



ANNO QUINQUAGESIMO QUARTO

# GEORGII III. REGIS.

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## *Cap. 94.*

An Act for inclosing Lands in the Manor of *Ovenden*,  
in the Parish of *Halifax*, in the County of *York*.  
[27th May 1814.]

**W**HEREAS within the Manor of *Ovenden*, in the Parish of *Halifax*, in the County of *York*, there are divers Commons, Moors, and Waste Grounds, called *Highbroad Well Moor*, *Ovenden Moor*, *Ogden Moor*, *Skirden*, *Coldedge*, *Illingworth Moor*, *Todmoor*, *Swillbill*, *Childwife Moor*, and *Lee Bank*, containing together One thousand two hundred Acres or thereabouts, and various other Parcels of Waste, not distinguished by any particular Names: And whereas the Honourable and Reverend *John Lumley Savile* is Lord of the Manor of *Ovenden* aforesaid, and the Owner of the Soil of the said several Commons, Moors, and Waste Grounds, and the Coal Mines, Veins, and Seams of Coal, and all other Mines and Minerals therein; and is likewise Owner of certain Lands, Tenements, and Hereditaments within the said Manor of *Ovenden*: And whereas the King's most Excellent Majesty, in Right of His Crown, is Patron of the Vicarage of *Halifax*; and the Reverend *Henry William Coulthurst*, Doctor in Divinity, is Vicar thereof, and as such entitled to the Tithè of Agistment, and all other Vicarial and Small Tithes whatsoever arising within the said Manor: 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* <sup>41G.3.</sup>  
[*Loc. & Per.*] 18 U required



Appointment  
of Commis-  
sioners.

required on the passing of such Acts: And whereas the said *John Lumley Savile, Richard Emmott, John Lodge Batley, William Mitchell, Samuel Dean, Robert Ramsbottom, Thomas Sutcliffe, Charles Hudson,* and others, as Owners and Proprietors of Lands and Tenements within the said Manor of *Ovenden*, are entitled to Right of Common upon the said Commons, Moors, and Wastes; which in their present State yield but little Profit, and it would be advantageous to such Owners and Proprietors, if the said Commons, Moors, and Wastes were divided and inclosed, and specific Shares allotted to them, according to their respective Interests therein: but such Division and Inclosure cannot be effected and established without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said Commons, Moors, and Waste Grounds shall, as soon as conveniently may be, be set out, divided, and allotted unto and amongst the said several Owners and Proprietors, and other Persons interested as aforesaid, according to their several and respective Rights and Interests therein, by *Thomas Gee* of *Little Houghton*, in the Parish of *Darfield*, in the said County of *York*, Gentleman, and *John Watkinson* of *Halifax*, in the said County, Gentleman, who are hereby appointed Commissioners for that Purpose, and for carrying the several other Purposes of this Act, and also the said recited Act, into Execution, and all and every the Powers and Provisions herein and therein contained (except such Parts of the said recited Act as are hereby varied or altered), 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; and that it shall be lawful for the said Commissioners, or either of them, or for any Justice of the Peace for the West Riding of the County of *York*, to administer to the said Commissioners, or either of them, the Oath or Affirmation directed by the said recited Act to be taken by Commissioners.

Appointment  
of new Com-  
missioners in  
case of pre-  
sent ones  
dying or not  
acting.

II. And be it further enacted, That if the said *Thomas Gee*, or any Commissioner to be appointed in his Stead, as herein-after mentioned, by the Lord or Lords of the said Manor for the Time being, shall die, refuse, or become incapacitated to act, then and in every such Case, the Lord or Lords of the said Manor for the Time being, shall and may thereupon appoint some other Person, not interested in the said Inclosure, to be a Commissioner in the Stead of such Commissioner so dying, refusing, or becoming incapacitated to act; and if the said *John Watkinson*, or any Commissioner to be appointed by the Majority in Value of the Persons interested in the said Lands, present at a Meeting as herein-after mentioned, shall die, refuse, or become incapacitated to act, some other Person not interested in the said Inclosure, shall and may be thereupon appointed a Commissioner in the Stead of every such Commissioner so dying, refusing, or becoming incapacitated to act, by a Majority in Value (to be ascertained by the Land-Tax Assessment) of the Persons interested in the Lands hereby intended to be divided and inclosed, who shall be present at a Meeting to be holden for that Purpose in the Chapel in *Ovenden*, called *Illingworth* Chapel, pursuant to Notice to be affixed upon the principal outer Door of the said Chapel of *Ovenden* aforesaid, specifying the Time and Place of such Meeting

Meeting upon a *Sunday*, at least Ten Days before such Meeting; and in Default of any such Appointment of a new Commissioner, for the Space of Twenty-eight Days after any such Death, Refusal, or Incapacity to act shall happen or be known, then some Person, not interested in the said Inclosure, shall be forthwith appointed a Commissioner by the surviving or remaining Commissioner; and every such Appointment of a new Commissioner shall be reduced in Writing, and signed by the Person or Persons making the same, and shall be deposited and kept with the Award of the said Commissioners herein-after directed to be made; and every such Person so to be appointed a Commissioner, shall, after taking the Oath prescribed by the said recited Act, have the like Powers and Authorities for putting this Act and the said recited Act into Execution, in all respects, as the Commissioner in whose Place he shall have been so appointed was invested with.

