ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 82.

An Act for dividing, allotting, incloſing, and otherwiſe improving ſeveral Commons, Moors, or Waſtes, within the Manor of *Alſton* otherwiſe *Alſton Moor* and *Garragill*, in the Pariſh of *Alſton*, and County of *Cumberland*. [11th *June* 1803.]

WHEREAS there are within the Manor of *Alſton* otherwiſe *Alſton Moor* and *Garragill*, and within the Pariſh of *Alſton*, in the County of *Cumberland*, (excluſive of the Hamlet or Diſtrict of *Priorſdale*, and of the Diſtrict commonly called *Gilderſdale Foreſt* or *Gilderſdale Paſture*, within the ſame Manor and Pariſh), certain large Commons, Moors, or Waſtes, which in various Parts thereof are called or known by ſeveral diſtinct Names, but which are moſt commonly called or known by the general Name of *Alſton Moor Commons*, containing together, by Eſtimation, Twenty thouſand Acres or thereabouts: And whereas the Commiſſioners and Governors of the Royal Hoſpital for Seamen at *Greenwich*, in the County of *Kent*, are Lords of the ſaid Manor of *Alſton* otherwiſe *Alſton Moor* and *Garragill*, and as ſuch are ſeiſed of or entitled to the Soil and Inheritance of, and the

Mines, Minerals, Foſſils, Quarries, and Royalties, within and under the ſaid Commons, Moors, or Waſtes: And whereas the ſaid Commiſſioners and Governors, and alſo many other Perſons, are ſeiſed and poſſeſſed of divers Meſſuages, Mills, Lands, Tenements, and Hereditaments, within the ſaid Manor and Pariſh, and in reſpect thereof, or as appendant, appurtenant, or belonging thereto, they or their Leſſees, Farmers, or Tenants, are entitled to Right of Common in and upon the ſaid ſeveral Commons, Moors, or Waſtes: And whereas the ſaid Commons, Moors, or Waſtes, in their preſent State, are of little Uſe or Advantage, but conſiderable Parts thereof are capable of Cultivation and Improvement, and the ſeveral Perſons entitled to ſuch Right of Common as aforeſaid, are willing and deſirous that the ſaid Commons, Moors, or Waſtes, with the Conſent of the ſaid Lords of the ſaid Manor, ſhould be divided and allotted by Commiſſioners, in that Behalf to be appointed, amongſt the ſeveral Perſons entitled to Right of Common thereon, or otherwiſe intereſted therein reſpectively, which will be advantageous to all the Parties intereſted therein, and tend to the Improvement of their reſpective Eſtates; but the ſame cannot be effected without the Aid 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,

Commiſſioners Names.

That *John Fryer* of the Town and County of *Newcaſtle-upon-Tyne*, Gentleman, *William Donkin* of *Anick*, in the County of *Northumberland*, Gentleman, and *William Bates* of *Clarewood*, in the ſaid County of *Northumberland*, Gentleman, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, and allotting the ſaid Commons, Moors, or Waſtes, and for putting this Act in Execution, in ſuch Manner, and ſubject to ſuch Regulations as are herein-after contained, and with ſuch of the Powers, and ſubject to ſuch of the Rules, Orders, Directions, Authorities, Regulations, Reſtrictions, and Proviſions, contained in an Act, paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure*; *and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*, as are not controuled by or repugnant to any of the Clauſes, Proviſions, or Regulations contained in this Act.

The Proviſions of the General Act to extend to this Act.

For chooſing new Commiſſioners.

II. Provided always, and be it further enacted, That if any of the Commiſſioners hereby appointed ſhall die, or ſhall neglect to act for the Space of One Calendar Month, when Occaſion ſhall require his Attendance on the Buſineſs hereby committed to his Charge, or ſhall refuſe to act, or be rendered incapable of acting by Sickneſs or any other Cauſe whatſoever, before the Powers and Authorities hereby veſted in them ſhall be carried into Execution, a new Commiſſioner or Commiſſioners ſhall and may be appointed and nominated in the Place or Places of him or them ſo dying, neglecting, or refuſing to act, or rendered incapable as aforeſaid, in Manner following; that is to ſay, in caſe the ſaid *John Fryer* ſhall die, neglect, or refuſe, or become incapable to act as aforeſaid, the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, their Succeſſors or Aſſigns, or their Stewards or Steward, Receivers or Receiver, or Agents or Agent, for the Time being, ſhall and may, by any Inſtrument in Writing under their Common Seal, or under the Hands

Hands or Hand of ſuch Stewards or Steward, Receivers or Receiver, or Agents or Agent, nominate and appoint a proper Perſon (not being beneficially intereſted in the ſaid Diviſion and Incloſure, or an Agent to, or Father, Son, or Brother of any Perſon ſo intereſted) to be a Commiſſioner in the Room of the ſaid *John Fryer*; and in caſe the ſaid *William Donkin* ſhall die, neglect, or refuſe, or become incapable to act as aforeſaid, the major Part in Value of the Proprietors and Owners of Meſſuages, Mills, Lands, Tenements, and Hereditaments, entitled to Right of Common upon the ſaid Commons, Moors, or Waſtes, hereby intended to be divided, or their reſpective Agents, preſent at a Meeting to be holden for that Purpoſe, (of which Meeting Notice ſhall be given by any Two or more of ſuch Proprietors and Owners, or their reſpective Agents, or by the Two other Commiſſioners for putting this Act in Execution, or the One of them, by affixing the ſame on the principal Door of the Pariſh Church of *Alſton* aforeſaid, and alſo cauſing the ſame to be inſerted in the *Carliſle Journal* and *Newcaſtle-upon-Tyne Courant* Newſpapers, or if thoſe Newſpapers ſhall not then reſpectively be publiſhed, then in ſome other Newſpaper or Newſpapers uſually circulated in the County of *Cumberland* and at *Newcaſtle-upon-Tyne* reſpectively, Ten Days at leaſt before ſuch Meeting), ſhall and may, by any Inſtrument in Writing under their Hands, nominate and appoint a proper Perſon (not being beneficially intereſted in the ſaid Diviſion and Incloſure, or an Agent to, or Father, Son, or Brother of any Perſon ſo intereſted), to be a Commiſſioner in the Room of the ſaid *William Donkin*; and in caſe the ſaid *William Bates* ſhall die, neglect, or refuſe, or become incapable to act as aforeſaid, the Two other of the ſaid Commiſſioners for the Time being ſhall and they are hereby empowered, by any Inſtrument in Writing under the Hands of the ſaid Two Commiſſioners, to nominate and appoint a proper Perſon (not being beneficially intereſted in the ſaid Diviſion and Incloſure, or an Agent to, or Father, Son, or Brother of any Perſon ſo intereſted) to be a Commiſſioner in the Room of the ſaid *William Bates*; and in caſe of the Death of any Perſon ſo to be hereafter nominated and appointed a Commiſſioner as aforeſaid, or of his Neglect or Refuſal to act, or becoming incapable of acting as aforeſaid, the Perſon or Perſons, Body or Bodies Politick or Corporate reſpectively, by whom ſuch Commiſſioner was nominated and appointed, their reſpective Heirs, Succeſſors, Agents, or Aſſigns, ſhall in like Manner nominate and appoint another Commiſſioner in his Room, and ſo *toties quoties* ſo often as any Vacancy ſhall happen by ſuch Death, Neglect, Refuſal, or Incapacity of every ſuch new Commiſſioner or Commiſſioners, ſo to be nominated and appointed as aforeſaid; and every Perſon who ſhall be nominated and appointed a Commiſſioner as aforeſaid, ſhall have ſuch and the like Powers and Authorities for putting this Act into Execution, as if he had been named and appointed a Commiſſioner in and by this Act; which ſaid ſeveral Inſtruments of Nomination and Appointment ſhall be inrolled in the ſame Place, and Evidence thereof given in the ſame Manner as in and by the ſaid Act and this Act is directed concerning the General Award to be made by the ſaid Commiſſioners.

III. Provided always, That all and every the Powers, Authorities, Directions, Acts, Matters, and Things hereby authorized or directed to be done and executed by the ſaid Commiſſioners, may be done and executed

Powers of the Act may be executed by Two Commiſſioners.

cuted by any Two of the Commiſſioners for the Time being, and the ſame ſhall be as valid and effectual as if done and executed by or before all the ſaid Commiſſioners.

Survey to be made by *John Fryer*.

IV. And be it further enacted, That true and exact Surveys or Admeaſurements ſhall be taken, and fair Plans made of all the ſaid Commons, Moors, or Waſtes, ſo intended to be divided and allotted, and alſo of the ſeveral Meſſuages, Mills, Lands, Tenements, and Hereditaments, in reſpect of which Right of Common is claimed thereon, ſome Time before the Firſt Day of *January* One thouſand eight hundred and five, or as ſoon after as conveniently may be, by the ſaid *John Fryer*, or in caſe of his Death, or of his Neglect, Refuſal, or Incapacity, by Sickneſs or any other Cauſe whatſoever, for the Space of One Calendar Month, when Occaſion ſhall require his Attendance on the Buſineſs of taking and making ſuch Surveys or Admeaſurements and Plans, then by ſuch other fit and proper Perſon, being an experienced Surveyor of Land, (not beneficially intereſted in the ſaid Diviſion, nor an Agent to any Perſon intereſted), as the Commiſſioners for the Time being ſhall, by Writing under their Hands from Time to Time, nominate and appoint.

Surveyor to take an Oath.

V. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be capable of acting as ſuch Surveyor as aforeſaid, until he ſhall have taken and ſubſcribed before the ſaid Commiſſioners, or One of them, an Oath in the Form or to the Effect following; (that is to ſay),

Surveyor's Oath.

'I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, ſurvey and admeaſure all the Commons, Moors, or Waſtes, intended to be divided and incloſed by virtue of an Act, paſſed in the Forty-third Year of the Reign of His Majeſty King *George* the Third, intituled, [*here ſet forth the Title of the Act*], and make true Maps or Plans thereof, and lay the ſame before the Commiſſioners for putting the ſaid Act into Execution.

'So help me GOD.'

How to be adminiſtered.

Which Oath the ſaid Commiſſioners, or any One of them, are and is hereby authorized and required to adminiſter, when and as often as Occaſion ſhall require, which Oath, and alſo the Inſtrument or Inſtruments of Appointment of any new Surveyor, ſhall be reſpectively inrolled in the ſame Place, and Evidence thereof given in the ſame Manner, as by the ſaid Act and this Act is directed concerning the General Award to be made by the ſaid Commiſſioners.

Charge to be paid Surveyor.

VI. And be it further enacted, That the ſaid Surveyor ſhall be paid for his Trouble in the taking and making all the neceſſary Surveys or Admeaſurements, and fair Plans, (including all neceſſary Re-ſurveys and Plans), at and after the Rate of Sixpence *per* Acre, for each and every Acre of the Land which he ſhall ſurvey, admeaſure, and plan, in purſuance of this Act; and the ſaid Surveyor ſhall at all Times bear and pay his own Expences; and in caſe of the Death of any ſuch Surveyor before he ſhall have finiſhed ſuch Survey, Admeaſurement, and Plan, as aforeſaid, then and in every ſuch Caſe the Executors or Adminiſtrators of

of such Surveyor so dying, shall be paid, after the like Rate of Sixpence *per* Acre, for each and every Acre which such Surveyor shall have so surveyed and admeasured in his Life-time, whether such Survey and Admeasurement shall have been finished or reduced into a Plan by him or not.

Surveyor to make fair Plans upon Vellum, &c.

VII. And be it further enacted, That the said Surveyor shall, after the said Division and Allotment of the Lands and Grounds intended to be hereby divided and inclosed, shall be compleated, make Two fair Plans upon Vellum, of all the said Lands and Grounds intended to be hereby divided and allotted, whereon respectively shall be truly and distinctly delineated, set down, marked, and expressed, the several Matters and Things necessary or proper to be inserted therein, for the better explaining the Award of the said Commissioners, and for which fair Plans upon Vellum respectively, the said Surveyor shall be paid the Sum of Fifty-two Pounds Ten Shillings each, and no more.

