ANNO QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. 17.

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

WHEREAS there is within the Pariſh of *Elſdon*, in the Manor of *Ridſdale*, in the County of *Northumberland*, a common Moor or Tract of Waſte Ground, called *Garretſheels Common*, containing by Eſtimation Three thouſand Acres, or thereabouts: And whereas the Moſt Noble *Hugh* Duke of *Northumberland* is Lord of the ſaid Manor of *Ridſdale*, and as ſuch is, or claims to be, ſeiſed of or entitled to the Soil and Inheritance, and the Mines, Minerals, Quarries, and Royalties of, within, and under the ſaid Common Moor or Tract of Waſte Ground: And whereas *John Davidſon*, of the Town and County of *Newcaſtle upon Tyne*, Eſquire, and other Perſons, are ſeiſed and poſſeſſed of divers Meſſuages, 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 or claim to be entitled to Right of Common in and upon the ſaid Common Moor, or Tract of Waſte Ground: And whereas the ſaid Common Moor or Tract of Waſte Ground, in its preſent State, is not of much 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 Common Moor, or Tract of Waſte Ground, with the Conſent of the ſaid Lord of the ſaid Manor, ſhould be divided and allotted, by Commiſſioners in that Behalf to be ap-

pointed, amongſt the ſaid Duke of *Northumberland*, as Lord of the ſaid Manor, the ſaid *John Davidſon*, and the other Perſons entitled to Right of Common thereon or otherwiſe intereſted therein reſpectively, which will be advantageous to all the Parties intereſted, 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. That *John Bell*, of the Town and County of *Newcaſtle upon Tyne* aforeſaid, Gentleman, and *William Bates*, of *Chollerton*, in the ſaid County of *Northumberland*, Gentleman, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, and allotting the ſaid Common Moor or Tract of Waſte Ground, 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, or otherwiſe provided for by any of the Clauſes, Proviſions, or Regulations, contained in this Act.

For chooſing new 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 Three Calendar Months, when Occaſion ſhall require their Attendances 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 ſhall and may be nominated and appointed in the place of him ſo dying, neglecting, or refuſing to act, or rendered incapable of acting as aforeſaid, in manner following (that is to ſay) in caſe the ſaid *John Bell* ſhall die, neglect, or 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 of *Ridſdale*, 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, or their Hand or 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 *John Bell*; and in caſe the ſaid *William Bates* ſhall die, neglect, or 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 Common Moor, or Tract of Waſte Ground hereby intended to be divided, excluſive of the Lord or Lords, Lady or 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 *Elsdon* aforesaid, and also causing the same to be inserted in the *Newcastle upon Tyne Courant* Newspaper, or if that Newspaper shall not then be published, then in some other Newspaper generally circulated in the County of *Northumberland*, 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 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, 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 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 the Reign of His present Majesty, and this Act, is directed concerning the 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 of 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 of Opinion between the said Commissioners as aforesaid, shall be referred by the said Commissioners, by Writing under their Hands, to some disinterested and skilful 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) whom it shall be lawful for the said Commissioners to nominate and appoint, by Writing under their Hands for that Purpose, from Time to Time and as often as they shall think necessary, to determine all and every such Matters or Things, and Points or Questions respectively as aforesaid; and the Determination of every such Person so to be appointed, 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, and 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 general Award as herein-after directed, notwithstanding any such Difference of Opinion

Opinion between them as aforeſaid; and every ſuch Perſon ſo to be appointed for the Purpoſe aforeſaid ſhall take and ſubſcribe ſuch or a ſimilar Oath, to be adminiſtered by the ſaid Commiſſioners, or one of them, as by the ſaid Act of the Forty-firſt Year of the preſent 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 any ſuch Perſon ſhall not be empowered to act for any other Purpoſe than the determining of ſuch Matters as may be referred to him as aforeſaid; and every ſuch Perſon ſhall be paid ſuch Sum and Sums of Money, as a Compenſation for his Trouble in determining the Matters ſo to be referred to him 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.

Surveys to be made.

III. And be it further enacted, That true and exact Surveys and Admeaſurements ſhall be taken, and fair Plans made, of the ſaid Common Moor, or Tract of Waſte Ground, 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, ſome Time before the Firſt Day of *January* One thouſand eight hundred and eight, or as ſoon after as conveniently may be, by ſuch fit and proper Perſon, being an experienced Surveyor of Lands, 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.