III. And be it further enacted, That the said Commissioners shall (after having taken and subscribed the Oath or Affirmation prescribed by the said recited Act, and before they proceed to any other Business, touching the Execution of this Act) and they are hereby authorized and required to appoint some other Person (not interested in the said Division and Inclosure) to be an Umpire for the Purposes of this Act; and in case such Person or any other Person to be appointed as Umpire for the Purposes of this Act, shall die or refuse to act, or shall become incapable of acting as such Umpire, the said Commissioners shall and they are hereby required forthwith to appoint another Person (not interested in the said Division and Inclosure) to be an Umpire for the Purposes of this Act, and that whenever the said Commissioners shall differ or disagree in Opinion, touching any Matter or Thing to be by them done or performed in pursuance of this Act or the said recited Act, then and in every such Case, the Matter in Question shall be determined by the Umpire so to be appointed for the Purposes of this Act; whose Determination therein shall be deemed to be the Determination of the said Commissioners, and shall be acted upon accordingly. Umpire to be appointed.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as Umpire for the Purposes of this Act, until he shall have taken and subscribed an Oath or Affirmation, in the following Words, (that is to say): Umpire to be sworn.

‘ I do swear, (or, being one of the People called  
 ‘ *Quakers*, do solemnly affirm) That I will faithfully, impartially, and  
 ‘ honestly, according to the best of my Skill and Judgment, execute and  
 ‘ perform the Powers and Authorities vested in me as Umpire 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 Manor of Oven-*  
 ‘ *den, in the Parish of Halifax, in the County of York*, according to  
 ‘ Equity and good Conscience, and without Favour or Affection, Prejudice  
 ‘ or Partiality to any Person or Persons. So help me GOD.’

Which Oath or Affirmation, it shall be lawful for the said Commissioners, or either of them, or for any Justice of the Peace for the said West Riding, to administer; and the said Oath so taken and subscribed by such Umpire, shall be annexed to and inrolled with the Award of the said Commissioners, and a Copy of the Inrolment thereof shall be admitted as legal Evidence.

V. And



Commissioners to give Notice of Meetings

V. And be it further enacted, That the Commissioners shall cause a Notice, specifying the Time and Place of their First Meeting for executing this Act, to be affixed on the principal outer Door of the Parish Church and Trinity Church of *Halifax*, and on the principal outer Door of *Illingworth* Chapel, in *Ovenden* aforesaid, on some *Sunday* before Divine Service, Ten Days at least before such Meeting; and it shall be lawful for the Commissioners to adjourn their Meetings without giving any public Notice, as they shall see Occasion; and that all such Meetings to be held in pursuance of this Act, shall be held within the said Township of *Ovenden*, or within Eight Miles of the Boundary thereof.

Proprietors and Agents to bear their own Expenses.

VI. And be it further enacted, That the said Proprietors, their Attornies and Agents, shall pay their own Expenses when they or any of them shall attend the said Commissioners or Surveyors, on any Business relating to this Act or the said recited Act.

Notices to be advertized in *The Leeds Intelligencer*,

VII. 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 Newspaper shall not then be published, in some other Newspaper then published in *Wakefield*, or at *Leeds*, in the said County.

Commissioners empowered to determine Differences.

VIII. 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 relating to the said Division, Allotment or Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized and required, upon proper and sufficient Inquiry and Evidence, to examine into, hear and determine the same: Provided that nothing herein contained shall authorize the said Commissioners or Umpire 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 Encroachments as herein mentioned); but in case the said Commissioners or Umpire 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.

IX. And be it further enacted, That in case the said Commissioners shall, upon the Hearing or 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 any Costs, it shall 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 whole Favour any Determination of the said Commissioners 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



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 Commissioners, and they are hereby authorized and required by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, 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.

X. 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 allotted 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 or Umpire, 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 Commissioners, within Two Months next after such Determination shall have been so made by the said Commissioners or Umpire (of which Notice the said Commissioners are hereby required immediately on the Receipt thereof, or as soon afterwards as conveniently may be done, to give Information to the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, by Writing under their respective Hands, to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies or Agents as aforesaid), then it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, and he, she, and they is and are hereby required to proceed to a Trial or Trials at Law of the same, at the First or Second 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 be given, in a feigned Action or Actions for that Purpose to be commenced in His Majesty's Courts 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 Commissioners or Umpire shall have been made; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall file Common Bail, or appear and accept one or more Issue or Issues, whereby the Claim or Claims, Rights and Interests in question, may be properly tried and determined (such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties shall differ about the same); and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right or Rights or Interests than was or were claimed by such Party or Parties, then it shall and may be lawful

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



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, as if no 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 and Indorsement, if any such shall be made, shall be binding upon all and every Body and 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 and 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 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 or Second Assizes which shall be holden for the said County of York, after the Expiration of Six 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 Commissioners shall be final, binding, and conclusive, unto and upon all Parties whomsoever.