Encroachments.

VIII. And be it further enacted, That all Inclosures and Encroachments which have been taken from the said Commons, Moors, or Wastes, at any Time or Times since *Michaelmas* in the Year of our Lord One thousand seven hundred and thirty-five, (save and except such as have been peaceably and quietly enjoyed for the Space of Thirty Years last past or upwards, without any Interruption, or Payment of any Rent or other Acknowledgement; and save and except such Houses, Cottages, Mills, Engines, and other Erections and Buildings, as have heretofore been erected and built upon the said Commons, Moors, or Wastes, by the said Commissioners and Governors of the said Royal Hospital, Lords for the Time being of the said Manor of *Alston* otherwise *Alston Moor* and *Garragill*, or their Lessees or Assigns), shall be deemed Part and Parcel of the said Commons, Moors, or Wastes, so to be divided; and in case any Difference or Dispute shall arise touching any such Inclosures or Encroachments being deemed Part or Parcel of the said Commons, Moors, or Wastes, such Differences or Disputes shall be referred to the Determination of the said Commissioners, to be by them proceeded in, examined into, and finally determined.

Commissioners to give Notice of their Meetings.

IX. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a Notice in Writing under their Hands to be affixed upon the principal Door of the Parish Church of *Alston* aforesaid, and also to be inserted in the *Carlisle Journal* and *Newcastle-upon-Tyne Courant* Newspapers respectively, of the Time and Place of their First, Second, and Third Meetings respectively, (which shall be holden at *Lowbyer*, within the Manor of *Alston* otherwise *Alston Moor* and *Garragill* aforesaid), for putting this Act in Execution, at least Fourteen Days next before such respective Meetings; and that the said Commissioners shall and may, after their said Third Meeting, from Time to Time appoint such Time and Place for every subsequent Meeting as they shall think proper, causing a Notice in Writing under their Hands to be affixed upon the principal Door of the Parish Church of *Alston* aforesaid, Eight Days at least before every such subsequent Meeting; but the said Commissioners, at the First, Second, or Third Meeting, or any other subsequent Meeting or Meetings, shall have full Power and Authority from

Time to Time, as they ſhall think it convenient, to continue ſuch Firſt, Second, or Third Meeting, or any other ſubſequent Meeting or Meetings by Adjournment, for the due Execution of this Act, without giving any Notice whatſoever of ſuch Meeting or Meetings by Adjournment, otherwiſe than by leaving, at the Time and Place where ſuch Meeting or Meetings ſhall be held, Notice under their Hands when and where ſuch adjourned Meetings are to be held from Time to Time.

If only One Commiſſioner preſent he may adjourn, giving Eight Days Notice.

X. Provided always, That if it ſhall happen that no more than One of the ſaid Commiſſioners ſhall attend at any Meeting or Meetings as aforeſaid, to be holden purſuant to this Act, ſuch Commiſſioner may and he hath hereby full Power and Authority to adjourn ſuch Meeting or Meetings reſpectively, to ſuch Time not exceeding Eight Days, as he ſhall ſee moſt convenient, giving due Notice thereof in Writing to the others or other of the ſaid Commiſſioners.

Commiſſioners to determine Differences.

XI. And be it further enacted, That in caſe any Diſpute or Difference ſhall happen to ariſe between the Parties that now are or ſhall, before the making the Award herein-after mentioned, be intereſted in the ſaid intended Diviſion and Incloſure, or any of them, touching or concerning the reſpective Shares and Proportions which they or any of them ſhall claim in the ſaid Lands and Grounds hereby intended to be divided and incloſed as aforeſaid, or touching or concerning the reſpective Shares and Proportions which they or any of them ought to have of or in the ſaid intended Diviſion and Incloſure, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required to hear and determine the ſame.

Power to try diſputed Claims at Law.

XII. Provided always, and be it further enacted, That if any Perſon or Perſons, Body or Bodies Politick or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Intereſts therein, or objecting to any ſuch Claim or Claims, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, and ſhall be deſirous of having ſuch Claim or Claims, Rights and Intereſts reſpectively, tried at Law, and the Perſon or Perſons, Body or Bodies Politick or Corporate, ſo deſirous to have the ſame tried at Law, ſhall and do by themſelves or their reſpective Stewards, Receivers, Attornies, or Agents, give or cauſe to be given Notice thereof in Writing to the ſaid Commiſſioners, or any Two of them, within Two Calendar Months after ſuch Determination ſhall have been ſo made by the ſaid Commiſſioners (of which Notice the ſaid Commiſſioners are hereby required immediately on Receipt thereof, or as ſoon afterwards as conveniently may be done, to give Information to the adverſe Party or Parties, or his, her, or their reſpective Stewards, Receivers, Attornies, or Agents, by Writing under their reſpective Hands, to be delivered to or left at the uſual Place of Abode of ſuch Party or Parties, Stewards, Receivers, Attornies, or Agents as aforeſaid), then but not afterwards it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politick or Corporate, giving ſuch Notice as aforeſaid, their reſpective Heirs, Succeſſors, or Aſſigns, and he, ſhe, or they, is and are hereby required to proceed to a Trial or Trials at Law of the ſame, at the Aſſizes to be holden for the County of *Cumberland*, in a feigned Action or Actions for that Purpoſe

poſe to be commenced in His Majeſty's Court of King's Bench or Common Pleas at *Weſtminſter*, by the Perſon or Perſons, Body or Bodies Politick or Corporate, giving ſuch Notice as aforeſaid, againſt the Lords of the ſaid Manor of *Alſton* otherwiſe *Alſton Moor* and *Garragill*, or any Perſon or Perſons, Body or Bodies Politick or Corporate, intereſted in the ſaid Diviſion, who ſhall make ſuch Objection or Objections, within Two Calendar Months next after ſuch Notice ſhall be given to the ſaid Commiſſioners as aforeſaid; and the Defendant or Defendants in ſuch Action or Actions ſhall forthwith name an Attorney or Attornies, who ſhall file Common Bail, or appear and accept One or more Iſſue or Iſſues, whereby all ſuch Claim or Claims, and Rights and Intereſts, may be properly tried and determined, (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the ſaid Court of King's Bench or Common Pleas, if the Parties ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given in the ſaid Action or Actions ſhall be final and concluſive to all Bodies Politick and Corporate, and all Perſons whomſoever; and after any Verdict or Verdicts ſhall have been obtained and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and are hereby authorized and required to conform thereto: Provided always, that it ſhall be lawful for the Court in which any Action commenced in purſuance of this Act ſhall be depending, upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Action, or to award a new Trial therein, although the Time herein-before limited for the Trial of ſuch Action may be thereby exceeded; but if no ſuch Action or Actions at Law ſhall be brought or commenced by the Perſon or Perſons, Body or Bodies Politick or Corporate, giving ſuch Notice within the Time aforeſaid, or if ſuch Action or Actions ſhall not be proceeded in to a Trial or Trials at the Firſt Aſſizes which ſhall be holden for the ſaid County of *Cumberland*, after the Expiration of Twenty Days from the Day of giving ſuch Notice, by or on Account of the Neglect or Default of ſuch Body or Bodies Politick or Corporate, Perſon or Perſons who ſhall be Plaintiff or Plaintiffs therein, then and in ſuch Caſe the Determination of the Commiſſioners ſhall be final, binding, and concluſive, unto and upon all Parties whomſoever.

Commiſſioners to aſſeſs Coſts.

XIII. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby empowered, at their Diſcretion, upon Requeſt made to them by all or any of the Parties in whoſe Favour they ſhall make their Award or Awards, to order and adjudge ſuch Coſts and Charges as they ſhall think reaſonable, for the Uſe and Benefit of ſuch Party or Parties, upon or againſt the Perſon or Perſons, Body or Bodies, Politick or Corporate, whoſe Claim or Claims, Objection or Objections, Complaint or Complaints, ſhall be thereby diſallowed, as the Caſe ſhall happen, and by Warrant under the Hands and Seals of the ſaid Commiſſioners, to levy ſuch Coſts and Charges by Diſtreſs and Sale of the Goods and Chattels of ſuch laſt mentioned Perſon or Perſons, together with the Charges of ſuch Diſtreſs and Sale; and in caſe there ſhall be no Goods and Chattels whereby to levy the ſame, or in caſe a Body Corporate is to pay ſuch Coſts, then and in either of ſuch Caſes it ſhall be lawful for the Perſon or Perſons in whoſe Favour ſuch Coſts ſhall be awarded, to recover the ſame by Action or Actions of Debt or on the Caſe; in which Action it ſhall be ſufficient for the Plaintiff to declare that the Defendant

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is indebted to him in the Sum ſpecified in the Order of Adjudication made by the ſaid Commiſſioners, and in conſequence of ſuch Order of Adjudication, without ſetting forth any other of the Proceedings thereih had.

Publick Quarries to be ſet out.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out, appoint, and allot ſuch and ſo many Free-ſtone Quarries, Lime-ſtone Quarries, and Slate Quarries, as they ſhall think neceſſary, for the Uſe and Benefit as well of the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, Lords of the ſaid Manor, their Succeſſors, Tenants, Leſſees; and Aſſigns, as alſo of all the other Proprietors and Occupiers of Meſſuages, Lands, Tenements, and Hereditaments, in reſpect of which any Allotment ſhall be made of the ſaid Commons, Moors, or Waſtes, in purſuance of this Act, to be uſed in or upon ſuch Allotments, or the Buildings or Lands in reſpect of which the ſame ſhall be made, but not for Sale, or upon any other Buildings or Lands, or for any other Uſe or Purpoſe; and the ſaid Commiſſioners ſhall, in and by their ſaid General Award, order and direct how and in what Manner the ſame ſhall reſpectively be worked for the general Advantage of the reſpective Perſons intereſted therein.

Parcels of Ground to work Crow Coals, for burningLime, to be ſet out.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall (according to the beſt of their Skill and Judgement), ſet out and appoint ſuch Parts of the ſaid Commons, Moors, or Waſtes, as they ſhall think the moſt convenient and proper Parcels of Ground in which to work Crow Coals for the Purpoſe of burning Lime, which Crow Coals ſhall not be uſed for Fire Coal in any Dwelling Houſe, Cottage, or any other Buildings, or for any other Uſe or Purpoſe whatſoever, than that of burning Lime-ſtones into Lime, for the Uſe and Benefit as well of the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, Lords of the ſaid Manor, their Succeſſors, Tenants, Leſſees, and Aſſigns, as of the other Proprietors and Occupiers for the Time being of Meſſuages, Lands, Tenements, and Hereditaments, in reſpect of which any Allotment of the ſaid Commons, Moors, or Waſtes, ſhall be made in purſuance of this Act, to be uſed in or upon ſuch Allotments, or the Buildings or Lands in reſpect whereof ſuch Allotments ſhall be made, but not for Sale, or upon any other Buildings or Lands, or for any other Uſe or Purpoſe; and the ſaid Commiſſioners ſhall in and by their General Award, order and direct how and in what Manner ſuch Crow Coals for the Purpoſe aforeſaid, ſhall be worked for the general Advantage of the reſpective Perſons intereſted.

Parts of the Commons to be ſet out for Peat Moſs.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall aſſign, ſet out, and appoint ſuch Part or Parts, Parcel or Parcels of the ſaid Commons, Moors, or Waſtes, as is or are conveniently ſituate, and fit and proper, for the digging, cutting, and curing of Peats, as well for the Uſe and Benefit of the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, their Succeſſors and Aſſigns, as alſo of the other Proprietors for the Time being of Meſſuages and Cottages, in reſpect whereof any Allotments of the ſaid Commons, Moors, or Waſtes, ſhall be made in purſuance of this Act, to be uſed in all Times thereafter as Peat Moſſes by the ſaid Commiſſioners and Governors, and the ſaid other Proprietors

Proprietors for the Time being, and their ſeveral Tenants and Leſſees, all which Peats ſhall be uſed for Fuel in and upon the Buildings to be erected upon the ſaid reſpective Allotments, or the ſeveral Meſſuages and Cottages in reſpect whereof ſuch Allotments ſhall be made, but not for Sale or any other Purpoſe whatſoever.

