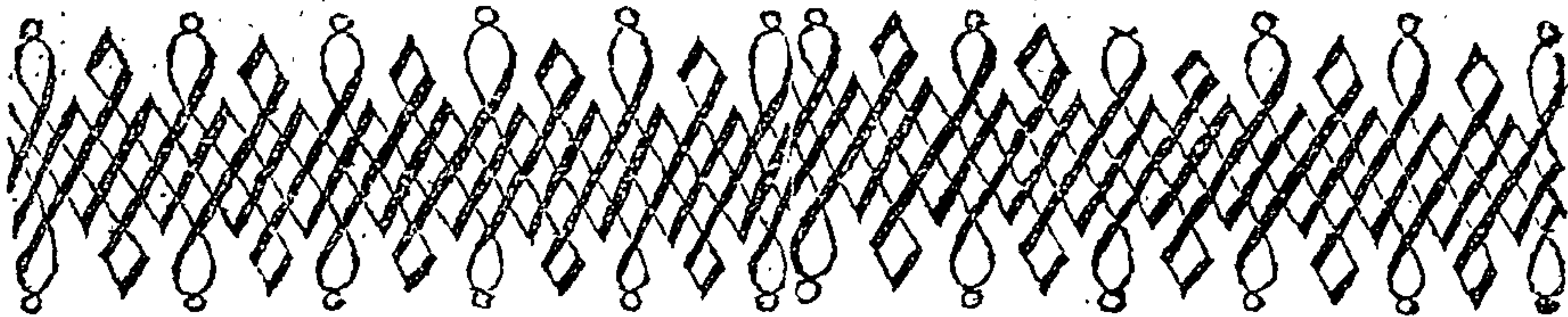


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A N

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F O R

Dividing, allotting, inclosing, and draining, the Open Fields, Common Pastures, and Moors or Commons, in the Township and Parish of *Terrington*, in the North Riding of the County of *York*.



WHEREAS there are, within the Township and Parish of *Terrington*, in the North Riding of the County of *York*, Six open uninclosed Common Fields, called *The Howfield*, *The Church Field*, *The Broats*, *The Low Field under Cliff*, *The Old Mill Field*, and *The Low Field under South Wood*, and Three Common Pastures, called *The South Wood*, *The North Carr*, and *The West Ings*, and also Three Moors, or Commons, called *The Cliff*, *The West Moor*, and *The Bank with the little Carr* :

Preamble.

And whereas the Right Honourable *Frederick Earl of Carlisle* is Lord of the Manor of *Terrington*, and is also a very considerable Proprietor of Estates within the said Township and Parish :

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And

And whereas *William Weddel*, Esquire, is intitled to the perpetual Advowson, Right of Patronage, and Presentation, of, in, and to the Rectory of the Parish Church of *Terrington* aforesaid; and is also Owner of an antient Messuage or Cottage, with Right of Common thereunto belonging; and of certain Lands and Cattle Gates, within the said Common Fields and Common Pastures, and also of certain old Inclosures within the said Parish:

And whereas the Reverend *John Cayley*, the younger, Clerk, Bachelor of Laws, is Rector of the Parish Church of *Terrington* aforesaid; and, in Right thereof, is seized of, and intitled to, certain Glebe Lands lying dispersed in the said Common Fields, with the Cattle Gates thereunto belonging in the said Common Fields and Common Pastures, and to an antient Messuage, with Right of Common thereunto belonging: And is also, in Right of the said Rectory, intitled to all the great and small Tithes arising, and renewing, within and out of the said Common Fields, Common Pastures, and Moors or Commons; and also out of certain old Inclosures within the said Township and Parish; and also, in his own Right, is Owner and Proprietor of certain antient Messuages or Cottages, with Right of Common thereunto belonging, in the said Moors or Commons:

And whereas *John Moore* Gentleman, and several other Persons, are Owners and Proprietors of the Residue of the Lands, Grounds, Cattle Gates, Messuages, and Cottages, within the said Manor and Parish:

And whereas it would be of Advantage to all Persons interested in the said Fields, Lands, and Grounds, if such Parts thereof as are boggy, and subject to be overflowed, were drained; and if the whole thereof was inclosed and divided into specifick Allotments amongst the several Proprietors, according to their respective Rights and Interests therein, discharged from all Right of Common whatsoever; and if Compensations were made and given to the said *John Cayley*, and his Successors, Rectors as aforesaid, in lieu of the Tithes thereof, and of all other the titheable Lands within the said Township and Parish of *Terrington*:

And whereas the Tythes of the Homesteads, Lands, and Grounds within the Township of *Ganthorpe*, and the Hamlets of *Mowthorpe* and *Wigginthorpe*, which are all old Inclosures within the said Parish of *Terrington*, may be reduced, in Value, by the said Homesteads, Lands, and Grounds, being let along with the Lands and Grounds within the Township of *Terrington*, the said *Frederick Earl of Carlisle*, *William Weddell*, and *John Mortimer* of *Terrington*, have agreed to and with the said *John Cayley* as Rector, as aforesaid, that the yearly Sum of Thirty-seven Pounds Four Shillings, shall be charged and chargeable upon, and issuing out of, the Homesteads, Lands, and Grounds of the said Earl of *Carlisle*, within the said Township of *Ganthorpe*; which said Sum of Thirty-seven Pounds Four Shillings, is nevertheless to be subject and liable only to the Payment of such a Proportion of the Land Tax, to be, from Time to Time, raised within the said Township of *Ganthorpe*,

thorpe, as the said Tithes would have been subject and liable to, in case the same were not extinguished by this Act; but to no Parochial Assessments whatsoever: And that the yearly Sum of Thirty-seven Pounds Ten Shillings, shall be charged and chargeable upon, and issuing out of, the Homesteads, Lands, and Grounds of the said Earl of *Carlisle*, within the said Hamlet of *Mowthorpe*; which said Sum of Thirty-seven Pounds Ten Shillings, is nevertheless to be subject and liable to the Payment of such a Proportion of the Land Tax, and all Parochial Assessments, to be, from Time to Time, raised within the said Hamlet of *Mowthorpe*, as the said Tithes would have been subject and liable to, in case the same were not extinguished by this Act: And also, that the yearly Sum of Twenty-seven Pounds, shall be charged and chargeable upon, and issuing out of, the Homesteads, Lands, and Grounds of the said *William Weddell*, within the said Hamlet of *Wigginthorpe*; which said Sum of Twenty-seven Pounds is nevertheless to be subject and liable to the Payment of such a Proportion of the Land Tax, and all Parochial Assessments to be, from Time to Time, raised within the said Hamlet of *Wigginthorpe*, as the said Tithes would have been subject and liable to, in case the same were not extinguished by this Act: And that the yearly Sum of Six Shillings shall be charged and chargeable upon, and issuing out of, the Lands and Grounds of the said *John Mortimer*, within the Township of *Gantborpe*, such yearly Sums to be paid and payable to the said *John Cayley*, as Rector of the said Rectory, and his Successors for ever, and to be in full Satisfaction, as well for the Tithes, great and small, within the said Township of *Gantborpe*, and Hamlets of *Mowthorpe* and *Wigginthorpe*, as for all other Ecclesiastical Dues (Surplice Fees and Mortuaries only excepted) to which the said Rector, and his Successors for the Time being, would be intitled.

But for as much as such Inclosure and Division as herein before is mentioned, and other the Premises, cannot be affected 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 *John Outram* of *Kilham*, in the said County of *York*, *John Graves* of the City of *York*, and *Christopher Wilkinson* of *Middleton Quernhow*, in the said County of *York*, Gentlemen; and their Successors, to be elected in Manner herein after-mentioned, shall be, and they are hereby appointed, Commissioners for setting out, dividing, allotting, inclosing, and draining, the Lands and Grounds hereby intended to be divided, inclosed, and drained, and for putting this Act in Execution.

