ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 162.

An Act for incloſing Lands in the Barony of *Prudhoe*, and in the Pariſh of *Ovingham*, in the County of *Northumberland*. [2d *June* 1810.]

WHEREAS there is within the Barony of *Prudhoe*, and in the Pariſh of *Ovingham*, in the County of *Northumberland*, a Common Moor or Tract of Waſte Land, commonly called *Horſley Common*, containing by Eſtimation One hundred and ſeventy-ſix Acres and Two Roods, or therebouts: And whereas the Moſt Noble *Hugh* Duke of *Northumberland* is Lord of the Barony of *Prudhoe*, and as ſuch is ſeized of or entitled to the Soil and Inheritance, and the Mines, Minerals, Quarries, and Royalties of, within, and under the ſaid Common Moor or Waſte: And whereas the ſaid *Hugh* Duke of *Northumberland*, the Commiſſioners and Governors of the Royal Hoſpital for Seamen at *Greenwich* in the County of *Kent*, and ſeveral other Perſons, are ſeiſed and poſſeſſed of divers Meſſuages, Lands, Tenements, and Hereditaments within the ſeveral Townſhips of *Horſley* and *Whittle* in the ſaid Pariſh of *Ovingham*, in reſpect whereof, 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 Waſte: And whereas an Act was 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*: And whereas the ſaid Common Moor or Waſte in its preſent State is of little

Uſe or Advantage, but is 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 Waſte, with the Conſent of the ſaid Lord of the ſaid Barony, ſhould be divided and allotted, by Commiſſioners in that Behalf to be appointed, amongſt the ſaid *Hugh* Duke of *Northumberland* and the ſeveral 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, That *John Bell* of the Town and County of *Newcaſtle-upon-Tyne*, Land Surveyor, and *William Bates* of *Chollerton*, in the County of *Northberland*, Gentleman, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, and allotting the ſaid Common Moor or Waſte, and for putting this Act into Execution, in ſuch Manner, and ſubject to ſuch Regulations as are herein-after contained, and with ſuch of the Powers, and ſubject to ſuch Rules, Orders, Directions, Authorities, Regulations, Reſtrictions, and Proviſions contained in the ſaid recited Act, as are not controlled by or repugnant to any of the Clauſes, Proviſions, or Regulations contained in this Act.

Commiſſioners.

General Act extended to this.

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 Attendance on the Buſineſs hereby committed to their Charge, or ſhall refuſe to act or be rendered incapable of acting by Sickneſs or by 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 or refuſe, or become incapable to act as aforeſaid, the ſaid *Hugh* Duke of *Northumberland*, his Heirs or Aſſigns, or the Lord or Lords, Lady or Ladies for the Time being of the ſaid Barony of *Prudhoe*, or the Guardian or Guardians of any Lord or Lords, Lady or Ladies for the Time being of the ſaid Barony of *Prudhoe*, being an Infant or Infants under the Age of Twenty-one Years, or his or their Steward or Stewards, Receiver or Receivers, Agent or Agents for the Time being, ſhall and may, by any Inſtrument in Writing under his, her, their, or any of 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 to be aſcertained by the Land Tax Aſſeſſment of the Reſt of the Proprietors and Owners of Meſſuages, Lands, Tenements, and Hereditaments entitled to Right of Common upon the ſaid Common Moor or Waſte hereby intended to be divided, (other than and except the ſaid Duke of *Northumberland*, his Heirs or Aſſigns, or the Lord or Lords, Lady or Ladies, for the Time being, of the ſaid Barony of *Prudhoe*),

For chooſing new Commiſſioners.

Doe), 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 *Ovingham* 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 a proper Person (not being beneficially interested in the said Division and Inclosure, or an Agent to, or Father, Son, or Brother of any Person so interested) to be a Commissioner, in the room of the said *William Bates*; and in case of the Death of any Person so to be hereafter nominated and appointed a Commissioner as aforesaid, or of his Neglect or Refusal to act or becoming incapable of acting as aforesaid, the Person or Persons, Body or Bodies Politick or Corporate respectively, by whom such Commissioner was nominated and appointed, their respective Heirs, Successors, Agents, Guardians, 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 and this Act is directed concerning the general Award to be made by the said Commissioners.

Umpire to be appointed.

