



A N  
A C T  
F O R

*Dividing and Inclosing a certain common or open piece of waste Ground in the Parish or Township of **Harthill with Woodhall**, in the County of York.*

Preamble

*Whereas* there is open and unenclosed Piece or Parcel of common or waste Ground, situate and being within the Parish of *Harthill*, in the County of *York*, commonly called or known by the Name of *Woodhall Moor* or *Common*, containing by Estimation Three hundred Acres or thereabouts:

*And whereas* the most Noble *Thomas* Duke of *Leeds* is Lord of the said Manor of *Harthill with Woodhall*, Patron of the Church, Rectory, or Parsonage, *Harthill* aforesaid, and also Owner or Proprietor of the greatest Part of the Messuages, Cottages, Lands,

and

and Tenements, within or belonging to the said Parish or Township of *Harthill with Woodhall*, and is Owner of the Soil of the said Common called *Woodhall Moor* or Common; and *John Hewett*, Clerk, is the present Rector of the said Church, Rectory, or Parsonage, and, as such, possessed of, or entitled to the Parsonage House, and the Glebe Lands thereunto belonging, and to the Tythes of Corn, Grain, Hay, Wool, and Lambs, and all Privy and other Tythes to the said Rectory, belonging or in any-wise appertaining:

**And whereas** *Gilbert Rodes, Esquire, Robert Belk, Peter Belk, and Peter Norborne, George Story, John Willis and John Kitchen*, with other Freeholders, are Owners and Proprietors of the Residue of the Messuages, Cottages, Lands, and Tenements, within or belonging to the said Township of *Harthill with Woodall*; and the said *Thomas Duke of Leeds*, and the several other Freeholders, Owners, and Proprietors, in respect of such their Messuages, Cottages, Lands, and Tenements, are entitled to, and they, and their Tenants, occupy and do enjoy, Common of Pasture for their Cattle in, over, and upon, the said Common called *Woodhall Moor* or *Common*, and at all times in the Year:

**And whereas** the said Common, or Piece or Parcel of waste Ground, so long as the same lies open, commonable, and unenclosed, is in a great measure useless, or of little Advantage to the several owners and Proprietors of Messuages, Cottages, Lands, and Tenements, having Right of Common there, and totally incapable of any improvement.

**And whereas** the said *Thomas Duke of Leeds, John Hewett, Gilbert Rodes, Robert Belk, Peter Belk, and John Norborne, George Story, John Willis, and John Kitchen*, and others, Owners and Proprietors of Messuages, Cottages, Lands, and Tenements, interested in the common or Piece of waste Ground, are willing and desirous that the same may be enclosed, taken in, and divided, by Commissioners in that behalf to be appointed; and that specific Parts and Shares thereof may be signed and allotted to the several Proprietors thereof respectively, in Severalty, in lieu of, and in proportion and according to, their several and respective Shares, Interests, and Common Rights, in, over, and upon, the said Common, or Piece or Parcel of waste Ground, as the same is now open and unenclosed; and in the manner, and subject to the Rules, Orders, and Directions, herein after-mentioned, prescribed, and declared, concerning the same:

**But although** such Division and enclosure will tend to manifest Advantage of the several persons interested in the Premises

and

and be an Improvement of their several Estates; **Yet** the same cannot be established, or rendered effectual, without the Aid and Authority of Parliament:

*May it therefore please Your MAJESTY*

That it may be **Enacted**; **And be it Enacted**, by the K I N G'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 *William Simpson*, of *Stainford*, in the said County of *York*, *William Marsden*, of *Barnsley* in the said County of *York*, Esquires, and *Francis Ashbey* of the said Parish of *Harthill*, Gentleman, and their Successors, to be elected in manner herein after-mentioned, shall be, and they are hereby, nominated and appointed Commissioners for setting out, dividing, allotting, and enclosing, the said Common, or Piece or Parcel of waste Ground, situate, lying, and being, within, or belonging to, the said Township of *Harthill with Woodhall* aforesaid, herein before-mentioned, and for putting this Act in Execution.