Owners or Occupiers of Meſſuages and Cottages, may get Peats from the publick Peat Moſſes.

XVII. Provided always, That for the Whole of the Meſſuages and Cottages which were erected upon the Twelfth Day of *May* which was in the Year of our Lord One thouſand eight hundred, and which had at that Time been enjoyed for Thirty Years and upwards, notwithſtanding there being no Right of Common in reſpect thereof, the Owners or Occupiers ſhall be permitted to cut, cure, and remove Peats from the ſaid publick Peat Moſs or Peat Moſſes, without Payment of any Satisfaction for the ſame: Provided further, and it is hereby declared, that ſuch laſt mentioned Liberty ſhall be confined to the Uſe of ſuch Meſſuages and Cottages, for ſo long a Time only as they ſhall reſpectively continue to be enjoyed in the ſame Manner as they were upon the ſaid Twelfth Day of *May* One thouſand and eight hundred.

Commiſſioners may reſtrict the Uſe of any particular Quarries, &c.

XVIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners in their ſaid Award, if they ſhall think it proper ſo to do, to reſtrict the Uſe and Enjoyment of any particular Quarry or Quarries, or Parcels of Ground for working Crow Coals for the Purpoſe aforeſaid, or Peat Moſs or Peat Moſſes, ſo by them to be ſet out and appointed reſpectively as aforeſaid, to any particular Proprietor or Claſs of Proprietors, in Excluſion of the others or other of them, provided other Quarry or Quarries, or Parcels of Ground for working Crow Coals for the Purpoſe aforeſaid, or Peat Moſs or Peat Moſſes, are by them the ſaid Commiſſioners ſet out and appointed for the excluſive Uſe and Enjoyment of thoſe ſo excluded.

Commiſſioners to ſet out Part of the Commons, to pay Expences.

XIX. And be it further enacted, That (after the neceſſary Roads and Highways, Quarries, Parcels of Ground for working Crow Coals to be uſed for the Purpoſes aforeſaid, Peat Moſſes, and Watering Places, ſhall have been deducted) it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized, empowered, and required, as ſoon as conveniently may be, to appropriate, mark, and ſet out, by proper Stakes or Land Marks, ſo much and ſuch Part or Parts of the ſaid Commons, Moors, or Waſtes reſpectively, as to them ſhall ſeem competent, neceſſary, and ſufficient to be ſold, as herein-after mentioned; which Part or Parts of the ſaid Commons, Moors, or Waſtes, ſo to be appropriated, marked, and ſet out to be ſold, ſhall be incloſed at the Expence of the Purchaſer or Purchaſers thereof, by a Boundary Fence or Ditch to be made round the Outſides thereof, according to the Order of the ſaid Commiſſioners, and ſhall be diſpoſed of in ſuch Way and Manner as herein-after is directed.

Lands ſet apart to be ſold, to be diſpoſed of by publick Auction.

XX. And as to ſo much and ſuch Part and Parts of the ſaid Commons, Moors, or Waſtes, as ſhall be appropriated, marked, and ſet out to be ſold by the ſaid Commiſſioners, in purſuance of the Directions herein contained; be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required, as ſoon as may be after the ſame

ſhall be appropriated, marked, and ſet out as aforeſaid, and at ſuch convenient Times and Places as to them ſhall ſeem meet, to cauſe all ſuch Part and Parts of the ſaid Commons, Moors, or Waſtes, as ſhall be ſo appropriated, marked, and ſet out to be ſold as aforeſaid, to be put up to publick Sale or Auction, in ſuch Lots or Parcels as to them ſhall ſeem fit and expedient, and the ſame ſhall be accordingly ſold and diſpoſed of in ſuch Way and Manner, and under and ſubject to ſuch Directions as are contained in the ſaid Act of the Forty-firſt Year of the preſent Reign; and upon Payment to the ſaid Commiſſioners of the Purchaſe Money for which the ſame ſhall be ſo ſold, the ſaid Commiſſioners ſhall, in and by their General Award, allot and appoint the Part or Parts of the ſaid Commons, Moors, or Waſtes, which ſhall be ſo ſold as aforeſaid, unto the reſpective Purchaſers thereof, or to ſuch Perſon or Perſons as he, ſhe, or they ſhall reſpectively direct; and all and every ſuch Part and Parts of the ſaid Commons, Moors, or Waſtes, as ſhall be ſo ſold, and allotted and appointed as aforeſaid, ſhall, from and immediately after the Execution of the ſaid General Award of the ſaid Commiſſioners, become, and the ſame is and are hereby declared to be veſted in the Perſon or Perſons to whom the ſame ſhall be ſo allotted and appointed, and his, her, or their Heirs and Aſſigns for ever, (ſave and except as to the Mines, Minerals, Foſſils, and Quarries, and other Royalties and Rights within and under, and through, over, and along the ſame, which are herein-after expreſsly reſerved to the Lords of the ſaid Manor, their Succeſſors and Aſſigns), and the ſame ſhall be deemed to be and continue within, and to be held of the ſaid Manor of *Alſton* otherwiſe *Alſton Moor* and *Garragill*, and ſhall be held in the ſame Manner, and be ſubject and entitled to all ſuch Orders, Directions, Charges, Rights, Liberties, Privileges, and Exemptions, as the Freehold Allotments to be made in reſpect of Common Rights upon the ſaid Commons, Moors, or Waſtes, ſhall or may be held, and be ſubjected and entitled to reſpectively by virtue of this Act.

Money ariſing from Sale of the Commons, to be applied for paying Expences of the Diviſion.

XXI. And whereas the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital have agreed to be at the Expence of applying for and obtaining this Act; be it further enacted, That the Monies which ſhall ariſe by or from ſuch Sale or Sales as aforeſaid, ſhall be appropriated and applied by the ſaid Commiſſioners acting under this Act, (ſo far as the ſame will extend), in and towards the Payment of the Charges and Expences incident to and attending, or which may be occaſioned by the ſaid intended Diviſion of the ſaid Commons, Moors, or Waſtes, and of ſetting out, making, forming, erecting, cutting, and opening the Highways, Roads, Bridges, Drains, and Watercourſes, which the ſaid Commiſſioners ſhall direct to be made or ſet out, or in anywiſe relating thereto.

Parties intereſted deſirous of paying Money inſtead of Land, may do ſo on giving Notice to the Commiſſioners.

XXII. Provided always, That in all Caſes where any of the Perſons, Bodies Politick or Corporate, intereſted in any Allotment or Allotments of the ſaid Commons, Moors, or Waſtes, ſhall be minded and deſirous of paying their reſpective Shares of the ſaid Expences in Money, inſtead of ſuſtaining a Loſs of Land in their reſpective Allotments, and ſhall and do, at the Firſt and Second Meeting of the ſaid Commiſſioners for receiving Claims of Right of Common under this Act, give Notice thereof in Writing

Writing to the ſaid Commiſſioners of ſuch their Mind and Deſire, that then and in every ſuch Caſe the Share or reſpective Shares of the Party or Parties ſo giving ſuch Notice as aforeſaid, of and in all ſuch Expences, ſhall be paid and defrayed in Money by ſuch Party or Parties reſpectively, in ſuch Manner, and at ſuch Time or Times, and to ſuch Perſon or Perſons, as the ſaid Commiſſioners ſhall, by Writing under their Hands, order, direct, and appoint; and in all Caſes where any ſuch Payment or Payments in Money ſhall be ſo made as aforeſaid, the ſaid Commiſſioners, in ſetting out the Allotment or Allotments of the Party or Parties making ſuch Payment or Payments, ſhall have Regard to the Amount of ſuch Payment and Payments reſpectively, in aſcertaining the Share and Proportion of the ſaid Commons, Moors, or Waſtes, ſo to be ſet out and allotted to ſuch Party or Parties reſpectively.

Allotment of One Sixteenth of the Commons to the Commiſſioners, &c.

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required in the next Place to ſet out, allot, and appoint, in One or more Plot or Plots, Parcel or Parcels of Land, unto and for the Commiſſioners and Governors of the Royal Hoſpital for Seamen at *Greenwich*, in the County of *Kent*, as Lords of the Manor of *Alſton* otherwiſe *Alſton Moor* and *Garragill* aforeſaid, their Succeſſors and Aſſigns, One full Sixteenth Part in Value, Quantity, Quality, and Situation conſidered, of the ſaid Commons, Moors, or Waſtes, ſo to be divided and allotted, after deducting the publick Carriage Roads, Drains, Watercourſes, and Quarries, and other Allotments for publick Purpoſes, in lieu of, and as a full Compenſation and Satisfaction for their Right and Intereſt to the Soil of the ſaid Commons, Moors, or Waſtes, ſo to be divided and allotted, and alſo for their Conſent to the ſaid Diviſion and Incloſure thereof, over and above and excluſive of ſuch Share and Allotment, Shares and Allotments thereof, as ſhall be allotted to them in reſpect of their Right of Common thereon: Provided always, that the Plot or Parcel of Ground, Part of the ſaid Commons, Moors, or Waſtes, lying near the Town of *Alſton*, upon which Two Fairs are now held in each Year, ſhall be allotted to the ſaid Lords of the ſaid Manor, in Part of their ſaid One Sixteenth Share; but nevertheleſs without Prejudice to the ſaid Fairs being continued to be held thereon at the uſual Days and Times in each Year, as heretofore uſed and accuſtomed; but that it ſhall and may be lawful to and for the ſaid Commiſſioners and Governors, and their Succeſſors and Aſſigns, to uſe and enjoy the ſame Ground, Plot or Parcel of Ground, at all other Times, in ſuch Way and Manner as they ſhall think proper.

Commiſſioners and Governors of *Greenwich Hoſpital*, are Lay Impropriators of the Great and Small Tythes.

XXIV. And whereas the ſaid Commiſſioners and Governors as Lay Impropriators thereof, are entitled to all and all Manner of Tythes as well Great as Small, or certain Moduſes in lieu thereof, (except the Tythes of Geeſe, Pigs, and Hens), and alſo to Mortuaries ariſing, renewing, or increaſing, within and throughout the Whole of the ſaid Pariſh of *Alſton*: And whereas the Owners and Proprietors of Meſſuages, Mills, Lands, Tenements, and Hereditaments, within the ſaid Pariſh of *Alſton* (other than ſuch as are ſituate within the Hamlet or Diſtrict of *Priorſdale*, or within the Diſtrict of *Gilderſdale Foreſt* or *Gilderſdale Paſture*), are deſirous that a reaſonable Share of their reſpective Allotments of the ſaid Commons, Moors, or Waſtes, ſhall be ſet out and allotted to the ſaid

ſaid Commiſſioners and Governors, their Succeſſors and Aſſigns, equivalent to and in lieu of, and in Compenſation and Satisfaction for the Tythes and Moduſes (except Mortuaries) to which the ſaid Commiſſioners and Governors are entitled, as well out of and from the ſaid Meſſuages, Mills, Lands, Tenements, and Hereditaments, as out of and from their ſeveral Allotments by virtue of this Act, to which ſaid Deſire the ſaid Commiſſioners and Governors have acceded, as alſo to the Deſire of the ſaid Owners and Proprietors, that a Share of the ſaid Commons, Moors, or Waſtes, ſhall be ſet out and allotted to them the ſaid Commiſſioners and Governors, equivalent to and in lieu of, and in Compenſation and Satisfaction for the Tythes to which the ſaid Commiſſioners and Governors would otherwiſe be entitled to, out of and from the Part or Parts of the ſaid Commons, Moors, or Waſtes, which ſhall be ſold by the Commiſſioners in purſuance of the Directions in this Act contained, to the Intent that ſuch Part or Parts ſo ſold may be held by the reſpective Purchaſers thereof, freed and diſcharged of and from all Tythes, in like Manner as the other Lands allotted and divided under this Act are to be holden, under and by virtue of the Compenſation herein provided for and given to the ſaid Commiſſioners and Governors in that Behalf; be it therefore further enacted, That they the ſaid Commiſſioners acting under this Act ſhall and they are hereby required, at a ſpecial Meeting or ſpecial Meetings to be holden for that Purpoſe, according to the beſt of their Skill and Judgement, to examine into, eſtimate, aſcertain, and ſettle the Value of the ſaid Tythes and Moduſes, and ſhall ſet out, allot, and award, in One or more Plot or Plots, unto and for the ſaid Commiſſioners and Governors, their Succeſſors and Aſſigns, ſo much of the ſaid Commons, Moors, or Waſtes, ſo to be divided, as ſhall in the Judgement of the ſaid Commiſſioners be deemed equivalent to, and a full Recompence and Satisfaction for all Tythes and Moduſes that might thenceforth ariſe and grow due to them the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, out of, from, or in reſpect of, as well the ſeveral Allotments to be ſet out by virtue of this Act, as all other the Meſſuages, Mills, Lands, and Tenements, within the ſaid Pariſh of *Alſton*, other than ſuch as are ſituate within the Hamlet or Diſtrict of *Priorſdale* aforeſaid, or within the Diſtrict called *Gilderſdale Foreſt* or *Gilderſdale Paſture* aforeſaid.

