



ANNO QUINQUAGESIMO PRIMO

# GEORGI II. REGIS.

Cap. 30.

An Act for inclosing Lands in the Parishes of *Hatfield*, *Thorne*, and *Fishlake*, in the Manor of *Haitefeld*, in the West Riding of the County of *York*.

[11th April 1811.]

**W**HEREAS there are within the Parishes of *Hatfield*, *Thorne* and *Fishlake*, in the West Riding of the County of *York*, several Open Commons, Common Pastures, Moors, Broad Lanes, and other Commonable Lands and Waste Grounds: And whereas there are within the Township and Parish of *Hatfield* aforesaid, certain Open Fields, Meadows, Ing Land and Pastures, containing about Seven hundred and eighty-eight Acres; and there are within the Township of *Stainforth* in the said Parish of *Hatfield*, certain Open Fields, Meadows, Ing Land and Pastures, containing together about Five hundred and seventy-three Acres: And whereas there are within the said Township and Parish of *Thorne* certain Open Fields, Meadows, Ing Land, Moors and Pastures, containing together about Four hundred and fifty-two Acres: And whereas there are within the Township of *Fishlake*, aforesaid, certain Open Fields, Meadows, Ing Land and Pastures, containing together about Three hundred and sixty-three Acres; and in the Township of *Sykehouse* in the said Parish of *Fishlake* certain Open Fields, Meadows, Ing Land and Pastures, containing together about One hundred and fifty-two Acres: And whereas the Manor of *Haitefeld* extends over and comprises the said several Parishes of *Hatfield*, *Thorne* and *Fishlake*, and all the Lands and Hereditaments within the said several Parishes, and also all the several

[*Loc. & Per.*]

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Commons

Commons and Waste Grounds hereby intended to be divided and inclosed; and the several Manors of *Nunappleton* in *Fishlake*, the Manor of *Dunscroft*, Parcel of the Possessions of the Abbey of *Roach*, the Manor of *Westhall* in *Haitefeld* and *Stockshold*, and the Manor of *Westhall* in *Stainforth*, are respectively within the said Manor of *Haitefeld*, and severally comprize Lands and Tenements hereby intended to be inclosed: And whereas the Most Honourable *Francis* Marquis of *Hertford*, and *Isabella Anne* Marchioness of *Hertford*, his Wife, (in Right of the said Marchioness), claim to be Lord and Lady of the said Manor of *Haitefeld*, and as such to be entitled to certain incidental Manorial Rights, Perquisites, and Profits arising from the same Manor, and also claim to be entitled to the Soil of and in the Commons, Moors, Lanes, and Waste Grounds within the said Manor, or unto some Part or Portion thereof now remaining open and uninclosed; and also claim to be Lord and Lady of the Manor of *Nunappleton* in *Fishlake*, an inferior Manor extending over and comprizing certain Copyhold Lands and Tenements, situate within the interior of the said Manor of *Haitefeld*: And whereas Sir *Henry Etherington* Baronet, claims to be Lord of the Manor of *Dunscroft*, Parcel of the Possessions of the Abbey of *Roach* heretofore dissolved, being one other inferior Manor extending over and comprizing certain Freehold and Copyhold Lands and Tenements, situate within the said Manor of *Haitefeld*: And whereas *William Gossip* Esquire, claims to be Lord of the said Manor of *Westhall* in *Haitefeld* and *Stockshold*, and as such to be entitled to the Copyhold Rents and Fines incident thereto: And whereas the Honourable *John Simpson* claims to be Lord of the said Manor of *Westhall* in *Stainforth*, and as such to be entitled to the Copyhold Rents and Fines incident thereto: And whereas the Dean and Chapter of *Durham* claim to be Patrons of the Vicarage of the Parish Church of *Fishlake* and Chapel of *Sykehouse* aforesaid, and to be Owners of all the Tithes both Great and Small, and Ecclesiastical Dues yearly arising, coming, growing, renewing, or happening, within the said Parish of *Fishlake*; and claim also to be entitled to certain Common Right Houses and Glebe Lands within the same Parish; and *Rachel Milnes* Widow, claims to be Tenant of the same Tithes and Premises under Lease from the said Dean and Chapter, for the now Residue of a Term of Twenty-one Years, at and under a certain yearly reserved Rent: And whereas the said Marquis and Marchioness of *Hertford*, in Right of the said Marchioness, Sir *Henry Etherington* Baronet, *William Gossip* Esquire, the said Dean and Chapter, the Honourable *John Simpson*, *Henry Ellison*, *John Crowder*, *William Crowder*, *Thomas Crowder*, *Ralph Creyke*, *William Pilkington*, *John Gee*, and *William Elmbirst* Esquires, the said *Rachel Milnes* Widow, and several other Persons, claim to be Owners and Proprietors of Freehold and Copyhold Lands in the said Open Fields, Meadows, Ing Land and Pastures, and also of ancient Messuages, Cottages, Frontsteads, and Measteads, and to have Right of Common in and upon all the Commons and Waste Grounds within the said Parishes of *Haitefeld*, *Thorne* and *Fishlake*, in the Manor of *Haitefeld* aforesaid, in respect of such Freehold and Copyhold Lands as aforesaid: And whereas an Act passed in the

Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the several Lands of the respective Owners and Proprietors of and in the said Open Fields, Meadows,

Meadows, Ing Land and Pastures, lie intermixed and dispersed, and the same and also the several Commons, Moors, Lanes, and Waste Grounds intended by this Act to be divided and inclosed, are incapable of very considerable Improvement in their present State; and it would be very advantageous to the several Owners and Proprietors interested therein, if the said several Open Fields, Meadows, Ing Land and Pastures, and also the said Commons, Moors, Broad Lanes, and Waste Grounds were divided, inclosed, and drained, and specific Shares thereof allotted to the several Owners and Proprietors thereof, according to their respective Interests therein, under the Terms and in Manner herein-after stipulated; but such Division and Inclosure cannot be effected 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 *Nicholas Brown* of *Huddersfield* in the County of *York* Gentleman, *William Dawson* of *Tadcaster* in the said County of *York* Gentleman, and *John Bower* of *Smeathalls* in the Parish of *Birkin* and same County, Gentleman, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for setting out, dividing, allotting, and inclosing all and singular the Lands and Grounds hereby intended and directed to be set out, divided and allotted, and for executing all and every the Powers and Authorities of this Act, in such Manner and subject to the Rules, Orders, Restrictions, and Directions herein-after contained, and also subject to the Regulations and Provisions of the said recited Act, except where the same are hereby varied or altered; and that all Acts, Matters and Things hereby directed to be done by the said Commissioners, may be done and executed by any Two of them, and the same shall be as valid and effectual as if done and executed by all the said Commissioners.

II. And be it further enacted, That in case the said *Nicholas Brown*, or any Commissioner to be appointed in his Room as next herein-after mentioned, shall die, decline, refuse, or be disabled to act as a Commissioner in the Execution of this Act, before the Powers thereof shall be executed, then and in such Case the said Marquis and Marchioness of *Hertford*, or the Lord and Lady, Lord or Lady of the said Manor for the Time being, shall and are and is hereby empowered, within Forty Days next after such Death, Declining, Refusal, or Disability shall be known, to nominate and appoint some other proper Person, not being interested in the said Inclosure, to act as a Commissioner in the Place and Stead of the said *Nicholas Brown*; and that if any One or both of the other Two Commissioners herein-before appointed as a Commissioner, who shall be elected in Manner herein-after mentioned, shall die, decline, refuse, or be disabled to act, then a new Commissioner, not interested in the said intended Inclosure, shall be chosen by a Majority in Value (to be ascertained by the Land Tax Assessment), of the Persons interested in the said intended Inclosure, or by the known Agents of the said Proprietors (except the Lord or Lady for the Time being of the Manor of *Haitfeld*, or their Agent or Agents), who shall be present at a Meeting or Meetings to be appointed by the surviving or remaining Commissioners or Commissioner for that Purpose, within Forty Days after such Death or Deaths, Declining, Refusal, or Disability, on Fourteen Days Notice in Writing

Writing to be given by the surviving or remaining Commissioners or Commissioner, to be affixed on the Doors of the Parish Churches of *Hatfield*, *Thorne*, and *Fishlake*, and by Advertisement in some Newspaper printed and circulated in the County of *York*; and every such Choice as aforesaid shall be put in Writing, and signed by the Person or Persons making the same, and shall be delivered to some surviving or remaining Commissioner or Commissioners; and in case the Proprietors shall neglect or refuse to nominate a new Commissioner on every Vacancy within the Time aforesaid, the surviving Commissioner appointed by and on Behalf of the said Proprietors shall and he is hereby empowered to nominate some one other Person, not being interested in the Premises, to act as a Commissioner in the Place of such Commissioner so dying, declining, refusing, or being disabled to act, as he shall think proper; and that the Appointment of such new Commissioner shall be enrolled in like Manner as the Award is herein-after directed to be enrolled; and every such new Commissioner so to be appointed and chosen, having first taken and subscribed the Oath or Affirmation prescribed in and by the said recited Act to be administered to him as aforesaid, shall have the like Powers and Authorities as if he had been originally named a Commissioner in this Act; and each Commissioner appointed by this Act, or to be elected in Manner aforesaid, shall be allowed and paid out of the Money to be raised in Manner as herein-after is directed for defraying the Expences attending the passing of this Act and the Execution thereof, for each Day they shall respectively travel or attend for the Purpose of executing the Powers given by this Act, the Sum of Three Pounds and Three Shillings, and no more, as a Recompense for his Time, and all other Expences.

Commissioners Allowance.

Appointment of Surveyors.

III. And be it further enacted, That *William Shipton* of *Greenhammer-ton* in the County of *York*, Gentleman, *Joseph Heywood* of *Barnby upon Dunn* in the said County of *York*, Gentleman, *William Pilkington* of *Hensfall* in the said County of *York*, Gentleman, and *Robert Moore* of *Doncaster* in the County of *York*, Gentleman, shall be and they are hereby appointed Surveyors for the Purposes of this Act; and in case the said *Robert Moore* shall neglect or refuse, or become incapable to act as a Surveyor to the said intended Inclosure, then the said Marquis and Marchioness of *Hertford*, or the Lord or Lords, Lady or Ladies, of the said Manor of *Hatfield* for the Time being, shall and are hereby empowered to elect and appoint some other Person to act as a Surveyor in the Place and Stead of the said *Robert Moore*; and in case the said *William Shipton*, *Joseph Heywood*, and *William Pilkington*, or any Two of them, shall die, neglect, or refuse to act or become incapable of acting as Surveyors or Surveyor to the said intended Inclosure, then when Two of them shall die, neglect, refuse, or become incapable of acting, one other fit Person shall be elected and appointed in the Place and Stead of the Two so dying or becoming incapable to act, by a Majority in Value (to be ascertained by the Land Tax Assessment), of the Proprietors of Estates interested in the said intended Inclosure, in the same Manner as the Appointment of a Commissioner is hereby directed to take place in case of Death or Disability; and that the said Surveyors shall be paid such Sum or Sums of Money for their or his Trouble and Expences in and about the Execution of this Act, as the said Commissioners or any Two of them shall direct and think reasonable.

