



ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 146.

An Act for inclosing Lands in *Scammonden*, in the West Riding of the County of *York*.

[17th June 1814.]

WHEREAS there are within the Manor or Graveship of *Scammonden* (which is situate within and comprises Part of the Township of *Scammonden*) in the Parish of *Huddersfield*, in the West Riding of the County of *York*, several Commons, Moors, and Waste Grounds, called *Scammonden Moor*, containing in the Whole, by Estimation, Two hundred and sixty Acres, or thereabouts: And whereas the Most Noble *George William Frederick Duke of Leeds* is Lord of the said Manor or Graveship of *Scammonden* (as being within his Manor or Paramountship of *Wakefield*, in the said West Riding) and as such, is Owner of the Soil of all the said Commons, Moors, and Waste Grounds, and of the Coals, Mines, Veins, and Seams of Coals, and all other Mines and Minerals therein: And whereas the Reverend *Thomas Falcon*, Clerk, *John Walker*, *John Hoyle*, *Michael Hoyle*, *John Falcon*, *John Dyson*, and *William Bottomley*, and several other Persons, as Owners of Messuages, Cottages, Lands, Tenements, and Hereditaments, within the said Manor or Graveship of *Scammonden*, are, or claim to be entitled to Right of Common upon the said Commons, Moors, and Waste Grounds: 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*

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Commissioner appointed.

proving the several Facts usually required on the passing of such Acts: And whereas the said Commons, Moors, and Waste Grounds, are, in their present State, incapable of Improvement, and it would be of great Advantage to all Persons interested therein, if the same were to be divided and inclosed, and specific Parts and Shares thereof allotted to such Persons, according to their respective Rights and Interests; but such Division, Allotment, and Inclosure, cannot be effected without the 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 County of *York*, Gentleman, shall be, and he is hereby appointed the Commissioner for surveying, planning, dividing, and allotting the said Commons, Moors, and Waste Grounds, to and amongst the several Persons interested therein, and for putting this Act and the said recited Act into Execution, and all and every the Powers and Authorities herein and therein contained (except such Parts of the said recited Act as are hereby altered or varied) and under and subject to such of the Rules, Orders, Regulations, Restrictions, Provisions, and Directions, contained in the said recited Act, as are not repugnant to the Powers and Provisions of this Act.

In case of Commissioner's Death, &c.

II. And be it further enacted, That if the said *Thomas Gee*, or any other Commissioner who shall be elected and appointed as herein-after directed, shall die or refuse to act, or shall become incapable of acting, before all the Powers and Authorities hereby vested in him shall be carried into Execution, then and in every such Case it shall be lawful for the Majority in value of the Persons interested in the said Commons, Moors, and Waste Grounds, (to be ascertained by the Land Tax Assessment) or their respective Agents, present at a Meeting to be holden for that Purpose (of which Meeting Fourteen Days previous Notice shall be given by any Three or more of such Persons so interested, in like Manner as is herein-after directed with respect to the first Attendance of the Commissioner) by Writing under their Hands, to elect and appoint One fit Person, not interested in the said Inclosure, to be a Commissioner in the room of the said *Thomas Gee*, or of any other Commissioner so dying or refusing to act, or becoming incapable of acting; and every such Person so to be appointed Commissioner, shall after taking the Oath or Affirmation prescribed by the said recited Act, have the same Powers and Authorities in the Execution of this Act and the said recited Act, as are given to the Commissioner herein named, and shall be as valid and effectual in all respects, as if each or any such Person had been herein named and appointed Commissioner; provided that, before such Commissioner to be appointed as aforesaid shall act in the Execution of this Act, the said *George William Frederick Duke of Leeds*, or the Lord of the said Manor for the Time being, or his or their Steward or Deputy Steward for the Time being of the said Manor of *Wakefield*, shall, by Writing under his or their Hand or Hands, signify his or their Approbation of such Appointment.

Notice to be given of Commissioner's first Attendance.

III. And be it further enacted, That the said Commissioner shall, and he is hereby required to cause Notice in Writing to be given of the Time and Place of his first Attendance for executing this Act and the said recited Act;

Act; and also a like Notice of every subsequent Attendance, by affixing such Notice upon One of the principal Doors of the Parish Church of *Huddersfield* aforesaid, and of the Chapel at *Dean-head*, in the Township of *Scamonden* aforesaid, on some *Sunday* before or during the Time of Divine Service, in the Forenoon, and by Advertisement, to be inserted once at least in the Newspaper called *The Leeds Intelligencer*; or in case the same shall not then be published, then in some other Newspaper printed or circulated at *Leeds* or *Wakefield*, in the said County, Fourteen Days at least previous to any such Attendance (Attendances by Adjournment only excepted, and which Adjournment it shall be lawful for the said Commissioner to make); and that all Attendances to be held in pursuance of this Act, or the said recited Act, shall be held within the said Parish of *Huddersfield*, or within Five Miles thereof, or at some convenient Place within the said Manor of *Wakefield*, being within Eight Miles of the said Parish.

IV. And be it further enacted, That the Notices by the said recited Act required to be given in some public Newspaper, shall be given in *The Leeds Intelligencer*; or if that Paper shall not then be published, then in some other Newspaper then published in the said West Riding of the County of *York*. How other Notices are to be given.

V. And be it further enacted, That all Orders and Proceedings of the said Commissioner shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by such Commissioner; and such Book, and the Entries therein of such Orders respectively, shall and may be read in Evidence in all Suits or Actions concerning any Thing done in relation to, or in execution of this Act. Proceedings to be entered in a Book.

VI. 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 Commissioner, and he is hereby authorized and required, upon proper and sufficient Inquiry and Evidence, to examine into, hear, and determine the same. Commissioner empowered to determine Differences.

VII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioner to determine the Title to any 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 Inclosure or Encroachments, as herein mentioned); but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon, until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons, by Ejectment or other due Course of Law. Not to determine Titles, nor molest Possession.

VIII. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of the said recited Act or of this Act, see Cause to award any Costs, it shall be lawful Power to award Costs.

ful for the said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made, by the Person or Persons, Body or Bodies Politic or Corporate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons, Body or Bodies Politic or Corporate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful to and for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politic or Corporate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons, Body or Bodies Politic or Corporate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Persons dissatisfied with the Commissioner's Determination, may try their Right at Law.