A Survey to  
be made

**And**, for the more certain Division of the said Common, Piece or Parcel of waste Ground, **Be it further Enacted**, by the Authority aforesaid, That a true and distinct Survey shall be made of the said Common, Piece or Parcel of waste Ground; and also of all and singular the Lands and Grounds now enclosed, within the said Township (or of such Part and Parts thereof as has not already been made and taken), before the Twenty-ninth Day of *September* One thousand Seven hundred and *Sixty*, or as soon after as conveniently may be, by the said Commissioners, or any Two or more of them, or by such Person or Persons, as they, or any Two or more of them, shall appoint; -and such Survey shall be reduced into Writing, and the Number of Acres, Roods, and Perches, belonging to each Owner and Proprietor, and also of the said Common, or Piece of waste Ground, shall therein be specified, and described; and such survey shall be laid before the said Commissioners, and their Successors, or any Two or more of them, at some or One of their Meetings to be held in pursuance of this Act.

Commissioners  
to set out  
the Proprietors  
Shares

**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 authorised and required at any time or times after the said Survey shall have been laid before them, and before the Twenty-fifth Day of *March* One thousand Seven hundred and *Sixty one*, to divide, assign, appoint, set out, and

allot,

allot, the said Common, Piece or Parcel of waste Ground, herein before-mentioned, unto and amongst them the said *Thomas Duke of Leeds, John Hewett, Gilbert Rodes, Robert Belk, Peter Belk, and John Norborne, George Story, John Willis, and John Kitchen*, and the several Owners and Proprietors entitled to, and interested in, the same, in proportion according to their several Shares, Interests, and other Rights and Properties, in, upon, and over, the said Common, or Piece or Parcel of waste Ground; subject nevertheless to the Rules, Orders, and Directions, in and by this Act ordered, directed, established, appointed, and prescribed.

Not to give  
undue Preference

**Provided Always, and be it further Enacted and Declared** by the Authority aforesaid. That nothing in this Act contained shall empower the said Commissioners, or any of them, to give any undue Preference to any of the Parties interested in the said intended Enclosure and Division, in respect of their Shares and Allotments; but that the said Commissioners, or Successors, or any of them, in making such Allotments, shall have due Regard to the Quality as well as the Quantity of the Land and Ground to be enclosed, divided, and allotted, and Situation and Contiguity of the same to the Dwelling-houses, Lands, and Grounds, of several Parties to and for whom the same shall be respectively assigned and allotted; and also to the Right of Common, and other Property to each Person interested in the said Division and Enclosure; and the Quality, as well as the Quantity, and Contiguity, of the Lands to be allotted in lieu therefore; the smallest Owners and Proprietors of the Common, or Piece or Parcel of Waste Ground, having their Allotments nearest to their Dwelling houses, or Lands and Grounds lying within the said Township of *Harthill with Woodhall* aforesaid.

Commissioners to  
adjust Differences

**And**, for the better ascertaining the Rights and Claims of all the Parties interested as aforesaid, **Be it further Enacted**, by the Authority aforesaid, That in case any Difference or Dispute shall arise between any of the said Parties interested in the said intended Division and Enclosure, or any of them, touching or concerning the respective Shares, Rights, and Interests, which they, or any of them, now have, or claim to have, in the said Common, Piece or Parcel of waste Ground, so intended to be enclosed as aforesaid, or touching the respective Shares and Proportions which they, or any of them, ought to have of and in the said intended Division and Enclosure, it shall and may be lawful to and for the said Commissioners, and their Successors, or any Two or more of them, and they are hereby required, by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any Two or more of them, are hereby authorized and empowered to administer); and, upon other proper and sufficient Inquiry, Evidence, and Satisfaction, to hear and finally determine the same.