Actions not  
to abate by  
the Death of  
a Party.

XI. Provided always, and be it further 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 any Person or Persons, Bodies or Body Politic or Corporate respectively, who might have brought such Action against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said 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 Person or Persons had been actually living; and the Rights of all Parties shall

be



be equally bound and concluded by the Event of such Action or Actions.

XII. And be it further enacted, That *William Pilkington* of *Henfal* near *Snaitb*, in the County of *York*, Land Surveyor, and *Samuel Swire* junior, of *Halifax*, in the said County, Land Surveyor, shall be and they are hereby jointly and severally appointed Surveyors or Surveyor of the Commons, Moors, and Waste Grounds, and also of such of the ancient inclosed Lands within the said Manor, 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, it shall be lawful for the said Commissioners 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 *William Pilkington* and *Samuel Swire*, or such other Person or Persons so to be appointed Surveyor or Surveyors as aforesaid, before he or they shall proceed to act as such Surveyor, shall take and subscribe an Oath or Affirmation in the following Words; (that is to say),

I do swear [or, being one of the People called Quakers, do solemnly affirm] 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 Manor of Ovenden, in the Parish of Halifax, 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 or Affirmation the said Commissioners or either of them, or any Justice of the Peace for the said West Riding, are and is hereby empowered and required to administer; and the said Oath or Affirmation so taken and subscribed by such Surveyors or Surveyor, shall be annexed to and inrolled with the Award of the said Commissioners, and a Copy of the Inrolment thereof shall be admitted as legal Evidence.

XIII. And be it further enacted, That all Encroachments which shall have been made upon the said Commons, Moors, and Waste Grounds, within Twenty Years next before the First Day of *May* One thousand eight hundred and thirteen, shall be deemed Part of the said Commons, Moors, and Waste Grounds to be inclosed and allotted by virtue of this Act; and that all Rents and annual Payments in respect thereof to the Lord of the said Manor, shall from and after the passing of this Act, cease and determine, and be no longer paid or payable: Provided nevertheless, that all Encroachments made within the said Space of Twenty Years, by any Person or Persons having Right of Common, shall be allotted to such Person or Persons who shall at the Time of passing this Act be in Possession or Receipt of the Rents and Profits of such Encroachments, as the Whole or Part of the Share or Proportion of the said Commons, Moors, and Waste Grounds, to which such Person or Persons will be entitled by virtue of this Act, without considering the Value of the Erections thereon, or Improvements

Surveyors appointed.

Encroachments within 20 Years.



provements made thereto; and in case any such Encroachments shall, in the Judgment of the said Commissioners, be of greater Value (exclusive of such Erections and Improvements) than the Share or Proportion of the said Commons, Moors, 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 so allotted as aforesaid, shall pay to the said Commissioners, at or within such Time as they shall appoint, such Sum of Money as the said Commissioners shall adjudge to be the Value of such Encroachments, over and above the Value of the Allotment to which such Person shall be entitled, and exclusive of any such Erections and Improvements as aforesaid; which Money shall be paid and applied by the said Commissioners towards the Expences of this Act; 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; and that all Encroachments made by or in the Possession of any Person or Persons not entitled to Right of Common by virtue of this Act, shall be allotted and awarded to the said *John Lumley Savile* in Part of his Allotment as Lord of the said Manor, without considering the Value of any Improvement made thereupon; and if any Disputes or Differences arise touching the said Encroachments or the Antiquity thereof, or otherwise, the same shall be determined by the said Commissioners: Provided nevertheless, that in case it shall be discovered or ascertained, that any Encroachments or Parcels of Land heretofore sold by the present or any former Lord or Lords of the said Manor for the Redemption of Land Tax, shall have been taken in or inclosed from any of the Moors, Commons, or Waste Lands, by this Act intended to be divided and inclosed, such Encroachments or Parcels of Land as shall have been so sold, shall not by the said Commissioners be considered or reckoned as Part of the Encroachments made within Twenty Years as aforesaid, but shall be considered and taken as Encroachments which have been made upwards of Twenty Years previous to the said First Day of *May* One thousand eight hundred and thirteen.

Roads may  
be stopped up  
or altered.

XIV. And be it further enacted, That it shall and may be lawful for the said Commissioners to stop up, discontinue, divert, or alter any public Carriage Road, Bridleway, or Foot Path, leading through or over the Lands and Grounds intended to be divided or allotted by virtue of this Act, or passing or leading through any of the inclosed Lands within the said Manor and Township of *Ovenden*; 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, Bridleway, or Foot Path, passing or leading through any of the inclosed Lands in the said Manor, shall be stopped or discontinued, diverted, or altered, without the Concurrence



currence and Order of Two Justices of the Peace for the said West Riding, not interested in the Repair of the said 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.

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 Manor and Township of *Ovenden*, in the Parish of *Halifax* aforesaid; 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 Road, by 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, Moors, and Waste Grounds within the same Manor, wherein such widened Road shall be situate; 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 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 such Roads and 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 wherein any such Road shall be so widened.