IX. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Right or Interest therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioner, and shall be desirous of having such Claim or Claims, Rights and Interests, respectively tried at Law; and the Person or Persons, Body or Bodies Politic or Corporate, so desirous to have the same tried at Law, shall and do by themselves or their respective Stewards, Receivers, Attornies or Agents, give or cause to be given Notice thereof in Writing to the said Commissioner for the Time being, within Two Calendar Months next after such Determination shall have been so made by the said Commissioner (of which Notice the said Commissioner is hereby required immediately on the Receipt thereof, or as soon afterwards as conveniently may be done, to give Information to the adverse Party or Parties, or his, her or their respective Stewards, Receivers, Attornies or Agents, by Writing under his Hand, to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies or Agents as aforesaid), then it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, their respective Heirs, Successors or Assigns, and he, she or they is and are hereby required to proceed to a Trial or Trials at Law of the same, at the First Assizes to be holden for the County of *York* next after the Expiration of Two Calendar Months from the Time when such Notice as aforesaid shall have been given, in a feigned Action or Actions for that Purpose to be commenced in His Majesty's Court of King's Bench or Common Pleas at *Westminster*, by the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, against any Person or Persons, Body or Bodies Politic or Corporate, interested in the said Division, in whose Favour such Determination of the Commissioner shall have been made; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall file common Bail, or appear and accept One or more Issue or Issues, whereby the Claim or Claims, Rights and Interests in question may be properly
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tried and determined (such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties shall differ about the same); and if at the Trial of any such Issue or Issues, it shall appear that the Party claiming is entitled to any qualified or less Right or Rights or Interests, than was or were claimed by such Party, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the Postea, in addition to the Verdict given upon 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 or Indorsement 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 or Indorsement, or such Special Finding or Indorsement, if any such shall be made, shall be binding upon all and every Body or Bodies Politic and Corporate, and Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or Finding and Indorsement, and order a new Trial or Trials to be had thereupon (which it shall be lawful for the Court to do, as usual in other Cases); and after such Verdict or Verdicts or Special Finding and Indorsement shall be obtained (the same not being set aside by the Court) the said Commissioner shall, and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, 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, giving such Notice within the Time aforesaid; or if such Action or Actions shall not be proceeded in to a Trial or Trials, at the first Assizes which shall be holden for the said County of York, after the Expiration of Two Calendar Months from the Day of giving such Notice, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case the Determination of the said Commissioner shall be final, binding, and conclusive, unto and upon all Parties whomsoever.

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

Actions not to abate by the Death of a Party.

Allowing Actions to be brought after the Deaths of Parties.

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serve the said Commissioner, or the Clerk or Clerks to the said Commissioner, with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith, if living; and it shall 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 Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Suits not to delay the Execution of the Act.

XI. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title of any Person or Persons in or to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever, for or in respect of which any Right of Common, or other Rights or Interests, in, over or upon the Commons, Moors, and Waste Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioner from proceeding in the Execution of the Powers vested in him by this Act or the said recited Act, but that the said Division, Allotment, and Inclosure shall be proceeded in, notwithstanding such Suit or Suits; and the Allotment and Allotments may be had and taken by the Person or Persons, who, upon the Determination of such Suit or Suits shall become entitled to the same.

The Death of Persons not to hinder the Commissioner from proceeding in the Inclosure.

XII. And be it further enacted, That if any of the Parties interested in the said intended Division and Inclosure, shall die before the same shall be completed, the Powers and Authorities hereby given to the Commissioner, shall not be thereby determined or suspended, but the said Commissioner shall proceed in the Execution of the Powers given to him by this Act or the said recited Act, in such Manner as he might have done in case such Party or Parties had not died; and that the Share or Shares of the Person or Persons so dying, shall be allotted to the Person or Persons who shall by Law become entitled to the same, and shall be accepted and fenced by him, her or them, according to the Directions of this Act or the said recited Act, and he, she or they shall be liable to the Charges and Expences and other Conditions of this Act and the said recited Act.

Power to stop up Roads.

XIII. And be it further enacted, That it shall be lawful for the said Commissioner to stop up, discontinue, divert, or alter any public Carriage Road (not being a Turnpike Road), Bridle-way, or Foot-path passing or leading through or over the Lands and Grounds intended to be divided, allotted, or inclosed by virtue of this Act, or passing or leading through any of the inclosed Lands within the said Manor or Graveship of *Scammonden*; and the Soil of the Roads and Ways so to be stopped up or discontinued shall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act; provided, that no Carriage Road, Bridle-way, or Foot-path passing or leading through any of the inclosed Lands in the said Manor or Graveship of *Scammonden*, shall be stopped or discontinued, diverted or altered, without the Concurrence and Order of Two Justices of the Peace for the said West Riding, not interested in the Repair of such Roads; and which Order shall be subject to Appeal to the Quarter Sessions for the said Riding, in like Manner as if the same had been originally made by such Justices.

XIV. And

XIV. And be it further enacted, That the said Commissioner shall and may, with the Consent of Two Justices for the said Riding, and he is hereby authorized and empowered to widen the public Roads, not exceeding the statutable Width or Breadth, where he shall think requisite and necessary, within the said Manor or Graveship of *Scammonden*, 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, Paddock, Park, Plantation, or Avenue to any House; and the said Commissioner shall and may, and he is 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 Road, by allotting and awarding unto the Person or Persons from whom any such ancient inclosed Land or Ground shall be taken, an adequate Part or Parts of the said Commons and Waste Grounds within the said Manor or Graveship; and that the said Commissioner shall and may, and he is hereby authorized and empowered to make good and substantial Fences on each Side of all such widened Roads, for and in lieu of the Fences which shall be injured or destroyed by means of such widening; and that the Charges and Expences attending the widening of such Roads, and the making of such Fences as aforesaid, shall be raised and paid in such or the like Manner, as the Expences of and attending this Act, are hereby required to be raised within the said Manor or Graveship, wherein such Road shall be so widened. Roads may be widened.