Allotments to the Commiſſioners, &c.

XXV. And be it further enacted, That the Allotment or Allotments which ſhall be ſet out to or for the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, as Lay Impropriators as aforeſaid, ſhall be in lieu of, and in full Compenſation and Satisfaction for all the Great and Small Tythes, Moduſes, Compoſitions, and other Payments in lieu of Tythes, (except Mortuaries), ariſing, growing, renewing, increaſing, appertaining, or due or payable to them, from, out of, or in reſpect of all and every the Allotments to be ſet out by virtue of this Act, and all other the Meſſuages, Mills, Lands, and Tenements, within ſuch Parts of the ſaid Pariſh as are not ſituate within the Hamlet or Diſtrict of *Priorſdale* aforeſaid, or within the Diſtrict of *Gilderſdale Foreſt* or *Gilderſdale Paſture* aforeſaid; and the ſame Tythes, Moduſes, Compoſitions, and other Payments in lieu of Tythes, ſhall immediately from and after the making and ſetting out the Allotments in lieu and Satisfaction thereof as aforeſaid, or at ſuch other Time or Times as the ſaid Commiſſioners ſhall in

Tythe Allotments to be in lieu of Tythes.

in and by their General Award, or any Writing to be ſigned by them previous to the Execution of their ſaid Award, direct or appoint, ceaſe, determine, and be for ever extinguiſhed; but all Tythes, Moduſes, Compoſitions, and other Payments in lieu of Tythes, ariſing, growing, renewing, increaſing, appertaining, or due or payable to the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, within the ſaid Diſtricts of *Priorſdale*, and *Gilderſdale Foreſt* or *Gilderſdale Paſture*, or either of them reſpectively, and alſo all Mortuaries, ſhall at all Times hereafter continue, and be paid and payable to the ſaid Commiſſioners and Governors, and their Succeſſors and Aſſigns, in the ſame Manner as the ſame are or would have been paid and payable if this Act had not been paſſed.

Expence of Ring-fencing ſuch Allotments holden by different Tenures, &c.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall, either before or within Twelve Calendar Months next after the Execution of their General Award, cauſe the Allotment or Allotments ſo to be awarded to the ſaid Commiſſioners and Governors, their Succeſſors and Aſſigns, as an Equivalent for ſuch Tythes, and Moduſes or Compoſitions for Tythes as aforeſaid, to be incloſed, hedged, ditched, and fenced with a good and ſufficient Boundary Fence or Fences, the Expence whereof, as alſo of carrying this Act into Execution in reſpect of ſuch Allotment or Allotments, ſhall be ſuſtained, borne, and defrayed by the Perſon or Perſons, Body or Bodies Politick or Corporate, their Heirs, Succeſſors, or Aſſigns, whoſe Meſſuages, Lands, Tenements, and Allotments reſpectively, ſhall be exonerated from Tythes, and Moduſes or Compoſitions for Tythes as aforeſaid, in Proportion to the Value of their Tythes, and Moduſes or Compoſitions for Tythes ſo extinguiſhed reſpectively; and the ſaid Commiſſioners are hereby authorized and required to aſſeſs the ſame upon the ſeveral and reſpective Perſon or Perſons, and Body or Bodies Politick or Corporate, ſo chargeable with the Payment thereof, and ſuch Expences ſhall and may be recovered by the ſame Ways and Means as are herein provided and directed for recovering the general Expences of carrying this Act into Execution, (in caſe of a Deficiency of the Money ariſing from Sales as aforeſaid); and from and after making the ſame Incloſure or Incloſures, and Hedges, Ditches, and Fences, to the ſaid Allotment or Allotments, all ſuch Hedges, Ditches, and Fences, ſhall for ever thereafter be kept in Repair by the ſaid Commiſſioners and Governors, their Succeſſors and Aſſigns, and the Owner and Owners of the adjoining Allotment or Allotments, or any of them, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall, in and by their General Award, order, direct, and appoint.

Allotment of the Reſidue of the Commons.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required in the next Place to ſet out, divide, aſſign, allot, and appoint the Reſidue of the ſaid Commons, Moors, or Waſtes, (after the ſaid ſeveral Allotments herein-before directed to be made as aforeſaid, ſhall have been made and ſet out accordingly), unto and amongſt the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, their Succeſſors and Aſſigns, and the ſeveral other Perſons, Bodies Politick or Corporate, having Right of Common upon the ſaid Commons, Moors, or Waſtes, in Proportion and according to the reſpective Values of their ſeveral Meſſuages, Mills, Lands, Tenements, and Hereditaments,

in respect whereof they are severally and respectively entitled thereto as aforesaid: Provided always, that all Houses and Buildings not occupied with some Farm of Land on the Twelfth Day of *May* which was in the Year of our Lord One thousand eight hundred, shall be valued separately from the Lands, Garths, and Gardens; and the Allotments to be made in respect of such Houses or Buildings, shall be less by One Third in Proportion to the Value of such Houses and Buildings, than the Allotments to be made in respect of any Lands, Garths, and Gardens; but no separate Valuation shall be made of any Houses or Buildings which were occupied with, and were Part and Parcel of any Farm of Land on the said Twelfth Day of *May* One thousand eight hundred, but such last mentioned Houses and Buildings shall be considered as included in the Valuation of the Lands, constituting such Farm to which they respectively belong; and that all Mills (if any) having Right of Common upon the said Commons, Moors, or Wastes hereby intended to be divided, shall be also separately valued, and the Allotments to be made in respect of such Mills, shall also be less by One Third in Proportion to the Value of such Mills, than the Allotments to be made in respect of Lands or Grounds.

Encroachments to be allotted to Persons in Possession thereof.

XXVIII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required, in all Cases where the same can be done without Prejudice or Inconvenience to the Occupation of the adjoining Lands, to assign and allot unto such Person or Persons, Body or Bodies Politick or Corporate, entitled to and having Right of Common upon the said Commons, Moors, or Wastes, as are in the Possession of any such Encroachment or Encroachments as is or are herein-before directed to be deemed Part and Parcel of the said Commons, Moors, or Wastes, all and every the Lands and Grounds comprised therein, and all Edifices and Buildings erected thereon, for and in Part of the Allotment or Allotments which shall be made to them respectively by virtue of this Act, unless it shall happen that such respective Encroachments shall be greater or more (Quantity and Quality considered) than the Allotment or Allotments would amount unto, which such Person or Persons, Body or Bodies Politick or Corporate, in the Possession of such Encroachment or Encroachments respectively, would be entitled to, for and in respect of their ancient Estate, in which Case a proportionable Part of such Encroachment or Encroachments shall be deducted from the same respectively; and the said Commissioners are hereby directed and required, in their Valuation of such Encroachments, for the Purposes aforesaid, to estimate the same, according to their original Value in their open State, without any Regard to the Improvements made therein, or to the Value of the Edifices and Buildings which are erected or built thereupon.

Proprietors of small Allotments may give up the same, if only of 20*l.* Value or under.

XXIX. Provided always, and be it further enacted, That if any Person or Persons entitled to an Allotment or Allotments of the said Commons, Moors, or Wastes, shall, by any Writing under their respective Hands, or the Hand of their respective Attornies, Stewards, or Agents, to be delivered to the said Commissioners at their said First, Second, or Third Meeting, or at a Special Meeting to be holden for that Purpose by the said Commissioners previous to the setting out Allotments, express a Desire

a Defire to give up his, her, or their Allotment or Allotments, for a valuable Conſideration in Money, then and in ſuch Caſe he, ſhe, or they ſhall have ſuch pecuniary Compenſation paid to him, her, or them, in lieu thereof, as ſhall be aſcertained by the ſaid Commiſſioners to be a full Equivalent, provided the Amount of the Sum ſo to be aſcertained and paid as aforeſaid ſhall not in any Caſe exceed Twenty Pounds, and in all Caſes where pecuniary Payments ſhall be made in lieu of ſuch ſmall Allotments as aforeſaid, the ſame Allotments ſhall be divided among the other Owners of Allotments according to their ſeveral Proportions, and the Sums payable in lieu of ſuch Allotments ſhall be paid by the ſaid Commiſſioners out of the Monies hereby directed to be raiſed for carrying this Act into Execution.

Diſtinct Allotments to be made for Lands holden by different Tenures, *etc.*

XXX. And be it further enacted, That in caſe the Proprietor or Proprietors of any Lands or other Hereditaments hereby authorized to be divided, allotted, or exchanged, ſhall hold their reſpective Lands or Hereditaments, by different Tenures or for different Eſtates, or under different Titles, the ſaid Commiſſioners ſhall aſcertain and diſtinguiſh the Lands or other Hereditaments held by each of ſuch Tenures, for each of ſuch Eſtates, and under each of ſuch Titles reſpectively, and ſhall alſo ſet out and diſtinguiſh the different Allotments or other Hereditaments to be accepted and taken as an Equivalent in reſpect of each of them, and the ſaid Commiſſioners ſhall and they are hereby authorized and required to ſet forth and declare, in and by their ſaid General Award in Right of what Eſtates in particular ſuch Allotments ſhall have been reſpectively made, and therein alſo ſeparately to deſcribe and aſcertain the Situation of every ſuch Allotment, and of what particular Tenure ſuch Allotments reſpectively are.

Allotments for Property granted by Leaſes at Rack Rent, to be ſet out to the Leſſors.

XXXI. Provided always, and be it further enacted, That all the Allotments to be ſet out and made by virtue of this Act, in reſpect of any Property granted or demiſed, or held by any Leaſes or Agreements for any Term or Number of Years not exceeding Twenty-one Years, at Rack Rent, ſhall be allotted to the reſpective Leſſors or Owners of ſuch Property, and ſhall be held and enjoyed by them reſpectively, free from all Right, Title, and Intereſt of their reſpective Leſſees or Tenants, by virtue of or under ſuch Leaſes or Agreements; and ſuch reſpective Leſſors or Owners ſhall make ſuch Abatement of the Rents reſerved or made payable by ſuch Leaſes or Agreements reſpectively, for and on Account of their taking ſuch Allotments, as the ſaid Commiſſioners ſhall adjudge and determine to be juſt and reaſonable, and ſhall, in and by their General Award, or any other Writing under their Hands, aſcertain, direct, and appoint.

Allotments for Meſſuages, *etc.*

XXXII. And be it further enacted, That in all Caſes where any Allotment or Allotments ſhall be made by virtue of this Act, in reſpect of any Meſſuages, Lands, Tenements, or Hereditaments, held by beneficial Leaſes for any Term of Years exceeding Twenty-one Years, the ſaid Commiſſioners ſhall, in and by their General Award, aſſign and appoint all ſuch Allotments as laſt aforeſaid, to the Perſon or Perſons entitled to ſuch Term of Years, who ſhall hold the ſame for the Reſidue of his Eſtate,

Eſtate, Term, and Intereſt therein, ſubject to the Proviſions and Regulations of this Act.