XVI. And be it further enacted, That the said Commissioners shall, after setting out and appointing the necessary public Carriage Roads and Highways through and over the said Commons, Moors, and Waste Grounds hereby directed to be divided and inclosed, and they are hereby authorized and required to assign, set out, and allot unto the Surveyors of the Highways within the said Manor, such Parts of the said Commons, Moors, and Waste Grounds hereby directed to be divided and inclosed, as the said Commissioners shall think necessary, not exceeding One Acre in the Whole, as and for public Watering Places for Cattle.

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 Pieces of Ground, not exceeding in the Whole Twelve 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, inclosed, assigned and allotted; and for the Purpose of repairing all other public and private Highways or Roads within the said Manor and Township of *Ovenden*; and also for the Use and Benefit of all and every the Owners and Proprietors for the Time being, and his, her, and their Tenants and Occupiers of Estates situate

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within



within the said Manor and Township, for the Purpose of building or repairing any Messuages, or Tenements, Out-houses or other Buildings and Erections, Walls or Fences, or otherwise improving their said Estates within the said Manor and Township of *Ovenden*, 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 Commissioners be vested in the Surveyor or Surveyors of the Highways for the Time being, within the said Township of *Ovenden*, 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 within the said Township; 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; and that after all the Stone shall be had or got from and out of such Allotment or Allotments for Stone Quarries as herein-before mentioned, or any or either of them, the same shall respectively become and be vested in the Churchwardens and Overseers of the Poor and the Surveyor or Surveyors of the Highways within the said Township, and shall and may be by them sold and conveyed to any Person or Persons willing to become the Purchaser or Purchasers thereof; and the Purchase Money shall be applied by the said Churchwardens and Overseers of the Poor for the Time being, and by the Surveyor or Surveyors as aforesaid, in and towards the Repairs of the Highways and Roads within the said Parish, in such Manner as they or the major Part of them shall order and direct.

Allotment to  
the Lord in  
Right of the  
Soil, &c.

XVIII. And be it further enacted, That the said Commissioners shall, in the next place, set out, allot, and award (after setting out the Roads and Highways, and the Allotments for Watering Places, and for Quarries and previous to any other Allotment), in One or more Plot or Plots, unto and for the Lord of the Manor of *Ovenden* aforesaid, and as a Compensation for his Right and Interest in and to the Soil of the said Commons, Moors, and Waste Grounds within the said Manor of *Ovenden* aforesaid, One full Sixteenth Part (Quantity, Quality, and Situation considered) of the Remainder of the said Commons, Moors, and Waste Grounds; such Sixteenth to be over and above and exclusive of such Shares, Proportions, and Allotments of the said Commons, Moors, and Waste Grounds hereinafter directed to be allotted to him the said *John Lumley Savile*, in respect of the Messuages, Cottages, Lands and Grounds in Right whereof he is entitled to Allotments in and upon the said Commons, Moors, and Waste Grounds of *Ovenden* aforesaid, and also exclusive of his Allotment for working Quarries; and also set out and allot unto the Lord of the said Manor for the Time being, such further Allotment as they the said Commissioners shall deem equal in Value and a full Compensation for his working Stone Quarries; and also set out and allot unto the said Lord of the said Manor for the Time being, in Part of his Sixteenth Part of the Remainder of the said Commons, Moors, and Waste Grounds, a certain Piece or Parcel of Woody Ground called *Lee Bank*; and the said Com-



Commissioners shall cause the Allotments which shall be set out for the Lord of the said Manor, under and by virtue of this Act, to be well and sufficiently ring-fenced of a proper Height with good and sufficient Stone Walls, and shall pay and defray the Expences of making thereof, and also the Part or Share of the Expence of the Lord of the said Manor in obtaining and putting into Execution this Act, by and out of the Monies to be raised for defraying the Expences of obtaining and executing this Act; but the same Fences shall for ever afterwards be repaired by the Lord or Lords of the said Manor for the Time being: Provided always, that the said Commissioners shall, and they are hereby required to deduct from the said Allotments to be made to the Lord of the said Manor as aforesaid, so much as shall in the Judgment of the said Commissioners be equal in Value to the Proportion of the Expence of the Lord of the said Manor, of obtaining and putting into Execution this Act, and the Expences of ring-fencing the Allotment or Allotments so to be made to him as aforesaid; provided that such Deduction shall not exceed the Value of Five Pounds for each Acre of such Allotments: And the said Commissioners shall allot and award the Land so to be deducted, unto and equally amongst the Proprietors and Owners of Estates within the Manor of *Ovenden* intitled to Right of Common on the said Commons and Waste Lands, in Proportion to their Rights and Interests therein.