XV. And be it further enacted, That none of the present public Roads over the Commons, Moors, and Waste Grounds, to be divided, allotted, and sold, or otherwise disposed of, as herein mentioned, shall be shut up or discontinued, until the said Commissioner shall have caused the public Roads by the said recited Act or this Act directed to be made, to be set out, and until the same shall be properly formed, and made safe and convenient for Horses, Cattle, and Carriages. Present public Roads not to be discontinued until the public Roads to be set out shall be safe.

XVI. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby empowered to direct, order, and award any Streams of Water, Springs, or Watercourses within the said Commons, Moors, and Waste Grounds, hereby intended to be divided, allotted, and inclosed, to be carried and conveyed in such Courses, and through such Part or Parts of the same Commons, Moors, and Waste Grounds, as he in his Discretion shall think necessary and proper; but nevertheless so as not to occasion Prejudice to the Owner of any Mill, or any other Person or Persons entitled to the Benefit of any such Stream of Water, Spring, or Watercourse; and provided, that no Stream, Spring, or Watercourse, shall be diverted or turned from or into any Lands or Grounds of any Person or Persons, without the Consent in Writing of the Owners or Proprietors of such Lands or Grounds respectively first had and obtained for that Purpose. Watercourses, &c.

XVII. And be it further enacted, That all Encroachments taken from the said Commons, Wastes, and Moors, since the Twentieth Day of *October* in the Year of our Lord One thousand eight hundred and thir- Encroachments since 20th October 1813. teen, shall be deemed Part of the Lands to be divided by virtue of this Act.

XVIII. And

Allotments
to the Duke
of Leeds.

XVIII. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required, previous to any other Allotment, and without making any Deduction from the said Commons and Waste Grounds, for any other Purpose or in any other respect, to set out, allot, and award unto and for the said *George William Frederick Duke of Leeds*, as such Lord of the Soil of the said Commons and Waste Grounds, such Part and Parts thereof, as in the Judgment of the said Commissioner shall be equal in Value to One full Twelfth Part of the whole of the said Commons and Waste Grounds (Quantity, Quality, and Situation considered) over and above and exclusive of such Shares, Proportions, and Allotments of the said Commons and Waste Grounds herein-after directed to be allotted to the said Duke of *Leeds*, or to which he is or shall be entitled; and shall allot and award unto the said Duke of *Leeds*, as Lord as aforesaid, all the Cottages, Buildings, and Encroachments, which have been erected upon or inclosed, or taken from any Part or Parts of the said Waste Grounds, previous to the Twentieth Day of *October* in the Year of our Lord One thousand eight hundred and thirteen, which said Allotment or Allotments, Cottages, Buildings, and Encroachments, so to be set out, allotted, and awarded to the said Duke of *Leeds*, as Lord as aforesaid, shall be in lieu of and in full Compensation and Satisfaction of the Right of the said Duke of *Leeds*, as such Lord, to the Soil of the said Commons and Waste Grounds hereby directed to be divided and inclosed, and to every Part and Parcel thereof, except Coal Mines, Ironstone, Minerals, and Fossils, in and under the same.

Encroachments of Land only adjoining ancient Property, may be awarded to the Proprietor of such Property.

XIX. Provided always, and be it further enacted, That if any of the Encroachments so as aforesaid directed to be awarded to the said Duke of *Leeds*, consisting of Land only, shall adjoin to any ancient Messuages or Buildings, or to any old inclosed Lands or Grounds within the said Manor or Gravelship of *Scamonden*, then and in that Case, it shall and may be lawful for the said Commissioner to allot and award such Encroachment or Encroachments to the Proprietor or Proprietors respectively, of such last mentioned Messuages, Buildings, Lands, and Grounds, in part or full Compensation for his, her, or their Claim or Claims, Interest and Interests, in and upon the said Waste Grounds, and in lieu thereof, to set out, allot, and award unto the said Duke of *Leeds*, such Parcel or Parcels of the Residue of the said Commons or Waste Grounds, as in the Judgment of the said Commissioner shall be equal in Value to such Encroachment or Encroachments, so allotted by him to such Proprietor or Proprietors as aforesaid; and if any such Encroachment or Encroachments shall be more than sufficient to satisfy the Claims, Rights, and Interests of the Proprietor or Proprietors of such ancient Messuages, Buildings, Lands, and Hereditaments respectively, in or to the said Waste Grounds hereby directed to be divided and inclosed, then and in that Case, such Proprietor or Proprietors shall pay unto the said Commissioner, or to such Person or Persons, and at such Time or Times as he shall appoint, such Sum or Sums of Money, as and for the Purchase of the Surplus of such Encroachment or Encroachments, as he the said Commissioner, by any Writing under his Hand, shall order and direct; or in default thereof, it shall and may be lawful to and for the said Commissioner to award such Encroachments, or the Surplus Part thereof, to such other Person or Persons interested in the Lands or Grounds hereby directed to be divided and inclosed, as he shall think proper.

XX. And be it further enacted, That such Sum or Sums of Money, as and for the Purchase of the Surplus of such Encroachments, as he, the said Commissioner, by any Writing under his Hand, shall order and direct, shall at the Time and Times so to be directed by the said Commissioner, be paid to such Person or Persons as he shall appoint to receive the same, and be applied towards the Costs and Charges incident to the preparing and obtaining this Act, and carrying the same into Execution, and completing the Award to be made in pursuance thereof, and also the Costs, Charges, and Expences of forming and completing the public Highways to be set out and appointed over and across the Lands and Grounds hereby directed to be divided and inclosed, and other Charges and Expences, for or by reason of the said intended Division and Inclosure, and carrying this Act into Execution; and in case any Surplus shall remain, after all such Charges and Expences shall have been fully paid and satisfied, such Surplus shall be divided and apportioned between the several Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, according to their several and respective Interests therein, in case they shall be Tenants thereof in Fee Simple, or otherwise such Surplus shall be paid into the Bank of *England*, in manner directed by the said recited Act with respect to Money thereby directed to be paid into the Bank, for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Purchase Money for the Surplus of such Encroachments, to be applied towards the Expences of the Act, &c. as directed by recited Act.