**And**

and set out  
Ways and Roads

**And be it further Enacted**, by the Authority aforesaid, That the said Commissioners, and their Successors, or any Two or more of them, shall and may let out and appoint such public and private Roads or Ways, and also such Ditches, Drains, Fences, Bridges, Gates, and Stiles, as they shall think convenient, in over, and upon, the Enclosures to be made by virtue of this Act; so as that all such public Roads shall be Forty Feet broad at the least between the Ditches or Fences and such public Roads shall, at all times for ever hereafter, be repaired, and kept in Repair, in such a manner as other public Highways are by Law directed to be repaired; and that after making the Roads and Ways so set out and appointed, it shall not be lawful for any Person or Persons to use any other Roads or Ways, either public or private, over or through the said new Enclosures, 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 through the said intended Enclosures, shall be deemed Part of the Lands to be Enclosed, and shall be divided and allotted accordingly as Part of such Lands; and that all the private Ways, Ditches, Drains, Fences, Bridges, Gates, and Stiles, so to be let out and appointed as aforesaid, shall be made, and, at all times thereafter, repaired, cleansed, maintained, and kept in Repair, by such Person or Persons, and in such manner, as the said Commissioners, or any Two or more of them, shall, by their Award or Instrument herein after-mentioned, order, direct, or appoint.

Allotments to be in lieu  
of Common Right

**And it is hereby further Enacted**, by the Authority aforesaid, That the said Common Piece or Parcel of waste Ground, to be divided, set out, allotted, and appointed, unto and for several Persons who by virtue of this Act, shall be entitled to the same, shall be in full Bar of, and in full Satisfaction and Compensation for, their several and respective Rights of Common, and other Rights and Properties whatsoever, in, over, and upon, the said Common Piece or Parcel of waste Ground; and that, from and immediately after the making the said Division and Allotments, and the Execution of the said Award or Instrument, of such Tenor and Purport as herein after-mentioned, the Right of the said Duke in and to the Soil of the said Common, Piece or Parcel of waste Ground, called *Woodhall Moor*, or Common, which shall be taken into the said intended enclosure, and all the Right of Common belonging to, or claimed by, all and every the said Owners, Proprietors, or Occupiers, of Messuages, Cottages, Lands, and Tenements, or other Hereditaments, within or belonging to the said Township of *Harthill*, with *Woodhall* aforesaid, in, over, and upon, the said common Piece or Parcel of waste. Ground, and every Part thereof, shall cease, determine, and be for ever extinguished.

Commissioners  
to make an Award

**And be it further Enacted**, by the Authority aforesaid, That within the Space of Six Calendar Months after the Division and

**Allotments**

Allotments of the said Common, Piece Parcel f waste Ground shall be completed and finished, the said Commissioners, and their successors, or any Two or more of them, shall form and draw up, and they are hereby authorized and required to form and draw up, an Award or instrument thereof in Writing, which shall express and contain the Quantity and Contents, in Statute-measure, of the Acres, Roods, and Perches, contained in the said Common, Piece or Parcel of waste Ground, so intended to be enclosed as aforesaid, and the Quantity and Contents of each and every Part and Parcel thereof, assigned and allotted to each of the Parties entitled to Lands, Common Right, or any other Property within the same, and a Description of the Situation, Butta's, and Boundaries, of such Parcels and Allotments respectively, and proper Orders and Directions for and concerning the laying out and making of the public Roads, and the Breadth thereof, and for and concerning the laying out, making, maintaining, cleansing, and keeping in, Repair, the private Roads and Ways, Fences, Ditches, Drains, Bridges, Gates, and Stiles, in, over, and upon the said intended Enclosures; and also all such Orders, Regulations, Determinations, as are in or by this Act mentioned, directed, or required to be made and established, and such other Orders. and Regulations as shall be necessary or proper, conformable to the true Tenor of this Act, for the more easy-and effectual Execution thereof, and for preventing all Difficulties and Disputes in relation to the Matters therein contained; which said Award or Instrument shall be fairly engrossed upon Parliament, and signed and sealed by the said Commissioners, and their Successors, or and two or more of them;

