ANNO QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. 18.

An Act for incloſing Lands in the Pariſh of *Corſenſide*, within the Manor of *Ridſdale*, in the County of *Northumberland*. [9th *April* 1807.]

WHEREAS there are within the Pariſh of *Corſenſide*, in the County of *Northumberland*, Two Commons, or Tracts of Waſte Land, the one of the ſaid Commons, called *Cheſterhopo Common*, containing by Eſtimation Three thouſand Acres, or thereabouts, and the other of the ſaid Commons, called *Stiddlehill Common*, and containing by Eſtimation One thouſand two hundred Acres, or thereabouts, which ſaid Two Commons lie contiguous to and adjoin each other: And whereas the Moſt Noble *Hugh* Duke of *Northumberland* is Lord of the Manor of *Ridſdale*, and as ſuch is or claims to be ſeiſed of or entitled to the Soil and the Inheritance, and the Mines, Minerals, Quarries, and Royalties of, within, and under the ſaid Two Commons or Tracts of Waſte Land: And whereas *John Reed*, of *Chipchaſe Caſtle*, in the ſaid County of *Northumberland*, and *John Reed*, of *Acklington Park*, in the ſame County, Eſquires, and ſeveral other Perſons, are ſeiſed and poſſeſſed of divers Meſſuages, Lands, Tenements, and Hereditaments, within the Pariſh and Manor aforeſaid, and in reſpect thereof, or as appendant, appurtenant, or belonging thereto, they or their Leſſees, Farmers, or Tenants, are or claim to be entitled to Right of Common in and upon the ſaid Commons or Tracts of Waſte Land, or the one of them: And whereas the ſaid Commons or Tracts of Waſte Land, in their preſent State, are of little Uſe or Advantage, but conſiderable Parts thereof reſpectively are capable of Cultivation and Improvement,

provement, and the ſeveral Perſons entitled to ſuch Right of Common as aforeſaid are willing and deſirous that the ſaid Commons or Tracts of Waſte Land, with the Conſent of the Lord of the ſaid Manor, ſhould be divided and allotted, by Commiſſioners in that Behalf to be appointed, amongſt the ſaid *John Reed*, of *Chipchaſe Caſtle*, and *John Reed*, of *Acklington Park*, and the ſeveral other Perſons entitled to Right of Common thereon reſpectively, or otherwiſe intereſted therein, which will be advantageous to all the Parties intereſted, and tend greatly to the Improvement of their reſpective Eſtates; but, as 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, That *John Bell*, of *Newcaſtle upon Tyne*, Gentleman, and *William Bates* the elder, of *Chollerton*, in the County of *Northumberland*, Gentleman, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, and allotting the aforeſaid Commons or Tracts of Waſte Land, 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 controlled by or repugnant to any of the Clauſes, Proviſions, or Regulations, contained in this Act.

Commiſſioners.

II. Provided always, and be it further enacted, That if the Commiſſioners hereby appointed, or either of them, ſhall die, or ſhall neglect to act for the Space of One Calendar Month when occaſion ſhall require their Attendance on the Buſineſs hereby committed to their 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 nominated and appointed 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 Bell* ſhall die, neglect, refuſe, or become incapable to act as aforeſaid, the ſaid Duke of *Northumberland*, or the Lord or Lords, Lady or Ladies, for the Time being of the ſaid Manor, or the Guardian or Guardians of any Lord or Lords, Lady or Ladies, for the Time being of the ſaid Manor, being an Infant or Infants under the Age of Twenty-one Years, ſhall and may by any Inſtrument in Writing under his, her, their, or any of their Hand or Hands, within Thirty Days next after ſuch Death, Neglect, Refuſal, or Incapacity as aforeſaid, or ſo ſoon afterwards as conveniently may be, 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 Bell*; and in caſe the ſaid *William Bates* ſhall die, neglect, refuſe, or become incapable to act as aforeſaid, the major Part in Value of the Proprietors and Owners of Meſſuages, Lands, Tenements, and Hereditaments, entitled to Right of Common upon the ſaid Commons or Tracts of

New Commiſſioners to be appointed upon Vacancies.

Waſte Land hereby intended to be divided, excluſive of the Lord or Lords, Lady of Ladies of the ſaid Manor, 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 other Commiſſioner for putting this Act into Execution, by affixing the ſame on the principal Door of the Pariſh Church of *Corſenſide* aforeſaid, and alſo cauſing the ſame to be inſerted in One or more of the *Newcaſtle upon Tyne* Weekly Newſpapers, 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 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 reſpectively by whom ſuch Commiſſioner was nominated and appointed, or authorized to be nominated and appointed, their reſpective Heirs, Succeſſors, Agents, or Aſſigns, ſhall in like Manner nominate and appoint another Commiſſioner in his Room, and ſo from Time to Time as 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 as aforeſaid, ſhall have ſuch and the like Powers and Authorities for putting this Act into Execution as if he had been nominated 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 of the Forty-firſt Year of His preſent Majeſty's Reign, and this Act, is directed concerning the general Award to be made by the ſaid Commiſſioners.

How Differences between the Commiſſioners are to be ſettled.