IV. And

IV. And be it further enacted, That the said Commissioners, or any Two of them, shall and they are hereby required to give or cause to be given public Notice in the Parish Churches of *Hatfield, Thorne, and Fishlake* aforesaid, upon some *Sunday* immediately after Divine Service, or by Writing to be affixed on the principal outer Door of each of the said Churches, and also by Advertisement in some Newspaper printed and circulated in the County of *York*, of the Time and Place of their First and every subsequent Meeting for the Execution of this Act, at least Fourteen Days before the Day whereon such Meetings respectively shall be appointed to be held, (Meetings by Adjournment only excepted); and when it shall happen that only One of the said Commissioners shall attend to hold such Meeting pursuant to such Notice, such Commissioner shall and may adjourn such Meeting from Time to Time, in such Manner as if all the Commissioners had been present at such Meeting, but shall not proceed in executing any other of the Powers or Authorities given to the said Commissioners by virtue of this Act; and that the several Proprietors interested in the said Division and Inclosure shall at all Meetings for executing this Act, pay their own Expences; provided that all Meetings of the said Commissioners in Execution of this or the said recited Act shall be held within Eight Miles of the said Manor of *Haitefeld*.

Notice to be given of Meetings.

V. And be it further enacted, That the said Commissioners, or any Two of them, shall and they are hereby empowered to hear, settle, and determine any Right or Rights, Claim or Claims, in, over, or upon, the said Open Commons, Fields, Ings, Commons, and Waste Grounds, or any Part or Parts thereof, or any other Matter or Thing touching or concerning the said intended Inclosure and Division, and to examine Witnesses upon Oath, which Oath they the said Commissioners, or any Two of them, are hereby empowered to administer, and to ask for, require, demand, and obtain from any Person or Persons the Production of any Deed or Deeds, Writings or Papers that shall or may be thought necessary to elucidate the Matter in Examination by them, and to take and use every other proper and necessary Means for enquiring and examining into the Matter before them, and to hear and determine the same; provided always, that nothing in this Act shall empower or authorize the said Commissioners to determine the Title to any Messuages, Lands, Tenements, and Hereditaments whatsoever.

In what Manner Commissioners are to proceed, if any Claims are disputed.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties, (except in Cases of Encroachments made within the Period of Thirty Years as herein-after mentioned); but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or recovered from such Persons by Ejectment or other due Course of Law.

Commissioners shall not determine contrary to Possession.

VII. And be it further enacted, That in case the said Commissioners shall, upon the hearing and determining any Claim or Claims, Objection or Objections, to be made or delivered to them in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the

Power to assess Costs.

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said

said Commissioners, or any Two of them, and they are hereby authorized and empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners, or any Two of them, shall have been made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall have been thereby disallowed or over-ruled; and in case the Person or Persons liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, or any Two of them, and they are hereby authorized and required by Warrant under their Hands, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Parties to  
try their  
Rights by an  
Issue at Law.

VIII. Provided always, and be it enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Right or Rights, Claim or Claims, in, over, or upon the said Commons and Waste Grounds, or of any Right of Common or other Rights or Interests in, over, or upon the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioners, or any Two of them, at the then next or at the Second following Assizes to be holden for the said County of *York*; and for that Purpose the Person or Persons who shall be so dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, Proprietor or Proprietors in whose Favour such Determination shall have been made, within Six Calendar Months after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to appoint an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on or objected to, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties or their Attornies differ about the same); and if it shall appear that the Party claiming is entitled to any qualified or less Interest than was claimed, 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 shall abide and be determined by the Verdict given upon the Issue or Issues joined; and the Verdict or Verdicts which shall be given in such Action or Actions shall be binding on all the Parties thereto, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or new Trials to be had, upon Cause shewn as in other Cases; and that after such Verdict or Verdicts obtained and not set aside

by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials; and 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: Provided always, that all Determinations of the Commissioners touching any such Claim or Claims as aforesaid which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and prosecuted as aforesaid, shall be final and conclusive upon all Parties.

IX. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic, Corporate or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same, within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent upon the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

X. And be it further enacted, That the said Commissioners shall inquire into and determine what Inclosures have been taken from and what Encroachments have been made upon the said Waste Lands, and all such Inclosures taken out and Encroachments made upon or from any Part thereof respectively, within the Space of Thirty Years now last past, shall be deemed Part and Parcel of the said Waste Lands, and shall be divided and allotted accordingly; but the same shall be allotted to such Person or Persons only who hath or have so taken in or inclosed the same, or may be the reputed Owner thereof, and shall be considered as and for a Part of their respective Allotments to their Estates and Interests in the said Waste Lands respectively, in case such Person or Persons shall be entitled to Allotments of the Value of such Encroachments in their original State; and in case such Allotments shall be of less Value than such Encroachments, then and in such last-mentioned Case a due Portion of such Encroachment shall be allotted accordingly; and in case any Encroachment, or any Part thereof, shall be allotted to any other Person than the reputed Owner thereof, such Allowance for the Improvement thereof (if any) shall be made to such reputed Owners as the said Commissioners shall direct.

Respecting Encroachments.

XI. And

Commissioners to divert Roads over old Inclosures.

XI. And be it further enacted, That the said Commissioners, or any Two of them, shall and they are hereby authorized and required, in all Cases where in their Judgement it shall appear to be requisite or proper, or for the more convenient Usage by the Owners and Proprietors, or for the Occupiers of Lands and Tenements within the said Manor, to divert and turn any old or accustomed Road, Way, or Path passing or leading through or over any of the Lands, Meadows, Ings, or Moors intended to be hereby inclosed, or through, or over any Part of the old Inclosures within the said Manor of *Haitefeld*, and to make any new Road, Way or Path instead and in lieu thereof, or to stop up and discontinue such Road, Ways and Passages as to the said Commissioners shall seem meet and proper: Provided always, that no such Road, Way or Path shall be diverted, turned, stopped up or discontinued, save and except in Manner, and with the Concurrence and Order of Two Justices, in Manner and subject to such Appeal as is mentioned and declared in and by the said recited Act; and provided the said Commissioners, or any Two of them, do and shall, before they set out and make any new Road over any Inclosure, make Satisfaction to the Owner and Proprietor of the said Lands or Ground so intended to be used as and for a new Road, Way or Path, for the Damage he or they may sustain or suffer by the converting of his or their Land or Ground into a Road, Way, or Path.

Allotment for Gravel.

XII. And be it further enacted, That the said Commissioners shall after setting out and appointing the necessary public Carriage Roads, Bridleways, and Footpaths, in, through and over the said Open Fields, Ings, Meadows, Moors, Commons and Waste Grounds, hereby directed to be divided and inclosed, and they are hereby authorized and required to set out, allot and award unto the Surveyors of the Highways of the said respective Townships of *Hatfield*, *Thorne*, *Stainforth*, *Fisblake* and *Sykehouse*, such Parts of the said Open Field Lands, Commons and Waste Grounds within the said Manor of *Haitefeld*, hereby directed to be divided, allotted and inclosed, as the said Commissioners shall think necessary, not exceeding in the whole Three Acres, for each respective Township; or to purchase or exchange Land in the said Manor for other Land without the said Manor for the Use of any of the said Townships, for the Purpose of getting Stone, Sand, Gravel, or other Materials for repairing the Roads within such Townships; which said Allotments so to be made and set out, or to be purchased or taken in Exchange for the Purposes aforesaid, shall from and after the Execution of the Award of the said Commissioners be vested in the respective Surveyors of the Highways of the said respective Townships for the Time being, in Trust for the Purposes aforesaid; and he or they shall from Time to Time let such Part thereof as shall be unappropriated for the most Money that may be got, and annually apply the Rent and Proceeds to arise from the same towards the Repairs of the said public Roads; and such Surveyors shall account for such Money in like Manner as for any other Monies coming to their Hands in such Capacity, and shall be subject to the like Pains and Penalties as they would be subject and liable to for misapplying Monies which should come into their Hands as Surveyors of the Highways for the Time being.

XIII. And



XIII. And be it enacted, That in case the said Commissioners shall be necessitated to purchase Land for the Surveyors of any Township, for the Purpose of getting Stone, Sand or Gravel therein, for the Use of the Surveyors of the Highways, they the said Commissioners shall have Power, and they are hereby authorized and empowered, either by Assessment or otherwise, by Sale or Part of the Common Waste Lands to be set out for such Township or Townships, to raise and levy so much Money as will be sufficient to pay for the Land so purchased for the Purposes aforesaid.

Power to purchase Land for Gravel.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time when they in their Judgement shall think it convenient and proper, by Notice for that Purpose under their Hands, to be affixed on one of the outer Doors of the respective Parish Churches of *Hatfield, Thorne, and Fishlake* aforesaid, on some *Sunday* immediately before, and until after Divine Service, to order the Right of Common in, upon, and over the Lands and Grounds hereby directed to be divided and inclosed, or any of them, to be extinguished either in Whole or in Part, or to be suspended; and from and after the Time or Times to be mentioned in and appointed by any such Notice, all such Right of Common as shall thereby be directed to be extinguished or suspended shall be extinguished or suspended, according to and as shall be expressed in and directed by such Notice; and until such Division and Allotment as is hereby directed shall have been made of the Lands and Grounds to be divided and allotted, all such 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, or by such other Persons as the said Commissioners shall appoint, with such Sorts of Corn and Grain, and with such Kinds, Quantities, and Qualities of Grass, Turnip, and other Seeds, and shall be kept, ordered, and continued in such Course of Husbandry and Tillage, as the said Commissioners shall by Writing under their Hands in that Behalf direct, any Usage or Custom to the contrary notwithstanding; and that no Meadow, Pasture, or fresh Ground, Part of the Lands and Grounds hereby directed to be divided and allotted, and which shall not have been in Tillage for the Space of Three Years before the passing of this Act, shall be, without the Consent in Writing of the said Commissioners, before the Allotment thereof, 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 Commissioners, or who shall plough, break up, or convert into Tillage any such Meadow or Pasture or fresh Ground, without the Consent in Writing of the said Commissioners, shall forfeit and pay a Sum not exceeding Five 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, a Sum not exceeding Ten Pounds, and so on, in Proportion in each Case for a greater or less Quantity than an Acre.

Commissioners may extinguish or suspend Rights of Common.

And regulate Depasturage and Course of Husbandry.

XV. And be it further enacted, That from and after the passing of this Act no Person shall pare, dig, cut, or take away any Wood, Turf, Sods or Soil in, upon, or from any Part of the said Commons, or Waste Grounds, until the same shall be set out and allotted as aforesaid, under a

No Person shall dig or cut Wood, Turf, or Sods.

