



ANNO QUINQUAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 136.

An Act for inclosing Lands in the Manors or Townships of *Campfall*, *Norton*, and *Askern*, in the County of *York*. [17th June 1814.]

WHEREAS there are within the Manor or Township of *Campfall*, in the West Riding of the County of *York*, several Open and Common Fields, Meadows, Ings, Pastures, Commons, Wastes, and other Commonable Lands and Grounds, which contain together by Estimation, Eight hundred and sixty Acres, or thereabouts: And whereas there are within the Manor or Township of *Norton*, in the Parish of *Campfall* aforesaid, also several Open and Common Fields, Meadows, Ings, Pastures, Commons, Wastes, and other Commonable Lands and Grounds, which contain together by Estimation One thousand six hundred Acres, or thereabouts: And whereas there are within the Manor or Township of *Askern*, in the Parish of *Campfall* aforesaid, also several Open and Common Fields, Meadows, Ings, Pastures, Commons, Wastes, and other Commonable Lands and Grounds, which contain together by Estimation, Four hundred Acres, or thereabouts: And whereas the Reverend *Edward Frank* Clerk, is Lord of the Manor of *Campfall* aforesaid, and as such is Owner of the Soil of the Commons and Waste Grounds there, and of the Mines and Minerals therein: And whereas *George Cook Yarborough* Esquire,
[*Loc. & Per.*] 27 X is

is Lay Impropiator or Owner of all the Tithes, both Great and Small, arising and issuing upon and out of all the Lands and Tenements within the Township of *Campfall* aforesaid, and is also the Patron of the Vicarage of *Campfall* aforesaid, and is Vicar of that Vicarage: And whereas the Master and Fellows of *Catherine Hall* College, in the University of *Cambridge*, in Right of the said College, are Lords of the Manor of *Norton* aforesaid, and as such are Owners of the Soil of the Commons and Waste Grounds within that Township, and of the Mines and Minerals therein: And whereas the Right Honourable *Edward Harvey* Lord *Hawke*, is seised of or entitled to all the Tithes, both Great and Small, arising and issuing upon and out of all the Lands and Tenements within the Township of *Norton* aforesaid; except the Tithes, as well Great as Small, arising and issuing upon and out of certain Messuages, Lands, and Tenements in the said Township of *Norton*, now belonging to *William Loxley* Gentleman, *Edward Frank* Clerk, *Sarah Day*, and *George Harrison*, respectively, and certain Rights of Common appendant, appurtenant, or belonging thereto respectively; and also except the Tithes, as well Great as Small, arising and issuing upon and out of certain Lands, containing together about Forty Acres, lying dispersedly in one of the Open Fields in the said Township of *Norton*, called *West Field*, or lately inclosed therefrom; which said last-mentioned Tithes are payable to the Rector of the adjoining Parish of *Kirksmeaton*, in the said County: And whereas the Right Honourable *William George Arundal* Viscount *Galway*, and *Humphrey Osbaldeston* Esquire, are Lords of the Manor of *Askern* aforesaid, and as such are Owners of the Soil of the Commons and Waste Grounds there, and of the Mines and Minerals therein; and the said *Edward Frank* is seised of or entitled to all the Tithes, both Great and Small, within the Township or Manor of *Askern* aforesaid: And whereas the Right Honourable *William Wentworth Fitzwilliam* Earl *Fitzwilliam*, is Patron of the Rectory of *Kirksmeaton* in the said West Riding; and *Charles Cator* Clerk, is Rector thereof: And whereas the Owners and Proprietors of several ancient Messuages, Cottages, Tofts, Toftsteads, Lands and Tenements, within the said Manor or Township of *Norton*, are or claim to be entitled in respect thereof to Right of Common of Pasture upon a certain Common called *Barnsdale*, situate within the said Manor or Township of *Campfall*, for all their Commonable Cattle levant and couchant upon their said several Messuages, Cottages, Tofts, Toftsteads, Lands and Tenements, situate in *Norton* aforesaid: And whereas the Owners or Proprietors of several Messuages, Cottages, Tofts, Toftsteads, Lands and Tenements, within the several Manors or Townships of *Campfall* and *Fenwick*, in the Parish of *Campfall* aforesaid, are or claim to be entitled to Right of Common of Pasture upon the Common called *Norton Great Common*, containing Five hundred and ninety-two Acres, or thereabouts, for all their Commonable Cattle levant and couchant upon their Messuages, Cottages, Tofts, Toftsteads, Lands, and Tenements in *Campfall* and *Fenwick* aforesaid: And whereas the said *Edward Harvey* Lord *Hawke*, *George Cook* *Yarborough* Esquire, the Master and Fellows of *Catherine Hall* College aforesaid, the said *Edward Frank*, *William Loxley*, *Thomas Hindle*, *John Dickon*, and divers other Persons respectively, are Owners and Proprietors of Lands and Grounds in the Open Common Fields and Meadows within the aforesaid several and respective Townships, some or one of them, and they, and also divers other Persons, are Owners of Messuages, Cottages, Tofts, Toftsteads, Lands and Tenements within the same several and respective Townships,

some or one of them, and in respect thereof, or otherwise, are severally entitled to Rights of Common and other Rights and Interests in and upon the Ings, Pastures, Commons, Wastes, and other Commonable Lands and Grounds within the same respective Townships, some or one of them: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in One Act, certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Lands and Grounds of the respective Proprietors in the said Open and Common Fields and Meadows, lie much intermixed, and dispersed in small Parcels, and are inconveniently situate for Occupation; and the same, and also the Ings, Pastures, Commons, Wastes, and other Commonable Lands and Grounds in the said several and respective Townships, are, in their present State, incapable of any considerable Improvement; and it would be of great Benefit and Advantage to all Persons interested therein respectively, if all the said Open Common Fields, Meadows, Ings, Pastures, Commons, Wastes, and other Commonable Lands and Grounds, within each of the aforesaid respective Townships, were divided and inclosed, and specific Parts thereof allotted to the several Proprietors thereof and Persons interested therein respectively, in each respective Township, in Proportion to their respective Rights and Interests, in the Manner herein-after directed or authorized; and also if, in Consideration of an adequate Compensation, all the Lands, as well open as inclosed, within the several and respective Townships of *Campfall, Norton, and Askern* aforesaid, were exonerated from Tithes; but the several beneficial Purposes aforesaid 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 *Thomas Gee* of *Little Houghton*, in the Parish of *Darfield*, in the County of *York*, Gentleman, *Francis Raynes* of *Stonehill*, in the Parish of *Everton*, in the County of *Nottingham*, Gentleman, and *William Shipton* of *Green Hammerton*, in the said County of *York*, 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, inclosing and draining the Open Common Fields, Ings, Meadows, Pastures, Commons, Commonable Lands and Waste Grounds, within the several Townships or Manors of *Campfall* and *Askern* aforesaid, and for carrying this Act and the said recited Act into Execution, so far as relates to the said Manors or Townships of *Campfall* and *Askern* respectively, save and except such Parts of the said recited Act as are hereby altered or varied, and under and subject to such of the Regulations and Restrictions contained in the said recited Act as are not repugnant to the Provisions of this Act; and that the said *Francis Raynes* and *William Shipton*, together and along with *William Pilkington* of *Hensfall*, in the Parish of *Snaith*, in the County of *York*, and their Successors, (to be elected as herein-after mentioned,) shall be and they are hereby appointed Commissioners for setting out, dividing, allotting, and inclosing the Open Common Fields, Ings, Meadows, Pastures, Commons, Commonable Lands, and Waste Grounds within the said Manor or Township of *Norton*, and for carrying this Act and the said recited Act into Execution, so far as relates to the said Township of *Norton*, save and except such Parts of the said recited Act as are hereby altered

Thomas Gee,
Francis
Raynes, and
William
Shipton, ap-
pointed Com-
missioners
for Campfall
and Askern;

Francis
Raynes, Wil-
liam Shipton,
and William
Pilkington,
appointed
Commission-
ers for
Norton.

altered or varied, and under and subject to such of the Regulations and Restrictions contained in the said recited Act as are not repugnant to the Provisions of this Act; and that all Acts and Proceedings, Matters, and Things, authorized or directed by this Act or the said recited Act to be done or executed by the said Commissioners, may, so far as concerns the said Manors or Townships of *Campfall* and *Askern*, be done and executed by any Two of them the said *Thomas Gee*, *Francis Raynes*, and *William Shipton*; and the same being so done and executed shall be as effectual, and shall have and are hereby declared to have the same Force and Effect, as if such Acts and Proceedings, Matters, and Things, had been done and executed by all of them the said *Thomas Gee*, *Francis Raynes*, and *William Shipton*, or their respective Successors to be appointed in pursuance of this Act; and that all Acts and Proceedings, Matters and Things, authorized or directed by this Act or the said recited Act to be done or executed by the said Commissioners, may, so far as concerns the said Manor or Township of *Norton*, be done and executed by any Two of them the said *Francis Raynes*, *William Shipton*, and *William Pilkington*, and the same being so done and executed shall be as effectual, and shall have and are hereby declared to have the same Force and Effect, as if such Acts and Proceedings, Matters and Things had been done and executed by all of them the said *Francis Raynes*, *William Shipton*, and *William Pilkington*, or their respective Successors to be appointed in pursuance of this Act.

Appoint-
ment of new
Commission-
ers upon
Vacancies.

II. And be it further enacted, That in case the said *Thomas Gee* shall happen to die, or be rendered incapable, or refuse or neglect to act as a Commissioner under this Act or the said recited Act, before the Powers hereby vested in him and the said *Francis Raynes* and *William Shipton* shall be executed and completed, then and in such Case the Lord of the Manor of *Campfall* for the Time being, shall have the Nomination and Appointment of, and shall nominate and appoint some other Person duly qualified (and not interested in the Premises) to be a Commissioner in his Room and Stead; and the Person so to be appointed by the Lord of the said Manor (after having taken the Oath in and by the said recited Act appointed to be taken by the Commissioners acting under the said recited Act and this Act, and not before) shall be invested with and have the same Powers and Authorities in all Respects, as the said *Thomas Gee* had in the Premises; and in case the said *Francis Raynes* shall happen to die, or be rendered incapable, or refuse or neglect to act as a Commissioner under this Act or the said recited Act, before the Powers vested in him and the said *Thomas Gee* and *William Shipton*, shall be executed and completed, then and in such Case the said Master and Fellows of *Catherine Hall* College in *Cambridge*, or their Successors for the Time being, shall have the Nomination and Appointment of and shall nominate and appoint some other Person properly qualified, and not interested in the Premises, to be a Commissioner in the Room and Stead of the said *Francis Raynes*; and the Person so to be appointed by the said Master and Fellows of *Catherine Hall* College (after having taken the Oath in and by the said recited Act appointed to be taken by the Commissioners acting under this Act, and not before) shall be invested with and have the same Powers and Authorities in all Respects as the said *Francis Raynes* had in the Premises; and in case the said *William Shipton* shall happen to die, or be rendered incapable, or refuse or neglect to act as a Commissioner under this Act or the said recited Act, before the Powers vested in him and the said *Thomas Gee* and
Francis