III. And for the more effectually obviating and preventing any Inconvenience or Delay which might otherwiſe happen, or be occaſioned in the Proceedings of the ſaid Commiſſioners by reaſon of any Difference in Opinion between them touching or concerning any Matter or Thing in the Execution of the Powers of this Act, or any Point or Points, Queſtion or Queſtions, ariſing out of or relating thereto; be it further enacted, That if any Difference of Opinion ſhall happen to ariſe between the Commiſſioners for the Time being touching or concerning any Matter or Thing in the Execution of the Powers of this Act, or any Point or Points, Queſtion or Queſtions ariſing out of or relating thereto, then and as often as the Caſe ſhall ſo happen, all and every ſuch Matters or Things, or Points or Queſtions reſpectively, upon which there ſhall be any ſuch Difference in Opinion between the ſaid Commiſſioners as aforeſaid, ſhall be referred by the ſaid Commiſſioners to *George Sample*, of *Highwood* in the County of *Northumberland*, Gentleman, who is hereby appointed Umpire for the Purpoſe of hearing, adjudging, and determining all ſuch Matters in Diſpute, or Things, and Points or Queſtions, as ſhall or may ariſe or happen between the ſaid Commiſſioners as aforeſaid; and in caſe of the Death of the ſaid *George Sample*, or his refuſing to act as Umpire as aforeſaid, or his neglecting to act, or being rendered incapable of acting by Sickneſs or any other Cauſe whatſoever, during the Space of One Calendar Month when Occaſion ſhall require him to act, or in caſe of the Death, Refuſal, Neglect, or Incapacity of any other Perſon who may be appointed an Umpire in his

Place by virtue of this Act, the ſaid Commiſſioners ſhall and they are hereby required, by Writing under their Hands and Seals, from Time to Time and at all Times, as the Caſe ſhall happen, to nominate and appoint ſome other fit Perſon not intereſted in the ſaid intended Diviſion, Allotment, and Incloſure to be an Umpire in the Place of the Umpire ſo dying, refuſing, neglecting, or being rendered incapable of acting as aforeſaid, and every Perſon ſo to be nominated and appointed an Umpire in and by this Act, and the Determination and Award of the ſaid *George Sample*, or of ſuch other Perſon as ſhall for the Time being be nominated and appointed Umpire as aforeſaid, to be expreſſed in Writing under his Hand, ſhall be and ſhall be taken and deemed by the ſaid Commiſſioners as concluſive and binding upon them as to all and every the Matters or Things, or Points or Queſtions ſo reſpectively referred to his Determination as aforeſaid, to the Intent that the ſaid Commiſſioners may be thereby enabled to proceed in the Execution of the Powers of this Act, and to make their Award, as herein-after directed, notwithſtanding any ſuch Difference in Opinion between them as aforeſaid; and the ſaid *George Sample*, to whom ſuch Diſputes or Things, and Points or Queſtions ſhall be referred as aforeſaid, and ſuch other Perſon or Perſons as ſhall or may hereafter be nominated and appointed Umpire, ſhall take and ſubſcribe ſuch or a ſimilar Oath (to be adminiſtered by the ſaid Commiſſioners or the one of them) as by the ſaid Act of the Forty-firſt Year of His preſent Majeſty's Reign is directed to be taken by Commiſſioners, and ſhall have, and is hereby veſted with the ſame Powers and Authorities as by the ſaid Act and this preſent Act are given to the Commiſſioners hereby appointed; but ſo nevertheleſs, as that the ſaid *George Sample* and ſuch other Perſon or Perſon as ſhall or may hereafter be nominated and appointed Umpire, ſhall not be empowered to act for any other Purpoſe than the determining of ſuch Matters as may be referred to him or them as aforeſaid; and that the ſaid *George Sample*, and ſuch other Perſon or Perſons who ſhall be nominated and appointed Umpire for the Time being, ſhall be paid ſuch Sum and Sums of Money, as a Compenſation for his and their Trouble in determining the Matters ſo to be referred to him or them as aforeſaid, as the ſaid Commiſſioners ſhall think reaſonable, and which Sums of Money the ſaid Commiſſioners are hereby authorized and required to pay out of the Monies herein-after directed to be raiſed for carrying this Act into Execution.

Commiſſioners to give Notice of holding their Meetings.

IV. 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 *Corſenſide* aforeſaid, and alſo to be inſerted in One or more of the *Newcaſtle-upon-Tyne* Weekly Newſpapers, of the Time and Place of their Firſt, Second, and Third Meeting reſpectively, which ſhall be held at *Woodburn Bridge End*, in the County of *Northumberland*, for putting this Act in Execution, at leaſt Fourteen Days before ſuch Meeting reſpectively; 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 ſaid Pariſh Church of *Corſenſide* aforeſaid, One Calendar Month at leaſt before every ſubſeqent 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

Out

out giving any Notice whatſoever of ſuch Meeting or Meetings by Adjournment or 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: Provided always, that if it ſhall happen that only 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 One Calendar Month, as he ſhall ſee moſt convenient, giving due Notice thereof in Writing to the other of the ſaid Commiſſioners.

If only One Commiſſioner preſent, he may adjourn, giving Notice to the other Commiſſioners.