Allotments to Leaſeholders to go, after the Determination of their Leaſes, to the Reverſioners.

XXXIII. Provided always, and be it further enacted, That the Share and Shares of the ſaid Commons, Moors, or Waſtes, to be allotted to the ſaid beneficial Leaſeholders reſpectively, for and in reſpect of the ſaid Eſtates in Leaſe as aforeſaid, ſhall nevertheleſs, from and after the Determination of their Leaſes reſpectively, go, remain, and revert to, ſuch Perſon and Perſons as ſhall be entitled to ſuch Eſtates in reſpect whereof the ſame ſhall be allotted reſpectively, which Perſon or Perſons ſhall ſeverally have and enjoy the ſame Eſtate, Right, Title, Powers, and Intereſts in ſuch Share or Shares as he, ſhe, or they ſhall have in and to the Eſtates for and in reſpect whereof ſuch Shares ſhall be allotted reſpectively, ſubject nevertheleſs as aforeſaid.

Allotments ſold may be allotted to the Purchaſers by the General Award.

XXXIV. And be it further enacted, That if any Perſon or Perſons entitled in Fee-Simple to any Allotment or Allotments of the ſaid Commons, Moors, or Waſtes, ſhall, by any Writing under his, her, or their Hand or Hands, to be delivered to the ſaid Commiſſioners at any of their Meetings previouſly to their preparing a Draught of their General Award, ſignify and declare that he, ſhe, or they hath or have ſold and diſpoſed of his, her, or their Allotment or Allotments, to any Perſon or Perſons to be named and deſcribed in ſuch Writing, and ſhall deſire the ſame to be ſet out, allotted, and appointed to the Perſon or Perſons ſo purchaſing the ſame, the ſaid Commiſſioners in every ſuch Caſe ſhall and they are hereby authorized to ſet out, allot, and appoint the ſaid Allotment or Allotments of the Perſon or Perſons who ſhall have ſo given Notice of their having ſold and diſpoſed thereof to the Perſon or Perſons mentioned in ſuch Notice to be the Purchaſer or Purchaſers of ſuch Allotment or Allotments; and the ſaid Allotment or Allotments ſo ſold and diſpoſed of, ſhall in every ſuch Caſe, from and after the Execution of the ſaid General Award of the ſaid Commiſſioners, become, and the ſame is and are hereby declared to be veſted in and ſettled upon the Perſon or Perſons to whom the ſame ſhall have been, by ſuch Notice or Writing as aforeſaid, ſo ſignified and declared to have been ſo ſold as aforeſaid, and his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns, to all Intents and Purpoſes whatſoever.

Exchanges.

XXXV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners to ſet out, aſſign, or allot any of the Lands or Grounds hereby directed to be divided and allotted, or any Meſſuages, Buildings, incloſed Lands or Grounds, or other Hereditaments in the Pariſh of *Alſton* aforeſaid, in lieu of and in Exchange for any other Meſſuages, Buildings, Lands, and Hereditaments, in the ſame Pariſh, ſo that every ſuch Exchange be ſet forth and aſcertained by the General Award of the ſaid Commiſſioners, or ſome Deed or Deeds to be executed by the ſaid Commiſſioners at any Time before or within the Space of Six Calendar Months after the Date of the ſaid Award, and alſo be made with the Conſent of the reſpective Proprietors or Perſons, Body or Bodies Politick or Corporate, ſeiſed or entitled in Poſſeſſion of or to the Hereditaments ſo to be exchanged, for any Life or Lives, or for a Term or Terms of Years abſolute, of which One hundred Years and upwards are unexpired

unexpired, or for ſome Eſtate of Inheritance, or of the Huſbands, Guardians, Truſtees, Committees, or Attornies of any ſuch Proprietors, who ſhall at the Time of making ſuch Exchanges be Femes Covert, Infants, Lunaticks, Perſons beyond the Seas, or under any other legal Diſability or Incapacity of acting for themſelves; and ſo that every ſuch Exchange of any Hereditaments belonging to the Vicar of the Pariſh of *Alſton* aforeſaid, be alſo made with the Conſent of the Patrons thereof, and the Biſhop of the Dioceſe for the Time being reſpectively, ſuch Conſents to be reſpectively ſignified by Writing under the Hands and Seals of the conſenting Parties, or under the Seals of ſuch of them as are Corporations Aggregate; and every Exchange ſo made and declared, ſhall be for ever good, valid, and effectual in Law; and the reſpective Hereditaments ſo to be exchanged ſhall become and be of the ſame Tenure, and held under the ſame Rents and Services, and go and remain to and upon the ſame Uſes and Truſts, and be ſubject to the ſame Powers, Conditions, Covenants, and Agreements, as the Hereditaments in reſpect whereof the ſame ſhall be exchanged, are or ſhall be ſubject and liable to, or would have been ſubject or liable to, in caſe the Exchange thereof had not been made.

No Exchanges to be made except Freehold for Freehold, or Leaſehold for Leaſehold.

XXXVI. Provided always, That no Exchange or Exchanges whatever ſhall be made, except of Freehold Meſſuages, Lands, Tenements, or Hereditaments, for Freehold Meſſuages, Lands, Tenements, or Hereditaments, or except of Leaſehold Meſſuages, Lands, Tenements, or Hereditaments, where the Term therein ſhall be more than One hundred Years to come for Leaſehold Meſſuages, Lands, Tenements, or Hereditaments, where the Term therein ſhall be more than One hundred Years to come.

Owners to enjoy Mines, *etc.* under their ancient Freehold Eſtates, &c.

XXXVII. Provided always, and be it further enacted, That in caſe it ſhall happen that the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, or any other Proprietors of ancient Freehold Meſſuages, Lands, Tenements, or Hereditaments, ſhall exchange any of their ancient Freehold Meſſuages, Lands, Tenements, or Hereditaments, for any Allotment or Allotments of the ſaid Commons, Moors, or Waſtes, to be ſet out and allotted to any Perſon or Perſons, Body or Bodies Politick or Corporate, by virtue of this Act, then and in ſuch Caſe the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, or ſuch other Proprietors of the ancient Freehold Meſſuages, Lands, Tenements, or Hereditaments, ſo exchanged as aforeſaid, their reſpective Heirs, Succeſſors, and Aſſigns, ſhall, from Time to Time and at all Times for ever thereafter, have, hold, and enjoy all and all Manner of Mines, Minerals, Foſſils, and Quarries whatſoever, lying, being, and remaining within and under the ſaid ancient Meſſuages, Lands, Tenements, or Hereditaments, ſo to be given in Exchange, and all Liberties, Powers, Privileges, and Authorities for winning, working, leading, and carrying away the ſame, and the Produce thereof reſpectively, in as full, ample, and beneficial Manner, to all Intents and Purpoſes, as they and every of them could or might, or ought to have had, held, or enjoyed, or were entitled to have, hold, or enjoy ſuch Mines, Minerals, Foſſils, or Quarries, and Liberties, Powers, Privileges, and Authorities aforeſaid reſpectively, in caſe this Act had not been made, or in caſe ſuch ancient Meſ-

ſuages, Lands, Tenements, or Hereditaments, had not been given in Exchange for ſuch Allotment or Allotments, making reaſonable Satiſfaction for Damage and Spoil of Ground to be occaſioned thereby, ſuch Damages to be aſcertained, ſettled, and determined (in caſe the Parties differ about the ſame) in like Manner as herein-after is mentioned with reſpect to aſcertaining Damages to be done by winning, working, leading, and carrying away Mines, Minerals, Foſſils, and Quarries, within and under the Allotments of the ſaid Commons, Moors, or Waſtes, which are herein-after particularly reſerved to the ſaid Commiſſioners and Governors, Lords of the ſaid Manor of *Alſton* otherwiſe *Alſton Moor* and *Garragill*.

Reſerving the Right to Mines to the Lords of the Manor.

XXXVIII. Provided alſo, and be it further enacted, That in all Caſes of ſuch Exchanges of ancient Freehold Meſſuages, Lands, Tenements, or Hereditaments, for any Allotment or Allotments as aforeſaid, all and every the Mines, Minerals, Foſſils, and Quarries, lying and being within and under the ſaid Allotment or Allotments ſo to be given in Exchange, ſhall remain the Property of, and be held and enjoyed by the ſaid Commiſſioners and Governors, their Succeſſors and Aſſigns, with all Liberties, Powers, Privileges, and Authorities, for winning, working, leading, and carrying away the ſame, and the Produce thereof reſpectively, in as full, ample, and beneficial Manner, to all Intents and Purpoſes, as if ſuch Exchange or Exchanges had not been made.

Notices to be publiſhed in the *Carliſle Journal* and *Newcaſtle Courant*.

XXXIX. And be it further enacted, That all Notices which by this Act or the ſaid Act of the Forty-firſt Year of the preſent Reign, are required to be given or publiſhed in ſome publick Newſpaper, of ſetting out publick Carriage Roads, and of reading and executing the Award of the Commiſſioners, and of any other Act, Matter, or Thing, ſhall be inſerted in *The Carliſle Journal* and *Newcaſtle-upon-Tyne Courant*, or if thoſe Newſpapers ſhall not then reſpectively be publiſhed, then in ſome other Newſpaper or Newſpapers uſually circulated in the County of *Cumberland* and at *Newcaſtle-upon-Tyne* reſpectively.

Award to be inrolled with the Clerk of the Peace.

XL. And be it further enacted, That the General Award to be made by the ſaid Commiſſioners, purſuant to the Directions of the ſaid Act of the Forty-firſt Year of the preſent Reign, and this Act, ſhall be inrolled with the Clerk of the Peace for the County of *Cumberland*, and a Duplicate of ſuch Plans or Surveys as may be annexed thereto, ſhall be lodged and depoſited in the Office of the Clerk of the Peace for the ſaid County of *Cumberland*, to remain with the Records of the Court of General Quarter Seſſions of the Peace there; and the ſaid original Award, after the Inrolment thereof, together with the Plans and Surveys annexed thereto, ſhall be lodged and depoſited at *Lowbyer*, with the Moor Maſter of *Alſton Moor* for the Time being, in a certain Cheſt to be denominated and called *The Alſton Moor Commons Award Cheſt*; and to be carefully preſerved in ſuch Cheſt, to the End that Recourſe may be had thereto by any Perſon or Perſons intereſted in the ſaid Diviſion; which ſaid Award, and every other Award and Inſtrument to be lodged with the ſaid Award, ſhall and may be inſpected at all ſeaſonable Times, upon reaſonable Notice of the Party requiring ſuch Inſpection.

XLI. And

Copies of Plans may be delivered on a reaſonable Sum being paid for the ſame to the Clerk of the Peace.

XLI. And be it further enacted, That in caſe the Clerk of the Peace for the ſaid County of *Cumberland*, ſhall be required to make and deliver a Copy or Copies of the Duplicate of the Plan or Plans annexed to the ſaid General Award depoſited with the Clerk of the Peace as aforeſaid, a reaſonable Payment ſhall be made to him (over and above the Charge for Stamp Duties, and for the Copy or Copies of the ſaid Awards and Inſtruments, or any Parts thereof) for a Copy or Copies of ſuch Plan or Plans, or any Part thereof; and in caſe any Diſpute or Difference ſhall ariſe between the ſaid Clerk of the Peace, and the Perſon or Perſons requeſting a Copy or Copies of ſuch Plan or Plans, or any Part or Parts thereof, touching ſuch Allowance, then and in ſuch Caſe the ſame ſhall be ſettled and aſcertained by the Juſtices of the Peace for the ſaid County of *Cumberland*, in General Quarter Seſſions aſſembled, or by the major Part of them; and the ſame being ſo ſettled and aſcertained ſhall be final and concluſive to the ſaid Parties.