XIX. And be it further enacted, That the said Commissioners shall, in the next place, set out and allot such Part or Parts of the said Commons, Moors and Waste Grounds, as in their Judgment will be necessary to be sold, in order by Sale thereof to raise a Sum of Money for or towards paying the Charges and Expences of obtaining and passing this Act, and all other incidental Charges and Expences whatsoever, for or by reason of the said intended Division and Inclosure, and carrying this Act into Execution, and sell such Allotment or Allotments to any Person or Persons, for the best Price that can be reasonably 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 paid as a Deposit into the Hands of the said Commissioners, by the Purchaser or Purchasers thereof, and the Remainder of the Purchase Money shall be paid to the said Commissioners within Three 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 Allotments, the same shall be vested in Fee Simple in the Purchaser or Purchasers, and shall be assigned and allotted to him or them in and by the Award of the said Commissioners; and all the Money arising from the Sale or Sales shall be applied by the said Commissioners in Manner herein-after mentioned.

Land to be sold for defraying the Expences of the Act.

XX. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required in the next place, to make a just and true Estimate of the true Value, One Year with another, of Tithes of Agistment and all other Vicarial or Small Tithes whatsoever, arising or payable to the Vicar of *Halifax* aforesaid, and his Successors, out of or in respect of the Lands and Grounds within the said Manor of *Ovenden*, as well those already inclosed as those intended to be hereby divided, allotted, and

Allotment to the Vicar of Halifax, in lieu of his Vicarial or Small Tithes.



and inclosed; and after such Estimate is made as aforesaid, the said Commissioners shall set out, allot, and award unto the Vicar of *Halifax* aforesaid, and his Successors, such Portion of the said Commons, Moors and Waste Grounds, as they the said Commissioners shall think Equivalent or equal in Value to the same Vicarial or Small Tithes; which said Allotment shall be in lieu of and in full Compensation for all Vicarial Tithes, yearly or otherwise growing, arising, increasing and becoming due or payable out of all or any Part of the Lands or Grounds within the said Manor of *Ovenden*.

Saving Mortuaries and Surplice Fees.

XXI. And be it further enacted, That nothing herein contained shall extend to prejudice or impeach the Right of the said Vicar of *Halifax*, or any of his Successors, to any of his Dues, now arising from or in respect of the Lands and Grounds within the said Manor; but that all *Easter Offerings*, Mortuaries, Surplice and other Fees, shall be and continue and remain payable, and be recoverable in the same Manner as if this Act had not been passed.

Allotments to the Vicar to be laid together.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out the Lands or Grounds herein-before directed to be allotted to the Vicar of the Parish Church of *Halifax* aforesaid, and his Successors, in respect of his Small Tithes within the said Manor, together in One Plot on such Part of the said several Commons, Moors and Waste Grounds, as the said Commissioners shall think fit; and that the said Allotment so to be made and set out to the said Vicar, shall be well and sufficiently inclosed or fenced round with an outward Ring Fence, with a sufficient Stone Wall, in such Manner as the said Commissioners shall direct; and that the Expence thereof shall be borne, defrayed, levied and paid in the same Manner as the Costs, Charges and Expences of obtaining, passing and executing this Act, are herein-after directed to be raised and paid; and that the said Fence when so made, shall for ever afterwards be repaired and maintained by and at the Expence of the Vicar of *Halifax*, and his Successors for the Time being.

Allotment of Residue of Commons, Moors, and Waste Grounds.

XXIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to set out, allot, and award the Residue of all the said Commons, Moors and Waste Grounds, hereby directed to be inclosed, unto and amongst the several Owners or Proprietors, of Messuages, Cottages and Tofts, having Right of Common thereon, and of the ancient inclosed Lands and Grounds situate, lying, and being within the said Manor of *Ovenden*, in Proportion to the Number of such their respective Messuages, Cottages and Tofts, and according to the Quantity and Value of such their respective Lands and Grounds, in full Bar and Compensation of and for their respective Rights of Common or other Rights or Interests in, over and upon, the said Commons, Moors and Waste Grounds, or any Part thereof; and the said several Allotments shall be laid as contiguous and near to the respective Estates of the several Persons intituled to the same as conveniently may be; and that in ascertaining the Value of Wood Lands, within the said Manor, the said Commissioners shall, and they are hereby required to estimate the Value thereof according to the Nature and Quality of the Soil thereof, as if no Wood was growing thereon.

XXIV. And



XXIV. And be it further enacted; That when and so soon as the said Commissioners shall have ascertained the respective Rights and Interests of the said Proprietors in the Lands and Grounds to be divided and allotted by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, they the said Commissioners shall give Notice in Manner aforesaid of some convenient Time and Place; when and where the Proprietors may be informed of such intended Allotments, and a Map or Plan shall be produced for their Inspection; and as some Proprietors may upon Inspection of such Map or Plan be dissatisfied with the intended Allotments, the said Commissioners shall at such Time and Place as last aforesaid, or some other Time and Place, to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections against such Allotments, and shall forthwith or so soon after as conveniently may be, determine the same; and their Determination therein as to the said Allotments, shall be final and conclusive on all Parties, unless appealed against by virtue of the Provisions herein-after contained.

Allotments to be delineated upon the Plan, and shewn to the Proprietors.

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

Allotments to be fenced.