Francis Raynes shall be executed and completed, then and in such Case the Lay Impropiator or Owner of the Tithes in the Township of *Campfall* for the Time being shall have the Nomination and Appointment of and shall nominate and appoint some other Person properly qualified (and not interested in the Premises) to be a Commissioner in the Room and Stead of the said *William Shipton*; and the Person so to be appointed by the Lay Impropiator as aforesaid (after having taken the Oath appointed to be taken by the Commissioners as aforesaid) shall be invested with and have the same Powers and Authorities, in all Respects, as the said *William Shipton* had in the Premises; and in case the said *William Pilkington* shall happen to die, or be rendered incapable, or refuse or neglect to act as a Commissioner under this Act or the said recited Act, as for and concerning the Township of *Norton* aforesaid, before the Powers vested in him and the said *Francis Raynes* and *William Shipton* shall be executed and completed, then and in such Case the said Lord *Hawke*, as Owner of the Tithes in the Township of *Norton* as aforesaid, or the Owner of the said Tithes for the Time being, shall have the Nomination and Appointment of and shall nominate and appoint some other fit Person (not interested in the Premises) to be a Commissioner in the Room and Stead of the said *William Pilkington*; and the Person so to be elected by the said Lord *Hawke*, or the Owner of the said Tithes as aforesaid (after having taken the Oath appointed to be taken by the Commissioners as aforesaid) shall be invested with and have the same Powers and Authorities, in all Respects, as the said *William Pilkington* had in the Premises; and every such Nomination and Appointment shall be in Writing, and be signed, [or sealed, as the Case may be] by the Party making the same, and such Appointment shall (together with the Oath to be so taken and subscribed) be enrolled and deposited with the Award of the said Commissioners: Provided always, that every Commissioner who shall refuse or decline to act in the Execution of this or the said recited Act shall and he is hereby required forthwith to give Notice in Writing to the other Commissioners or Commissioner, of such his Refusal or Intention to decline acting as a Commissioner, to the Intent that the Person or Persons hereby authorized may proceed in the appointing a new Commissioner or Commissioners, according to the true Intent and Meaning of this Act.

III. And be it further enacted, That the said Commissioners shall give public Notice of the Time and Place of their First and Second Meeting, and of every subsequent Meeting, by affixing the same upon the outer Door of the Parish Church of *Campfall* aforesaid, and by Advertisement in *The Doncaster Gazette*, or in some other Newspaper printed and circulated in the said West Riding of the County of *York*, at least Fourteen Days before every such Meeting (Meetings by Adjournment only excepted); and in case Two of the Commissioners authorized to act in the Premises shall not meet, or attend pursuant to such Notice, any One of them may adjourn such Meeting to such Time and Place as he shall think proper: Provided always, that no Meeting of the said Commissioners shall be held at a greater Distance from the Parish Church of *Campfall* aforesaid than Eight Miles.

Notice of their Meetings.

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners in the Execution of this Act or the said recited Act, shall be so made

Other Notices how to be given.

[Loc. & Per.]

27 X

and

and given by affixing the same upon the principal outer Door of the Parish Church of *Campfall* aforesaid, and by Advertisement in the said Newspaper called *The Doncaster Gazette*, or (in case that Paper shall not be then published) in some other Newspaper printed and circulated within the West Riding of the County of *York*.

Commissioners empowered to determine Differences.

V. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the Lands or Grounds hereby directed to be divided and allotted, touching or concerning the respective Shares and Proportions which they or any of them shall have or claim to have therein, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, or Inclosure, it shall be lawful for the said Commissioners and their Successors, to be appointed as aforesaid, and they are hereby authorized and required, upon proper and sufficient Inquiry and Evidence, to examine into, hear, and determine the same.

Commissioners not to determine Titles, nor molest Possession.

VI. Provided always, and be it further enacted, That nothing herein contained shall extend to enable or authorize the said Commissioners to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any of such Parties (except in Cases of Encroachments,) 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 Person or Persons by Ejectment or other due Course of Law.

Power to award Costs.

VII. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said recited Act or of this Act, see cause to award Costs, it shall and may be lawful for the said Commissioners, and they are hereby 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 shall be made, by the Person or Persons, Body or Bodies Politic or Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politic or Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politic, or Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, Body or Bodies Politic, or Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

VIII. Provided

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

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

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

Deaths of
Parties not to
abate Actions,
etc.

IX. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and that if any Person or Persons in whose Favour any such Determination of the said Commissioners 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 or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same, within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk 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 on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such 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.

Suits at Law
not to impede
the Inclosure.

X. Provided always, nevertheless, and be it further enacted, That if before the said Division and Allotment shall be completed by virtue of this Act, any Differences or Disputes shall arise, and any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title of any Person or Persons in or to the Lands and Grounds hereby intended to be divided and inclosed, or any Part thereof, or the Tithes issuing thereout, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act, but the said Division and Inclosure shall be proceeded in notwithstanding

standing such Differences or Suits; and the said Commissioners hereby authorized as aforesaid, as touching and concerning the Premises respectively, shall, by Meer Stones or other proper Marks and Bounds, set out the Lands and Grounds which shall be allotted in lieu of such litigated Property, so that it may be distinguished from any other Lands and Grounds, and may be had and taken by the Person or Persons who upon the Determination of such Difference or Suit shall become entitled to the same.

XI. And be it further enacted, That *Joseph Colbeck* of *Balby*, in the Parish of *Doncaster*, and *Robert Moore* of *Doncaster*, in the said West Riding of the County of *York*, Land Surveyors, shall be and they are hereby appointed Surveyors of the Open and Common Fields, Ings, Meadows, Pastures, Commonable Lands and Waste Grounds, and also of such of the ancient inclosed Lands within the said Manors or Townships, as the said Commissioners shall think necessary to be surveyed for the Purposes of this Act; and in case both of them shall die before they shall have completed all the Business required of them, or in case they shall refuse or neglect to do the Business of a Surveyor pending the Execution of this Act, the said Commissioners shall have Power to appoint some other fit and competent Person or Persons, not interested in the said Lands and Grounds, to be the Surveyor or Surveyors for the Purposes of this Act: Provided always, that the said *Joseph Colbeck*, and *Robert Moore*, or such other Person so to be appointed Surveyor as aforesaid, before he shall proceed to act as such Surveyor, shall take and subscribe the Oath following; (that is to say),

‘ I do swear, That I will faithfully, impartially and honestly, do, execute and perform the several Duties incumbent on me as Surveyor, under and by virtue of an Act passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act for inclosing Lands in the Manors or Townships of Campfall, Norton, and Askern, in the County of York*, according to the best of my Skill and Judgment, and according to Equity and good Conscience, and without Partiality, Favour, or Affection, Prejudice or Malice, to any Person or Persons whomsoever. ‘ So help me GOD.’

Which Oath the said Commissioners, or any One of them, are and is hereby empowered and required to administer; and the said Oath so taken and subscribed by such Surveyors, shall be annexed to and enrolled with the Award of the said Commissioners, and a Copy of the Enrolment thereof shall be admitted as legal Evidence.

XII. And be it further enacted, That when such Division and Allotments of the said Commons and Waste Grounds, lying within the said Manors or Townships of *Campfall*, *Norton*, and *Askern* aforesaid, and the said Open Arable Fields, Meadows, and Pastures lying within the same Manors or Townships, shall be ascertained and established by the Award of the said Commissioners, all Right of Common or Average, of what Nature or Kind soever, to which the same respectively are now subject or deemed to be subject, shall absolutely cease and be extinguished.

XIII. And be it further enacted, That in the mean Time and until such Divisions, Partitions, and Allotments shall be staked out, made, fenced, and completed, it shall and may be lawful to and for the said Commissioners, at any Time or Times hereafter, whensoever and as often as they

[*Loc. & Per.*]

27 Z

in

Surveyors appointed.

Rights of Common to cease when the Allotments are completed.

Commissioners may suspend or extinguish Rights of

Common
before Allot-
ments made.

in their Discretion shall think convenient and necessary, by Notice or Notices in Writing for that Purpose under their Hands, to be affixed on the principal Door of the Parish Church of *Campfall* aforefaid, to suspend or totally extinguish all or any Part of the Right of Common in and over the faid Open Arable Fields, Meadows, Pastures, Commons, and Waste Grounds, or any of them, or any Part or Parts thereof, and for such Time and in such Manner as they shall think fit; and that such Right of Common shall be suspended or extinguished according to the Terms specified in such Notice or Notices accordingly; and that if after such Right of Common shall be suspended or extinguished by or in consequence of such Notice or Notices as aforefaid, and during such Suspension any Proprietor or Proprietors shall permit or suffer his, her, or their Cattle or Sheep, or the Cattle or Sheep of any other Person or Persons, to go, depasture, or feed on such Lands or Grounds, to be comprized in such Notice or Notices respectively, or any of them, it shall and may be lawful to and for any other Proprietor or Proprietors to seize and impound such Cattle or Sheep.

Encroach-
ments within
Twenty
Years to be
inclosed,
without re-
gard to Erec-
tions thereon.

XIV. And be it further enacted, That all Encroachments which shall have been made upon the faid Commons and Waste Grounds within Twenty Years last before the First Day of *January* One thousand eight hundred and thirteen, shall be deemed Part of the faid Commons and Waste Grounds to be inclosed and allotted by virtue of this Act, except as herein-after excepted; provided nevertheless, that all such Encroachments shall be allotted to the Person or Persons who shall at the Time of making the faid Allotments be in the Possession or Receipt of or entitled to the Rents and Profits of such Encroachments, as the Whole or Part of the Share or Proportion of the faid Commons and Waste Grounds to which such Person or Persons will be entitled by virtue of this Act, without considering the Value of any Erections thereon, or Improvements made thereto; and in case any such Encroachments shall in the Judgment of the Commissioners hereby authorized and empowered to act as touching and concerning the Premises, be of greater Value (exclusive of such Erections and Improvements) than the Share and Proportion of the faid Commons and Waste Grounds to which the Person or Persons in Possession or Receipt of the Rents and Profits thereof shall be entitled, then the Person or Persons to whom such Encroachments shall be allotted, shall pay to the faid Commissioners, at or within such Time as they shall appoint, such Sum of Money as the faid Commissioners shall adjudge to be the Value of such Encroachments, over and above the Value of the Allotment to which such Person or Persons shall be entitled, and exclusive of any such Erections and Improvements as aforefaid; provided also, that in all Cases when any Encroachments have been made on the faid Commons and Waste Lands, or any of them, and Cottages, Dwelling-houses, or other Buildings have been erected thereon, within such Twenty Years as aforefaid, and the Person or Persons who shall be in Possession of the Receipt of the Rents and Profits thereof, shall not be entitled to any Allotments of the faid Commons and Waste Grounds, it shall be lawful for the faid Commissioners and they are hereby authorized and required (in all Cases wherein it shall not appear to them to be attended with any Inconvenience or Disadvantage to the Owner or Owners of any old inclosed Lands, or to the Lands and Grounds hereby intended to be divided and inclosed) to award or allot such Encroachments, or such Part or Parts thereof

