ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. LXXXV.

An Act for dividing and incloſing the Open Arable Fields, Meadows, Paſtures, and Commons, or Waſte Grounds, in the Townſhip of *Gowdall*, in the Pariſh of *Snaith*, in the County of *York*; and for draining and preſerving the ſame.

WHEREAS there are within the Townſhip of Gowdall, in the Pariſh of Snaith, in the County of York, ſeveral Open Arable Fields, Meadows, Paſtures, Commons, and Waſte Grounds, containing in the Whole Nine hundred Acres, or thereabouts: And whereas the King's moſt Excellent Majeſty, in Right of His Duchy of Lancaſter, is Lord of the Manor of Cowick and Snaith; and Richard Towne, Gentleman, is the Leſſee of the ſaid Manor for a Term of Years now ſubſiſting, and as ſuch claims the Right of Soil of and in the Commons and Waſtes within the ſaid Townſhip of Gowdall: And whereas the Right Preamble.

Honourable John Lord Viscount Downe, in the Kingdom of Ireland, is Lord of the Manor of Gramery Fee, in the Parish of Snaith, and as such claims to be intitled to the Right of Soil of and in the Commons and Wastes within the said Township of Gowdall, which lie on the North Side of the Sea Bank there: And whereas William Perfect, John Perfect, and Thomas Taylor, Gentlemen, are Impropriators and Owners of all the Rectorial or Great Tithes within the said Township, except such Great Tithes as may arise or happen from or out of the Lands and Grounds of William Sotheron Esquire, within the said Township, which are claimed by the said William Sotheron, and also by the said William Perfect, John Perfect, and Thomas Taylor: And whereas Charles Yarburgh Esquire, is Patron of the Vicarage or Curacy of the Parish Church of Snaith aforesaid, and as such is intitled to all Mortuaries happening or becoming due within the same Parish; and the Reverend William Williams is Vicar or Curate of the said Parish Church, and as such is intitled to the Tithes of Wool and Lamb, Flax, Rape, Hemp, Turnips, and all other Vicarial or Small Tithes and Easter Dues within the said Township, (Mortuaries excepted); And whereas the rest of the Lands and Estates within the said Township are the Property of the said Lord Viscount Downe, the said William Perfect, John Perfect, and Thomas Taylor, James Allot Esquire, the said William Sotheron, Matthew Boynton Esquire, Judith Twisleton, Joseph Fisher, Gentleman, and others: And whereas the several Lands of such respective Proprietors in the said Open and Unincloſed Common Fields lie dispersed and intermixed with each other; and the said Lands, and also the said Common, Meadow, and Pasture Grounds, Commons, and Wastes, may be very greatly improved, if the said Lands were divided and incloſed, and some Provision made for draining the same; but the several Purposes aforesaid cannot be effected without the Aid 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

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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 Tofield of Wilsick, in the County of York, Esquire, William Hill of Tadcaster, and John Fretwell of Pollington, in the said County, Gentlemen, shall be, and are hereby appointed Commissioners for setting out, dividing, and alloting all the said Open Arable Fields, Common Meadows and Pastures, Commons and Waste Grounds, within the said Township, to and amongst all the Proprietors and Persons interested therein, according to their several and respective Estates, Rights, and Interests therein respectively; and also for alloting, awarding, and making just and adequate Compensations for the Tithes of all the Lands and Tenements within the said Township, as herein-after mentioned, and for executing the several other Powers herein-after expressed, subject to the Rules and Directions herein-after mentioned. Commissioners Names.

And be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, (unless it be the Power hereby given of administering Oaths, and of giving Notice of their First Meeting) until he shall have taken and subscribed an Oath to the Effect following; videlicet, No Commissioner to act 'till he has taken the following Oath.

I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the several Powers and Trusts reposed in me as a Commissioner, by virtue of an Act, "For dividing "and inclosing the Open Arable Fields, Meadows, Pas- "tures, and Commons, or Waste Grounds, in the Town- "ship of *Gowdall*, in the Parish of *Snaith*, in the Coun- "ty of *York*, and for draining and preserving the same," without Favour or Affection to any Person whomsoever. So *help me* GOD.

Which

Which Oath it shall and may be lawful for any One of the said Commissioners to administer; and any One of the said Commissioners is hereby required to administer the same to any other of the said Commissioners; and the said Oath, so taken and subscribed by each Commissioner, shall be enrolled in the same Place, and at the same Time, as the Award or Instrument to be made by the said Commissioners is in and by this Act directed to be inrolled.

New Commissioners how to be elected.

And be it further enacted, That when and as often as any of the said Commissioners shall die, or refuse to act, it shall and may be lawful for the surviving or remaining Commissioner or Commissioners, and he and they is and are hereby required, from Time to Time, by Writing under his or their Hand and Seal, or Hands and Seals, within One Calendar Month next after such Death or Refusal shall be known to him or them, to elect and appoint a new Commissioner (not interested in the said Inclosure) in the Room or Place of every such Commissioner dying or refusing to act as aforesaid; and such new Commissioner or Commissioners, having taken and subscribed the Oath herein-before prescribed, shall have the like Powers and Authorities by virtue of this Act, as he or they, in whose Place or Stead he or they shall so succeed, had, or was or were by this Act invested with: Provided, that Fourteen Days previous publick Notice be given in the Parish Church of Snaith aforesaid, of the Time and Place of chusing such new Commissioner or Commissioners; and the said Oath, taken and subscribed by him or them, shall be made Part of the said Award.

Survey to be made.

And be it further enacted by the Authority aforesaid, That a true, exact, and distinct Survey and Admeasurement shall, as soon as conveniently may be, be made by such Person or Persons as the said Commissioners, or any Two of them, by any Writing under their Hands, shall, from Time to Time, appoint, of all the Lands and Grounds lying within the said Township of Gowdall, as well those already inclosed as those to be divided and inclosed by virtue of this Act; which said Survey and Admeasurement

Admeasurement shall specify and describe the Lands belonging to each Proprietor, with the Contents thereof, in Statute Acres, Roods, and Perches, and, when finished and perfected, shall be produced to and laid before the said Commissioners, or any Two of them, and verified by the Oath or Oaths of the Person or Persons making the same; and the said Surveyors, and also the said Commissioners, their Servants and Assistants, or any of them, have hereby full Power and Authority, from Time to Time, for the Purposes of this Act, to enter into, view, examine, survey, and admeasure, all and every the Lands and Grounds within the said Parish.

Surveyors to take the following Oath.

Provided always, That no Person shall be capable of acting as a Surveyor, for the Purposes aforesaid, until he shall have taken and subscribed an Oath to the following Effect before the said Commissioners, or any Two of them; which Oath the said Commissioners, or any Two of them, are hereby authorised to administer:

I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute and perform the several Trusts, Powers, and Authorities, reposed in me as a Surveyor, by virtue of an Act, "For dividing and inclosing the Open Arable Fields, "Meadows, Pastures, and Commons, or Waste Grounds, "in the Township of *Gowdall*, in the Parish of *Snaith*, "in the County of *York*; and for draining and preserving "the same," without Favour or Affection.

So help me GOD.

Which Oath, so taken and subscribed by the said Surveyor, shall be inrolled, together with the Award hereinafter directed to be made and inrolled.

Arbitrators to settle the Rights to Great Tithes, and how to be appointed.

And whereas it will be proper that the Right to the Great Tithes of the said Lands and Grounds of the said William Sotheron, within the said Township, should be ascertained before any Division, Allotment, or Inclosure, shall be made of the Lands and Grounds within the same; be it therefore enacted by the Authority aforesaid, That the several Claims of the said William Sotheron and the said

said William Perfect, John Perfect, and Thomas Taylor, shall, some Time before the First Day of December next ensuing the making or passing of this Act, be referred to and heard, examined, and determined by Thomas Walker of Lincoln's Inn Fields, in the County of Middlesex, Serjeant at Law, and Thomas Davenport of the Inner Temple, London, Esquire, who are hereby appointed Arbitrators for that Purpose: And in case the said Two Arbitrators shall not agree and determine the Matters in Dispute within the Space of Time aforesaid, it shall and may be lawful for them, and they are hereby required to nominate and appoint, by Writing under their Hands, such Person as they shall think proper to be Umpire for the Determination thereof, who shall and may, and who is hereby required to determine the same, within the Space of One Month next after such his Nomination; and that the Award and Determination of the said Thomas Walker and Thomas Davenport, or the Umpirage of the Person so to be nominated by them as aforesaid, of or in the Premises, shall be binding and conclusive to and upon the said William Sotheron, William Perfect, John Perfect, and Thomas Taylor respectively, and their respective Heirs and Assigns, and be subject to no Appeal whatsoever; and that the Award or Determination of such Arbitrators or Umpire shall be made and executed by them in Writing, under their Hands and Seals respectively; and that the same, and also the said Appointment of an Umpire, shall be inrolled, together with the other Awards hereby directed to be made; and the same, or a Copy thereof, or the Inrolment thereof, or a Copy of such Inrolment, or of any Part thereof respectively, shall be allowed as Evidence in all Courts whatsoever; and the Person or Persons against whom the said Right above mentioned shall by the said Arbitrators or their Umpire be decided, shall pay to the Person or Persons, in whose Favour the same shall be so decided, immediately after the Decision thereof, all Costs and Expences whatsoever incurred by him or them on account of the said Reference, such Costs and Expences to be settled by the said Arbitrators: And in case the said Arbitrators, or either of them, or if the said Umpire