V. And be it further enacted, That true and exact Surveys and Admeaſurements ſhall be taken, and fair Plans made, of the ſaid Commons or Tracts of Waſte Land ſo intended to be divided and allotted; and alſo of the ſeveral Meſſuages, Lands, Tenements, and Hereditaments, in reſpect of which Right of Common is claimed thereon reſpectively, ſome Time before the Firſt Day of *April* which ſhall be in the Year of our Lord One thouſand eight hundred and eight, or as ſoon after as conveniently may be, by *William Bates* the younger, of *Chollerton*, in the County of *Northumberland*, Land Surveyor; or in caſe of the Death, Neglect, Refuſal, or Incapacity by Sickneſs, or any other Cauſe whatſoever, of the ſaid *William Bates* the younger, for the Space of Three Calendar Months, then the ſame ſhall be made and taken 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 ſo intereſted, as the Commiſſioners for the Time being ſhall by Writing under their Hands from Time to Time nominate and appoint.

Surveys to be taken.

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

Surveyor to take an Oath.

'I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly act according to the beſt of my Skill and Judgement in ſurveying and admeaſuring the Commons or Tracts of Waſte Land intended to be divided and incloſed by virtue of an Act, paſſed in the Forty-ſeventh Year of the Reign of His preſent Majeſty King *George* the Third, intituled, [*Here ſet forth the Title of this Act*]; and alſo the ſeveral Meſſuages, Lands, Tenements, and Hereditaments in reſpect whereof Right of Common ſhall be claimed on the ſame Commons or Tracts of Waſte Land reſpectively, and in making true Maps or Plans thereof to be laid before the Commiſſioners for putting the ſaid Act into Execution.

'So help me GOD.'

Surveyor's Oath.

Which Oath the ſaid Commiſſioners, or 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 enrolled 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.

How to be adminiſtered.

Charge to be paid Surveyor.

VII. And be it further enacted, That the Surveys or Admeaſurements, including all neceſſary Re-ſurveys, and all Plans, except the fair Plan upon Vellum herein-after particularly mentioned, ſhall be paid for at and after the Rate of Sixpence per Acre for each and every Acre of the Land which ſhall be ſurveyed, admeaſured, and planned 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 ſuch Surveyor before ſuch Surveys, Admeaſurements, and Plans as aforeſaid, ſhall be finiſhed, then and in every ſuch Caſe the Executors or Adminiſtrators of every ſuch Surveyor ſo dying, ſhall be paid after the Rate of Four-pence per Acre for each and every Acre which ſhall have been once only ſurveyed; and Sixpence per Acre for each and every Acre that ſhall have been ſurveyed more than Once; and for ſetting out the Allotments, attending the Commiſſioners, and executing ſuch other Buſineſs as ſhall neceſſarily have been done by the ſaid Surveyor relative to the ſaid Diviſion, at and after the Rate of Two Pounds Two Shillings for every Day on which he ſhall have been ſo employed.

Surveyor to make a fair Plan upon Vellum of the Common, and his Charge for the ſame.

VIII. 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 completed, make a fair Plan 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 Plan upon Vellum the Sum of Twenty-one Pounds ſhall be paid, and no more.

Encroachments, except thoſe made for 21 Years, to be deemed Part of the Lands to be divided.

IX. And be it further enacted, That all Incloſures and Incroachments which ſhall have been taken in and made from the ſaid Commons or Tracts of Waſte Lands, (ſave and except ſuch as have been peaceably and quietly enjoyed for the Space of Twenty-one Years laſt paſt, or upwards, without any Interruption or Payment of any Acknowledgment) ſhall be deemed Part and Parcel of the ſaid Commons or Tracts of Waſte Land ſo to be divided as aforeſaid; and in caſe any Difference or Diſpute ſhall ariſe touching any ſuch Incloſures or Encroachments being deemed Part or Parcel of the ſaid Commons or Tracts of Waſte Lands, ſuch Differences or Diſputes ſhall be examined into and determined by the ſaid Commiſſioners.

Commiſſioners to determine Differences.

X. 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 of 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.

XI. Provided always, and be it further enacted, That if any Perſon or Perſons 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, or Umpire, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person or Persons so desirous of having 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 either of them, within Two Calendar Months next after such Determination shall have been so made by the said Commissioners or Umpire, of which Notice the said Commissioners or Umpire [*as the Case may be*] are hereby required immediately on Receipt thereof, or as soon afterwards as conveniently may be, 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 to and for the Person or Persons 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 *Northumberland*, in a feigned Action or Actions for that Purpose, to be commenced in His Majesty's Court of King's Bench or Common Pleas, at *Westminster*, by the Person or Persons giving such Notice as aforesaid, against the Lord of the said Manor of *Ridsdale*, or any Person or Persons 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 or Umpire 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 Court wherein such Action shall be brought, 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 Persons whomsoever; and after any Verdict or Verdicts shall have been obtained, and not set aside by the Court, the said Commissioners shall, and they 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 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 *Northumberland*, after the Expiration of Twenty Days from the Day of giving such Notice, by or on Account of the Neglect or Default of the 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.

Actions not to abate by the Death of the Parties.

XII. Provided always, and be it enacted, That if any of the Parties in any Action or Actions to be brought and prosecuted in pursuance of

of this Act, ſhall die pending the ſame, ſuch Action or Actions ſhall not abate by Reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened.

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 whoſe Claim or Claims, Objection or Objections, Complaint or Complaints, ſhall be thereby diſallowed [*as the Caſe may 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, then in ſuch Caſe 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 it ſhall be ſufficient for the Plaintiffs to declare that the Defendant is indebted to him in the Sum ſpecified in the Order of the Adjudication made by the ſaid Commiſſioners, and in conſequence of ſuch Order of Adjudication, without ſetting forth any other of the Proceedings therein had.