III. And for the Purpose of settling and determining any Difference or Dispute that may arise between the said Commissioners touching or concerning any of the Matters and Things to be by them done and performed in pursuance of the said recited Act or of this Act, be it further enacted, That *William Todd* of *Greenside* in the Parish of *Ryton* in the County of *Durham*, Gentleman, shall be and he is hereby appointed to act as Umpire, and he as such Umpire is hereby authorized and required to hear and determine any such Difference or Dispute as may arise between the said Commissioners, touching any Matter or Thing relating to the said Division and Inclosure, and the Judgement and Determination of the said Umpire therein shall be deemed and considered to be the Judgement and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned in the said Division and Inclosure, so far as the Acts of the said Commissioners are by the said recited Act and this Act made final and conclusive: Provided always, that in case the said *William Todd* shall die, or refuse to act or become incapable of acting in the Execution of the said recited Act or this Act, then and in every such Case it shall be lawful for the said Commissioners to nominate and appoint one other Person (not being beneficially interested in the said Division and Inclosure, nor an Agent to, or Father, Son, or Brother of any Person so interested) as Umpire in the Room or Stead of the said *William Todd*, so dying, refusing to act, or becoming incapable of acting in the Execution of the said recited Act and of this

Act; and so from Time to Time as often as any Person so nominated or appointed an Umpire shall die or refuse to act, or become incapable of acting in the Execution of the said Act and of this Act; and in case any such Umpire shall neglect to settle and determine any such Difference or Dispute within Thirty Days after the same shall have been referred to him by the said Commissioners, such Neglect shall be and be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act.

Umpire to be sworn before he acts.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting in the Execution of this Act as Umpire, until he shall have taken and subscribed the Oath following; (that is to say),

Oath.

'I *A. B.* do swear [*or*, being One of the People called *Quakers*, do solemnly affirm] that I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Powers and Authorities reposed in me as Umpire, by virtue of an Act, made in the Fiftieth Year of the Reign of King *George* the Third, intituled, *An Act* [*here insert the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection to any Person or Persons whomsoever.

'So help me GOD.'

Which Oath or Affirmation it shall and may be lawful to and for either of the said Commissioners to administer, who is hereby required to administer the same; and such Oath or Affirmation, when so taken and subscribed by such Umpire, shall be annexed to and inrolled with the Award of the said Commissioners.

Surveys to be made.

V. 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 Waste so intended to be divided and allotted, if the said Commissioners for the Time being shall not be satisfied with the Map or Survey made at the Time of passing this Act; and also of such of the several Messuages, Lands, Tenements, and Hereditaments in respect of which Right of Common is claimed thereon (whereof no Maps or Surveys shall be tendered to the Commissioners for the Time being, at their First, Second, or Third Meetings which shall be holden by them for putting this Act in Execution, and which shall be in their Judgement and to their Satisfaction just and true Maps or Surveys proper for the Purpose of carrying this Act into Execution), some Time before the First Day of *January* in the Year of our Lord One thousand eight hundred and eleven, or as soon after as conveniently may be, by the said *John Bell*; or in case of the Death, Neglect, Refusal, or Incapacity by Sickness, or any other Cause whatsoever, of the said *John Bell*, for the Space of Three Calendar Months, when Occasion shall require his Attendance on the Business of taking and making such Surveys or Admeasurements and Plans, then the same shall be made and taken by such other 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 Commissioner or Commissioners for the Time being shall by Writing under his or their Hand or Hands from Time to Time nominate and appoint.

Maps or Surveys of Lands to be tendered at First, Second, or Third Meeting.

Surveyor to take an Oath.

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

have taken and subscribed before the said Commissioners or One of them, an Oath in the Form following; (that is to say),

Surveyor's 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 all the Lands and Tenements directed to be surveyed and admeasured, by virtue of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [*here set forth the Title of this Act*] and in making true Maps or Plans thereof to be laid before the Commissioners for putting the said Act in Execution.

'So help me GOD.'

How to be administered.

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 inrolled in the same Place, and Evidence thereof given in the same Manner as by the said Act and this Act is directed concerning the General Award to be made by the said Commissioners.

Charge to be paid Surveyor.

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 particular mentioned) shall be paid for at and after the Rate of Sixpence *per* Acre for each and every Acre of 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 any 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, and executing such other Business as shall necessarily have been done by the said Surveyor relative to the said Division, when he shall not attend as a Commissioner, at and after the Rate of Two Pounds and Two Shillings for every Day in which he shall have been so employed: Provided nevertheless, that such Surveys and Admeasurements as shall be taken, and fair Plans made of such of the said Messuages, Lands, Tenements, and Hereditaments in respect of which Right of Common is claimed upon the said Common Moor or Waste, whereof no such Maps or Surveys shall be tendered to the Commissioners for the Time being as aforesaid, shall be taken and made at the sole Expence of the several and respective Proprietors of such Messuages, Lands, Tenements, and Hereditaments as aforesaid.