shall

shall die, or refuse to act, the said Commissioners, or any Two of them, shall, and they are hereby required, by Writings under their Hands and Seals, from Time to Time, to elect and appoint One or more fit Person or Persons, being a Barrister or Barristers at Law, in the Place of such Arbitrator or Arbitrators, or Umpire, so dying or refusing to act; which Person, so elected or appointed, shall and may act in the Premises, as fully to all Intents and Purposes as if he had been hereby appointed and named Arbitrator or Umpire; which Writing or Writings of Appointment shall be inrolled, and Evidence thereof given, in the same Manner as hereinbefore is enacted concerning the Award to be made by the said Commissioners: And in case the said Tithes in Dispute shall be awarded or determined to belong to the said William Perfect, John Perfect, and Thomas Taylor, their Heirs or Assigns; or if the said William Sotheron, his Heirs or Assigns, shall neglect, within the Space of Time above limited, to refer his said Claim to such Arbitrators, as aforesaid, the said Commissioners, or any Two of them, shall set out, assign, and allot, to the said William Perfect, John Perfect, and Thomas Taylor, their Heirs or Assigns, the same Proportions and Shares in lieu of and in Compensation for the said Tithes in Dispute, and in the same Manner and Form, as they shall do in respect to the other Lands and Estates within the said Township; and in case the said William Perfect, John Perfect, and Thomas Taylor, their Heirs or Assigns, shall neglect, within the Space of Time last aforesaid, to refer their said Claim to the said Arbitrators, or if the Award or Determination, so to be made as aforesaid, shall be in Favour of the said Claim of the said William Sotheron, his Heirs or Assigns, the said Commissioners shall not make any Allotment in respect of the said Tithes in Dispute, but that the said Lands and Grounds of the said William Sotheron, and also the said William Sotheron, his Heirs and Assigns, and his and their Farmers or Tenants of the said Lands and Grounds in respect thereof, shall be for ever thereafter absolutely freed and exempt from the Payment of such Tithes; and that, in the

mean Time, or until such Default or Arbitration, or Determination, shall be had or made, as aforesaid; no Division or Allotment shall be had or made of any Part of the Lands or Grounds within the said Township, by virtue of this present Act; any Thing herein contained to the Contrary thereof notwithstanding.

Persons interested to lay an Account of their Claims before the Commissioners.

And be it further enacted by the Authority aforesaid, That after such Survey and Admeasurement shall be made and perfected, and the said Right to the said Tithes ascertained, as aforesaid, the said Commissioners, or any Two of them, are hereby required, with all convenient Speed, in the first Place, to cause One Calendar Month's publick Notice to be given, in such Manner as hereinafter mentioned, of the Time and Place of their then next Meeting; and all Persons interested in the Premises are required to lay before the said Commissioners, or any Two of them, an Account, in Writing, of what Houses or Frontsteads, having Common Rights, Lands, Grounds, Tithes, Easter Dues, Moduses, or Payments, in lieu of Tithes, Manerial Rights, or other Rights, they respectively have, or claim to have, in the said Township; and all such Claims shall be so made at such Meeting of the said Commissioners, unless for some reasonable Cause, to be allowed by the said Commissioners, or any Two of them; and, in that Case, such Claims as shall not be made at such Meeting, shall be laid before the said Commissioners, or any Two of them, in Manner as aforesaid, peremptorily, at their next Meeting, which next Meeting shall not be less than Three Weeks after such former Meeting; and no Claims whatsoever shall be received after such Second Meeting of the said Commissioners, except on account of some inevitable Accident, and which shall be adjudged so by the said Commissioners, or any Two of them: And at such Meeting or Meetings the said Commissioners, or any Two of them, shall examine all such Claims, and shall have full Power and Authority to summon and call before them all such Persons as they shall think necessary to be examined touching or concerning the same, or any other Matter or Thing that they shall think proper to

Commissioners to examine the same;

enquire into, relating to the said Division and Inclosure; and if any Doubts or Difficulties shall arise concerning any such Claims, which cannot be settled by the said Commissioners, or any Two of them, to their Satisfaction, then the said Commissioners, or any Two of them, may take Opinion, in Writing, of Counsel, learned in the Law; and the Determination of the said Commissioners, or any Two of them, shall be, and is hereby declared to be final and conclusive to all Persons interested in such controverted Claims; but no such Determination, as aforesaid, shall in any wise hinder or prevent any of the Parties from trying their Right at Law with each other with respect to any Matter of Title, nor shall any Trial to be had thereupon obstruct or hinder the Execution of this Act, or disturb any Allotment made to any other Person or Persons.

and if Doubts arise, Commissioners to take Counsels' Opinion.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Two of them, shall and may, and they are hereby authorized and required, in the next Place, to make a just and fair Estimate of the true Value, (One Year with another) of all the Tithes, Great and Small, and Ecclesiastical Dues, of what Nature or Kind soever, due and payable to any Person or Persons whomsoever, out of, or for, or in respect of all and singular the tithable Lands and Grounds within the said Township, as well those now inclosed as those intended to be divided and inclosed, as aforesaid; and such Valuation and Estimate being made and perfected, the said Commissioners, or any Two of them, are hereby further authorized and required, fairly and impartially, and according to the best of their Skill and Judgement, to set out, award, and allot unto the said William Perfect, John Perfect, and Thomas Taylor, as Impropriators, as aforesaid, their Heirs and Assigns, and the said William Williams, as Vicar or Curate, as aforesaid, or his Successors, in Right of his said Vicarage, severally and respectively, such Parts or Shares of the said Arable Fields, Meadows, Pastures, Commons, and Wastes respectively, (Quantity, Quality and Situation, considered) as they the said Commissioners, or any Two of them, shall deem to be a full, just, and adequate Compensation

Commissioners to make an Estimate of the Tithes, and to allot Lands in lieu thereof.

penſation and Satisfaction for the reſpective Rights and Intereſts which the ſame Proprietors reſpectively ſhall appear to have or be intitled to, of and in the Tithes, Great and Small, and all other Eccleſiaſtical Dues (Surplice Fees and Mortuaries only excepted) yearly ariſing or renewing, or which may afterwards ariſe, renew, or happen, in or upon the ſaid Arable Fields, Meadows, Paſtures, Commons, and Waſtes, or any of them, for and in lieu, Recompence, and full Satisfaction, of and for all ſuch Tithes and Eccleſiaſtical Dues (except as before excepted) of the ſaid Arable Fields, Meadows, Paſtures, Commons, and Waſtes, and every of them, for all Times to come; and alſo for and in lieu, Recompence, and full Satisfaction, of and for all Moduſes or preſcriptive Payments (if any) now paid and payable for any of the ſaid Tithes; and that for and in Lieu, Recompence, and full Satisfaction, of and for all the Tithes, Great and Small, and all other Eccleſiaſtical Dues (Surplice Fees and Mortuaries excepted) which may afterwards renew, increaſe, or happen, or which the ſaid William Perfect, John Perfect, and Thomas Taylor, and the ſaid William Williams, ſeverally and reſpectively, or their ſeveral and reſpective Heirs, Succeſſors, or Aſſigns, are or may be reſpectively intitled unto, from and out of all the titheable Garths, Crofts, Lands, and Grounds, already incloſed within the ſaid Townſhip; and alſo for and in Lieu, Recompence, and full Satisfaction, of and for all Moduſes and preſcriptive Payments (if any) now paid and payable for any of the ſaid Tithes; they the ſaid Commiſſioners, or any Two of them, ſhall and may allot or aſſign unto the ſaid William Perfect, John Perfect, and Thomas Taylor, as Impropriators, as aforeſaid, their Heirs or Aſſigns, and unto the ſaid William Williams, or his Succeſſors, ſeverally and reſpectively, as aforeſaid, ſuch Parts of the ſaid Commons and Waſte Grounds, or any of them, as they ſhall adjudge to be an adequate Compenſation and Satisfaction for the reſpective Rights and Intereſts which the ſame Proprietors reſpectively ſhall appear to have or be intitled to, of and in the Tithes, Great and Small, and all other Eccleſiaſtical Dues (except as before excepted) ariſing, renewing,

renewing, or happening, or which may afterwards arise, renew, or happen, in or upon the said Garths, Crofts, Lands, and Grounds, already inclosed: But in case the Owners of any of the said Inclosures or Premises shall not be intitled to sufficient Land in the said Commons and Waste Grounds, out of which such respective Compensations can be made; then, and in such Case, the said Commissioners, or any Two of them, shall and may, and they are hereby required to charge, by their Award, all such Owners of old Inclosures with such gross Sums of Money, or such respective yearly Rents or Sums of Money, to be issuing and payable out of the said respective old Inclosures, Lands, or Premises, in lieu of the said Tithes, Moduses, Compositions, Ecclesiastical Dues and Duties, as aforesaid, for which such Compensations in Land cannot be made, as in the Judgement of the said Commissioners, or any Two of them, shall be a full Equivalent and Compensation for the said respective Tithes, Moduses, Compositions, and Ecclesiastical Dues, (Surplice Fees and Mortuaries only excepted); which Rents shall for ever thereafter be issuing out of the respective old Inclosures and Premises to be specifically charged therewith, and shall be payable to the Impropriator, Vicar, or Curate, their Heirs, Successors, or Assigns respectively, by equal Half yearly Payments, in every Year, according to their respective Rights and Interests therein, the First Payment whereof shall grow due, and be made at such Time as the said Commissioners, or any Two of them, shall direct and appoint; and the several Persons to or for whose Benefit the said respective Rents shall be ascertained and appointed to be paid as aforesaid, shall and may, at all Times, after the Execution of the said Award, have and exercise such and the same Remedies and Powers, by Action, Distress, and Entry, for recovering the said respective yearly Rents, when the same shall be in Arrear, as in and by the Laws now in Force are provided and given to Landlords for recovering of Rents reserved upon Leases of Lands.

Assignments of Lands, or yearly Sums in lieu of Tithes, to be proportioned by the Commissioners.