which is to  
be enrolled

and shall within Six Calendar Months next after the same shall be so signed and sealed as aforesaid, be enrolled in the public Register Office in *Wakefield*, in the West Riding of the County of *York* established by Act of Parliament, for the registering Deeds, Conveyances, Wills, and other encumbrances affecting Lands, Tenements, Hereditaments, in the said West Riding; to the end Recourse may be had to the same by any Person or Persons interested in the said intended Division or Enclosure; and the Register of the said Office, or his Deputy, is hereby required to enrol the said Award or Instrument, for the usual Fee allowed and appointed to be taken by the said Act for enrolling Bargains, and Sales of Lands; and a Copy such Instrument, signed, by the said Register or his Deputy, purporting to be a true Copy thereof, shall from time to time, and at all Times thereafter, be admitted and allowed in ail Courts of Law and Enquiry in *Great Britain*, and elsewhere, as legal Evidence of the same:

Copy of Enrolment  
to be Evidence

And the several Allotments, Partitions, and Divisions, so to be made by the said Commissioners, or their Successors, or any two or more of them, in any such Award or Instrument in Writing, so executed and enrolled as aforesaid, shall be, and are hereby declared to be, binding and conclusive unto and upon all and every several Parties so interested in the said Common, Piece or Parcel of waste Ground, so intended to be enclosed as aforesaid.

And

Directions  
for Fencing

**And be it further Enacted**, by the Authority aforesaid, That, within the Space of Twelve Calendar Months after the Execution of the said Award or Instrument as aforesaid, the several Parcels of Land thereby allotted shall be enclosed, hedged, ditched, or fenced; and such Enclosures, Hedges, Ditches, and Fences, at all Times thereafter, shall be repaired and maintained in such manner as the said Commissioners, or any Two or more of them, shall, in such Award or Instrument, order and direct.

Power to sell  
and exchange Shares

**And it is hereby further Enacted**, by the Authority aforesaid, That, for the more convenient Situation and Disposition of the several Allotments to the several Farms and Lands of the several Owners and Proprietors aforesaid, upon the said intended Division, it shall and may be lawful to and for all or any of the several Proprietors and Owners to exchange all or any of his, her or their Messuages, Lands, Tenements, ancient Enclosures or Enclosed Lands, in or upon which there is no Common Right, or other Lands and Grounds within, near or adjoining to, the Township of *Harthill with Woodhall*, or the Hamlet of *Woodhall* aforesaid, for any other Messuages, Tenements, ancient Enclosures, or enclosed Lands, as aforesaid, or other Lands or Grounds within, near, or adjoining the same Township or Hamlet, or to contract for and sell the same, or such Parts or Shares of the said Lands to be enclosed, as shall be allotted to them, or any of them, respectively, for a valuable Consideration in Money, to be agreed upon by them. or any of them, respectively; so as all and every such Exchange and Exchanges, and every such Contract and Sale, be made by and with the Consent and Approbation of the said Commissioners, or any Two of them, to be ascertained, specified, and declared, in the said Award or Instrument so directed to be made and executed as aforesaid, or some other Act or Instrument, to be enrolled as before-mentioned.

Charges of  
the Act, &c.