XXI. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required to set out and appoint, in such Situation or Situations as he shall judge most convenient, and think fit, One or more Piece or Pieces of Ground, not exceeding in the whole Three Acres, as and for public Stone Quarries, or a public Stone Quarry, for the Purpose of digging and getting Stone, 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 Commons, Moors, and Waste Grounds hereby directed to be divided and inclosed, and for the Purpose of repairing all other public and private Highways or Roads, within the said Manor or Graveship of *Scammonden*, but not to be given away, sold, exchanged, or elsewhere or otherwise used, applied, or disposed of; 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 as aforesaid (but without Prejudice to the Rights and Privileges hereby given and allowed therein respectively) shall from and after the Execution of the Award of the said Commissioner be vested in the Surveyor or Surveyors of the Highways for the Time being, within the said Township of *Scammonden*, in Trust, to let the same for the most Money that can be made thereof, and to apply the Rents and Profits arising from the same, towards the Repairs of the public Roads or Highways only, within the said Manor or Graveship of *Scammonden*; and the said Surveyor or Surveyors 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 the Neglect thereof.

Allotment for Stone Quarries.

Land to be
sold to defray
the Ex-
pences.

XXII. And be it further enacted, That the said Commissioner shall, in the next Place, set out and allot such Part or Parts of the said Commons, Moors, and Waste Grounds, as, in his Judgement, will be sufficient to raise a competent Sum of Money for paying and defraying all Costs, Charges, and Expences whatsoever, for or by Reason of, or preparatory to the said intended Division and Inclosure, and carrying this Act into Execution, and to sell such Allotment or Allotments to any Person or Persons for the best Price that can reasonably be had or gotten for the same; and One Seventh Part, at least, of the Money for which such Land shall be sold, shall, at the Time of such Sale, be deposited by the Purchaser or Purchasers in the Hands of the said Commissioner, and the Remainder of the Purchase Money shall be paid to the said Commissioner, within Six Calendar Months next after such Sale, or in default of such Payment, the Money deposited as aforesaid shall be forfeited, and shall be applied towards carrying this Act into Execution, and the Allotment or Allotments shall again be put up to Sale in Manner aforesaid; and after Payment of the full Purchase Money for any such Allotment, the said Commissioner shall, and he is hereby required to sign and give to such Purchaser or Purchasers a Receipt or Receipts in Writing, for his, her, or their Purchase Money; and the Piece or Pieces, Lots or Parcels of the said Commons, Waste Lands, and Moors, which shall be so sold, shall, by virtue of this Act, on Payment of such Purchase Money be vested, and is and are hereby declared to be vested in Fee Simple in the Purchaser or Purchasers thereof respectively, and shall be assigned, allotted, and awarded to him, her, or them, in and by the Award of the said Commissioner; and the Receipt or Receipts of the said Commissioner shall be a sufficient Discharge to such respective Purchasers, for the Payment of his, her, or their Purchase Money, free from any Obligation of seeing to the Application thereof; and the Money arising from such Sale or Sales shall be applied by the said Commissioner in defraying the said several Costs, Charges, and Expences, as herein-after mentioned.

Allotment of
the Residue
of the Com-
mons.

XXIII. And be it further enacted, That the said Commissioner shall, and he is hereby required and authorized to set out, allot, and award the Residue of all the said Commons, Moors, and Waste Grounds, hereby directed to be divided and inclosed, unto and amongst the several Owners and Proprietors of ancient Messuages and Cottages, and also unto and amongst the Owners and Proprietors of ancient inclosed Lands (except such Messuages and Cottages as shall be proved to the Satisfaction of the said Commissioner to have been erected upon Encroachments, and also except any Lands which shall in like Manner be proved to be an Encroachment) in due Proportion to the real Value of their respective Lands and Tenements, to be settled and determined by the said Commissioner making the Allotments (in which Valuation no Messuage shall be estimated at more than the annual Value of Three Pounds, nor any Cottage at more than the annual Value of Two Pounds); and the said several Allotments shall be laid as contiguous and near to the respective Estates of the several Persons entitled to the same as conveniently as may be, and shall be in full Bar of and Compensation for their several and respective Rights and Interests upon the said Commons, Moors, and Waste Grounds.

XXIV. And

XXIV. And be it further enacted, That the said Commissioner shall, and he is hereby required to set out and allot the several Allotments hereby directed to be made to the said *George William Frederick Duke of Leeds*, in such Places and in such Situations as the said Duke of *Leeds*, or his Stewards or Agents shall appoint, so as he or they determine thereon, and give Notice thereof in Writing to the said Commissioner, within Six Calendar Months next after the making of the Survey, Admeasurement, and Plan of the said Commons and Waste Grounds, by this Act or the said recited Act directed to be made, and so as such Places or Situations do not, in the Judgement of the said Commissioner, interfere with or be an Inconvenience or Injury to the Owners and Proprietors of any old inclosed Lands or Tenements within the said Grave-ship.

Choice of
Situation of
the Duke of
Leeds' Allot-
ments.

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

Allotments
how to be
fenced.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioner, in case he shall be requested so to do by the Curate of the Chapel of *Longwood*, and the Curate of the Chapel of *Slaighthwaite*, in the Parish of *Huddersfield* aforesaid, and the Curate of the Chapel of *Holmfirth*, in the Parish of *Kirkburton*, in the said West Riding respectively, for the Time being, or any of them, by Writing under their respective Hands, to cause the Allotments to be set out for each of the said Curates respectively, under and by virtue of this Act, to be well and sufficiently fenced on such Parts thereof as the said Commissioner shall direct, and also pay and defray the Expence of making thereof, by and out of the Monies to be raised for the Purpose of defraying the Expences of obtaining and executing this Act; but the same Fences shall for ever afterwards be repaired by the said Curates respectively, for the Time being; and it shall be lawful for the said Commissioner to deduct from the said Allotments to be made to the said Curates respectively, as aforesaid, so much as shall, in the Judgement of the said Commissioner, be equal in Value to the Expences of fencing the Allotment or Allotments so to be made to them respectively as aforesaid; and the said Commissioner shall allot and award the Land so to be deducted unto and equally amongst the Proprietors and Owners of Estates within the said Manor or Grave-ship.

Curates Al-
lotments may
be fenced and
paid for by
Commissioner,
but the
Expence
deducted
from the Al-
lotments.