Provided nevertheless, That all such Allotments and Assignments of Lands or yearly Sums, in lieu of Tithes and Ecclesiastical Dues, shall be fairly and impartially proportioned

proportioned and divided by the said Commissioners, or any Two of them, between them the said William Perfect, John Perfect, and Thomas Taylor, as Impropriators as aforesaid, their Heirs or Assigns, and the said William Williams as Vicar, or his Successors, in right of the said Vicarage, severally and respectively, according to their several and respective Shares, Proportions, Rights, and Interests, of and in all the Tithes, Great and Small, and other Ecclesiastical Dues, which do or may arise, or become payable out of, for, or in respect of the said Arable Fields, Meadows, Pastures, Commons, and Waste Grounds, and the said Garths, Crofts, Lands, and Grounds, already inclosed within the said Township, and Moduses, or prescriptive Payments.

Allotment to His Majesty in Right of His Manor or Lordship of *Cowick* and *Snaith*.

And be it further enacted, That the said Commissioners, or any Two of them, shall and may, in the next Place, set out and allot to and for the King's Majesty, his Heirs and Successors, in right of His said Manor or Lordship of Cowick and Snaith, (yet nevertheless to and for the Use and Benefit of the said Richard Towne, Lessee, as aforesaid, or of the Lessee or Lessees of the said Manor or Lordship for the Time being, during his and their several and respective Terms and Estates therein, and according to the Conditions of the Lease or Leases under which he or they respectively hold or claim the same) One twentieth Part of all the Commons and Wastes above mentioned, which lie on the South Side of the Sea Bank in the said Township of Gowdall; and also set out and allot unto such Person or Persons as shall appear to be intitled to the Soil of the Commons and Wastes which lie on the North Side of the Sea Bank, as above mentioned, One twentieth Part of the Commons and Wastes lying on the North Side of the said Sea Bank.

Allotment for getting Materials for repairing Highways.

And be it further enacted, That the said Commissioners, or any Two of them, shall set out and appoint One or more Piece or Pieces of Ground, not containing more than Four Acres in the Whole, being Part of the Lands to be divided and inclosed, and in such convenient Place or Places as the said Commissioners, or any Two of them, shall think proper and convenient, for getting of Stone, Gravel, Sand, and other

other Materials for repairing the Roads and Ways to be set out by virtue of this Act, or other ancient Roads within the said Township, and also for making and repairing, from Time to Time, the Bank by this Act directed to be made, and for the Use of the Inhabitants of the said Township; and that the Herbage growing upon the said Piece or Pieces of Land shall be, and is hereby vested in the Surveyors of the Highways of the said Township for the Time being, in Trust, to let the same for the best Rent or Rents that can be gotten, and apply the same in repairing the Highways of the said Township, and to account with the said Inhabitants touching the Application thereof at the Time of settling their annual Accounts.

The Manner of dividing the Residue of the Commons and Waste Lands.

And be it further enacted, That the said Commissioners, or any Two of them, shall set out, divide, and allot, the Residue of the said Commons and Wastes unto and amongst the said Lord Viscount Downe, William Perfect, John Perfect, Thomas Taylor, James Allot, William Sotheron, Matthew Boynton, Judith Twisleton, and Joseph Fisher, and all other the Owners and Proprietors as well of ancient Houses and Frontsteads, having Common Rights upon the said Commons and Wastes, or any Part thereof, as of the Open Arable Fields, Common Meadow, and Common Pasture Grounds, and the Lands and Grounds already inclosed within the said Township, having such Right of Common, in such Shares and Proportions as hereinafter mentioned; that is to say, One Moiety or Half Part of the said Commons and Waste Grounds, (Quantity, Quality, and Situation considered) shall be so allotted and awarded to and amongst the said Lord Viscount Downe, William Perfect, John Perfect, Thomas Taylor, James Allot, William Sotheron, Matthew Boynton, Judith Twisleton, and Joseph Fisher, and all and singular other the Owners of ancient Houses and Frontsteads, having Common Right upon the said Commons and Waste Grounds, or any Part thereof, according to the Number of such ancient Houses and Frontsteads, without any Distinction as to Messuages or Cottages; and that the

Owner

Owner or Owners of each such ancient House or Frontstead, without Regard to the Value thereof, and whether the same may be deemed to be a Messuage or Messuagestead, Cottage or Cottagestead, shall have an equal Share, (Quantity, Quality, and Situation considered,) of such Commons and Waste Grounds, for and in lieu and in full Satisfaction of all Rights of Common of such Owners of Houses and Frontsteads in or upon the said Commons and Waste Grounds, or any of them; and that the other Moiety or Half Part of the said Commons and Waste Grounds, (Quantity, Quality, and Situation considered,) shall be allotted and awarded unto and amongst the said Lord Viscount Downe, William Perfect, John Perfect, Thomas Taylor, James Allot, William Spotheron, Matthew Boynton, Judith Twisleton, and Joseph Fisher, and all and singular other the Owners and Proprietors of such Field Lands, Meadows, and Pasture Grounds, and inclosed Grounds, who are also Owners and Proprietors of some of the ancient Houses and Frontsteads standing or being within the said Township, and having Right of Common upon the said Commons and Waste Grounds hereby intended to be divided, or some of them, in Proportion to the Value of such Field Lands, Meadow, and Pasture Grounds, and inclosed Grounds respectively; such Value to be estimated and ascertained by the said Commissioners, or any Two of them.

For alloting the Residue of the Arable Fields, Meadows, and Pastures.

And be it further enacted, That the said Commissioners, or any Two of them, shall and may, and are hereby authorised and impowered, to set out, allot, and award, all the Residue of the said Open Fields, Common Meadows, and Common Pastures, within the said Township of Gowdall, (after such Allotments shall be first made thereof to the respective Owners of the Tithes, as aforesaid) unto the said Lord Viscount Downe, William Perfect, John Perfect, Thomas Taylor, James Allot, William Spotheron, Matthew Boynton, Judith Twisleton, and Joseph Fisher, and all and every of the other Proprietors and Persons interested in the said Open Fields, Common Meadows, and Common Pastures, according to their several and respective Rights and Interests in such

such Shares and Proportions, and in such Parts and Places there, as the said Commissioners, or any Two of them shall, in their Judgement, think most advantageous and convenient to all the said Proprietors, in lieu and Satisfaction of such respective Parts, Shares, and Interests, in the said Open Fields, Common Meadows, and Common Pasture Grounds, as the said Proprietors respectively now have and enjoy; and the said Commissioners are hereby required to have Regard in making the Allotments of all and every the Lands and Grounds to be divided and allotted by virtue of this Act, as well to the Quantity, Quality, and Situation, of each Proprietor's present Share and Interest therein, as to the Quantity, Quality, and Situation, of the Lands to be allotted in lieu thereof, upon such Division as aforesaid, and not to give any undue Preference to any of the said Proprietors or Persons interested as aforesaid, but to make the several Allotments of each of the said Proprietors fairly and impartially, and in such Manner, as that the same may lie as conveniently situated for his her, or their Houses, Frontsteads, and ancient Inclosures, as may be.

Power to make Exchanges.

And, for the more convenient Situation and Disposition of the several Farms and Lands of the several Freeholders and Land Owners, within the Township of Gowdall aforesaid, upon the said Division and Inclosure, be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Two of them, and they are hereby authorized and impowered, to assign, allot, set out, and appoint, any House, Messuage, Barn, or Building, or any Part or Parcel of ancient inclosed Lands or Grounds lying within the said Township, in lieu of, and in Exchange for any other House, Messuage, Barn, or Building, or for other Lands or Grounds, lying in the said Open Arable Fields, Common Meadows, Pastures, Commons, or Wastes, so intended to be inclosed as aforesaid, or in lieu of any other inclosed Ground within the Township of Gowdall aforesaid; so as all and every such Exchange and Ex-

changes to be made as aforesaid be ascertained, specified, and declared in the Award or Instrument hereinafter directed to be made and executed; and so as every such Exchange be made by and with the Consent and Approbation of the Owners or Proprietors interested therein, who shall have in him, her, or them, any Estate in Fee-simple, Fee-tail, or being Tenant or Tenants for Life or Lives, to be testified by Writing under their respective Hands and Seals, to be indorsed on the Back of the said Award; and all and every Exchange and Exchanges so to be made as aforesaid, shall be good valid and effectual in Law, to all Intents and Purposes whatsoever: And the several and respective Hereditaments so taken in Exchange by any of the said Proprietors, shall also, from the Time of making and perfecting any such Exchange as aforesaid, be and enure to, for and upon the same, and the like Uses and Trusts, as the Messuages, Tenements, Frontleaps, Lands, and Grounds, so to be given or awarded in lieu thereof, should respectively have been subject to, at or immediately before the Time of making such Exchanges respectively.

Guardians of Infants, &c. may consent to Exchanges.

Provided always, That it shall and may be lawful to and for the Guardian or Trustee of any Infant, or other Person under any Disability or Incapacity, to consent to all such Exchanges, on the Behalf of such Infants, or other incapacitated Persons, all such Exchanges being testified, ascertained, specified, and declared, as above mentioned.

Power to the Vicar and Curate to grant Leases of his Allotment.