thereof as to them shall seem reasonable and proper, to the Person or Persons who at the Time of making such Allotments shall be in the Possession or Receipt of or entitled to the Rents and Profits of such Encroachments, they paying the Price or Value of the Lands, to be set upon them by the said Commissioners, without any regard had to the Value of any Erections thereon, or Improvements made thereto; and they shall, from and after the Execution of the said Award, be discharged from all Rents which may have been set upon them by the Lord of the Manor where the same are situate, and shall for ever after be held as Freehold in Fee Simple; and in Default of Payment of such Sum of Money within the Time to be appointed as aforesaid, the same shall be recovered in like Manner as any other Money is by this Act authorized to be recovered, and shall be applied towards defraying the Expences of passing this Act, and carrying the same into Execution; or the said Commissioners may sell and dispose of such last-mentioned Encroachments by public Sale or otherwise, for the most Money that can be reasonably had or obtained for the same, and the Money arising by such Sale shall be applied as aforesaid; and in case any Surplus shall remain of any such Money, after Payment of such Costs, Charges, and Expences, such Surplus shall be apportioned, divided, and paid amongst and unto the several Persons and Parties entitled thereto, in case they shall be seized in Fee Simple of their respective Estates in Right whereof they shall be so entitled, or otherwise such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act in Cases where Money, to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, is thereby directed to be paid into the Bank of *England*, and to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses; provided also, that every Person who shall purchase any such Encroachments upon which any House or other Building is erected, shall pay to the Commissioners Ten Years Purchase upon the Rent now payable to the Lord of the Manor for such Encroachments and Buildings thereon, and the same shall be by the said Commissioners applied to the Purposes of this Act, so far as relates to the said Commons and Waste Grounds; but that nothing herein contained shall extend to any Cottages or Tenements demised by or held under the Lord or Lords of the Manor wherein they stand, and which have been recovered, with the Appurtenances, by him or them, in Actions of Trespass and Ejectment which shall have been brought for the Recovery thereof; provided also, that where the said Commissioners shall think it expedient or proper to direct that any such Encroachments as last mentioned, with the Buildings (if any) erected thereon, should be allotted to any other Person or Persons than such as shall be then in Possession, or entitled to receive the Rents and Profits thereof, the said Commissioners shall and are hereby authorized and empowered to award and allot the same to such Person or Persons as they shall think proper; and the said Commissioners shall pay to the Person or Persons then in Possession, or entitled to receive the Rents and Profits thereof, such Sum or Sums of Money, out of the Money which shall come to their Hands by virtue of this Act, as to them shall seem reasonable on account thereof, and they shall have Power to charge the Whole, or such Part of such Money as they shall think fit, upon the Person or Persons to whom such Encroachments shall be allotted or awarded, to be paid at such Time and in such Manner as they shall direct or appoint; and such Sum of Money, in case of Non-payment, shall be recoverable by the said Commissioners

missioners in like Manner as they are entitled and authorized to recover any other Money made payable to them by this Act.

Power to
widen Roads,
&c.

XV. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to widen the public Roads, not exceeding the statutable Width or Breadth, where they shall think requisite and necessary, within the said several Townships, and for that Purpose to take a sufficient Quantity of the ancient inclosed Lands or Grounds adjoining to such Roads, the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to any House; and the said Commissioners shall and may and they are hereby authorized and empowered to make a full Compensation for the Value of the Land or Ground so to be taken for the widening of such public Roads, allotting and awarding unto the Person or Persons from whom any such ancient inclosed Land or Ground shall be so taken, an adequate Part or Parts of the said Commons and Waste Grounds within the same Manors wherein such widened Road shall be situate; and the said Commissioners shall and may and are hereby authorized and empowered to divert and alter the Course of any such public Roads, where they shall deem it proper so to do, provided that no such Diversion or Alteration be made through or over any ancient inclosed Lands or Grounds without the Consent in Writing of the Owner or Owners thereof; and that the said Commissioners shall and may and they are hereby authorized and empowered to make good and substantial Fences on each Side of all such Roads, for and in lieu of the Fences which shall be injured or destroyed by Means of such widening, or which shall become necessary to be made by reason of any such Diversion or Alteration to be by them made as aforesaid; and that the Charges and Expences attending the widening of such Roads, and the making such Fences as aforesaid, shall be raised and paid in such and the like Manner as the Expences of and attending this Act are hereby directed to be raised within the said Manor or Township wherein any such Road shall be so widened.

Drains and
Ditches.

XVI. And be it further enacted, That the said Commissioners and their Successors shall and they are hereby required to make, set out and appoint, widen, deepen, change, or alter, such Ditches, Bridges, Causeways, Banks, Sluices, Floodgates, Drains, Watercourses, Streams of Water, Cloughs, Shuttles, Engines, Gates, Stiles and other Requisites, in, through, over or upon any of the Lands or Grounds within the said Townships of *Campfall*, *Norton*, and *Ashern*, and as well those already inclosed, as those intended to be divided and inclosed as aforesaid, and to make the same of such Breadth, Width, Depth, and Height, as they the said Commissioners shall judge to be requisite or necessary, as well for the Convenience of the Owners thereof respectively, as for the Improvement of the Land so intended to be divided and inclosed as aforesaid, or any of the ancient inclosed Land lying contiguous thereto; and to value, ascertain and award a reasonable Satisfaction to each Tenant and Owner for the Damage which shall be done thereby, to be paid at such Time and in such Manner as they the said Commissioners shall direct; and also to purchase of and from any Person or Persons whomsoever, and for such Price and Prices as they the said Commissioners shall think reasonable, any Cloughs, Mills, Engines, Goits, Sluices or other Works which they shall think fit or necessary for the accomplishing the Drainage of the said Lands and Grounds, and other the Purposes of this Act; and also to make, set out and appoint all such Roads,
and

and Conveniences for holding of Water in dry Seasons, for the Use of Cattle, at such Place and Places, and in such Manner as they the said Commissioners shall think proper and convenient; and also to set forth, order, direct and appoint all and every such further and other needful Acts, Matters and Things for the better and more speedy and effectual dividing, allotting, inclosing, draining, embanking and improving of the said Lands and Grounds intended by virtue of this Act to be divided and inclosed, or any of them, and for the more effectual Execution of this Act, as the said Commissioners shall think necessary or convenient; and all such public Causeways, Bridges, Drains and Banks shall be made at the Expence, as well of the Proprietors of ancient Inclosures, as of the Proprietors of the Lands and Grounds by this Act intended to be inclosed, in such Proportions as the said Commissioners shall in and by their Award, or by any Writing under their Hands, order and direct; and shall at all Times for ever, after the setting out and completing thereof, be repaired and kept in Repair in such Manner as the said Commissioners shall in and by their Award order and direct; and in the mean Time and until the making and executing of such Award, the said Commissioners, or any Two of them authorized to act together as aforesaid, shall and may by any Writing or Writings under their Hands, order and direct by whom, and in what Manner, and at whose Expence, the said Ditches, Bridges, Causeways, Banks, Sluices, Flood-gates, Drains, Watercourses, Streams of Water, Cloughs, Shuttles, Engines, Gates, Stiles and other Works and Requisites, so to be made, set out and appointed, shall be widened, deepened, changed or altered; and in case any Person or Persons, who by any such Writing or Writings under the Hands of the said Commissioners, or any Two of them authorized to act together as aforesaid, shall refuse or neglect to pay his, her, or their Share or Proportion thereof, at the Times and in the Manner to be appointed by the said Commissioners, or their Successors, then the same shall be levied and recovered in the Manner prescribed or directed by the said recited Act: Provided always, that no Watercourse or Stream of Water shall be diverted or turned by virtue of this Act, without the previous Consent in Writing of the Owner or Owners of the Land or Premises from which such Watercourse or Stream of Water shall be intended to be diverted, and into which the same shall be turned; provided also, that no Drain, Ditch or Cut shall be made in pursuance or by virtue of the Powers and Authorities in this Act contained, which shall be the Means or cause of the Waters of the Pool called *Askern Pool*, herein-after mentioned, being reduced below their usual Level, or otherwise occasion any Detriment or Prejudice to the said Pool.

XVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to set out and appoint, in such Situation or Situations as they shall judge most convenient and think fit, One or more Piece or Parcels of Ground, not exceeding in the whole Four Acres, within and for the Use of each of the said Manors or Townships respectively, as and for public Stone Quarries or a public Stone Quarry, for the Purpose of digging and getting Stone, Slate, Gravel, and other Materials for the making or forming and repairing the Highways and Roads, public and private, to be set out and appointed and continued upon, through or over the said Open, Common Fields, Commons, Commonable Lands and Waste Grounds hereby directed, to be divided inclosed and

Allotments
for Stone
Quarries.

[Loc. & Per.]

28 A

allotted,

allotted, and for the Purpose of repairing all other public and private Highways or Roads within the said Manors or Townships of *Campfall*, *Norton* and *Askern* aforesaid; and that the Grass and Herbage, and Right of improving the Soil and Surface of the Lands and Grounds to be set out for public Stone Quarries aforesaid, shall from and after the Execution of the Award of the said Commissioners, be vested in the Surveyors or Surveyor of the Highways for the Time being within the Township wherein such Quarry or Quarries shall be situate, in Trust, to let the same for the most Money that can be made thereof, and to employ the Rents and Profits arising from the same, towards the Repairs of the public Highways or Roads within the said Township wherein the same respectively shall be situate; and the said Surveyor or Surveyors of the Highways shall account for such Rents and Profits in the same Manner as he or they are accountable for any other Money that shall come to his or their Hands as Surveyor or Surveyors of the Highways, and shall be under and subject to the like Penalties for neglect thereof.

Allotment to Mr. Frank as Lord of the Manor of *Campfall*, &c.

XVIII. And be it further enacted, That the said Commissioners for the Townships or Manors of *Campfall* and *Askern* shall in the next place assign, set out, allot and award, unto and for the said *Edward Frank* as Lord of the Manor of *Campfall*, or the Person or Persons who for the Time being shall be entitled thereto, such Part and Parcel of the Remainder of the said Commons and Waste Grounds in the Manor or Township of *Campfall* aforesaid, as (Quantity, Quality and Situation considered) shall in their Judgment be equal to One full Eighteenth Part thereof, in lieu of and as a sufficient Recompence for his Right to the Soil of the said Commons and Waste Grounds within the Manor or Township of *Campfall* aforesaid; and also such further Allotment from the said Commons and Waste Grounds, as shall in their Judgment be equal in Value to and a fair Compensation for and in lieu of his Coney Warrens upon a certain Common called *Barnsdale*, Part of the Commons and Waste Grounds within the Manor and Township of *Campfall* aforesaid, or upon some Part thereof, if any such Coney Warren shall be found and ascertained to the Satisfaction of the said Commissioners to have heretofore existed and now to exist upon the same last-mentioned Common, or any Part thereof, but not otherwise, and which said Coney Warren, if so found and ascertained to exist, shall be totally destroyed and discontinued on or before the First Day of *March* One thousand eight hundred and sixteen, or such other Time as the said Commissioners shall direct.

Parcel of Land in Cow Moor shall be allotted to Mr. Frank.

XIX. Provided nevertheless, and it is hereby enacted, That a certain Parcel of Land now in the Possession of the said *Edward Frank*, containing Three Acres, Three Roods, and Twenty-seven Perches, and lately or heretofore inclosed from the Waste Land called *Campfall Cow Moor*, shall be awarded to the said *Edward Frank* as Part of his Allotments.

Allotment for Tithes to Mr. Yarborough, &c.

