




An ACT for Establishing and Rendering effectual Articles of Agreement for Dividing and Inclosing the Open Fields and Common Grounds in Pocklington, in the County of York.

 **Whereas** by Articles of Agreement of Three Parts, bearing Preamble. Date the First Day of *March*, One thousand Seven hundred and Fifty-six, made, or mentioned to be made, between *Robert Doleman*, of *Pocklington*, in the County of *York*, Esquire, and *Robert Doleman*, Gentleman, his Son and Heir apparent, of the First Part; the Reverend and Worshipful *John Fountayne*, Doctor in Divinity, Dean of the Cathedral and Metropolitan Church of *Saint Peter's* in *York*, and *William Read*, of *Sand Hutton*, in the said County of *York*, Esquire, of the Second Part; and the several Persons, whose Names and Seals are thereunto subscribed and set, of the Third Part; after reciting, or taking Notice therein, that there were in the Township of *Pocklington* aforesaid, Six large open Fields, Three on the North Side thereof, called the *Beckland-field*, *Middle-field*, and *Broad Dike-field*, and Three on the South Side thereof, called the *Hill-field*, the *Clay-field*, and the *South Moor-field*; and that there was also in the said Township a large Parcel of Meadow Ground, called the *Ings*, divided into several Parts, called the *Fore-ing*, the *Long fall*, the *Tofts*, the *Bull Tongue*, and the *Inn Banks*; and that there was also in the said Township a large and extensive Common, called *Pocklington Common*, several Parts whereof were known by the several Names of the *South Moor*, *Prick Moor*, *Calf Ing*, *Carr*, *Wandales*, *Outgang*, *Cowbold*, and the *Green*; and that the Names of the other Parts thereof were not well known; and also setting forth or taking Notice, that the said *Robert Doleman* the elder was Lord of the Freehold Manor of *Pocklington* aforesaid, and also Owner of several Messuages, Cottages, Frontsteads, Lands, and Tenements, in the said Township; and that the said Dean of *York*, in Right of the said Deanry, was the Lord of the Copyhold Manor at *Pocklington* aforesaid, and also Owner of the Improprate Rectory of *Pocklington*, and, as such, was seised in Possession of all the Tythes of Wool and Lamb annually growing and renewing in or upon all or any the Lands and Tenements within the said Township; and that the said *William Read* was seised, in his own Right, of One Messuage or Tenement in the said Township, and was also the present Lessee, under the said Dean, of all the Tythes

of Corn, Grain, and Hay, annually growing within the said Township, and also of One other Messuage or Tenement, One Close or Parcel of inclosed Ground, and Four Oxgangs of Glebe Land, lying dispersed in the said several Fields on the said South Side; the Reversion and Inheritance of which said last-mentioned Premises did also belong to the said Dean, in Right of his said Deanry; and that the several other Parties to the said Articles respectively were Owners of Messuages, Cottages, Frontsteads, and Lands, in the said Township; and taking notice, that the Lands of the several Proprietors in the said open Fields, lay dispersed, and much intermixed with each other; and that the said Meadow Grounds called the *Ings* (all of which, except the *Bull Tongue* and the *Inn Banks*, belonged to the Owners of Oxgang Lands in the said Fields) being then enjoyed in small Parts or Shares lying at a Distance from each other, were but of little Value; and that the said Commons, for want of being divided and inclosed, could not be cultivated and improved to Advantage; and also taking notice, that the said Dean and the said *William Read* had consented and agreed to accept of the annual Rents or Sums of Money herein after-mentioned, for and in lieu of all the said Tythes respectively arising and renewing, or to arise and renew, as well in and upon the said Fields, Meadow Grounds, and Commons, therein mentioned to be intended to be divided and inclosed, as in or upon all and every the then present Inclosures within the said Township; and that, in Consideration thereof, all the said Lands and Grounds should, for the future, be absolutely freed and discharged from the Payment of such Tythes: It was therefore mutually covenanted and agreed upon by and amongst all the said Parties to the said Articles, that a new and general Division should be made of all the open and uninclosed Lands in the said Fields, and of all the said Meadow Grounds and Commons; and that the said open and uninclosed Lands in the said Fields, and the said Meadow Grounds and Commons, except only that Part of the said Commons called the *West Green*, which extends from the School-house of *Pocklington* aforesaid to the *Cowbold Gate*, should be set out, divided, and allotted, by *John Dcaltary*, of *Skirpenbeck*, in the said County of *York*, Clerk, *John Dickenson*, of *Warter*, in the same County, Gentleman, and *Samuel Milburne*, of *Kirkby Grindaiyth*, in the same County, Gentleman, or their Successors, or any Two of them, to and amongst the aforesaid *Robert Doleman* the elder, the aforesaid *William Read*, and the several other Proprietors and Persons interested therein respectively, in such manner as is therein after-mentioned; and that an Act of Parliament should be applied for, and endeavoured to be obtained, for the confirming and establishing the said Articles of Agreement, and for carrying the same into Execution:

The Commons
to be divided by
Commissioners.