And be it further enacted, That it shall and may be lawful to and for the said William Williams, and his Successors, Vicars, or Curates of the Parish Church of Snaith aforesaid, by and with the Consent and Approbation of the Lord Archbishop of York for the Time being, by any Writing or Writings under his Hand and Seal, to be attested by Two or more credible Witnesses, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out to or for him or his Successors, Vicars, or Curates, as aforesaid, to any Person or Persons, for any Term or Terms, not exceeding

ing Twenty-one Years, to commence from the Date of the Award, at the best and most approved Rent, and without taking any Fine or Fines for the same; and so as such Lease be made without Impeachment of Waste; and so as the Lessee or Lessees, to whom such Lease or Leases shall be made, shall be obliged yearly to spend, spread, and consume, in an husbandlike Manner, upon the Premises to be demised, all the Manure arising from the Product thereof; and so as there be contained in every such Lease or Leases, Clauses of Re-entry on Nonpayment of the Rent or Rents to be therein and thereby reserved; and so as the respective Lessee or Lessees do execute a Counterpart of every such Lease; which under these Restrictions shall be good, valid, and effectual in the Law to all Intents and Purposes, any Law or Usage to the Contrary notwithstanding.

Commissioners to make a Bank to protect *East Moor* from being flooded;

And be it further enacted, That the said Commissioners, or any Two of them, shall, and they are hereby required, to make a proper and sufficient Bank, to extend from the high Ground within the Town of Gowdall, towards the Township of Snaith, so as to protect and prevent a certain Common called The East Moor, and any other Lands to the Eastward of the high Ground in Sand Field and Town Field, within the said Township, from being flooded by the Overflowings of the River Aire, but the same Bank is not to extend further Westward than the high Ground within the said Town of Gowdall; and the said Commissioners, or any Two of them, shall, and they are hereby also required, to make, set out, and appoint to be made, proper and convenient publick Ways, Roads, Hedges, Fences, Ditches, Bridges, Causeways, Sluices, Flood-gates, Drains, Water-gates, Stiles, and other Requisites, in, through, over, and upon the Lands and Grounds hereby directed to be inclosed as aforesaid; which Roads or Ways shall not be of less Breadth than Sixty Feet between the Ditches; and also make, set out, and appoint, change, or alter, any private Ways or Roads, Hedges, Fences, Ditches, Bridges, Causeways, Sluices, Flood-gates, Drains, Watercourses, Streams or Waters, Gates, and Stiles,

and to set out Roads, &c.

in, through, or upon, any of the Lands or Grounds within the said Township, which the said Commissioners, or any Two of them, shall judge to be requisite for the Convenience of the Owners, or the Improvement of the Lands so intended to be inclosed; and to value, ascertain, and award a Satisfaction to each Tenant and Owner for the Damage which shall be done thereby; and also to set out and appoint such publick and private Roads and Drains, as well through ancient Inclosures as the Open Arable Fields, Meadows, Pastures, Commons, and Waste Grounds, hereby intended to be inclosed, as they the said Commissioners, or any Two of them, shall think fit; making Satisfaction for the Land they shall make use of in laying out and making all such Roads and Drains through such old Inclosures as aforesaid; and may also cause to be made all such proper Ponds for the holding of Water in dry Seasons, for the Convenience of watering Cattle, at such Place and Places, and in such Manner, as they shall think proper and convenient; and also to set forth, order, direct, and appoint, all and every such further and other needful Act, Matter, or Thing, for the more speedy and effectual dividing, allotting, inclosing, draining, and improving, of the said Lands and Grounds hereby directed to be inclosed, or any of them, or for the better and more effectual Execution of this Act, as they the said Commissioners, or any Two of them, shall think convenient; and the said Bank above mentioned shall be made, and for ever thereafter be repaired and supported, at the Expence of the Owners of the Lands which shall be protected thereby, in such Manner and Form; and the Persons already chargeable with the Repairs of the old Bank shall pay such Sums of Money to be discharged therefrom as the said Commissioners, or any Two of them, shall, in and by their said Award, order and direct; and all such publick Roads, Bridges, and Drains, shall be made at the Expence of the Proprietors of Lands hereby intended to be inclosed, in such Proportions as the said Commissioners, or any Two of them, shall, in and by their Award, order and direct; and all such publick Roads shall, at all Times, for ever, after the setting out and completing

thereof, be repaired, and kept in Repair, in such Manner as the other publick Highways within the said Township are repaired and kept in Repair; and all such private Ways or Roads, Hedges, Fences, Ditches, Bridges, Causeways, Sluices, Flood-gates, Drains, Watercourses, Streams of Water, Gates, or Stiles aforesaid; and also the Amendment of any Defect in the publick Ways, Bridges, or Sluices, and the Removal of any Obstructions in the Watercourses, which do or may retard the effectual draining of the said Lands, Causeways, Sluices, Flood-gates, Drains, Watercourses, Streams of Water, Ponds, Gates, and Stiles, and other Requisites and Improvements, as aforesaid, shall be made and at all Times after supported, repaired, and cleansed, by all or any of the Proprietors of the Allotments to be made by virtue of this Act, in such Manner as the said Commissioners, or any Two of them, shall by their said Award or Instrument, order, direct, or appoint; and shall after the making the Roads and Ways so to be set out and appointed, it shall not be lawful for any Person or Persons to use any other Roads or Ways, either publick or private, over the said Allotments, either on Foot or with Horses, Carriages, or Cattle; and all the former Roads and Ways, which shall not be set out and appointed as the Roads and Ways through the said intended Allotments, shall be deemed as Part of the Lands so to be divided and inclosed, and shall be allotted accordingly; and the Grass and Herbage growing and renewing in and upon the said Roads and Ways shall be, and is hereby vested in the Surveyor or Surveyors of the Highways of Gowdall aforesaid for the Time being, in Trust, to let and set the same, and apply the Rents and Profits thereof in the same Manner as is herein-before directed with respect to the Grass and Herbage arising from the Lands herein-before directed to be set out for the Purpose of getting Stone and Gravel, and other Materials, for repairing the said Roads and Ways.

Provided always, That nothing herein contained shall authorize the said Commissioners, or any of them, in setting out such publick Roads, to render useless any other ancient publick Highways in any other Township, Parish, Proviso.

Parish, or Place, heretofore leading into, or communicating with, the said Township of Gowdall, by stopping up such ancient Communication, without appointing some other convenient Communication therewith.

No Sheep or Cattle to be depastured in the Lands or Inclosures for Seven Years after making the Award,

And, for the more effectual Preservation of the Quick-fences to be planted and set for dividing and separating the Lands and Grounds hereby intended to be divided and inclosed, be it further enacted, That it shall not be lawful for any Person or Persons to depasture, either with Sheep or other Cattle, any of the Highways or Lanes which shall be made by virtue of this Act, for the Term of Seven Years next after the Execution of the Award herein-after mentioned; nor shall it be lawful for any of the said Proprietors, Owners or Occupiers of any Part of the Lands and Grounds intended by this Act to be divided and inclosed, to keep or depasture any Sheep, or any other Cattle, in any of the Allotments to be made by virtue of this Act, for the Term of Seven Years next after such Allotment shall be made, unless the Person or Persons so keeping or depasturing Sheep or other Cattle shall first make, or cause to be made, a Fence sufficient to guard the young Quick-fences round such Allotments from being stopped, hurt or damaged by such Sheep or other Cattle, whether such young Quick-fences be planted or set by the Person or Persons owning or occupying such Allotment as aforesaid, or by any Person or Persons owning or occupying the Allotment adjoining thereto.

unless Fences are made to guard the Quickfets.

Award to be made by Commissioners in Six Months after the Allotments.

And be it further enacted, That within Six Calendar Months next after the said Commissioners shall have compleated the Division or Allotments hereby directed to be made, or as soon after as conveniently may be, the said Commissioners, or any Two of them, shall, and they are hereby required, to make, or cause to be made, an Award or Instrument, in Writing, in which shall be expressed the Quantity and Contents, in Statute Measure, of all the said Arable Fields, Meadows, Pastures, Commons, and Waste Grounds, hereby intended to be divided and inclosed, and of all the inclosed Lands and Grounds within the said Township, and the Quantities and Contents,

tents, Situations, Buttals, and Boundaries of each and every Parcel thereof which shall be allotted and awarded to each and every of the Proprietors and Persons interested therein respectively; pursuant to the Powers and Directions of this Act, distinguishing which Parts and Parcels shall be allotted to His Majesty and the said Lord Viscount Downe respectively, for their respective Rights of Soil; and also what Parts and Parcels shall be allotted to the said William Perfect, John Perfect, and Thomas Taylor, and the said William Williams respectively, for and in lieu of Tithes, Ecclesiastical Dues, or any Moduses or prescriptive Payments in lieu thereof; and what Sums of Money, in gross or annual Sums, shall be paid, and to whom respectively, by each and every, or any of the Owners or Proprietors of ancient and other Inclosures, for or in lieu of, or in Part Compensation for, the Tithes and Ecclesiastical Dues of such ancient Inclosures respectively; and when such Payments in gross shall be made, or annual Payments shall commence, and at what Times and Places the same annual Payments shall be made in each Year; and also specifying all the Lands and Grounds to be given and taken in Exchange respectively, by and amongst the said Proprietors, pursuant to the Powers above mentioned, and the Situation, Buttals, and Boundaries, of all the Lands and Grounds so to be given and taken in Exchange respectively, and how much, (if any Thing) shall be paid to each Owner or Occupier, for the Damage he, she, or they may sustain by the making or altering any Fences, Ditches, Ponds, or Drains, in any Corn Lands; and shall contain proper Orders and Directions concerning the said Bank above directed to be made, and also concerning all publick or private Roads or Ways, Hedges, Fences, Ditches, Bridges, Causeways, Sluices, Floodgates, Drains, Watercourses, Streams of Water, Ponds, Gates, Stiles, and other Requisites, which may be made or altered by virtue of this Act, together with all such other Orders and Regulations as the said Commissioners, or any Two of them, shall think proper and necessary, for the perfecting and compleating the said intended

tended Division and Inclosure, according to the true Intent and Meaning of this Act; and such Award or Instrument shall be fairly ingrossed upon Parchment, and signed and sealed by the said Commissioners, or any Two of them, and shall be inrolled within Six Calendar Months after the Date thereof, as well in the Office of the Clerk of the Council of the Duchy of Lancaster, as in the publick Register Office kept at Wakefield, in and for the West Riding of the said County of York; to the End that Recourse may be had to such Inrolments at all Times hereafter, by all Persons whatsoever; and a true Copy of such Inrolment, under the Hand of the said Clerk of the Council or Register, or their respective Deputies for the Time being, shall be admitted and allowed in Evidence, in all Courts of Law and Equity; and the said original Award, after the Inrolment thereof, as aforesaid, shall be lodged and kept in the Parish Church of Snaith, under the Care of the Vicar and Churchwardens of the said Church, in order to be, from Time to Time, inspected by all Persons interested, on Payment of Sixpence for each such Inspection: And the said Award, and all Orders, Directions, Regulations, and Determinations therein contained, and thereby declared, shall be binding and conclusive to all Persons whomsoever.