Commiſſioners to determine to what Townſhips Roads to belong.

XIV. And, for the preventing all Diſputes and Differences which may ariſe touching the Repairs of the publick Highways and Roads which ſhall be ſet out and appointed in purſuance of this Act, or of the ſaid Act of the Forty-firſt Year aforeſaid; be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to determine and adjudge what Part or Parts of the ſaid Highways and Roads ſo to be ſet out and appointed ſhall or do belong to any Townſhips or Quarters reſpectively; and the ſaid Commiſſioners ſhall in and by their general Award, order and direct by what Townſhips or Quarters reſpectively ſuch Highways and Roads ſhall be maintained, amended, and kept in Repair, and the Owners or Occupiers for the Time being in each of ſuch Townſhips or Quarters reſpectively, ſhall, from and after the Execution of the ſaid general Award of the ſaid Commiſſioners, maintain, amend, and keep ſuch reſpective public Highways and Roads in Repair as ſhall be ſo determined and adjudged to belong to ſuch Townſhips or Quarters reſpectively, in the ſame Manner as ancient and common publick Highways and Roads are by Law to be amended and kept in Repair.

Commiſſioners to ſet out Common Quarries, and how to be enjoyed.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall alſo ſet out, appoint, and allot ſuch and ſo many Freeſtone Quarries, Limeſtone Quarries, and Slate Quarries, in each of the ſaid Commons or Tracts of Waſte Land, as they ſhall think neceſſary for the Uſe and Benefit of the Lord or Lords, Lady or Ladies of the ſaid Manor, his, her, or their Succeſſors, Tenants, Leſſees, or Aſſigns; and alſo for the Uſe and Benefit of the Proprietors and Occupiers of the ſeveral Allotments which ſhall be made of the ſaid Commons or Tracts of Waſte Land reſpectively, in purſuance of this Act; and alſo of all the Proprietors and Occupiers of ancient Meſſuages, Lands, Tenements, and Hereditaments, in reſpect of which any ſuch Allotment ſhall be made, to be uſed in or upon

upon ſuch Allotments or ancient Meſſuages, Lands, Tenements, and Hereditaments reſpectively, or for making and repairing the public Highways or Roads ſo to be made as aforeſaid, 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 be reſpectively worked for the general Advantage of the reſpective Perſons intereſted therein.

Part of each Common to be ſet out for a Peat Moſs.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall, if they think proper, aſſign, ſet out, and appoint ſuch Part or Parts, Parcel or Parcels of the ſaid Commons or Tracts of Waſte Land as is or are conveniently ſituated and fit and proper for the digging, cutting, and curing of Peats, for the Uſe and Benefit of the Lord or Lords, Lady or Ladies of the ſaid Manor, and his, her, or their Succeſſors, Farmers, Tenants, Leſſees, or Aſſigns; as alſo for the Uſe and Benefit of the Proprietors and Occupiers for the Time being of Meſſuages or other Buildings, in reſpect whereof any Allotments of the ſaid Commons or Tracts of Waſte Land ſhall be made in purſuance of this Act, or which ſhall be erected and built upon any ſuch Allotment or Allotments, to be uſed in all Times thereafter as Peat Moſſes by the Lord or Lords, Lady or Ladies of the ſaid Manor, his, her, or their Succeſſors, Farmers, Tenants, Leſſees, or Aſſigns, and the ſaid other Proprietors for the Time being, and their ſeveral Tenants and Leſſees; all which Peats ſhall be uſed for Fuel in and about the Meſſuages and other Buildings to be erected upon the ſaid reſpective Allotments, or in or about the ſeveral Meſſuages or other Buildings in reſpect whereof ſuch Allotments ſhall be made, but not for Sale, or any other Purpoſe whatſoever.

Commiſſioners may reſtrict the Uſe of any particular Quarry or Peat-moſs.

XVII. And be it further enacted, That it ſhall and may be lawful to and 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 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 other or others of them; provided other Quarry or Quarries, or Peat Moſs or Peat Moſſes, are by them the ſaid Commiſſioners ſet out and appointed for the Uſe and Enjoyment of thoſe ſo excluded.

Allotments of 1-16th of the Commons to the Lord of the Manor for Soil.

XVIII. 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 unto the ſaid *Hugh* Duke of *Northumberland*, or to the Perſon or Perſons who ſhall then be entitled to the Manor of *Ridſdale* aforeſaid, his, her, or their Heirs and Aſſigns, One full Sixteenth Part in Value, Quantity, Quality, and Situation, conſidered, of each of the ſaid Commons or Tracts of Waſte Land ſo reſpectively to be divided and allotted, after deducting the publick Carriage Roads, Drains, Watercourſes, Peat Moſſes, and Quarries, in lieu of and as a full Compenſation and Satisfaction for his, her, or their Right and Intereſt to the Soil of the ſaid Commons or Tracts of Waſte Land ſo to be divided and allotted; and alſo for his, her, or their Conſent to the ſaid Diviſion and Incloſure thereof.

The Lord's 1-16th of each Common to be awarded to lie each in one Plot.

