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*For Dividing and Inclosing a certain Common, called the Tarn Moor, in the Township of Skipton, in the West-Riding of the County of York, and for applying the Produce thereof towards the Relief of the Poor of the said Township.*



**W**HEREAS there is within the Township of <sup>Preambles</sup> Skipton, in the West-Riding of the County of York, a certain Common, called by the Name of the *Tarn Moor*, containing One Hundred and Forty-one Acres, or thereabouts; which, for Time immemorial, hath been enjoyed in Common by the Freeholders of the said Township, and their Tenants :

And whereas the Right Honourable *Sackville Tufton*, Earl of *Tbarnet*, is Lord of the said Manor :

And whereas the Right Honourable *William Lord Mansfield*, surviving Trustee under the last Will and Testament of *Richard* late Earl of *Burlington*, deceased, is possessed of the great Tythes of the said Township of *Skipton*, for a Term of Years, held under the Dean and Chapter of *Christ-Church College* in *Oxford*, but in Trust for the Most Noble *William Duke of Devonshire* :

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And

And whereas the said Township is now burthened with a very numerous Poor; and it is apprehended that the inclosing and dividing the said Moor, and applying the Profits thereof, from Time to Time, for and towards the Relief of the Poor of the said Township, will be of great Benefit and Advantage to the Freeholders, and other Inhabitants of the said Township;

May it therefore please Your MAJESTY,

Trustees.

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 Most Noble William Duke of Devonshire, the Right Honourable Sackville Tufton Earl of Thanet, the Honourable Robert Lane, Esquire, and their respective Agents for the Time being, Stephen Walter Tempest, Josias Morley, Esquires, Walter Priest, Samuel Plomer, George Chamberlain, Clerks, Samuel Swire, Hugh Tillotson, Thomas Tillotson, John Bains, Silvester Catterson, Thomas Chamberlain, Edward Moorhouse, John Alcock, Henry Alcock, John Wainman, John Birtwistle, Richard Chamberlain, John Bailey, Thomas Chippindale, Andrew Findley, David Binns, Abraham Kendall, John Manks, William Alcock senior, William Birtwistle, Jonathan Colton, Abraham Chamberlain, Matthias Blackburn, William Lansdale, Richard Birtwistle, the Churchwardens and Overseers for the Town of Skipton for the Time being, the Governors of Clitberow School for the Time being, John Mitchell, Edward Heelis, John Heelis, William Mitchell, Peter Garforth, William Dale, William Chippindale, William Alcock junior, John Wilkinson, Thomas Towson, and all and every other Person who shall be, in his own Right, or in the Right of his Wife, seized in Fee Simple of or in the actual Possession and Enjoyment of the Rents and Profits of Lands, Tenements and Hereditaments within the Township of Skipton aforesaid, of the clear yearly Value of Ten Pounds, clear of all Incumbrances, or shall rent, or be Farmer or Tenant of and in the actual Possession of a Farm or Tenement, lying and being in Skipton, under or by some Lease or Contract in Writing, wherein shall appear and be reserved the annual Rent of Forty Pounds, or upwards, made payable to the Lessor or Lessors thereof, during the Continuance, and for the Time being, of such respective Estate and Estates, shall and may be, and they are hereby appointed Trustees for inclosing and dividing the said Moor, and for putting this Act in Execution.

Qualification.

Penalty on acting without Qualification.

Provided always, and be it further Enacted, by the Authority aforesaid, That if any Person, not being so qualified, shall nevertheless presume

presume to act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of his Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case wherein no Effoign, Protection or Wager of Law, or more than one Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Prosecutor, than that such Person had acted as a Trustee in the Execution of this Act.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall meet together at the Tolbooth or Town-Hall in *Skipton* aforesaid, on the Day Fortnight next after the Passing of this Act, and shall then, and from Time to Time, adjourn themselves, and meet there, or at such other Place within the said Town, as the said Trustees, or any Five or more of them, shall, from Time to Time, think most convenient for putting this Act in Execution; and if at any Meeting, to be held by Virtue of this Act, there shall not appear a sufficient Number of Trustees to act, Two or more of the Trustees then present shall and may adjourn to some other Time and Place within the said Township, upon some Day not exceeding Fourteen Days; and if it shall at any Time happen that a sufficient Number of Trustees shall not appear at any Time at the Place appointed for any Meeting or Meetings of Trustees, to be held under this Act, to transact Business, or to adjourn the same, then it shall and may be lawful, for any Five or more of the Trustees, at any Time or Times, the Space of Three Days having first intervened, to appoint such Trustees to meet at the Tolbooth or Town-Hall, or other Place within the said Town, on the Day Sevensnight next after the Date of such Notice; which said Notice shall be in Writing affixed upon the Market-cross in *Skipton*, at least Six Days before the said Meeting, and shall appoint the Trustees to meet at the Place where the last Meeting was appointed to have been, or should have been held; and the same shall be deemed and taken to be a sufficient Notice for any such Meeting; and that all Acts, Orders and Determinations of the said Trustees, in Execution of this Act, shall be made at Meetings, to be held by Virtue of this Act, and not otherwise; and no such Act, Order or Determination shall be made, unless a Majority of the Trustees present shall concur therein; nor shall any such Act, Order or Determination be revoked or altered at any Meeting, or the said Moor, or any Part thereof leased or mortgaged, unless Nine Trustees or more shall be present; and that the said Trustees, at all their Meetings, shall defray their own Charges and Expences.