Whenever the Inclosure is finished, all Right of Common to cease.

And be it further enacted, That when such Division and Allotments of the said Open Fields, Meadows, Pastures, Commons, and Waste Grounds, shall be finished and perfected, and the same shall be ascertained and established by such Award, as aforesaid, all Right of Common or Average, of what Nature or Kind soever thereupon, shall absolutely cease and be extinguished; and all the Lands, Grounds, and Tenements whatsoever, within the said Township, and all the present and future Owners and Occupiers thereof, shall, from the making such Award, be absolutely freed and discharged from the Payment of all Tithes, Great and Small, and Ecclesiastical Dues whatsoever, and also from all Compositions, Modules, or other Payments whatsoever, in lieu

of Tithes, (the Surplice Fees and Mortuaries now due and payable only excepted); and all such Tithes, Great and Small, and Ecclesiastical Dues, and all Compositions, Moduses, or other Payments, in lieu of Tithes, (Surplice Fees and Mortuaries as aforesaid, excepted), shall absolutely cease and be extinguished.

Tithes, &c. that were due before making the Award how to be recovered.

Provided nevertheless, That any such Tithes, Great or Small, Ecclesiastical Dues, Compositions, Moduses, or other Payments, in lieu of Tithes, or any Rents reserved upon Lease or other Contract for any such Tithes or Ecclesiastical Dues, which shall be due to any Person or Persons at the Time of making such Award as aforesaid, shall and may be recovered, raised, and levied, by the respective Persons to whom the same respectively shall be justly due and payable, in the same Manner, and by the same legal Remedies, in all Respects, as if this Act had not been made.

Commissioners may suspend Right of Common until Allotments made.

And be it further enacted, That, in the mean Time, and until such Divisions, Partitions, and Allotments, shall be staked out, made, fenced, and completed, it shall and may be lawful for the said Commissioners, or any Two of them, at any Time or Times hereafter, whenever and so often as they in their Discretion shall think convenient and necessary, by Notice or Notices in Writing for that Purpose, under their Hands, to be affixed on the Door of the Church of Snaith aforesaid, to suspend, or totally extinguish, all or any Part of the Right of Common in and over the said common Fields, waste Grounds, and other open Grounds hereby directed to be inclosed; and, from and after such Notice or Notices given, all such Right of Common in and over such of the said common Fields, waste Grounds, and open Grounds, as by such Notice or Notices shall be directed or declared to be suspended or extinguished, shall cease and be utterly extinguished, or otherwise be suspended for such Time as shall in and by such Notice or Notices be directed; and if, after such Right of Common shall be suspended or extinguished by such Notice or Notices, and during such Suspension as aforesaid, any Proprietor or

Proprietors

Proprietors shall permit or suffer his, her, or their Cattle or Sheep to go, depasture, or feed, on any such Lands and Grounds, then it shall and may be lawful to and for any other Proprietor or Proprietors to seize and impound such Cattle or Sheep then being upon any such Lands and Grounds, contrary to such Order, or going upon or depasturing upon such Lands or Grounds after such Right of Common is extinguished, or during any such Suspension as aforesaid, and the same to impound, or detain and keep, until such Time as the Person or Persons offending in either of the Cases aforesaid, shall have paid to the Person or Persons impounding the same the Sum of Two Shillings for each of the Cattle, and Sixpence for each of the Sheep so impounded; and in case the same be not paid before the next Meeting of Commissioner after such Impounding, as aforesaid, then the said Commissioners, or any Two of them, are hereby authorised and required, upon Proof upon Oath of such Fact, (which Oath the said Commissioners, or any One of them, are and is hereby impowered to administer), and Nonpayment of the Penalty hereby imposed, and so often as the same shall happen, by Warrant under their Hands and Seals, to cause such or so many of such Cattle or Sheep to be sold as shall be necessary for the raising and Payment of the Penalty aforesaid, together with the Costs and Charges attending such Sale, rendering the Overplus (if any) to the Owner.

Allotments to be subject to the same Charges and Incumbrances as before.

And be it further enacted, That all Out-rents, Fee-farm Rents, and other Payments, Mortgages, Charges, and Incumbrances, charged upon or issuing out of any of the Lands, Grounds, and Tithes, of the said Proprietors, or any of them, or to which the same Premises, or any of them, are liable or subject, shall, from and after the making such Division and Allotments, be respectively issuing, and payable out of, and charged upon such new Allotment or Allotments to be made to them respectively, in lieu thereof; and the respective Proprietors to whom such Lands or Grounds shall be allotted, out of, or upon

upon which any such Out Rent, Fee-farm Rent, or other Payment, Mortgage, Charge, or Incumbrance, as aforesaid, is now or shall then be issuing or payable, or the same Lands, or any of them, shall not be any longer chargeable therewith.

Commissioners to direct the Allowance to be made for Timber, &c.

And be it further enacted, That all Timber, and other Trees, Hedges, or Bushes, standing or growing in any Lands or Grounds, or in any Fences, which, after the making such Award as aforesaid, may become the Property of any Person or Persons, other than such as was or were the Proprietor or Proprietors thereof, at or immediately before the making such Award, shall be valued and allowed for by the Person or Persons to whom the Lands or Grounds shall be allotted, in which such Timber, or other Trees, Hedges, or Bushes, are so growing or standing, in such Manner as the said Commissioners, or any Two of them, by any Writing under their Hands, to be delivered to the Parties interested therein, (but not to be comprised in the said Award) shall order and direct; and in case the Person or Persons by whom such Allowance ought to be made shall refuse or neglect to conform to such Order and Direction, then it shall and may be lawful to and for the Person or Persons who was or were the Proprietor or Proprietors, immediately before the making of such Award, of the Land or Fence in which any such Tree or Trees, Hedges or Bushes, shall be standing respectively, at any seasonable Time or Times, within the Space of Six Calendar Months next after such Allotment shall be made, to enter upon the Lands and Grounds upon which such Timber, or other Trees, Hedges, or Bushes, shall be standing and being, and to fell and cut down, and with Horses, Carts, and Carriages, take and carry away the same, at his and their Will and Pleasure, to and for his and their own Use and Benefit; and the Order and Direction of the said Commissioners, or any Two of them, shall be binding and conclusive unto and upon all Parties.

And

Increased Rent to be paid by Tenants for Years.

And whereas it is reasonable that some increased Rent should be paid by the respective Lessees for Years of such Houses or Frontsteads, Lands or Tithes, in respect whereof any Allotments of Lands may be made by virtue of this Act, and who shall not, at their own Expence, divide, inclose, fence, drain, and embank such Allotments; be it therefore further enacted, That the said Commissioners, or any Two of them, may, by any Writing under their Hands (to be delivered to the Parties interested therein, but not to be comprised in such Award as aforesaid), order and direct what additional Rent (if any) shall be paid during the Continuance of such respective Leases by such Tenants for Years respectively, who shall not bear the Charges of inclosing, draining, and embanking their Allotments respectively, unto the respective Owners for the Time being of such new Allotment or Allotments, subject to such Term or Terms for Years, Regard being had as well to the Prejudice which may accrue to such Tenant or Tenants for Years, by the Loss of his, her, or their Right of Common and Average, as to the Expences which the Owner of such new Allotment or Allotments may be put to on account of the dividing, inclosing, fencing, draining, and embanking such Allotment or Allotments respectively; and any such additional Rent, so to be ordered and directed to be paid as aforesaid, shall be recoverable in the same Manner, and by the same Ways and Means, as any Rent of Lands or Tenements, reserved upon any Lease for Years, may by Law be recovered; which Orders and Directions of the said Commissioners, or any Two of them, shall be binding and conclusive unto and upon all Parties.

Commissioners not to interfere between His Majesty and His Tenants.

Provided nevertheless, That nothing herein contained shall extend to give the said Commissioners, or any of them, any Power or Authority to interfere or intermeddle between his Majesty and his Tenants or Lessees, with respect to his Majesty's Rights in the said Township, or to settle or adjust what increased Rents shall be rendered

rendered and paid to His Majesty, His Heirs or Successors, by such Tenants or Lessees respectively.

This Act not to affect any former Charge or Incumbrance upon the Lands to be inclosed.

Provided always, That nothing herein contained shall extend, or be construed to extend, to revoke, alter, or annul, any Deed, Will, Settlement, or Lease, or to prejudice any Person having or claiming any Right, Interest, or Charge whatsoever, in, to, or upon, or any ways affecting any of the Lands so to be divided and inclosed as aforesaid, or any of the said old Inclosures; but that the Lands and Grounds which shall be allotted to the said Proprietors respectively, or their respective Heirs, Successors, Executors, Administrators, or Assigns, shall be taken, held, and enjoyed, and the several Persons or Bodies Corporate or Sole, to whom the same shall be respectively allotted and awarded, shall from thenceforth stand and be seized thereof, to and upon such and the same Uses and Trusts, and for such and the same Estates, and under and subject to such and the same Limitations, Remainders, Leases, and Incumbrances respectively, as the several Lands, Grounds, Tithes, and Hereditaments, in lieu whereof such Allotment shall be made, should and would have been subject and liable to be charged with and affected by, in case such Division and Allotment had not been made; and the Lands and Grounds which before the making such Division and Allotment were subject and liable thereto, and also the Persons to whom the same shall be respectively allotted, shall, from the Time of making the said Division and Allotment respectively, be discharged therefrom.