XXVII. And be it further enacted, That all Persons having or claiming any Right of Common, or any Allotment or any other Right in or over the Waste Grounds hereby directed to be divided and inclosed, are hereby required by themselves or their Agents, to deliver in their respective Claims in Writing under their Hands, or the Hands of their Agents, unto the said Commissioner at his First or Second Meeting (but not afterwards, unless for some special Cause to be by the said Commissioner allowed) containing the Particulars of the Property in respect whereof such Claims are made, in such Manner as in and by the said recited Act is directed; and distinguishing the Freehold and Copyhold or Customary Estates from each other; and also distinguishing which Part or Parts of the Copyhold or Customary Lands and Premises are compounded for

For distin-
guishing the
Tenures.

and

and held by Fine certain; and also which Part or Parts thereof are uncompounded for or held by Fine arbitrary.

Allotments to be of the same Tenure as the Lands, in respect of which they are allotted.

XXVIII. And be it further enacted, That all the Lands and Hereditaments which shall be allotted and awarded by virtue of this Act, to any Person or Persons, for or in respect of any Freehold Messuages, Lands, or Hereditaments, or for or in respect of any Right of Common, or any Right or Interest appurtenant or appendant to such Freehold Messuages, Lands, or Hereditaments, shall, from and after the Execution of the said Award, be deemed and taken to be Freehold, and shall be held as such, by and under the same Rents, Payments, and Services, as the Freehold Messuages, Lands, or Hereditaments respectively, for which such Allotments shall be made, are now or shall be held at the Time of executing the said Award; and that all the Lands and Hereditaments which shall be allotted and awarded by virtue of this Act, to any Person or Persons, for or in respect of any Messuages, Lands, or Hereditaments, holden of the said Manor of *Wakefield*, by Copy of Court Roll, or for or in respect of any Right of Common, or any Right or Interest appurtenant or appendant to any such Copyhold Premises, shall from and after the Execution of the said Award, be deemed and taken to be Copyhold, and shall be held as such and shall be subject to, and the Owner and Owners thereof shall pay to the said Duke of *Leeds*, his Heirs or Assigns, Lords of the said Manor, of which such Copyhold Messuages, Lands, or Hereditaments shall be holden, all such Customary Rents, Fealties, Fines, and Services, as the Copyhold Messuages, Lands, or Hereditaments, in respect whereof the same shall be allotted and awarded, are or shall be subject to; and that all and every Person and Persons, his, her, or their Heirs, to whom such Copyhold Lands and Hereditaments shall be allotted and awarded as aforesaid, shall within Twelve Calendar Months next after the Execution of the said Award, be admitted Tenant or Tenants to the same, without paying any Fine or other Relief or Heriot for such first Admission; but that after such first Admission, the Copyhold Lands and Hereditaments so to be allotted and awarded as aforesaid, shall at all Times be held under and subject to the same Rents, Fealties, Fines, and other Payments, as the Messuages, Lands, or Tenements, in respect whereof the same shall be allotted, are now or at the Time of the Execution of the said Award, shall be held under and subject to; and the said Commissioner shall by his Award, and he is hereby required to set forth the Tenures of the Lands and Grounds which shall be allotted, assigned, awarded, or exchanged by virtue of this Act and the said recited Act, distinguishing the Freeholds from the Copyholds, and whether the Copyholds are held by Fine certain or arbitrary, or how otherwise.

Power to sell, &c. before the Execution of the Award.

XXIX. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any Allotment of the Lands or Grounds hereby directed to be divided and inclosed (save and except the said Curates of the Chapels of *Longwood*, *Slaightwaite*, and *Holmfirth*, respectively) to sell, convey, and dispose of his, her, or their Estate and Interest therein before the Execution of the Award of the said Commissioner, according to the Tenure thereof, separate and distinct from the Estate in Right of which he, she, or they is or are entitled to the same, in the same Manner as he, she, or they might have done at any Time after the Execution of the said Award; and the said Commissioner is hereby

hereby required to award such Allotment or Allotments accordingly (having received a Request so to do, signed by the Person or Persons who shall have so sold, conveyed, or disposed of his, her, or their said Right or Interest, in the Presence of One or more credible Witness or Witnesse); and such Allotment or Allotments shall and may be held and enjoyed as fully and effectually, to all Intents and Purposes, as if the same had been awarded to the Person or Persons originally entitled thereto: Provided always, that nothing herein contained shall extend to empower the said Commissioner to award any Allotment or Allotments so to be set out by virtue of this Act, to any Person or Persons other than the original Purchaser or Purchasers thereof; or to the Person or Persons to whom the same shall be first conveyed or disposed of; and that no such Allotment or Allotments shall be so awarded, unless the whole or entire Common Right, or other Right or Interest of such Person or Persons, so selling or disposing thereof, shall be sold and disposed of in One Parcel or Lot; and also that it shall be lawful for any Person or Persons entitled to any Allotment, to sell, dispose of, and convey the Estate in Right of which he, she, or they may be entitled to any such Allotment, separate and apart from, and retaining to himself, herself, or themselves, such Allotments, Common Right and Interest; and the said Commissioner is hereby required to award such Allotment or Allotments accordingly: Provided also, that every such Request shall be delivered to the said Commissioner at a Meeting to be by him appointed for that Purpose, and not at any Time or Times afterwards, unless for some special Cause to be by the said Commissioner allowed.

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

Exchanges
may be made.

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aforesaid,

aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate.

Exchanges to be certified to the Commissioner at a Meeting.

XXXI. And be it further enacted, That every Exchange of any Messuage, Lands, or Hereditaments, to be made under the Authority of this Act or the said recited Act, shall be certified to the said Commissioner in Writing, under the Hands of the Parties making such Exchange, or his, her, or their Agent or Agents, at a Meeting to be by the said Commissioner appointed for the Purpose of receiving such Certificates; and that no Exchange or Exchanges shall be good and valid, nor shall be set forth and ascertained in and by the Award of the said Commissioner, unless such Certificate shall be so delivered to him as aforesaid.

Expences of Exchanges and Partitions, how to be paid.

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

Tenants to give up exchanged Lands, having Satisfaction.