Directions for the Division, &c. of the Fields; and Appointment of Commissioners.

And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of the Powers given by this Act, (unless Commissioners to be sworn.

less it be the Power hereby given of administering Oaths) until he shall have taken and subscribed an Oath to the Effect following:

The Form of
the Oath.

I A. B. do swear, that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute the Trusts reposed in me as a Commissioner, by virtue of an Act of Parliament, for dividing, allotting, inclosing, and draining, the Open Fields, Common Pastures, and Moors or Commons, in the Township and Parish of Terrington, in the North Riding of the County of York, and for other Purposes therein mentioned, without Favour or Affection to any Person whomsoever.

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

Directions
concerning
Survey

And, for the more certain Division of the said Lands and Grounds, be it further enacted by the Authority aforesaid, that a true and distinct Survey and Admeasurement shall be made of all the said Open Fields, Common Pastures, and Moors or Commons, and also of the old Inclosures and Homesteads within the said Township of Terrington, before the First Day of January, in the Year One thousand seven hundred and seventy-three, or so soon after as conveniently may be, by such Person or Persons as the said Commissioners, or any Two of them, shall appoint; and such Survey shall be reduced into Writing, and the Number of Acres, Roods, and Perches, according to Statute Measure contained in the said Open Fields, Common Pastures, and Moors or Commons; and also, of the said old Inclosures and Homesteads, within the said Township of Terrington, shall be therein expressed and described: And such Survey shall be laid before the said Commissioners, or any Two of them, at some or one of their Meetings to be held in pursuance of this Act; and be by them kept for the Purposes of this Act.

Surveyor to be
sworn.

And be it further enacted by the Authority aforesaid, That no Person, whom the said Commissioners shall appoint to, make such Survey as aforesaid, shall be capable of acting as Surveyor, for the Purposes aforesaid, until he shall have taken and subscribed an Oath to the Effect following:

The Form of
the Oath.

I A. B. do swear, that I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, make a true and distinct Survey and Admeasurement, without Favour or Affection to any Person whomsoever, of all the Open Fields, Common Pastures, and Moors or Commons, and also of the old Inclosures and Homesteads within the Township of Terrington, directed to be inclosed and exempted from all Tithes, and Right of Common, by a certain Act of Parliament made for dividing, allotting, inclosing, and draining, the Open Fields, Common Pastures, and Moors or Commons, in the Township and Parish

Parish of Terrington, in the North Riding of the County of York, and reduce the same into Writing; and therein set forth the Number of Acres, Roods, and Perches contained in the said Open Fields, Common Pastures, and Moors or Commons; and also, in the same old Inclosures and Homesteads, and lay the same before the Commissioners, appointed to put in Execution the said Act of Parliament, pursuant to the Directions of the said Act.

So help me God.

Which Oath, it shall and may be lawful for any One or more of the said Commissioners to administer: And he or they is and are hereby impowered and required to administer the same accordingly.

And be it further enacted by the Authority aforesaid, That before or after such Survey shall be made and laid before the said Commissioners, or any Two of them, they the said Commissioners, or any Two of them, shall, and they are hereby authorised and required to enter upon, view, consider, and make a Distinct Valuation of the said Lands and Grounds so intended to be divided and inclosed; and after the said Commissioners, or any Two of them, shall have made such Valuations according to the Directions aforesaid, they, or any Two of them, shall and may, and they are hereby authorised and impowered, (after setting out all the Publick Roads and Ways, fit and necessary to be used within the said Township, and also sufficient Lands or Grounds for getting or digging for Stones, for building or repairing the Messuages, Cottages, and other Buildings in the said Township, for Lime, and for Materials for repairing the same Publick Roads and Ways, and for getting of Peats, as herein-after is mentioned) in the First Place, to set out, award, and allot unto the said *John Cayley* and his Successors, Rectors as aforesaid, such Part and Share, or Parts and Shares, of the said Lands and Grounds so to be inclosed, as (Quantity, Quality, and Situation considered) shall, in the Judgement of the said Commissioners, or any Two of them, be equal in Value to the present Glebe Lands, within the Common Fields, and the Cattle Gates in the said Common Fields and Common Pastures thereunto belonging: And also for all Right of Common in the said Moors or Commons, and in the said Lands and Grounds so intended to be divided and inclosed as aforesaid, in Respect of the said ancient Messuage to which the said Rector is intitled in Right of the said Rectory; and also shall set out, and allot unto, and for the said *John Cayley* and his Successors, Rectors, as aforesaid, such Part and Share, or Parts and Shares, of such Lands and Grounds, as (Quantity, Quality, and Situation considered) shall, in the Judgement of the said Commissioners, or any Two of them, be equal in Value to One Seventh Part of the Residue of the Land and Grounds so intended to be inclosed, for and in lieu of all Tythes, both great and small, and all other Ecclesiastical Dues, (Surplice Fees and Mortuaries excepted) of what Nature or Kind soever, which would or might be (in Case the same were not extinguished by this Act) justly due and payable to the said Rector for the Time being, from or out of the same Lands and Grounds so intended to be divided and inclosed: And the said Commissioners, or any Two of them, shall also set out, award, order, and allot unto and for the said Rector, and his

General Valuation.

Allotment to Rector in lieu of Glebe Lands, &c.

and for Tythes.

R

Successors,

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And also a Money Payment, in lieu of Tythes of the old Inclosures, &c.

to be payable half-yearly.

SUCCESSORS, RECTORS as aforesaid, such yearly Sum or Sums of Money to be charged and chargeable on, and issuing out of the Old Inclosures and Homesteads, within the said Township of *Terrington*, as shall in the Judgement of the said Commissioners, or any Two of them, be an adequate Satisfaction and equivalent, as well for the Tythes great and small of the same Old Inclosures and Homesteads, as for all other Ecclesiastical Dues (Surplice Fees and Mortuaries excepted) to which the said Rector and his Successors for the Time being would be intitled, if not extinguished by this Act; which said several yearly Sums of Money shall be paid to the said Rector and his Successors, for the Time being, in gross Sums Half-yearly, on the Fifth Day of *April*, and the Tenth Day of *October*, in the Porch of the Church of *Terrington* aforesaid, by the several Proprietors of the same Old Inclosures and Homesteads respectively, in such Proportions as the said Commissioners, or any Two of them, shall, by their Award herein-after mentioned, determine and direct, which said several Allotments, and Sums of Money so to be made, and paid to and for the said Rector and his Successors, Rectors as aforesaid, shall be in lieu of, and in full Compensation and Satisfaction for all Glebe Lands, within the said Township of *Terrington*, and the Common Right thereto, and to the said ancient Messuage, belonging or appertaining, and of and for all Tythes, both great and small, and other Ecclesiastical Dues (Surplice Fees and Mortuaries only excepted) belonging, arising, or accruing, or which would or might otherwise belong, arise, or accrue, and become due and payable to the said Rector and his Successors for the Time being, out of or in respect not only of the Lands and Grounds so intended to be divided and inclosed, as aforesaid, but of the same old Inclosures and Homesteads.

Allotment to the Lord of the Manor.