Surveyor to take an Oath.

IV. 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 any One of them, an Oath in the Form following, *videlicet*,

'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 Common Moor or Tract of Waſte Ground, intended to be divided and incloſed by virtue of an Act, paſſed in the Forty-ſeventh Year of the Reign of King *George* the Third, intituled, [*here ſet forth the Title of this Act*]; and in making true Maps or Plans thereof to be laid before the Commiſſioners for putting this Act into Execution.

'So help me GOD.'

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; and ſuch 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 Award to be made by the ſaid Commiſſioners.

Charge to be paid Surveyor.

V. 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 Land which

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 Guineas for every Day in which he ſhall have been ſo employed.

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

VI. And be it further enacted, That the ſaid Surveyor ſhall, after the 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 Fifteen Pounds Fifteen Shillings ſhall be paid, and no more.

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

VII. And be it further enacted, That all Incloſures and Encroachments which ſhall have been taken from the ſaid Common Moor or Tract of Waſte Ground, (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 Acknowledgement) ſhall be deemed Part and Parcel of the ſaid Common Moor or Tract of Waſte Ground 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 Common Moor or Tract of Waſte Ground, ſuch Differences or Diſputes ſhall be examined into and determined by the ſaid Commiſſioners.

Commiſſioners to give Notice of their Firſt, Second, or Third Meetings, which are to be holden at Otterbourne, and their ſubſequent Meetings.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to cauſe Notice in Writing under their Hands, to be affixed upon the principal Door of the Pariſh Church of *Elſdon* aforeſaid, and alſo to be inſerted in the *Newcaſtle upon Tyne Courant* Newſpaper, of the Time and Place of their Firſt, Second, and Third Meetings reſpectively which ſhall be holden at *Otterburne*, in the ſaid Pariſh and Manor, for putting this Act into Execution, at leaſt Ten 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 *Elſdon* aforeſaid, Eight Days at leaſt before every ſuch ſubſequent Meeting; but the ſaid Commiſſioners at their 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 ſubſequent Meeting or Meetings by Adjournment for the due Exe-

Power to adjourn ſuch Meetings.

cution 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: 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 other of the said Commissioners.

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

Commissioners to determine Differences.

IX. 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 hereinafter 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.

X. 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 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 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 and Umpire 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 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 as aforesaid; and the Defendant or Defendants in such Action

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 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 a Party.

XI. 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 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.

XII. 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 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 Chattles 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 Chattles whereby to levy the ſame, then 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 Plaintiff to declare that the Defendant 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 therein had.

Commiſſioners to direct to what

XIII. And, for preventing all Diſputes and Differences which may ariſe touching the Repairs of the Publick Highways and Roads which ſhall

Townſhips Roads ſhall belong.

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 belong to any and what Townſhips, Wards, or Quarters reſpectively; and the ſaid Commiſſioners ſhall in and by their General Award order and direct by what Townſhips, Wards, or Quarters reſpectively ſuch Highways and Roads ſhall be maintained, amended, and kept in Repair; and the Owners or Occupiers of Meſſuages Lands, Tenements, and Hereditaments, and Inhabitants in each of ſuch Townſhips, Wards, or Quarters reſpectively, ſhall from and after the Execution of the General Award of the ſaid Commiſſioners maintain, amend, and keep ſuch reſpective publick Highways and Roads in Repair as ſhall be ſo determined and adjudged to belong to ſuch Townſhips, Wards, 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.

Allotment of 1-16th of the Common to the Lord of the Manor for Soil;