Commiſſioners may execute Duplicates of the Award.

XLII. And be it further enacted, That the ſaid Commiſſioners ſhall, at the Requeſt, Coſts, and Charges of any Perſon or Perſons, Body or Bodies Politick or Corporate, his, her, or their Stewards or Agents, having any Allotment or Allotments of the ſaid Lands and Grounds hereby intended to be divided, or otherwiſe intereſted therein, at any Time before the depoſiting of the ſaid Award, make and execute a Duplicate or Duplicates of the ſaid Award, Plans, and Surveys, or any of them, for the Uſe of the Perſon or Perſons requeſting the ſame; and ſuch Duplicate or Duplicates ſhall at all Times be admitted and allowed as legal Evidence in all Courts whatſoever.

Allotments to be of the ſame Tenure as the ancient Lands.

XLIII. And be it further enacted, That all and every Allotment and Allotments of Lands and Grounds which ſhall be made, ſet out, or appointed in purſuance of this Act, ſhall be held by the ſame Tenure, and ſhall be ſubject to the ſame yearly and other Rents and Payments, Reliefs, Fines, Dues, Duties, Suits, and Services, (except where any of the Proviſions of this Act ſhall be to the contrary), as the ſeveral and reſpective Meſſuages, Lands, Tenements, and Hereditaments, in reſpect of which the ſaid ſeveral Allotments or Parcels of Ground ſhall be ſo ſet out or allotted, are and have heretofore been holden reſpectively; and the Lords of the ſaid Manor of *Alſton* otherwiſe *Alſton Moor* and *Garragill*, their Succeſſors and Aſſigns for the Time being, ſhall have the ſame Powers, Liberties, and Authorities for recovering and enforcing the ſame reſpectively, as they could or might have had in reſpect of ſuch Meſſuages, Lands, Tenements, and Hereditaments, before the paſſing of this Act; but the ſaid ſeveral and reſpective Meſſuages, Lands, Tenements, and Hereditaments, in reſpect of which the ſaid ſeveral Allotments or Parcels of Ground ſhall be ſo ſet out and allotted, and the Allotments made in reſpect thereof, ſhall not, nor ſhall any of them, be ſubject to any new or increaſed yearly or other Rents, Payments, Reliefs, Fines, Dues, Duties, Suits, or Services whatſoever, to the Lords of the ſaid Manor of *Alſton* otherwiſe *Alſton Moor* and *Garragill*, their Succeſſors or Aſſigns, for the Time being.

Act not to affect Wills, but Allot-

XLIV. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued, deemed, or adjudged

ments to go to the same Uses.

adjudged to revoke, alter, annul, or make void any Settlement, Deed, Will, or Leaſe whatſoever, or to prejudice any Perſon or Perſons whomſoever having any Right or Claim of Dower, Jointure, Rent, Service, Debt, Charge, or Incumbrance, of, in, out of, upon, or affecting any of the Meſſuages, Mills, Lands, Tenements, Common Rights, or other Hereditaments, in reſpect whereof any Allotment of the ſaid Commons, Moors, or Waſtes, ſhall be made by virtue of this Act; but that the ſeveral Lands, Tenements, and Hereditaments, which ſhall be aſſigned or allotted upon the ſaid Diviſion to the ſeveral Proprietors reſpectively, ſhall, immediately after the Execution and Proclamation of the General Award of the ſaid Commiſſioners, be veſted in, and remain, continue, and enure to, and be held and enjoyed by the ſeveral Perſons, Bodies Politick and Corporate, to whom the ſame ſhall be aſſigned or allotted reſpectively, and they ſhall from thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively, to, for, and upon ſuch and the ſame Uſes, Eſtates, Intereſts, Truſts, Intents, and Purpoſes, and ſubject and liable to the ſame Wills, Limitations, Eſtates, Conditions, Settlements, Proviſoes, Remainders, Reverſions, Leaſes, Debts, Charges, and Incumbrances of every Kind, as the ſeveral Hereditaments in reſpect whereof the ſame Lands, Tenements, and Hereditaments, ſhall be reſpectively aſſigned or allotted, would have ſtood ſeverally limited or ſettled to or upon, or have been ſeverally ſubject and liable to, if ſuch Allotments thereof had not been made, or this Act had not paſſed, except as to ſuch Leaſes and Agreements at Rack Rent as ſhall be determined under this Act, or where any other Proviſions of this Act ſhall be to the contrary.

Certain Lands may be allotted by Deed after the making of the General Award.

XLV. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which ſhall be divided, allotted, or exchanged, by virtue of this Act, ſhall hold their reſpective Lands and Hereditaments by different Tenures, or for different Eſtates, or under different Titles, and where, from the Want of the neceſſary Information before the ſaid Commiſſioners, or from any other Cauſe, their Award ſhall have omitted the diſtinguiſhing and aſcertaining of the Lands or other Hereditaments holden by each of ſuch Tenures, for each of ſuch Eſtates, and under each of ſuch Titles reſpectively, and the ſetting out and awarding of ſeveral and diſtinct Allotments for ſuch reſpective Lands or other Hereditaments as herein-before is required, and after the making of the ſaid Award Requeſt ſhall be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted, by Writing under his or their Hand or Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument, then and in every ſuch Caſe the ſaid Commiſſioners are hereby authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion, and ſo far as that Purpoſe ſhall require, to examine Witneſſes, and in every other Reſpect to proceed and act as if the Award had not been made, and when they ſhall have obtained what they ſhall think ſufficient Information, are hereby alſo authorized, by any Deed under their Hands and Seals, to diſtinguiſh and aſcertain the Difference of Tenures, Eſtates, and Titles reſpectively, and accordingly to make diſtinct and ſeveral Allotments in the ſame Manner as is hereby required where ſuch Diſcrimination ſhould be contained in the ſaid Award; and every ſuch ſeparate Inſtrument, after having been duly executed by the ſaid Commiſſioners, ſhall have the ſame Effect as if it were contained in the ſaid

ſaid Award, and ſhall be delivered to the Perſon or Perſons upon whoſe Requeſt the ſaid Omiſſion ſhall have been ſupplied, or to the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings concerning the Title to the Premiſes in Queſtion, ſhall, in the Opinion of the ſaid Commiſſioners, moſt properly belong for the Time being, and all Expences which ſhall be reaſonably incurred in or about any ſuch Supplemental Inſtrument as aforeſaid, ſhall be payable by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioners as aforeſaid, or by his or their Heirs, Executors, or Adminiſtrators.

Vicar's Allotment, how to be fenced.

XLVI. Provided always, and be it further enacted, That the Expences of incloſing, hedging, and fencing the Allotment or Allotments to be made to the Vicar of *Alſton* aforeſaid, ſhall be paid and defrayed by and out of the Monies hereby directed to be raiſed for carrying this Act into Execution; and after making ſuch Incloſures, Hedges, and Fences, the ſame ſhall for ever thereafter be kept in Repair by the ſaid Vicar and his Succeſſors, and the Owner or Owners of the adjoining Allotment or Allotments, or any of them, in ſuch Shares and Proportions as the ſaid Commiſſioners by their General Award ſhall direct.

Allotments to be fenced.

XLVII. And be it further enacted, That the ſeveral other Allotments (except as herein mentioned) to be made by virtue of this Act, ſhall be incloſed, hedged, ditched, and fenced, by and at the Expence of ſuch reſpective Proprietors, (except the ſaid Vicar), in ſuch Manner and within ſuch Time, and ſhall be from thenceforth kept in Repair in ſuch Proportions as the ſaid Commiſſioners ſhall in their General Award order and direct.

Allotments of a particular Deſcription may remain unincloſed, &c.

XLVIII. And whereas conſiderable Parts of the ſaid Commons, Moors, or Waſtes, are of very little Value, and will not at preſent bear the Expence of being incloſed, and it may be proper to enable the Owners of the Allotments of ſuch Parts thereof to occupy ſuch their Allotments in common, under proper Regulations; be it therefore further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, in and by their ſaid General Award, to aſcertain and declare what particular Allotments are of ſuch Deſcription, and that in every ſuch Caſe the ſaid Allotments ſhall and may remain unincloſed, but be occupied in common excluſively, by the ſeveral Owners whoſe Allotments ſhall be ſo aſcertained and declared to be of the Deſcription laſt mentioned; and the ſaid Commiſſioners ſhall and they are alſo hereby required to aſcertain, and to ſpecify and ſet forth in their ſaid Award, the proportional Value of ſuch Allotments for regulating the ſtinting thereof: Provided always, that if any of the Owners of ſuch laſt mentioned Allotments ſhall think fit at any Time afterwards, to fence off and incloſe their reſpective Shares or Allotments, it ſhall be lawful for them ſo to do, upon the Conditions mentioned and expreſſed in and by this Act and the ſaid General Award, as to the fencing off and incloſing ſuch their reſpective Allotments; and after ſuch reſpective Allotments ſhall be ſo fenced off, the Owners and Occupiers thereof reſpectively ſhall be and are hereby excluded and debarred from holding and enjoying any Right or Stints in the Reſidue of ſuch Allotments ſo occupied in common as aforeſaid.

Owners of Allotments uninclosed, to make Orders for regulating the using of their Allotments.

XLIX. And be it further enacted, That in case such last mentioned Allotments, or any of them, shall remain uninclosed, it shall be lawful for the Owners of such Allotments for the Time being, or the greater Part of them in Value, (such Value to be ascertained by the proportional Value of such Allotments, and set forth by the said Commissioners in their said Award), from Time to Time after the said Award, by Writing under their Hands, to make such Rules and Orders for regulating the Manner of using and occupying the said Allotments, or such of them as shall remain uninclosed as aforesaid, and of stocking the same with Cattle, Sheep, and other Stock, and for limiting and stinting the Number and Kinds of the said Stock, (each Proprietor of such Allotments continuing nevertheless to be entitled to a just Proportion, according to the Extent of his Interest), and for limiting the Times and Seasons of stocking, and such other Rules, Orders, and Regulations, for the better Management, and more convenient Enjoyment thereof, as they shall from Time to Time think proper, and for the mutual Benefit of all Persons interested therein, according to their respective Rights and Interests; and also from Time to Time in like Manner to annul, repeal, or alter all or any of such Rules, Orders, and Regulations, and make such others as they shall deem expedient, and for the mutual Benefit of all Persons interested therein, according to their respective Rights and Interests; and such Rules, Orders, and Regulations, so long as the same shall continue in force, shall be binding upon and observed by all Persons interested in such Allotments in respect of which such Rules, Orders, and Regulations shall be made: Provided always, that none of the Owners or Occupiers of such last mentioned several Allotments for the Time being, shall, after the Inclosure thereof, be liable, by reason thereof, to repair the publick Carriage Roads and Highways to be set out and appointed by virtue of the herein-before recited Act of the Forty-first Year of the present Reign, through and over such last mentioned Allotments, but that the same publick Carriage Roads and Highways shall at all Times, after such Inclosure, continue to be supported and kept in Repair, by such Persons and in like Manner as the other publick Roads within the said Parish of *Alston*, are by Law to be amended and kept in Repair.

Proprietors of Allotments to be entitled to all Timber planted on their Allotments, &c.

L. And whereas the said Commissioners and Governors of the said Royal Hospital are desirous of encouraging the planting and Growth of Timber, Wood, and Underwood, on the Allotments which shall be made by virtue of this Act, to their Lessees for long Terms of Years; be it therefore further enacted, That the several and respective Lessees of the said Commissioners and Governors, who shall become entitled to any Allotment or Allotments by virtue of this Act, for any Term of Years, of which One hundred Years are now unexpired, their respective Executors, Administrators, and Assigns, shall and may respectively, at all Times during the Residues of such Terms, and when they are respectively entitled in Possession to any such Allotments, fully, freely, peaceably, and quietly have, hold, and enjoy, to and for their own respective Use and Benefit, and cut down, remove, sell, and dispose of, and take, lead, and carry away the Whole of such Timber Trees and other Trees, Woods, Underwoods, and Plantings, as they shall respectively during the Residues of such Terms plant or set, or as shall grow

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in or upon their ſaid Allotments reſpectively, notwithſtanding ſuch Leſſees may, by reaſon of their Tenure, be ſubject to Impeachment of Waſte.