XX. And be it further enacted, That the said last-mentioned Commissioners shall set out, allot and award, unto the said *George Cook Yarborough*, or unto the Person or Persons for the Time being entitled to the Tythes in the Township of *Campfall* aforesaid, such Part, Share, and Proportion of the Open and Common Fields hereby directed to be divided and inclosed within the Township of *Campfall* aforesaid, as shall be equal to One-fifth Part of the Value of the Residue and Remainder of the several and respective

ive Open and Common Fields within the said Township of *Campfall*, for and in lieu of and as a Compensation for all Tithes arising or which shall or may hereafter arise and grow due and payable from, for, or in respect of the said several Open and Common Fields of and within the Township of *Campfall* aforesaid; and also such Part, Share and Proportion of the said several and respective Commons and Waste Grounds hereby directed to be divided and inclosed within the said Township of *Campfall*, as shall be equal to One-ninth Part of the Value of the then Residue and Remainder of the said several Commons and Parcels of Waste Ground, for and in lieu of and as a full Compensation for all Tithes arising or which shall or may hereafter yearly arise and grow due and payable from, for, or in respect of the said several Commons and Parcels of Waste Ground in the said Township of *Campfall*; and also set out, allot, and award, unto the said *George Cook Yarrowburgh*, or unto the Person or Persons for the Time being entitled to the Tithes in the Township of *Campfall* as aforesaid, such Part, Share and Proportion of the said several and respective Commons and Waste Grounds hereby directed to be divided and inclosed within the said Township of *Campfall*, as shall be equal in Value to One-seventh Part of all the ancient inclosed Lands and Grounds within the said Township of *Campfall*, in lieu of and as a full Compensation for all Tithes arising or which shall or may hereafter arise and grow due and payable from, for, or in respect of the ancient Inclosures within the said Township of *Campfall*.

XXI. And be it further enacted, That the said last-mentioned Commissioners shall in the next place assign, set out, allot and award unto and for the said Viscount *Galway* and *Humphrey Osbaldeston*, or unto the Person or Persons for the Time being seised of the said Manor of *Askern*, such Part and Parcel of the Remainder of the Commons and Waste Grounds within the Manor or Township of *Askern* aforesaid, (Quantity, Quality, and Situation considered) as shall in their Judgment be equal in Value to one full Eighteenth Part thereof, in lieu of and as a sufficient Recompence for their Right to the Soil of the said Commons and Waste Grounds within the Manor or Township of *Askern* aforesaid.

Allotment to Lord Viscount Galway and Mr. Osbaldeston as Lords of the Manor of Askern, &c.

XXII. And be it further enacted, That the said last-mentioned Commissioners shall and they are hereby authorized and required to allot a certain Spring or Springs of Mineral or Medicinal Water, and also a certain Pool of Water called *Askern Pool*, where a Public Bath hath been made, and respectively situate in or upon the Common called *Askern Common*, within the Township or Manor of *Askern* aforesaid, unto the said Viscount *Galway* and *Humphrey Osbaldeston*, or unto the Persons or Person for the Time being Lords or Lord of the said Manor of *Askern*, for ever, as and for their own absolute Property, without any Deduction being made from their Manorial Rights in respect thereof, or any other Claim or Demand whatsoever thereon.

The Mineral Spring and Pool of Water to be awarded to the Lords of the Manor of Askern.

XXIII. And be it further enacted, That the said last mentioned Commissioners shall and they are hereby required to set out, allot, and award to the said Viscount *Galway* and *Humphrey Osbaldeston*, as and in Part of their Manorial Rights, and other Rights and Interest, an Allotment or Parcel of Land situate at *Askern* aforesaid, adjoining the Property of *James Harrison* on the North, and Premises of *John Beaver* on the South, the said Pool called *Askern Pool* on the East, and the Street of *Askern* aforesaid

Allotment to the Lords of the Manor of Askern for ancient House and Land to be set out on the East of the Pool, &c.

said on the West thereof; and that the Remainder of the Allotments to them in respect of their said Manorial or other Rights and Interest shall be set out on the East Side of the said Pool, and extend from the said Spring or Bath in a Southward Direction along the Side of an Occupation Road adjoining the said Pool, to the Drain or Outlet at the South End thereof, and as far Eastward as the Right will allow.

Allotment to
Mr. Frank
for Tithes of
Askern, &c.

XXIV. And be it further enacted, That the said last mentioned Commissioners shall set out, allot, and award unto the said *Edward Frank*, or the Impropiator or Owner of the Tithes in the Township of *Askern* for the Time being, such Part, Share, and Proportion of the Open and Common Fields hereby directed to be divided and inclosed within the said Township of *Askern*, as shall be equal to One-fifth Part of the Value of the then Residue and Remainder of such several and respective Open and Common Fields within the said Township of *Askern*, for and in lieu of and as a Compensation for all Tithes arising or which shall or may hereafter arise and grow due and payable from, for, or in respect of the said Open and Common Fields of *Askern* aforesaid; and also such Part, Share, and Proportion of the said several and respective Commons and Waste Grounds hereby directed to be divided and inclosed within the said Township of *Askern*, as shall be equal in Value to One-ninth Part of the Value of the then Residue and Remainder of the said several Commons and Parcels of Waste Grounds, for and in lieu of and as a full Compensation for all Tithes arising or which shall or may hereafter yearly arise and grow due and payable from, for, or in respect of the said several Commons and Parcels of Waste Ground in the said Township of *Askern*; and also set out, allot, and award unto the said *Edward Frank*, or the Impropiator or Owner of the Tithes in the Township of *Askern* aforesaid for the Time being, such Part, Share, and Proportion of the said several and respective Commons and Waste Grounds hereby directed to be divided and inclosed within the said Township of *Askern*, as shall be equal to One-seventh Part of the Value of all the ancient Inclosures within the said Township of *Askern*, in lieu of and as a full Compensation for all Tithes arising or which shall or may hereafter arise and grow due and payable from, for, or in respect of the ancient Inclosures within the said Township of *Askern*.

Allotment of
Barnsdale
Common.

XXV. And be it further enacted, That the said Commissioners for the Township or Manor of *Norton* shall and they are hereby required to set out, allot, and award to the several and respective Owners and Proprietors of Messuages, Cottages, Tofts, Toftsteads, Lands, and Tenements within the said Manor or Township of *Norton*, (having in respect thereof Right of Common on the Common called *Barnsdale*) in Proportion to the Number and Quantities thereof, (without regarding the Value of the respective Messuages, Cottages, and Tofts, in respect whereof they claim as aforesaid) a Share and Proportion of the said Common called *Barnsdale*, equally and along with the Owners and Proprietors of Messuages, Cottages, Tofts, Toftsteads, Lands, and Tenements within the said Manor or Township of *Campfall*, having in respect thereof Right of Common of Pasture on the said Common called *Barnsdale*.

Allotment of
Residue of
Wastes in
Campfall and

XXVI. And be it further enacted, That the said Commissioners for the Townships or Manors of *Campfall* and *Askern* shall and they are hereby required to set out, allot, and award One Moiety or equal Half Part in Value

Value of the Residue and Remainder of all and every the said several and respective Commons and Waste Grounds hereby directed to be divided and inclosed within the said Manors or Townships of *Campfall* and *Askern* aforesaid respectively, unto and amongst the several and respective Owners and Proprietors of Messuages, Cottages, and Tofts within the same respective Manors or Townships, and also within the Manor or Township of *Norton*, so far as the same relates to the said Common called *Barnsdale*, having in respect thereof Right of Common on the said several and respective Commons and Waste Grounds, in Proportion to the Number and without regarding the Value of such Messuages, Cottages, or Tofts, (considering the said *Edward Frank*, *George Cook Yarborough*, *Viscount Galway*, and *Humphrey Osbaldeston*, as Four of such Owners and Proprietors); and the other Moiety or equal Half Part in Value of such Residue and Remainder of the said several and respective Commons and Waste Grounds, unto and amongst the several and respective Owners and Proprietors of any Lands or Grounds whatsoever, having in respect thereof Right of Common on the said respective Commons and Waste Grounds, situate, lying, and being within the said respective Manors or Townships of *Campfall* and *Askern* aforesaid, in Proportion and according to the Value of such their respective Lands and Grounds, in full Bar and Satisfaction of their several and respective Rights and Interests upon the said several and respective Commons and Waste Grounds within the said Manors or Townships of *Campfall* and *Askern* aforesaid respectively; and that in ascertaining the Value of the several and respective Parcels of Wood Land or Ground within the said Manors or Townships, the said Commissioners shall and they are hereby required to estimate the same according to the Nature and Quality of the Soil thereof, as if no Wood was growing thereon.

Askern, Half to Houses and Half to the Land.

XXVII. And be it further enacted, That the said last mentioned Commissioners shall and they are hereby required to set out, allot, and award the Residue of the said Open Fields, Ings, Meadows, and Pastures within the said respective Manors or Townships of *Campfall* and *Askern* aforesaid, unto and amongst the several and respective Owners and Proprietors thereof, according to their several and respective Lands, Grounds, Rights, Properties, and Interests therein respectively, in such Manner, Shares, and Proportions as the said Commissioners shall in their Judgment think most just and equitable, in full Recompence and Satisfaction for their several and respective Rights, Properties, and Interests which they now severally and respectively have and enjoy in and upon the said Open Fields, Ings, Meadows, and Pastures hereby directed to be divided and inclosed, situate in the said several Manors or Townships of *Campfall* and *Askern* aforesaid respectively.

Allotment of Open Fields, Ings, and Pastures in *Campfall* and *Askern*.

XXVIII. And be it further enacted, That the said Commissioners for the Manor or Township of *Norton* shall set out, allot, and award unto and for the said Master and Fellows of *Catharine Hall* College, as Lords of the Manor of *Norton* aforesaid, such Part and Parcel of the Remainder of the Waste Grounds and Commons within the Manor or Township of *Norton* aforesaid, as (Quantity, Quality, and Situation considered) shall in their Judgment be equal to One full Eighteenth Part in Value thereof, in lieu of and as a full and sufficient Recompence for their Right to the Soil of the said Commons and Waste Grounds in the Manor or Township of *Norton* aforesaid.

Allotment to the Master and Fellows of *Catharine Hall* College, as Lords of the Manor of *Norton*.

[*Loc. & Per.*]

28 B

XXIX. And

Allotment to
Lord Hawke
for Tithes of
Norton, &c.