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Penalty

Penalty not exceeding Five Pounds for every such Offence, the same to be recovered and levied by the same Commissioners, and applied in defraying the Expences of carrying this and the said recited Act into Execution.

Commissioners to sell Land for defraying the Expences of this Act.

XVI. And be it further enacted, That the said Commissioners shall from Time to Time, when and as they shall see convenient and necessary, sell and absolutely dispose of so much and such Parts and Parcels of the said Waste Lands and Grounds hereby intended to be inclosed by publick Auction, in Lots not exceeding Ten Acres in any one Lot, as may be requisite, in order thereby, and by Sale thereof, to raise a sufficient Sum of Money to pay the Charges and Expences of obtaining and passing this Act; and all Proceedings which have been or may be taken relative thereto, and also of dividing and allotting the said Commonable Waste Lands, and of draining and improving the same, and of surveying, measuring, planning and valuing all and singular the Lands, Grounds, and Hereditaments to be divided and allotted by virtue of this or the said recited Act, and of preparing and inrolling the Award of the said Commissioners, and of the Copy or Copies thereof, and all Charges and Expences of the said Commissioners, Surveyors, their Assistants and Servants, and all other necessary Expences of the several Persons who shall be employed by the said Commissioners in and about the Premises, either before or after the Execution of the said Award, and all the Expences of forming, completing and repairing the publick Carriage Roads and Highways (if any such there shall happen to be), to be set out and appointed by the said Commissioners, in, through, or over the said Lands intended to be hereby inclosed, and of all other necessary Expences whatsoever which may have been incurred towards the obtaining of the said Inclosure, and carrying this Act into Effect; and that such Purchaser or Purchasers shall, at the Time of the Sale of such Allotment or Allotments, pay down a Deposit of One Tenth Part of the Sum for which such Allotment or Allotments shall be sold, and which shall be deposited in the Hands of the said Commissioners, and shall pay the Remainder of the Purchase Money within Four Calendar Months after such Sale, or in Default of such Payment, the Money deposited as aforesaid shall be forfeited, and shall be applied towards carrying this Act into Execution; and it shall be lawful for the said Commissioners, or any Two of them, on giving such Notice as aforesaid, to put up again to Sale such Lot or Lots, for which the Whole of such Purchase Money shall not have been paid, and so *toties quoties* until the same shall be sold; or the said Commissioners, or any Two of them, may, if they think proper, after the first Sale made thereof, and a Breach of the Contract made by the Purchaser, sell and dispose of such Lot or Lots by private Contract, for the best Price or Prices that can be gotten for the same; and all Lands to be sold under or by virtue of this Act, upon Payment of the full Purchase Money for the same, shall be conveyed as Freehold of Inheritance in Fee Simple, unto the Purchaser or Purchasers thereof respectively; and a Conveyance or Conveyances of the same, by Lease and Release made and executed by the said Commissioners, shall be valid and effectual in the Law to vest the same in such Purchaser or Purchasers, and his, her, and their respective Heirs and Assigns, absolutely for ever; and the said Commissioners shall apply the Monies arising by and from all and every such Sale or Sales, for and towards the defraying the Costs, Charges, and Expences herein-

herein-before mentioned; but before any Costs, Charges, or Expences which may have been incurred towards obtaining this Act shall be so defrayed, the Particulars thereof shall be laid before a General Meeting of the Persons interested in the said Inclosure, to be called by the said Commissioners, and whereof such Notice shall be given as is herein-before directed for the Meetings of the said Commissioners; and in case any of the Costs, Charges, or Expences which may then be required to be paid, shall be objected to by a Majority in Value (to be ascertained by the Land Tax Assessment) of the Proprietors, or their known Agents who may then be present, the said Commissioners may refer the same to Two Magistrates acting in and for the West Riding of the County of York, to be nominated and appointed for that Purpose by the Majority in Value of such Persons as aforesaid, such Majority to be ascertained by the Land Tax Assessment, and the said Two Magistrates, or an Umpire to be previously chosen by them, if they should differ, shall determine as to the Payment thereof.

XVII. And be it further enacted, That in case such Part or Parts of the said Commons and Waste Grounds hereby directed to be sold as herein-before mentioned, shall be sold for more Money than will be required to defray such Costs, Charges and Expences as aforesaid, then and in that Case such Surplus Money shall be divided and apportioned between the several Proprietors and Persons interested in the Lands hereby directed to be divided and inclosed, in such Shares as shall be in Proportion to such their respective Property and Interest, and the Shares of such of them as shall be Tenants thereof in Fee Simple shall be paid to them respectively, and the Shares of 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.

Application  
of Surplus  
Monies.

XVIII. Provided always, and be it further enacted, That the said Commissioners shall, in setting out and apportioning such Parts and Parcels of the said Common Waste Lands for Sale as aforesaid, have due Regard to the Situation of the several Parishes and Townships having Right of Common thereon respectively, and to the Interest and Conveniency of the Owners and Proprietors of Messuages, Cottages, Toststeads, Lands and Grounds in such Parishes and Townships respectively, having Right of Common upon the said Common Waste.

Commission-  
ers directed to  
have regard  
to Situation  
of Lands to  
be sold.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, previous to the making any Valuation, or any Division and Allotment of the said Common and Waste Lands hereby directed to be inclosed, by such Agents, Workmen and Labourers, as shall be requisite to enlarge, make, deepen, or alter and improve any of the ancient Drains or Sewers already made upon the said Common Wastes, or in, upon, through or over any other Lands, except such of the Lands as are called or known by the Name of the *Participant Lands*, within the said several Parishes of *Hatfield*, *Thorne*, and *Fishlake*, or any Part or Parts thereof, and to enlarge, raise, widen, deepen, or otherwise build, alter, amend and improve any of the Sluices, Cloughs, Arches, Bridges or other Works, already made thereon; and also to make or cause to be made all such Cuts, Drains, Dams, Sewers, Ditches, Outlets, Engines, Cloughs, Bridges or other Works as shall

Power to  
make Drains.

shall be needful for the Purposes aforesaid, in, through, and upon any Part or Parts of the said Commons or Waste Lands, and the said other Lands or Grounds, except as aforesaid, within the Manor aforesaid, so that the same be not made or cut through any Yard, Garden, Croft, Paddock, Avenue, or any Clofes or Grounds immediately adjoining to any Mansion-House; and also to make, or cause to be made, any Tunnel or Tunnels under any Ways or Roads within any of the said Parishes of *Hatfield, Thorne, and Fishlake*, as shall be necessary and requisite for the Purpose of Drainage; and the said Commissioners are hereby directed and required to make such Recompence and Satisfaction to the Person or Persons in whose Lands or Grounds, (not being Part of the Lands hereby directed to be inclosed), any such Cuts, Drains, Banks, Sluices, or other Works shall be made, or who shall be prejudiced thereby, or by means or in consequence thereof, for the Value of the Ground to be used for the Purposes aforesaid, and all such other Damages which he, she, or they shall thereby sustain, as shall or may be agreed upon between the said Commissioners and the Owner or Owners, or the Person or Persons who shall be prejudiced as aforesaid.

Expences of inclosing and draining the open Arable Fields, Ings, Meadows, Moors, and Pastures, to be borne by the Owners thereof respectively.

XX. Provided always, and be it enacted, That the said Commissioners shall not be authorized to sell and dispose of any Proportion of the Common Waste Land for the Purpose of applying the Money to arise therefrom for and towards defraying the Expences of inclosing or draining the said Open Arable Fields, Meadows, Pastures, and Inclosed Lands, but the said Commissioners are hereby authorized and required to assess and charge the Owners of the said Open Arable Fields, Ings, Meadows, Moors, and Pastures, (other than and except the Person or Persons to whom any Allotment shall be made in Right of any Chapel, School, Hospital, or other publick Use or Charity) with such Share of the Charge and Expences for setting out, allotting, inclosing, draining, improving, and awarding the same, as the said Commissioners shall think just and equitable, for the Benefit which the Owners and Proprietors of the said Open Field Lands, Ings, Meadows, Moors, and Pastures, will derive by the said Drains and Improvements, and the allotting and inclosing of the same respectively; which said Sums of Money so to be charged and assessed by the said Commissioners in Manner last aforesaid, shall be paid by such Owners or Proprietors, or other Person or Persons interested in the same Open Fields, Ings, Meadows, and Pastures, at such Times and in such Manner as the said Commissioners shall direct or appoint; and in case any Person or Persons hereby made subject to the Payment of any Monies towards the Charges and Expences aforesaid, shall neglect or refuse to pay his, her, or their Share or Proportion thereof, within the Time to be appointed by the said Commissioners, the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, by Warrant under the Hands and Seals of the said Commissioners, and the Overplus (if any), after deducting the Charges of such Distress and Sale, shall be returned to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Commissioners authorized to assess Owners of old Inclosures, Open Arable

XXI. And be it further enacted, That so much of the Charges and Expences as shall be incurred or occasioned in the making, deepening, widening, or repairing any Cloughs, Sluices, Tunnels, and Outlets, or in the deepening, widening, or repairing any Drains, or in the cutting or making

making any new Drains or other Improvements in, through, or over any of the Ings, Meadows, Fields, Open or Inclosed Grounds, except such Part or Parcel of the Lands as are called or known by the Name of the *Participant Lands*, within the several Parishes of *Hatfield, Thorne, and Fishlake*, shall be paid, borne, and defrayed by the several Persons benefited therein and thereby, in such Parts and Proportions as the said Commissioners shall estimate the Benefit and Advantage each Proprietor will derive, and according to the Charge which shall be made upon the Persons so respectively benefited by the making or enlarging of such several Drains, Cloughs, Tunnels, and Sluices, as the said Commissioners shall order and direct; and the said Commissioners are hereby directed and required to consider and determine, and to describe, specify, and set forth in and by their Award herein-after mentioned, what Proportion each Estate shall respectively bear and be charged with each other for and towards the repairing, supporting, and maintaining the said several Drains, in, over, upon, and for the said several Open Fields, Open Ings, Meadows, Moors, and Pastures, as well as old Inclosed Lands and Grounds, except as afore-said benefited by the said Drainage and Improvement to be made within the said respective Parishes; and the said Commissioners shall also in and by their said Award set forth, describe and distinguish the several Persons liable to repair and support the said several Drains, Cloughs, Tunnels, and Sluices, and the Lands and Grounds in respect whereof such Persons shall be so charged and chargeable, and the separate and distinct Parts and Shares such Persons are to repair and support; and in case such Person or Persons shall neglect or refuse to pay his, her, or their Share and Proportion of the said Charge or Assessment so to be made by the said Commissioners within the Time to be appointed by them, the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, by Warrant under the Hands and Seals of the said Commissioners; and in case the said Drains, Cloughs, Tunnels, and Sluices, or any of them, or any Part of the same, shall not be kept in Repair or supported by the Person or Persons who shall be ordered and directed so to do by the said Commissioners, or by their Award to be made in and by virtue hereof, then the said Commissioners, or such Person or Persons as they shall either before or by their Award order and direct, or who shall be appointed under any Power in the said Award to be contained, shall and may and they are hereby authorized and required, where Neglect or Default shall happen or arise, to give Notice to the Person or Persons so in Default, requiring him or them to amend and repair such Part or Portion of the said Drains and Works of Drainage as the said Commissioners shall set out and require him or them to repair; and on such Person or Persons (who of right ought to repair) refusing or neglecting to amend and repair the said Drains or Works of Drainage, by the Space of Fourteen Days after Notice given to him or them for that Purpose, then it shall be lawful for the said Commissioners, or such other Person or Persons as they shall order, direct, or appoint, to amend and repair so much and such Part of the said Drains and Works of Drainage as shall be in Decay, and in Want of Reparation and Amendment; and when and so soon as the said Commissioners, or such other Person or Persons as they shall nominate and appoint, shall have amended and repaired the said Drains and Works of Drainage so in Decay, they the said Commissioners, or such other Person or Persons as they shall direct or appoint, shall and they are hereby authorized and empowered, after Twenty-one Days from