Proviso.

Provided also, That nothing herein contained shall extend to alter or affect the Right of His Majesty, His Heirs or Successors, or any contingent Rent or Rents reserved and made payable to His Majesty, by any Lease or Leases now in being on the Expectancy or Contingency of the said Commons and Wastes being improved and cultivated.

Upon the Death of any Vicar or Curate, the Representatives to be intitled to a Proportion of the Rents and Profits to the Time of such Death.

And be it further enacted, That, upon the Death, Cession, or Resignation, of the said William Williams, or any future Vicar or Curate of the said Parish Church of Snarth, a just Proportion of the Rents and Profits of such Lands and Grounds as shall be allotted to the said Vicar or Curate, and also a just Proportion of any yearly Sums of Money which shall be awarded to such Vicar or Curate in lieu of any Tithes or Ecclesiastical Dues, shall be paid to, and received by, the proper personal Representatives of such Vicar or Curate so dying, or by such Vicar or Curate who may make such Cession or Resignation, from the Time when the same shall have been last due and payable to the Time of such Death, Cession, or Resignation; and the Residue of the Rents and Profits of such Lands, and of such yearly Sums of Money respectively, to the succeeding Vicars or Curates, of the same Parish Church, from Time to Time.

Farmers quitting their Farms, their Summer Crops to be subject to Tithes.

And be it further enacted, That if any Farmer or Farmers of Lands or Tenements, so to be exempted from the Payment of Tithes as aforesaid, shall quit or go off his, her, or their Farm or Farms, at Lady-day or May-day next before or next after the Time herein-before limited for the Extinguishment of the Tithes of such Lands and Tenements respectively, or at any Time between those Days, and such Farmer or Farmers shall, according to the Course of Husbandry there, have a Summer's Crop or Crops following him, her, or them, then, and in such Case, the respective Landlord or Landlords of every such Farmer so quitting his, her, or their said Farm or Farms respectively, shall be intitled, and shall and may take such Tithes in Kind of the said Crop, and have such and the same Remedies for taking and recovering the same, as the Owners of such Tithes might have had in case this Act had not been made; unless such Farmer or Farmers shall otherwise agree for such his, her, or their Tithes, with his, her, or their respective Landlord or Landlords.

And be it further enacted, That any of the said Proprietors, or Persons interested in the Lands and Grounds hereby intended to be divided and inclosed, shall and may have their respective Proportions in lieu of their Right in such Lands and Grounds laid together, in case they shall request the same in Writing, delivered to the said Commissioners, or any Two of them, within Three Calendar Months after the first Meeting for receiving Claims; such Parcel of Land to be allotted in One Piece, to be enjoyed by the Proprietors thereof; and each of the said Proprietors shall have Liberty to enjoy the same according to their respective Rights and Interests therein, to be set out and ascertained by the said Commissioners, or any Two of them. Allotments may be laid together.

And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Two of them, to order, direct, and appoint, the Course of Husbandry, that shall be used in the said Lands and Grounds so intended to be divided and inclosed, until they shall have completed their Award; and that every Person's Share in the said Lands and Grounds shall be liable to such Directions as the said Commissioners, or any Two of them, shall appoint, with regard to stocking, tilling with Lime or Manure, plowing and sowing with Corn. Commissioners to appoint the Course of Husbandry.

And be it further enacted, That the said Commissioners, or any Two of them, are hereby required to settle and ascertain what Recompence shall be made or paid to the Owner of any Crop growing at the Time of the said Division, for the Value of the said Crop, by the Person to whom such Lands on which such Crop is growing shall be allotted; or otherwise, that the Owner of such Crop shall be at Liberty to cut, gather, lead, and carry away the same, within a Time to be limited for that Purpose by the said Commissioners, or any Two of them, without any Molestation or Hinderance from the Person to whom the Land on which the Crop was growing shall be allotted. Allowance for Crops growing at the Time of the Division.

And

Former Hedges may be continued.

And be it further enacted, That if any Hedges now standing upon any of the said Lands or Grounds shall be appointed by the said Commissioners, or any Two of them, as and for a Boundary Fence for any of the Inclosures or Allotments as aforesaid, all such Hedges shall be left for the Benefit of the Person or Persons to whom such Inclosure or Allotment shall belong, he, she, or they, immediately making such Allowance and Consideration to the former Owner or Owners of such Hedges respectively, as the said Commissioners, or any Two of them, shall, by Writing under their Hands, in that Behalf appoint.

Old Roads to continue until new ones are provided.

Provided always, That no Road or Roads whatsoever to any of the ancient Inclosures within the said Township shall be stopped up or taken away, until the said Commissioners, or any Two of them, shall have first set out and provided another sufficient Road or Roads to such ancient Inclosure.

Owners to accept their Allotments within One Month after the Allotments made.

And be it further enacted, That all and every Person or Persons, Bodies Politick and Corporate, to whom any Allotment shall be made by virtue of this Act, and his, her, or their Heirs or Assigns, shall, within One Calendar Month next after the same shall be allotted and awarded to him, her, or them, and publick Notice given in the Parish Church of Snaith aforesaid, on some Sunday immediately after Divine Service, and also by Writing to be affixed on the Door of the said Parish Church, and also by Advertisement in the York Courant, or York Chronicle, (which Notice the said Commissioners, or any Two of them, shall cause to be given and published), accept such Share and Shares as shall be allotted and awarded to them respectively; and shall and may hold and enjoy their said respective Allotments in Severalty, freed and discharged of and from all Claim or Right of Common or Average whatsoever; and that all such Proprietors shall also within the said Time accept such

such Messuages, Buildings, Lands, or Grounds, as shall be so allotted and awarded to them respectively, in Exchange for any other Messuages, Buildings, Lands, or Grounds, as aforesaid; and shall and may hold and enjoy the same, as aforesaid, against all other Persons whomsoever; and shall have the same, or the like (and no other) Estate and Interest in such respective Allotments of such Lands and Grounds respectively, as they have in the Lands or Grounds in lieu whereof such Allotment shall have been made, without any Claim, Title, or Disturbance to be made or given One to another by any of the Persons interested in the said Premises respectively, or any other Person or Persons claiming, or to claim, by, from, or under them, or their respective Heirs, Successors, or Assigns.

In case of Neglect, to be excluded from all Benefit thereof.

And be it further enacted, That in case any Person or Persons shall neglect or refuse to accept his, her, or their Allotment or Allotments within the Time herein-before limited for Acceptance thereof, such Person or Persons so neglecting or refusing, and his, her, or their Heirs and Assigns, shall be totally excluded from having or receiving any Benefit or Advantage from the said intended Division and Inclosure, (save upon the Terms herein-after expressed), and shall also be excluded from any Estate or Interest, or any Right of Common or Average whatsoever, in any of the Lands or Grounds to be allotted or awarded to any other Person or Persons, as aforesaid.

Guardians, &c. may accept for Persons incapacitated.

Provided nevertheless, That the Executors in Trust, Guardians, Husbands, Trustees, or Attornies, of any Person or Persons, being Minors, under Coverture, or beyond the Seas, or otherwise incapable by Law to accept their said Allotments, shall be, and are hereby enabled and required to accept thereof, for the Use of such Person or Persons so incapacitated, as aforesaid, and such Acceptance shall be, and is hereby declared to be, as valid and effectual as if the Person or Persons, to whom the same shall be made respectively was or were capable of acting for themselves, and had accepted thereof, any

Thing herein contained to the Contrary thereof notwithstanding: But the Non-claim or Non-acceptance of any Guardian, Husband, Committee, Trustee, or Attorney, shall not exclude or prejudice the Claim or Acceptance of any Person or Persons intitled as Heir, or in Remainder, after the Death of any Person dying under such Disability or Incapacity, who shall claim or accept within One Year after his, her, or their Right, Title, or Interest, shall have descended, vested, or accrued.

Inclosures to be made and preserved at the Expence of the Owners.

And be it further enacted, That when the said Lands and Grounds shall be allotted and awarded as aforesaid, the several Persons to whom the same shall be allotted, or their respective Heirs or Assigns, shall, at their own Expence, inclose, hedge, ditch, drain, and fence, and for ever maintain such Hedges, Ditches, Drains, and Fences, each in their own several and respective Allotments, within such Time, and in such Manner, as the said Commissioners, or any Two of them, shall direct or appoint; and in case of Neglect or Refusal so to do, the said Commissioners, or any Two of them, shall cause such respective Allotments to be inclosed, hedged, ditched, drained, and fenced, in such Manner as they shall direct, and the Expence thereof shall be paid in Manner herein after mentioned.

Vicar's Allotment to be inclosed at the general Expence.

Provided always, That the Out Fences of all the Lands which shall be so allotted to the said William Williams, or his Successors, shall be well and sufficiently made by the Direction of the said Commissioners, or any Two of them; and the Charges of the first making thereof shall be borne by all the said Proprietors, and shall be assessed, raised, and levied, in the same Manner as the other Costs, Charges, and Expences, attending the said Division and Inclosure, are to be borne, assessed, raised, and levied, by virtue of this Act.

Proprietors may mark and stake out their Allotments, and guard their Quickfets.