XXIX. And be it further enacted, That the said last mentioned Commissioners shall and they are hereby required to set out, allot, and award, unto the said *Edward Harvey Lord Hawke*, or the Person or Persons for the Time being entitled to the Tithes in the Township of *Norton* aforesaid, for and in lieu of all Tithes both Great and Small, Compositions and other Payments in lieu of Tithes, arising, issuing and payable to the said *Edward Harvey Lord Hawke*, or such other Person or Persons as last aforesaid, out of all the Lands and Tenements, as well open as inclosed, in the Manor or Township of *Norton* aforesaid, (except the Tithes of the Commons and Wastes for which Compensation is herein-after otherwise provided) such Parcel or Parcels of Land in the said Manor or Township of *Norton*, hereby intended to be divided and inclosed, as in the Judgment of the said Commissioners shall be equal to One-fifth Part of the Value of the then Residue and Remainder of such several and respective Open Common Fields within the said Manor or Township of *Norton*, and One-seventh Part of all other Lands and Tenements in the said Manor or Township, as well open as inclosed, which are respectively liable to the Payment of Tithes to the said *Edward Harvey Lord Hawke*, (except the said Commons and Wastes for and in lieu of, and as a Compensation for all Tithes arising or which shall or may hereafter arise and grow due and payable from, for, or in respect of the said Lands and Tenements, as well open as inclosed, within the said Manor or Township of *Norton* (except as aforesaid), and shall also set out and allot unto the said *Edward Harvey Lord Hawke*, his Heirs and Assigns, or the Person or Persons for the Time being entitled as aforesaid, for and in lieu of all Tithes both Great and Small, Composition and other Payments in lieu of Tithes, arising, issuing, and payable to him out of all the Commons and Wastes in the Manor or Township of *Norton* aforesaid, hereby authorized to be divided and allotted, such Parcels of the said last mentioned Lands and Grounds as shall in the Judgment of the said Commissioners be equal in Value to One-ninth Part of the Residue of the said several Commons and Waste Grounds, after setting out the Roads and Quarries hereby directed to be set out, for and in lieu of and as a full Compensation for all Tithes arising or which shall or may arise yearly or grow due and payable to him, from, for, or in respect of the several Commons and Parcels of Waste Ground in the Manor or Township of *Norton*; and shall also set out, allot, and award, unto the said *Charles Cator* Clerk, or unto the Rector of *Kirkmeaton* aforesaid, for the Time being, for and in lieu of all Tithes both Great and Small, Compositions and other Payments in lieu of Tithes, arising, issuing, or payable to the said Rector, within the Manor or Township of *Norton* aforesaid, hereby authorized to be divided and allotted, as in the Judgment of the said Commissioners shall be equal in Value to One-fifth Part of all the Lands within the same Manor or Township, which are subject and liable to the Payment of Tithes to the said Rector of *Kirkmeaton*.

Allotment to
Lord Hawke
for Tithes to
be wholly
taken from
Allotment of
such Persons
whose Estates
are subject
thereto.

XXX. And be it further enacted, That the said full Ninth Part of the Commons and Wastes in the Manor or Township of *Norton*, so to be set out and allotted to the said *Edward Harvey Lord Hawke*, in lieu of all his Tithes arising, issuing, and payable out of all the said Commons and Wastes in *Norton* aforesaid, shall be wholly taken and subtracted from the Allotments in respect of the Lands of all and every such Persons whose Estates are liable and subject to the Payment of Tithes, and not from the Shares or Allotments of *William Loxley*, *John Egremont*, *Edward Franks*, *Sarah Day*, and *George Harrison*, or any of them, or any of their Heirs or Assigns,

Assigns, in respect of their Tithe-free Lands; and the said Commissioners shall set out to the said *William Loxley, John Egremont, Edward Frank, Sarah Day, and George Harrison*, the same Shares and Proportions of the said Commons and Waste Lands as they would respectively be entitled to in case no Parts of the said Commons and Waste Grounds were given or allotted in lieu of Tithes.

XXXI. And be it further enacted, That the said last mentioned Commissioners shall and they are hereby required to set out, allot, and award, to the several and respective Owners and Proprietors of Messuages, Cottages, Toftsteads, Lands and Tenements, within the Manors or Townships of *Campfall* and *Fenwick* aforesaid, having in respect thereof Right of Common in the said Common called *Norton Great Common*, in Proportion to the Number and Quantity thereof (and without regarding the Value of the respective Messuages, Cottages, and Tofts, in respect whereof they claim as aforesaid), a Share and Proportion of such Residue and Remainder of the said Common called *Norton Great Common*, in the Manor or Township of *Norton* aforesaid, equally and along with the Owners and Proprietors of Common Right Messuages, Cottages, Tofts, Toftsteads, Lands and Tenements within the said Manor or Township of *Norton*.

Allotments to Common Right Tenements in Campfall and Fenwick, on Norton Great Common.

XXXII. And be it further enacted, That the said last mentioned Commissioners shall set out, allot, and award One Moiety or equal Half Part in Value of the Residue and Remainder of all and every the several and respective Commons or Parcels of Waste Grounds within the same Manor or Township of *Norton*, unto and amongst the several and respective Owners and Proprietors of Messuages, Cottages and Tofts within the same Manor or Township, having in respect thereof Right of Common on the said Commons and Waste Grounds respectively, in Proportion to the Number and without regarding the Value of such their respective Messuages, Cottages, or Tofts; and the other Moiety or equal Half Part in Value of such Residue and Remainder of the said several and respective Commons or Parcels of Waste Ground, unto and among the several and respective Owners and Proprietors of any Lands or Grounds whatsoever, having in respect thereof Right of Common on the said Commons and Waste Grounds, situate, lying and being within the said Manor or Township of *Norton*, in Proportion and according to the Value of such their respective Lands and Grounds, in full Bar and Satisfaction of and for their several and respective Rights and Interests upon the said several and respective Commons or Parcels of Waste Ground within the said Manor or Township of *Norton*; and that in ascertaining the Value of the several and respective Parcels of Wood Land or Ground within the said Manor or Township, the said Commissioners shall and they are hereby required to estimate the same according to the Nature and Quality of the Soil thereof, as if no Wood was growing thereon.

Allotment of Residue of Wastes in Norton equally between Houses and Lands.

XXXIII. And be it further enacted, That the said last-mentioned Commissioners shall and they are hereby required to divide, set out, allot, and award, the Residue of the said Open Fields, Ings, Meadows and Pastures within the said Manor or Township of *Norton*, unto and amongst the several and respective Owners and Proprietors thereof, according to their several and respective Lands, Grounds, Rights and Interests therein, in such Manner, Shares, and Proportions as the said Commissioners shall in their Judgment think most just and equitable, in full Recompence and Satisfaction

Allotment of Fields, Ings, and Pastures, in Norton.

Satisfaction for their several and respective Rights and Interests which they now severally and respectively have and enjoy in and upon the said Open Fields, Ings, Meadows and Pastures hereby directed to be divided and inclosed, situate in the said Manor or Township of *Norton*.

Rails may be set across the adjoining Ditches.

XXXIV. And be it further enacted, That such of the said Proprietors, the Fence and Ditch or Fences and Ditches of whose Allotment shall abut against the Side of the Ditch of any other Allotment or of any Lands already inclosed, shall be at Liberty and are hereby empowered, from the Time of staking out the several Allotments hereby directed to be made, to set up and place, and from Time to Time maintain, and at all Times thereafter continue, Rails across the Ditches of such other Allotment or of such Lands already inclosed, and Posts upon the Banks of such other Allotments, or of such Lands already inclosed, adjoining or contiguous thereto.

How and by whom the Tithe Allotments shall be fenced.

XXXV. And be it further enacted, That the Allotment or Allotments herein-before directed to be made to the said *George Cook Yarborough*, *Edward Frank*, and the said other Tithe Owners respectively, in lieu of Tithes and Glebes, shall for the First Time be inclosed with an outward Fence and Ditch, and be planted with good Quicksets and defended with good Posts and double Rails on one Side only, and with proper Gates and Bridges where necessary; and where such Ring Fence shall adjoin any Road, the same shall be guarded by Posts and Rails on the Outside thereof as well as within, by and under the Directions of the said Commissioners for the Townships or Manors of *Campfall* and *Askern*; and after the first making the said Fences, Gates, and Bridges, the same shall for ever after be maintained and kept in Repair by the said *George Cook Yarborough*, *Edward Frank*, and the said other Tithe Owners respectively, in such Manner as the said last mentioned Commissioners shall direct, award, and appoint.

The other Allotments how to be fenced.

XXXVI. And be it further enacted, That all other Allotments to be made by virtue of this Act, shall be inclosed, hedged, ditched, or otherwise fenced, and such Fences for ever thereafter repaired by and at the Expence of the respective Persons to whom the same shall be allotted, within such Times, and in such Proportions and Manner, as the said Commissioners for executing this Act and the said recited Act shall direct: Provided always, that such convenient Openings shall be left in the Fences to be made as aforesaid, as the said Commissioners, or any Two of them, shall by any Writing or Writings under their Hands, or by their said Award direct, for the Space of Twelve Calendar Months next after the several Allotments shall be made as aforesaid, for the passing of Cattle, Carts, and Carriages through the same, unless the Parties interested shall agree that the same shall be sooner made up; and that such of the said Proprietors as shall have any Allotment or Allotments lying next or adjoining to any Land already inclosed, or any sufficient Drain or Watercourse, shall not be obliged to make or erect any Hedge, Ditch, or Fence against such inclosed Lands, Drains, or Watercourses; but that the ancient Fence, Drain, or Watercourse, by which such Allotment shall be bounded and divided from any other Ground, shall for ever be and remain a Boundary Fence for the Purpose of such Division, and shall be from Time to Time maintained, cleansed, and scoured at the Costs and Charges of the Proprietors of such Lands already inclosed, or in such other Manner as shall be directed by the said Commissioners of such respective Townships and Manors, or any Two of them.

XXXVII. And

XXXVII. And be it further enacted, That in making of the said Allotments, due regard shall be had by the said Commissioners for executing this Act and the said recited Act to the Convenience of the Parties interested therein respectively, not only with respect to the Situation of their Estates or Property contiguous or near adjoining to the said Open Arable Fields, Meadows, Pastures, Commons, and Waste Grounds, but also with respect to the laying of the several Allotments to be made to any one of such Persons, together or in One Plot, at the Desire of such Person or Persons, or otherwise, as the Case shall or may require, provided the same can be done, in the Judgment of the said Commissioners, without Prejudice to any other Person or Proprietor, and so as that all such Persons being desirous of having such Allotments laid together as aforesaid, shall communicate such his, her, or their Desire to the said Commissioners, or any Two of them, in Writing under his, her, or their Hand or Hands, within the Space of Three Calendar Months next after the First Meeting of the said Commissioners for the receiving of the Claims by the said recited Act or this Act directed to be received by them; and that a certain Parcel of Land belonging to the Master and Fellows of *Catharine Hall* College in *Cambridge* aforesaid, containing about Eighteen Acres, lying in a certain Open Field called the *South Field*, within the said Manor or Township of *Norton* aforesaid, and lately inclosed from the same Field, and now in the Occupation of *John Dickon* their Tenant, shall be deemed and taken as Part of their Allotment or Allotments from the Open and Common Fields within the said Manor or Township of *Norton*, and shall be awarded by the said Commissioners, (*Francis Raynes, William Shipton, and William Pilkington*, or their Successors to be appointed as aforesaid), unto or for them the said Master and Fellows and their Successors accordingly.

Commissioners to have regard to Quality, Situation, &c.

XXXVIII. And be it further enacted, That when and so soon as the said Commissioners shall have made their respective final Orders and Determinations of and concerning the said Allotments, they the said Commissioners shall cause the same to be staked out, and forthwith give public Notice thereof in the Parish Church of *Campfull* aforesaid, on some *Sunday* immediately after Divine Service, and also by Writing to be affixed on the Front Door of the said Church, and also by Advertisement in the *Doncaster Gazette*, or some other Country Newspaper; and all and every Persons and Person, Bodies Corporate, Politic, or Collegiate, to whom any Allotment or Allotments shall be made by virtue of this Act, his, her, or their Heirs, Successors, or Assigns, shall and they are hereby required, within the Space of One Calendar Month next after the giving or publishing such Notices as aforesaid, to accept the same, and shall and may hold and enjoy the said respective Allotments in Severalty, freed and discharged of and from all Claim or Right of Common or Average whatsoever; and that all such Proprietors shall also within the said Time accept such Inclosure or Inclosures as shall be so allotted and awarded to them respectively, in exchange for any other Lands or Grounds as aforesaid, and shall and may hold and enjoy such Inclosure or Inclosures as aforesaid against all other Persons whomsoever; and if any Person or Persons shall refuse or neglect to accept his, her, or their Share or Allotment within the Time aforesaid, every such Person or Persons, his, her, or their Heirs, Successors, or Assigns, shall be and is and are hereby totally excluded from receiving any Benefit or Advantage by this Act, (save only upon the

Owners to accept Allotments within a certain Time.