No Turves or Sods to be cut.

LI. And be it further enacted, That, from and after the paſſing of this Act, it ſhall not be lawful for any Perſon or Perſons (other than and except the Lords of the ſaid Manor, their Leſſees or Aſſigns, and the Commiſſioners for carrying this Act into Execution) to cut, dig, or carry away any Turves or Sods, in, upon, or from the ſaid Commons, Moors, or Waſtes, or any Part thereof, until the ſame ſhall be allotted and ſet out as aforeſaid, upon Pain of forfeiting for every ſuch Offence, to the ſaid Commiſſioners and Governors, Lords of the ſaid Manor, their Succeſſors or Aſſigns, ſuch Sum, not exceeding Thirty-nine Shillings nor leſs than Five Shillings, as ſhall be aſſeſſed in the Nature of an Amerciament at any Court Leet or Court Baron to be holden for the ſaid Manor, the ſame to be aſſeered by the Aſſeerors then and there ſworn, and which Amerciament or Amerciaments when ſo aſſeered, ſhall be levied by Diſtreſs and Sale of the Perſon or Perſons Goods and Chattels ſo offending, by virtue of a Precept to the Bailiff or Bailiffs of the ſaid Manor, to be directed for that Purpoſe by the Steward of the Court of the ſaid Manor; and the Money ariſing from all ſuch Amerciaments, ſhall be paid to the Commiſſioners acting under the Authority of this Act, and ſhall be applied towards defraying the Expences of carrying this Act into Execution.

Encroachments, &c. to be extinguiſhed.

LII. And be it further enacted, That from and immediately after completing the Diviſion of the ſaid Commons, Moors, or Waſtes, and Execution and Proclamation of the General Award of the Commiſſioners, all Rents paid for or in reſpect of any Encroachments made ſince *Michaelmas* in the ſaid Year One thouſand ſeven hundred and thirty-five, and all Twenty-penny Fines for the ſame, ſhall ceaſe and be for ever extinguiſhed; but all prior Arrears of ſuch Rents and Fines ſhall be paid to the Lords of the ſaid Manor, their Succeſſors and Aſſigns, together with a proportionable Part of the accruing Rents and Fines for the Time and Number of Years which ſhall have run from the laſt Payment of ſuch Rents and Fines, to *Michaelmas-day* incluſive preceding the Execution and Proclamation of the ſaid General Award, and the ſame ſhall be recoverable in the ſame Manner as if this Act had not been made.

Expences of the Diviſion to be paid by the Parties, if the Land to be ſold is not ſufficient.

LIII. And be it further enacted, That as well the Fees and Payments to the ſaid Commiſſioners, as alſo all the Charges and Expences attending the ſurveying, planning, and meaſuring, dividing and allotting the ſaid Commons, Moors, or Waſtes, and of the preparing, making, and ſigning the Award of the ſaid Commiſſioners, ſuch ſeveral Inſtruments of Appointment aforeſaid, and of ſetting out the Highways or Roads, and of making any new Highways or Roads, which ſhall be ſet out, and appointed or directed to be made by the ſaid Commiſſioners, and all other Charges and Expences incident to or attending the Execution of this Act, and not herein otherwiſe provided for or directed to be paid, ſhall be borne, paid, and defrayed by the ſeveral and reſpective Perſons, Body and Bodies Politick and Corporate, to whom any Allotment or Allotments of the ſaid Commons, Moors,

or

or Waſtes, ſhall be reſpectively made, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, (other than and except the reſpective Purchaſers of ſuch Part or Parts of the ſaid Commons, Moors, or Waſtes, as ſhall be ſold by the ſaid Commiſſioners in purſuance of this Act, and alſo other than and except the Vicar of the ſaid Pariſh of *Alſton* for the Time being as ſuch), in Proportion to the real Value of their reſpective Allotments, to be ſettled and aſcertained by the ſaid Commiſſioners; and the ſeveral and reſpective Shares and Proportions of all ſuch Fees, Payments, Charges, and Expences as aforeſaid, ſhall be payable and paid by ſuch Owners and Proprietors reſpectively, to ſuch Perſon or Perſons, and at ſuch Times, as ſhall by the ſaid Commiſſioners, either before or after the Execution of their General Award as aforeſaid, be ordered, directed, and appointed, in Writing under their Hands reſpectively, Twenty Days before the Time appointed for ſuch Payment.

Commiſſioners to pay their own Expences.

LIV. And be it further enacted, That the ſaid Commiſſioners and their Succeſſors ſhall, at all and every of their Attendances or Meetings for putting this Act in Execution, bear and pay their own Expences; and that when and as ſoon as the ſaid intended Diviſion and other Purpoſes of this Act ſhall be finiſhed and completed, and the ſaid Commiſſioners ſhall have executed their ſaid General Award, they the ſaid Commiſſioners reſpectively ſhall be paid and allowed each of them the Sum of Two Pounds Two Shillings for each and every Day upon which they reſpectively ſhall have attended a Meeting, and tranſacted Buſineſs in, or for putting this Act in Execution, excluſive of ſuch Meetings as the ſaid Commiſſioners ſhall find neceſſary to be holden for the Purpoſe of aſcertaining the Value of the Tythes and Moduſes, and making the neceſſary Allotments for the ſame, and for which laſt-mentioned Meetings the ſaid Commiſſioners reſpectively ſhall be allowed each of them the like Sum of Two Pounds Two Shillings for each and every Day upon which they ſhall reſpectively attend and tranſact Buſineſs for that Purpoſe, to be paid by the Perſon or Perſons, Body or Bodies Politick or Corporate, whoſe Tythes and Moduſes ſhall be extinguiſhed, and not to be placed to or included in their general Account of the Expences of executing this Act.

Commiſſioners to account.

LV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby reſpectively required to keep or cauſe to be kept a juſt and true Statement and Account of all Sums of Money which ſhall be raiſed or received, and laid out or expended by them or by their Order, or for their Uſe, under or by virtue or in the Execution of this Act, and of what ſhall be due or owing to them for their own Trouble or Expences; and ſhall truly and regularly enter all the Particulars of ſuch Statements and Accounts in a Book to be provided for that Purpoſe; and ſuch Accounts ſhall, at leaſt Once in every Year from the paſſing of this Act, till ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined and ſettled by *Robert Bainbridge* of *Alſton* aforeſaid, Gentleman, (who is hereby appointed Auditor for that Purpoſe); and in caſe of his Death or Refuſal to act, by ſuch other fit and proper Perſon as ſhall be appointed Auditor in his Stead by the Majority in Value of the ſaid Proprietors, at a Meeting to be holden in like Manner as is herein-before directed with reſpect to the

Meeting

Meeting of the ſaid Proprietors for the Purpoſe of appointing a Commiſſioner in the Place of the ſaid *William Donkin*, and ſuch Auditor for the Time being ſhall from Time to Time ſtate in Writing under his Hand, the Balance of the ſaid Accounts in ſuch Book as aforeſaid; and that no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall be duly allowed by ſuch Auditor; and alſo that ſuch Book of Accounts ſhall be kept at the Office of the Clerk to the ſaid Commiſſioners, and ſhall be open to the Inſpection of any of the ſaid Proprietors or their Agents at all reaſonable Times during the Progreſs of the ſaid Diviſion and Incloſure, and until the ſaid Accounts ſhall have been finally ſettled and allowed; and in caſe the ſaid Commiſſioners or their Clerk ſhall refuſe or neglect ſo to do, the Commiſſioner or Commiſſioners, or Clerk reſpectively, ſo refuſing or neglecting, ſhall for every ſuch Refuſal or Neglect forfeit and pay to any Perſon who ſhall ſue for the ſame, the Sum of Ten Pounds, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe.

Power to appeal.

LVI. And be it further enacted, That if any Perſon or Perſons, Body or Bodies Politick or Corporate, ſhall think himſelf, herſelf, or themſelves, aggrieved by any Thing done in purſuance of this Act, then and in every ſuch Caſe (other than and except ſuch Claims, Matters, and Things, as are herein-before directed or authorized to be aſcertained, ſettled, tried, or determined by the Verdict of a Jury, or where by any of the Proviſions of the ſaid Act of the Forty-firſt Year of the preſent Reign, or of this Act, the Determinations, Acts, or Proceedings of the ſaid Commiſſioners, are directed to be final and concluſive), he, ſhe, or they may appeal to any General Quarter Seſſions of the Peace which ſhall be holden for the County of *Cumberland*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen; and the Juſtices of the Peace at ſuch Seſſions aſſembled, are hereby authorized to hear and determine the Matter of every ſuch Appeal, (provided that Notice in Writing of every ſuch Appeal, expreſſing the Cauſe of Complaint, ſhall have been given Fourteen Days at leaſt before ſuch General Quarter Seſſions), unleſs the ſaid Juſtices in their ſaid Seſſions aſſembled, ſhall ſee ſufficient Cauſe to adjourn ſuch Appeal, in which Caſe they are hereby authorized to adjourn the ſame to the then next General Quarter Seſſions of the Peace to be holden for the ſaid County of *Cumberland*, and then to hear and determine the ſame, and to make ſuch Order therein, and award ſuch Damages and Coſts, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Damages and Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties awarded to pay the ſame, rendering the Overplus, (if any), upon Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of every ſuch Diſtreſs and Sale, and every Order and Determination of the ſaid Juſtices upon every ſuch Appeal, ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Proceſs or Writ whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Owners of Allotments may get Free-ſtone, &c.

LVII. Provided always, and be it further enacted, That it ſhall be lawful for the reſpective Owners and Proprietors for the Time being, of the

the ſeveral Lands allotted in purſuance of this Act, to win, get, and work therein Free-ſtones, Lime-ſtones, Slates, and alſo Clay for Bricks and Tiles, or for any other Purpoſe, as well for the Uſe of the Grounds ſo to be allotted to them, as for the Uſe of the Meſſuages, Lands, Tenements, and Hereditaments, in reſpect of which ſuch Allotments ſhall be made, but for no other Uſe or Purpoſe whatſoever; and alſo to get Crow Coals in the ſaid ſeveral Lands ſo to be allotted to them reſpectively, for the Purpoſe of burning Lime-ſtones into Lime, but for no other Uſe or Purpoſe whatſoever.

The Act not to prejudice the Lords of the Manor, to the Royalties, &c.