And be it further enacted, That the said Commissioners, or any Two of them, shall, in the next Place, set out, and allot, unto and for the said Earl of *Carlisle*, and his Heirs, as Lord of the Manor of *Terrington* aforesaid, (exclusive of the Lands to be allotted to him in lieu of his other Rights in the said Lands and Grounds so to be inclosed, as herein-after directed) such Part, Share, and Proportion thereof, as shall, in the Judgement of the said Commissioners, or any Two of them (Quantity, Quality, and Situation considered) be equal in Value to One Thirty-second Part of the said Moors or Commons in lieu of; and as a full Compensation for his Right as Lord of the said Manor to the Soil of the same Moors and Commons, and also such Part, Share, and Proportion, of the said Lands and Grounds so to be divided and inclosed as aforesaid, as shall, in the Judgement of the said Commissioners, or any Two of them, be equal to, and a full Compensation for his the said Earl's Right, to the Sweep of the Ley of the Common Balks, in the said Open Fields.

The residue of the Lands, now to be allotted.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Two of them, shall and may set out, divide, allot, and award, in severalty, the residue of the said Lands and Grounds, hereby intended to be divided and inclosed, as aforesaid, (save and except such Part and Parts thereof as the said Commissioners, or any Two of them, shall think convenient to set out, and allot for the digging

digging or getting of Stones, for building or repairing the Messuages, Cottages, and other Buildings, in the said Township of *Terrington*, and for Lime, and for the repairing of the High Roads within the said Township: And also except such Part of the said Moor or Common, called *The Bank with the Little Carr*, as the said Commissioners, or any Two of them, shall think proper to set out, and allot, for the getting of Turves or Peats, and which the said Commissioners, or any Two of them, are hereby authorised and required to set out, and allot accordingly, for the Benefit of all and every the Person and Persons who are, or would have been intitled, for the Time being, to any Right of getting Stones, Gravel, or Sand, and of Turbary, or getting of Turves, or Peats, within the said Moors or Commons) unto and among the said *John Cayley* and his Heirs, in respect of his private Freehold Property therein, and the several other Persons who, at the Time of making such Allotments, shall be intitled to any Share, or Interest, in the said Lands and Grounds respectively, in Proportion to their several and respective Lands, Grounds, and Interest therein: And the said Commissioners, or any Two of them, shall settle and ascertain the just Proportion and Difference between a Right of Common, in respect of a Messuage, and a Right of Common, in respect of a Cottage, and pay proper Attention thereto, in making such Allotments, and shall have due regard to the Quantity, Quality, and Situation, of the Lands and Grounds so to be divided and inclosed.

And be it further enacted by the Authority aforesaid, That from and after the Fifth Day of *April*, which will be in the Year of our Lord, One thousand seven hundred and seventy-two, the yearly Sum of Thirty-seven Pounds Four Shillings shall be charged and chargeable upon, and for ever issuing out of the Homesteads, Lands, and Grounds, of the said *Frederick Earl of Carlisle*, within the said Township of *Ganthorpe*, which said Sum of Thirty-seven Pounds Four Shillings is, nevertheless, to be subject and liable only to the Payment of such a Proportion of the Land Tax, to be from Time to Time raised within the said Township of *Ganthorpe*, as the said Tythes would have been subject and liable to, in Case the same were not extinguished by this Act, but to no Parochial Assessments whatsoever, and the yearly Sum of Thirty-seven Pounds Ten Shillings shall be charged and chargeable upon, and for ever issuing out of the Homesteads, Lands, and Grounds, of the said Earl of *Carlisle*, within the said Hamlet of *Mowthorpe*, which said Sum of Thirty-seven Pounds Ten Shillings is nevertheless to be subject and liable to the Payment of such a Proportion of the Land Tax, and all Parochial Assessments, to be from Time to Time raised within the said Hamlet of *Mowthorpe*, as the said Tythes would have been subject and liable to, in case the same were not extinguished by this Act; and also the yearly Sum of Twenty-seven Pounds, shall be charged and chargeable upon, and for ever issuing out of the Homesteads, Lands, and Grounds, of the said *William Weddell*, within the said Hamlet of *Wigginthorpe*, which said Sum of Twenty-seven Pounds is nevertheless to be subject and liable to the Payment of such a Proportion of the Land Tax, and all Parochial Assessments, to be from Time to Time raised

Compensations to the Rector in lieu of the Tythes of *Ganthorpe*, *Mowthorpe*, and *Wigginthorpe*.

raised within the said Hamlet of *Wiggintborpe*, as the said Tythes would have been subject and liable to, in Case the same were not extinguished by this Act; and also the yearly Sum of Six Shillings shall be charged and chargeable upon, and for ever issuing out of the Lands and Grounds of the said *John Mortimer*, within the said Township of *Gantborpe*, which said four last-mentioned yearly Sums of Money shall be paid to the said *John Cayley*, and his Successors for ever, Rectors as aforesaid, in the Porch of the Parish Church of *Terrington* aforesaid, by the said *Frederick Earl of Carlisle*, *William Weddell*, and *John Mortimer* respectively, their respective Heirs or Assigns by equal half-yearly Payments on the Days herein-before mentioned in every Year, the First Payment thereof to be made on the Tenth Day of *October*, which will be in the Year of our Lord One thousand seven hundred and seventy-two, and the same shall be in lieu of, and in full Compensation, as well for all Tythes both great and small, as for all other Ecclesiastical Dues and Payments, (Surplice Fees and Mortuaries only excepted) belonging, arising, or accruing, or which would or might otherwise belong, arise, accrue, or become due and payable to the said Rectors and his Successors for the Time being, out of, or in respect of the Homesteads, Lands and Grounds, within the said Township of *Gantborpe*, and the said Hamlets of *Mowthorpe* and *Wiggintborpe* respectively, were not the same extinguished by this Act.

Power for the
Rector to dis-
train.

And be it further enacted by the Authority aforesaid, That in Case any such yearly Sum or Sums of Money so to be assigned or appointed to be paid in lieu of any such Tythes of the said Homesteads, Garths, Orchards, and old Inclosures, within the said Township of *Terrington*, or any Part thereof, or any of the said yearly Sums of Thirty-seven Pounds Four Shillings, Thirty-seven Pounds Ten Shillings, Twenty-seven Pounds and Six Shillings, herein before directed to be paid in lieu of the Tythes of the said Homesteads, Lands, and Grounds, within the said Township of *Gantborpe*, and Hamlets of *Mowthorpe* and *Wiggintborpe* respectively, or any Part or Parts thereof, shall be behind and unpaid for Twenty Days next after either of the said Days appointed for Payment thereof; then, and in such Case, from Time to Time, and so often as the same shall so happen, it shall and may be lawful, to and for the said *John Cayley*, and his Successors, Rectors as aforesaid, and his and their Assigns, into any Lands or Tenements chargeable with the same respectively, or out of which the same shall respectively be issuing, and payable by Virtue of this Act, to enter and distrain, and to take, lead, drive, carry away, sell, and dispose of the Distress and Distresses, so to be taken according to the Laws now in Force for recovering Rents reserved upon Leases for Years, until such Sum or Sums of Money so unpaid shall be fully paid and satisfied, together with all Costs, Charges, and Expences, attending such Entry and Distress, and the Disposing thereof.

And be it further enacted by the Authority aforesaid, That in Case any of the said yearly Sum or Sums of Money, or any Part thereof, shall be in arrear or unpaid, by the Space of Forty Days next after either of the said Days of Payment thereof, then, and in such Case, it shall and may be lawful to and for him the said *John Cayley*, and his Successors,

Successors, Rectors as aforesaid, to enter into and upon all or any of the same respective Lands and Grounds, so as aforesaid to be exempted from the Payment of Tythes in Kind, for or in respect of which the said Sum or Sums of Money shall be in arrear, and to hold and enjoy the same, and to take and receive the Rents, Issues, and Profits thereof, to his and their own Use, until as well all Arrears of the said several Sum and Sums of Money so as aforesaid to be made payable, which shall be due and owing at the Time of such Entry, or so much of the same Sum or Sums of Money as shall or may become due or payable during such Continuance in Possession, together with all the Costs and Charges, which may be occasioned by such Entry and taking Possession shall be fully satisfied and paid.