[*Loc. & Per.*]

28 C

Terms

Terms and Conditions herein-after mentioned) and shall be and is and are hereby divested of all Estate or Interest, Right of Possession, Right of Common, or Average whatsoever, of, in, and upon any of the Lands or Grounds which shall be allotted or awarded to any other Person or Persons by virtue of this Act; provided nevertheless, that the Executors in Trust, Guardians, Husbands, Trustees, Committees, or Attornies of such Person or Persons, being Minors, under Coverture, or beyond the Seas, or otherwise incapable by Law to accept their said Allotments, shall be and they are hereby enabled and required to accept thereof for the Use of such Person or Persons respectively so incapacitated as aforesaid; and every such Acceptance shall be and is hereby declared to be as valid and effectual as if the Person or Persons to whom such Allotments respectively shall be made, was or were capable of acting for himself, herself, or themselves, and had accepted thereof, any Thing herein contained to the contrary notwithstanding; but the Non-claim or Non-acceptance of any Executors in Trust, Guardian, Husband, Trustee, Committee, or Attorney, shall not exclude or prejudice the Claim or Acceptance of any Person or Persons entitled as Heir, or in Remainder or Reversion after the Death of any Person dying under such Disability or Incapacity as aforesaid, who shall claim or accept within One Year after his, her, or their Right, Title, or Interest shall have descended, vested, or accrued.

For appor-
tioning Al-
lotments
where Two or
more Persons
are interested
in distinct
Parts of the
same.

XXXIX. Provided always, and be it further enacted, That in all Cases where it shall appear unto the said Commissioners that Two or more Persons are entitled to or are interested in different or distinct Parts of the same Tenements, Lands, or Hereditaments, to or in respect of which any Share or Allotment of the said Open Fields, Commons, and Waste Grounds is to be set out and allotted under and by virtue of this Act, it shall be lawful for the said Commissioners and they are hereby directed and required, on Request to them made for that Purpose, to divide and apportion the Allotments to be set out under this Act in the said Open Fields, Commons, and Waste Grounds, in respect of such Tenements, Lands, or Hereditaments, to and amongst such Persons entitled or interested as aforesaid, according to the Value of their respective Parts of the said Tenements, Lands, or Hereditaments, and to set up such Mete or Bound Stones for distinguishing and ascertaining the several Divisions and Apportionments of such Allotments respectively as the said Commissioners shall think fit.

Allotments
may be sold
prior to the
Execution of
the Award.

XI. And be it further enacted, That it shall and may be lawful to and for any Person or Persons, Bodies Politic, Corporate, or Collegiate, interested in the said intended Division or Inclosure, at any Time before the Execution of the said Award, to sell and dispose of all such Estate, Right, Title, and Interest, as he, she, or they shall have in the said Commons and Waste Grounds, or in any Allotment to be made in respect of any Common Right thereon by virtue of this Act, separate from the Estate or other Interest in Right whereof he, she, or they shall be so entitled; and every such Sale, being specified in the said Award, shall be good, valid, and effectual, to all Intents and Purposes whatsoever.

Allotments
in lieu of
Copyhold to
be Copyhold.

XLI. And be it further enacted, That all such Land and Grounds as shall be allotted to any Person or Persons for or in respect of any Copyhold Lands or Tenements, shall be and be deemed and taken to be Copyhold Lands,

Lands, Parcel of the ancient Copyhold Lands or Tenements, and of the same Manor in respect whereof they shall be set out and allotted as aforesaid, and shall from Time to Time pass and be surrendered and held in and by such and the like Surrenders and Admittances, by which the said ancient Copyhold Lands and Tenements are or have been passed, held or surrendered, and shall be deemed and demisable in such Manner, and be subject to the like (arbitrary or certain) Fines, Fees, Suits of Court, Duties, Services and Customs in all respects as the said ancient Copyhold Lands or Tenements, in respect whereof such Allotments shall be made, are subject and liable to.

XLII. And be it further enacted, That all Out Rents, Fee Farm Rents, and other Payments, Mortgages, Charges and Incumbrances in anywise affecting any Right of Common or Tithes, or other Property or Interest intended to be extinguished by this Act, shall from and immediately after the making and completing of such Division as aforesaid, be to all Intents and Purposes, by virtue of this Act, charged upon the Allotment or Allotments to be made in lieu thereof respectively; and that all and every such Allotment or Allotments, and the respective Owners thereof for the Time being, and all Persons claiming under them, shall from thenceforth be subject thereto respectively, and to all Powers and Remedies for the Recovery thereof, as fully to all Intents and Purposes as the Rights of Common, Tithes, Hereditaments, Property or other Interest so to be extinguished, were before the making of this Act by Law subject to.

Incumbrances affecting Rights of Common, &c. to be charged upon the Allotments.

XLIII. And be it further enacted, That for the more convenient Situation and Disposition of the several Farms and Lands upon the said Division and Inclosure, it shall and may be lawful for the said Commissioners and their Successors, or any Two of them authorized to act as aforesaid, for the said Townships or Manors of *Campfall*, *Askern*, and *Norton* aforesaid, respectively, to set out or allot any of the Lands or Grounds hereby directed to be divided and allotted, or any other Lands, Tenements or Hereditaments, in the same Manors or Townships respectively, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments within the respective Townships aforesaid, or in any adjoining Parish, Township or Place, so as every Exchange or Exchanges be set forth and ascertained by the Award of the said Commissioners, and so also as every such Exchange be made with the Consent of the respective Owners or Proprietors or Persons seised or entitled in Possession of or to the Hereditaments to be exchanged, for any Life or Lives, or for Years determinable on any Life or Lives, or for some Estate of Inheritance less than an Estate in Fee Simple, or with the Consent of the Husbands, Guardians, Trustees, Committees or Attornies of any such Proprietors, who shall at the Time of making such Exchanges be Females Covert, Infants, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves, and so as that every such Exchange of any Lands, Tenements or Hereditaments, holden in Right of any Church, Chapel or other Ecclesiastical Benefice, be made with the Consent of the Patron thereof, and the Lord Bishop of the Diocese within which the same shall lie or be situate; and that all such Consents as aforesaid be respectively signed by Writing under the Hands of the consenting Parties; or under the Seals of any of them, being Corporations Aggregate; and every Exchange which shall be so made and declared, shall be for ever good, valid and effectual in the Law to all Intents and Purposes.

Exchanges.

XLIV. And

Costs of Exchanges and Partitions to be borne by the Parties.

XLIV. And be it further enacted, That the Expences attending the Exchanges or Partitions of the Lands and Grounds by this Act intended to be divided, allotted and inclosed, which shall be made by virtue of this Act or the said recited Act, shall be borne and defrayed by the respective Parties making such Exchanges or Partitions, distinct and apart from the other Expences attending the Execution of this Act.

Leases at Rack Rent to be vacated.

XLV. And be it further enacted, That all and every subsisting Lease and Leases, and other Agreements at Rack Rent, of all or any Part or Parts of the said Open Arable Fields, Meadows, Pastures, Commons and Waste Grounds so intended to be divided and inclosed, and all other Agreements for any Term or Terms therein respectively at Rack Rent, shall, immediately after such Allotments being made, or as soon after as the said Commissioners shall by their said Award direct, cease, determine, and be void (in case the said Lessors and Lessees do not otherwise agree amongst themselves) and the respective Owners or Proprietors of or in the said Open Arable Fields, Meadows, Pastures and Waste Grounds, who have made such Leases or Agreements, shall make such Satisfaction to such Lessee or Lessees, Tenant or Tenants, for any Loss or Prejudice they may respectively sustain thereby, as the said Commissioners shall adjudge or ascertain as a reasonable Recompence to be paid to such Lessee or Lessees, Tenant or Tenants, by way of Equivalent for his, her, or their Term or Terms therein respectively: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in the said Parish of *Campfall*, and Part in any adjoining Parish, all and every such Lease and Leases shall be vacated; but when any Lands shall be taken in Exchange, which Land shall be under Lease and wholly situate in an adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

Allotments to be made for Quit Rents.

XLVI. And, in case any Proprietors of the Messuages, Farms, Lands, and Premises within the said Parish of *Campfall*, which are subject and liable to the Payment of any Quit Rents, Fee Farm Rents, or other Annual Payments to the others of the said Proprietors, shall desire to have Lands allotted in lieu thereof; be it further enacted, That it shall be lawful for the said Commissioners, at the Request in Writing of the respective Parties paying or receiving any such Quit Rents, Fee Farm Rents, or other Payments, and they are hereby authorized and required to set out, allot, and appoint, unto and for each of the said several Proprietors, who at the Time of making such Division and Inclosure shall be entitled to any such Quit Rent or Quit Rents, or other Annual Payments, such Quantity or Quantities of Land out of the Property of each respective Proprietor liable to pay such Quit Rent or Quit Rents, or other Annual Payments, who shall so request to be exonerated therefrom, lying within the Lands and Grounds hereby intended to be divided and inclosed, as the said Commissioners shall in their Judgment and Discretion think a reasonable Recompence and Satisfaction for each respective Quit Rent, or other Annual Payment; and that after such Allotments shall be made, the said several Quit Rents, or other Annual Payments, shall cease, determine, and be for ever extinguished.

Not to revoke any Will or Settlement, &c.

XLVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed, deemed, adjudged, or taken to revoke, make void, alter or impeach, any Will, Settlement, Deed,

Deed, or Limitation whatsoever, or to prejudice any Person or Persons having or claiming any Jointure, Dower, Portion, Reversion, Rent, Service, Debt, Charge, or Incumbrance whatsoever, of, in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments which shall be divided and allotted or exchanged in pursuance of this Act, but that the several Messuages, Lands, Tenements, or Hereditaments which shall be so divided and allotted, or exchanged, shall, immediately after such Division and Allotment, or Exchange, be, remain, and enure, and be held and enjoyed, and the several Persons to whom the same shall be so allotted or given in Exchange respectively shall from thenceforth stand and be seized and possessed thereof, to and for such and the same Uses and Estates, and subject to such and the same Wills, Limitations, Conditions, Settlements, Provisoos, Remainders, Reversions, Leases, Debts, Charges and Incumbrances, as the several Messuages, Messuageteads, Cottages, Toststeads, Lands and Grounds, in lieu or in respect whereof such Division and Allotment or Exchange to be made by virtue of this Act were and stood severally subject and liable at the Time of such Division and Allotment or Exchange.