**And it is hereby further Enacted and Declared**, That the Costs and Charges incident to and the obtaining and passing this Act, and of the surveying, dividing, and allotting, the Lands and Grounds so intended to be enclosed as aforesaid, and the preparing and enrolling the said Award and Instrument, and all reasonable Charges and Expenses of the Commissioners, and other necessary Expenses in, about, and concerning, the Premises, shall be borne, paid, and defrayed, by the several Owners, Occupiers, and Proprietors, to whom the said Common or Piece or Parcel of waste Ground, so to be enclosed, shall be allotted, respectively, to be settled, adjusted, and ascertained, by the said Commissioners, or any Two or more of them, in proportion to the Value of the Lands and Grounds so to be allotted and assigned to the said Persons and Parties respectively, as to the said Commissioners, or any Two or more of them, shall seem meet and expedient; And in case any such Owners, Occupiers, or Proprietors,

**their**

their Heirs, Executors, Administrators, or Assigns, shall refuse or neglect to pay his, her, or their Share or Proportion of such Charges and Expenses, within the time to be limited by the said Commissioners, or any Two or more of them, to such Person or Persons as they shall appoint to receive the same, then the said Commissioners, or any Two or more of them, shall and may, by Warrant under their Hands and Seals, order and direct such Sum and Sums of Money, as shall be necessary to pay and defray such Charges and Expenses, to be paid by the Person or Persons who shall be Owner or Proprietor, Owners or Proprietors, of the Inheritance of the said Lands and Grounds for the Time being:

How the Charges  
are recovered

And in case such Owner or Proprietor, Owners or Proprietors, of the said Messuages, Cottages, Lands, and Grounds, shall neglect or refuse to pay and defray such Charges and Expenses as aforesaid, then the said Commissioners, or any Two or more of them, shall and may, by Warrant under their hands and Seals, directed to any Person or Persons whatsoever, cause the same to be levied by Distress and Sale of the Goods and Chattels of the Owner or Proprietor, Owners or Proprietors, of such Lands and Tenements, for refusing or neglecting to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels; the reasonable Costs, Charges, and Expenses, of taking or making such Distress and Sale being thereout first deducted and paid; or otherwise it shall and may be lawful to and for the said Commissioners, and their Successors, or any Two or more of them, to enter into and upon the Lands and Premise so to be allotted to such Person or Persons so refusing or neglecting to pay as aforesaid, and to take and receive the Rents and Profits thereof respectively, until thereby, or therewith, the Share or Shares, Proportion or Proportion's, of the said Costs and Charges, so to be directed, awarded, and appointed, by the said Commissioners, to be paid by such Person or Persons as aforesaid; and also all Costs, Charges, and Expenses, occasioned by or attending such Entry upon and Receipt of the Rents and Profits, of the same Premises, shall respectively be fully paid and satisfied.

Openings to be  
left in the Fences

**Provided also, and it is hereby further Enacted**, by the Authority aforesaid, That convenient Openings shall be left in the said Fences and Enclosures, for the Space of Twelve Calendar Months next ensuing the Execution of the said Award or Instrument, for the Passing of Cattle, Carts, and Carriages, through the same, unless the several Parties interested therein shall agree the the same shall be sooner made up and enclosed.

The Act not to prejudice  
Persons Rights

**Provided also, and it is hereby further Enacted**, That nothing in this Act contained shall extend, or be construed, deemed, adjudged, or taken, to revoke, make void, alter, annul, or any-wise affect, and Settlement, Deed or Will whatsoever, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion

**Debt**



Debt, Rent, Encumbrance, or other Claim and Demand, out of, upon, or affecting, any of the Lands or Grounds so intended to be divided and enclosed as aforesaid, or any Part or Parcel thereof, or which shall be exchanged in pursuance of this Act, or any Part thereof respectively; but that the Land and Grounds to be allotted shall immediately after making such Division, be, remain, and ensure, an be held and enjoyed, and the several Proprietors to whom the same shall be assigned and allotted, and given in Exchange, as aforesaid, shall from thenceforth stand and be seized and possessed thereof respectively, subject and liable to such and the same Uses, and to and for such and the same Estates and Interests, and subject to such and the same Wills, Powers, Provisos, Limitations, Remainders, Trusts, Charges, Rents, Services, Encumbrances, and Demands, as he, she, or they respectively, should and would have stood seized of, and in his, her, or their, Lands, Interests, or Property, in the said Common, Piece or Parcel of waste Ground, in case this Act had not been made; any thing herein contained to the contrary notwithstanding.

