions
to be made on
account of
stinted Pas-
tures, &c.

XXII. And be it further enacted and declared, That before the Commissioner for the Time being for the said Manors and Townships of *Lune* and *Holwick* shall proceed to set out or allot the said stinted Pastures, called *Thringarth Pasture* and *Sleights Pasture*, or the Allotments to the said

faid Earl of *Strathmore*, his Heirs or Assigns, for the Soil of the said Moors or Commons called *Lune Moor* and *Holwick Moor* respectively as aforefaid, the faid Commissioner shall, and he is hereby authorized and required to ascertain the Proportion of Benefit which the Proprietors of or Persons interested in the same stinted Pastures, and the faid Earl, his Heirs or Assigns, as Owner or Owners of the faid Manorial Allotments, and of other Lands in the Townships of *Lune* and *Holwick* aforefaid (if any), not having Right of Common upon the faid Moors or Commons within those Townships, will derive in common with the Proprietors of the other Lands and Tenements within the Townships of *Lune* and *Holwick* aforefaid, by reason of all the Lands and Tenements in those Townships being exonerated from Tythes, and all Payments in Lieu of Tythes as aforefaid, by Parts of the faid Moors or Commons called *Lune Moors* and *Holwick Moor*, being set out for the Tythes, as well of the same Moors or Commons as of the other Lands within those Townships; and the faid Commissioner shall then set out or deduct from the faid last-mentioned stinted Pastures and manorial Allotments respectively, or any other Allotments of the faid Earl, so much, and such Part or Parts thereof as, according to the best of his Judgment, will be in Proportion to the Benefit so to be ascertained as last aforefaid; which Parts of the faid stinted Pastures, and manorial or other Allotments so to be deducted as last aforefaid, shall be considered as Parcel of the faid Moors or Commons respectively by this present Act directed to be divided and allotted; and the Residue of the faid stinted Pasture Lands or Grounds, shall then be divided and allotted according to the Directions of this Act; and the Residue of such Manorial and other Allotments shall be deemed to be a fair and full Compensation to the faid Earl of *Strathmore*, his Heirs and Assigns, for the Soil of the faid Moors or Commons, and for his Rights of Common thereon.

being made
Tythe Free.

XXIII. And it is hereby further enacted, That in case any Two or more of the Persons entitled to Rights of Common in, over, or upon the faid Moors or Commons called *Lune Moor*, *Holwick Moor*, and *Romaldkirk Moor*, or any of them, shall request to have their Common Rights compensated by a Common Pasture or Common Pastures, instead of distinct Allotments of Land, and shall give Notice thereof to the Commissioner for the Time being for the faid Manors and Townships, within such Time as the faid Commissioner shall for that Purpose appoint, then it shall be lawful for the faid Commissioner for the Time being, and he is hereby required to set out and allot to and for the Persons making such Requests, from and out of the faid Moors or Commons respectively, such Parcel or Parcels thereof as shall, in the Judgment of the faid Commissioner, be an Equivalent and Compensation for the Right of Common to which the Persons making such Request shall be entitled, and the Land so to be allotted for a Common Pasture or Common Pastures shall be used and enjoyed by the respective Proprietors to whom the same shall be allotted, and by their Successors and Tenants respectively, in such Proportions, and shall be stocked with such Kinds and Number of Cattle, and at such Seasons and Times of the Year, and subject to such Regulations and Orders for the equitable Enjoyment thereof, as the Commissioner for the Time being, by the Award to be by him made, shall establish and direct; and the Soil of the Land which shall be allotted for

Commissioners empowered to set out Common Pastures.

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a Common Pasture or Common Pastures shall, by virtue of this Act, immediately on the Allotment thereof, be vested in the Lord for the Time being of the Manor within which such Allotments respectively shall be situate, as the Conservator or Trustee of every such Allotment for the Persons to whom the Rights of Common shall be allotted.

Rector's Allotments to be fenced at the public Expence.

XXIV. Provided always, and it is further enacted and declared, That the severall Allotments hereby directed to be made unto and for the said *Reginald Bligh*, and his Successors, Rectors as aforesaid, shall be inclosed and fenced round by such proper and sufficient Walls or Fences as the Commissioner for the Time being shall direct or appoint, and the Expences incident to such inclosing and fencing, and of making such Erections and Buildings upon the severall Allotments hereinbefore directed to be set out to the said Rector in lieu of Tythes as aforesaid, shall be borne, paid, and defrayed by the Owners and Proprietors of Lands and Tenements within each of the said Townships of *Lune*, *Holwick*, and *Romaldkirk*, in such Way and Manner as the other Expences attending the Execution of this Act are hereby directed to be paid, satisfied, borne and defrayed; and that such Erections, Buildings, and Fences shall for ever thereafter be maintained and kept in Repair by the said Rector and his Successors, Rectors of the said Parish of *Romaldkirk* for the Time being, or by the Person or Persons to whom the same shall be allotted or directed to belong.

Directions as to Boundary Fences between the inclosed and commonable Lands.

XXV. And be it further enacted, That it shall and may be lawful for the Commissioner for the Time being, and he is hereby authorized and required, to order and direct the Boundary Fences between the ancient inclosed Lands in the said Manors and Townships of *Lune*, *Holwick*, and *Romaldkirk* respectively, and the said Moors or Commons called *Lune Moor*, *Holwick Moor*, and *Romaldkirk Moor*, and the said stinted Pastures, and between the said stinted Pastures, and the said Moors and Commons, to be made and repaired by such Person or Persons whose Lands or Allotments do adjoin thereto, as the said Commissioner shall think proper, he the said Commissioner making such Compensation, in Money or otherwise, to the Person or Persons charged therewith, as he shall judge reasonable; and if any Person or Persons now liable to make and repair such Boundary Fences shall be discharged therefrom, such Person or Persons shall make such Compensation, in Money or otherwise, to the said Commissioner, or to the Person or Persons made liable to make and repair such Boundary Fences, as the said Commissioner shall, in and by his Award or Awards, or any Writing under his Hand for that Purpose, order and direct.

Proprietors may fence off their respective Allotments, before the Award is signed, with the Consent of the Commissioner.