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, according to the beſt of their Skill and Judgement (after deducting ſo much and ſuch Part and Parts of the ſaid Common Moor or Tract of Waſte Ground as they may think proper, to ſet out and appoint for publick Highways, Roads, Drains, Watercourſes, and for a common Quarry or Quarries, and common Watering Places and Wells, and alſo for a common Peat Moſs or common Peat Moſſes, for the digging, cutting, and curing of Peats for Fuel for the Uſe of the ſeveral Perſons intereſted in the ſaid intended Diviſion and Incloſure; and which ſaid Highways, Roads, Drains, Watercourſes, Quarries, Watering Places, and Wells, and Peat Moſſes, it ſhall and may be lawful to and for the ſaid Commiſſioners and they are hereby authorized to ſet out and appoint in and by their Award accordingly, to ſet out, allot, and appoint unto and for the ſaid *Hugh* Duke of *Northumberland*, as the Lord of the Manor of *Ridſdale*, or to and for the Perſon or Perſons who ſhall for the Time being be Lord or Lady of the ſaid Manor, his, her, or their Heirs, and Aſſigns, One full Sixteenth Part in Value (Quantity, Quality, and Situation conſidered) of the ſaid Common Moor or Tract of Waſte Ground ſo to be divided and allotted, in one Plot, and adjoining, (or as near as the Circumſtances will admit of) to the Lord of the Manor's Allotment ſet out upon the late Diviſion of *Troughend* Common, within the ſame Manor, in lieu of and as a full Compenſation and Satisfaction for his and their Right and Intereſt to the Soil of the ſaid Common Moor or Tract of Waſte Ground hereby intended to be divided and incloſed, and alſo for his Conſent to the ſaid Diviſion and Incloſure thereof; and after making ſuch Deductions and Allotments as aforeſaid the ſaid Commiſſioners ſhall and they are hereby required to ſet out, divide, apportion, allot, and appoint the Reſidue of the ſaid Common Moor or Tract of Waſte Ground unto and amongſt the ſeveral Perſons reſpectively having Right of Common upon the ſaid Moor or Tract of Waſte Ground, in proportion and according to the reſpective Values of their ſeveral Meſſuages, Lands, Tenements, and Hereditaments in reſpect whereof they are reſpectively ſo entitled: Provided always, that all the Houſes and Buildings not occupied with ſome Farm of Land on the Twelfth

and the Reſidue among the Perſons entitled to Right of Common.

Day of *May* which was in the Year of our Lord One thouſand eight hundred and five, 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 five, 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.

Houſes not occupied, with a Farm, on 12th May 1805, to be valued ſeparate.

XV. 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 entitled to and having Right of Common upon the ſaid Common Moor or Tract of Waſte Ground 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 Common Moor or Tract of Waſte Ground, 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 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 Improvement made therein, or to the Value of the Edifices and Buildings which are erected or built thereon.

Encroachments to be allowed to Perſons in Poſſeſſion thereof.

XVI. And be it further enacted, That in caſe the Proprietor or Proprietors of any Lands or other Hereditaments, in Right of which they are intereſted in the ſaid hereby intended Diviſion and Incloſure, or which are by this Act authorized to be exchanged, ſhall hold their ſaid 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 allotted for, accepted and taken as an Equivalent in reſpect of ſuch Lands and Hereditaments reſpectively, 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 Premiſes in particular ſuch Allotments ſhall have been reſpectively made, and therein alſo ſeparately to deſcribe and aſcertain the Situation of every ſuch Allotment.

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

Allotments to be in the ſame Townſhips as the ancient Lands,

XVII. Provided always, and be it further enacted, That the ſeveral Allotments of the ſaid Common Moor or Tract of Waſte Ground to be aſſigned, ſet out, allotted, and appointed by the ſaid Commiſſioners 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 Townſhip, Quarter, Ward, or Place, Townſhips, Quarters, Wards, 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.

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

XVIII. 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 Abatements of the Rent 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 Award, or any other Writing under their Hands, aſcertain, direct, and appoint.

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

XIX. And be it further enacted, That if any Perſon or Perſons entitled in Fee Simple to any Allotment or Allotments of the ſaid Common Moor or Tract of Waſte Ground, ſhall by any Writing under his 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 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 Fee Simple in 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.

XX. And be it further enacted, That it ſhall and may be lawful 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

Pariſh of *Elſdon* 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 ſeiſed 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, Lunaticks, 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 held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, be made with the Conſent of the Patron thereof, and the Biſhop of the Dioceſe in which the ſame are ſituate, ſuch Conſents to be reſpectively ſignified 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, Eſtates, Truſts, Intents and Purpoſes, and be ſubject to the ſame Powers, Conditions, Covenants, and Agreements, as the Lands and 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.