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 30 Years, to be deemed Part of the Lands to be divided.

IX. And be it further enacted, That all Inclosures and Encroachments which shall have been taken from the said Common Moor or Waste, save and except such as have been peaceably and quietly enjoyed for the Space of Thirty Years last past or upwards, without any Interruption or Payment of any Acknowledgment, shall be deemed Part and Parcel of the said Common Moor or Waste 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 Waste, such Differences or Disputes shall be examined into and determined by the said Commissioners.

Commissioners to give Notice of their First, Second, and Third Meetings which are to be holden at Horsley;

and their subsequent Meetings.

Power to adjourn such Meetings.

X. 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 *Ovingham* 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 *Horsley* aforesaid, 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 *Ovingham* aforesaid, Eight Days at least before every such subsequent Meeting, but the said Commissioners at the First, Second, or Third Meeting, or any other subsequent Meeting or Meetings, shall have full Power and Authority, from Time to Time, as they shall think it convenient, to continue such First, Second, or Third Meeting, or any other subsequent Meeting or Meetings, by Adjournment from Day to Day, or in case of *Sunday* intervening, then to the *Monday* following, for the due Execution of this Act, without giving any Notice whatsoever: Provided always, that if it shall happen that no more than One of the said Commissioners shall attend at any Meeting or Meetings 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 seem most convenient, giving due Notice thereof in Writing to the other of the said Commissioners: Provided also, that all the Meetings of the said Commissioners shall be held at some Place within the said Parish of *Ovingham*, or within Eight Miles of the Boundary of the said Parish.

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

Commissioners to determine Differences.

XI. And be it further enacted, That in case any Dispute or Difference shall happen to arise between the Parties that now are or shall, before the making the Award herein-after mentioned, be interested in the said intended Division and Inclosure, or any of them, touching or concerning the respective Shares and Proportions which they or any of them shall claim in the said Lands and Grounds hereby intended to be divided and inclosed as aforesaid, or touching or concerning the respective Shares and Proportions which they or any of them ought to have of or in the said intended Division and Inclosure, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized to hear and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Tythes, Lands, or Hereditaments whatsoever.

XII. Pro-

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, Body or Bodies Politick or Corporate, whose Claim or Claims, Objection or Objections, Complaint or Complaints, shall be thereby disallowed, as the Case shall happen; and by Warrant under the Hands and Seals of the said Commissioners to levy such Costs and Charges by Distress and Sale of the Goods and Chattels of such last-mentioned Person or Persons, together with the Charges of such Distress and Sale; and in case there shall be no Goods and Chattels whereby to levy the same, or in case a Body Corporate is to pay such Costs, then and in either of such Cases it shall be lawful for the Person or Persons in whose Favour such Costs shall be awarded, to recover the same by Action or Actions of Debt, or on the Case, in which 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.

Power to try disputed Claims at Law.

XIII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politick or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners or Umpire, and shall be desirous of having such Claim or Claims, Rights and Interests, respectively tried at Law, and the Person or Persons, Body or Bodies Politick or Corporate, so desirous to have the same tried at Law, shall and do by themselves or their respective Stewards, Receivers, Attornies, or Agents, give or cause to be given Notice thereof in Writing to the said Commissioners, or either of them, within Two Calendar Months next after such Determination shall have been so made by the said Commissioners, of which Notice the said Commissioners are hereby required immediately on Receipt thereof, or as soon afterwards as conveniently may be done, to give Information to the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, by Writing under their respective Hands, to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies, or Agents as aforesaid, then, but not afterwards, it shall be lawful for the Person or Persons, Body or Bodies Politick or Corporate, giving such Notice as aforesaid, or 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, Body or Bodies Politick or Corporate, giving such Notice as aforesaid, against the Lord of the said Barony of *Prudhoe*, or any Person or Persons, Body or Bodies Politick or Corporate, interested in the said Division, who shall make such Objection or Objections within Two Calendar Months next after such Notice shall be given to the said Commissioners as aforesaid; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or

Attornies,

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 Bodies Politick or Corporate, and all Perſons whomſoever; and after any Verdict or Verdicts ſhall have been obtained and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and 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, Body or Bodies Politick or Corporate, giving ſuch Notice, within the Time aforeſaid, or if any 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 or Umpire ſhall be final, binding, and concluſive unto and upon all Parties whomſoever.