But although such Division, Inclosure, and Allotments, so agreed upon as aforesaid, will be a manifest Advantage to the several Parties interested and concerned in the Premises, and a great Improvement of their several Estates and Properties in the Township of *Pocklington* aforesaid, and also of publick Utility; Yet the same cannot be rendered effectual to answer the Intention of the Parties, 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 the said several Common or Open Fields, Common Meadows or Ings, Moors, Common and Waste Grounds, in the Township of *Pocklington* aforesaid, mentioned and described in the said Articles, except such Part of the *West Green* as is therein mentioned and intended to be excepted, shall, on or before the Twenty-ninth Day of *September*, which shall be in the Year of our Lord One thousand Seven hundred and Fifty-nine, be divided, set out, and allotted,

allotted, by the said *John Dealtary, John Dickenson, and Samuel Milburne*, the Commissioners nominated, appointed, and agreed upon, by the said Articles, and their Successors, or any Two of them, in the manner, and with and under, and subject to, the Rules, Orders, Provisions, and Directions, in and by the said Articles stipulated and agreed upon, and in and by this Act ordered, directed, appointed, established, and prescribed.

And it is therefore hereby further Enacted, That the said Commissioners, ^{Who are to order a Survey;} so nominated and appointed as aforesaid, or any Two of them, do and shall, and they are hereby authorized and impowered, on or before the Twenty-fifth Day of *March* One thousand Seven hundred and Fifty-eight, to cause a true, exact, and perfect Survey and Admeasurement to be made by such Person or Persons as they, or any Two of them, shall think fit, of all the said open and uninclosed Lands in the said Fields, and of all the said Meadow Grounds and Commons, so intended to be divided and inclosed as aforesaid; and also do and shall, within Eighteen Calendar Months after such Survey and Admeasurement shall be made, set out, divide, apportion, and allot, ^{And divide the Lands among the Proprietors,} the said open and uninclosed Lands, Meadow Grounds, and Commons (except such Part of the said Meadow or Ings as is called or known by the Names of the *Bull Tongue* and the *Inn Banks*) unto and amongst the said *Robert Doleman* the elder, the said Dean of *York*, as Owner of the said Improprate Rectory, and the said *William Read* his Lessee, and to the said *William Read* in his own Right, as Owner of the said Messuage or Tenement in *Pocklington* aforesaid, and also to the several other Proprietors and Persons interested therein respectively, in the Manner herein after-mentioned; that is to say, the said open and uninclosed Lands and Meadow Grounds (except the *Bull Tongue* and *Inn Banks* aforesaid) shall be set out and allotted as well to the said Rector and his Successors and Lessees respectively, as and for his Glebe, as also to the other Owners and Proprietors of Oxcgangs, or Parts of Oxcgangs, in the said Fields, whose Lands therein are not now inclosed, and held in Severalty, in Proportion to, and in Lieu of, and Compensation for, the Lands, ^{According to their several Interests.} Grounds, Common Right, and Interests, which such Owners and Proprietors respectively now have in the said open and uninclosed Lands in the said Fields; and shall also set out, divide, and allot, the said Commons, Moors, and Wastes, (except such Part of the *West Green* as afore-mentioned, and which, by the said Articles, was agreed to be left uninclosed) to and amongst the Owners and Proprietors of Messuages, Cottages, and Frontsteads, in the said Township, having Right of Common there, in Proportion to, and in Lieu of, and Compensation for, their several Rights and Interests in the said Commons.

Provided always, That the said Commissioners, in making such Allotments as aforesaid, shall not give any undue Preference to any of the Parties interested in the said Premises; but shall have a due and equal Regard to the Convenience and Advantage of all the said Proprietors, so as their respective Allotments may bear a just Proportion (Quantity and Quality considered) to their respective Shares and Interest of and in the Lands so to be divided and inclosed, and may be set out as near to their respective ancient Inclosures as may be. ^{Not to give undue Preference.}

And it is hereby Enacted and Declared, That the said *West Green* shall be left open for the Benefit of the said Owners and Proprietors as aforesaid. ^{The West Green to be left open.}

And whereas it may be for the Benefit and Convenience of several of the Parties interested in the said intended Inclosure, that some of the said ancient Inclosures may be exchanged for, or substituted in the place and stead, as well of other ancient Inclosures in the said Township, as of Lands and Grounds lying and being in the said Open and Common Fields, Meadows, and Grounds, so intended to be inclosed and divided as aforesaid; It is therefore hereby Enacted, That it shall and may be lawful to and for the said Commissioners, or their Successors, ^{May allot ancient Inclosures.} or

or any Two of them, upon the said intended Inclosure and Division, and for rendering the same more commodious and convenient for the respective Parties, to assign and allot any of the said ancient Inclosures, or any Part or Parts thereof respectively, unto and for, and as the Allotment of, any of the Parties interested in the said intended Inclosure, as fully and effectually, to all Intents and Purposes, as if the same ancient Inclosures respectively were Part of the Common Fields, Meadows, and Common Grounds, so intended to be divided and inclosed as aforesaid, and had always remained open and uninclosed; any thing herein contained to the contrary notwithstanding; so as the Consent and Approbation of the Owner and Proprietor of every such ancient Inclosure, for the Time being, be first had, in Writing, to every such Exchange and Allotment respectively.