XXVI. Provided always, and be it further enacted, That it shall be lawful for the Person or Persons to whom any Plot or Parcel of Ground upon the said Moors or Commons, or in the said Town Fields and stinted Pastures respectively shall be allotted, staked, or set out by virtue of this Act, at any Time after the Expiration of Three Calendar Months from the Time that the Commissioner shall have staked or set out all the Plots or Parcels of Ground intended to be awarded in pursuance of this Act, before the Execution of the General Award of the said Commissioner, with the previous Consent in Writing of the Commissioner, to inclose, hedge

hedge or fence his, her, or their several Allotments, Plots, and Parcels of Ground so staked and set out as aforesaid.

XXVII. And be it further enacted, That all Lands and Hereditaments which shall be allotted by virtue of this Act shall be held by the same Tenures, under the same Rents, Customs, and Services, as the Lands and Hereditaments in respect whereof such Allotments shall be made were respectively held before the passing of this Act, or would have been held in case this Act had not passed.

Allotments to remain to the same Tenure.

XXVIII. Provided always, and be it further enacted, That when the Proprietor or Proprietors of any Lands or other Hereditaments which shall be allotted or exchanged by virtue of this Act, shall hold their respective Lands or Hereditaments by different Tenures, or for different Estates, or under different Titles, the Commissioner for the Time being, shall, upon the Request of such respective Proprietors, in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held by or under such respective Tenures, Estates, or Titles, and shall accordingly in his said Award set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments.

Separate Allotments to be made for Estates held by different Titles.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioner for the Time being for the said Manors and Townships of *Lune* and *Holwick*, to set out, allot and award any Lands, Tenements, Tythes, or other Hereditaments whatsoever within the said Manors or Townships of *Lune* and *Holwick*, or elsewhere, in the said Parish of *Romaldkirk*, in Lieu of and in Exchange for any other Lands, Tenements or Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Hamlet, Township or Place; and that it shall and may be lawful to and for the said Commissioner for the Time being for the said Manor and Township of *Romaldkirk*, to set out, allot and award any Lands, Tenements, Tythes, or other Hereditaments whatsoever within the said Manor and Township of *Romaldkirk*, or elsewhere, in the said Parish of *Romaldkirk*, in Lieu of and in Exchange for any other Lands, Tenements or Hereditaments whatsoever within the said Parish or within any adjoining Parish, Hamlet, Township or Place; provided, that all such Exchanges be ascertained, specified and declared in the Award or Awards of such Commissioner for the Time being, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple, or in Tail, or for Life or Lives, or for Years determinable on any 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 any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, 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 Politic, Corporate or Collegiate, and under

For allowing Exchanges to be made.

under the Hands of the other consenting Parties respectively; and all and every such Exchanges so made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of any Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which the said Hereditaments shall be situate; provided also, that all Costs, Charges, and Expences, attending the making of any Exchanges and Partitions in pursuance of the said recited Act and this Act, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and Proportions as such Commissioner shall order and direct.

Proprietors may sell or mortgage their Allotment before the Execution of the Award, and their Rights of Common separate from their other Property.

XXX. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, sell, demise, mortgage, limit, convey, and assure the same for all or any Part of his, her or their Estate or Interest therein, or Right thereto, at any Time before the Execution of the Award of the said Commissioner; and every such Gift, Grant, Bargain, Sale, Demise, Mortgage, Limitation, Conveyance and Assurance, shall be of the same Force and Validity as if made after the Execution of the said Award; and also that it shall be lawful for any of the Owners or Proprietors of any Common Rights upon the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of the same, or of the Allotment or Allotments to be made and set out in respect thereof, by virtue of this Act, separate and distinct from the Estate in Right of which they, he or she are or is entitled to the same, in the same Manner as they, he or she might have done at any Time after the Execution of the said Award.

If any Person sell his Common Right or Pasture Gates the Allotment to be made to the Purchaser.

XXXI. Provided always, and be it further enacted, That if any Person hath sold, or shall, at any Time before the Execution of the Award or Awards, sell his or her Right or Interest, and Property in, to, over and upon the Lands hereby directed to be divided and allotted, or any Part thereof, to any other Person, then and in every such Case, it shall be lawful for the Commissioner for the Time being, and he is hereby authorised and required to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns, for or in respect of such Right, Interest and Property so sold as aforesaid; and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may after the Execution of the said Award or Awards, hold and enjoy the Land so to be allotted to him, her or them as aforesaid, in the same Manner as the Vendor in such Sale might, could or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

Allotment for Property under Lease to be set out to the Owners who shall

XXXII. Provided always, and be it further enacted, That the Allotments to be made and set out by virtue of this Act, in Right of any Property under Lease for any Term of Years not exceeding Twenty-one Years, at Rack Rents, shall be allotted and set out to the respective Lessors or Landlords, their Heirs or Assigns, and shall be held and enjoyed

joyed by them, free from all Right and Interest of their respective Lessees or Tenants; and such respective Lessors or Landlords, their Heirs and Assigns, shall make such Compensation to their Lessees or Tenants for the Determination of their respective Interests in the Lands or Common Rights to be divided or affected by this Act, either by an Abatement out of the Rents reserved by such Leases respectively, or otherwise, as the said Commissioner shall judge reasonable, and shall in and by his Award, or any Writing under his Hand, direct or appoint.

make Com-
pensation
to their Te-
nants.