XIX. And be it further enacted, That such One full Sixteenth Part or Share of the said Commons or Tracts of Waste Land, when and so soon as the same shall be assigned, set out, allotted, and appointed as aforesaid, shall be and be deemed Part and Parcel of the said Manor of *Ridsdale*, within which the said Commons are situate, and that One Sixteenth Part or Share of each of the said Commons, intended to be divided by virtue of this Act shall be respectively assigned, set out, allotted, and appointed to lie in one entire Plot or Parcel; and that the said One Sixteenth Part of *Chesterhope Common* shall be so set out, allotted, and appointed, as to take in the Improvements made upon Part of the Common by the Lessee of the Colliery there of the said *Hugh* Duke of *Northumberland*; and the said Commissioners are hereby directed and required, in their Valuation of such Improvement for the Purpose aforesaid, to estimate the same according to its original Value in its open State, without any Regard to the Improvement made therein, or to the Value of the Edifices and Buildings which are erected and built thereupon.

Allotment of the Residue of the Common.

XX. 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 or Tracts of Waste Land, after the said Allotments herein-before directed to be made as aforesaid shall have been made and set out, unto and amongst the said *John Reed* of *Chipchase Castle*, *John Reed* of *Acklington Park*, and the several other Persons respectively having Right of Common upon the said Commons or Tracts of Waste Land respectively, in Proportion and according to the respective Values of their several Messuages, Lands, Tenements, and Hereditaments in respect whereof they are so entitled thereto respectively as aforesaid: Provided always, that all the 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 and four, 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 and four, but such last-mentioned Houses and Buildings shall be considered as included in the said 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 or Tracts of Waste Land 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.

Houses not occupied with a Farm on the 12th of May 1804, to be valued separate.

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

XXI. Provided always, and be it further enacted, That all the Allotments to be made and set out 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

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.

Encroachments to be allotted to Perſons in Poſſeſſion thereof.

XXII. 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 Occupiers of the adjoining Lands, to aſſign and allot unto ſuch Perſon or Perſons entitled to and having Right of Common upon the ſaid Commons or Tracts of Waſte Land as are in the Poſſeſſion of any ſuch Encroachment or Encroachments of the ſaid Commons or Tracts of Waſte Land, all and every the Lands and Grounds compriſed therein, and all Edifices and Buildings erected thereon, for or 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 in 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 Encroachment or 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 and built thereupon.

Diſtinct Allotments to be made for Lands holden by different Titles, or for different Eſtates.

XXIII. And be it further enacted, That in caſe the Proprietor or Proprietors of any Lands or other Hereditaments by this Act authorized to be divided, allotted, or exchanged, ſhall hold their reſpective Lands or Hereditaments for different Eſtates or under different Titles, the ſaid Commiſſioners ſhall aſcertain and diſtinguiſh the Lands or other Hereditaments held 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.

Allotments that may happen to be ſold, may on Requeſt be allotted to the Purchaſer by the general Award.

XXIV. And be it further enacted, That if any Perſon or Perſons entitled in Fee Simple to any Allotment or Allotments of the ſaid Commons or Tracts of Waſte Land, 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 Draft of their general Award, ſignify 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 thereof; and ſuch 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 are hereby declared to be veſted in Fee Simple in the Perſon or Perſons to whom the ſame ſhall have been by ſuch Notice in Writing as aforeſaid ſo ſignified and declared to be ſold and diſpoſed of, and his, her, or their Heirs and Aſſigns, to all Intents and Purpoſes whatſoever.

Allotment to be in the ſame Townſhips as the ancient Lands.

XXV. Provided always, and be it further enacted, That the ſeveral Allotments of the ſaid Commons or Tracts of Waſte Land to be aſſigned, ſet out, allotted, and appointed by the ſaid Commiſſioners as aforeſaid, in reſpect of any Meſſuages, Lands, Tenements, or Hereditaments having Right of Common thereon as aforeſaid, ſhall be deemed, adjudged, and taken, and is and are hereby declared to be Part and Parcel of and within the Townſhips, Quarters, or Places reſpectively wherein the Meſſuages, Lands, Tenements, or Hereditaments do lie or are ſituate in reſpect of which ſuch Allotments ſhall be reſpectively made.

Award to be enrolled and depoſited with the Clerk of the Peace.

XXVI. 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 His preſent Majeſty's Reign, and this Act, ſhall be enrolled with the Clerk of the Peace for the County of *Northumberland*, on or before the general Quarter Seſſions of the Peace for the ſaid County, which ſhall be held next after the Feaſt of Saint *Michael* the Archangel, which will be in the Year of Our Lord One thouſand eight hundred and ten, or ſo ſoon after as conveniently may be; and the ſaid original general Award, and ſuch Plans or Surveys as may be annexed thereto, ſhall be lodged and depoſited in the Pariſh Church of *Corſenſide* aforeſaid, to the End that Recourſe may be had thereto by any Perſon or Perſons intereſted in the ſaid Diviſion; which ſaid Award and Plans, 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 given by the Party requiring ſuch Inſpection.

Commiſſioners may execute a Duplicate of the Award for any Perſon requiring and paying for the ſame.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall at the Requeſt, Coſts, and Charges of any Perſon or Perſons, 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 another Part, or other Parts of the ſaid Award, Plans, and Surveys, or any of them, for the Uſe of the Perſon or Perſons requeſting the ſame, and ſuch other Part, or other Parts 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.

XXVIII. 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, and Fines, Dues, Duties, Suits, and Services 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

are and have heretofore been holden reſpectively; and the Lord of the ſaid Manor of *Ridſdale*, his Heirs, Succeſſors, and Aſſigns, 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 Lord of the ſaid Manor of *Ridſdale*, his Heirs, Succeſſors, and Aſſigns.