XXVI. And be it further enacted, That the Allotment and Allotments to be set out and allotted by virtue of this Act, to the Curate of the Chapel of *Illingsworth*, in Right of his Curacy, and to the Trustees of *Somerscale's* Charity, shall respectively be well and sufficiently inclosed and fenced round with an outward Ring Fence, with a sufficient Stone Wall, in such Manner as the said Commissioners shall direct, at the Costs and Expences of the other Proprietors by this Act made liable to bear and pay the general Expences of this Act; and such Costs, Charges and Expences, shall be paid or levied and recovered in the same Manner as the Costs and Expences of obtaining, passing, and executing this Act are to be paid, levied, and recovered.

For ring-fencing certain Allotments.

XXVII. And be it further enacted, That convenient Gaps and Openings shall be left in such Fences and Inclosures as shall be made in pursuance of this Act, for the Space of Twelve Calendar Months after such Fences and Inclosures shall be made, for the Passage of Cattle, Carts and Carriages through the same, unless the several Parties interested therein shall agree to have the same made up sooner, with the Approbation in Writing of the said Commissioners.

Gaps and Openings to be left for a limited Time.

XXVIII. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any Allotment under this Act, to sell, mortgage, dispose of, and convey his Estate and Interest therein, before the Execution of the Commissioners Award, separate and distinct from the Estate in Right of which he, she or they is or are entitled to the same; and such Sale, Mortgage, Disposition and Conveyance, shall be as effectual and valid in Law as the same would be if done at any Time after the Execution of the said Award; and also to mortgage, sell, dispose of, and convey the Estate in Right of which, he, she, or they may be entitled to any

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

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Allotment,



Allotment, separate and apart from, and retaining to himself, herself or themselves, such Allotments, Common Right and Interest; and the said Commissioners are hereby required to award such Allotments or Allotment accordingly.

Allotments to be of the same Tenure.

XXIX. And be it further enacted, That all and every the Allotments to be made by virtue of this Act to the Owners or Proprietors of any Messuages, Lands or Hereditaments, or in Right or in respect thereof, shall, from and immediately after the same shall be so set out and allotted by the said Commissioners, be of the same Tenure respectively as the Messuages, Lands or Hereditaments, in respect whereof the said several Allotments shall be respectively made.

Exchanges.

XXX. And be it further enacted, That it shall and may be lawful for the said Commissioners to set out or allot any of the Lands or Grounds hereby directed to be divided and allotted, or any Lands, Tenements or Hereditaments, in the said Township of *Ovenden*, in lieu of and in Exchange for any other Lands, Tenements or Hereditaments, in the same Parish, or any adjoining Parish or Place, so as every such Exchange 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 Proprietors or Persons seized or intitled in Possession of or to the Hereditaments so to be exchanged for any Life or Lives, or for Years determinable on any Life or Lives, or for some Estate of Inheritance less than an Estate in Fee Simple, or with the Consent of the Husbands, Guardians, Trustees, Committees or Attornies of any such Proprietors, who shall at the Time of making such Exchange be Femes Covert, Infants, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves, and so as that every such Exchange of any Lands, Tenements, or Hereditaments, holden in Right of any Church, Chapel or other Ecclesiastical Benefice, be made with the Consent of the Patron thereof, and the Bishop of the Diocese within which the same shall lie or be situate; and that all such Consents as aforesaid be respectively signified by Writing under the Hands of the consenting Parties, or under the Seals of any of them, being Corporations Aggregate; and every Exchanges which shall be so made and declared, shall be for ever good, valid, and effectual in the Law to all Intents and Purposes.

Expence of Exchanges.

XXXI. 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 Commissioners shall by their Award, or other separate Deed or Instrument, order and direct.

The Curate of Illingsworth, with the Consent of the Bishop of the Diocese, may lease for 21 Years, upon certain Conditions.

XXXII. And be it further enacted, That it shall be lawful for the Curate of the Chapel of *Illingsworth*, by Indenture or Indentures under his Hand and Seal, with the Consent and Approbation of the Bishop of the Diocese, and the Patron of the said Chapel of *Illingsworth*, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to such Curate by virtue of this Act to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after executing the Award; so that the



Rent or Rents for the same shall be thereby reserved to the Curate for the Time being by Four equal Quarterly Payments in the Year, and so that there be also reserved and made payable to such Curate, the best and most improved Rent or Rents that can reasonably be had or gotten for the same, without taking a Fine, Foregift, Premium, Sum of Money, or other Consideration, for the making or granting any such Lease or Demise; and so that no such Lessee by any such Lease or Demise be made dispunishable for Waste, by any express Words to be therein contained; and so that there be inserted in every such Lease, Power of Re-entry on Non-payment of the Rent or Rents to be thereby reserved, within a reasonable Time to be therein limited after the same shall become due; and so that a Counterpart of such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be so made as aforesaid; and every such Lease shall be valid and effectual, any Law or Usage to the contrary notwithstanding.