XLVIII. And be it further enacted, That the several Parcels of Land which shall be set out and allotted unto and for the Use of the said several Tithe Owners within the said Manors or Townships of *Campfall*, *Norton*, and *Ashern* respectively, shall be accepted and taken by them, their Heirs, Successors, and Assigns, and all other Persons claiming under them, in full Satisfaction and Discharge of and for all and all Manner of Tithes, Compositions, and other Payments in lieu of Tithes, which might otherwise arise, issue or become payable to them respectively in the same several Manors or Townships; and from and after the same Allotments shall be set out, and Possession thereof delivered to the said respective Tithe Owners, all the Tithes, Compositions, and other Payments, in lieu of which such Allotments shall be so set out, shall cease, determine, and be for ever extinguished; but Mortuaries, *Easter Offerings*, and Surplice Fees, payable to the Vicar of *Campfall* aforesaid, shall not be prejudiced or affected by this Act; and until the said Allotments in lieu of Tithes shall be set out, and Possession thereof given to the said respective Tithe Owners, they shall severally and respectively be entitled to receive and enjoy the same Tithes, Compositions, and other Payments in lieu of Tithes, as they respectively would or might have done if this Act had not been made; provided nevertheless that such Tithes, Great and Small, or any Moduses or other Payments in lieu thereof, or any Rents reserved upon any Lease or other Contract for any such Tithes, which shall be due to any Person or Persons at the Time of making and executing the Award of the said Commissioners, shall and may be recovered, raised, and levied by the respective Persons to whom the same respectively shall be then justly due and payable, in the same Manner and by the same legal Remedies, in all Respects, as if this Act had not been made.

Payment of
Tithes to
cease, &c.

XLIX. Provided always, and be it further enacted, That in case the Proprietor or Proprietors of any Messuages, Cottages, Gardens, Orchards, or inclosed Lands or Grounds within the said several and respective Townships, shall not be entitled upon the said Division to any or to not a sufficient Quantity of Common or Open Field Land, to exonerate the said Messuages, Cottages, Gardens, Orchards, or inclosed Lands or Grounds

In case any
Proprietor
may not have
Land suffi-
cient to exo-
nerate his
Land from
Tithes, the
from

[*Loc. & Per.*]

28 D

Deficiency to
be made in
Money.

from Tithes, then and in such Case or Cases the said Commissioners (in respect to the Townships or Township for which they are hereby respectively appointed to act as aforesaid) shall and they are hereby authorized and empowered to charge the Proprietor or respective Proprietors thereof, with such Sum or Sums of Money as shall (either alone, or jointly with the Share or Shares of Common or Open Field Land to which such Proprietor or Proprietors respectively may be entitled) be a just and full Compensation and Satisfaction for the Fee Simple of the Tithes thereof respectively, according to the Proportions aforesaid, and such Sum or Sums of Money shall be paid by such Proprietor or Proprietors respectively to the said Commissioners, to be by them applied in and towards defraying such Proportion of the Expences of obtaining this Act and carrying the same into Execution, as ought to be paid by the several Proprietors of or Persons or Parties interested in the said Common or Open Field Lands, from whose Allotments or Allotment any Deduction shall have been made, in consequence of setting out or allotting a Compensation or Satisfaction in Land for such Tithes as last mentioned; and in case of Non-payment thereof at the Time appointed by the said Commissioners for that Purpose, the same shall be raised and levied in such Manner as is provided for raising and levying the Expences of obtaining and executing this Act, in case of Neglect or Refusal to pay the same; provided that in case more Money shall be paid to the said Commissioners in respect of the Tithes than will be required to defray such Expences as last aforesaid, the Surplus Money shall be divided and apportioned among the Proprietors of the several Allotments to be set out in pursuance of this Act, and from whose Share or Allotment any Deduction shall have been made as aforesaid, in such Shares and Proportions as the said Commissioners shall direct; and the Shares of such of them as shall be Tenants of their Estates in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors in such Surplus Money shall be applied in Manner directed by the said recited Act, in Cases where any Money is to be paid for any Lands or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the same Uses.

Commissioners to direct
Course of
Husbandry.

L. And be it further enacted, That the said Commissioners, as soon as conveniently may be, by any Writing or Writings under their Hands, shall order and direct what Course of Husbandry shall be used in the said Open and Arable Fields, Meadows, and Pastures, until the Time when they shall have made and completed the said intended Division and Allotments, as well with respect to laying down, ploughing, sowing, fallowing, and tilling thereof, as to the Stocking or Eatage of the Fallows or Stubbles, and shall and may, in and by such Writing or Writings as aforesaid, set and impose such Penalties on every Person not conforming to such Orders and Directions as they shall think reasonable; and all such Orders of the said Commissioners shall be binding and conclusive, as well upon all Parties interested as upon their Farmers or Tenants.

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

LI. And be it further enacted, That it shall be lawful for the said Commissioners hereby authorized to act as aforesaid, to settle, ascertain, and appoint, by any Writing under their Hands, what Recompence shall be paid or made, and when and by whom respectively, for the Standing of any Crop or Crops of Corn or Hay that shall be standing or growing upon
any

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 Hinderance 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-before directed to be recovered.

LII. And be it further enacted, That no Cattle, Beasts, Swine, Sheep, Lambs, or Geese, shall be depastured or kept in any of the Inclosures to be made in pursuance of this Act, during the Space of Seven Years from the Execution of the said Award, unless the Persons respectively depasturing or keeping the same shall at their own Expence effectually guard and fence their Neighbours Quicksets adjoining to such Inclosures respectively in which such Cattle, Beasts, Swine, Sheep, Lambs, or Geese shall be depastured or kept as aforesaid, so as to prevent any Damage or Injury being done to such Fences or Quicksets; and if any such Person shall during such Space of Seven Years depasture or keep any Cattle, Beasts, Swine, Sheep, Lambs, or Geese, in any of the said Inclosures to be made in pursuance of this Act, unless he, she, or they shall effectually guard and fence his, her, or their Neighbours Quicksets adjoining to such Inclosures, or shall wilfully turn or put or cause to be turned or put any Cattle, Beasts, Swine, Sheep, Lambs, or Geese in any of the Lanes, Ways, or Roads set out by virtue of this Act, on either Side whereof any new growing Fence shall be planted.

Prohibition
against
keeping
Sheep,
Lambs, &c.

LIII. And be it further enacted, That all Costs, Charges, and Expences preparatory to and attending the obtaining and passing this Act, and of surveying the Lands already inclosed, and surveying, planning, valuing, dividing, and allotting the Lands and Grounds within the said several and respective Manors or Townships hereby directed to be divided, allotted, and inclosed, and of setting out, making, and forming any public Roads, Drains, Sewers, Bridges, Banks, Sluices, and other necessary Works, and for fencing any Allotment or Allotments required by this Act to be done, and of preparing and enrolling the Award of the said Commissioners, and the Charges and Expences of the said Commissioners, and of the Surveyors and Clerks to be employed by the said Commissioners, and all other proper and necessary Expences in the Execution of this Act and the said recited Act, which are not otherwise directed to be borne, paid, and defrayed, (in case the Money to arise by Sale of Land as herein-after mentioned shall be insufficient for that Purpose) shall from Time to Time, as the same shall respectfully accrue, be borne and paid by the several Owners and Proprietors of and Persons interested in the Lands and Grounds hereby directed to be divided and inclosed and exonerated from Tithes respectively, in such Shares and Proportions as the said Commissioners shall appoint by any Rate or Rates to be made by them for that Purpose, and the said several Sums thereby rated shall be paid to such Person or Persons in such Proportions and Manner, and at such Time or Times, as the said Commissioners or their Successors to be appointed as aforesaid shall by Writing under their Hands direct or appoint; and in case any Person or Persons liable to the Payment of such Charges and Expences

Expences to
be raised by
Rate.

Expences as aforesaid shall refuse or neglect to pay his, her, or their Share or Proportion thereof at the Times and in the Manner to be appointed by the said Commissioners, then the same shall be levied and recovered in the Manner prescribed or directed by the said recited Act.

Proprietors
or Agents to
pay their
own Ex-
pences.

LIV. Provided always, and be it further enacted, That the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act.

Lands may
be sold to
pay Ex-
pences.

LV. Provided always, and be it further enacted, That for the Purpose of raising the Quota or Proportion of any Rate or Rates by this Act directed to be made, to be paid by the Proprietors or Owners of Estates in the said several Townships, in respect of their respective Estates within the said several Manors or Townships, the said Commissioners or their Successors shall and they are hereby authorized and required, after they have set out the Allotments herein-before directed to be made and set out, and before they proceed to set out or allot the Residue of the said several Commons, Fields, Ings, and Waste Lands hereby directed to be divided, allotted, and inclosed, to assign, set out, and allot such Part or Parts of the said Commons, Fields, Ings, and Waste Lands, as shall, in the Judgment of the said Commissioners or their Successors, be fully sufficient, by Sale of the Fee Simple thereof, to pay and defray such Quota or Proportion as aforesaid, which Quota or Proportion shall be raised and paid by Sale (either together or in Lots, in the Manner and pursuant to the Directions of the said recited Act) of the said Allotment or Allotments to be marked and set out for that Purpose as aforesaid; and the said Commissioners or their Successors shall and they are hereby authorized (if required by the Purchaser or Purchasers of the Allotment or Allotments which shall be sold) upon Payment of the full Purchase Money for such Allotment or Allotments, by Deed or Deeds under their Hands and Seals, to grant, release and convey, or otherwise, by their Award, by this Act directed to be made, to award the same to the Purchaser or Purchasers thereof, his, her, or their Heirs or Assigns, in Fee Simple, or to such Use or Uses as he, she, or they shall direct or appoint; and the Purchase Monies of the said Allotment or Allotments so sold, shall be applied by the said Commissioners and their Successors in defraying such Quota of the Costs or Proportion as aforesaid: Provided always, that the Purchaser or Purchasers of the Land to be sold and conveyed as aforesaid shall be subject and liable to the Performance of all Orders, Regulations, and Directions which shall be made and given by the said Commissioners and their Successors, for inclosing, fencing, and draining such Lands, and for maintaining the Fences and Drains belonging thereto, and for keeping the same in good and sufficient Repair; and in case the Purchase Money arising by such Sale shall not be sufficient to defray such Quota or Proportion aforesaid, then the Deficiency shall be made up by the said Commissioners by a Rate, as herein-before mentioned, upon the several Persons interested in the said Commons, Fields, Ings, and Waste Lands hereby directed to be divided and inclosed, and shall be paid in such Shares and Proportions, within such Time and to such Person or Persons, as the said Commissioners or their Successors shall direct, nominate, and appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Quota or Proportion as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof within the Time to be

be appointed as aforesaid, or at any Time afterwards upon Demand, the same shall and may be levied and recovered in Manner directed by the said recited Act: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to charge the said several Owners or Impropriators of Tithes or their Lessees respectively, in respect of such Tithes, with any Part of such Quota or Proportion, nor with any other Costs, Charges, or Expences, either of Drainage or otherwise, incurred previously to the Execution of the said Award, any Thing in this Act to the contrary notwithstanding.

Proprietors of Tithes not to contribute to Expences, Drainage, or otherwise.

LVI. And be it further enacted, That in case any Part or Parts of the said Commons, Fields, Ings, and Waste Lands, shall be sold for more Money than will be required to defray such Charges and Expences as aforesaid, then and in such Case such Surplus Money shall be divided and apportioned between the several Proprietors of Lands hereby directed to be divided, allotted, and inclosed, according to their several and respective Interests therein, and paid to them in case they shall be seized in Fee Simple of their several Allotments, or otherwise such Surplus Money shall be paid into the Bank of *England*, in Manner directed by the said recited Act, in those Cases wherein any Money is to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Application of Surplus Money.