LVIII. Provided always, and be it further enacted, That nothing in this Act ſhall be conſtrued to defeat, leſſen, or prejudice the Right, Title, and Intereſt of the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, their Succeſſors or Aſſigns, as Lords of the ſaid Manor of *Alſton* otherwiſe *Alſton Moor* and *Garragill*, of, in, and to all the Mines, Minerals, Foſſils, and Quarries, of what Nature or Kind ſoever, lying and being within or under the ſaid Commons, Moors, or Waſtes, hereby intended to be divided and incloſed, and alſo of, in, and to the Seigniories and Royalties incident or belonging to the ſaid Manor; but that the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, their Succeſſors and Aſſigns, and all and every other Perſon and Perſons claiming by, under, or in Truſt for them, as Lords of the ſaid Manor, and all ſucceeding Lords of the ſaid Manor for the Time being, ſhall and may, from Time to Time and at all Times for ever hereafter, have, hold, and enjoy all Quit Rents, Free Rents, and other Rents, Reliefs, Dues, Cuſtoms, Suits, and Services, and all Fines, Amerciaments, Courts, Courts Leet, and Views of Frank Pledge, Courts Baron, and all Profits and Perquiſites of Courts and Leets, and all Things which to Courts Leet and Views of Frank Pledge, and Courts Baron, do belong or appertain, with Free Warren, and Liberty of hawking, hunting, fiſhing, and fowling, within and throughout the ſaid Manor and every Part thereof, and all Goods and Chattels of Felons and Fugitives, Felons of themſelves and put in Exigent, Deodands, Treaſure Trove, Waifs, Eſtrays, Forfeitures, Eſcheats, Fairs, Markets, Tolls, Cuſtoms, Stallages, Dues, Rights, Royalties, Immunities, Juriſdictions, Franchiſes, Privileges, Profits, Commodities, Advantages, Emoluments, Hereditaments, Matters, and Things whatſoever, to the ſaid Manor or to the Lords thereof for the Time being, incident, belonging, or appertaining, (other than and except the Right to the Soil of the ſaid Commons, Moors, or Waſtes, and ſuch Common Right thereon reſpectively, as could or might be claimed by them, for which Compenſations are herein-before directed to be made), in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as they could or might have held and enjoyed the ſame if this Act had not been made; and that the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, their Succeſſors and Aſſigns, and all ſucceeding Lords of the ſaid Manor of *Alſton* otherwiſe *Alſton Moor* and *Garragill*, or their Tenants, Leſſees, or Aſſigns, ſhall and may, from Time to Time and at all Times hereafter, have, hold, win, work, and enjoy excluſively, all Mines, Minerals, Foſſils, and Quarries, of what Nature or Kind ſoever, (ſave and except the ſaid publick Quarries, and ſuch other Free-ſtone, Lime-ſtone, and Slate, and Crow Coals, as aforeſaid), within and under the ſaid Commons, Moors, or Waſtes, hereby directed to be divided, and within and under every Part thereof,

Lords of the Manor to work Mines, lay Waggon Ways, &c.

and

and the ſeveral Allotments thereof, in purſuance of this Act, together with all convenient and neceſſary Ways and Wayleaves, and alſo Liberty of laying, making, and repairing Waggon Ways and other Ways, in, through, over, and along the ſame, or any Part thereof, and alſo for ſearching for, winning, and working the ſaid Mines, Minerals, Foſſils, and Quarries, and leading and carrying away the Lead Ore, Lead, Coals, Stones, Foſſils, and other Things to be gotten thereout, or out of any other Mines, Minerals, Foſſils, and Quarries, or Collieries, belonging to the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, and of making Pits, Shafts, and Sumps, Pit Rooms, and Heap Rooms, Drifts, Levels, and Watercourſes, and of repairing, amending, and upholding the ſame, and of erecting, building, and uſing Houſes, Drawkilns, Erections, Buildings, Fire Engines, and other Engines, Mills, and other Erections and Buildings, and of altering, changing, pulling down, and carrying away the ſame, or all or any of the Materials thereof, at their free Will and Pleaſure, and to do, execute, and perform all ſuch other Works, Acts, Deeds, Matters, and Things, either now in Uſe or hereafter to be invented, as ſhall or may be neceſſary or convenient for the full and complete working, Uſe, and Enjoyment of ſuch Mines, Minerals, Foſſils, and Quarries, hereby reſerved, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as they might or could have done in caſe this Act had not been made.

Satisfaction to be made for Damage done in working Mines, &c.

LIX. And whereas on Account of the remote Situation of the ſaid Manor of *Alſton* otherwiſe *Alſton Moor* and *Garragill*, and its Diſtance from thoſe Parts of the County of *Cumberland* where Queſtions of Right are determined, in the ordinary Courſe of Judicature, it is expedient that certain Proviſions ſhould be made concerning the Compenſation of Damages to be done in ſearching for, winning, or working of Mines, Minerals, and Quarries, within or under any of the Commons or Waſtes hereby directed to be divided and allotted; be it further enacted, That in caſe the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, or any Perſon or Perſons claiming under them, ſhall, after ſuch Incloſures or Allotments made as aforeſaid, ſearch for, win, or work any Mine or Mines, Minerals or Quarries, lying and being within or under any of the Allotments or Incloſures to be made as aforeſaid, or lead or carry away the Produce of or from any ſuch Mines, Minerals, or Quarries, then and in ſuch Caſe the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, or ſuch Perſon or Perſons ſo claiming under them, ſhall make a reaſonable Satisfaction for the Damage and Spoil of Ground occaſioned thereby, or by the erecting or building any Houſes, Drawkilns, Erections, Buildings, Fire Engines, or other Engines, Mills, or other Erections, or by the altering, changing, repairing, amending, rebuilding, pulling down, or carrying away the ſame, or any of the Materials thereof as aforeſaid, to the Perſon or Perſons who ſhall be in Poſſeſſion of ſuch Ground at the Time or Times of ſuch Damage or Spoil; and in all Caſes where the Amount of the Damages claimed does not exceed the Sum of Twenty Pounds, ſuch Damages, where the Parties differ about the ſame, ſhall be aſcertained, ſettled, and determined by Two or more Juſtices of the Peace in and for the ſaid County of *Cumberland*, (not being intereſted in the Premiſes, nor in the Aſſeſſment of ſuch Damage), who are hereby empowered and required, upon Complaint thereof in Writing made to them by the Perſon

ſon or Perſons ſo damnified, to examine and enquire into ſuch Complaint or Complaints in a ſummary Way, either by Examination of Witneſſes upon Oath, (which Oath the ſaid Juſtices are hereby empowered and required to adminiſter), or by ſuch other Evidence or Proof, Ways and Means, as to them ſhall ſeem requiſite and expedient in that Behalf, and to aſſeſs, ſettle, and determine the Amount or Value of the Damages ſuſtained by ſuch Perſon or Perſons as aforeſaid, which Amount or Value of ſuch Damages ſhall be paid and borne by the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, or the Perſon or Perſons claiming under them as aforeſaid, as the ſaid Juſtices ſhall direct or appoint, ſo as there be Fourteen Days previous Notice at leaſt given of ſuch Complaint or Complaints to the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, or their Receiver or Receivers, or Agent or Agents, for the Time being, or the Perſon or Perſons claiming under them as aforeſaid; and in caſe he, ſhe, or they ſhall neglect or refuſe to pay ſuch Damages within a Time (not exceeding Six nor leſs than Two Calendar Months) to be limited by ſuch Juſtices, to the Perſon or Perſons ſo injured or damnified as aforeſaid, then and in ſuch Caſe the ſaid Juſtices, by Warrant under their Hands and Seals, ſhall and they are hereby required to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Occupier or Occupiers of any of the Allotments to be made by virtue of this Act, to the ſaid Commiſſioners and Governors, or upon the Goods and Chattels of the Perſon or Perſons ſo claiming under the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, rendering the Overplus, (if any be), after deducting the reaſonable Charges of ſuch Diſtreſs and Sale to the Owner or Owners of ſuch Goods and Chattels upon Demand; and the Determination of the ſaid Juſtices in the Premiſes ſhall be final, binding, and concluſive, to and upon all Parties whomſoever.

Satisfaction to be made for Damages.

LX. And be it further enacted, That in all Caſes where the Claim of Satisfaction for ſuch Damages as laſt aforeſaid ſhall exceed the Sum of Twenty Pounds, and the Perſon or Perſons ſo claiming, ſhall ſignify ſuch Claim in Writing to the Sheriff of the ſaid County of *Cumberland* for the Time being, it ſhall and may be lawful for the Sheriff of the ſaid County of *Cumberland* for the Time being, and he is hereby authorized and required to cauſe a Jury of Twelve indifferent Men of the ſaid County of *Cumberland*, to enquire and determine upon their Oaths (which Oath the ſaid Sheriff is hereby empowered and required to adminiſter) what Damages have been ſuſtained by, and what Recompence and Satisfaction ſhall be made to ſuch Perſon or Perſons ſo damnified and claiming as laſt aforeſaid, and in order thereto, ſuch Sheriff is hereby empowered and required, from Time to Time as Occaſion ſhall be or require, to ſummon and call before the Jury, and examine upon Oath, all and every Perſon or Perſons who ſhall be thought neceſſary and proper to be examined as a Witneſs or Witneſſes touching or concerning the Premiſes, ſuch Witneſs or Witneſſes having firſt had tendered to him or them a reaſonable Satisfaction for his or their Attendance, which Oath ſuch Sheriff is hereby required and empowered to adminiſter, and ſhall order and cauſe the ſaid Jury to view the Places in Queſtion, if there ſhall be Occaſion, and uſe all other lawful Ways and Means, as well for his own as the ſaid Jury's better Information in the Premiſes, as they ſhall think fit; and after the ſaid Jury ſhall have enquired of, aſcertained,

and

and ſettled ſuch Damages and Recompence, ſuch Sheriff ſhall certify ſuch Damages and Recompence, ſo ſettled and aſſeſſed by the ſaid Jury, to any Two or more Juſtices of the Peace in and for the ſaid County of *Cumberland*, and the ſaid Juſtices ſhall thereupon order, adjudge, and determine the ſaid Sum or Sums of Money ſo aſſeſſed by the ſaid Jury, to be paid to the Perſon or Perſons ſo dammified as aforeſaid, according to ſuch Verdict or Inquiſition of the ſaid Jury, which Verdict or Inquiſition, and Judgement, Order, and Determination ſo had and made, ſhall be final, binding, and concluſive, to all Intents and Purpoſes whatſoever; and in caſe the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, or their Receiver or Receivers, or Agent or Agents for the Time being, or the Perſon or Perſons claiming under them as aforeſaid, ſhall neglect or refuſe to pay ſuch Damages within a Time to be limited by the ſaid Juſtices, the ſame ſhall and may be levied by Warrant, Diſtreſs, and Sale, in the ſame Manner as is laſt herein-before mentioned.

Tenants paying Damages, to deduct the ſame out of their Rent.

LXI. Provided always, and be it further enacted, That every Tenant or Occupier, who ſhall have paid ſuch Damages and Charges as aforeſaid, or whoſe Goods and Chattels ſhall have been diſtrained and ſold for Payment of the ſame, ſhall and may, and they are hereby empowered to deduct and retain out of his or her Rent or Rents, ſo much Money as he or ſhe ſhall ſo pay, or for which his or her Goods and Chattels ſhall be diſtrained and ſold.

Certain Parts of the Commons not to be divided.

LXII. Provided always, and be it further enacted and declared, That nothing herein contained ſhall extend, or be conſtrued, deemed, or taken to extend, to empower the ſaid Commiſſioners to divide or allot the Commons, Moors, or Waſtes, within the Hamlet or Diſtrict of *Priorſdale* aforeſaid, or the ſaid Diſtrict, commonly called *Gilderſdale Foreſt* or *Gilderſdale Paſture* aforeſaid, or any of them, or any Part of the Ground upon which the Fair at *Garragill Gate* hath been uſually held, or to extinguiſh or affect the Tythes, or Payments in lieu of Tythes, ariſing within the ſame Hamlet or Diſtrict of *Priorſdale*, or within the ſaid *Gilderſdale Foreſt* or *Gilderſdale Paſture*, or any of them, or any Part thereof reſpectively.

General Saving.

LXIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and all and every other Perſon and Perſons Body and Bodies Politick and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, (other than and except the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital at *Greenwich*, in the County of *Kent*, and the ſeveral other Perſons, Bodies Politick or Corporate, to whom any Allotment or Allotments of Land or other Compenſation ſhall be made or provided by virtue of this Act, in reſpect of the Intereſt or Property for which ſuch Allotment or Allotments or Compenſation ſhall be made, his, her, and their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, and except ſuch other Rights and Intereſts as the Intent and Purpoſe of the Inclоſure hereby authorized ſhall abſolutely require to be barred, deſtroyed, or extinguiſhed, by virtue of this Act), all ſuch Eſtates, Rights, Titles, and Intereſts, as they, every, or any of them, had or enjoyed, of, in, to, or out of the ſaid Commons, Moors, or Waſtes, hereby directed to be

divided and allotted, before the passing of this Act, or could or might, or ought to have had or enjoyed, in case this Act had not been made.

Act to be printed by the King's Printer.

LXIV. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and may be given in Evidence in all Courts of Justice, and before all Judges and Justices, who shall take judicial Notice thereof, in like Manner as if the same had been declared to be a publick Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1803.