With Consent of Proprietors

Bull Tongue and Ing Banks to be allotted for the Poor of Pocklington.

And it is hereby further Enacted, That the said Commissioners, and their Successors, or any Two of them, shall and may, and they are hereby authorized and impowered, to set out, allot, and appoint, that Part of the said Meadow Ground or Ings called the *Bull Tongue* and the *Ing Banks*, to and for the Use and Benefit of the Poor of *Pocklington* aforesaid, and for the better Support and Maintenance of the Poor's House there; and the same, when set out and allotted, shall be inclosed, fenced, and ditched, in such manner as the said Commissioners, or their Successors, or any Two of them, shall direct and appoint; and the Charges thereof shall be borne and paid by the Overseers of the Poor of *Pocklington* aforesaid, for the Time being, out of the First Rate which shall be made for the Relief of the said Poor after the said Division and Allotment shall be completed; and that the said *Bull Tongue* and *Ing Banks* shall, from time to time, after such Allotment or Inclosure thereof, as aforesaid, be lett and managed to and for the best Advantage, and the Profits thereof, for ever, applied for the better Support and Maintenance of the said Poor and Poor's House, as aforesaid.

To set out Roads and Ways.

And it is hereby further Enacted and Declared, That the said Commissioners, or their Successors, or any Two of them, shall and may set out and appoint all such publick and private Roads and Ways, Ditches, Fences, Drains, Bridges, Gates, and Stiles, as they shall think necessary or convenient, in, over, and upon, the Lands and Grounds so to be divided and inclosed, as aforesaid; so that all such publick Highways and Roads, so to be set out, be of the Breadth of Forty Feet, at the least, between, and exclusive of, the Ditches; and also shall and may order, direct, and appoint, by whom, and in what time and manner, such private Roads and Ways, Ditches, Fences, Drains, Bridges, Gates, and Stiles, respectively, shall be cleansed, maintained, supported, and kept: And that it shall not be lawful for any Person or Persons whatsoever to make or use any Road, Way, or Passage, in, upon, or over, the said Lands and Grounds so to be divided and inclosed, or any Part thereof, other than such as shall be so set or laid out, or appointed.

To be repaired by the Inhabitants.

Provided always, and it is hereby Enacted and Declared, That all such publick and common Highways, as shall be set out and appointed in pursuance of this Act, shall, from time to time, be repaired, and kept in repair, by the Inhabitants of the Township of *Pocklington* aforesaid, in Pursuance of, and according to the Tenor and true Meaning of, the Laws and Statutes for repairing Highways now in force and being.

Annuity of 100l. pay'ble to the Dean of York.

And it is hereby further Enacted, by the Authority aforesaid, That after the Open Fields, Meadows, and Common Grounds, herein before mentioned and described, shall be divided, set out, and allotted, pursuant to this Act, One annual Sum, or yearly Rent, of One hundred Pounds of lawful Money of *Great Britain*, shall be vested in the said *John Fountayne*, Dean of *York*, and his Successors, Deans of *York*, and their respective Lessees, in Manner herein after mentioned;

tioned; and shall be issuing out of, and charged upon, such Messuages, Farms, Lands, Tenements, and Hereditaments, of and belonging to the said *Robert Doleman* the elder and *Robert Doleman* the younger, within the Township of *Pocklington* aforesaid, not exceeding the yearly Rent of One hundred and Fifty Pounds, as the said Dean, or his Successors, or his or their Lessee of the Rectorial Tythes for the Time being, shall for that Purpose chuse, elect, and appoint; and shall be payable and paid to the said Dean of *York*, and his Successors, Rectors of the said Church of *Pocklington* aforesaid, and their Lessee or Lessees of the said Rectorial Tythes for the Time being, free from all Deductions or Defalcations whatsoever, for or in respect of any Taxes or Impositions, other than such Proportion of the Land Tax which shall, from time to time, be rated and assessed upon the Lands, Tenements, and Hereditaments, so charged with the said yearly Rent, as the same yearly Rent shall bear to the whole yearly Rent of the same Lands, Tenements, and Hereditaments, at or in the Porch of the Parish Church of *Pocklington* aforesaid, at or on the Feasts of the Annunciation of the blessed Virgin *Mary* and Saint *Michael* the Archangel in every Year, by equal Portions; the First Payment thereof to be made on such of the said Feasts as shall first happen after the making the said Division and Allotments, and executing such Award or Instrument as is herein after-mentioned.

And it is hereby further Enacted, That after the Division and Allotment of the said Open Fields, Meadows, and Common Grounds, as aforesaid, One other annual Sum, or yearly Rent, of Fifteen Pounds of like Money, to be issuing out of, and charged upon, the Messuages, Farms, Lands, Tenements, and Hereditaments, of and belonging to them the said *Robert Doleman* the elder and *Robert Doleman* the younger, herein before-mentioned to be charged with the said yearly Rent of One hundred Pounds as aforesaid, and shall be payable and paid by like half-yearly Payments, at the Time and Place aforesaid, unto the said Dean of *York*, and his Successors, Rectors of *Pocklington* aforesaid, free from all Deductions and Defalcations for or in respect of any present or future Taxes, Assessments, or Impositions whatsoever; the First Payment of the said yearly Rent of Fifteen Pounds to begin and be made at or on such of the aforesaid Feasts as shall first happen after the Execution of the said Award or Instrument. As also of 151.