LVII. And be it further enacted, That in all Cases where any of the Persons, Bodies Politic or Corporate or Collegiate, interested in any Allotment or Allotments of the said Common Fields, Ings, Commons, and Waste Grounds, shall be desirous of paying their respective Shares of the said Expences in Money, instead of sustaining a Loss of Land in their respective Allotments, and shall at the First or Second Meeting of the said Commissioners for receiving Claims of Right of Common, give Notice in Writing to the said Commissioners of such their Desire, that then and in every such Case the Share or respective Shares of the Party or Parties so giving such Notice as aforesaid, of and in all such Expences, shall be paid and defrayed in Money by such Party or Parties respectively, in such Manner, and at such Time or Times, and to such Person or Persons as the said Commissioners shall by Writing under their Hands, order, direct and appoint; and in all Cases where any such Payment or Payments in Money shall be so made as aforesaid, the said Commissioners shall consider the same in setting out the Allotment or Allotments of the Party or Parties making such Payment or Payments respectively; and in ascertaining the Share and Proportion of each of the said Commons and Wastes so to be set out and allotted to such Body or Bodies Politic or Corporate or Collegiate, and other Persons respectively.

Option given to Proprietors to pay their Share of Expences in Money, on giving Notice thereof to the Commissioners at First or Second Meeting.

LVIII. And be it further enacted, That it shall and may be lawful for the said Commissioners authorized as aforesaid, (on Application being made to them in Writing at their First or Second Meeting, by any Person or Persons entitled to any Allotment or Allotments, or any inclosed Lands or Tenements intended to be exonerated from Tithes by virtue of this Act, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of the Proprietors or Persons interested in the Premises, being under Coverture, Minors, Idiots, Lunatics, or beyond

For selling Lands of incapacitated Persons, and others.

yond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies respectively, or by any of the said Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, whether such Proprietors are or shall be a Corporation or Corporations Aggregate or Sole, or a Tenant or Tenants in Fee Simple, or in Tail, or for any Life or Lives, or on any other Contingency, or by any Trustees or Feoffees for any charitable, parochial, or other Uses, or a competent Number of such Trustees or Feoffees, or the major Part of them respectively, or by the Churchwardens and Overseers of the Poor of the said Townships or any of them, for the Time being, in respect of any Lands, Tithes, or Hereditaments, held by them respectively, upon Trust for any charitable, parochial, or other Uses), to sell any Part of the Allotment or Allotments to be made from or out of any of the said Lands and Grounds by virtue of this Act, of such incapacitated Proprietors or Proprietor, or other Person or Persons by whom or on whose Behalf any such Application shall be made as aforesaid, for the Purpose of raising a Sum of Money sufficient to defray the respective Shares and Proportions of the Costs, Charges, and Expences of obtaining and passing this Act, and executing the said recited Act and this Act, which shall be charged upon or payable by such incapacitated Proprietors or other Person or Persons respectively, and of fencing, inclosing, and subdividing his, her, or their Allotment or Allotments, and of making and completing such Sale, and such Sale shall be made by the said Commissioners in such and the same Manner, and subject to such and the like Rules and Regulations, as are mentioned and prescribed in and by the said recited Act, in respect of the Sale of any Lands authorized to be sold for paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting, and inclosing any Lands and Grounds; and each and every Allotment for which the full Purchase Money shall be paid, shall be conveyed by the said Commissioners at the Expence of such Purchaser or Purchasers, or otherwise shall be awarded unto and to the Use of or in Trust for such Purchaser or Purchasers, and his, her, or their Heirs respectively, or as he, she, or they shall appoint, and shall be inclosed and held by such Purchaser or Purchasers respectively in Severalty, and the Receipt of the said Commissioners shall be a good and sufficient Discharge to such Purchasers or Purchaser for the said Purchase Money, which shall be applied by the said Commissioners in or towards defraying such last-mentioned Costs, Charges, and Expences; and if any Surplus shall remain in the Hands of the said Commissioners, such Surplus shall be divided and apportioned between the several Proprietors and Persons interested in the said Lands and Grounds, in such Shares as shall be in Proportion to their respective Property and Interest therein; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors and Persons of and in such Surplus Money, shall be applied and disposed of in the Manner directed by the said recited Act, with respect to Money which is thereby directed to be paid into the Bank of *England*, for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, to be settled to the same Uses, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements, and Hereditaments, as therein mentioned: Provided always, that it shall not be lawful to raise by such Sale any further or greater Sum of Money than the Person or Persons, part of whose Allotment or Allotments shall be sold as aforesaid,

faid, would have been empowered or authorized to borrow, or charge upon his, her or their Estate or Estates under or by virtue of the faid recited Act: Provided also, that in all Cases where any Land shall be deducted from the Allotment of any of the faid Proprietors or Persons towards Payment of Expences as aforesaid, it shall not be lawful for the Proprietor or Person from whose Allotment Land shall be deducted as aforesaid, to charge his, her, or their Lands, Tenements or Hereditaments, by virtue of the faid recited Act or this Act, with any Money towards Payment of such Expences, unless the Money to arise by such Sale shall be less than the Sum of Five Pounds *per* Acre, and then and in such Case it shall be lawful for such Person or Persons to charge his, her, or their Allotment or Allotments, or to raise by Mortgage thereof or other Ways or Means, as mentioned in the faid recited Act or this Act, the Remainder of such Money for Payment of the Expences of obtaining and executing this Act or the faid recited Act, so as that the whole Sum to be raised by virtue of this Act and the faid recited Act shall not exceed the Sum of Five Pounds *per* Acre, according to the Number of Acres contained in such Allotment or Allotments.

LIX. And be it further enacted, That if any Person or Persons shall advance any Money towards defraying the Expences of obtaining this Act, or of executing this Act and the faid recited Act, the same shall be repaid, with lawful Interest, out of the First Monies to be raised by the faid Commissioners by virtue of this Act.

Money advanced to be repaid with Interest.

LX. And be it further enacted, That the faid Commissioners shall be paid or allowed by the faid Proprietors the Sum of Three Guineas each, and no more, for every Day they shall respectively attend and be employed at any Meeting or Meetings, or going to or returning from thence, or otherwise howsoever, in executing the Powers and Authorities hereby given to them, including their Expences; and the Surveyor or Surveyors shall be paid such Sum or Sums of Money for Plans, Maps, Survey, and Attendances, as the faid Commissioners shall order and direct.

Allowance to the Commissioners and Surveyors.

LXI. And be it further enacted, That the faid Commissioners for the Manors or Townships of *Campfall* and *Asherne*, and the faid Commissioners for the Manor or Township of *Norton* respectively, shall and they are hereby required to keep a separate, distinct and accurate Account of all Sum and Sums of Money to be received and paid by them respectively, for and in respect of the dividing, allotting and inclosing the Lands and Grounds by this Act directed, authorized and required to be divided, allotted, and inclosed, within the faid several and respective Manors or Townships of *Campfall*, *Askern*, and *Norton*, and of all other Matters and Things relating thereto, severally and respectively; and Once at least in every Year during the Execution of this Act (such Year to be computed from the Day of the passing of this Act) the faid Commissioners shall make 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 respectively 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 some Justice of the Peace for the faid West Riding of the County of *York*, (not interested in the faid Inclosure) to be by him examined and balanced, and such Balance shall be by such Justice

Commissioners to lay Accounts before One Justice.

Justice 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.

Award.

LXII. And be it further enacted, That as soon as conveniently may be after the said Commissioners shall have completed the Division, Allotments, and Exchanges of the said Lands, Grounds, and Hereditaments, they shall cause to be formed and drawn up an Award in Writing, which shall express the Quantity, in Statute Measure, of Acres, Roods and Perches, contained in the said Lands and Grounds hereby directed to be divided and inclosed, and of the Messuages, Lands, Tenements and Hereditaments which shall be exchanged in pursuance of this Act, and the Quantity of each and every Part and Parcel thereof which shall be assigned and allotted to or exchanged with each and every of the Proprietors entitled to and interested in the same, with the Tenures and Natures thereof, and whether the Copyholds are held by Fine, certain or arbitrary, or how otherwise; and the said Award shall also contain a Description of the Situation, Abuttals, and Boundaries of the same Parcels and Allotments respectively; and shall express proper Orders and Directions for the Mounding and Fencing thereof, and keeping the said Mounds and Fences in Repair; and also for laying out, making, and maintaining proper Roads, Ways, Passages, Drains, Banks, and Sewers in, over, and through the said Lands and Grounds, and such other Regulations and Determinations as shall be proper and necessary to be inserted therein, for the due Execution of this Act, and conformable to the Purport and true Meaning of this Act and the said recited Act; which said Award shall be fairly engrossed or written on Parchment, and shall, after Notice as required by the said recited Act, be signed and sealed by the said Commissioners, and shall, within Six Calendar Months next after the Execution thereof, be enrolled in the Public Register Office at *Wakefield* aforesaid; and after such Enrolment, the said Award, together with a Map or Plan, setting forth and shewing each Person's Estate or Estates, Allotment or Allotments, in the aforesaid several and respective Manors or Townships, shall be deposited and kept in an Iron Chest within the Parish Church of *Campfall* aforesaid, to the End and Intent that Recourse may be had thereto by any Person interested in the said Division and Inclosure, who shall have Liberty to inspect and peruse the same; and all Persons shall have free Liberty to inspect, and peruse the said Enrolment of the said Award in the said Register Office, at all reasonable Times when they shall desire the same, paying for such Inspection the Sum of One Shilling, and a Copy of such Enrolment, or any Part thereof, signed by the Register or his Deputy, purporting the same to be true, (for which no more shall be paid than Two-pence per Sheet, each Sheet to contain Seventy-two Words) shall, as well as the said original Award, be admitted and allowed as legal Evidence in all Courts, and upon all Occasions whatsoever; and the several Allotments, Divisions and Exchanges, and all Orders, Directions, Regulations, Determinations, Matters and Things, which shall be made, specified and set forth in and by the said Award, in pursuance of this Act or the said recited Act, shall be final, binding, and conclusive upon all Parties and Persons interested therein.

LXIII. And be it further enacted, That the said Commissioners shall and may, upon the Request and at the Costs and Charges of any Person or Persons interested in the aforesaid Award, cause a true Copy or Copies of the whole, or so much of the said intended Award as relates to the Allotment or Allotments, or Interest of the Party or Parties requesting the same, to be made out and taken from the said Award, and to be fairly written upon Parchment or Paper, and such Copy or Copies, being certified under the Hands of the said Commissioners, shall be admitted in all Courts whatsoever as legal Evidence concerning the Matters and Things therein contained.

Persons interested may have Copies of such Parts of the Award as relate to their own Allotments.

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

Persons dissatisfied may appeal to the Quarter Sessions.

LXV. Provided also, and it is hereby declared and enacted, That nothing in this Act contained shall extend or be construed to extend to lessen, take away or restrain the Power or Jurisdiction of the Commissioners of Sewers (for the Time being) for the Level of *Hatfield Chace* and Parts adjacent, in the Counties of *York*, *Lincoln*, and *Nottingham*, within the said several Manors or Townships of *Campshall*, *Norton*, and *Askern* aforesaid, or any of them.

Saving Rights of the Commissioners of Sewers.

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

General Saving.

Evidence
Clause.

LXVII. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom ; and a Copy thereof, so printed by any of them, shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1814.