XXXIII. Provided also, and be it further enacted and declared, That nothing in this Act contained shall extend or be construed, deemed, adjudged or taken to extend to revoke, alter, annul, or make void, any Settlement, Deed, Will, or Lease whatsoever, except so far as any such Leases shall be determined by this Act; or to prejudice any Person or Persons having any Right or Title of Dower, Jointure, Rent, Service, Debt, Charge or Incumbrance, out of, or from, upon or affecting any of the Lands, Common Rights, or other Hereditaments intended to be divided or allotted, or which shall be exchanged or parted by virtue of the said recited Act and this Act, or either of them; but that the several Allotments of and in the said Moors or Commons, Town Fields, and stinted Pastures respectively, and the Hereditaments which shall be taken in Exchange, or by way of Partition, shall, immediately after such Allotments, Exchanges and Partitions shall be made, be vested, remain, continue and enure, and be held and enjoyed, and the several Persons to whom the same shall be assigned and allotted respectively, shall from thenceforth stand and be seised and possessed thereof respectively, to and for such and the same Uses, Estates, Entails, Interests, Trusts, Intents and Purposes, and be held in such and the same Way and Manner, and subject and liable to such and the same Wills, Limitations, Conditions, Settlements, Provisoos, Remainders, Reversions, Leases, (except as aforesaid) Debts, Charges and Incumbrances, as the several Lands, Common Rights, and Hereditaments, in respect of which such Allotments, Exchanges and Partitions shall be respectively made, would have been limited, settled or stood subject or liable to, in Case such Allotments, Exchanges and Partitions respectively had not been made, or this Act had not passed.

This Act not
to revoke any
Settlement or
prejudice any
Right of
Dower.

XXXIV. And be it further enacted, by the Authority aforesaid, That from and after such Time or Times as the Commissioner for the Time being for the said Manors and Townships of *Lune* and *Holwick*, shall, by Writing under his Hand, to be affixed on the principal Doors of the Parish Church and Chapel aforesaid, appoint all the Tythes, Moduses, Tythe Farms, Prescripts, or customary or other Payments in Lieu of any Tythes, or particular species of Tythes, and all other Ecclesiastical Dues, Payments, Rights and Interests of every Kind and Denomination whatsoever, arising, happening, renewing or payable, or that otherwise might be claimed by the said *Reginald Bligh* or his Successors, in Right of the said Rectory of *Romaldkirk*, upon, from, or out, or in respect, or on account of all, every, or any of the Lands, Grounds, Tenements or He-

All Right of
Tythes, &c.
in *Lune* and
Holwick to
cease at the
Time ap-
pointed by
the Commis-
sioner.

[*Loc. & Per.*]

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reditaments

reditaments, situate, lying or being within the said several Townships of *Lune* and *Holwick*, (including *Crosthwaite* and *Lonton* aforesaid) or either of them (except *Easter Offerings*, *Mortuaries*, and *Surplice Fees*, which shall not be prejudiced,) shall cease, determine, and be for ever extinguished.

All Right of Tythes, &c. in Romalckirk to cease at the Time appointed by the Commissioner.

XXXV. And be it further enacted, by the Authority aforesaid, That from and after such Time as the Commissioner for the Time being for the said Manor and Township of *Romaldkirk*, shall appoint by Writing under his Hand, to be affixed on the principal Door of the Parish Church of *Romaldkirk* aforesaid, all and every the Tythes, Moduses, Tythe Farms, Prescripts, or customary or other Payments in Lieu of any Tythes, or particular Species of Tythes, and all other Ecclesiastical Dues, Payments, Rights and Interests of every Kind and Denomination whatsoever, arising, happening, renewing or payable, or that otherwise might be claimed by the said *Reginald Bligh* or his Successors, in Right of the said Rectory of *Romaldkirk*, upon, from or out of all, every or any of the Lands or Grounds, Tenements or Hereditaments situate, lying or being within the said Manor or Township of *Romaldkirk* (except *Easter Offerings*, *Mortuaries*, and *Surplice Fees*, which shall not be prejudiced,) shall cease, determine, and be for ever extinguished.

And may direct the Course of Husbandry.

XXXVI. And be it further enacted, That until such Divisions and Allotments as are hereby directed shall have been made of all the Lands and Grounds intended to be hereby divided and allotted, the same Lands and Grounds shall be stocked with such Cattle, and at such Times, and in such Manner only, and the Tillage Lands shall be sown by the respective Occupiers thereof, with such Sorts of Corn and Grain, and with such Kinds, Quantities, and Qualities of Grass, Turnips, or other Seeds, and shall be kept, ordered, and continued in such Course of Husbandry and Tillage, as the said Commissioner for the Time being shall, by Writing under his Hand in that behalf direct, any Usage or Custom to the contrary notwithstanding; and that no Meadow, Pasture, or fresh Ground, Parts of the Lands and Grounds hereby directed to be divided and allotted, and not in Tillage at the passing of this Act, shall, without the Consent in Writing of the said Commissioner for the Time being, before the Allotment thereof, be ploughed, broken up, or converted into Tillage; and every Occupier of any such Land or Ground who shall refuse or neglect to comply with any such Direction of the said Commissioner, or who shall plough, break up, or convert into Tillage, any such Meadow, Pasture, or fresh Ground, without the Consent in Writing of the said Commissioner, shall forfeit and pay a Sum not exceeding Ten Pounds for every Acre of such Tillage Land, with respect to which such Refusal or Neglect shall happen, and for every Acre of such Meadow, Pasture, or fresh Ground which shall be ploughed, broken up, or converted into Tillage, and so in Proportion in each Case for a greater or less Quantity than an Acre, to be levied and recovered in the Manner hereby directed for the Recovery of the Charges and Expences of passing this Act and carrying the same into Execution.

XXXVII. And

XXXVII. And be it further enacted, That the Proprietors whose Allotments on the said Division shall have been tilled, ploughed, sown, or manured by any former Proprietor or Occupier thereof, shall pay to the Person or Persons respectively who shall have tilled, ploughed, sown, or manured the same, or any Part thereof, his or their Executors or Administrators, such Sum and Sums, and at such Time and Times, as the said Commissioner for the Time being shall think reasonable, and shall by Writing under his Hand ascertain and direct; and in case any of the Sums which shall by the said Commissioner for the Time being be directed to be paid as aforesaid, shall not be paid to the Person or Persons at the Time or Times to be by the said Commissioner appointed, it shall be lawful for him, and he is hereby required to raise and levy the same, in like Manner as the Expence of passing this Act and of carrying the same into Execution, is directed to be raised and levied.

Satisfaction to be made for Tillage, &c.