And it is hereby Enacted and Declared, That if either of the said yearly Rents of One hundred Pounds and Fifteen Pounds, or any Part thereof respectively, shall be behind and unpaid for Twenty Days next after either of the said Feasts herein before-mentioned and appointed for Payment thereof, then, and in such Case, from time to time, as often as it shall so happen, it shall and may be lawful to and for the said Dean of *York*, and his Successors, Rectors of *Pocklington* aforesaid, or their Lessees of the said Rectorial Tythes for the Time being respectively, into and upon the Premises charged with the yearly Rent or Rents so behind and unpaid respectively, to enter and distrain, and to take, carry away, or otherwise legally dispose of, the Distress and Distresses so taken; and also to take and receive the Rents, Issues, and Profits of the same Premises, to his and their own Use and Benefit, until thereby or therewith respectively, or otherwise, all Arrears of the said yearly Sums respectively, due at the Time of such Entry, or that during such Possession shall grow due, and all Costs, Charges, and Expences, attending such Entry, Distress, and Perception of Rents, and all Losses and Damages to be sustained by reason of the Nonpayment of the said yearly Rents respectively, shall be fully satisfied and paid. Powers of Distress and Entry for Nonpayment.

and it is hereby Enacted and Declared, That the said Parcel of Land, so to be allotted to the said Dean of *York*, and his Successors, and their Lessees respectively, to be held as Part of the Glebe of the said Rectory, and the said yearly Rent of One hundred Pounds, so vested to him and them as aforesaid, shall The Lands allotted to the Rector, and the 100 l. a Year to be in lie of Glebe and great Tythes.

The 15 L. a Year
in lieu of Wool
and Lamb.

be in Lieu, Recompense, Satisfaction, and Compensation, as well of and for the said Close or inclosed Ground, and Four Oxgangs in the Common Fields belonging to the said Rector as aforesaid, and all other the Glebe Lands of and belonging to the said Rectory; as also of and for his and their Right of Common, and all the Rectorial and Improprate Tythes coming, growing, renewing, or arising, within the Township of *Pocklington* aforesaid: And that the said yearly Rent of Fifteen Pounds, so vested in the said Dean of *York*, and his Successors, Rectors of *Pocklington* aforesaid, shall be in Lieu, Recompense, and Satisfaction, of all the Tythes of Wool and Lamb arising and renewing within the Township of *Pocklington* aforesaid.

And it is hereby further Enacted, by the Authority aforesaid, That the said Commissioners, and their Successors, or any Two or more of them, shall and may, and they are hereby required, authorized, and empowered to ascertain, limit, and appoint a yearly Rent of Thirty-three Pounds, to be charged upon all the Owners and Proprietors of Lands and Tenements in the Township of *Pocklington*, other than the Dean of *York*, and his Lessee; and the said Vicar, and his Successors, in respect of his said House and Common Right, in such Proportions as the Commissioners, and their Successors, or any Two or more of them, shall ascertain, order, direct, and appoint; which said annual Sum of Thirty-three Pounds shall be paid Quarterly, and shall commence at the same Time, and with such Powers of Entry and Distress for Non-payment, as is herein before given, mentioned, and provided for the Payment to the said *Robert Doleman*, of the several Sums to be assessed by the said Commissioners, in order to make up the said Two gross Sums of One hundred Pounds, and Fifteen Pounds, directed to be paid by him to the Rector as aforesaid; and that immediately after such yearly Sum shall be so set out, and allotted and appointed to and for the said Vicar, and his Successors, as aforesaid, all such small, petty, or privy Tythes, arising and renewing within the said Township, shall cease, determine, and be extinguished.

But not to pre-
judice the Rector
as to Surplice-
Fees, &c.

Provided always, That nothing herein contained shall prejudice or impeach the Right or Title of the Vicar of the Parish Church of *Pocklington*, or his Successors for the Time being, to any Surplice Fees or *Easter Offerings*, due, or to become due, within the said Township; but that he and they may continue to take and receive the same, in such and the same Manner as he or they could or might have done before the Passing this Act, or in case the same had not been made.

After the Divi-
sion, all Tythes
and Common-
Right to cease.

And it is hereby further Enacted, That after the said Division and Allotments of the said Open Fields, Meadows, and Common Grounds shall be made, and the said Award or Instrument shall be executed as aforesaid, all Tythes whatsoever of and belonging to the said Rectory, arising, growing, or renewing, within the Township of *Pocklington* aforesaid; and also all Right of Common belonging to, or claimed by, any Person or Persons whatsoever, in, over, or upon, any of the Open Fields, Common Meadows, Ings, Moors, or Common Grounds, lying and being within the said Township of *Pocklington* aforesaid, shall cease and be extinguished.

Power for the
Dean to lease his
Lands and An-
nities.