XXXIII. Provided always, and be it further enacted, That no Lease or Leases to be made by virtue of the said recited Act or this Act, of any of the Lands and Grounds to be allotted to the Vicar or any other Person, in Right of the said Vicarage of *Halifax*, shall be good, valid, and effectual, unless the Consent of the King's most Excellent Majesty, His Heirs and Successors, as Patrons of the said Vicarage, shall be had and obtained thereto, previous to the Execution of such Lease or Leases.

No Lease of the Vicar's Lands to be made without the King's Consent.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to revoke, make void, alter or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances, out of or upon, or affecting any of the Messuages, Buildings, Lands, or Grounds to be divided, allotted, and exchanged as aforesaid, or any Part or Parts thereof respectively; but that the respective Persons to whom any Lands or Hereditaments shall be allotted or given in Exchange by virtue of this Act, shall be seised thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Messuages, Buildings, Lands, Grounds, and Hereditaments, whereof such Person was seised or possessed, at or immediately before the Execution of the Award to be made by the said Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been made.

Wills and Settlements not to be affected.

XXXV. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of carrying the same and the said recited Act into Execution, shall be paid and defrayed out of the Money arising from such Sale and Sales of Land, as herein-before mentioned; and the said Commissioners are hereby directed and required to apply the said Money accordingly, in defraying the several Charges and Expences aforesaid; and in case there shall be any Overplus, the same shall be distributed amongst or applied for the Use and Benefit of the several Persons interested in the said Commons, Moors, and Waste Grounds, in such Manner as the said Commissioners shall think proper, and in Proportion to their respective Rights and Interests; and the Shares of such of them as shall be Tenants in Fee Simple shall

Expences of the Act.



shall be paid to them respectively, and the Shares of the other Proprietors and Persons shall be applied and disposed of in Manner directed by the said recited Act, with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments thereby directed to be paid into the Bank of *England*, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses: Provided always, that in case the Money arising by the Sale of any such Allotment or Allotments as aforesaid, shall not be sufficient to defray all the Charges and Expences aforesaid, then the Deficiency shall be made up by the several Persons interested in the Lands and Grounds hereby intended to be divided and inclosed (other than and except the Lord of the said Manor for the Time being), and shall be paid in such Shares and Proportions, and within such Time, as the said Commissioners shall direct and appoint: Provided also, that the said Commissioners shall, and they are hereby required to assess and charge the Owners of the said Commons, Moors, and Waste Grounds (other than and except the said Lord of the said Manor, and the Vicar of *Halifax*, and Trustees of *Somerstale's* Charity; and the Curate of the Chapel of *Illingsworth* for the Time being, as aforesaid), with such Share of the Charges and Expences before mentioned as they shall think just and equitable, for or on account of the Benefits to arise to them by the allotting and inclosing the said Commons, Moors, and Waste Grounds, the same to be paid to such Person or Persons, and within such Time, and applied for the Benefit of the Persons interested in the said Commons, Moors, and Waste Grounds, in such Manner as the said Commissioners shall direct or appoint; and in case any Person hereinbefore made subject to the Payment of any Money towards the said Charges or Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof, within the Time to be appointed as aforesaid, the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, by Warrant under the Hands and Seals of the said Commissioners; and the Overplus (if any) after deducting the Charges of such Distress and Sale, shall be returned to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Money advanced to be repaid with Interest.

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

Tenants for Life borrowing Money not to exceed 5l. per Acre.

XXXVII. And be it further enacted, That it shall and may be lawful to and for all or any of the Persons to whom any Allotments shall be made by virtue of this Act, being Tenants for Life or in Tail, or having any other greater Estate, and also to and for the Husbands, Guardians, Committees, Trustees, Attornies, or Agents of or for such of the said Owners, Proprietors, or Persons interested, as shall be under Coverture, Minors, Lunatic, or beyond the Seas, or otherwise incapable of acting for themselves, and every of them respectively for the Time being, or for the said Commissioners (in case the said Proprietors or Persons interested shall refuse or neglect), by Writing under their Hands and Seals, from Time to Time to charge the Lands and Grounds which shall be allotted and assigned to them respectively by virtue of this Act, with such Sum or Sums



Sums of Money, not exceeding Five Pounds for every Acre, to be applied for the Purposes before mentioned, and for no other, as the said Commissioners shall direct and appoint; and for securing the Re-payment of such Sum and Sums of Money with Interest, the Person or Persons borrowing the same respectively, may by Indenture or other Deed under his, her, or their Hand and Seal, or Hands and Seals, attested by Two or more credible Witnesses, grant, mortgage, demise, and assure the said Lands and Grounds intended to be divided and allotted as aforesaid, or any Part or Parts thereof, for any Term or Number of Years, or otherwise, unto or in Trust for such Person or Persons as shall advance and lend such Money, so as every such Grant, Mortgage, Demise, or other Security shall be made with a Proviso or Condition for Re-entry, or to cease and be void, or with an express Trust to be assigned, surrendered, or re-conveyed when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and do also contain a Covenant to pay and keep down the Interest of the Money thereby secured during his, her, or their respective Lives, so that no Person afterwards becoming possessed of any such Lands or Grounds, shall be liable to pay any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; and that every Grant, Mortgage or Demise so to be made, shall be good, valid, and effectual in the Law for the Purposes thereby intended.