Actions not to abate by the Death of Parties.

XIV. Provided always, and be it further enacted, That if any of the Parties in any ſuch 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.

In caſe of Deaths of Parties before Actions brought, the ſame to be carried on and defended in their Names.

XV. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk to the ſaid Commiſſioners with Proceſs for commencing ſuch Action or Actions in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall thereupon be incumbent on the Heir or Heirs or other Perſon or Perſons, who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead, and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living; and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Perſons in Poſſeſſion not to be moleſted.

XVI. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners to determine any Right between any Parties contrary to the Poſſeſſion of any of ſuch Parties,

Parties (except in Cases of Encroachments); but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due Course of Law.

Public Quarries to be set out, and how to be enjoyed.

XVII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, appoint, and allot such and so many common Quarries of Freestone, Limestone, and Slate respectively, and common Gravel-pits in the said Common Moor or Waste, as they shall think necessary for the Use and Benefit of the said Duke of *Northumberland*, or the Lord or Lords, Lady or Ladies for the Time being of the said Barony, his, her, or their Heirs, Tenants, Lessees, and Assigns, and also for the Use and Benefit of the Proprietors and Occupiers of the several Allotments which shall be made of the said Common Moor or Waste, 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 such Allotments or ancient Messuages, Lands, Tenements, and Hereditaments respectively, 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 the said Award, order and direct how and in what Manner the same shall respectively be worked for the general Advantage of the respective Persons interested therein.

Commissioners shall determine to what Townships Roads shall belong.

XVIII. 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 recited Act, be it further enacted, That the said Commissioners shall and they are hereby authorized and required to determine and adjudge what 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 and Occupiers for the Time being in each of such Townships 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 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 One-sixteenth of the Common to the said Hugh Duke and Earl of Northumberland, Lord of the Manor for the Soil.

XIX. 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*, (as Lord of the Barony of *Prudhoe* as aforesaid, or to such Person or Persons as shall then be entitled to the said Barony, his, her, or their Heirs, Successors, and Assigns), One full Sixteenth Part in Value, Quantity, Quality, and Situation considered, of the said Common Moor or Waste, so to be divided and allotted, after deducting the publick Carriage Roads, Drains, Watercourses, and Quarries, and Gravel Pits (if any) in lieu of and as a full Compensation and Satisfaction for his or their Right and Interest to the Soil of the said Com-

mon Moor or Waſte ſo to be divided and allotted, and alſo for his Conſent to the ſaid Diviſion and Incloſure thereof, over and above, and excluſive of ſuch Share and Allotment, Shares, and Allotments, of the ſaid Common Moor or Tract of Waſte Land as ſhall be aſſigned and allotted to him, her, or them in reſpect of his, her, or their ſeveral Meſſuages, Lands, Tenements, and Hereditaments having Right of Common upon the ſaid Common Moor or Waſte.

The Lord's Sixteenth to lie in ſuch Townſhips or Quarters as the Commiſſioners ſhall appoint.

XX. And be it further enacted, That ſuch One full Sixteenth Part or Share of the ſaid Common Moor or Waſte, 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 Barony of *Prudhoe*, and ſhall be allotted and awarded to lie in ſuch Townſhips, Quarters, or Places within the ſaid Pariſh of *Ovingham* as the Commiſſioners ſhall allot and appoint; and that from and immediately after the Execution and Inrolment of the general Award of the ſaid Commiſſioners, the ſaid One-ſixteenth Part or Share ſhall be, and the ſame are hereby declared and enacted to be and lie within, and ſhall be deemed and taken as Part and Parcel of ſuch Townſhips, Quarters, or Places reſpectively, being within the ſaid Pariſh of *Ovingham*, as the ſame ſhall be ſo appointed and awarded to lie in as aforeſaid, to and for all Intents and Purpoſes whatſoever.

Allotment of the Reſidue of Common.