XXI. 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 *Newcaſtle upon Tyne Courant*, or if that Newſpaper ſhall not then be publiſhed, then in ſome other Newſpaper or Newſpapers circulated in the County of *Northumberland*.

Award to be inrolled, and deposited with the Clerk of the Peace.

XXII. 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 enrolled with the Clerk of the Peace for the County of *Northumberland*, on or before the General Quarter Seſſions of the Peace which ſhall be held in and for the ſaid County next after the *Epiphany*, which will be in the Year of our Lord One thouſand eight hundred and eight, or as ſoon after as 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 *Elſdon* 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 reaſonable Times, upon reaſonable Notice of the Party requiring ſuch Inſpection.

XXIII. And

Commissioners may execute Duplicates of the Award for Persons requiring and paying for the same.

XXIII. 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.

XXIV. 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 and have heretofore been holden respectively; and the Lord of the said Manor of *Ridsdale*, his Heirs 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 that 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 and Payments, Reliefs, Fines, Dues, Duties, Suits, or Services whatsoever, to the Lord of the said Manor of *Ridsdale*, his Heirs and Assigns.

Act not to affect Wills, but Allotments to go to the same Uses.

XXV. Provided always, and be it further enacted and declared, 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 Incumbrance 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 Common Moor or Tract of Waste Ground 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, 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, of 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, on Requeſt, may do the ſame by Deed, after the making of the ſaid Award.

XXVI. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which ſhall be divided or exchanged, or in Right of which Allotments ſhall be made 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, her, 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 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 General 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 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 reaſonably be 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 immediatlely after the 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 Titles to the Premiſes in queſtion ſhall in the Opinion of the ſaid Commiſſioners moſt properly belong.

Allotments to be fenced.

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

No Turves or Sods to be cut.

XXVIII. 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 or Lady of the ſaid Manor for the Time being, and the Commiſſioners for carrying this Act into Execution, to cut, dig, or carry away any Turves or Sods in or upon or from off the ſaid Common Moor or Tract of Waſte Ground, 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 or Lady of the Manor for the Time being, 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, 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.

Expences of the Diviſion to be paid by the Parties.

XXIX. And be it further enacted, That the Charges and Expences of ſoliciting, obtaining, and paſſing this Act, and of ſurveying planning, and meaſuring, dividing and allotting, the ſaid Common Moor or Tract of waſte Ground, and of making Highways or Roads, and of all other the Charges and Expences incident to or attending the Execution of this Act, and not herein otherwiſe directed to be paid, ſhall be borne, paid, and defrayed by the ſeveral and reſpective Perſons to whom any Allotment or Allotments of the ſaid Common Moor or Tract of Waſte Ground ſhall be reſpectively made, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, in proportion to the real Values 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 be paid by ſuch Owners and Proprietors reſpectively, to ſuch Perſon or Perſons, and at ſuch Time or 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.

XXX. And be it further enacted, That the Commiſſioners acting in the Execution of this Act ſhall at all and every of their Attendances or Meetings for putting this Act into 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 into Execution.

Commiſſioners to account.

XXXI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required reſpectively 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 Statement 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 Auditor for that Purpoſe; and in caſe of his Death, or Refuſal to act, by ſuch 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 Purpoſes of appointing a Commiſſioner in the Place of the ſaid *William Bates*; 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 ſeaſonable 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.

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

XXXII. And be it further enacted, That if any of the Perſons who have Right of Common in or upon the ſaid Common Moor or Tract of Waſte Ground, 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 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 or lending the ſaid Sum or Sums of Money to the Time or reſpective Times of the Repayment thereof.

Power to appeal.

XXXIII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, 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 whereby 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

said Commissioners are directed to be final or conclusive) he, she, or they may appeal to any 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 *Elsdon* 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 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 Appeal, 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 and Warrant to levy the Damages and Costs which shall be 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 removable 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 Freestones and Limestones, and Slates, and may cut Peats.