XXXVIII. And be it further enacted, That it shall not be lawful for any Person during the Space of Ten Years from the Execution of the said Award to keep or depasture, or permit to be kept or depastured, any Sheep, Lambs, Horses, Mules or Asses in the Allotments to be made of the said Town Fields in pursuance of this Act, unless he, she, or they, shall first effectually fence and guard the adjoining Allotment or Allotments belonging to any other Proprietor or Proprietors from any Injury or Damage to their Quicksets or new planted Fences.

No Sheep, &c. to be kept in the new Inclosures for Ten Years.

XXXIX. And be it further enacted, That it shall be lawful for the Owners or Occupiers of the said Allotments to be set out or allotted by virtue of this Act, at any Time or Times thereafter, to win, get, and work Stones within the said respective Allotments, and also to win, get, and work Stones in and out of the common Quarries to be set out by the said Commissioner for the Time being, as well for building, walling, and draining the Lands to be so allotted to them respectively, as for building, walling, and draining in or upon their ancient inclosed Grounds, in respect whereof any such Allotments shall be made, but not for the Purpose of Sale, or for any other Purpose whatsoever.

Proprietors' Allotments may work Stones within the same, and get Stones out of the common Quarries, for certain Purposes.

XL. And be it further enacted, That the Money that shall be advanced by any Person or Persons for the Purpose of defraying the Expences of applying for and passing this Act, or which after the passing of this Act shall be advanced or lent to the Commissioners respectively for the Time being, for carrying the same into Execution, shall be repaid, with legal Interest, to the Person or Persons lending, advancing or paying the same out of the first Money to be raised for defraying the Expences of obtaining and executing this Act.

Money advanced for passing this Act to be repaid with Interest.

XLI. And be it further enacted, That each of the Commissioners for the Time being, acting in the Execution of the Trusts and Powers hereby vested in him, shall be allowed and paid, in Satisfaction for his Trouble and Expence, the Sum of Two Guineas for every Day on which he shall be employed in carrying this Act into Execution; and at all Sit-
tings

Allowance to the Commissioner.

ings to be held in pursuance of this Act, such Commissioner shall pay his own Expences.

Bull Commons
and Bull
Common
Slote, in Ro-
maldkirk, to
be disposed
of by public
Auction

XLII. And, as to the said Common in the said Manor and Township of *Romaldkirk*, called *Bull Common* and *Bull Common Slote*, it is hereby enacted, That the Commissioner for the Time being for the said Manor and Township of *Romaldkirk* shall, and he is hereby authorized and required, at such convenient Times and Places as to him shall seem meet, to cause the same and every Part thereof, to be put up to public Sale or Auction, either together or in such Lots or Parcels as to him shall seem fit and expedient; and the same shall be accordingly sold and disposed of in such Way and Manner, and under and subject to such Directions, as is and are contained in the said recited Act of the Forty-first Year of His present Majesty's Reign; and the said Commissioner for the Time being shall upon Receipt of the Purchase Money or Purchase Monies for which the same shall be so sold, and at the Costs and Charges of the respective Purchasers thereof, make and execute a Deed or Deeds of Feoffment of the Land or Ground to be so sold unto the Purchaser or Purchasers thereof, and his, her or their Heirs and Assigns, or as he, she or they shall direct or appoint; and from and after the Execution of such Deed or Deeds of Feoffment, the Feoffee or Feoffees to be therein named shall be and become absolutely seised of or entitled to the Lands or Grounds to be thereby enfeoffed and conveyed in Fee Simple, as or as of the Nature of Freehold Tenure.

Purchasers
to keep the
Fences in
repair.

XLIII. And be it further enacted, That the Persons who shall become the Purchasers of the said last-mentioned Lands at such public Sale or Sales as aforesaid, and their respective Heirs and Assigns, shall be subject and liable to the making and keeping in Repair such Parts of the Boundary or other Fences thereof as shall in that behalf be directed by the said Commissioner for the Time being, and also to the due Observance and Performance of all Orders, Matters and Directions to be made, laid down and appointed by the said Commissioner, in or by his general Award, and also to all the Manorial and other Rights, Liberties and Privileges hereinafter reserved to the said *Reginald Bligh*, as Lord of the Manor of *Romaldkirk* aforesaid, in like Manner and Form as if such Purchaser or Purchasers, his, her or their Heirs or Assigns, had become seised and possessed of the said Lands so by them purchased by virtue and in respect of an original Right in a Freehold Estate, having Right of Common on the said Moor called *Romaldkirk Moor*.

Application
of the Money
to arise from
Sales.

XLIV. And be it further enacted, That all the Monies which shall so arise by or from such Sale or Sales as aforesaid, shall be appropriated and applied by the Commissioner for the Time being for the said Manor and Township of *Romaldkirk*, (so far as the same shall extend) in or towards the Payment of such Parts and Proportions of the Charges and Expences attending the obtaining and Execution of this Act, as are to be raised or paid for or in respect of all or any of the Allotments of the said Moor called *Romaldkirk Moor*.

XLV. And

XLV. And be it further enacted, That in case the said Common hereby directed to be sold as hereinbefore mentioned, shall be sold for more Money than will be required to defray such Costs, Charges, and Expences as aforesaid, then and in such Case such Surplus Money shall be divided and apportioned between the several Proprietors and other Persons interested in the Lands and Grounds hereby directed to be divided, allotted and inclosed in the said Township of *Romaldkirk*, in such Shares as shall be in proportion to such their respective Property, Rights, and Interests, and the respective Shares of such of them as shall be Tenants in Fee Simple of their respective Allotments shall be paid to them respectively, and the Shares of such other Proprietors or Persons of and in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act of the Forty-first Year of the Reign of his present Majesty, in case any Money is to be paid for the Purchase or Exchange of any 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.

Surplus produced by Sale to be divided between Proprietors according to their Interest.