XXI. 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 Common Moor or Waſte (after the ſaid ſeveral Allotments herein-before directed to be made as aforeſaid ſhall have been made and ſet out accordingly) unto and amongſt the ſaid *Hugh* Duke of *Northumberland*, the ſaid Commiſſioners and Governors, and the ſeveral Perſons, Bodies Politick or Corporate reſpectively, having Right of Common upon the ſaid Common Moor or Waſte reſpectively, in Proportion and according to the reſpective Values of the ſeveral Meſſuages, Lands, Tenements, and Hereditaments in reſpect whereof they are ſo entitled thereto reſpectively as aforeſaid.

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 Occupation of the adjoining Lands, to aſſign and allot unto ſuch Perſon or Perſons, Body or Bodies Politick or Corporate, entitled to and having Right of Common upon the ſaid Common Moor or Waſte, 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 Waſte, 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, Body or Bodies Politick or Corporate, in the Poſſeſſion of ſuch Encroachment or Encroachments reſpectively would be entitled to, for, and in reſpect of their ancient Eſtate, in which Caſe a proportionable Part of ſuch Encroachment or Encroachments ſhall be deducted from the ſame reſpectively; and the ſaid Commiſſioners are hereby directed and required, in their Valuation of

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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 thereon, or to the Value of the Edifices and Buildings which are erected or built thereupon: Provided always, that all Houses and Buildings not occupied with some Farm of Land on the Twelfth Day of *May*, which was in the Year of our Lord One thousand eight hundred and seven, 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 seven, but such last-mentioned Houses and Buildings shall be considered as included in the Valuation of the Lands constituting such Farm to which they respectively belong; and that all Mills (if any) having Right of Common upon the said Common Moor or Waste 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, &c. not occupied with a Farm on 12th May 1807, to be valued separate.

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 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.

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

XXIV. Provided always, and be it further enacted, That the several Allotments of the said Common Moor or Waste 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 are hereby declared to be Part and Parcel of and within the Township, Quarter or Place, 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.

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

XXV. 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

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

Leaſes or Agreements, and ſuch reſpective Leſſors or Owners ſhall make ſuch Abatements of the Rents reſerved or made payable by ſuch Leaſes or Agreements reſpectively, for and on Account of their taking ſuch Allotments as the ſaid Commiſſioners ſhall adjudge and determine to be juſt and reaſonable, and ſhall in and by their general Award, or any other Writing under their Hands, aſcertain, direct, and appoint.

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

XXVI. 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 Waſte 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 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 in Writing as aforeſaid ſo ſignified and declared to have been ſo ſold as aforeſaid, and to his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns, to all Intents and Purpoſes whatſoever.

Exchanges.

XXVII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners to ſet out, aſſign, or allot, any of the Lands or Grounds hereby directed to be divided and allotted, or any Meſſuages, Buildings, incloſed Lands or Grounds, or other Heteditaments, in the Pariſh of *Ovingham* aforeſaid, in lieu of and in Exchange for any other Meſſuages, Buildings, Lands, and Hereditaments in the ſame Pariſh, ſo that every ſuch Exchange be ſet forth and aſcertained by the general Award of the ſaid Commiſſioners, and alſo be made with the Conſent of the reſpective Proprietors or Perſons, Body or Bodies Politick or Corporate, ſeiſed or entitled in Poſſeſſion of or to the Hereditaments ſo to be exchanged for any Life or Lives, or for 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, ſuch Conſent to be reſpectively ſignified by Writing under the Hands and Seals of the conſenting Parties, or under the Seals of ſuch of them as are a Corporation 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 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 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: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in Right of any Church or Chapel, or other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged ſhall be ſituate.

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

XXVIII. 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 Common Moor or Waſte, then and in ſuch Caſe the Proprietors of ſuch ancient Freehold Meſſuages, Lands, Tenements, or Hereditaments ſo exchanged as aforeſaid, their reſpective Heirs and Aſſigns, ſhall, from Time to Time, and at all Times for ever thereafter have, hold, and enjoy all and all Manner of Mines, Minerals, 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 held or enjoyed 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 Srtisfaction for Damage and Spoil of Ground to be occaſioned thereby.

Mines, &c. within Allotments ſo given in Exchange, to remain the Property of the Duke of Northnmberland.