XXXIV. Provided always, and be it further enacted, That it shall and may be lawful for the respective Owners and Proprietors for the Time being of the several Lands to be allotted in pursuance of this Act, at any Time or Times thereafter, to win, get, and work therein Freestones, Limestones, and Slates, for the Use of the Grounds so to be allotted to them, and also Freestones, Limestones, and Slates, for the Use of the Messuages, Lands, Tenements, Walls, Fences, and Hereditaments, in respect of which such Allotments shall be made, but for no other Use or Purpose whatsoever; and that it shall and may be lawful for the said respective Owners and Proprietors of the said several allotted Lands, to dig, cut, 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 Proprietors of the said several allotted Lands to dig and get therein Clay for Bricks and for Tiles, or any other Use or Purpose whatsoever.

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

XXXV. 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 Most Noble *Hugh* Duke of *Northumberland* as Lord of the said Manor of *Ridsdale*, and the Lord or Lady, Lords or Ladies, of the said Manor for the Time being, of, in, and to all Mines, Minerals, and Quarries, of what Nature or Kind soever, lying and being within or under the said Common Moor or Tract of Waste Ground 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 Most Noble *Hugh* Duke of *Northumberland*, and all succeeding Lords and Ladies of the said Manor for the Time being, shall and may, from Time to

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 Leet, and all Things which to Courts Leet and Views of Frankpledge and Courts Baron do belong or appertain 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 Lord or Lady thereof for the Time being, incident, belonging, or appertaining (other than and except the Right to the Soil of the ſaid Common Moor or Tract of Waſte Ground, 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, 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; and that the ſaid Moſt Noble *Hugh* Duke of *Northumberland*, and all ſucceeding Lords and Ladies of the ſaid Manor of *Ridſdale*, 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, all Mines, Minerals, and Quarries, of what Nature or Kind ſoever, (ſave and except the ſaid publick Quarries, and ſuch other Freeſtone, Limeſtone, and Slate, Clay for Bricks and Tiles, and the digging, cutting, and curing Peats for Fuel as aforeſaid), within and under the ſaid Common Moor or Tract of Waſte Ground hereby directed, to be divided, and within and under every Part thereof reſpectively, and that 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, 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 Moſt Noble *Hugh* Duke of *Northumberland*, and the Lord or Lady, Lords or Ladies, of the ſaid Manor for the Time being, 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, Erection, Buildings, Fire Engines, Mills, and other Erections and Buildings, and of altering, changing, and 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 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 he, ſhe, or 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, &c.

For making Compensation for Damages in working Mines after Inclosures, except during the Remainder of a Term of Twenty one Years.

XXXVI. Provided always, and be it further enacted and declared, That it shall and may be lawful to and for the said Most Noble *Hugh* Duke of *Northumberland*, and all succeeding Lords and Ladies of the said Manor for the Time being, and his, her, and their respective Tenants, Lessees, and Workmen, from Time to Time, during the Continuance of a certain Term of Twenty one Years, commencing from the Feast of the Annunciation of the blessed Virgin *Mary*, which was in the Year of our Lord One thousand seven hundred and ninety-three, granted by the said Most Noble *Hugh* Duke of *Northumberland*, by Indenture of Lease, peaceably and quietly to have, use, and enjoy at his and their free Will and Pleasure, all such Ways, Engines, Pits, Shafts, Pit-rooms, Heap-rooms, Drifts, Levels, and Watercourses, Houses, Hovels, and Lodges fr Workmen, and all and singular other Privileges, Powers, Liberties, and Things whatsoever, as are in and by the said Indenture of Lease demised or granted, without paying or making any Compensation or Satisfaction for Damage or Spoil of Ground, or Loss to be occasioned thereby, or by any of them, to any Person or Persons whomsoever; but in case the said Lord or Lords, Lady or Ladies, of the said Manor for the Time being, or any Person or Persons claiming under him, her, or them, shall, after the Expiration of the said Term of Twenty-one Years, and 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 Lord or Lords, Lady or Ladies, of the said Manor for the Time being, or such Person or Persons so claiming under him, her, or them, shall make a reasonable Satisfaction for the Damage and Spoil of Ground occasioned thereby, or by 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, or by the laying, placing, and using of any Waggon-Way or other Ways, 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 from Time to Time filling up or otherwise fencing in all useless Pits, to prevent as much as possible the Danger and Damage to arise from Pits being left open, unfilled up, or not properly fenced round.

General Saving.

XXXVII. 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 said 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 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 Common Moor or Tract of Waste Ground 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.

XXXVIII. And

XXXVIII. 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. To be printed as a Publick Act,

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