Notice of  
Meetings

**And be it further Enacted**, by the Authority aforesaid, That the said Commissioners, or their Successors, or any Two or more of them, shall, and they are hereby required to give, or cause public Notice to be given, in the Parish Church of *Harthill* aforesaid, on some *Sunday* immediately after Divine: Service, of the Time and Place of their *First Meeting*, and every subsequent Meeting, for the Execution of this Act, at least *Ten Days* before any such Meeting shall be held, Meetings by Adjournment only excepted.

Power to elect  
new Commissioners

**Be it further Enacted**, by the Authority aforesaid, That any one or more of the Commissioners, appointed by this Act, or who shall have been elated in the manner herein alter-mentioned, shall before the Execution of the said Award or Instrument, die, or refuse to act, the surviving or remaining Commissioner or Commissioners, shall from time to time, by Writing under his or their Hands and Seals, within One Calendar Month next after such Death or Refusal shall happen or be known, appoint One other Commissioner, not interested in the said enclosure, instead of each Commissioner so dying, or refusing to act; and every such Commissioner, so to be appointed, shall have the like Authority to act, in the Execution of this Act, as the Commissioner, in whose place the shall succeed was vested with; which said Instrument shall likewise, within Twenty Days after the Execution thereof, be enrolled in the said public Register Office in *Wakefield* aforesaid; and the Register of the said Office, and his Deputy, are hereby required to enrol the same for the usual Fees to be taken by virtue of the said Act for the enrolling of Bargains and Sales of Lands; and a Copy of such Enrolment, said by the

said

said Register, or his Deputy, purporting to be a true Copy thereof, shall be allowed in Evidence in all Courts of Law or Equity in *Great Britain*, or elsewhere; .provided that Notice be given, in the said Parish Church of *Harthill* in manner aforesaid, of the Time and Place of Meeting to cause such Commissioner or Commissioners, at least Ten Days before such Meeting,

Time for accepting  
Allotments

**And be it further Enacted**, by the Authority aforesaid, That every Person, entitled to any Allotment or Allotments to be made as aforesaid, shall and is hereby required to accept such Allotment or Allotments, within the Space of Six Calendar Months next after the Execution of the said Award or Instrument, and public Notice given in the said Parish Church of *Harthill*, on some *Sunday* immediately after Divine Service, and also Notice in Writing affixed on the Door of the said Parish Church for that Purpose, signed by the said Commissioners, or their Successors, or any Two or more of them, (which Notices the said Commissioners, and their Successors, or any Two or more of them, are hereby required to cause to be published and given); and every Person, who shall neglect or refuse to accept any such Allotment within the Time mentioned or limited, shall be totally excluded from having or receiving any Benefit or Advantage by this present Act, and also from any Estate, Interest, and Right of Common whatsoever. Into, or in respect of, the Lands allotted to any other Person or Persons by virtue of this Act.

Guardians, &c.  
may accept

**Provided always**, and it is hereby further Enacted and Declared, by the Authority aforesaid, That the Guardians, Husbands, Trustees, Committees, or Attornies, of any Person or Persons, being a Minor or Minors, or otherwise incapable by Law to accept any inch Allotments, shall be and are hereby enabled and required to accept thereof for the Use of such Person or Persons; and also that any Person or Persons entitled to any Allotment or Allotments, as Tenant or Tenants for Life or Lives, shall be and is and are hereby respectively enabled to take and accept of such Allotment or Allotments; and also that any Person or Persons entitled to any Allotment or Allotments, in Remainder or Expectancy, upon any precedent particular Estate, upon Neglect or Refusal, for the Space aforesaid, of any Tenant or Tenants in Possession, or any Person entitled to any such precedent particular Estate, shall be and is and are respectively hereby enabled to accept of any such Allotment or Allotments in lieu and instead of any such Tenant or Person so entitled, and neglecting or refusing as aforesaid; and every such Acceptance respectively shall be, and is hereby declared to be, valid and effectual; any thing herein contained to the contrary notwithstanding.