XXIX. Provided alſo, and be it further enacted, That in all Caſes of ſuch Exchanges of ancient Freehold Meſſuages, Lands, Tenements, or Hereditaments, for any Allotment or Allotments as aforeſaid, all and every the Mines, Minerals, Quarries, and Beds of Clay, lying and being within and under the ſaid Allotment or Allotments ſo to be given in Exchange, ſhall remain the Property of and be held and enjoyed by the ſaid *Hugh* Duke of *Northumberland*, and the Lord or Lords, Lady or Ladies of the ſaid Barony of *Prudhoe* for the Time being, his, her, or their Heirs, Succeſſors, and Aſſigns, with all Liberties, Powers, Privileges, and Authorities for winning, working, leading, laying Rail or Waggon-ways, and carrying away the ſame, and the Produce thereof reſpectively, in as full, ample, and beneficial Manner to all Intents and Purpoſes as if ſuch Exchange or Exchanges had not been made.

Notices to be publiſhed in the Newcaſtle Courant.

XXX. 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 Roads, and of reading and executing the Award of the ſaid 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 generally circulated in the ſaid County of *Northumberland*.

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

XXXI. Aud be it further enacted, That the general Award to be made by the ſaid Commiſſioners purſuant to the Directions of the ſaid recited Act and this Act, ſhall be inrolled in One of His Majeſty's Courts of Record at *Weſtminſter*; and the ſaid original general Award, and ſuch Plans and Surveys as may be annexed thereto, ſhall be lodged and depoſited in the Office of the Clerk of the Peace for the ſaid County of *Northumberland*, to remain with the Records of the Court of General Quarter Seſſions of the Peace there, 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 of the Party requiring ſuch Inſpection.

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

XXXII. And be it further enacted, That in caſe the Clerk of the Peace for the ſaid County of *Northumberland*, ſhall be required to make and deliver a Copy or Copies of any of the Plans annexed to the ſaid general Award depoſited with the Clerk of the Peace as aforeſaid, a reaſonable Payment ſhall be made to him (over and above the Charge for Stamp Duties, and for the Copy or Copies of the ſaid Award and Inſtruments, or any Parts thereof) or for a Copy or Copies of ſuch Plans, or any Part thereof reſpectively.

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

XXXIII. And be it further enacted, That the ſaid Commiſſioners ſhall, at the Requeſt, Coſts, and Charges of any Perſon or Perſons, Body or Bodies Politick or Corporate, his, her, and their Stewards or Agents, having any Allotment or Allotments of the ſaid Lands or Grounds hereby intended to be divided, or otherwiſe intereſted therein, at any Time before the depoſiting of the ſaid Award, make and execute a Copy or Copies of the ſaid Award, Plans, and Surveys, or any of them, for the Uſe of the Perſon or Perſons requeſting the ſame; and every ſuch Copy 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.

XXXIV. 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 or Lords, Lady or Ladies, of the ſaid Barony of *Prudhoe*, his, her, and their Heirs and Aſſigns reſpectively for the Time being, ſhall have the ſame Powers, Liberties, and Authorities, for recovering and enforcing the ſame reſpectively, as they could or might have had in reſpect of ſuch Meſſuages, Lands, Tenements, and Hereditaments before the paſſing of this Act; but the ſaid ſeveral and reſpective Meſſuages, Lands, Tenements, and Hereditaments, in reſpect of which the ſaid ſeveral Allotments or Parcels of Ground ſhall be ſo ſet out and allotted, and the Allotments made in reſpect thereof, ſhall not nor ſhall any of them be ſubject to any new or increaſed yearly or other Rents, Payments, Reliefs, Fines, Dues, Duties, Suits, or Services whatſoever, to the Lord of the ſaid Barony of *Prudhoe*, his Heirs and Aſſigns.

XXXV. Pro-

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

XXXV. 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 Waſte 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, Bodies Politick and Corporate, to whom the ſame ſhall be aſſigned or allotted reſpectively, and they ſhall from thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively to, for, and upon ſuch and the ſame Uſes, Eſtates, Intereſts, Truſts, and Purpoſes, and ſubject and liable to the ſame Wills, Limitations, Eſtates, Conditions, Settlements, Proviſoes, Remainders, Reverſions, Leaſes, Debts, Charges, and Incumbrances of every Kind, as the ſeveral Hereditaments in reſpect whereof the ſame Lands, Tenements, and Hereditaments ſhall be reſpectively aſſigned or allotted, would have ſtood ſeverally limited or ſettled to or upon, or have been ſeverally ſubject and liable to, if ſuch Allotments thereof had not been made, or this Act had not 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.