Act not to affect Deeds or Wills, but Allotment to go to the ſame Uſes.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued, deemed, or 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 Encumbrance of, in, out of, or upon, or affecting any of the Meſſuages, Lands, Tenements, Common Rights, or other Hereditaments in reſpect whereof any Allotment of the ſaid Commons or Tracts of Waſte Land 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 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 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, Proviſos, 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 been paſſed, except as to ſuch Leaſes and Agreements at Rack Rent as ſhall be determined under this Act.

In Caſes where Lands ſhall be holden by different Titles, &c. and the Commiſſioners ſhall not have diſtinguiſhed ſuch Lands and awarded diſtinct Allotments for the ſame in their general Award, they may, on Requeſt, do the ſame by Deed after the making of the ſaid Award.

XXX. 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 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 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

when they ſhall have obtained what they ſhall deem ſufficient Information, are hereby alſo authorized by any Deed under their Hands and Seals to diſtinguiſh and aſcertain the Difference of Tenure, 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 ſhall be enrolled in the ſame Place, and Evidence thereof ſhall be given in the ſame Manner as by the ſaid Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and this Act, or either of them reſpectively, is directed concerning the ſaid general Award of the ſaid Commiſſioners; and all Expences which ſhall be reaſonably incurred in or about any ſuch ſeparate Inſtrument as aforeſaid ſhall be paid by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioners to make and execute the ſame, or by his or their Heirs, Executors, or Adminiſtrators, and every ſuch ſeparate Inſtrument ſhall from and immediately after the due Execution thereof by the ſaid Commiſſioners, have the ſame Effect to all Intents and Purpoſes as if the Contents thereof had been inſerted and contained in their ſaid general Award, and the ſame ſhall after ſuch Inrolment as aforeſaid be delivered to the Perſon or Perſons upon whoſe Requeſt any ſuch Omiſſion ſhall have been ſo 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 Commiſſioners, moſt properly belong.

Exchanges.

XXXI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to ſet out, aſſign, and 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 *Corſenſide* aforeſaid, in lieu of and in exchange for any other Meſſuages, Buildings, Lands and Hereditaments, in the ſame Pariſh, with ſuch Exceptions and Reſervations as may be thought neceſſary, ſo that every ſuch Exchange be ſet forth and aſcertained by the general Award of the ſaid Commiſſioners, and alſo be made with the Conſent of the reſpective Proprietors, or Perſons ſeized or entitled in Poſſeſſion of or to the Hereditaments ſo to be exchanged for any Life or Lives, 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, Lunatics, Perſons beyond the Seas, or under any other legal Diſability or Incapacity of acting for themſelves, and ſo as all Exchanges of Lands or other Hereditaments belonging to the Rectory of *Corſenſide* aforeſaid, or any other Eccleſiaſtical Corporation, be alſo made with the Conſent of the Patron thereof and the Biſhop of the Dioceſe in which the ſame is ſituate; ſuch Conſents to be teſtified by Writing under the Hands and Seals of the conſenting Parties, or under the Common Seal of any of them, being Corporations Aggregate; and every Exchange ſo made and declared ſhall be for ever good, valid, and effectual in Law, and the reſpective Lands or 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 the ſame Perſon or Perſons, and to, for, and upon the ſame Uſes, Truſts, Intents, and Purpoſes, and be ſubject to the ſame Powers, Conditions, Covenants, and Agreements, as the Lands or Hereditaments in reſpect whereof the ſame ſhall be exchanged would have gone and remained, and have been ſubject or liable to, in caſe the Exchange thereof had not been made.

Notices to be publiſhed in the Newcaſtle Courant.

XXXII. 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

be given or publiſhed in ſome Public 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 *Newcaſtle Courant*, or if that Newſpaper ſhall not then be publiſhed, then in ſome other Newſpaper or Newſpapers generally circulated in the County of *Northumberland*.

Allotments to be fenced or walled.

XXXIII. And be it further enacted, That the ſaid ſeveral Allotments to be made by virtue of this Act ſhall be incloſed, walled, or hedged, ditched, and fenced by and at the Expence of ſuch reſpective Proprietors, 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, except only ſuch Allotments which ſhall and are herein-before directed to be allotted unto the Lord of the ſaid Manor.

Proprietors may get Stones in their Allotments.

XXXIV. And be it further enacted, That it ſhall and may be lawful to and for the Owners and Occupiers of any of the Allotments to be ſet out or allotted by virtue of this Act, at any Time or Times hereafter to win, get, and work Freeſtone, Limeſtone, and Slate in and upon the ſame Allotments reſpectively, and alſo to win, get, and work Stones in and out of the Common Quarries to be ſet out as is before directed as well for the Uſe of the Grounds ſo to be allotted to them as of their ancient incloſed Grounds in reſpect whereof ſuch Allotments ſhall be made, but to or for no other Uſe, Intent, or Purpoſe whatſoever; and that it ſhall and may be lawful for the ſaid reſpective Owners and Occupiers of the ſaid ſeveral allotted Lands, to dig, get, and cure therein Peats for Fuel, or any other Uſe or Purpoſe whatſoever; and further, that it ſhall and may be lawful for the ſaid reſpective Owners and Occupiers of the ſaid ſeveral allotted Lands to dig, get, and cure therein Clay for Bricks or for Tiles, or any other Uſe or Purpoſe whatſoever, ſo as the ſame be not carried off from the Lands or Grounds to be hereby allotted, or the ancient incloſed Grounds in reſpect whereof ſuch Allotments ſhall be made, but ſhall be excluſively confined to and for the Uſe of the ſame reſpectively, and ſhall not be ſold or uſed for any other Purpoſe whatſoever.