First Meeting  
of Trustees.

Manner of  
Adjournment.

Proceedings  
of Trustees to  
be only at  
Meetings.

Provided

Proceedings  
to be entered  
in a Book.

**Provided always, and be it further Enacted,** by the Authority aforesaid, That all Orders and Proceedings of the said Trustees shall be entered in a Book or Books, which they are hereby directed to provide and keep for that Purpose; and such Orders shall be signed by the Trustees, or a Majority of them who shall make the same; which said Book or Books, when so signed, shall be produced and read in Evidence, in all Cases of Appeals, Suits or Actions, or Controversies whatsoever, touching any Thing done in Pursuance and by Authority of this Act.

Right of  
Common to  
cease

**And be it further Enacted,** by the Authority aforesaid, That from and immediately after the Passing of this Act, all Right of Common or Pasturage, and other Right, save as herein after-mentioned, in or upon the said Moor, shall cease and be extinguished.

Moor to be  
vested in Tru-  
stees.

**And be it further Enacted,** by the Authority aforesaid, That the said Moor shall be, and the same is hereby vested in the said Trustees, and their Successors for ever freed, and discharged of and from all Right, Title and Interest whatsoever, which the Freeholders of the said Township, or any Person or Persons, could or might have in or to the same, or any Part thereof (except as herein after is excepted) in Trust nevertheless for the Purposes herein after-mentioned.

To be in-  
closed.

**And be it further Enacted,** by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby authorized and required to cause the said Moor to be surveyed, as soon as conveniently may be after their first Meeting; and shall afterwards cause the said Moor to be divided and set out into Two or more Portions or Parcels of Land as they shall think most expedient and beneficial for the Purposes of this Act; and that it shall and may be lawful for the said Trustees, or any Nine or more of them, to mortgage or let the same, or any Part or Parts thereof, and to make and execute, from Time to Time, valid and effectual Mortgages or Leases thereof, or of any Part or Parts thereof, to any Person or Persons who shall be willing to advance Money thereupon, or to take the same for such Term or Terms, not exceeding the Term of Twenty-one Years, and under such Rents and Reservations, and by and with such Covenants, Provisoes and Agreements, as the said Trustees, or any Nine or more of them, shall think proper and convenient; and shall and may, out of such Monies as shall be borrowed upon Mortgage, or shall arise from the Rents and Profits of the said Moor, in the first Place, pay and discharge all the Expences of obtaining this Act, and of inclosing and dividing the said Moor; and afterwards shall, and they are hereby required, from Time to Time, to pay the Residue of the Money arising from the Rents and Profits of the said Moor, to the Church-wardens

wardens and Overseers of the Poor of the said Township of *Skipton*, or to such Person or Persons as they shall appoint to receive the same, who are hereby directed and required to apply the same, from Time to Time, for and towards the Relief of the Poor of the said Township, and to account for the same to the said Trustees, or any Nine or more of them, in such Manner as Overseers of the Poor are, by Law, to account for Money received by them for the Use of the Poor.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Nine or more of them, to contract or agree with any Person or Persons for the Exchange of all or any Part of the said Moor or Common for any other Lands of the Nature or Tenure of Freehold, which they may judge an Equivalent for the same, and to execute such Deed or Deeds, or other Instrument of Exchange, as is and may be by Law required for perfecting thereof. <sup>Trustees may exchange.</sup>

Provided always, and it is hereby further Enacted, That the Rents and Profits of such Lands, so to be had and exchanged as aforesaid, shall be and remain, and shall be paid and applied, to such Uses only as the Rents and Profits arising or to arise from the said Moor or Common, to be inclosed by Virtue of this Act, are hereby directed, declared, and enacted to be applied, and to and for no other Use, Trust, Intent, or Purpose whatsoever.