And be it further enacted by the Authority aforesaid, That from and after such Division and Allotments shall be made and staked out in pursuance of this Act, all Cattle Gates and Right of Common, of what Nature or Kind soever, claimed by, or belonging to any Person or Persons whomsoever, in, over, or upon all or any of the Lands and Grounds hereby intended to be divided and inclosed as aforesaid; and also all Tythes both great and small, and Ecclesiastical Dues and Payments, of what Nature or Kind soever (Surplice Fees and Mortuaries only excepted) arising, renewing, or happening for, out of, or in respect of all and every or any Messuages, Cottages, Homesteads, Tofts, Lands, Grounds, and Hereditaments whatsoever, within the said Township of *Terrington*, shall cease, determine, and be for ever extinguished: And that from and after the Fifth Day of *April*, One thousand seven hundred and seventy-two, all the Tythes, both great and small, and Ecclesiastical Dues and Payments, of what Nature or Kind soever, (Surplice Fees and Mortuaries only excepted) arising, renewing, or happening out of, or in respect of any Messuages, Cottages, Homesteads, Tofts, Lands, Grounds, and Hereditaments, in the Township of *Ganthorpe*, and the Hamlets of *Mowthorpe* and *Wigginthorpe* aforesaid, and every or any of them, or now due and payable, or which might otherwise hereafter become due and payable, within the said Township and Hamlets respectively, for or in respect of any Matter or Thing, or Pretence whatsoever, shall cease, determine, and be for ever extinguished.

Tythes and
Common
Right to cease.

And be it further enacted, That it shall and may be lawful to and for the said *John Cayley*, and his Successors, Rectors as aforesaid, by and with the Consent and Approbation of his Grace the Archbishop of *York*, and his Successors for the Time being, to grant any Lease or Leases, to any Person or Persons, of the Lands and Grounds to be allotted to the said *John Cayley*, and his Successors, Rectors as aforesaid, by virtue of this Act, or of any Part or Parts thereof, for any Term or Number of Years, not exceeding Twenty-one Years in Possession, but not in Reversion or by Way of future Interest, for the best Annual Rent or Rents, that can reasonably be got for the same, so as no Fine, Foregift, or other Premium whatsoever, shall be had, paid, or taken on Account thereof, and so as every such Lease shall commence within Six Calendar Months, next after making the Award or Instrument herein-after mentioned, and so as the Rent or Rents thereby to be reserved, shall be made payable

Rector im-
powered to
lease his
Lands.

payable to the Rector of the said Rectory, for the Time being, Quarterly and so as the Lessee or Lessees, in such Lease or Leases, to be named, be not exempted from, or made dispunishable for Waste, and so as in every such Lease there be contained the usual Clause of Rentry, in case the Rent or Rents, thereby to be reserved be behind, or unpaid by the Space of Twenty-one Days, and so as such Lessee or Lessees do execute a Counterpart or Counterparts of such Lease or Leases; any Law, Usage, or Custom, to the Contrary thereof notwithstanding.

Against getting Turves.

And be it further enacted by the Authority aforesaid, That from and after the passing of this Act, and until such Allotments as herein before are mentioned shall be made, it shall not be lawful for any Person or Persons whomsoever, to cut, dig, gather, or carry away, any Turf or Sods in, upon, or from any Part of the Lands or Grounds hereby intended to be inclosed, without the Licence and Consent of the said Commissioners, or any Two of them, signified in Writing under their Hands, (except the cutting or digging up Peats or Turves in the said Moor or Common, called *The Bank with the Little Carr.*)

For vesting Lands in the Persons to whom they shall be allotted.

And be it further enacted and declared, That the several Lands and Grounds so to be assigned, limited, set forth, allotted, and appointed unto, and for the said *John Cayley*, in lieu of his said Private Freehold Property, and also unto and for the several other Persons, to whom Allotments shall be made, by virtue of or under this Act, shall be, and the same are hereby vested in them respectively, in full Bar, Satisfaction, and Compensation for his, her, and their several and respective Pieces and Parcels of Land and Ground, which are lying dispersed in the said Common Fields, within the Township and Parish of *Terrington* aforesaid; and also in full Bar of, and in Satisfaction and Compensation for, all Cattle Gates, and Right of Common whatsoever, in, over, and upon the said Open Fields, Common Pastures, and Moors or Commons, hereby intended to be inclosed.

Rights of Common, &c. to cease.

Landlords may take Tythes of Farm, quitted at certain Time before or after Exemption takes place.

Provided always, That if any Farmer or Farmers of Lands or Grounds, so to be exempted from the Payments of Tythes, as herein before is mentioned, shall go off his, her, or their Farm or Farms, at *Lady-day* or *May-day* next before, or next after such Exemption from Tythes, shall have taken Place, 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 Landlord or Landlords of every such Farmer so quitting his, her, or their Farm or Farms respectively, shall, and may take such Tythes in kind of the said Crop, and have such and the same Remedies, for taking and recovering the same, as the Person to whom such Tythes would have belonged, might have had, in case no such Exemption from Tythes had taken Place; unless such Farmer or Farmers shall otherwise agree for his, her, or their Tythes, with his, her, or their respective Landlord or Landlords.

And

And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Two of them, to settle and ascertain what Recompence shall be paid to the Owners of any Crops growing, at the Time of the Division of the said Lands and Grounds, for the Value of the said Crops, by the Person or Persons to whom the Land on which such Crops shall be growing, shall be allotted, or otherwise, that the Owners of such Crops respectively shall be at Liberty to collect, gather, lead, and carry away such Crops, within the Time to be limited by the said Commissioners, or any Two of them, without any Molestation or Hindrance of any Person or Persons, to whom the Land or Lands on which the Crops were growing is or are allotted.

Recompence
for crops.

And be it further enacted, That in case any Difference or Dispute shall arise, between any of the Parties interested in the Lands or Grounds hereby intended to be divided and inclosed, it shall and may be lawful to and for the said Commissioners, or any Two of them, and they are hereby authorized and required, by Examination of Witnesses upon Oath, (which Oath the said Commissioners, or any One or more of them, is or are hereby impowered to administer), or upon other proper and sufficient Evidence, and Satisfaction to hear and finally determine the same, which Determination shall be final and conclusive, to and upon all Parties.

Commissioners
to determine
Differences.

And be it further enacted, That, for the more convenient Situation and Disposition of the several Farms, Lands, and Estates of the several Proprietors of Estates, within the said Township of *Terrington*, upon the said intended Division and Inclosure, it shall and may be lawful to and for the said Commissioners, or any Two of them, upon the request, and with the Consent of the respective Owners or Proprietors, his, her, or their Guardian or Guardians, Trustee or Trustees, or Persons acting as such, to order and award Exchanges, to be made of any Messuages, Cottages, Buildings, Tenements, Old or New Inclosures, Lands or Grounds within the said Township of *Terrington*, for any other Messuages, Cottages, Buildings, Tenements, Old or New Inclosures, Lands or Grounds, within the same Township, so as every such Exchange be ascertained, specified, and declared in the Award or Instrument herein after directed to be made by the said Commissioners, or any Two of them, and all and every such Exchanges to be made as aforesaid, shall be valid and effectual in the Law, to all Intents and Purposes whatsoever.

Exchanges
may be made.