Owners to enjoy Mines, &c. under their ancient Freehold Eſtates, which may be given in Exchange for Allotment of Common, paying Damage for Spoil of Ground.

XXXV. Provided always, and be it further enacted, That in caſe it ſhall happen that any of the 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 or Tracts of Waſte Land, then and in ſuch Caſe the Proprietors of ſuch ancient Freehold Meſſuages, Lands, Tenements, or Hereditaments ſo exchanged as aforeſaid, their reſpective Heirs or Aſſigns, ſhall from Time to Time and at all Times for ever thereafter have, hold, and enjoy all and all Manner of Mines, Minerals, 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, or Quarries, and Liberties, Powers, Privileges, and Authorities aforeſaid reſpectively, in caſe this Act had not been made, or in caſe ſuch ancient Meſſuages, 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.

XXXVI. Provided

Exchanges.

XXXVI. Provided always, 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, 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 Lord of the ſaid Manor, his Heirs, 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.

No Turves or Sods to be cut.

XXXVII. 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 Lord of the ſaid Manor, his Heirs, Succeſſors 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 off the ſaid Commons or Tracts of Waſte Land, 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 Lord of the ſaid Manor, his Heirs, Succeſſors, or Aſſigns, ſuch Sum not exceeding Thirty-nine 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 of *Ridſdale*, 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 Goods and Chattels of the Perſon or Perſons 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.

Commiſſioners to pay their own Expences.

XXXVIII. And be it further enacted, That the Commiſſioners acting in the Execution of this Act ſhall, at all and every of their Meetings for putting this Act into Execution, bear and pay their own Expences; and that when and ſo 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 into Execution.

Commiſſioners to account.

XXXIX. 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 and 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 Hopper Williamſon*, of the Town and County of *Newcaſtle-upon-Tyne*, Eſquire, who is hereby appointed

pointed 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 of the ſaid Proprietors for the Purpoſe of appointing a Commiſſioner in the Place of the ſaid *William Bates* the elder; 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 of 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, and 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.

Money which may be advanced for obtaining or executing this Act, to be repaid in the Firſt Place with Intereſt.

XL. And be it further enacted, That if any of the Perſons who have Right of Common in or upon the ſaid Commons or Tracts of Waſte Land, or any other Perſon or Perſons on their Behalf, ſhall advance or lend any Sum or Sums of Money for the Purpoſe of defraying the Expence of applying for and obtaining this Act, and of carrying the ſame into Execution, all ſuch Perſons ſhall be fully repaid the ſame, together with Intereſt thereon, after the Rate of Five Pounds for each One hundred Pounds for a Year, out of the firſt Money which ſhall be raiſed for the Purpoſes of this Act, ſuch Intereſt to be computed from the Time or reſpective Times of advancing and lending the ſaid Sum or Sums of Money to the Time or reſpective Times of the Repayment thereof.

Expences of the Diviſion to be paid by the Parties.

XLI. And be it further enacted, That as well the Fees and Payments to the ſaid Commiſſioners, as alſo the Charges and Expences incident to and attending the ſoliciting, obtaining, and paſſing of this Act, and of the ſurveying, planning, meaſuring, dividing, and allotting the ſaid Commons or Tracts of Waſte Land, and of the preparing, making, executing, and enrolling the ſaid Award of the ſaid Commiſſioners, Inſtruments of Election, and of ſetting out and making the Highways and Roads as aforeſaid, 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 attending the Execution of this Act, ſhall be borne and defrayed by the ſeveral and reſpective Perſons to whom any Allotment or Allotments of the ſaid Commons or Tracts of Waſte Land ſhall be reſpectively made 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 the 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, by Writing under their Hands, Twenty Days before the Time

appointed for ſuch Payments; and in caſe any Perſon or Perſons intereſted in the ſaid intended Diviſion and Incloſure ſhall refuſe or neglect to pay his, her, or their Share or Proportion, Shares or Proportions, of all ſuch Fees, Payments, Charges, and Expences, within the Time ſo to be limited and appointed as aforeſaid, to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, the ſaid Commiſſioners ſhall, and they are hereby empowered and required, either by Warrant under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo reſpectively refuſing or neglecting to pay the ſame, rendering the Overplus (if any) on Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the Coſts and Charges of taking and making ſuch Diſtreſs and Sale; or in caſe no ſuch Diſtreſs and Sale can or may be had, taken, or made as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners to ſell or mortgage the Allotment or Allotments of the Perſon or Perſons ſo refuſing or neglecting to pay his, her, or their Share and Proportion of the Fees, Payments, Charges, and Expences as aforeſaid; or ſo much and ſuch Part and Parts of ſuch Allotment or Allotments as ſhall be ſufficient to raiſe Money to pay his, her, or their Proportion of all ſuch Fees, Payments, Charges, and Expences as aforeſaid, and alſo the Charges and Expences of ſuch Sale or Mortgage, and the other neceſſary Expences attending the ſame, in Manner and Form as is directed and enacted by the Forty-firſt Year of His preſent Majeſty's Reign, for mortgaging any of the Allotments aforeſaid by the ſaid Commiſſioners.