And be it further Enacted, by the Authority aforesaid, That the Owners and Occupiers of Lands adjoining to the said Moor, or Lands to be had in Exchange, who are obliged, by Reason of Tenure or otherwise, to make, support and maintain the Roads, Fences and Ditches between their respective Lands and the said Moor, shall and they are hereby required, at all Times hereafter, well and effectually to make, support and maintain the said Roads and Fences, and to cause the said Ditches to be sufficiently widened, and well and effectually scoured and cleansed from Weeds and other Obstructions: And if any such Owners or Occupiers shall, for the Space of Twenty Days next after Notice in Writing to him or her given, by Order of the said Trustees, or any Five or more of them, refuse or neglect to make or keep and sufficiently maintain such Roads and Fences, and to make and keep such his or her Ditches of sufficient Width and Depth for conveying the Waters therein, and to scour and cleanse the same from Weeds and other Obstructions, then it shall and may be lawful for the said Trustees, or any Five or more of them, to cause <sup>Owners of adjoining Lands to keep their Fences in Repair.</sup> the

the same to be done, and levy the Charges thereof by Distress and Sale of such Goods and Chattels as shall then, or at any Time thereafter, be found on the Lands or Ground to which the said Roads, Fences and Ditches shall belong; rendering the Overplus (if any be) after the Charges paid, to such Owner or Owners, Occupier or Occupiers respectively, when demanded.

Trustees to  
set out publick  
and private  
Roads.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and they are hereby authorized and required to ascertain, set out, allot and appoint both publick and private Roads or Ways through and over the new Inclosures to be made as aforesaid, with the Assizes and Breadths thereof; so as such publick Roads and Highways (except Bridle or Foot Ways, in case any such be set out) shall be and remain Sixty Feet broad between the Ditches; and the said publick Roads and Highways shall, at all Times thenafter, be repaired at the Expence of the several Inhabitants of the Township of *Skipton* aforesaid, or of such other Person or Persons as the said Trustees, or their Successors, or any Five or more of them, shall appoint, in such Manner as the other Roads and Ways within the said Township were or ought to have been repaired before the passing of this Act; and it shall not be lawful for any Person, after such Roads or Ways shall be so awarded, to use any other Roads or Ways, either publick or private, through or over the said new Inclosures, on Foot, or with Horses, Cattle or Carriages.

Penalty on  
Persons da-  
maging the  
Works.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously cut, remove, or otherwise damage any of the Fences, Hedges, Ditches, Poles, Banks or Works to be made and provided by Virtue of this Act, or by any Means obstruct, divert or lay open any of the Works to be made, or which shall, at any Time hereafter, be making or made, supported or maintained, for improving or preserving the said Moor, in Pursuance of this Act, and shall be convicted thereof upon Oath before Two or more Justices of the Peace for the said Riding, every such Person so convicted shall forfeit for every such Offence any Sum not more than Five Pounds, nor less than Twenty Shillings, at the Discretion of the said Justices, to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of Two of the said Justices before whom such Conviction shall be made, to be applied and laid out in carrying on the Works and Improvements in and upon the said Moor; and for want of sufficient Distress such Offenders shall, by the said Justices, be committed to the common Gaol, or House of Correction, of the said Riding, there  
to

to remain, for any Time not exceeding Three Months, without Bail or Mainprize, at the Discretion of the said Justices, and shall <sup>also</sup> make full Compensation and Satisfaction for the Damages there<sup>out</sup> sustained; which Compensation and Satisfaction shall be recover<sup>ed</sup> together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information (to be brought or commenced by and in the Name <sup>of</sup> any Five or more of the Trustees for the Time being) in any of <sup>His</sup> Majesty's Courts of Record at *Westminster*, wherein no Effoign, <sup>Pro</sup>tection, or Wager of Law, or more than One Imparance shall be <sup>al-</sup>lowed.

And be it further Enacted, by the Authority aforesaid, That <sup>from</sup> and after the Expiration of Seven Years after the said Moor, or any Part thereof, shall be inclosed, and not sooner, such Parts thereof <sup>as</sup> shall be sown with Corn and Grain shall be liable to pay Tythe for all Kinds of Corn or Grain to be grown thereon, or some Composition to be accepted in Lieu thereof, as the Owner or Owners of such <sup>Corn</sup> or Grain shall or may agree with the Owner or Owners of such Tythe in the same Manner as any other Lands within the said Township of *Skipton* aforesaid are liable.

And be it further Enacted, by the Authority aforesaid, That <sup>such</sup> Trustees as are Justices of the Peace may act as Justices in the <sup>execu-</sup>cution of this Act, notwithstanding their being Trustees.

Provided always, and be it further Enacted, by the Authority aforesaid, That no Information, Order, Judgment, Conviction, War- rant, or other Writing whatsoever, under the Hand and Seal or Hands and Seals of, or only signed by, any Trustee or Trustee <sup>or</sup> putting this Act in Execution, or any Justice or Justices of the Peace or exhibited before them, or any of them, touching or in <sup>Execu-</sup>tion of any Power or Authority hereby vested in such Trustees, or Justice or Justices of the Peace, or any of them, shall be charged <sup>or be</sup> chargeable with any Stamp-duty whatsoever.