Fields, Meadows, Ings, and Moor Lands, with the Charge necessary for making the Drains therein.

the Time such Repairs shall be completed, to assess such Defaulter or Defaulters to the full Amount of the Money laid out and expended in the making and perfecting of such Repairs, and to demand the same from the Person or Persons whose Right it was to make such Repairs and Amendments; and in case of Non-payment of the Money expended, laid out, and assessed for the Purposes, and on the Account aforesaid by the said Commissioners, or such other Person or Persons as they shall order and direct, for the Space of Fourteen Days after such Demand made, then the full Amount of the Sum so expended and assessed shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Person or Persons who shall be in Default, and refusing or neglecting as aforesaid, by Warrant under the Hands and Seals of the said Commissioners, or under the Hand and Seal, or Hands and Seals of the Person or Persons they shall in and by their said Award order and direct to superintend and overlook the same, and the Overplus (if any) after deducting the Charges of such Distress and Sale, shall be returned to the Person whose Goods and Chattels shall have been so distrained and sold, or otherwise the same may be levied and recovered in the same Manner as Penalties and Forfeitures are herein-after directed to be levied and recovered.

Trees in Open Arable Fields, Ings, and Meadows, to be sold for Benefit of Proprietors therein.

XXII. And be it enacted, That all Trees which shall be standing at the Time of passing of this Act in the Sidelands or Hedge Rows in the Open Arable Fields, Ings, or Meadows, Parcel of the Grounds intended to be hereby inclosed, shall immediately after the passing thereof be and become vested in the said Commissioners, and shall be by them sold and disposed of for the best Price or Prices that can or may be had or obtained for the same; and that the Money arising by the Sale thereof shall be divided and apportioned between the several Proprietors of such Open Fields, Ings, or Meadows respectively, in which such Trees shall have been growing, in Proportion to their Estates and Interests therein; and the Shares of such of the said Proprietors as shall have such Estates or Interests in the said Fields, Ings, or Meadows, as entitle Owners of Property to cut down Trees growing therein, shall be paid to such Proprietors respectively, and the Shares of the other of the said Proprietors shall be applied by the said Commissioners in the Manner directed by the said recited Act, with respect to Money 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.

Balks, Side or Sward Lands, and Marfurs to be divided amongst the Proprietors of the Fields in which same are situate.

XXIII. And be it also enacted, That the Balks, Sidelands, and Marfurs in the Open Arable Fields, Ings, and Meadows, lying within the said several Parishes of *Hatfield*, *Thorne*, and *Fishlake*, shall be divided and allotted with the rest of the Lands in the same Open Arable Fields, Ings, or Meadows, unto and amongst the Owners and Proprietors of Lands in the same Open Fields, Ings, and Meadows in which they are respectively situate, according to their several and respective Interests in the same Fields, Ings, or Meadows in which such Balks, Sidelands, Marfurs, or Sward Lands shall be situate.

Allotment of the Open Fields, Open

XXIV. And be it further enacted, That the several Open Fields, Open Meadows, Moors, Ing Land, and Open Pastures within the said Township

ship of *Hatfield*, shall, so soon as possible after the passing of this Act, be allotted, assigned, set out, and awarded by the said Commissioners unto and amongst the several Owners or Proprietors thereof, according to their respective Rights and Interests therein, in such Shares and Proportions, and in such Parts and Places respectively as the said Commissioners shall in their Judgement think most advantageous and convenient to all the said Owners or Proprietors, in lieu and Satisfaction of such respective Parts, Shares, and Interests in the said Open Fields, Open Meadows, Ing Land, and Open Pastures, as the said several Owners or Proprietors now have and enjoy therein respectively; and that the several Open Fields, Open Meadows, Ing Land, and Open Pastures within the Township of *Stainforth*, in the said Parish of *Hatfield*, and Moors within the Parish of *Hatfield*, belonging to the Messuages in the said Township of *Stainforth*, shall also be allotted, assigned, set out, and awarded by the said Commissioners unto and amongst the several Owners or Proprietors thereof, according to their several and respective Rights and Interests therein, in such Shares and Proportions, and in such Parts and Places as the said Commissioners shall in their Judgement think most advantageous and convenient to all the said Owners or Proprietors, in lieu and Satisfaction of such respective Parts, Shares, and Interests in the same Open Fields, Open Meadows, Ing Land, Moors, and Open Pastures, as the said Owners or Proprietors now have and enjoy therein respectively; and that the said several Open Fields, Open Meadows, Moors (except such Moors as are adjoining and belonging to the Moor Land, the distinct Property and separate Rights and Interests of the Owners and Proprietors of the cultivated Part of the Moor Lands within the Parish of *Thorne* aforesaid), Ing Land, and Open Pastures within the Parish of *Thorne* aforesaid, shall also be allotted, assigned, set out, and awarded by the said Commissioners unto and amongst the several Owners or Proprietors thereof, according to their several and respective Rights and Interests therein, in such Shares and Proportions, and in such Parts and Places respectively as the said Commissioners shall in their Judgement think most advantageous and convenient to all the said Owners or Proprietors, in lieu and Satisfaction of such respective Parts, Shares, and Interests in the said Open Fields, Open Meadows, Ing Land, Open Pastures, and Open Moor Land (except as aforesaid) as the said several Owners or Proprietors now have and enjoy therein respectively; and that the several Open Fields, Open Meadows, Ing Land, and Open Pastures within the said Township of *Fisblake*, shall also be allotted, assigned, set out, and awarded by the said Commissioners unto and amongst the several Owners or Proprietors thereof, according to their several and respective Rights and Interests therein, in such Shares and Proportions, and in such Parts and Places respectively as the said Commissioners shall in their Judgement think most advantageous and convenient to all the said Owners or Proprietors, in lieu and Satisfaction of such respective Parts, Shares, and Interests in the same Open Fields, Open Meadows, Ing Land, and Open Pastures, as the said Owners or Proprietors now have and enjoy therein respectively; and that the several Open Fields, Open Meadows, Ing Land, and Open Pastures within the Township of *Sykehouse*, in the Parish of *Fisblake* aforesaid, shall also be allotted, assigned, set out, and awarded by the said Commissioners unto and amongst the several Owners or Proprietors thereof, according to their several and respective Rights and Interests therein, in such Shares and Proportions, and in such Parts and Places as the said Commissioners shall in their Judgement think most advantageous

Ings, and  
Meadows in  
Hatfield.

Stainforth.

Fisblake.

Sykehouse.

advantageous and convenient to all the said Owners or Proprietors, in lieu and Satisfaction of their respective Parts, Shares, and Interests in the same Open Fields, Open Meadows, Ing Land, and Open Pastures, respectively.

Allotment to the Lord and Lady of the Manor as such.

XXV. And be it further enacted, That so soon as conveniently may be after the said Common Wastes shall be effectually drained, the said Commissioners, or any Two of them, are hereby directed and authorized to set out, allot, and award unto the said Marquis and Marchioness of *Hertford*, (or unto the Lord and Lady, or Lord or Lady of the said Manor for the Time being), out of and from the said Commons and Waste Grounds, so much Land as will in Value be equal to Two hundred and fifty Acres of the average Value of the said Common Waste Lands, upon such Place or Places upon the said Common Waste, near to the respective Farms of the said Marquis and Marchioness, and in such Quantities and Proportions, as the Steward or Agent of the said Marquis and Marchioness, or of the Lord and Lady, or Lord or Lady for the Time being of the said Manor of *Haitefeld* shall in Writing direct.

Allotment to the Dean and Chapter of Durham.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot unto the said Dean and Chapter of *Durham*, as Owners and Proprietors of the said Rectory or Vicarage, or Parsonage, of the Parish Church of *Fisblake* aforesaid, and their Successors the Dean and Chapter of *Durham* for the Time being, and to the said *Rachel Milnes*, as Lessee of the said Dean and Chapter, her Executors, Administrators, and Assigns, in lieu of and in full Satisfaction for all Tythes both Great and Small, Moduses, Compositions, Money Payments, Ecclesiastical Dues, *Easter Offerings*, Mortuaries, Predial and Personal Tythes, arising, renewing, growing, and becoming due within the said Townships of *Fisblake* and *Sykehouse*, such Parcel of the said Commons and Waste Lands as shall in the Judgement of the said Commissioners (Quantity, Quality, and Situation considered) be equal in value to Two Parts in Fifteen of all the Arable Lands, Meadows, Pastures, old Inclosed Lands, Grounds, and Homesteads lying within the said Townships of *Fisblake* and *Sykehouse*, and also of Two Parts in Fifteen of all the said Commonable Waste Grounds which shall be set out and declared by the said Commissioners, or any Two of them, to be situate within the said Townships of *Fisblake* and *Sykehouse*; and also unto and for the said Dean and Chapter and their Successors, and the said *Rachel Milnes*, as Lessee of the Rectory of *Fisblake* aforesaid, such Parcel or Parcels of the said Commons and Waste Grounds which shall be set out and allotted by the said Commissioners to the Proprietors of Estates within the said Townships of *Fisblake* and *Sykehouse*, as shall be, in the Judgement of the said Commissioners, a full Equivalent and Compensation for the Right of Common belonging to the said Dean and Chapter, and *Rachel Milnes* their Lessee, in respect of Glebe Lands, Messuages, or Tofts belonging to the said Rectory of *Fisblake*, in the like Proportion as the rest of the Proprietors of Estates, having Right of Common within the said Townships of *Fisblake* and *Sykehouse*, shall be entitled to Land upon the said Common Wastes.