And it is hereby further Enacted, That it shall and may be lawful to and for the said Dean of *York*, and his Successors, Rectors of the said Parish of *Pocklington* for the Time being, from time to time, and at all times after the present Lease of the said Four Oxgangs of Glebe Lands, and the said Close or Parcel of inclosed Land, now held by the said *William Read*, as Lessee thereof as aforesaid, shall expire, or be surrendered or determined, to grant or Lease the said Four Oxgangs and inclosed Land; or the Lands and Grounds to be allotted to the said Dean, and his Successors and Lessees, in lieu or respect thereof, together with and including the said several yearly Rents of One hundred Pounds and Fifteen Pounds, hereby respectively vested in the said Dean and his Successors, and his and their Lessees as aforesaid,

aforesaid, in Lieu of, and Compensation for, the said Tythes as aforesaid, unto any Person or Persons, for such Term and Terms, and under such Conditions and Restrictions, as he or they respectively could or might have granted and leased the said Glebe Lands, in case this Act had not been made.

And it is hereby further Enacted, That after the Division and Allotments of the said Common Fields, Meadows, and Common Grounds shall be made, in pursuance of this Act, such yearly Rent, or annual Sum of lawful Money of Great Britain, as by the said Commissioners, hereby nominated and appointed, or their Successors, or any Two of them, shall be directed and appointed, and ascertained in that behalf, shall be paid to the said *Robert Doleman*, and the Lord or Lords of the Freehold Manor of *Pocklington* aforesaid for the Time being, in Aid of and towards raising the said several yearly Rents of One hundred Pounds and Fifteen Pounds, so vested in, made payable to, the said Dean of *York*, and his Successors, Rectors of *Pocklington* aforesaid, and their Lessees of the said impropriate Rectory as aforesaid; and the said yearly Rent or annual Sum, so to be appointed and ascertained as aforesaid, shall be paid and contributed by the Owners and Proprietors, for the Time being, of the several Lands and Grounds so intended to be appointed and inclosed as aforesaid (other than the Lands and Grounds to be allotted to the said Dean of *York*, and his Successors, Rectors of *Pocklington* aforesaid, and his and their Lessees respectively, and to the said *William Read*, in his own Right respectively as aforesaid), and shall be issuing out of, and charged upon, the Lands and Grounds to be set out and allotted, in pursuance of this Act, unto and for such Owners and Proprietors respectively (other than except as last aforesaid mentioned), in such Sums, Shares, and Proportions, in respect of, and with regard to, the Quantity and Quality of the Lands and Grounds to be allotted to them respectively upon the said intended Inclosure and Division, as the said Commissioners, and their Successors, or any Two of them, shall think just and reasonable, and shall order, direct, and appoint; and which said yearly Sums, Shares, and Proportions, so to be contributed towards making up and constituting the said gross yearly Rent, or annual Sum, to the Lord of the Freehold Manor of *Pocklington*, for the Purpose aforesaid, shall be paid to him, at the Freehold Manor-House in *Pocklington* aforesaid, on the Feasts of the Nativity of *Saint John Baptist*, *Saint Michael* the Archangel, the Birth of our Lord *Christ*, and the Annunciation of the blessed *Virgin Mary*, in every Year, by equal Portions; the First Payment thereof respectively to begin and be made on such of the said Feasts or Days as shall first happen after the Execution of such Instrument or Award as aforesaid: And if any of the said yearly Rents or Sums, so to be paid and contributed towards making up or constituting the said gross Rent or yearly Sum, or any Part thereof respectively, shall be behind and unpaid for Twenty Days, next after any of the Feasts so mentioned or appointed for Payment thereof, then, and in such Case, from time to time, as often as it shall so happen, it shall and may be lawful to and for the Lord of the said Freehold Manor for the Time being, into and upon the Premises, charged with the yearly Rent or Sum so behind and unpaid respectively, to enter and distress, and to take, carry away, or otherwise legally dispose of, the Distress and Distresses so taken; and also to take and receive the Rents, Issues, and Profits of the same Premises, to his and their own Use and Benefit, until thereby or thereby with respectively, or otherwise, all Arrears of the said yearly Sums respectively due at the Time of such Entry and Distress, and that during such Possession shall grow due, and all Costs, Charges, and Expences, attending such Entry, Distress, and Perception of Rents; and all Losses and Damages to be sustained by the Lord of the said Freehold Manor for the Time being, by reason of the Nonpayment of the said yearly Sums respectively, shall be fully satisfied and paid.

The Commissioners to appoint what shall be paid by the Proprietors to the Lord, to make up the two Annuities.

Power of Distress and Entry.