And be it further enacted, That it shall and may be lawful to and for any of the said Proprietors, after their respective Allotments shall have been marked and staked out by Direction of the said Commissioners, or any

Two

Two of them,) before the figning of the faid Award, to ditch and fence their own particular Allotments in fuch Manner as the faid Commiſſioners, or any Two of them, ſhall order and direct; and all ſuch Proprietors may, at any Time within the Space of Nine Years next after the, ſhe, or they, ſhall enter upon, and poſſeſs his, her, or their Share or Shares, ſet down and place Poſts and Rails, or any other Fences, on the Outſides of the Ditches or Banks bounding their reſpective Allotments, for guarding their growing Hedges and Quickſets, not exceeding Three Feet from any ſuch Ditches or Banks, and may, from Time to Time, within the Space of Nine Years, ſet up and continue any Gate or Gates acroſs any Road or Roads, which ſhall be contiguous to, or adjoin upon, his, her, or their Lands, (not being a Turnpike Road) to prevent Cattle deſtroying any Banks, Quickſets, or Fences, which may be made and planted againſt ſuch Road, ſo as ſuch Gate or Gates ſhall not be ſo made or faſtened as to prevent any Perſon or Perſons paſſing or repaſſing, with or without Horſes, Cattle, or Carriages; and alſo may, at any Time before the Expiration of the ſaid Nine Years, remove, take, and carry away, ſuch Poſts and Rails, Gates, or other Fences, ſo by them ſet up and made, as aforeſaid, and convert the ſame to their own reſpective Uſes; provided that no Gates, Poſts, or Rails, to be erected as aforeſaid, ſhall continue longer than Nine Years, from the Time of the ſigning the ſaid Award.

Convenient Openings to be left.

Provided always, That ſuch convenient Openings ſhall be left in the Fences to be made as aforeſaid, as the ſaid Commiſſioners, or any Two of them, ſhall direct, for the Space of Twelve Calendar Months next after the ſeveral Allotments ſhall be made, as aforeſaid, for the paſſing of Cattle, Carts, and Carriages, through the ſame; and that ſuch of the ſaid Proprietors, whoſe Allotments ſhall lie next or adjoin to any Land already incloſed, or to any ſufficient Drain or Water Sewer, ſhall not be obliged to make or erect any Hedge, Ditch,

or

or Fence, against such inclosed Lands, Drains, or Water Sewers; but that the ancient Fence, Drain, or Water Sewer, by which such Allotment shall be bounded and divided from any other Ground, shall be for ever and remain a Boundary Fence for the Purpose of such Division, and shall be, from Time to Time, maintained, cleansed, and scoured, at the Costs and Charges of the Proprietors of such Lands already inclosed, or in such other Manner as shall be directed by the said Commissioners, or any Two of them.

Expences of the Act how to be defrayed.

And be it further enacted, That all Costs, Charges, and Expences, in and about the preparing, soliciting, and obtaining this Act, the surveying, dividing, and allotting the said Open Fields, Meadows, Pastures, Common and Waste Grounds, and of surveying all the said ancient Inclosures, and all the Charges of the said Commissioners in and about the making and inrolling such Award, as herein-before mentioned, and all other incidental Charges and Expences whatsoever, for or by Reason of, or preparatory to, the said intended Division and Inclosure, and the hearing and determining any Claims in relation to the Premises, and the carrying this Act into Execution, shall be jointly borne and paid by the respective Persons (except as in and by this Act is excepted) to whom any Allotment shall be made, by an Assessment to be laid upon all the Lands and Grounds to be divided and allotted as aforesaid, (except as in and by this Act is excepted) by an equal Pound Rate, according to the Value of their respective Allotments; and all the old Inclosures to be charged in Proportion to the Benefit which shall accrue to them from any Exemption from Tithes, or otherwise; such Proportion to be settled by the said Commissioners, or any Two of them; and in case any Person or Persons liable to pay any such Charges and Expences, or any Part or Parts thereof, shall refuse or neglect to pay his, her, or their Share or Shares of such Charges and Expences, or the Charges and Expences of inclosing,

hedging, ditching, and fencing their respective allotments as aforesaid, to such Person or Persons as the said Commissioners, or any Two of them, shall direct, then the said Commissioners, or any Two of them, may, by Warrant under their Hands and Seals, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons respectively refusing or neglecting to pay the same, wheresoever the same may be found, rendering the Overplus, (if any), after the reasonable Charges of such Distress and Sale are deducted and paid, to the Owner or Owners of such Goods and Chattels; or otherwise it shall and may be lawful for the said Commissioners, or any Two of them, to enter into and upon the Premises so allotted to such Person or Persons so refusing or neglecting to pay as aforesaid, and to take and receive the Rents, Issues, and Profits thereof, until thereby, therewith, or otherwise, the Share or Shares of the said Costs, Charges, and Expences, and also all Costs, Charges, and Expences, occasioned by or attending such Entry upon and Perception of the Rents and Profits of the same Premises, shall be respectively fully paid and discharged.

Provided always, That the King's Majesty, his Heirs or Successors, or the said Lord Dowle, his Heirs or Assigns, in respect of the Share or Shares which may be set out or allotted to him or them respectively, as Lord or Lords of the Soil, as above mentioned, shall not be charged with any Part of the Expences of obtaining and carrying this Act into Execution.

The King's Majesty and Lord *Dowle*, as Lords of the Soil, not subject to any of the Expences of the Act.

Provided also, That such Part or Parts of the said Lands and Grounds as shall be allotted to the said William Williams, or his Successors, in Right of his said Vicarage or Curacy, or any yearly Sum or Sums of Money to be awarded as aforesaid, in lieu or part of Satisfaction of any such Small Tithes, Easter Dues, or Ecclesiastical Dues, as aforesaid, shall not be charged or chargeable, or contribute to any of the Charges or Expences either of Ring-fencing the Allotment to be made to him or them, as aforesaid, or of obtaining and carrying this Act into Execution.

Vicar not subject to such Expences.

Owners, &c. impowered to borrow Money.

And whereas the Owners and Proprietors of Allotments to be made by virtue of this Act may have Occasion to borrow Money to defray their respective Shares and Proportions of the Charges and Expences incident to and attending the obtaining and executing this Act, and the inclosing, draining, and embanking their respective Allotments, but cannot, by Reason of some Settlement, Incapacity, or Impediment, make effectual Securities for Money so to be borrowed; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all or any of the Persons (except the said William Williams, as Vicar or Curate of the Parish Church aforesaid, or his Successors) to whom any Allotments shall be made by virtue of this Act, being Tenants for Life, or in Tail, and also to and for the Husbands, Guardians, Committees, Trustees, or Attornies, of or for such of the said Owners or Proprietors, as shall be under Coverture, Minors, Lunaticks, or beyond the Seas, or otherwise incapable of acting for themselves, and every of them respectively for the Time being, or the said Commissioners, or any Two of them, (in case the said Proprietors shall neglect or refuse), 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 by virtue of this Act, with such Sum or Sums of Money, not exceeding Forty Shillings for every Acre, to be applied for the Purposes before mentioned, and for no other Use, as the said Commissioners, or any Two of them, shall direct and appoint: And for securing the Repayment 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, and attested by Two or more credible Witnesses, grant, mortgage, lease, and demise such Lands or Grounds as aforesaid, 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 to cease and be void, or with an express Trust to be assigned, surrendered, or reconveyed, 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 thereby secured Money, during his, her, or their respective Lives; and that no Person afterwards becoming possessed of any such Lands or Grounds shall be liable to any further or larger Arrear of Interest than for One Year preceding the Time that the Title of such Possession shall have commenced; and that every Grant, Mortgage, Lease, or Demise, so to be made, shall be good, valid, and effectual in the Law, for the Purposes thereby intended, notwithstanding the want of legal Title in the said Husbands, Guardians, Trustees, Committees, or Attornies, or in the said Tenants in Tail or for Life; any Law or Usage, Settlement, Will, Trust, Use, Remainder, or Limitation, to the Contrary notwithstanding.

Interest to be kept down.

And whereas it is proper that the said William Williams, and his Successors, should be enabled to raise Money to defray the Charges and Expences of draining and embanking the Allotment to be made to him or them as aforesaid; be it therefore further enacted, That it shall and may be lawful to and for the said William Williams, and his Successors, Vicars or Curates, as aforesaid, (with the Consent and Approbation of the Archbishop of York for the Time being), to charge all or any of the Lands and Grounds, which shall be so allotted or assigned to him or them as aforesaid, with such Sum or Sums of Money, towards defraying and discharging the Expences of draining and embanking the said Allotment to be made to him or them as aforesaid, (but for no other Purpose whatsoever), as the said Commissioners, or any Two of them, shall order, direct, or appoint, not exceeding Forty Shillings an Acre: And for securing the Repayment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise, the Lands and Grounds so

Vicar or Curate impowered to raise Money to defray the Expence of Draining and Embanking.

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to be charged, or any Part thereof, unto the Person or Persons who shall advance and lend the same, for any Term or Number of Years, so as every such Grant, Mortgage, Lease, or Demise, be made with a Proviso or Condition to cease and be void, or with an express Clause to be surrendered, when the Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied; and so as every such Grant, Mortgage, Lease, or Demise, do contain a Covenant, that the said Vicar or Curate, and his Successors, shall, at the End of every Year, after the Commencement of the Term for which the Premises shall be granted as aforesaid, pay to the Person or Persons to whom any such Grant, Mortgage, Lease, or Demise, shall be made, his, her, or their Executors, Administrators, or Assigns, One-sixth Part of the principal Money to be borrowed for the Purposes aforesaid, until the Whole shall be paid off and discharged; and also to pay and keep down the Interest of the Money thereby to be secured during his or their Life or Lives; and so as every such Grant, Mortgage, Lease, or Demise, do contain a Proviso, that the succeeding Vicars or Curates respectively shall not be liable to the Payment of any further or larger Arrear of Interest than from the Day of the Death, Resignation, or Cession of their respective Predecessors.