And be it further enacted, That from and after the passing of this Act, and until such Divisions and Allotments shall be made as aforesaid, the said Lands, hereby intended to be inclosed as aforesaid, shall be tilled and managed in such Course of Husbandry, as the said Commissioners, or any Two of them, shall order, direct, or appoint; and the said Commissioners are hereby authorized and required, from Time to Time, to make such Rules, Orders, and Regulations, touching the Business of the said intended Inclosure, as they or any Two of them,

Commissioners
may direct
the Course of
Husbandry.

them, shall think proper or necessary ; which Rules, Orders, and Regulations shall be binding to all Parties interested therein.

For setting out
Roads.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Two of them, shall and may set out, appoint, and make proper and convenient Publick Roads and Ways, in, through, over, and upon the Inclosures, to be made by virtue of this Act, as also in, through, over, and upon any of the Old Inclosures, within the said Township of *Terrington* ; all which Publick Roads shall not be less than Sixty Feet broad, at least, between the Hedges or other Fences ; and also set out, appoint, and make all such Private Roads and Ways, Fences, Bridges, Causeways, Watercourses, Sluices, Drains, Banks, Ditches, Gates, Stiles, and other Rēquisites, in, through, over, or upon the Lands and Grounds to be inclosed, drained, and exchanged as aforesaid, by virtue of this Act, and also in, through, and over the same Old Inclosures, as they the said Commissioners, or any Two of them, shall think convenient for the Purposes of this Act, and shall, and may also divert or alter the Course of any Springs, Streams, or Currents of Water, and make New Cuts or Courses, in, through, or over any of the Lands or Grounds within the said Township of *Terrington*, as to the said Commissioners, or any Two of them, shall seem necessary or proper for the draining or conveying Water, to or from the Allotments to be made by virtue of this Act ; and shall and may order, award, and adjudge by whom, and in what Manner, all the said Roads and Ways, Ditches, Fences, Drains, Bridges, Gates, Stiles, Causeways, Watercourses, Banks, Sluices, and other Requisites, shall respectively be made, and thereafter repaired, cleansed, maintained, and supported ; and that after such Highways and Roads, shall be so set out and made, it shall not be lawful for any Person or Persons to use any other Roads or Ways, either Publick or Private, over or through the said New or Old Inclosed Lands, on Foot, or with Horses, Cattle, or Carriages ; and that all the former Roads and Ways, which shall not be set out and appointed, as the Roads and Ways, in, through, and over the several Land and Grounds, to be inclosed as aforesaid, shall be deemed Part of the Lands or Grounds to be inclosed, and shall be divided and allotted accordingly, as Part of such Lands or Grounds ; and that all the several other Ways, and all Ditches, Fences, Banks, Sluices, Watercourses, Water-works, Bridges, Gates, and Stiles, so to be set out, made, and appointed as aforesaid, shall be made, and, at all Times, then after be repaired, cleansed, maintained, and kept in Repair, by such Persons, and in such Manner, as the said Commissioners, or any Two of them shall, by their Award or Instrument herein-after mentioned, nominate, direct, and appoint for that Purpose.

Against plant-
ing Trees near
Roads.

And be it further enacted, That if any Tree shall at any Time, after the making of such Division and Allotments, be planted within Ten Yards, from any of the said Publick Highways, the Owner or Owners of the Allotment or Allotments, Lands or Grounds, wherein any Tree shall be so planted, being consenting or Privy thereto, or otherwise the Person or Persons planting the same, or ordering the same to be
so

so planted; shall forfeit and pay the Sum of Twenty Shillings for every Tree which shall be so planted: And if any Person or Persons shall, during the Space of Eight Years, next after the signing of the Award herein after mentioned, wilfully turn or put, or cause to be turned or put, any Sheep into any of the Allotments to be made in pursuance of this Act, unless all the New Quick Wood Fences on every Side of such Allotment be well and sufficiently protected from such Sheep, by the Owners thereof, or unless the Consent of all Parties, whose Fences may be injured by such Sheep, be first obtained for keeping the same, or shall wilfully turn, or cause to be turned, or put any Sheep, Horses, Asses, Beasts, or other Cattle, within the said Space of Eight Years, into any Lanes, Ways, or Passages on either Side whereof, any new growing Fences shall be made, every such Person, shall forfeit and pay the Sum of Twenty Shillings for every such Offence and such respective Penalties shall and may be levied by Distress and Sale of the Goods and Chattels of such Offenders respectively, by Warrant of any One or more Justice or Justices of the Peace, together with the Costs and Charges of such Distress and Sale; and such Penalties when so levied, shall be paid to the Surveyors of the Highways of the said Township of *Terrington*, to be applied in the Amendment of the Highways of the same Township.

No Sheep to be turned upon the Allotment for Eight Years.

Horses, &c. not to be turned into Lands, &c.

And be it further enacted, That the Proprietors of the Inclosures to be made by virtue of this Act, and each and every of them, shall be at Liberty, from the Time of the making and fencing all or any of the said Allotments, to set up and continue any Gate or Gates, across any Part or Parts of the said Roads against, or in his, her, or their Lands or Grounds, for keeping out Cattle, and to prevent their destroying any Banks, Woods, Plants, Quicksets, or Fences, which shall be made or planted, for inclosing or fencing any Part or Parcel of the said Lands or Grounds hereby intended to be inclosed, so as such Gate or Gates shall not prevent any Person or Persons, with or without Horses, Cattle, or Carriages, to pass and repass through the said Roads.

Gates may be set up to keep out Cattle from destroying Banks, &c.

And be it further enacted, That the several Allotments which shall be made by virtue of this Act, to the said *John Cayley*, and his Successors, Rectors as aforesaid, shall, within Six Months from the Time the same Allotments shall be made and staked out, be inclosed and fenced with an outward, or Ring-fence, with Quicksets, and substantial double-holed Posts and Rails, in such Manner as the said Commissioners, or any Two of them, shall direct, order, and appoint, and at the Joint proportionate Charges of him the said *John Cayley*, with Respect only to his Private Freehold Property, in the said Fields, Pastures, and Commons, and of all the other Proprietors of other Allotments to be made as aforesaid; such proportionate Charges to be ascertained and assessed by the said Commissioners, or any Two of them, in the same Manner as the Costs and Charges of this Act are to be ascertained and assessed as herein-after mentioned; and such Fences so made, at the joint and proportionate Expences of the same Proprietors as aforesaid, shall be for ever afterwards maintained and repaired by the said Rector, and his Successors, Rectors,

Allotments in lieu of Tythes and Glebe to be ring-fenced.

as aforesaid, for the Time being, or his, or their Tenants or Farmers of such first-mentioned Allotments.

Time for
making other
Fences.

And be it further enacted, That all the other Hedges, Ditches, and Fences, for inclosing the said Fields, Lands, and Grounds, pursuant to this Act, shall be made by such Person and Persons, within such Time, and in such Manner, as the said Commissioners, or any Two of them shall, by their said Award, direct and appoint; and that for the better preserving the Young Hedges, Fences, or Quicksets, it shall and may be lawful to and for the respective Persons, to whom Allotments shall be assigned and made by virtue of this Act, from Time to Time, and at all Times, during the Term of Ten Years next, after the making and staking out the said Allotments, to set down and place Posts and Rails, or any other Fences, on the Outside of the Ditches or Banks, not exceeding Two Feet from the Edge of the said Ditches, and at any Time before the End of the said Term to remove, take, and carry away such Posts and Rails, or other Fences, and convert the same to their respective Uses.

Posts and Rails
for preserving
young Hedges
for Ten
Years.

For leaving
Gaps.