And it is hereby further Enacted and Declared, That when, and as soon as the Division and Allotments of the said Lands and Grounds, so intended to be divided and inclosed as aforesaid, shall be finished and completed, the said Commissioners, or their Successors, or any Two of them, shall form, prepare, and make,

The Commissioners to make their Award.

make, or cause to be formed, prepared, and made, an Award, or Instrument in Writing, which shall specify and express the Quantities and Contents in Statute Measure of the said Open Fields, Meadow Grounds, and Commons, so to be divided and inclosed as aforesaid, and the Quantities, and Contents, Situations, Buttals, and Boundaries of the several and respective Allotments which shall be made, in pursuance of this Act, to each of the said Proprietors and Persons interested therein by Name; and shall also express and ascertain what Shares and Proportions of the said gross yearly Rent or Sum, so to be paid to the Lord of the said Freehold Manor, shall separately be paid and contributed by each of the Owners and Proprietors of Lands and Tenements in the said Township of *Pocklington* aforesaid, so directed and appointed to be charged with the same respectively; and shall also set forth, distinguish, and ascertain, what Lands or Grounds in the said Fields, Meadow Grounds, and Commons, or any of them, shall be allotted to any of the said Proprietors, in respect or in lieu of any Copyhold Lands or Tenements by them respectively held of the said Dean, as Lord of the said Copyhold Manor of *Pocklington* aforesaid; and shall also ascertain and direct how much should be paid to each Owner or Occupier for such Damage he or she may sustain by making any Fences, Ditches, or Drains, on another Person's Wheat or Barley Land, and for Standing of Wheat or Barley by Tenants to the Owners: And shall also contain proper Orders and Directions concerning the Roads and Ways, Fences, Ditches, Drains, Bridges, Gates, and Stiles, to be made, laid out, maintained, and repaired as aforesaid, and all such other Orders and Regulations as they shall think necessary or proper for the perfecting and compleating the said Division and Inclosure, according to the true Meaning of this Act: And that such Instrument be fairly ingrossed upon Parchment, and sealed and delivered by the said Commissioners, or their Successors, or any Two of them, and inrolled at Length, amongst the Inrolments of Bargains and Sales of Lands, in the publick Register Office, kept at *Beverley*, for the East Riding of the said County of *York*, for the Registering of Deeds and Wills concerning Lands and Tenements in the said East Riding.

With proper
Directions.

To be written on
Parchment, and
inrolled at *Beverley*.

Proprietors to
accept their Al-
lotments.

And it is hereby also Enacted, That all and every Person and Persons, to and for whom any Allotment or Allotments shall be made of the said Lands and Grounds, so to be divided and inclosed as aforesaid, do and shall, within Twelve Calendar Months after the Execution of the said Award or Instrument, and publick Notice given in the Parish Church of *Pocklington* aforesaid on a *Sunday*, after Divine Service, for that Purpose (which Notice the said Commissioners, or their Successors, or any Two of them, shall cause to be so given and published), accept their said several and respective Allotments, and signify such Acceptance by signing and sealing the Award to be made by the said Commissioners, or any Two of them, as aforesaid, or a Counterpart thereof, which should be binding and conclusive to them, and every of them, and their respective Heirs, Successors, and Assigns: And in case any of the said Owners or Proprietors shall neglect or refuse to accept his, her, or their said Allotment or Allotments within the said Time, then he, she, or they, so neglecting or refusing, shall be totally excluded from having or receiving any Benefit or Advantage by the said intended Division or Inclosure (except upon the Terms herein after-mentioned): and also from any Estate, Interest, or Right of Common whatsoever, in any of the Lands or Grounds to be allotted to any other Person or Persons as aforesaid; saving the Rights and Interests of Minors, Persons under Coverture, and beyond the Seas, or otherwise incapable by Law to accept their respective Allotments, so as they respectively claim or accept the same, within Twelve Months after such Disability or Incapacity removed, or after their respective Titles have accrued.

Not to permit
Sheep on the
Inclosures.

Provided always, and it is hereby further Enacted, That, for the better Preservation of the Fences, which shall be made for the dividing and inclosing the said new Allotments, it shall not be lawful for any Person or Persons, to or for whom

whom such Allotments shall be made, for the Space of Eleven Years, to be computed from the Time of making the said Award, to turn or drive, or cause or suffer to be turned or driven, any Sheep in, to, or upon, the said Lands and Grounds so intended to be divided and inclosed, as aforesaid, or any of them.

And it is hereby further Enacted; That all such Lands or Grounds lying and being in the said open Fields, Meadow Grounds, and Commons, which, in pursuance of this Act, shall be allotted, as aforesaid, to any Person or Persons for or in respect of any Freehold Lands or Tenements; shall be vested in, and held by, such Person and Persons respectively as Freehold Lands; and that all such Lands and Grounds, as shall be allotted to any Person or Persons for or in respect of any Copyhold Lands and Tenements held of the said Copyhold Manor of *Pocklington*, shall be deemed and taken to be Copyhold Lands, and be annexed to, and held as Part of, the ancient Copyhold Tenements, in respect of which they shall be so set out and allotted; and shall be demised and demisable in such manner, and be subject to such Suit of Courts, Duties, and Services, as the same ancient Copyhold Tenements are now held, enjoyed, and demised, respectively.

Lands allotted in lieu of Freehold to be Freehold.

And in lieu of Copyhold to be Copyhold.

And it is hereby also Enacted, That when the Lands and Grounds so to be divided and inclosed, as aforesaid, shall be set out and allotted by the said Award, the several Persons, to whom the same shall be so set out and allotted respectively, shall, at their own Expence respectively, inclose, hedge, ditch, and fence, each their own several and respective Allotments, within such time, and in such manner, as the said Commissioners, or their Successors, or any Two of them, shall order, direct, or appoint.