Non-acceptance  
not to prejudice  
Infants &c.

**Provided also**, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Committee, or Attorney, shall not exclude or prejudice the Claim or Acceptance of any Infant, Lunatic, Idiot,

**Feme -**

Feme-covert, or other Person, under any Incapacity as aforesaid, who hall claim or accept within Twelve Calendar Months next after such Incapacity shall be removed; or of any Person or Persons entitled as Heir or in Remainder, after the Death of any Person dying under such Incapacity, who Shall claim or accept within Twelve Calendar Months after his, her, or their Right or interest shall have accrued, or be known to have accrued.

Lords I  
preserve

**Provided always, and be it further Enacted**, by the Authority aforesaid, That this Act shall not prejudice, lessen, or defeat, the Rights, Titles, or Interests, of the said Duke, as Lord of the said Manor of *Harthill with Woodhall*, or of any future Lord or Lords of the said Manor, of, in, or to, the Seigniorie, Royalties, Rights, and Services, incident and belonging to the said Manor; but that the said Duke, and such Lord or Lords for the Time being, and all Persons claiming and to claim under and in Trust for him or them, as Lord or Lords of the said Manor, shall, at all Times hereafter, hold and enjoy all Rents, Services, Rights, Royalties, Courts, Perquisites and Profits of Courts, Stone-Quarries, Coal Mines, and other Mines and Minerals, together with all Rights, Powers, Authorities, Privileges, Liberties, Advantages, Ways, Way-leaves, Paths, and Passages whatsoever, for the more easy and effectual getting, winning, taking, felling, vending, carting, and carrying away, of or from such Quarries, Coal Pits, or Mines, all and all Manner of Stone, Coals, Mines, and Minerals; and also all Goods and Chattels of Felons and Fugitives, Felons of themselves, and put in Exigent Deodands, Waifs Estrays, Forfeitures, and all other Royalties, Privileges, and Jurisdictions, to the said Manor, or to the Lord thereof, incident, belonging, appendant., or appertaining (other than and except the Right to the Soil and Inheritance of such Parcels of Land as shall be allotted by virtue of this Act to any other Person or Persons; and also such Right of Common, and other the Depaslurage, as can or may be claimed by the Lord or Lords of the said Manor, upon the Lands hereby intended to be enclosed) in as full, ample, and beneficial .Manner, to all Intents and Purposes, as he or they might have held and enjoyed the same before the passing this Act, or in case the same had not been made.

**Provided always and be it further Enacted**, by the Authority aforesaid, That this Act shall not prejudice, lessen, or defeat, the Right, Title, or Interest, of the said **John Hewett**, or of any future Rector of the said Parish, of, in, or to, the Tythes of Corn, Grain, Hay, Wool, and Lambs, or any other Tythes belonging to the said Rectory; but that the said **John Hewett**, and such Rector and Rectors for the Time being, shall, at all Times hereafter have and enjoy the said Tythes, in as full, ample, and beneficial Manner, to all intents and Purposes, as he or they might have taken and enjoyed the same before the passing of the Act, or in care the same had not been made.

**Saving**

Saving

**Saving Always** to the K I N G's most Excellent MAJESTY, his Heirs and Successors, and to and every other Person or Persons, Bodies Politic or Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (Other than and except all Persons to whom and Allotment or Allotments of Lands shall be made by virtue of this Act, and others meant and intended to be barred by this Act), All such Estate and Interest as they, every, or any of them, had and enjoyed, or, into, or in respect of, the said Common, Piece or Parcel of waste Ground, before the passing of the Act, or could or might have had or enjoyed, in case the same had not been made.