Provided always, and be it further enacted, That convenient Gaps and Openings shall be left in the said Fences and Inclosures for the Space of One Year after the making and staking out of the said Allotments, for the Passage of Cattle and Carriages, in, by, and through the same, unless all the Parties interested therein, shall agree to have the same sooner made up.

Provisions for
the fencing
the Allot-
ments of the
Proprietors
refusing.

And be it further enacted, That in case any Person or Persons to whom any Allotment or Allotments shall be made as aforesaid, shall neglect or refuse to inclose, Hedge, Ditch, or Fence, the same within such Time, and in such Manner, as the said Commissioners or any Two of them, shall in their award herein-after mentioned, order, direct, or appoint; then, and in such Case, it shall and may be lawful, to and for the said Commissioners, or any Two of them, to enter into and upon, and to let and set, to any Person or Persons whomsoever, the Lands or Grounds so as aforesaid, to be allotted to any Person or Persons, who shall so neglect or refuse; and also to make and raise such Fences thereto, as by the said Award shall be directed to be made, and to hold and enjoy the same, until they the said Commissioners shall, out of the Rents and Profits thereof, have received and taken to themselves so much Money as shall be necessarily expended in and about inclosing such Lands or Grounds, and a reasonable Allowance for their Trouble and all Charges attending the same; and in the mean Time, and until such Inclosure and Fence shall be completed, it shall not be lawful for any Person or Persons, or his, her, or their Tenant or Tenants, to sue for, or recover any Damage, which he, she, or they may sustain, by the Estray of any other Person, Sheep, Beasts, or Cattle into such uninclosed Allotments, or to impound such Sheep, Beasts, or Cattle so estraying.

For Disposal
of Trees and
Underwoods.

And be it further enacted, by the Authority aforesaid, That all Fences, Trees, Underwoods, Hedges, Bushes, and Shrubs, growing,
or

or being upon any of the Lands or Grounds to be allotted by virtue of this Act, shall be valued by the said Commissioners, or any Two of them, and such Consideration shall be paid for the same, to the present respective Owner and Owners of the said Lands or Grounds, whereupon the same now stand or grow, as the said Commissioners, or any Two of them shall think reasonable, by such Persons or Persons, to whom the said Lands or Grounds shall be allotted; or it shall and may be lawful to and for such former Owner and Owners thereof respectively, if he, she, or they shall not think proper, to accept such Consideration as aforesaid, to enter into and upon the Lands and Grounds, upon which such Fences, Trees, Underwoods, Hedges, Bushes, or Shrubs, shall be so standing or being, and to fell, or cut down the same, and with Horses, Carts, and Carriages, to take and carry away the same, at his and their Will and Pleasure, and to and for his and their respective Use and Benefit, within such Time, after such Allotment, made as the said Commissioners, or any Two of them, shall appoint for that Purpose, unless such Hedges as shall be assigned by the said Commissioners, or any Two of them, as the Boundary Fence or Fences, to and for any Allotment or Allotments to be made by virtue of this Act; in which Case, such Hedges shall be left in such State, as the said Commissioners, or any Two of them, shall, in their Award, order and direct, for the Benefit of the Proprietors of such Allotments respectively; and the Owners of such Hedges shall then accept, of and from the said Proprietors, such Allowance or Consideration for the same as the said Commissioners, or any Two of them, shall direct and specify in their said Award.

And be it further enacted by the Authority aforesaid, That, within the Space of Six Calendar Months next after the Division and Allotments of the said Open Fields, Common Pastures, and Moors, or Commons, hereby intended to be inclosed as aforesaid, and such Compensations for Tythes, and Ecclesiastical Dues as aforesaid, shall be completed and finished, or so soon after as conveniently may be, the said Commissioners, or any Two of them, shall form and draw up an Award or Instrument in Writing, which shall express the Quantity and Contents in Statute Measure, of the Acres, Roods, and Perches, contained in the said Open Fields, Common Pastures, and Moors, or Commons, so intended to be inclosed as aforesaid; and the Quantity and Contents of each and every Part and Parcel thereof, assigned and allotted to each of the Parties intitled to Lands, Cattle Gates, Tythes, Common Right, or any other Property within the same, and a Description of the Situation, Buttals and Boundaries, of such Parcels and Allotments respectively, and proper Orders and Directions for and concerning the laying out, and making the Publick and Private Ways; and the Breadth thereof, and for and concerning the laying out, making, maintaining, cleansing, and keeping in Repair the said Publick and Private Roads, and Ways, Fences, Ditches, Banks, Sluices, Drains, Water-works, Bridges, Gates, and Stiles, in, upon, and over the said intended Inclosures: And also such Orders, Regulations, and Determinations, as are, in or by this Act mentioned, directed, required, or authorised to be made and established, concerning the same, and such other Orders and Regulations as shall be necessary

Directions
concerning
the Award.

necessary or proper, and conformable to the true Tenor of this Act; for the more easy, convenient, and effectual Execution thereof; and for preventing all Difficulties and Disputes in Relation to the Matters herein contained; of such said Award or Instrument, Two Parts shall be fairly ingrossed, and written upon Parchment, and shall be made, and signed and sealed, by the said Commissioners, or any Two of them; and One of the said Two Parts of the said Award shall be deposited in the Chest of the Parish Church of *Terrington* aforesaid, for the Inspection and Perusal of the several Proprietors in the said Township and Parish, and the other Part thereof shall be inrolled at Length in the Publick Register Office, kept at *North-Allerton*, in the North Riding of the said County of *York*, within Six Calendar Months next after the signing and sealing the said Award, and the Register of the said Office, or his Deputy, is and are respectively hereby required to inroll the same accordingly: And each of the said Ingrossments, or a true Copy of the Part so inrolled, certified under the Hand of the said Register, or his Deputy, shall from Time to Time be admitted and allowed in all Courts whatsoever, as legal Evidence of the same, and the said Award or Instrument, after the Inrolling as aforesaid, shall be lodged or deposited in the Hands of the Lord of the Manor of *Terrington* aforesaid, for the Time being, and the said Register, or his Deputy, shall be allowed for such Inrollment, and for making and signing such Copy or Copies thereof, such Sum or Sums of Money, or Fees, as are allowed for inrolling any Bargain and Sale, or making any Copy thereof, and the said Register, and his Deputy, shall permit and suffer any Person or Persons whomsoever, from Time to Time, and all Times, within the Office Hours of Attendance, to peruse and Inspect the Inrollment of the said Award at the said Publick Office, paying to such Register, or his Deputy, for every such Perusal or Inspection, One Shilling and no more; which Award, when executed and inrolled in Manner aforesaid, shall be binding, final, and conclusive, to and upon all the Proprietors and Parties interested in the said Division and Allotments, as to the Lands and Grounds so to be divided and allotted, and the Tythes, and Ecclesiastical Dues, and Payments aforesaid, and all other Matter and Things hereby intended to be comprized therein.

Acceptance of
Allotments
and Ex-
changes.