The Act not to prejudice the Lord of the Manor to the Royalties.

XLII. 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 Moſt Noble *Hugh* Duke of *Northumberland*, his Heirs, Succeſſors, and Aſſigns, as Lord of the ſaid Manor of *Ridſdale*, of, in, and to all Mines, Minerals, and Quarries, of what Nature and Kind ſoever, lying and being within or under the ſaid Common or Tracts of Waſte Land 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 Duke of *Northumberland*, his Heirs, Succeſſors, and Aſſigns, and all and every other Perſon and Perſons claiming by, under, or in Truſt for him or them, as Lord of the ſaid Manor, and all ſucceeding Lord or Lords, or Lady or Ladies 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 Frankpledge, Courts Baron, and all Profits and Perquiſites of Courts and Leets, and all Things which to Courts Leet and Views of Frankpledge 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, Treaſuretrove, 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 Lord or Lady thereof for the Time being, incident, belonging, or appertaining, other than and except the Right to the Soil of the ſaid Commons or Tracts of Waſte Land, and ſuch Common Right thereon reſpectively as could or might be claimed by them, for which Compenſation is herein-before directed to be made, in as full, ample,

ample, and beneficial Manner, to all Intents and Purpoſes, as they could or might have held and enjoyed the ſame if this Act had not been made, ſubject only to the Rights and Privileges herein-before reſerved and given in reſpect of the ſaid public Quarries and public Peat Moſſes, and alſo in reſpect of ſuch other Freeſtone, Limeſtone, and Slate, Peats, and Clay reſpectively, as are herein-before permitted to be gotten and taken from or out of the Allotments to be ſet out under the Power of this Act; and that the ſaid Moſt Noble *Hugh* Duke of *Northumberland*, and all ſucceeding Lord or Lords, or Lady or Ladies of the ſaid Manor, or his, her, and their Tenants, Leſſees, or Aſſigns, ſhall and may from Time to Time, and at all Times hereafter, have, hold, win, work, and enjoy excluſively, (ſubject only to the Rights and Privileges herein-before mentioned) all Mines, Minerals, and Quarries of what Nature or Kind ſoever, within and under the ſaid Commons or Tracts of Waſte Land hereby directed to be divided, and within and under every Part thereof reſpectively, and the ſeveral Allotments to be made thereof in purſuance of this Act, together with all convenient and neceſſary Wayleaves and Ways, 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, 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, and Quarries, or Collieries, belonging to the ſaid Duke of *Northumberland*, his Heirs, 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, and Quarries hereby reſerved, in as full, ample, and beneficial Manner to all Intents and Purpoſes as they might or could have done in caſe this Act had not been made.

Lord of the Manor to work Mines and lay Waggon Ways.

XLIII. And be it further enacted, That in caſe the ſaid Duke of *Northumberland*, his Heirs, Succeſſors, or Aſſigns, or any Perſon or Perſons claiming under him or them, ſhall after ſuch Allotments and Incloſures 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 Duke of *Northumberland*, his Heirs, Succeſſors, or Aſſigns, or ſuch Perſon or Perſons ſo claiming under him or 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, re-building, 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 alſo ſhall from Time to Time fill up all uſeleſs Pits and Shafts, ſo as to prevent as much as may be the Danger and Damage that might otherwiſe ariſe and happen from ſuch Pits or Shafts being left open.

Lord of Manor to make Compenſation for Damage done in working Mines.

XLIV. And

Power to appeal.

XLIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf or themſelves aggrieved by any Thing done in purſuance of the ſaid Act of the Forty-firſt Year of His preſent Majeſty, or of this Act (other than and except ſuch Claims, Matters, and Things as are by the ſaid Act or this Act 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 Reign of His preſent Majeſty, 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 the General Quarter Seſſions of the Peace which ſhall be holden for the County of *Northumberland*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, giving Notice in Writing of every ſuch Appeal, by affixing ſuch Notice, expreſſing the Cauſe of Complaint, upon the principal Door of the Pariſh Church of *Corſenſide* aforeſaid, Fourteen Days at leaſt before ſuch General Quarter Seſſions; and the Juſtices of the Peace aſſembled at ſuch General Quarter Seſſions, or at any ſubſequent General Quarter Seſſions to which the ſaid Juſtices ſhall adjourn any ſuch Appeal, either for the Want of ſuch Notice having been given as aforeſaid, or for any other Cauſe which to the ſaid Juſtices ſhall ſeem a ſufficient Cauſe to adjourn ſuch Appeals, are hereby authorized 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 the Parties concerned, and ſhall not be removed or removable by *Certiorari*, or any other Proceſs or Writ whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

General Saving.

XLV. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and all and every other Perſon and Perſons, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators (other than and except the Moſt Noble *Hugh* Duke of *Northumberland*, and the ſeveral other Perſons to whom any Allotment or Allotments of Land ſhall be made or provided by virtue of this Act, in reſpect of the Intereſt or Property for which ſuch Allotment or Allotments ſhall be made, his, her, and their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns), 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 or Tracts of Waſte Land 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.

To be printed as a Publick Act.

XLVI. And be it further enacted, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty, and a Copy thereof ſo printed ſhall be admitted as Evidence thereof by all Judges, Juſtices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1807.