Commissioners to have Power to set

XXVII. Provided always, and be it enacted, That in case the said Commissioners shall be of Opinion that the said Two Parts in Fifteen hereinbefore



before directed to be set out to the said Dean and Chapter, and the said *Rachel Milnes* as their Lessee, shall not be a full and fair Compensation to them for all their Great and Small Tythes, Moduses, and other Payments, Predial and Personal, arising, growing, renewing, and becoming due within the said Parish of *Fisblake*, for such Homesteads, Open Fields, Ings, Meadows, Pastures, and Inclosed Grounds within the said Parish, and for the said Commons and Waste Lands intended to be set out and allotted to the said Townships of *Fisblake* and *Sykehouse*, that then and in that Case the Commissioners shall and they are hereby authorized and empowered to set out, allot, and award such other greater Compensation to the said Dean and Chapter, and the said *Rachel Milnes* their Lessee, from and out of the said Commons and Waste Lands, as they the said Commissioners shall think a fair and just Compensation for the Great and Small Tythes respectively, they the said Commissioners having due Regard to the Modus by which such Lands and Grounds or some Part thereof within the said Parish are exonerated and discharged from the Payment of Hay, Agistment, and other Tythes, and so always as that they the said Commissioners shall not set out, allot, and award to the said Dean and Chapter, and *Rachel Milnes* their Lessee, for and in Satisfaction of their Great and Small Tythes arising and becoming due within the Parish of *Fisblake* aforesaid, and of the Commons and Waste Lands to be set out, allotted, and awarded as aforesaid, any greater and larger Part, Share, or Proportion of the said Open Fields, Ings, Meadows, Closes, Pastures, Commons, and Waste Lands and Grounds, than One Seventh Part or Proportion of the same respectively.

out a greater Part not exceeding One Seventh, for the Tythe of *Fisblake*, in case Two Parts in Fifteen be thought insufficient

XXVIII. And be it further enacted, That in case there are any Homesteads, Gardens, Orchards, old Inclosures, or Inclosed Lands or Grounds in the Parish of *Fisblake* aforesaid, the respective Proprietors whereof shall not happen to be entitled to any or a sufficient Quantity out of the Lands and Grounds hereby intended to be divided and inclosed, to make Compensation for the Tythes, such Proprietors shall respectively pay or cause to be paid, unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for the Tythes issuing or payable out of such Homesteads, Gardens, Orchards, old Inclosures, and Inclosed Lands and Grounds respectively, or for such Part thereof for which a Compensation in Land cannot be made by the Proprietors thereof as aforesaid, which Sum or Sums of Money shall be applied towards Payment of the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution; and the Surplus, if any, shall be applied in the Manner herein-before directed, the said Commissioners having Regard to the Interests of the Persons whose Allotments will be diminished by such last-mentioned Compensation.

Proprietors not having Land in the Commons to pay Money.

XXIX. And be it further enacted, That until the several Allotments to the said Dean and Chapter of *Durham* and their Lessee respectively, shall be set out and inclosed, the said Dean and Chapter and their Lessee, and their respective Heirs and Successors, shall be entitled to and shall have, receive, and enjoy such and the same Tythes as they respectively could, might, or ought to have had and received, in case this Act had not been made.

Tythes to continue payable until Allotments made.

[*Lec. & Per.*]

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XXX. And

For fencing  
Tythe Allot-  
ments of the  
Parish of  
Fishlake.

XXX. And be it further enacted, That the Allotments so be made to the said Dean and Chapter, and the said *Rachel Milnes* their Lessee, in lieu and in respect of the Tythes of the said Open Fields, Ings, Meadows, Closes, Pastures, Commons, and Waste Lands and Grounds, and of all other Matters and Things within the said Parish of *Fishlake*, shall be ring-fenced in Plats in not less than Fifty Acres in any one Plat, on all such Parts and Sides as shall not be ordered by the said Commissioners to be made by any other Proprietor, and against all publick Roads adjoining the same, with good and substantial Fences, and shall be planted with good thriving Quicksets of White Thorn, guarded with good and sufficient double-holed Posts and Rails, the Posts to be of Oak, and the Rails to be of Oak, Ash, or some other durable Wood, and sufficient Ditches, and one good Gate in each Allotment, within such Time and by such Person or Persons as the said Commissioners shall appoint to make and complete the same, at the Expence of the several other Proprietors of Lands and Grounds within the Parish of *Fishlake* aforesaid, in such Proportions and to be paid at such Time or Times as the said Commissioners by any Writing under their Hands, or in or by their said Award or Instrument, shall order, direct, or appoint; and that all such Fences, Ditches, and Gates belonging to such Allotment or Allotments as shall not by the said Award be ordered to be repaired by any other Proprietor, shall from and after the first making thereof for ever thereafter be supported, maintained, and kept in Repair by the said Dean and Chapter and their Successors, or their Lessee or Lessees for the Time being.

For fencing  
the Allot-  
ments to be  
set out to any  
School or  
Charity.

XXXI. And be it further enacted, That the Allotment or Allotments to be made upon or from the said Commons or Waste Grounds, to the Churchwardens and Overseers of the Poor of any of the said Parishes, or to the Trustee or Trustees for any Hospital or School, shall be fenced on all such Parts and Sides as shall not be ordered by the said Commissioners to be made by any other Proprietor, and against all publick Roads, with good and substantial Fences, and shall be planted with good Quicksets of White Thorn, guarded with good and double-holed Posts and Rails, the Posts to be of Oak, and the Rails of Oak, Ash, or some other durable Wood, with sufficient Ditches, and good and substantial Carriage Gates to each Allotment, in such Time and by such Person or Persons as the said Commissioners shall appoint to make and complete the same, at the Expence of the rest of the Proprietors of the Common Lands and Waste Grounds to be allotted by virtue of this Act, and shall from thenceforth be supported, maintained, and kept in Repair by the Churchwardens or Overseers of the Poor, Trustee or Trustees, Purchaser or Purchasers, and their Successors respectively for ever afterwards.

Allotment to  
the Lord and  
Lady of the  
Manor for  
enfranchising  
Copyholds  
and releasing  
Quit Rents.

XXXII. And be it further enacted, That the said Commissioners shall also set out, allot, and award unto the said Marquis and Marchioness of *Hertford*, as Lord and Lady of the said Manor of *Haitefeld*, and also as Lord and Lady of the Manor of *Nunappleton* in *Fishlake*, or unto the Lord and Lady or Lord or Lady for the Time being of the said Manors of *Haitefeld* and *Nunappleton*, from the Common Waste Lands hereby directed to be divided and allotted, so much of the said Common Waste Lands hereby intended to be inclosed and divided amongst the Copyholders and Freeholders, Tenants of the said Manors respectively, as will be equal to Thirty Years Purchase upon the annual Lord's Rent or Quit Rent for each  
respectively

respective Messuage, Cottage, Land, or Tenement, and of Five Years Purchase for each and every distinct Fine charged and chargeable upon such Copyhold Tenements held of or within the said Manors, and paid and payable in respect of the same for the Admittance unto the said several Copyhold Messuages, Cottages, Lands, and Tenements held of and under the Lord and Lady of the said Manors respectively, as a Consideration and in full Satisfaction to the said Marquis and Marchioness for their consenting to release the same Freehold and Copyhold Estates respectively from the Payment of any Quit Rents or other annual Rents and Fines, paid and payable in respect of the said Copyhold Lands and Tenements, as well as for enfranchising all the Copyhold Estates held of and under the said respective Manors of *Haitefeld* and *Nunappleton*, unto the Owners thereof, freed and discharged of and from any Claims or Demands either by the present or any subsequent Lord and Lady, Lords or Ladies of the said Manors of *Haitefeld* and *Nunappleton* respectively.

XXXIII. Provided always, and it is hereby enacted, That in case any of the Owners of Messuages, Cottages, Lands, or Tenements held of the said Manors of *Haitefeld* and *Nunappleton* in *Fisblake*, or either of them, paying Quit Rents, Out Rents, or Fines to the Lord and Lady of the said Manors, or either of them, shall not be entitled to any Land, Parcel of the said Common Waste directed to be inclosed, or not to a sufficient Quantity thereof to make Compensation to the said Marquis and Marchioness of *Hertford* for such Enfranchisement as aforesaid, such Owners shall respectively pay or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for the Quit Rents, Out Rents, or Fines issuing or payable out of such Messuages, Cottages, Lands, or Tenements respectively, or for such Part thereof, for which a Compensation in Land cannot be made by the Owners as aforesaid, which Sum or Sums of Money shall be applied towards the Payment of the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution; and in case there shall be any Surplus, the same shall be applied in Manner herein-before directed.

Proprietors not having Land on the Commons to pay Money for Enfranchisement.

XXXIV. And be it further enacted, That the said Commissioners shall also set out, allot, and award unto the said *John Simpson* and *William Gossip*, Esquires, respectively, as Lords of the said respective Manors of *Westhall* in *Stainforth*, and of *Westhall* in *Stockhold* and *Hatfield*, from the Common Waste Lands hereby directed to be divided and allotted, so much of the said Common Waste Lands hereby intended to be inclosed and divided amongst the Copyholders and Freeholders, Tenants of the said Manors respectively, as will be equal to Thirty Years Purchase, upon the annual Lord's Rent or Quit Rent for each respective Messuage, Cottage, Land, or Tenement, and of Five Years Purchase for each and every distinct Fine charged and chargeable upon such Copyhold Lands and Tenements, held of or within the said several Manors, and paid and payable in respect of the same for the Admittance unto the said several Copyhold Messuages, Cottages, Lands and Tenements, as a Consideration and in full Satisfaction to the said *John Simpson* and *William Gossip*, for their consenting to release the same Freehold and Copyhold Estates respectively from the Payment of any Quit Rents, or other Annual Rents and Fines paid and

Allotments to the Lords of the Manors of *Stainforth* and *Stockhold*, for enfranchising Copyholds and releasing the Rents.

payable in respect of the said Copyhold Lands, and Tenements, as well as for their enfranchising all the Copyhold Estates held of and under the said several Manors of *Westhall* in *Stainforth*, and *Westhall* in *Stockhold* and *Hatfield*, unto the Owners thereof, freed and discharged of and from any Claims and Demands either by the present or any subsequent Lords of the same Manors respectively.

Power to charge Estates in order to purchase Lands for enfranchising Copyholds within the Manors of *Westhall* in *Stainforth*, and *Stockhold*, in case the Proprietor shall not be entitled to any or not to a Sufficiency upon the Common Wastes.

XXXV. Provided always, and it is hereby enacted, That in case any of the Owners of Messuages, Cottages, Lands, or Tenements held of the respective Manors of *Westhall* in *Stainforth*, and *Westhall* in *Stockhold* in *Hatfield*, or any of them, paying Quit Rents, Out Rents, or Fines to the respective Lords of the said respective Manors, or any of them, shall not be entitled to any Land, Parcel of the said Common Waste directed to be inclosed, or not to a sufficient Quantity thereof to make Compensation to the said respective Lords for such Enfranchisement as aforesaid, such Owners shall respectively pay or cause to be paid unto such Person or Persons, and at such Time or Times as the said Commissioners shall direct or appoint, such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction for the Quit Rents, Out Rents, or Fines issuing or payable out of such Messuages, Cottages, Lands, or Tenements respectively, or for such Part thereof for which a Compensation in Land cannot be made by the Owners as aforesaid, which Sum or Sums of Money shall be applied towards the Payment of the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution; and in case there shall be any Surplus the same shall be applied in Manner herein-before directed.