XXXVIII. 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 whose Allotment or Allotments shall be sold as aforesaid) would have been empowered or authorized to borrow or charge upon his, her, or their Allotment or Allotments under or by virtue of the said recited Act or this 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 or this 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.

Tenants for Life not to deduct and borrow in the whole together more than 5l. an Acre.

XXXIX. And be it further enacted, That the said Commissioners shall be paid or allowed by the said Proprietors the Sum of Three Guineas each (and no more) for every Day they shall attend and be employed

Allowance to Commissioners and Surveyors.

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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 Surveyors shall be paid such Sum or Sums of Money for Plans, Maps, Surveys, and Attendances, as the said Commissioners shall order and direct.

Commissioners to account once a Year,

XL. 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 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 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 said Riding (not interested in the said Inclosure) to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, until the same shall have been duly allowed by such Justice.

Award to be enrolled in the Register Office at Wakefield.

XLI. And be it further enacted, That the Award to be made by the said Commissioners, shall be made and executed within the Space of Three Years from the passing of this Act, and shall be inrolled in the public Register Office kept at *Wakefield* in and for the West Riding of the County of *York*, and when so enrolled, shall be lodged in the Box or Chest in the Chapel of *Illingsworth*, in the Township of *Ovenden* aforesaid, to the end Recourse may be had thereto by any Person or Persons interested in the said Inclosure, who are hereby empowered to inspect the same on Payment of Sixpence for every such Inspection; and the Register for the Time being, or his Deputy, is hereby required to inroll the said Award or Instrument in the proper Book for the Inrolment of such Instruments in the said Office, and a true Copy of such Enrolment, or of any Part or Parts thereof, under the Hand of the said Register or his Deputy, shall be admitted and allowed as legal Evidence in all Courts and on all Occasions whatsoever; and which Copy the Register or his Deputy is hereby required to make, attest, and deliver to any Person or Persons requiring the same, he or they paying for such Copy after the Rate of Two pence per Sheet, reckoning Seventy-two Words to each Sheet; and the said Register or his Deputy shall be entitled to such Fees for such Inrolment only as are allowed him by the Act for Inrolment of any Bargain and Sale; and the said Register or his Deputy shall permit any Person or Persons within the Office Hours of Attendance to peruse or inspect the Inrolment at the said public Office, he and they paying for every such Perusal or Inspection Two Shillings and no more.

Persons dissatisfied may appeal to Quarter Sessions.

XLII. 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,



certained, 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 Months next after the Cause of Complaint shall have arisen; and the said Court of Quarter Sessions are hereby authorized to determine such Appeal, and to award such Costs as to them shall seem reasonable; which Determination shall be final and conclusive, and shall not be removed by *Certiorari* or any other Writ or Process whatsoever.

XLIII. 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 Lord or Lords of the said Manor for the Time being, of or to the Mines, Beds, and Seams of Coal, Beds of white Clay, or any Mines of Iron, Iron Stone, or other Mines or Minerals in or under the said Commons, Moors, or Waste Grounds hereby intended to be inclosed, or to any Seigniories or Royalties incident and belonging to the said Manor, the same being hereby reserved to the Lord or Lords of the said Manor for the Time being, with full Power for him and them at all Times to hold and enjoy all Quit Rents, Free Rents and other Rents, Reliefs, Duties, Customs, and Services, and all Courts, Perquisites, and Profits of Courts, and Liberty of Hawking, Hunting, Fishing, and Fowling within the said Manor; 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, Jurisdictions, Franchises and Privileges whatsoever, to the said Manor incident or appertaining (other than and except such Common Right, and Rents of Cottages and Encroachments, as could or might be claimed by him as Owner of the Soil and Inheritance of the said Commons and the Quarries of Stone therein) in as full, ample, and beneficial a Manner to all Intents and Purposes as if this Act had not been passed: And that the Lord or Lords of the said Manor for the Time being as aforesaid, shall and may at all Times hereafter have, hold, win, work and enjoy all Mines of Coal, Beds of white Clay, Ironstone and Minerals of what Nature or Kind soever (Quarries or common Stone only excepted), under the said Commons, 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 Lord or Lords of the said Manor for the Time being as aforesaid, shall be obliged to pay and shall from Time

Mines, &c.  
reserved to  
the Lord of  
the Manor.

Power to  
work Mines;

making Satis-  
faction.

to



to Time pay to the respective Owners and Occupiers of such Allotments respectively, an adequate Recompence and Satisfaction for all such Damages as 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.

General  
Saving.

XLIV. 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 and provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, their Heirs, Successors, Executors, Administrators, and Assigns, and except such other Rights and Interests as the Intent and Purpose of the Inclosure hereby authorized shall absolutely require to be barred, destroyed, or extinguished by virtue of this Act), all such Estates, Rights, Titles, and Interests, as they, every or any of them had or enjoyed, of, into, or out of the said Commons, Moors, and Waste Grounds, 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 passed.

Evidence  
Clause.

XLV. 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.

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