XLVI. And be it further enacted, That all such Charges and Expences as shall or may be incurred preparatory to and about the obtaining and passing of this Act, shall be paid and borne in Three equal Parts or Shares in Manner following; (that is to say) One third Part thereof, and also all the Charges and Expences of surveying, measuring, planning, dividing and allotting the said Moor or Common, Town Fields, and stinted Pastures, and other Commonable Lands within the said Manor and Township of *Lune*, and of setting out, forming, and making public and private Roads within the same, and of preparing, making, and signing the General Award of the Commissioner for the Time being, and the Duplicate thereof, relating to the said Manor and Township of *Lune*, and other reasonable Expences and Charges of the said Commissioner and other proper and necessary Expences in the Execution of this Act, and of the said Act of the Forty-first Year of His present Majesty, so far as the same relate to the Moor or Common, Town Fields and stinted Pastures, and other Commonable Lands in the Manor and Township of *Lune* aforesaid, from Time to Time, as the same shall respectively accrue, shall be paid and borne by the several and respective Persons to whom any Allotment or Allotments of the said Lands and Grounds within the said Manor or Township by this Act directed to be divided, shall be respectively made (except the said *Reginald Bligh*, and his Successors, Rectors of *Romaldkirk* aforesaid, in respect of any Allotment which shall be made to him or them, in right of his Rectory) in proportion to the real Value of their respective Allotments, to be settled and ascertained by the Commissioner for the said Manor and Township of *Lune* for the Time being; and such several and respective Shares and Proportions as aforesaid shall be payable and paid by the Owners and Proprietors respectively, to such Person or Persons, and at such Times, as shall by the said Commissioner for the Time being, either before or after the Execution of his general Award, be ordered, directed, or appointed in Writing under his Hand; and that One other Third Part of the Expences of obtaining and passing this Act, and also all the Charges and Expences of surveying, measuring, planning, dividing and

Charges and Expences.

[*Loc. & Per.*]

5 M

allotting

allotting the said Moor or Common, Town Fields, and other Commonable Lands within the Manor and Township of *Holwick* aforesaid, and of setting out, forming, and making public and private Roads within the same, and of preparing, making, and signing the general Award of the Commissioner for the Time being, and the Duplicate thereof relating to the Manor and Township of *Holwick* aforesaid, and all other the reasonable Expences and Charges of the said Commissioner, and other proper and necessary Expences in the Execution of this Act, and of the said Act of the Forty-first Year of His present Majesty, so far as the same relate to the Moor or Common, Town Fields, and other commonable Lands within the said Manor and Township of *Holwick*, from Time to Time as the same shall respectively accrue, shall be paid and borne by the several and respective Persons to whom any Allotment or Allotments of the said Lands and Grounds within the said last-mentioned Manor or Township by this Act directed to be divided shall be respectively made, (except the said *Reginald Bligh*, and his Successors, Rectors of *Romaldkirk* aforesaid, in respect of such Allotment as shall be made to him or them in Right of the said Rectory) in proportion to the real Value of their respective Allotments, to be settled and ascertained by the Commissioner for the said Manor and Township of *Holwick* for the Time being; and such several and respective Shares and Proportions as last aforesaid shall be payable and paid by the Owners and Proprietors respectively, to such Person or Persons, and at such Times, as shall by the said Commissioner for the Time being, either before or after the Execution of his General Award, be ordered, directed, or appointed, in Writing under his Hand; and that the remaining Third Part of the Expences of obtaining and passing this Act, and also all the Charges and Expences of surveying, measuring, planning, dividing, and allotting the said Moor or Common, and other Commonable Lands within the Manor and Township of *Romaldkirk* aforesaid, and of setting out, forming and making public and private Roads within the same, and of preparing, making and signing the General Award of the Commissioner for the Time being, and the Duplicate thereof, relating to the Manor and Township of *Romaldkirk* aforesaid, and all other the reasonable Expences and Charges of the said Commissioner, and other proper and necessary Expences in the Execution of this Act, and of the said Act of the Forty-first Year of His present Majesty, so far as the same relate to the Moor or Common, and other Commonable Lands within the said Manor and Township of *Romaldkirk*, from Time to Time as the same shall respectively accrue, shall be paid and borne by the several and respective Persons to whom any Allotment or Allotments of the said Land and Grounds within the said last-mentioned Manor and Township by this Act directed to be divided, shall be respectively made, (except the said *Reginald Bligh*, and his Successors, Rectors of *Romaldkirk* aforesaid, for and in respect of any Allotments made to him or them in Right of the said Rectory, and except the Purchaser or Purchasers of such Part or Parts of the said commonable Lands as shall be sold by the said Commissioner) in proportion to the real Value of their respective Allotments, to be settled and ascertained by the Commissioner for the said Manor and Township of *Romaldkirk* for the Time being; and such several and respective Shares and Proportions as last aforesaid shall be payable and paid by the Owners and Proprietors respectively, to such Person

Person or Persons, and at such Times, as shall by the said Commissioner for the Time being, either before or after the Execution of his General Award, be ordered, directed or appointed, in Writing under his Hand.

XLVII. Provided always, and be it further enacted and declared, That if at the Time of the Execution of the Award or Awards of the Commissioner for any of the said Manors or Townships there shall remain due from any Person or Persons, Body or Bodies Politic or Corporate, any Sum or Sums of Money, which shall have been adjudged or ordered to be paid by virtue of this Act, it shall be lawful for the said Commissioner and he is hereby authorized and required to levy and raise the same, in like manner as he might and could have done before the Execution of such Award or Awards.

Commissioner
may raise
Arrears of
Rates after
the Execution
of his Award.