After Allotments made to the Lords in respect of Copyhold Fines and Quit Rents, the Estates shall be enfranchised.

XXXVI. And be it further enacted, That immediately from and after the several and respective Allotments shall be set out, divided, and made unto the said Marquis and Marchioness of *Hertford*, or unto the Lord and Lady, or Lord or Lady for the Time being of the respective Manors of *Hatfield*, and *Nunappleton* in *Fishlake*, and unto the said *John Simpson* as Lord of the Manor of *Westhall* in *Stainforth*, or unto the Lord or Lady of the said Manor for the Time being, and unto *William Gossip* Esquire, as Lord of the Manor of *Westhall* in *Stockhold* and *Hatfield*, or unto the Lord or Lady of the said Manor for the Time being, in full Satisfaction and Compensation for the Copyhold Fines, Quit Rents, and other Rents, accustomed to be paid to the Lords of the said respective Manors for the Time being, the said Messuages, Cottages, Lands and Tenements, in respect whereof such Rents, Payments, and Fines were and have been accustomed to be paid, shall for ever after be exonerated and discharged therefrom, and from all Suits of Court and other Suits whatsoever (except the Attendance by them as Resident Freeholders within the Manor of *Hatfield*;) at the Courts Leet and Courts Baron of the said Manor, when thereunto called.

Lords of the respective Manors of *Hatfield*, *Nunappleton*, *Westhall* in *Stainforth* and *Stockhold*,

XXXVII. And it is hereby also enacted, That the Lord or Lords, Lady or Ladies, of the said respective Manors last mentioned for the Time being, shall and they are hereby authorized and required under their respective Hands and Seals, or under the Hands and Seals of the Husbands, Trustees or Guardians, Committees or Attornies, of and for such of them as may be Females Covert, Minors, Lunatics, beyond the Seas, or under any other Incapacity or Disability, to execute to the respective Copyholders,

holders, Owners of the respective Lands and Tenements held of the respective Manors aforesaid, any Deed or Deeds of Enfranchisement of the Copyhold Estates held of and under any of them, as Lords of the Manors aforesaid, whereby the said Estates may from thenceforth be discharged from any Fine, Quit Rent or other Out-payment to the Lord of the Manor whereof the same had been thenceforth held, who shall thenceforth hold and enjoy the said Hereditaments so respectively enfranchised of the Lord or Lords, Lady or Ladies, of such Manors, respectively, in free and common Soccage, discharged of the Tenure by Copy of Court Roll, and of all Service and Duties incident to such Tenure.

empowered  
to execute  
Deeds of  
Enfranchise-  
ment.

XXXVIII. Provided always, and be it further enacted, That the Allotments to be set out as herein-before directed, for and in lieu of Tythes and in Compensation for such Enfranchisement, shall from and immediately after the said Allotments shall be so respectively made and declared, be holden and enjoyed in such and the same Manner, and subject to such and the same Uses as the said Tythes for which such Compensation shall be made, and the Manors whereof the said Copyhold Hereditaments shall have been holden, and to which the said Fee Farm and other Rents so to be extinguished were payable, would have been subject in case such Enfranchisement and Extinguishment had not been made.

Lands given  
for Enfran-  
chisement or  
Titles shall  
be settled to  
the same  
Uses.

XXXIX. And be it further enacted, That after the said Common Wastes shall be well and effectually drained, and the Road-ways and Lands for Sale set out and disposed of, and the several Allotments herein-before mentioned set out and allotted, the said Commissioners shall in the next Place assign, allot, set out, and divide the Residue of such Commons and Waste Grounds in Manner following; that is to say, One Half Part of the said Residue to and amongst the Owners and Proprietors of ancient Messuages, Cottages, Tofts or Toftsteads, situate and being within the several Townships of *Hatfield*, *Thorne*, *Fishlake*, *Stainforth* in the Parish of *Hatfield*, and *Sykehouse* in the Parish of *Fishlake*, having Right of Common on the said Commonable Waste Lands, in Shares of equal Value; and in making which Allotments no regard shall be had to the Magnitude or Value of the said Messuages, Cottages, Tofts or Toftsteads, or any of them; and the remaining Half Part thereof shall be set out and allotted unto and amongst the several Owners and Proprietors of Inclosed and Open Field Land, Meadow, Ing Land and Pastures, (except such Lands and Hereditaments as are not legally entitled to any Right of Common in or upon the said Common Waste, or any Part, Share, or Proportion thereof, and also except such Lands which on the First Day of *January* One thousand eight hundred and eight, were not the Property of a Person or Persons, then being the Owner or Proprietor of One or more Messuage or Cottage within some One of the Parishes of *Hatfield*, *Thorne* and *Fishlake*, entitled to Right of Common in and upon the said Common Wastes,) in Proportion and according to the Value of the said Inclosed and Open Field Land, Meadow, Ing Land and Pastures, and as they shall bear one with another, in lieu of and as a full Recompence and Satisfaction for all Rights of Common and other Interests of the said several Owners and Proprietors entitled as aforesaid, in and upon the said Commons and Waste Lands; and that all Allotments made in respect of Messuages, Cottages, Tofts, Toftsteads and Lands situate and being within the said Township of *Hatfield*, together with such Proportion of the

General Al-  
lotments of  
Waste Lands.

[*Loc. & Per.*]

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Common

Common Waste Lands intended to be set out and allotted to the Marquis and Marchioness of *Hertford*, (as Lord and Lady of the said Manor of *Haitefeld*), and of such Common Waste Lands intended to be sold as would have been allotted to the Proprietors of Estates within the Township of *Hatfield*, in case such Allotment had not been set out, or such Sale had not taken place, and which shall be so awarded by the said Commissioners, shall for ever hereafter be deemed and taken to be Part and Parcel of the said Township of *Hatfield*; and that all Allotments made in respect of Messuages, Cottages, Tofts, Toftsteads, and Lands situate and being within the said Parish of *Thorne*, together with such Proportion of the Common Waste Lands intended to be set out and allotted to the said Marquis and Marchioness of *Hertford*, as Lord and Lady of the Manor of *Haitefeld*, and of such Common Waste Lands intended to be sold as would have been set out and allotted to the Owners and Proprietors of Estates within the Parish of *Thorne*, in case such Allotment had not been set out, or such Sale had not taken place, and which shall be so awarded by the said Commissioners, shall for ever hereafter be deemed and taken to be Part and Parcel of the said Parish of *Thorne*; and that all Allotments made in respect of Messuages, Cottages, Tofts, Toftsteads and Lands situate and being within the said Township of *Stainforth* within the said Parish of *Hatfield*, together with such Proportion of the Common Waste Lands intended to be set out and allotted to the said Marquis and Marchioness of *Hertford*, as Lord and Lady of the Manor of *Haitefeld*, and of such Common Waste Lands intended to be sold as would have been set out and allotted to the Owners and Proprietors of Estates in the said Township of *Stainforth* within the said Parish of *Hatfield*, in case such Allotment had not been set out, or such Sale had not taken place, and which shall be so awarded by the said Commissioners, shall for ever hereafter be deemed and taken to be Part and Parcel of the Township of *Stainforth*; and that all Allotments made in respect of Messuages, Cottages, Tofts, Toftsteads, Lands, and Hereditaments situate and being within the said Township of *Fishlake*, together with such Proportions of the Common Waste Lands intended to be set out and allotted to the said Marquis and Marchioness of *Hertford*, as Lord and Lady of the Manor of *Haitefeld*, and of such Common Waste Lands intended to be sold as would have been allotted to the Proprietors of Estates within the said Township of *Fishlake*, in case such Allotment had not been set out, or such Sale had not taken place, and which shall be so awarded by the said Commissioners, shall for ever hereafter be deemed and taken to be Part and Parcel of the said Township of *Fishlake*; and that all Allotments made in respect of Messuages, Cottages, Tofts, Toftsteads, Lands and Hereditaments situate and being within the said Township of *Sykehouse*, together with such Proportion of the Common Waste Lands intended to be set out and allotted to the Marquis and Marchioness of *Hertford* as Lord and Lady of the Manor of *Haitefeld*, and of such Common Waste Lands intended to be sold, as would have been allotted to the several Proprietors of Estates within the said Township of *Sykehouse*, in case such Allotment had not been set out, or such Sale had not taken place, and which shall be so awarded by the said Commissioners, shall for ever hereafter be deemed and taken to be Part and Parcel of the Township of *Sykehouse*; and that all Allotments from and out of the said Common Wastes within the Manor of *Haitefeld*, shall from and after the Execution of the Award of the said Commissioners be and be taken to be situate, lying and being within the

respective Parishes and Townships, wherein the said Commissioners shall in and by their said Award allot, set out and declare the same.

XL. And be it enacted, That the said Commissioners shall, and they are hereby required to allot to *Henry Ellison*, for and towards the Proportion of the General Allotment to which he may be entitled under and by virtue of this Act, such Part of the said Common Waste as lies betwixt the *Stainforth* and *Keadby* Canal, and a certain Dyke or Drain called the *Boating Dyke*, and so far in Length along the Course of the said Boating Dyke as the Lands and Grounds of the said *Henry Ellison*, lying in front of and near to his Mansion House abut upon the same.

Special Allotment to *Henry Ellison*.

XLI. Provided always, and be it enacted, That the Peat Moors, known by the Name of *Thorne Waste*, and which have Time immemorially been considered, used, and enjoyed as the Estate, Right, and Property of the Person or Persons whose Estate abuts or adjoins the same, shall not be divided, inclosed, or allotted under Power or Authority of this Act, but that the same shall continue, be, and remain in the same State, and be taken, used, and enjoyed by the Persons entitled thereto, in the same Manner as heretofore: And provided always, that the Common or Waste lying near *Crowle* within the Parish of *Hatfield* in the County of *York*, known by the Name of the *Yorkshire Common*, otherwise the *Crowle Yorkshire Common*, containing Two hundred and fifty Acres, and the Turf Moors near thereto adjoining, containing Four hundred Acres, which were given and granted in Exchange by His Majesty King *Charles* the First and Sir *Cornelius Vermuyden* his Grantee, as Lord of the Manor of *Haitefeld*, and decreed by the Barons of His Majesty's Court of Exchequer in *Michaelmas* Term, in the Fifth Year of the Reign of His said Majesty King *Charles* the First, to the Tenants, Commoners, and Inhabitants of *Crowle*, to be held, used and enjoyed by them in Manner as therein mentioned, shall not be included in the Common or Waste intended to be allotted, inclosed or divided by virtue or in Effect hereof; but that the same shall be held, used, and enjoyed by the said Tenants, Commoners, and Inhabitants of *Crowle*, in such and the like Manner as the same have been or ought to be held, used, or enjoyed by the said Tenants, Commoners, and Inhabitants of *Crowle*, by virtue of the said Decree; any Thing herein contained to the contrary notwithstanding: Provided always, that nothing in this Act shall extend or be construed to extend to lessen, impede, take away, or interrupt the Right or Title of any Person or Persons living and residing in any Houses or Tenements standing and being upon any Part of the Level Lands which were heretofore Part of the said Chace called *Hatfield Chace*, commonly called *Scotted Lands*, and lying and being within the said Manor of *Haitefeld*, from cutting, taking, leading, and carrying away with Carts, Waggons and Carriages, Turves from the Peat or Turf Moors lying within the Parish of *Hatfield* aforesaid, or from any Part or Parcel thereof, for their own burning only, but not for Sale, according as they have been used and accustomed to do.