XXXIII. And be it further enacted, That all and every Tenant and Occupier, under any Lease or Agreement for any Term of Years, of any ancient inclosed Land or other Hereditaments and Premises within the said Graveship, which shall be allotted and awarded in exchange for other Lands, Hereditaments, and Premises, shall within such Time as the said Commissioner shall appoint, and whereof Notice in Writing shall be given for that Purpose, give and resign up the full and peaceable Possession of such exchanged Lands, Hereditaments, and Premises, to the Person or Persons to or with whom the same shall be respectively exchanged, such respective Tenants and Occupiers of such exchanged Lands receiving from the respective Owners and Proprietors thereof, such Satisfaction as the said Commissioner shall ascertain, order, direct, or appoint to be paid to such Tenant or Tenants respectively, on account thereof, as an Equivalent for the Loss or Losses he, she, or they shall respectively sustain thereby.

Curates of Chapels empowered to grant Leases.

XXXIV. And be it further enacted, That it shall be lawful for the Curate of the said Chapel of *Longwood*, the Curate of the said Chapel of *Slaightbwaite*, both in the Parish of *Huddersfield* aforesaid, and the Curate of the said Chapel of *Holmfirth*, in the Parish of *Kirkburton* aforesaid, and their several Successors for the Time being, respectively, with the Consent and Approbation of the Archbishop of *York*, and of the Patrons of such respective Curacies for the Time being, to demise or lease all or any Part or Parts of the said Commons, Moors, and Waste Grounds, which shall be allotted to them respectively, by Indenture or Surrender according to the Tenure thereof respectively, for any Term or Number of Years not exceeding Twenty-one Years from the Date of the Award, such Term as to each and every of them to commence in Possession but not in Reversion, or by way of future Interest, so that upon every such Lease there be reserved and made payable, during the Continuance of such Leases respectively, and to be incident to the Reversion expectant thereon, the best yearly

yearly Rent and Rents (all Circumstances considered) that can be reasonably had or obtained for the same, without taking any Sum of Money or other Thing by way of Fine, Premium, Foregift, or any Thing in the Nature thereof; and so that none of the Lessees, his, her, or their Executors, Administrators, or Assigns, be by any Clause or Words in any such Lease or Leases contained, freed from Impeachment of Waste, or made dispunishable for Waste, and so that the Rent and Rents thereby respectively to be reserved, be made payable by Four equal Quarterly Payments in every Year; and so that in every such Lease there be contained a Clause of Re-entry in case of the Non-payment of the Rent or Rents thereby respectively to be reserved by the Space of Twenty-one Days, and so that the respective Lessees do execute Counterparts of their respective Leases.

XXXV. And be it further enacted, That all and every Lease and Leases affecting the said Commons, Moors, and Waste Grounds, or any Part or Parts thereof, and all other Agreements for any Term or Terms at Rack Rent, or from Year to Year, or at Will, affecting the same, shall in respect of the said Commons, Moors, and Waste Grounds, at such Time as the said Commissioner shall direct, cease and be void, the Person or Persons entitled to the Lands, Tenements, and Hereditaments, comprised in such Lease or Leases, Agreement or Agreements respectively, making such Satisfaction to such Lessee or Lessees, Tenant or Tenants, as the said Person or Persons or their Lessee or Lessees, Tenant or Tenants shall agree upon, or as the said Commissioner shall ascertain, direct, or appoint to be paid to such Lessee or Lessees, Tenant or Tenants, on account thereof, or as an Equivalent for the Loss or Losses he, she, or they shall respectively suffer on account of the Determination of the same.

Leases at Rack Rent to be void.

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

Lands exchanged, &c. to enure to the same Uses.

XXXVII. And be it further enacted, That it shall not be lawful for any Person or Persons whomsoever, to graze or keep any Sort of Cattle whatsoever, in or upon any of the Roads or Ways which shall be set out and made by virtue of this Act or the said recited Act; and which shall be made into Lanes and fenced on both Sides, after the passing of this Act; nor shall any Person or Persons for the Space of Seven Years, after the passing of this Act, graze or keep Sheep or Lambs upon any of the Lands or Grounds to be divided, allotted, and inclosed as aforesaid, unless the Person or Persons desirous of keeping such Sheep or Lambs shall fold the same, or effectually guard the young Quickset Hedges adjoining to the Lands or Grounds where such Sheep or Lambs shall be so grazing or kept, that the same may not receive any Damage from such Sheep or Lambs; and in case any Sheep or Lambs shall be kept or depastured contrary

Restraining Cattle from grazing and damaging Quicksets, &c.

trary to the Provisions of this Act, it shall be lawful for any Person or Persons to enter upon the Lands or Grounds where the same shall be so kept, and to take, drive away, and impound such Sheep or Lambs, without being deemed a Trespasser or Trespassers for so doing; and the Person or Persons respectively depasturing such Sheep or Lambs as aforesaid, and neglecting or refusing to fold the same, or effectually to guard their Neighbours Quickset Hedges as aforesaid, shall be liable to pay all such Damages as shall be sustained by any Person or Persons whomsoever, by reason of such depasturing, keeping, or grazing of Sheep or Lambs.

Expences
of the Act
how paid.

XXXVIII. And be it further enacted, That the Money to arise from Sale of Land as herein-before mentioned, shall be applied by the said Commissioner for and towards paying and defraying all the Costs, Charges, and Expences incident to and attending the preparing and obtaining of this Act, and of surveying, measuring, planning, valuing, dividing, and allotting the Lands, Grounds, and Hereditaments to be divided and allotted by virtue of this or the said recited Act, and of preparing, executing, and completing the Award of the said Commissioner; and all Charges and Expences of the said Commissioner his Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioner in and about the Premises, either before or after the Execution of the said Award; and all the Expences of forming and completing the public Carriage Roads and Highways, to be set out and appointed by the said Commissioner, and all other incidental Charges and Expences whatsoever, for or by reason of or preparatory to the said intended Division and Inclosure, and carrying this Act and the said recited Act into Execution: Provided always, that the several Proprietors and Persons interested in the said Inclosure, and their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioner, on any Business relating to the Execution of this Act or the said recited Act.

Proprietors
to pay their
own Ex-
pences.

Application
of Surplus
Money.