Shares to be fenced.

And it is hereby further Enacted and Declared, That the Costs, Charges, and Expences, incident to, and attending, the obtaining this present Act, and the making and executing of the said Articles, and of surveying, measuring, dividing, and allotting, the said Fields, Meadow Grounds, and Commons, hereby directed and appointed to be divided and inclosed, and the preparing, making, and inrolling, the Award of the Commissioners herein before directed and appointed to be made and executed, and all other the Charges and Expences of the said Commissioners in and about the Execution and Performance of the Trusts, Powers, and Authorities, vested in them by this Act, and all other necessary Expences relating to the said Division and Inclosures, shall be jointly borne and paid by the respective Persons to whom the said Lands and Grounds so to be inclosed and divided, as aforesaid, shall be assigned, set out, and allotted, in such Shares and Proportions, with respect to their several Allotments, as to the said Commissioners, or their Successors, or any Two of them, shall seem just and reasonable, and as shall by them be settled, appointed, and ascertained: And in case any Person or Persons refuse or neglect to pay his, her, or their, Share or Shares of such Charges and Expences unto such Person or Persons, and within such Time, as the said Commissioners, or their Successors, or any Two of them, shall appoint, then and in such Case, it shall and may be lawful to and for the said Commissioners, or their Successors, or any Two of them, and they are hereby authorized and empowered, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, wheresoever they may be found; rendering the Overplus (if any) after the reasonable Charges of such Distress and Sale are deducted, to the Owner or Owners of such Goods and Chattels.

Expences of the Act, &c.

To be paid by the Proprietors, or the Commissioners shall appoint.

Provided always, That the Lands and Grounds to be allotted to or for the said Dean of *York*, or the said *William Read*, his Lessee of the said Improprate Rectory, or the said yearly Rents or Sums of One hundred Pounds, and Fifteen Pounds, or either of them, or the said Dean, or his Successors, or his or their respective Lessee or Lessees of the said Rectory, or the said Vicar, and his Successors, in respect of the said yearly Sum so to be allotted to him as aforesaid, and of the said House and Common-right, shall not, nor shall any of them, be charged or chargeable with, or contribute to, any the Costs, Charges, or Expences, hereinbefore mentioned.

Except the Dean and his Lessee.

Persons neglect-
ing to inclose,

Commissioners
may inclose and
mortgage the
Lands.

And it is hereby further Enacted, That in case any Person or Persons shall neglect or refuse to accept his, her, or their, Allotment or Allotments, as aforesaid, or to inclose the same, or to pay his, her, or their, Proportion or Proportions of such Costs, Charges, and Expences, as aforesaid, within such Times as shall be appointed for those Purposes respectively; then the said Commissioners, or their Successors, or any Two of them, shall and may, if they shall think fit, and they are hereby authorized and impowered, in such Case, to cause the Lands and Grounds allotted to the Person or Persons so neglecting or refusing, or any of them, to be inclosed, hedged, fenced, and ditched, as they shall think proper; and to borrow and take up, at Interest, so much Money as shall be sufficient to defray the Expences of inclosing, fencing, and ditching, the same Allotments respectively, and such Proportion of the other Charges and Expences herein before-mentioned, as shall be charged upon the same Allotment, as aforesaid; and to mortgage the Lands and Grounds comprised in the same Allotment or Allotments respectively, for any Term of Years, redeemable upon Payment of the Money so to be borrowed and taken up, with Interest for the same, not exceeding the Rate of Four Pounds *per Centum per Annum*; and which Sum or Sums of Money so to be raised, borrowed, and taken up, as aforesaid, shall be applied, in the First place, for defraying the said Proportion or Proportions of such other Charges and Expences, as aforesaid, and afterwards for or towards defraying the Expences of inclosing, fencing, and ditching, the same Allotment or Allotments respectively: And also that the said Commissioners, or their Successors, or any Two of them, shall and may, and they are hereby authorized and impowered, from time to time, after such Neglect or Refusal, as aforesaid, to demise or lett the Lands and Grounds to be allotted to the Person or Persons so neglecting or refusing, as aforesaid, unto any other Person or Persons, for any Term not exceeding Twenty-one Years in Possession, at the best Rent that they can get for the same; and such Rent shall be applied, in the First place, for keeping down the Interest of the Money so to be borrowed; and the Residue thereof, if any, shall go towards discharging such Proportion or Proportions of the said yearly Rents or Sums of One hundred Pounds, and Fifteen Pounds, as may be charged by the said Award upon the same Allotment or Allotments.

And it is hereby Enacted and Declared, That the Person and Persons so neglecting or refusing to accept, or to inclose, his, her, or their, Allotment or Allotments; and his, her, or their, Heirs, Executors, Administrators, and Assigns, respectively, shall not have any Right of Redemption, Entry, or Claim whatsoever, of, in, or to the said Lands and Grounds, or any of them, which shall have been so allotted to them respectively, or to the Rents and Profits thereof, or of any Part thereof, till all such Mortgage-money, and Interest, and also all that should be due for their respective Proportions of such Costs, Charges, and Expences, and of such yearly Rents or Sums, and for fencing and inclosing the same Allotment or Allotments respectively, shall be fully paid and satisfied, together with the Costs and Charges of each such Mortgage and Demise.