None but ancient Lands to be entitled to Allotments.

*Thorne Turf Moors* nor *Crowle Turf Moors* to be inclosed.

Right of Turbary reserved to *Scotted Lands*.

XLII. And be it further enacted, That it shall be lawful for any of the Persons entitled to Right of Common in and upon the said Commons and Waste Lands hereby directed to be inclosed, to sell and dispose of his, her, and their Right, Share and Interest in such Commons and Waste Grounds,

Proprietors may sell Rights of Common, &c.

Grounds, and the Allotment and Allotments in respect thereof, separate and detached from the Property to which such Right and Interest shall appertain or belong; and the said Commissioners shall award the Allotment and Allotments to be made in lieu of the Right of Common so sold and disposed to the Purchaser or Purchasers thereof respectively, upon Request being made to the said Commissioners so to do in Writing, signed by the Owners or Proprietors of such Right of Common in the Presence of One or more credible Witness or Witnesses, and that such Purchaser or Purchasers, and his, her, and their Heirs, shall be seised thereof, and hold and enjoy the same to and for his and their own Use and Uses.

Exchanges  
may be  
made.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Lands, Tenements, or Hereditaments within the said respective Parishes of *Hatfield, Thorne* and *Fishlake*, in Lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within any of the said respective Parishes, or any other adjoining Parish or Township, provided such Exchanges be ascertained, specified and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple for Life, or in Fee Tail general or special, or by the Courtesy of *England*, 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 and acting for any such Proprietor 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 said Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made, shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments held in Right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent in Writing, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements or Hereditaments so to be exchanged shall lie and be situate.

Expences of  
Exchanges  
to be borne  
by Parties  
interested.

XLIV. Provided always, and be it further enacted, That all Costs, Charges and Expences attending the making and completing of any Exchanges, Partitions or Enfranchisement, shall be paid and borne by the several Persons making such Exchanges, Partitions or Enfranchisement, in such Manner as the said Commissioners shall order and direct, and shall be levied in Manner herein-before directed concerning the Expences of draining and inclosing the said Open Fields.

Recompence  
to be made  
for the stand-  
age of Crops.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners to settle, ascertain and appoint by any Writing under their Hands, what Recompence shall be paid or made, and when and by whom respectively,



respectively, for the standing of any Crop or Crops of Corn or Hay that shall be standing or growing upon any Land or Ground to be allotted by virtue of this Act, and the Owner or Owners of any such Crop or Crops (paying for the standing thereof as aforesaid), shall be at liberty to cut, reap, gather, lead and carry away the same within the Time to be limited by the said Commissioners, without any Molestation or Hindrance from the Person or Persons to whom the Lands on which the Crops so growing shall be allotted; and in case such Recompence shall not be paid as aforesaid, the same shall be recovered in the like Manner as Penalties and Forfeitures are herein-after directed to be recovered.

XLVI. And be it further enacted, That all and every Lessee and Lessees of any Lands and Grounds, or of any Part or Parts of Lands or Grounds hereby directed to be divided and inclosed, or of any Messuage or Cottage, or of Inclosed Lands and Grounds which shall be held either with or without any Messuage or Cottage by virtue of any Lease or Leases, or other Agreement or Agreements for any Time or Times therein, which shall be and remain unexpired at the Time of the Allotments of such Lands or Grounds, or of the said Common Wastes at the Time of the setting out and allotting of the same, he, she, or they shall be at Liberty to hold and enjoy such Lands and Grounds as shall be allotted in right and in lieu of his, her, or their former Messuage or Messuages, Farm Lands and Premises, for and during such Time or Term of Years as he, she, or they shall then have in such former Messuage or Messuages, Farm Lands and Premises, and which shall be then to come and unexpired, under and subject to such Provisoos, Restrictions, and Conditions respecting the Management, ploughing, sowing, cropping, manuring, laying down and cultivating the Land to be allotted by virtue of this Act, and upon paying such further advance Rent to the Lessors or Landlords thereof, according to the Benefit such Lessee or Lessees will derive by the inclosing thereof, or by the same being exonerated and discharged from Tithe for the Residue of the Term then to come and unexpired, as the said Commissioners shall by Writing under their Hands, specify, direct or appoint; and which said advanced Rent (if any) shall be paid at such Times and in such Manner to the Lessor or respective Lessors as the original Rent was heretofore agreed to be paid.

Power to charge additional Rent upon leased Estates.

XLVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby required, when and so soon as they have set out and ascertained the several Allotments to be made to the said respective Proprietors, in pursuance of this Act, to specify, ascertain and distinguish what Part of the Lands and Grounds lying within the said respective Parishes, as well ancient as new inclosed, are in their Opinion capable of receiving Improvement by flooding or overflowing the same with the Waters of the River *Dun*, and to give publick Notice thereof by Writing under their Hands, in such Manner as Notices are by this Act directed to be given, and in and by their said Award or Instrument, or by any Writing under their Hands, in the mean Time to set forth the same, and to make and establish such Rules, Orders and Regulations for conducting such flooding, in case the same shall be adopted by the Proprietors of such Lands, in Manner

Power to warp Lands.

[Loc. & Per.]

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herein-

herein-after mentioned; and to that End it shall and may be lawful for a Majority in Value (to be ascertained by the Land Tax Assessment) of the Proprietors of any such Lands lying together, which shall be deemed by the said Commissioners capable of such Improvement by flooding, and such Majority of the said Proprietors is hereby authorized and empowered, at any Time or Times, by and with the Consent of the said Commissioners, until the Execution of the said Award, and under such Rules and Regulations as they shall direct, and from and after the Execution thereof, under such Regulations as shall be contained in the said Award, from Time to Time to make use of, set open, and afterwards shut any of the Sluices, and to make use of any of the Drains and other Works now made or hereafter to be made, for the Purpose of overflowing as well their ancient Lands and Grounds, as those which shall be allotted to them by virtue of this Act, with Water for improving the same by the Warp to be received out of the River *Dun*; and such Majority of the said Proprietors is hereby empowered, by any Writing under their Hands, to authorize and direct any such Person or Persons as they shall thereby appoint, to execute and complete all such Drains, Sewers, Cloughs, Tunnels, Sluices, and other Works as shall be necessary for effecting such Floodings; and also to ascertain and determine the Proportion of the Expences thereof to be paid by each such Proprietor, having due Regard to the Benefit he, she, or they is or are likely to derive therefrom; and in case any such Proprietor shall neglect or refuse to pay the same when thereunto required by the Person or Persons so to be nominated and appointed as aforesaid, then the Share or Proportion of every such Proprietor so refusing shall be levied and recovered in such Manner as is directed for the Maintenance and Support of other Works of Drainage in and by this Act; provided nevertheless, that no such Person or Persons shall be permitted to overflow his, her, or their Lands and Grounds with Water in Manner aforesaid, or to make use of any of the said Sluices or Drains for the Purposes aforesaid, until he, she, or they shall make sufficient interior Banks, Sluices, Tunnels, Cloughs, and other Works, and also enter into proper Security to the Satisfaction of the Commissioners of Sewers acting for the Level of *Hatfield Chace*, and Parts wherein the said Lands and Grounds are situate, or any Six or more of them, for preventing any other Lands or Grounds from receiving any Damage by or in consequence of letting in such Water, and for sufficiently cleansing out and scouring all and every the Drains to be made use of for the Purpose of overflowing as aforesaid after each Season, for taking in Water, and flooding the Grounds for the Purpose of warping the same, and at all other Times when and as often as the same Drains shall be thought actually necessary for the Purpose of draining; and if any Damage shall arise therefrom, then and in such Case such Damages shall be recovered and recoverable by the Person or Persons injured or aggrieved by Action or Actions at Law or otherwise, against the Person or Persons by whose Means such Damage shall arise, with Costs of Suit.

No Cattle to  
be kept in  
new Inclo-  
sures for  
Five Years  
after the Award  
is made.

XLVIII. And be it further enacted, That no Cattle, Sheep, or Lambs shall be depastured or kept upon, or put into any of the Allotments to be made by virtue of this Act, from the said Open Common Fields, Ings, Meadows, Moors, Commons and Waste Grounds, or into any of the Highways, Roads or Lanes leading in, through, or over the same, during

during the Space of Seven Years next after the Execution of the said Award, unless the Person or Persons so keeping or putting in such Cattle, Sheep or Lambs, shall first at his or their Expence make and maintain a Fence sufficient to guard the young Quick Wood to be set round such Allotments from being cropped or damaged by such Cattle, Sheep or Lambs, whether such Quick Wood Fences be planted or set by the Owners or Occupiers of such Allotments so to be depastured as aforesaid, or by the Owners or Occupiers of the Allotment or Allotments adjoining thereto.

XLIX. And be it further enacted, That it shall be lawful for any Tenant for Life in Tail, or for the Husbands, Guardians, Trustees, Committees, or Attornies of, or any Person or Persons acting as Guardians, Trustees, Committees or Attornies for such of the said Owners or Proprietors as shall be under Coverture, Minors, Lunatics, Idiots, or beyond the Seas, or otherwise incapable of acting for themselves, and every of them respectively, for the Time being, by Writing under their Hands and Seals, or his or her Hand and Seal, from Time to Time to charge the Lands and Grounds which shall be assigned and allotted to them the said Owners respectively by virtue of this Act, with such Sum or Sums of Money not exceeding Five Pounds for every Acre of the Lands and Grounds allotted to them respectively, or which shall be charged with any Expences of Drainage, as the said Commissioners shall under Authority hereof direct or appoint; and for the Purpose of securing the Repayment of such Sum or Sums of Money with Interest, he, she, or they are hereby authorized and empowered to grant, mortgage, lease, demise, or otherwise subject the said Lands and Grounds unto any Person or Persons who shall advance and lend such Sum or Sums of Money, his, her, or their respective Executors, Administrators or Assigns, for any Term or Number of Years; so as every such Grant, Mortgage, Lease or Demise shall be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered when such Sum or Sums of Money, thereby to be secured with the Interest thereof, shall be fully paid and satisfied; and so as every such Grant, Mortgage, Lease or Demise, to be made by any Tenant for Life or in Tail contains a Proviso that the Person, entitled to the Remainder or Reversion of the Lands so to be mortgaged, shall not be liable upon his, her or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; and that every Grant, Mortgage, Lease, Demise or Charge so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law for the Purposes thereby intended.