And be it further Enacted, by the Authority aforesaid, That thing herein contained shall extend, or be construed to extend, <sup>to</sup> the said Manor of *Skipton* aforesaid to the Seigniories and Royalties <sup>of</sup> the said Manor, for the Time being, shall and may, from Time to Time, <sup>and at</sup> all Times for ever hereafter, hold and enjoy all Rents, Se- Courts, Perquisites and Profits of Courts, Goods and Chattels of Fe- lons and Fugitives, Felons of themselves and put in Exigent,

dands, Waifs, Estrays, Forfeitures, Mines, and all other Royalties, Privileges and Appurtenances, to the said Manor, or to the Lord thereof for the Time being, incident, appendant, belonging or appertaining, in the same and in as full, ample and beneficial a Manner, to all Intents and Purposes, as the Lord of the said Manor for the Time being could or might have held or enjoyed the same, in case this Act, or the said new intended Inclosure, had never been made.

Limitation of  
Actions.

And be it further Enacted, by the Authority aforesaid, That no Action or Suit shall be commenced against any Person or Persons for any Thing to be done in Pursuance of this Act, until Twenty-eight Days Notice shall be thereof given to Five or more of the said Trustees, nor after a sufficient Satisfaction hath been made to the Party or Parties aggrieved, or a Tender thereof: And if any such Action or Suit shall be commenced against any Person or Persons, for any Thing done in Pursuance of this Act, every such Action or Suit shall be brought within Six Calendar Months after the Fact committed, and not afterwards, and shall be laid in the County of York, and not elsewhere; and the Defendant and Defendants in such Action or Suit to be brought shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done by Authority and in Pursuance of this Act; and if the same shall appear so to be done, or that such Action or Suit shall be brought before Twenty-eight Days Notice shall be thereof given as aforesaid, or after a sufficient Satisfaction shall be made to the Party or Parties aggrieved, or a Tender thereof, or after the Time before limited for bringing the same as aforesaid, or shall be brought in any other County, Place or Places: that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her or their Action, after the Defendant or Defendants shall have appeared; or if upon any Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any Case by Law.

Publick Act.

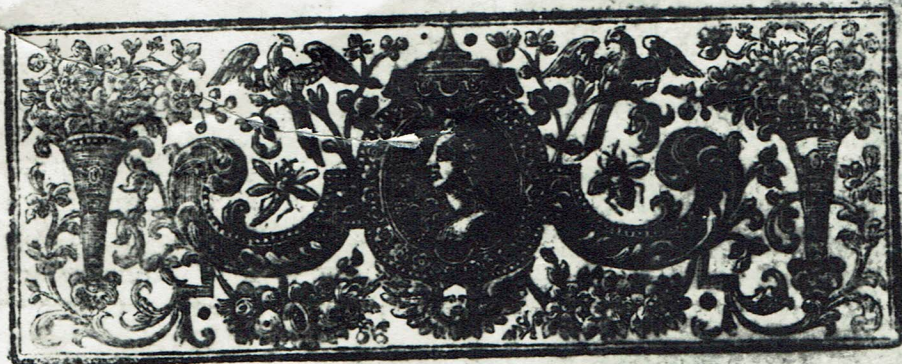
And be it further Enacted, by the Authority aforesaid, That this Act shall be adjudged, deemed and taken to be a Publick Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

General  
Saving.

Saving always to the KING's Most Excellent MAJESTY, his Heirs and Successors, and to all and every other Person and Persons, his, her and their Heirs, Successors, Executors, and Administrators,  
(other







A N  
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*For Dividing and Inclosing a certain Common, called the Tarn Moor, in the Township of Skipton, in the West-Riding of the County of York, and for applying the Produce thereof towards the Relief of the Poor of the said Township.*



**WHEREAS** there is within the Township of <sup>Preambles</sup> *Skipton*, in the West-Riding of the County of *York*, a certain Common, called by the Name of the *Tarn Moor*, containing One Hundred and Forty-one Acres, or thereabouts; which, for Time immemorial, hath been enjoyed in Common by the Freeholders of the said Township, and their Tenants :

And whereas the Right Honourable *Sackvile Tufton*, Earl of *Tbarnet*, is Lord of the said Manor :

And whereas the Right Honourable *William Lord Mansfield*, surviving Trustee under the last Will and Testament of *Richard* late Earl of *Burlington*, deceased, is possessed of the great Tythes of the said Township of *Skipton*, for a Term of Years, held under the Dean and Chapter of *Christ-Church College* in *Oxford*, but in Trust for the Most Noble *William Duke of Devonshire* :

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And