XLVIII. And be it further enacted, That it shall and may be lawful to and for the Commissioner for the Time being, upon the Request in Writing (to be delivered to the said Commissioner within such Time as he shall for that Purpose appoint) of any of the Owners or Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or of any Right or Interest therein, whether seised in Fee Simple, or seised in Fee, according to the Custom of any of the said Manor or Manors, or being Tenants in Tail, or for Life or Lives, or for any Number of Years determinable on a Life or Lives, or being Leaseholders for the Remainder of a Term of One thousand Years heretofore granted by some or one of the Ancestors of the said Earl of *Strathmore*, or for any other determinable Estate or Interest, or at the Request of the respective Husbands, Guardians, Trustees, Committees, Agents or Attornies, of or for any such Owners or Proprietors being under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or for the Persons acting as such Guardians, Trustees, Committees, Agents or Attornies, or of the Trustees for any charitable or public Uses, or the major Part of any such Trustees respectively, to deduct from the Value and Amount of the Allotment or respective Allotments of such Owner or Owners by whom or on whose Behalf such Request shall be made as aforesaid, so much as shall, in the Judgment of the said Commissioner for the Time being, be equal to his, her and their Share and Proportion or respective Shares and Proportions of the Charges and Expences of passing this Act, and of carrying the same into Execution, and to allot, award and divide the Land so deducted to and amongst such of the Owners and Proprietors as shall by the said Commissioner be charged with, and shall pay such Charges and Expences in proportion to the Sum they shall respectively pay or contribute thereto: Provided always, that the Lands so to be deducted shall not exceed in Value the Sum that may be borrowed by virtue of the said recited Act or this Act by any such Proprietor for the Purposes aforesaid; and provided also that in all Cases where any Land shall be deducted from the Allotment of any of the said Proprietors or Persons towards Payment of Expences as aforesaid, it shall not be lawful for the Proprietor or Person from whose Allotment Land shall be deducted as aforesaid to charge his, her or their Lands, Tenements or Hereditaments by virtue of the said recited

Land may be
deducted
from Allot-
ments for
Expences

recited Act or this Act with any Money towards Payment of such Expences.

Power to borrow Money.

XLIX. And be it further enacted, That it shall be lawful for the several Proprietors of any Lands or other Hereditaments which shall be allotted or exchanged by virtue of this Act, being Tenants for any Life or Lives, or for any Term of Years exceeding Twenty-one Years, either absolute or determinable on any Life or Lives, or by Copy of Court Roll determinable as aforesaid, or for any Estate of Inheritance less than an Estate in Fee Simple, or for the Trustees for any charitable or public Uses, or the major Part of any such Trustees respectively, and also for the Husbands, Guardians, Trustees, and Committees of any such Proprietors, being under Coverture, Minors, Lunatics, Idiots, or beyond the Seas, or under any other Disability (except the Rector of *Romaldkirk* for the Time being), to charge such Lands with such Sums of Money as the said Commissioner for the Time being for each of the said Townships of *Lune*, *Holwick* and *Romaldkirk* shall, by his Award or any Writing under his Hand either before or after the Execution of such Award, adjudge necessary to pay their respective Proportions of the Expences of obtaining and executing this Act, and of ring-fencing and dividing their respective Allotments, and also the Expences of making such Charges with lawful Interest for the same, so that the Principal Money to be charged shall not in any Case exceed the Rate of Five Pounds for every Acre of the Lands charged; and to grant, mortgage, surrender, lease, or demise the Lands and Hereditaments so to be charged, to the Person or Persons who shall lend or advance the same, or to any other Person or Persons in Trust for him, her or them, his, her or their respective Executors, Administrators and Assigns, for any Term of Years or greater Estate, so that every such Grant, Mortgage, Surrender, Lease or Demise be made with a Covenant to keep down the Interest accruing thereon, and so that no Person afterwards becoming entitled to any such Lands shall be liable to pay any larger Arrear of Interest than for Twelve Calendar Months preceding the Time when the Title to such Possession shall have commenced.

L. And be it further enacted, That each of the Commissioners for the Time being shall and he is hereby required to keep or cause to be kept a just and true Statement and Account of all Sums of Money which shall be raised, and laid out or expended by him, or by his Order, or for his Use, under or by virtue or in the Execution of this Act, and of what shall be due or owing to him for his own Trouble or Expences; and shall truly and regularly enter all the Particulars of such Statements or Accounts in a Book or Books to be kept for that Purpose, and such Accounts shall at least once in every Year from the passing of this Act, till such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined and settled by *John Colpitts*, of *Streatlam*, in the County of *Durham*, Esquire, who shall from Time to Time state in Writing under his Hand, the Balance of the said Accounts in such Book or Books as aforesaid; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the
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same shall be duly allowed by the said *John Co'pitts*; and also, that such Book or Books of Account shall be kept at the Office of the Clerk to the said Commissioner, and shall be open to the Inspection of any of the said Proprietors or their Agents, at all reasonable Times during the Progress of the said Division and Inclosure, and until the said Accounts shall have been finally settled and allowed; and in case the Commissioner or Commissioners for the Time being, or the Clerk, shall refuse or neglect so to do, the Commissioner or Commissioners, or Clerk respectively, so refusing or neglecting, shall for every such Refusal or Neglect forfeit and pay to any Person who shall sue for the same the Sum of 1 en Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case.

LI. And be it further enacted, That the General Award of the Commissioner for the Time being for each of the said Townships of *Lune*, *Holwick* and *Romaldkirk*, together with such Plans or Surveys as may be annexed thereto, shall be respectively deposited with the other Records of each of the said Townships, to the end that Recourse may be had thereto by any Person or Persons interested in the said Division, which said Awards and every other Instrument so to be lodged or deposited with the same, shall and may be inspected at all seasonable Times, upon reasonable Notice of the Party requiring such Inspection; and the said Commissioner for the Manors and Townships of *Lune* and *Holwick* shall and he is hereby required, on being paid for the same, to deliver a Duplicate of each of the said General Awards, as to the Manors and Townships of *Lune* and *Holwick* aforesaid, to the Lord of the said Manors of *Lune* and *Holwick* for the Time being; and the said Commissioner for the Manor and Township of *Romaldkirk* shall and he is hereby required on being paid for the same, to deliver a Duplicate of the said General Award, as to the said Manor and Township of *Romaldkirk*, to the Lord of the said Manor of *Romaldkirk* for the Time being; and a true examined Copy of all or any of the said Awards and other Instruments, or of any Part or Parts thereof respectively, shall be admitted and received in Evidence in any Court of Law or Equity and elsewhere.

Awar to be complete when signed by the Commissioner.

