**Tarn Moor Skipton Enclosure**

A Bill entitled: “An Act for dividing and enclosing 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” *Lords Journal Vol 31, 23 March 1767, 11-20*

**Parliamentary Archives Ref:** 1767 Private Act, 7 George III, c. 45 HL/PO/PB/1/1767/7G3n86

**Transcript**

WHEREAS there is within the township of 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 have been enjoyed in common by the freeholders of the said township and their tenants and whereas the right honourable Sackvile Tufton Earl of Thanet 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 tithes 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 Earl of Devonshire and whereas the said township is now burdened with a very numerus 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 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 Councillors in this present parliament assembled and by the authority of the same that the most noble William Duke of Devonshire the right honourable Sackvile 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 Surtes(?) Hugh Tillotson Thomas Tillotson John Bains Silvester Catterson Thomas Chamberlain Edward Moorhouse John Alcock Henry Alcock John Mainman John Birtwhistle Richard Chamberlain John Bailey Thomas Chippindale Andrew Findler David Binns Abraham Kendall John Manks William Alcock Senior William Birtwhistle Jonathan Colton Abraham Chamberlain Matthias Blackburn William Lonsdale Richard Birtwhistle the churchwardens and overseers for the town of Skipton for the time being the governors of Clitherow school for the time being John Mittchell Edward Heelis John Heelis William Mittchell Peter Garforth William Dale William Chippindale William Alcock Junior John Wilkinson Thomas Towson and all and every other person who shall in his own right or in the right of his wife seized in fee simple of or in 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 an in the actual possession of a farm or tenement lying and being in Skipton under or by some lease or contract in writing or 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 said respective state 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

PROVIDED always and be it further ENACTED by the authority aforesaid that if any person not being so qualified shall nevertheless 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 essoign 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 toll booth 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 of 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 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 appear 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 toll booth or town hall or other place within the said town on the day of sevennight 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 expenses

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 the act

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 hereinafter mentioned in or upon the said moor shall cease and be extinguished

AND be it further ENACTED by the authority aforesaid that the said moor shall be and 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 other 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 hereinafter mentioned

AND be it further ENACTED by the authority aforesaid that the said trustees or any five or more of them are hereby authorised 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 provisions 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 mortgaged or shall arise from the rents and profits of the said moor in the first place pay and discharge all the expenses 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 churchwardens 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

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 it be 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 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

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 authorised and required to ascertain set out allot and appoint both public 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 public roads and highways (except bridle or footways in case any such be set out) shall be and remain sixty feet broad between the ditches and the said public roads and highways shall at all times thereafter be repaired at the expense of the several inhabitants of the township of Skipton aforesaid or 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 public or private through or over the said new inclosures on foot or with horses cattle or carriages

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 remain for any time not exceeding three months without bail or mainprize at the discretion of the said justices and shall also make full compensation and satisfaction for the damages thereby sustained which compensation and satisfaction shall be recovered together with full costs of suit by action of debt bill plaint or information (to be brought or commenced by and in the name of any five or more of the trustees for the time being) in any of His Majesty’s courts or record at Westminster wherein no essoign protection or wager of law or more than one imparlance shall be allowed

AND be it further ENACTED by the authority aforesaid that from and after the expiration of seven years after the said moor or any part thereof shall be inclosed and not sooner such parts thereof as shall be sown with corn and grain shall be liable to pay tithe 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 corn or grain shall or may agree with the owner or owners of such tithes 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 such trustees as are justices of the peace may act as justices in the execution of this act notwithstanding their being trustees

PROVIDED always and be it further ENACTED by the authority aforesaid that no information order judgement conviction warrant or other writing whatsoever under the hand and seal or hands and seals of or only signed by any trustee or trustees for putting this act in execution or any justice or justices of the peace or exhibited before them or any of them touching (?) or in execution of any power or authority hereby vested in such trustees or any justice or justices of the peace or any of them shall be charged or chargeable with any stamp duty whatsoever

AND be it further ENACTED by the authority aforesaid that nothing herein contained shall extend or be construed to extend to defeat lessen or prejudice the right title or interest of the lord of the said manor of Skipton aforesaid to the signatories and royalties incident and belonging to the same but that the lord of the said manor for the time being shall and may from time to time and at all times for ever hereafter hold and enjoy all rents services courts perquisites and profits of courts goods and chattels of felons and fugitives felons of themselves and put in exigent deo…(?) waifs estrays forfeitures mines...(?) and all other royalties privileges and appurtenants 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 simple 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

AND be it further ENACTED by the authority aforesaid that no action or suit shall be commenced against any person or persons for anything 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 anything done in pursuance of this act every such action or suit shall be brought within six calendar months…..(?) after the part committed and 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 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 (?) judgement 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

AND be it further ENACTED by the authority aforesaid that this act shall be adjudged deemed and taken to be a public act and be judicially taken notice of as such by all judges justices and other persons whatsoever without specially pleading the same

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 theirs successors executors and administrators (other than and except the lord of the said manor of Skipton for the time being for and in right of any common as lord of the said manor and all and every other person or persons having right of common or pasturage on the said moor so directed to be inclosed as aforesaid his her and their theirs successors executors and administrators respectively other than the right to the tithes of corn and grain for the first seven years after the said common shall be so divided or inclosed all such right title and interest as they or any of them had and enjoyed into or out of the said moor before the passing of this act or could or might have had or enjoyed in case this act had not been made.