XXXIX. And be it further enacted, That in case such Part or Parts of the said Commons, Moors, and Waste Grounds hereby directed to be sold, as herein-before mentioned, shall be sold for more Money than will be required to defray such Costs, Charges, and Expences as aforesaid, then and in such Case such Surplus Money shall be divided and apportioned between and amongst the several Proprietors and Persons interested in the Lands hereby directed to be divided and inclosed, in such Shares as shall be in proportion to such their respective Property and Interests; and the Shares of such of them as shall be Tenants thereof in Fee Simple, shall be paid to them respectively; and the Shares of such other Proprietors or Persons, of and in such Surplus Money, shall be applied and disposed of in Manner directed by the said recited Act, in those Cases wherein any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the same Uses.

Deficiency to
be raised by a
Rate.

XL. Provided always, and be it further enacted, That in case the Money arising by the Sale of such Allotment or Allotments, as herein-before mentioned,

mentioned, shall not be sufficient to defray all the Charges and Expences aforesaid; then the Deficiency shall be made up, paid, borne, and defrayed by the several and respective Owners and Proprietors of Estates within the said Manor or Graveship of *Scammonden*, and the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act, or the said recited Act; in Proportion and according to the Value of their respective Rights, Shares, and Interests in the said Lands and Grounds hereby directed to be divided and inclosed; which said Costs, Charges, and Expences, together with the Proportion thereof to be paid by the several Persons hereby made liable to the Payment thereof, shall be settled, ascertained, and adjusted by the said Commissioner, and shall be paid at such Time and Place, and to such Person or Persons, as the said Commissioner shall appoint; and the said Commissioner shall and he is hereby authorized and required to make a Rate or Assessment thereof accordingly under his Hand; and the same Rate or Assessment so made and signed, shall be binding and conclusive on all Persons thereby charged and made liable, and their several and respective Heirs, Executors, and Administrators; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of such Costs, Charges, and Expences as aforesaid, within such Time, and to such Person or Persons as the said Commissioner shall appoint, then and in such Case the said Commissioner shall cause the same to be levied and recovered in Manner directed by the said recited Act: Provided always, that no Charge whatsoever shall be made upon the said Duke of *Leeds*, his Heirs or Assigns, as Lord as aforesaid, or upon the Person or Persons to whom any Allotment or Allotments shall be made, in Right of any College, Chapel, School, Hospital, or any other public Use or Charity.

XLI. And be it further enacted, That it shall be lawful for the said Commissioner to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum or Sums of Money not exceeding Five Pounds *per* Acre, of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as shall from Time to Time be necessary for defraying the Charges and Expences of passing this Act, and such other Expences as aforesaid; which said Sum or Sums of Money, so to be borrowed, shall be a Charge upon the said Commons, Moors, and Waste Grounds, hereby intended to be divided, allotted, and inclosed, until the same shall be raised and repaid by such Sale as aforesaid, with Interest for the same.

Power to borrow Money.

XLII. And be it further enacted, That it shall and may be lawful for the said Commissioner, and he is hereby required, in case he shall be requested so to do by any Tenant for Life or in Tail, or other Person in Possession of, but not having the absolute Estate or Interest in any Messuages, Lands, Tenements, or Hereditaments, within the said Manor or Graveship (such Request being made in Writing, under the Hand or Hands of such Person or Persons as aforesaid) to sell so much of the respective Allotment or Allotments, to be made to such Person or Persons in respect of such Messuages, Lands, Tenements or Hereditaments, as shall in the Judgement of the said Commissioner be equal in value to the respective Proportions of the whole or any Part of the Expences incident

Money may be raised by Sale of Part of the Allotments, at the Request of the Proprietors, to defray their Proportion of the Expences of the Inclosure.

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to and of obtaining and carrying this Act and the said recited Act into Execution, which such Person or Persons may be charged with and of the Expences of fencing, ditching, and inclosing the Allotment or Allotments of such Person or Persons as aforesaid; and the said Commissioner shall assign, allot, and award the said Lands so to be sold, to the Purchaser or Purchasers thereof, his, her, or their Heirs or Assigns, upon Payment of the Money for such Allotment or Allotments to the said Commissioner; and from and immediately after Payment of the same, such Allotment or Allotments shall be and is and are hereby declared to be vested in Fee Simple in the Purchaser or Purchasers thereof, and the Receipt or Receipts of the said Commissioner shall be a good and sufficient Discharge to the Purchaser or Purchasers thereof; and such Money, when received by the said Commissioner, shall be by him applied in or towards the Payment of such Expences, and in fencing, ditching, and inclosing the said Allotment or Allotments respectively: Provided always, that if there shall be any Surplus of the Money arising by such Sale, the same shall be applied in the Manner directed by the said recited Act, with respect to Money to be applied for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Tenants for Life not to deduct and borrow in the whole together more than Five Pounds an Acre.

XLIII. Provided always, and be it further enacted, That in case any Deduction shall be made by virtue of this Act from the Allotment or Allotments of any Person or Persons being Tenant for Life or in Tail or otherwise in Possession of, but not having the absolute Estate or Interest in, the Lands, Tenements, or Hereditaments, in respect whereof such Allotment or Allotments shall be made, for Sale to pay the Costs and Expences or any Part thereof of such Person or Persons of passing and executing this Act, it shall not be lawful to raise by such Sale, any further or greater Sum of Money than the Person or Persons (Part of which Allotment or Allotments shall be sold as aforesaid) would have been empowered or authorized to borrow or charge under or by virtue of the said recited Act; nor shall it be lawful for the Person or Persons, from whose Allotment or Allotments Land shall be deducted as aforesaid, to charge his, her, or their Allotment or Allotments, by virtue of the said recited Act or this Act, with any Money towards the Payment of such Expences, unless the Money to arise by such Sale shall not amount to the Sum of Five Pounds *per* Acre of such Allotment or Allotments; 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 by such other Ways and Means as mentioned in the said recited Act, the Remainder of such Money for the Payment of the Expences of obtaining and executing this Act, so as that the whole Sum to be raised by virtue of this Act and the said recited Act shall not exceed the Sum of Five Pounds *per* Acre according to the Number of Acres contained in such Allotment or Allotments.

Persons advancing Mo-

XLIV. And be it further enacted, That if any Person or Persons shall advance any Money towards defraying the Expences of obtaining this Act,

Act, or carrying the same into Execution by the said Commissioner, the same shall be repaid with lawful Interest, out of the First Monies to be raised by the said Commissioner by virtue of this Act. ney, to be repaid with Interest.