Wills, Settlements, and Incumbrances, not to be prejudiced.

Provided always, That nothing in this Act contained shall be construed, deemed, or taken, to extend to revoke or make void, alter or impeach, any Deed, Will, Settlement, Title, Security, or Charge, of or upon, or any-ways affecting, any of the said Lands and Grounds so to be divided, exchanged, and inclosed respectively, as aforesaid, or any Part thereof; but that the several Lands, Grounds, and Tenements, so to be exchanged, assigned, and allotted, shall, immediately after such Allotment and Exchange, be, remain, and enure, and be held and enjoyed, and the several Persons, to or for whom the same shall be assigned and allotted, and given in Exchange, as aforesaid, shall, from thenceforth, stand and be seized thereof, to such and the same Uses, and to and for such and the same Estates, and subject to such and the same Leases, Wills, Limitations, Remainders, Charges, Tenures, Rents, Services, and Incumbrances, as the several Lands, Grounds,
Tenements,

Tenements, and Hereditaments, in lieu or in respect whereof such Allotments and Exchanges shall be made in pursuance of this Act, now are, or should or would have been subject or liable to be charged with, and affected by, in case the same had remained uninclosed, or this Act had not been made:

Provided also; That nothing herein contained shall be construed to defeat, lessen, or prejudice, the Right, Title, and Interest, of the said *Robert Doleman* and the said Dean, or either of them, of, in, or to; the Seigniories or Royalties incident or belonging to the Freehold and Copyhold Manors afore-mentioned, or either of them; but that the said *Robert Doleman* and the said Dean, their Heirs, Successors, and Assigns respectively, shall and may hold and enjoy all the several and respective Seigniories and Royalties, Rents, Customs, and Services, to their said several Manors incident, belonging, or appertaining (other than and except such Rents, Customs, Services, and Forfeitures, to which any of the Copyhold Lands or Tenements afore-mentioned, which shall be changed or converted to Freehold Lands and Tenements, were subject to, before the passing this Act, in regard only of their being then Copyhold, and except also such Right of Common as could or might be claimed by them respectively as Lords of the said respective Manors, or otherwise, upon the Premises so intended to be divided and inclosed, or any of them) in as full, ample, and beneficial Manner, to all Intents and Purposes, as they, or any of them, could or might have held and enjoyed the same, in case this Act had not been made.

Nor the Rights of the several Lords of the Manors.

Except of Lands changed to be Freehold.

And their Right of Common on the inclosed Lands.

And it is hereby further Enacted, That the said Commissioners, or any Two of them, shall and may, and they are hereby authorized and required to, cause Notice to be given and published, on some *Sunday*, in the Parish Church of *Pocklington* afore-mentioned, immediately after divine Service, of the Time and Place of their First Meeting for the Purpose of making the said intended Division and Allotments, and proportioning such yearly Rents or Sums as afore-mentioned, Fourteen Days at the least before such Meeting; and that the said Commissioners, or their Successors, or any Two of them, being so met, pursuant to such Notice as afore-mentioned, may adjourn such Meeting, from time to time, without any other Notice being given thereof: And that, if any One or more of the said Commissioners herein before appointed, or to be appointed in Manner herein after mentioned, shall happen to die, or refuse to act, before any such Award should be made as afore-mentioned, then the surviving or acting Commissioners or Commissioner shall, from time to time, by Writing under their or his Hands and Seals, or Hand and Seal, elect some other Person or Persons, not interested in the said Township of *Pocklington*, in the Room of him or them so dying or refusing to act; such Person or Persons so to be elected to have the same Power and Authority as the Commissioner or Commissioners, in whose Room he or they shall succeed, was or were invested with; and, in the mean time, or in Default of such Election, the surviving or acting Commissioners or Commissioner may proceed in and about the compleating and finishing the said intended Division and Allotments, and in executing all the other Powers herein before given.

Notice of Commissioners Meeting.

Power to chuse new Commissioners.

Saving always to the KING's most Excellent MAJESTY, his Heirs and Successors, 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 Parties to the said Articles, and all the Proprietors and Persons interested, as afore-mentioned, in the said Fields, Meadows, and Commons, and in such of the said ancient Inclosures as shall be awarded to be exchanged, as afore-mentioned, and in the said Tythes, great and small, his, her, and their Heirs, Successors, Executors, and Administrators respectively), All such Estate, Right, Title, and Interest, as they, every or any of them, had and enjoyed of, in, to, or out of, the said Common Fields, Meadow Grounds, Commons, and ancient Inclosures, before the Passing of this Act, or could or ought to have had and enjoyed, in case the same had not been made.

Saving.

*An ACT for Establishing and
Rendering effectual Articles of
Agreement for Dividing and In-
closing the Open Fields and Com-
men Grounds in Pocklington, in
the County of York.*

[1757.]