LII. And be it further enacted, That if any Person or Persons shall think him, her or themselves aggrieved by any Matter or Thing whatsoever, to be done in pursuance of the said recited Act and this Act, (other than and except such Matters and Things as are hereby directed or authorized to be tried, settled, or determined by the Verdict of a Jury, and such Orders and Determinations, Matters and Things to be made or done by the Commissioner for the Time being, as are by the said recited Act, or this Act, declared to be final and conclusive,) then and in every such Case, he, she or they may appeal to the General Quarter Sessions of the Peace, which shall be held for the North Riding of the said County of *York*, within Six Calendar Months next after the Cause of Complaint shall have arisen; and His Majesty's Justices in their said General Quarter Sessions assembled are hereby required to hear and determine the Matter of every such Appeal (provided that Notice of every such Appeal hath been given Fourteen Days at

Appeal to the Quarter Sessions.

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least before such General Quarter Sessions,) and to make such Order, and award such Costs, as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by the said Justices, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale, which Determination of the said Justices shall be final and conclusive to 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.

This Act not to prejudice the Rights of Lord Strathmore to the Seignior and Royalties.

LIII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed or adjudged to defeat, lessen, or prejudice the Right, Title, or Interest of the said Earl of *Strathmore*, as Lord of the said Manors of *Lune* and *Holwick*, his Heirs or Assigns, or any of them, of, in and to the Seignior and Royalties incident and belonging to the said Manors respectively; but that the Lord or Lords of the said Manors, his or their Heirs and Assigns, and all succeeding Lords of the said Manors for the Time being shall and may, from Time to Time and at all Times hereafter, have, hold and enjoy all Courts, Perquisites and Profits of Courts, Boons and Services, and all yearly and other Rents and Acknowledgments reserved and usually paid, and which are due and demandable for all, any or every of the Houses, Buildings, Cottages, Intacks or Inclosures, now built, made, being or standing in or upon the said Town Fields, stinted Pastures, Moors, or Commons or the Boundaries thereof, or in or upon any Ground formerly Part of the said Town Fields, stinted Pastures, or Moors or Commons now held or enjoyed in Severalty, (except as to such Encroachments as shall be allotted by virtue of this Act) and which heretofore have been or which ought to be paid, made or performed by the Owners or Possessors for the Time being of such Houses, Buildings or Cottages, or of any of the Intacks or Inclosures heretofore Parcel of the said Town Fields, stinted Pastures, or Moors or Commons, and now held and enjoyed in Severalty (except as aforesaid), and all Quit Rents, Free Rents, and other Rents, Reliefs, Dues, Customs, Amerciaments, and all Goods and Chattels of Felons and Fugitives, Felons of themselves, and put in Exigent, Deodands, Treasure Trove, Waifs, Estrays, Forfeitures, Escheats, Fairs, Markets, Tolls, Stallages, Rights, Royalties, with free Warren and Liberty of Hunting, Hawking, Fishing and Fowling, Immunities, Jurisdictions, Franchises, Privileges, Profits, Commodities, Advantages, Emoluments, Hereditaments, Matters and Things whatsoever, to the said Manors of *Lune* and *Holwick*, or either of them, or to the Lord thereof for the Time being incident, belonging, or appertaining, in as full, ample and beneficial a Manner, to all Intents and Purposes, as he or they could or might have enjoyed the same if this Act had not been made; and that the said Earl of *Strathmore*, his Heirs and Assigns, and all succeeding Lords of the said Manors respectively, for the Time being, or his or their Tenants, Lessees or Assigns, shall and may, from Time to Time and at all Times hereafter, have, hold, win,
work

work and enjoy exclusively, all Mines, Minerals and Quarries, of what Nature or Kind soever, within and under the said Moors or Commons, Town Fields, and stinted Pastures hereby directed to be divided, and within and under every Part thereof, (save and except such Quarries and such Stone as aforesaid) and the several Allotments thereof in pursuance of this Act, together with all convenient and necessary Ways and Way-leaves, and also Liberty of laying, making and repairing Waggon Ways and other Ways in, through, over, and along the same or any Part thereof; and also for searching for, winning and working the said Mines, Minerals and Quarries, and leading and carrying away the Lead Ore, Lead, Coals, Stones, Fossils and other Things to be gotten thereout, or out of any other Mines, Minerals and Quarries or Collieries whatsoever; and of making Pits, Shafts and Sumps, Pit-rooms and Heap-rooms, Drifts, Levels, and Watercourses, and of repairing, amending and upholding the same, and of erecting, building and using Houses, Draw-kilns, Erections, Buildings, Fire Engines, and other Engines, Mills and other Erections and Buildings, and of altering, changing, and pulling down, and carrying away the same, or all or any of the Materials thereof, at his and their free Will and Pleasure, and to do, execute and perform all such other Works, Acts, Deeds, Matters and Things, either now in Use or hereafter to be invented, as shall or may be necessary or convenient for the full and complete Working, Use, and Enjoyment of such Mines, Minerals and Quarries hereby reserved, in as full, ample and beneficial Manner, to all Intents and Purpose, as he and they might or could have done in case this Act had not been made.

LIV. And be it further enacted, That in case the said Earl of *Strathmore*, his Heirs or Assigns, or the Lord or Lords of the said Manors of *Lune* and *Holwick* for the Time being, or any Person or Persons claiming under him or them, shall, after such Inclosures or Allotments made as aforesaid, search for, win, or work any Mine or Mines, Minerals or Quarries, lying and being within or under any of the Allotments or Inclosures to be made as aforesaid, or lead or carry away the Produce of or from any such Mines, Minerals or Quarries, then and in such Case the said Earl of *Strathmore*, his Heirs or Assigns, or such Lord or Lords of the said Manors for the Time being, or such Person or Persons so claiming under him or them, shall make a reasonable Satisfaction for the Damages and Spoil of Ground occasioned thereby, or by the erecting or building any Houses, Draw-kilns, Buildings, Fire Engines, and other Engines, Mills or other Erections, or by the altering, changing, repairing, amending, rebuilding, pulling down or carrying away the same, or any of the Materials thereof as aforesaid, to the Person or Persons who shall be in Possession of such Ground at the Time or Times of such Damage or Spoil.