And be it further enacted, That all and every Person and Persons, to whom any Share or Shares shall be allotted of the said Lands and Grounds so intended to be divided and inclosed as aforesaid, and his, her, or their Heirs or Assigns, shall, and they are hereby required, within Six Calendar Months, next after the Execution of the said Award or Instrument, and Publick Notice given in the Parish Church of *Terrington* aforesaid, for that Purpose, immediately after divine Service there, (which Notice the said Commissioners, or any Two of them, shall cause to be given) to accept such Shares of the same Lands and Grounds, as shall by the said Award or Instrument, be allotted 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 respective Proprietors shall also, and they are hereby required within the Time aforesaid, to accept such ancient or present Inclosures, Buildings, Lands, and Grounds,

as

as shall be so allotted and assigned to them respectively, in Exchange for any other Buildings, Lands, or Grounds, in pursuance of the Powers above mentioned, and shall and may hold and enjoy such Inclosure or Inclosures, Buildings, Lands or Grounds so to be allotted and assigned to them respectively in Exchange as aforesaid, and shall have the same, or the like Estate and Interest, in such respective Allotments, of the said Lands and Grounds so to be inclosed, and ancient Inclosures, Lands and Grounds when so allotted, as they respectively have in the Lands or Grounds so to be divided and inclosed, and present Inclosures, or Lands, and Grounds, in lieu whereof such Allotments shall be made, without any Claim, Trouble, or Disturbance, to be made or given one to another, by any Person interested in the said Premises respectively, or any other claiming, or to claim, by, from, or under them respectively, or their respective Heirs, Successors, or Assigns.

And be it further enacted, That the Guardians, Husbards, Trustees, Committees, or Attornies, or Persons acting as Guardians, Trustees, Committees, or Attornies of or for any of the said Proprietors or Persons interested, being a Minor or Minors, under Coverture, Lunatics, Idiots, or beyond the Seas, or otherwise incapable by Law, to accept any such Allotment, shall be, and are hereby enabled to accept thereof, for the Use of such Person or Persons, and also that any of the said Parties intitled to any Allotment or Allotments, as Tenant or Tenants, for Life or Lives, are hereby respectively enabled to take and accept of any such Allotment or Allotments, so to be made as aforesaid, and every such Acceptance respectively shall be valid and effectual, any Thing herein contained to the Contrary notwithstanding.

Trustees
may accept
Allotments
for Persons
incapable.

Provided nevertheless, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Committee, or Attorney, shall not exclude or prejudice the Claims or Acceptance of any Person, being an Infant, Feme-covert, Lunatick, Idiot, or beyond the Sea, or under any Disability or Incapacity, as aforesaid, who shall claim or accept his, her, or their Allotment or Allotments, within One Year next after such Disability or Incapacity removed, nor prejudice the Claim or Acceptance of any of the said Owners, or Proprietors, or Persons interested or intitled as Heirs, 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 been known to have descended, vested, or accrued.

Persons claim-
ing after Dis-
ability remov-
ed not to be
prejudiced.

And be it further enacted, That the Charges and Expences of passing this Act, and all the Costs and Charges attending the same, and the Costs and Charges of surveying and admeasuring, valuing, dividing, draining, and allotting the Lands and Grounds to be inclosed as aforesaid, and of inclosing the Allotments to be made to the said Rector as such, and of the preparing and inrolling the said Award or Instrument, and all the Charges and Expences of the said Commissioners, and other necessary Expences, about and concerning the said Premises, and the carrying this Act into Execution, shall be borne and defrayed by the several Persons to

Directions
touching the
Expence of
the Act, &c.

whom Allotments shall be made in pursuance of this Act, (other than and except the said Rector as such) by an equal Pound Rate, according to the Value of the Lands or Grounds each Person shall have allotted to him, or her, by virtue of this Act, to be settled, adjusted: and determined by the said Commissioners, or any Two of them, and that in Case any of the said Proprietors, or Owners of such Allotments respectively, shall refuse or neglect to pay his, her, or their Shares or Proportions, of such Charges or Expences, within the Time to be limited by the said Commissioners, or any Two of them, to such Person or Persons as they, or any Two of them, shall appoint to receive the same, then the said Commissioners, or any Two of them, shall and may, and they are hereby authorised and required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels, from Time to Time, being upon the Lands or Grounds to be allotted to such Proprietor or Owner so neglecting or refusing, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking or making such Distress or Distresses and Sale or Sales; or otherwise, it shall and may be lawful to and for the said Commissioners, or any Two of them, to enter into and upon the Premises, so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and to take the Rents and Profits thereof, until thereby or therewith, or otherwise, the Share or Shares, Proportion or Proportions, of the said Costs and Charges to be directed, awarded, and appointed by the said Commissioners, or any Two of them, to be paid by such Person or Persons as aforesaid, and all the Costs, Charges, and Expences occasioned by, or attending such entry upon and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied.

Power for the Guardians, &c. to borrow Money to defray the Expences of enclosing, &c.

And be it further enacted, That it shall and may be lawful to and for the said Guardians, Husbands, Trustees, or Committees, and for any Persons acting as Guardians, Trustees, or Committees, of or for any Infants, Lunatics, Idiots, Females-covert, or Persons beyond the Seas, and to and for every of the said Owners, being Tenants in Tail, or for Life only, and to and for every of them respectively, to or for whom any Allotment shall be made in pursuance of this Act, (other than the said Rector in Respect of his Allotments as such) to Charge the Lands, which shall be so allotted to or for them respectively, with any Sum or Sums of Money, not exceeding Forty Shillings an Acre, for every Acre of such Land, to be paid to such Person or Persons as the said Commissioners, or any Two of them, shall nominate and appoint, in order to be applied and disposed of for the Purpose of paying and defraying their respective Shares and Proportions of the Charges and Expences aforesaid, and the Charges and Expences of inclosing and subdividing such Land, and other necessary Charges and Expences attending the same, and for securing the Re-payment of such Sum and Sums of Money, with Interest, to grant, mortgage, lease, or demise, the Land so to be charged as aforesaid, unto such Person or Persons respectively, as shall advance such Money, for any Term or Number of Years, so as such Grant or Demise

mise be made with a Proviso or Condition, to cease and be void, or with an express Trust, to be surrendered, when such Sum or Sums of Money, with the Interest thereof, shall be paid.

And be it further enacted, That every such Grant, Mortgage, Lease, or Demise of the said Lands, or any Part or Parcel thereof, to be made in pursuance of this Act, and Charge thereupon, shall be good, valid, and effectual in the Law, for the Purposes thereby intended, notwithstanding the Want of Title in the said Husbands, Guardians, Trustees, or Committees, or in the Persons acting as such, or in the said Tenants in Tail, or for Life, any Settlement, Will, Trust, Use, Remainder, Limitation, or other Incumbrance, of or concerning the same Lands, or any Part or Parts thereof then in being, or capable of taking Effect to the Contrary notwithstanding; and that the Receipt or Receipts of the Person or Persons to whom such Money to be borrowed by Mortgage as aforesaid, shall be directed to be paid, shall be a sufficient Discharge to the Person or Persons lending the same; and the Interest of all the Monies to be borrowed in pursuance of this Act, shall be paid and kept down by the Person or Persons in Possession for the Time being of the Lands to be charged with such Money as aforesaid, and no Person becoming possessed of any such Lands so granted or demised as aforesaid, shall be subject or liable to pay any further or longer Arrear of Interest than for One Year preceding the Time when the Title to such Possession shall accrue or commence.

Securities for such Money to be valid.

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, on the Credit, and for the Purpose mentioned in this Act, or who shall be intitled to the Money thereby secured, shall and may, from Time to Time, by any Deed or Deeds, Writing or Writings, under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, or the Principal Money and Interest thereby secured, and all his, her, and their Benefit, Right, Title, and Interest in and to the same, unto any Person or Persons whomsoever, who may again, in like Manner, assign the same; and so *toties quoties*: And such Mortgage or Mortgages, 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 such lawful Methods, Courses, 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 are used, taken, and pursued, in Cases of the like Nature.

Securities may be assigned.

And be it further enacted, That the said Commissioners, or any Two of them, shall, and they are hereby required, to give publick Notice in the Parish Church of *Terrington* aforesaid, on a *Sunday*, immediately after Divine Service, and also, by Advertisement in the Weekly Paper,

Notice of Commissioners Sittings.