L. And be it further enacted, That all and every Person and Persons to whom any such Grant, Mortgage, Lease or Demise shall be made by virtue of this Act, or who shall be entitled to the Money thereby secured, may from Time to Time, by any Deed or Deeds, Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, to be executed in the Presence of and attested by Two or more credible Witnesses, assign or transfer the same Security or Securities, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest in and to the same, unto any Person or Persons whomsoever, under the like Proviso or Condition,  
or

Mortgages may be assigned.

or with the like express Trust, who may again in like Manner assign the same as aforesaid, and so often as Occasion may require; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors or Administrators, and all Persons claiming under them or any of them, shall and may use, take and pursue all such lawful Methods, Courses, and Expedients at Law or in Equity for obtaining or recovering the Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid, in case of Non-payment of the Principal Money and Interest to be thereby secured, or any Part thereof, as is and are or lawfully can be used, taken or pursued in Cases of the like Nature.

Interest to be kept down.

LII. And be it further enacted, That such of the Owners of the said Lands and Grounds as are Tenants in Tail or for Life, shall duly pay and keep down the Interest of any Sum or Sums of Money so to be by them respectively borrowed and taken up as aforesaid during their respective Lives; and that no Person afterwards becoming possessed of such Land and Grounds shall be liable to pay any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced.

Persons advancing Money to be repaid with Interest.

LII. And be it further enacted, That if any of the said Proprietors interested in the said Division and Inclosure, or any other Person or Persons shall advance and pay any Sum or Sums of Money for or towards the Expences of obtaining, perfecting, and carrying into Execution this Act or the said recited Act, every such Proprietor or other Person or Persons shall be repaid the same, with legal Interest from the Time of advancing and paying the same, by, from, or out of the first or other Monies to be raised by virtue of this or the said recited Act.

Commissioners to lay their Accounts before Two Justices every Year.

LIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof), the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before a General Meeting of the Proprietors to be convened for that Purpose, by Advertisement Ten Days at least before such Meeting shall be had, and afterwards laid before any Two or more of His Majesty's Justices of the Peace for the West Riding of the said County of York, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Books of Account to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

Proprietors and Agents to pay their own Expences.

LIV. Provided always, and be it enacted, That the said Proprietors, their Solicitors and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners or Surveyors at any of the appointed Meetings or Sittings to be holden in pursuance of this Act: Provided always, that nothing in this Act contained shall extend or be construed

construed to extend so as to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having Right or Claim of Dower, Jointure, Portion, Debt, Rents, or Incumbrances out of, upon, or affecting any of the Messuages, Buildings, Lands, or Grounds to be divided, allotted, inclosed, or exchanged as aforesaid, or any Part or Parts thereof respectively; but that the Messuages, Lands, or Hereditaments which shall be allotted or given in Exchange by virtue of this Act, shall be subject to and chargeable with, and the Person or Persons to whom the same shall be so allotted or given in Exchange, shall be seised thereof, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges and Incumbrances, and none other, as the Messuages, Lands and Hereditaments whereof such Person was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioners, or for which or in respect thereof such Allotments or Exchanges as shall be made would have been subject to, charged with, or affected by, in case this Act had not been made.

Wills and Settlements not to be affected.

LV. And be it further enacted, That as soon as conveniently may be after the said Commissioners shall have completed the said Works of Drainage, and divided and set out all the Allotments of the Lands and Grounds hereby directed to be divided and inclosed, they the said Commissioners shall prepare or cause to be prepared an Award or Instrument in Writing, in which shall be expressed the Quantity and Contents in Statute Measure of Acres, Roods and Perches of all the Lands and Grounds hereby directed to be divided and inclosed as aforesaid, and the Quantity and Contents in like Manner of such Part or Parts of the said Commons and Waste Grounds as shall have been sold, and the Township or Parish in which the said Lots of Lands so sold, as well as the Parcels of Land that shall be set out, to be kept open and uninclosed for the Purpose of getting Stone, Sand, Gravel, or other Materials for repairing the Roads and Ways within the said Townships, are respectively situate; and also the Quantity of each and every Parcel thereof which shall be allotted by virtue of this Act to the Lord and Lady of the said Manor of *Haitefeld*, and to each of the Proprietors entitled to and interested in the same, and the Township or Parish in which such Allotment or Allotments is or are situate, and the Buttals and Boundaries of the said Parcels and Allotments respectively; and which shall also contain all such Orders and Directions as the said Commissioners shall think necessary and proper concerning all publick Roads, Ways and Drains, and in what Township or Parish the same are respectively situate, and by whom such Roads, Ways, and Drains ought to be maintained and repaired, and for ditching and fencing the several Allotments, and for making and laying out the private Roads, Ways, Bridges, Gates, Stiles, Sewers, Drains, and Watercourses, in, over, and upon the said Lands and Grounds so to be divided and inclosed, and by whom respectively the same shall be made and thereafter repaired and maintained; and also what Lands and Grounds hereby directed to be divided and inclosed, shall have been exchanged for other Lands and Grounds, pursuant to the Powers hereby given, describing the same and the Boundaries thereof respectively; and shall also contain such Orders, Regulations, and Determinations as are in and by this Act directed or authorized to be made and done of and concerning the Premises, and all such Orders and Regulations as shall be thought necessary

Award

[*Loc. & Per.*]

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and

and proper by the said Commissioners for the more effectual Execution of this Act, pursuant to the Directions herein contained, and for the better Improvement, Inclosure, and more convenient Occupation of the several Allotments hereby directed to be made; Three Parts of which said Award or Instrument shall be fairly engrossed or written upon Parchment, and to each Part thereof shall be annexed the Plan or Plans of the said Lands or Grounds hereby directed to be inclosed, whereon the said several Allotments, with the Publick and Private Roads, Ways, Drains, Sewers, Banks, Watercourses, and other Matters and Things which in the Judgment of the said Commissioners shall be proper to be described therein, shall be fairly delineated and described; and the said Commissioners, or any One of them, shall read over One Part of the said Award in the Presence of the Proprietors, who shall attend at a Special General Meeting to be called for that Purpose, of which Ten Days Notice at least shall be given in the *Doncaster* or One of the *York* Papers; and each Part of the said Award, with the Plan annexed, shall be signed and sealed by the said Commissioners at a General Meeting to be appointed by them for that Purpose; and the Execution of the said Award shall on the *Sunday* following the signing thereof be proclaimed in each of the Parish Churches of *Hatfield*, *Thorne*, and *Fisblake*; and the said Award so signed and sealed shall be inrolled in the Rolls Office at *Hatfield*, in and for the said Manor of *Hatfield*, within Six Months next after the signing and sealing thereof; and the said Inrolment, or a true Copy thereof, certified under the Hand of the Steward of the Courts of the said Manor or his Deputy, and also such Part of the said original Award, shall from Time to Time be admitted and allowed in all Courts whatsoever as legal Evidence of the same; and One Part of the said Award, after the inrolling as aforesaid, shall with such Plan or Plans, and other Writing or Writings of Reference thereto annexed or indorsed, be lodged and deposited in the Parish Church of *Hatfield*; One other Part thereof, made in like Manner, in the Parish Church of *Thorne*; and the other Part thereof in like Manner made and perfected in the Parish Church of *Fisblake* aforesaid, for the Inspection and Perusal of all Persons concerned therein; and the Steward of the Courts of the said Manor of *Hatfield*, or his Deputy, shall be entitled to such Fees for the Inrolment and Copies thereof, as are allowed for inrolling any Bargain and Sale in any of His Majesty's Courts of Record at *Westminster*, or Copies thereof; and the said Steward or his Deputy shall permit and suffer any Person or Persons whomsoever, from Time to Time, and at all Times from Ten of the Clock in the Forenoon to Four of the Clock in the Afternoon, to peruse and inspect the Inrolment of the said Award at the said Office, paying to the said Steward or his Deputy for every such Perusal and Inspection One Shilling, and no more; which Award when executed and inrolled in Manner as aforesaid, shall be binding, final, and conclusive on all the Proprietors and Parties interested in the said Division and Allotments, as to the Lands and Grounds intended to be divided and allotted, and all other Matters and Things intended hereby to be comprised therein.

*Stainforth*  
and *Keadby*  
Canal Act  
not to be  
affected.

LVI. And be it further enacted, That nothing in this Act contained shall prejudice or affect, or extend to repeal or alter any of the Powers or Authorities given and granted unto the Company of Proprietors of the *Stainforth* and *Keadby* Canal Navigation, in and by an Act of Parliament passed in the Thirty-third Year of the Reign of His present Majesty, intitled,

intituled; *An Act for making and maintaining a navigable Canal from the River Dun Navigation Cut, at or near Stainforth in the West Riding of the County of York, to join and communicate with the River Trent, at or near Keadby, in the County of Lincoln, or any subsequent Act or Acts made and passed relating to the said Navigation, but that the same shall be, continue and remain in as full Force and Effect as if this Act had not been made.*

LVII. And be it further enacted, That nothing contained in this Act shall extend or be construed to extend, to alter, prejudice or affect any of the Powers, Clauses or Provisions, mentioned and contained in an Act passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a commodious Carriage Road from the Town of Bawtrey to the Town of Selby, in the West Riding of the County of York.* Bawtrey and Selby Turnpike Road Act not to be affected.

LVIII. And be it further enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done or to be done in pursuance of this or the said recited Act, then and in every such Case (except as to such Claims, Matters, and Things as are herein-before and in the said recited Act directed or authorized to be tried, settled, or determined by the Verdict of a Jury, or where any of the Clauses or Provisions of the said recited Act or of this Act shall express that the same shall be final and conclusive), he, she, or they may appeal to the General Quarter Sessions of the Peace to be holden in and for the West Riding of the County of York, either at *Pontefract, Rotherham or Doncaster*, within Twelve Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned or interested, Sixteen Days Notice in Writing of such intended Appeal, and of the Matter and Cause and Causes thereof; and the Justices then attending (not being interested in the Premises) in their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein and award such Costs and Damages against either Party, 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 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 such Warrant of Distress and Sale; and the Determination of the said Justices shall be final and conclusive to all Intents and Purposes upon all Parties concerned and interested, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, to be levied in Manner aforesaid. Power to appeal.

LIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their respective Heirs, Executors, and Administrators, (other than and except the Person or Persons expressly General Saving.  
barred

barred by this Act), all such Estate, Right, Title, Interest, Claim and Demand, as they, every, or any of them could or ought to have had and enjoyed, of, in, to, or out of the said Open Common Fields, Ings, Common and Waste Grounds, so directed to be divided and inclosed as aforesaid, in case this Act had not been made.

Evidence.

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

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