Securities may be assigned.

And be it further enacted, That all and every Person and Persons to whom any Grant, Mortgage, Lease, or Demise, shall be made, by virtue of this Act, as a Security for any Sum or Sums of Money by him, her, or them lent and advanced for the Purposes of this Act, or who shall be intitled to any Money thereby secured, shall and may, from Time to Time, by any Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, indorsed upon such Grant or Demise, and to be executed in the Presence of Two or more credible Witnesses, assign or transfer, without any Stamp, the same Security or Securities, or the principal Money or Interest thereby secured, and all his, her, and their Benefit, Right, Title, and Interest, in and to the same,

same, unto any Person or Persons whomsoever, who may again in like Manner assign the same, and so toties quoties; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, and their Executors and Administrators, and all Persons claiming under them, or any of them, shall and may use, take, and pursue all such lawful Methods and Expedients in Law or Equity, for recovering and obtaining the Possession of the Premises so to be mortgaged, demised, or assigned, as aforesaid, in case of Nonpayment of the principal Money and Interest to be thereby secured, or any Part thereof, as is or are used, taken, and pursued in all Cases of the like Nature.

Not to extend to prejudice the Rights of the Patron and Vicar to Surplice Fees.

And be it further enacted, That nothing herein contained shall extend to prejudice or impeach the Right of the said Charles Yarburgh, his Heirs, Executors, or Administrators, or the said Vicar or Curate of the said Parish Church of Snaith, or his Successors, to any Surplice Fees or Mortuaries to which they are now respectively intitled, as aforesaid; but that they shall and may hereafter have, receive, and enjoy, all such Surplice Fees and Mortuaries, in the same Manner as if this Act had not been made.

Future Rates to the Vicar to be assessed in the same Proportion only as the Lands of other Persons.

And be it further enacted, That all future Rates and Levies to be made within or for the said Township or Parish, or either of them, or for any Lands or Grounds, or yearly Sum or Sums of Money, which shall or may be assigned or allotted, by virtue of this Act, to the said Vicar or Curate of the Parish Church of Snaith aforesaid, or his Successors, for and in lieu of Tithes, Easter Dues, Ecclesiastical Dues, Compositions, or Payments, in lieu of Tithes, shall be assessed to all such publick or parochial Rates, Cares, and Assessments, in the same Proportions only as the Lands and Tenements of other Persons within the said Township and Parish shall, from Time to Time, be rated and assessed thereto, and not otherwise.

Allowance to the Commissioners and Surveyors for Attendance, &c.

And be it further enacted, That each of the said Commissioners shall be allowed and paid by the said Proprietors the Sum of One Guinea, and no more, for every Day each of the said Commissioners shall attend and be employed at any Meeting or Meetings, or in going to or returning from thence, or otherwise howsoever, in executing the Powers and Authorities given to them by virtue of this Act, over and besides their reasonable Expences; and that the Payment of Half a Guinea, and no more, over and besides their reasonable Expences, shall also, in like Manner, be made to each Surveyor for every Day they, or either of them, shall attend or be employed at any Meeting or Meetings of the said Commissioners, by the Direction of the said Commissioners, or any Two of them.

All Proprietors at Meetings to bear their own Expences.

Provided always, That all the Proprietors, or other Persons interested in the Lands and Grounds to be divided and inclosed by virtue of this Act, (except the Agent and Solicitor to the said Proprietors) shall, at any Meeting of the said Commissioners, pay their own Charges and Expences.

Commissioners to enter their Accounts in Books.

And be it further enacted, That the said Commissioners, or any Two of them, shall cause to be kept a Book of Accounts, wherein shall be entered by some One of them, a particular and distinct Account of all the Costs, Charges, and Expences, paid, laid out, and expended by them, or any of them, by the Direction and Appointment of them, or any Two of them, in the Execution of this Act; and also the Charges and Expences of the said Commissioners and Surveyors, for the Time and Attendance of each Commissioner and Surveyor at each Meeting of the said Commissioners, or any of them, or otherwise, in executing the Powers hereby vested in them respectively, separately and distinctly, from Time to Time; which Book of Accounts may be inspected and perused by all or any of the said Proprietors present, at any Meeting or Meetings of the said Commissioners; and that the said Book of Accounts shall be compleated

and finished at or before the Execution of the said Award, and signed by the said Commissioners, or any Two of them, and given up to the said Proprietors, at the Time of signing the said Award; but the said Book of Accounts, or any Thing therein contained, shall not be deemed and taken to be Part of the said Award, or inrolled therewith, but shall be deposited and kept in the Parish Church of Snaith aforesaid, together with the said Award, under the Care of the Vicar and Churchwardens of the said Church, so that the same may be from Time to Time inspected with or without the said Award by all Persons interested therein, for the Inspection whereof the Sum of Sixpence, and no more, shall be paid: And in case any Person shall think himself or herself aggrieved by any Expence which shall appear by such Book to have been incurred, in relation to the Execution of this Act, such Person may appeal against the same within the Time, and in Manner herein after directed; and the Justices, before whom such Appeal shall be brought, are hereby authorised and impowered, if they see Cause, to take Cognizance thereof, and to hear and finally determine the same; any Thing in this Act to the Contrary notwithstanding.

Persons aggrieved may appeal to the Justices.

And be it further enacted, That before any Meeting of the said Commissioners shall be had for any of the Purposes aforesaid, Notice in Writing under their Hands, or the Hands of any Two of them, shall be given and published on some Sunday, in the Parish Church of Snaith aforesaid, immediately after Divine Service, and also by Writing to be affixed on the Doors of the said Church, and by Advertisement in One or both of the Weekly Papers, called The York Courant and York Chronicle, of the Time and Place when and where the said Commissioners intend first to meet for receiving Claims as aforesaid, which Notice shall be given Ten Days at least before such Meeting of the said Commissioners; and the said Commissioners, or any Two of them, being so met according to such Notice, shall and may afterwards meet, from Time to Time, as they

Commissioners to give Notice of their Meetings.

they shall think proper, for the Purposes aforesaid, by Adjournment, and without giving any farther Notice, except in such Cases wherein Notice is herein-before particularly required to be given.

Allowing a General Appeal.

Provided always, and be it further enacted, That if any Person or Persons shall think him, her, or themselves, aggrieved by any Thing done in pursuance of this Act; then, and in every such Case, (except in such Cases wherein the Orders and Determinations of the said Arbitrators or Commissioners are hereby declared to be binding), he, she, or they, may appeal at the Quarter Sessions of the Peace which shall be held in and for the West Riding of the said County of York, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices, in their said Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, as to them shall seem reasonable; which Determination of the said Justices shall be binding and conclusive to all Parties concerned, and shall not be removed or removeable by Certiorari, or otherwise, into any of his Majesty's Courts of Record at Westminster, or elsewhere.

Saving of Rights to the Lord of the Manor.

Provided always, and be it further enacted and declared by the Authority aforesaid, That nothing herein contained shall be construed to defeat, lessen, or prejudice the Right, Title, or Interest, of the King's Majesty, his Heirs or Successors, or the said Richard Towne, his Executors, Administrators, or Assigns, during the Term of his said Lease, in Right of the Soak and Liberty of Snaith and Cowick, Parcel of the Honour of Tickill, of, in, or to the Seigniories and Royalties within the Township of Gowdall aforesaid, or of the said Lord Viscount Downe, or any other Person or Persons who is, are, or may be intitled to any Royalty, Seigniory, or manerial Rights, within the Township aforesaid; but that his Majesty, his Heirs and Successors, and the said Richard Towne, his Executors, Administrators, and Assigns, during the Term of his said Lease, in Right of

the said Soak and Liberty of Snaith and Cowick, and all other Person or Persons, in respect of any such Right, as aforesaid, shall and may, from Time to Time, and at all Times, for ever hereafter, hold and enjoy all Rents, Fines, Services, Courts, Perquisites, and Profits of Courts, and other Royalties and Seigniorities of and within the Township of Gowdall aforesaid, in as full, ample, and beneficial Manner, to all Intents and Purposes, as if this Act had not been made, other than and except as to any Right of Common or Soil which could or might be claimed in Right of the said Soak and Liberty of Snaith and Cowick, or in any other Right whatsoever, in or upon the said Lands and Grounds hereby intended to be divided and inclosed as aforesaid.

General Saving of Rights.

Saving always to the King's most Excellent Majesty, his Heirs and Successors, as well in Right of the Crown, as in Right of the Duchy of Lancaster, and all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the respective Persons to whom any Allotment or Allotments, Payment or Payments, shall be awarded or made by virtue of this Act, in Respect of the Interest or Property for which such Allotments or Payments shall be awarded or made), all such Estate and Interest as they, every, or any of them, had or enjoyed of, in, to, or in respect of the said Lands and Grounds so intended and appointed to be divided and inclosed as aforesaid, before the passing of this Act, or would or ought to have had or enjoyed in case the same had not been made; but no such other Person or Persons, Bodies Politick or Corporate, his, her, or their Heirs, Executors, Administrators, or Successors, shall have Power to defeat the End or Design of this Act, by avoiding, impeaching, or any-wise disturbing any of the several Divisions, Allotments, or Appointments, of Land or Ground to be made in pursuance thereof; but he, she, and they, shall be so far bound by this Act as to accept the several Allotments, Appointments,

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pointments, and Payments, which shall be made and assigned by virtue of this Act, in lieu of all such Lands and Grounds, Common Right, Tithes, or other Interest, as he, she, or they, shall claim, or be intitled to, or would have been intitled to, in case this Act had not been made.

FINIS.