Paper, called the *York Courant*, or some other publick News-paper circulating in those Parts, of the Time and Place of their First and Second Meeting, for the executing the Powers hereby vested in them, at least Seven Days before such Meeting, and shall also give the like publick Notice in the said Parish Church of *Terrington*, on a *Sunday*, immediately after Divine Service, of the Time and Place of every subsequent Meeting of the said Commissioners, for the further Execution of this Act, Seven Days before any such subsequent Meeting, (Meetings by Adjournment only excepted).

Proprietors to
lay Claims
before the
Commission-
ers.

And be it further enacted, That all Persons having or claiming any Estate, Property, Right, or Interest whatsoever, in the Lands or Grounds to be divided and inclosed, as aforesaid, shall, and they are hereby required, to lay their respective Claims before the said Commissioners, who shall be assembled at such First or Second Meeting of the said Commissioners, for the Purpose of executing the Powers of this Act, to be held in pursuance of such Notice, as aforesaid; and that no such Claim shall be received by the said Commissioners, after such their Second Meeting, except for some special Cause to be allowed by the said Commissioners.

For choosing
new Com-
missioners.

And be it further enacted, That if any of the said Commissioners appointed by this Act, or to be elected in Manner herein-after mentioned, shall die, or refuse to act, the Majority of the Proprietors of Estates within the said Township of *Terrington*, in Number and Value, shall, from Time to Time, within One Calendar Month next after such Death, or Refusal to act shall happen to be known, by Writing under their Hands and Seals, appoint One other Commissioner, not interested in the said Inclosure, instead of every Commissioner so dying, or refusing to act; and every Commissioner so to be appointed, shall have the like Power and Authority, by virtue of this Act, as the Commissioner, in whose Place he shall succeed, was vested with; provided that Ten Days publick Notice be given in the Parish Church of *Terrington* aforesaid, of the Time and Place of choosing such new Commissioners.

Commission-
ers to make
out their Ac-
counts, if re-
quired.

And be it further enacted, That the said Commissioners, or any Two of them, shall, and they are hereby required, (in case the same shall be demanded by any One or more of the Proprietors of Estates within the said Township,) to make out a full and particular Account, in Writing, of all the Charges and Expences of the said Commissioners, or which they shall have allowed or consented to be paid, by virtue, or in pursuance, of any of the Powers contained in this Act, and to lay the same, together with all Receipts, Vouchers, and Papers relating thereto, before any Two or more of the said Proprietors to be nominated and chosen by the major Part, in Value of the said Proprietors present, at a Meeting to be holden for that Purpose, pursuant to Notice given in the *York Courant*, or other such News-paper as aforesaid, and in the Parish Church of *Terrington* aforesaid, of the Time and Place, at least Seven Days before the same shall be holden: And such of the said Proprietors as shall be nominated and chosen at the same Meeting, shall be, and they are hereby authorised and appointed, from Time to Time, and at all rea-
sonable

reasonable Times, to inspect and examine such Accounts of the said Commissioners; and also of other Accounts, or Bills of Charges, of any other Person or Persons employed, or acting in the passing or executing this Act, and all Receipts, Vouchers, Papers, and Writings, concerning the same.

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, or under Colour thereof; then, and in every such Case, (except in such Cases where the Orders and Determinations of the said Commissioners, or any Two of them, are directed to be binding and conclusive upon all Parties,) he, she, or they, may appeal to any General Quarter Sessions of the Peace, which shall be held for the said North Riding of the County of York, within Six Months next after the Cause of Complaint shall have arisen; and the Justices, in such General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs to either the Appellant or Respondent, as to them, in their Discretion, shall seem reasonable; and, by their Order or Warrant, to levy the Costs which shall be awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster*.

Appeal to the
Quarter-Ses-
sions.

Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed, adjudged, or taken to extend to revoke, or make void, alter or annul, any Will, Settlement, or Mortgage, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Out-rent, Fee-farm Rent, Mortgage, Incumbrance, or other Demand, out of, upon, or affecting, any Lands or Grounds hereby intended to be divided or inclosed, or out of, or upon, or affecting any Tenements, Lands, or Grounds, that shall be exchanged, by virtue of this Act, or any Part or Parts thereof respectively; but that each and every Proprietor shall stand and be seized of the Tenements, Lands, and Grounds, to be allotted to, or received in Exchange, by him, her, or them, as aforesaid, to such and the same Uses, and for such and the same Estates and Interests, and subject to such and the same Wills, Powers, Provisoos, Limitations, Trusts, Charges, Rents, Out-rents, Fee-farm Rents, Mortgages, Incumbrances, and Demands, as aforesaid, as he, she, or they, was or were respectively seized of, in his, her, or their several Tenements, Lands, Grounds, and Common Rights, before the making of such Division, Allotments, and Exchanges respectively, and in such Manner as he, she, or they would have been, in case this Act had not been made, and the Lands and Premises, which, before the making of such Award, were so subject, liable, charged, or affected; and also

Nothing in
this Act to
affect any
Will, Settle-
ment, &c.

the Persons to whom the same shall be respectively allotted or awarded in Exchange.

Saving of the
Rights to the
Lord of the
Manor.

Provided always, and it is hereby further enacted, That nothing in this Act contained, shall prejudice, lessen, or defeat, the Right, Title, or Interest of the said *Frederick* Earl of *Carlisle*, as Lord of the said Manor of *Terrington*, or any future Lord or Lords thereof, in or to any of the Royalties or Seigniories incident and belonging to the said Manor; but that he, the said Earl, and all and every other Person and Persons claiming under or in Trust for him, as Lord of the said Manor, and all other succeeding Lords of the said Manor for the Time being, shall and may, at all Times for ever hereafter hold and enjoy all Rents, Services, Courts, Perquisites, and Profits of Courts, Goods, and Chattels of Felons and Fugitives, Felons of themselves and put in exigent, Deodands, Waifs, Estrays, and all other Royalties, Jurisdictions, Rights, and Pre-eminencies whatsoever to the said Manor, incident, appendent, belonging, or appertaining, (other than and except such Right of Soil, in such of the present Roads as shall, by virtue of this Act, be allotted to any Person or Persons; and such Right of Soil for which an Allotment is to be made to the Lord of the said Manor, as before is directed by this Act; and such Cattle Gates, and Sweep of the Ley of the Common Balks, and Right of Common, as can, or may, or could, or might respectively be claimed by the Lord or Lords of the said Manor, as such, in and upon the Lands and Grounds to be inclosed as aforesaid,) in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he or they would have held and enjoyed the same, in case this Act had not been made.

General
Saving.

Saving always to the King's most Excellent Majesty, His Heirs, and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons to whom any Allotment or Allotments, Appointment or Appointments, Compensation or Compensations, shall be made in pursuance of this Act, and all claiming under them respectively,) all such Estates, Rights, Title, and Interests, as they, every, or any of them had, and enjoyed of, into, and out of the said Lands and Grounds, hereby intended to be inclosed, before the passing of this Act, or could, 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, Successors, Executors, or Administrators, shall have Power to disturb any of the Allotments made in pursuance of this Act; but shall accept the Allotments which shall be made in lieu of the Lands, Common Rights, Tythes, or other Interests, which he, she, or they would have been intitled to, in case this Act had not been made.

F I N I S.

A N
A C T
F O R

Dividing, allotting, inclosing,
and draining, the Open Fields,
Common Pastures, and
Moors, or Commons, in the
Township and Parish of *Ter-*
rington, in the North Riding
of the County of *York*.

[1772.]