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LV. Provided always, and be it further enacted, That nothing in this Act contained shall be construed or adjudged to defeat, lessen or prejudice the Right, Title or Interest of the said *Reginald Bligh*, as Lord of the said Manor of *Romaldkirk* for the Time being, or his Successors, or any

This Act not
to prejudice
the Right of
the Rector of
Romaldkirk

to the Seigni-
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any of them, of, in and to the Seigniority and Royalties incident and belonging to the said last-mentioned Manor, but that the Lord of the said Manor, and his Successors, Lords of the said Manor for the Time being, shall and may, from Time to Time and at all Times hereafter, have, hold, and enjoy all Courts, Perquisites and Profits of Courts, Boons and Services, and all yearly and other Rents and Acknowledgments reserved and usually paid, and which are due and demandable for all, any or every of the Houses, Buildings, Cottages, Intacks or Inclosures, now built, made, being or standing in or upon the said Moor or Common, called *Romaldkirk Moor*, or the Boundaries thereof, or in or upon any Ground, formerly Part of the said Moor or Common, now held or enjoyed in Severalty, (except as to such Encroachments as shall be allotted by virtue of this Act,) and which heretofore have been, or which ought to be paid, made or performed by the Owners or Possessors for the Time being of such Houses, Buildings or Cottages, or of any of the Intacks or Inclosures heretofore Parcel of the said Moor or Common, and now held and enjoyed in Severalty; and all Quit Rents, Free Rents and other Rents, Reliefs, Dues, Customs, Amercements, and all Goods and Chattels of Felons and Fugitives, Felons of themselves, and put in Exigent, Deodands, Treasure Trove, Waifs, Estrays, Forfeitures, Escheats, Fairs, Markets, Tolls, Stallages, Rights, Royalties, with free Warren and Liberty of Hunting, Hawking, Fishing and Fowling, Immunities, Jurisdictions, Franchises, Privileges, Profits, Commodities, Advantages, Emoluments, Hereditaments, Matters and Things whatsoever, to the said Manor of *Romaldkirk*, or to the Lord thereof for the Time being incident, belonging or appertaining, in as full, ample and beneficial a Manner, to all Intents and Purposes, as he or they could or might have enjoyed the same if this Act had not been made; and that the said *Reginald Bligh*, and his Successors, and all succeeding Lords of the said Manor for the Time being, or his or their Tenants, Lessees or Assigns, shall and may, from Time to Time and at all Times hereafter, have, hold, win, work and enjoy exclusively all Mines, Minerals and Quarries of what Nature and Kind soever, within and under the said last-mentioned Moor or Common, and within and under every Part thereof, (save and except such Quarries and such Stone as aforesaid) and the several Allotments thereof in pursuance of this Act, together with all convenient and necessary Ways and Way-leaves, and also Liberty of laying, making and repairing Waggon-ways and other Ways in, through, over and along the same, or any Part thereof, and also for searching for, winning and working the said Mines, Minerals and Quarries, and leading and carrying away the Lead Ore, Lead, Coals, Stones, Fossils and other Things to be gotten thereout, or out of any other Mines, Minerals and Quarries or Collieries whatsoever, and of making Pits, Shafts, and Sumps, Pit-rooms, and Heap-room Drifts, Levels and Watercourses, and of repairing, amending and upholding the same, and of erecting, building and using Houses, Draw-kilns, Erections, Buildings, Fire Engines, and other Engines, Mills, and other Erections and Buildings, and of altering, changing and pulling down and carrying away the same, or all or any of the Materials thereof, at his and their free Will and Pleasure, and to do, execute and perform all

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such other Works, Acts, Deeds, Matters and Things, either now in Use or hereafter to be invented, as shall or may be necessary or convenient for the full and complete Working, Use, and Enjoyment of such Mines, Minerals and Quarries hereby reserved, in as full, ample and beneficial Manner, to all Intents and Purposes, as he and they might or could have done in case this Act had not been made.

LVI. And be it further enacted, That in case the said *Reginald Bligh*, or his Successors, or the Lord or Lords of the said Manor of *Romaldkirk* for the Time being, or any Person or Persons claiming under him or them, shall, after such Inclosures or Allotments made as aforesaid, search for, win or work any Mine or Mines, Minerals or Quarries, lying and being within or under any of the Allotments or Inclosures to be made as aforesaid, or lead or carry away the Produce of or from any such Mines, Minerals or Quarries, then and in such case the said *Reginald Bligh* or his Successors, or such Lord or Lords of the said Manor for the Time being, or such Person or Persons so claiming under him or them, shall make a reasonable Satisfaction for the Damages and Spoil of Ground occasioned thereby, or by the erecting or building any Houses, Draw-kilns, Erections, Buildings, Fire Engines, and other Engines, Mills or other Erections, or by the altering, changing, repairing, amending, rebuilding, pulling down or carrying away the same, or any of the Materials thereof as aforesaid, to the Person or Persons who shall be in Possession of such Ground at the Time or Times of such Damage or Spoil.

For making
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LVII. Saving always, to the King's most Excellent Majesty, his Heirs and Successors, and all and every other Person and Persons, Bodies Politic and Corporate, his, her and their Heirs, Successors, Executors and Administrators, (other than and except the Owner or Owners of the Soil and Inheritance of the said Three several Moors, and other Commonable Lands hereby directed to be divided, allotted and inclosed, and all other Persons, Bodies Politic and Corporate, entitled to any Right of Common, or other Rights or Interests in or upon the said several Moors or other Commonable Lands, or any of them, his, her and their Heirs, Successors, Executors and Administrators respectively, and the Persons, Bodies Politic and Corporate, their Heirs, Successors, Executors and Administrators, who shall by virtue of this Act make any Claim or Claims affecting the Boundaries of any of the said Moors, or other Commonable Lands respectively, or any Claim or Claims of Right of Common, or of any other Estate, Right or Interest upon, in, to or out of the said Moors or other Commonable Lands, or any of them respectively, which shall be adjudged or determined against him, her or them as aforesaid, and other than and except the Rector of *Romaldkirk* for the Time being,) all such Estate, Right, Title and Interest, as they, every or any of them had or enjoyed, of, in, to or out of the said Moors and other Commonable Lands hereby directed to be divided and inclosed before the passing of this Act, or could or might have had or enjoyed if this Act had not been made.

General
Saving.

Evidence
Clause.

LVIII. 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 thereof, by all Judges, Justices, and others.

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