XLV. And be it further enacted, That the said Commissioner shall be paid or allowed the Sum of Three Guineas, and no more, for every Day he shall attend and be employed at any Attendance or Attendances, Meeting or Meetings, or going to or returning from thence, or otherwise howsoever, in executing the Powers and Authorities hereby given to him, including his Expences, over and besides such Sum or Sums of Money for Plans, Maps, and Surveys, as the Justice of the Peace herein-after directed to examine and allow the Accounts of the said Commissioner, shall settle and adjudge to be reasonable. Allowance to the Commissioner.

XLVI. And be it further enacted, That once at least in every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioner shall make, and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble and Expences in the Execution of this Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by him laid before some Justice of the Peace for the said Riding (not interested in the said Inclosure) to be by him examined, settled, and balanced; and such Balance shall be by such Justice judged of, allowed, and stated in the Books of Accounts to be kept in the Office of the Clerk to the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice. Commissioner to lay Accounts before a Justice.

XLVII. And be it further enacted, That the said Commissioner shall annex to his Award a correct Map or Plan, shewing each Person's ancient Estate or Estates, and Allotment or Allotments, within the said Graveship, which said Map or Plan shall be deemed and taken as Part of his Award; and that the said Award and Map or Plan of the said Commissioner shall, within Two Calendar Months next after the Execution thereof, be enrolled in the public Register Office kept at *Wakefield* in and for the West Riding of the County of *York*, and shall also be enrolled in the Rolls Office for the said Manor of *Wakefield*, and a Map or Plan of the several Allotments shall be lodged in the said Rolls Office; and the said Award when so enrolled as aforesaid shall, together with a Map or Plan annexed thereto, be deposited and kept in a Box or Chest in the Parish Church of *Huddersfield*, 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 said Award and Map or Plan, paying for every such Inspection the Sum of Two Shillings; and that a Copy of the said Award or any Part thereof, signed by the Vicar and Churchwardens of the said Parish of *Huddersfield* for the Time being, and also any Copy of the Enrolment thereof, or of any Part thereof signed respectively (as the Case may be) by the Register or his Deputy of the said Register Office, or by the Steward or Deputy Steward for the Time being, of the Courts of the said Manor of *Wakefield*, purporting the same Award.

same to be true, for which no more shall be paid than Sixpence *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.

Persons dissatisfied may appeal to the Quarter Sessions.

XLVIII. 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, under or in pursuance of this Act or the said recited Act of the Forty-first Year of the Reign of His present Majesty (other than and except such Acts, Determinations, or Proceedings of the said Commissioner, 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) then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said West Riding of the County of *York*, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Party or Parties concerned Fourteen Days Notice in Writing of such Appeal and of the Matter thereof; and the Justices (not interested in the Premises) in their General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Charges, as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

Mines, &c. reserved to the Lord,

XLIX. Provided always, and be it further enacted, That nothing in this Act contained shall defeat, lessen, or prejudice the Right, Title, or Interest of the said *George William Frederick* Duke of *Leeds*, as Lord of the said Manor of *Wakefield*, his Heirs or Assigns, of or to the Mines, Beds, and Seams of Coal, or any Mines of Ironstone, or other Mines, Minerals, or Fossils, in or under the said Commons and Waste Grounds hereby intended to be divided and inclosed, or to any Seigniories or Royalties incident and belonging to the said Manor or Graveship, the same being hereby reserved to him the said *George William Frederick* Duke of *Leeds*, his Heirs and Assigns, as Lord or Lords of the said Manor, with full Power for him and them at all Times to hold and enjoy all Grave Rents, Copyhold Rents, Quit Rents, Free Rents, and other Rents, Fines, Reliefs, Duties, Customs, and Services, and all Courts, Perquisites, and Profits of Courts, and Liberty of Hawking, Hunting, Fishing, and Fowling within the said Graveship, and all Goods and Chattels of

Felons and Fugitives, Felons of themselves, Persons outlawed, waved, and put in Exigent, Deodands, Treasure-trove, Waifs, Estrays, Forfeitures, Royalties, Jurifdictions, Franchises, and Privileges whatsoever, to the said Manor or Graveship of *Scammonden*, or the said Manor of *Wakefield*, incident or appertaining (other than and except such Right as could or might be claimed by him as Owner of the Soil and Inheritance of the said Commons), in as full, ample, and beneficial a Manner, to all Intents and Purposes, as if this Act had not been passed; and that the said *George William Frederick Duke of Leeds*, his Heirs and Assigns, as Lord or Lords as aforesaid, or other Person or Persons claiming under him or them, shall and may at all Times hereafter have, hold, win, work, and enjoy all Mines of Coal, Ironstone, Minerals, and Fossils of what Nature or Kind soever, whether now opened or unopened (Quarries or Common Stone only excepted) under the said Commons and Waste Grounds, and the Encroachments, Allotments, and Improvements made and to be made therefrom, together with all convenient and necessary Ways, Roads, and Passages already made and hereafter to be made, and Liberty of laying, making, and repairing Waggon Ways and other Ways, in, over, and along the same or any of them, or any Part thereof, and searching for, winning and working the said Mines and Minerals, and loading and carrying away the Coal, Ironstone, Lead, Minerals, and other Produce thereof, and of making Pits, Shafts, Pit Rooms, Air Pits, Heap Rooms, Stand Yards, Drifts, Levels, Ways, and Watercourses, (as well as using and continuing those already made), and of erecting and using Fire Engines and other Engines and necessary Buildings, and of altering, changing, pulling down and carrying away the same, or any of the Materials thereof, at his and their own free Will and Pleasure, and doing all such other Acts and Things either now in Use or hereafter to be invented, as may be necessary or convenient for the full and complete Enjoyment thereof, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he or they could or might have done in case this Act had not been passed; yet nevertheless, that the said *George William Frederick Duke of Leeds*, his Heirs and Assigns, shall from Time to Time pay to the respective Owners and Occupiers of such Allotments respectively, a reasonable and adequate Recompence and Satisfaction for all Damages, which shall from Time to Time be thereby done thereto, in proportion to the Loss sustained by such Owners and Occupiers respectively, according to their respective Rights and Interests therein.

with Power
to work
them.

Making Sa-
tisfaction for
Damages.

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

General
Saving
Clause.

Evidence
Clause.

LI. 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.