XXXVI. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which ſhall be divided or allotted 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 within Twelve Calendar Months after the making of the ſaid Award, Requeſt ſhall be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted by Writing under his or their Hand or Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument, then and in every ſuch Caſe the ſaid Commiſſioners are hereby authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion, and ſo far as that Purpoſe ſhall require to examine Witneſſes, and in every other Reſpect to proceed and act as if the Award had not been made; and, when they ſhall have obtained what they ſhall think ſufficient Information, are hereby alſo authorized by any Deed under their Hands and Seals to diſtinguiſh and aſcertain the Difference of 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 inrolled in the ſame Place, and Evidence thereof ſhall be given in the ſame Manner, as by the ſaid recited Act 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 payable 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 ſaid Commiſſioners moſt properly belong.

Allotments to be fenced.

XXXVII. 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 from 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.

XXXVIII. 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 Lords, Lady or Ladies of the ſaid Barony of *Prudhoe*, his, her, or their 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 Common Moor or Waſte or any Part thereof, until the ſame ſhall he allotted and ſet out as aforeſaid, upon Pain of forfeiting for every ſuch Offence to the ſaid *Hugh* Duke of *Northumberland* Lord of the ſaid Barony, 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 Barony of *Prudhoe*, the ſame to be affeered by the Affeerers then and there ſworn, and which Amerciament or Amerciaments when ſo affeered 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 Barony, to be directed for that Purpoſe by the Steward of the Court of the ſaid Barony, 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 the defraying the Expences of carrying this Act into Execution.

Expences of the Diviſion to be paid by the Parties.

XXXIX. 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 Waſte, and of making Highways or Roads, and of all other the Charges and Expences incident to or attending the Execution of this Act, as are not herein otherwiſe directed to be paid, and alſo the Coſts, Charges, and Expences of preparing a Deed intended to have been executed for carrying the Diviſion and Incloſure of the ſaid Common Moor or Waſte Land into Effect, ſhall be borne, paid, and defrayed by the ſeveral and reſpective Perſons, Body and Bodies Politick and Corporate, to whom any Allotment or Allotments of the ſaid Common Moor or Waſte ſhall be reſpectively

reſpectively made, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, and in Proportion to the real Value of their reſpective Allotments, to be ſettled and aſcertained by the ſaid Commiſſioners; and the ſeveral and reſpective Shares and Proportions of all ſuch Fees, Payments, Charges, and Expences as aforeſaid, ſhall be payable and paid by ſuch Owners and Proprietors reſpectively to ſuch Perſon or Perſons, and at ſuch 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.

XL. 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 Three Pounds and Three 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.

XLI. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby reſpectively required to keep or cauſe to be kept a juſt and true Statement and Account of all Sums of Money which ſhall be raiſed or received, and laid out or expended by them or by their Order, or for their Uſe, under or by virtue or in the Execution of this Act, and of what ſhall be due or owing to them for their own Trouble or Expences; and ſhall truly and regularly enter all the Particulars of ſuch Statements and Accounts in a Book to be provided for that Purpoſe, and ſuch Accounts ſhall at leaſt once in every Year from the paſſing of this Act, till ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined and ſettled by *Robert 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 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; and ſuch Auditor for the Time being ſhall from Time to Time ſtate in Writing under his Hand the Balance of the ſaid Accounts in ſuch Book as aforeſaid, and that no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall be duly allowed by ſuch Auditor; and alſo that ſuch Book of Accounts ſhall be kept at the Office of the Clerk to the ſaid Commiſſioners, and ſhall be open to the Inſpection of any of the ſaid Proprietors or their Agents at all reaſonable Times during the Progreſs of the ſaid Diviſion and Incloſure, and until the ſaid Accounts ſhall have been finally ſettled and allowed; and in caſe the ſaid Commiſſioners or their Clerk ſhall refuſe or neglect ſo to do, the Commiſſioner or Commiſſioners or Clerk, reſpectively ſo refuſing or neglecting, ſhall for every ſuch Refuſal or Neglect forfeit and pay to any Perſon who ſhall ſue for the ſame the Sum of Ten Pounds, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter* by Action of Debt or on the Caſe.

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

XLII. And be it further enacted, That if any Persons who have Right of Common in or upon the said Common Moor or Waste, or any other Person or Persons, shall advance or pay 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 a Hundred Pounds for a Year, out of the first Money which shall be raised for the Purpose of this Act, such Interest to be computed from the Time or respective Times of advancing and paying the said Sum or Sums of Money to the Time or respective Times of the Repayment thereof.

Power to appeal.

XLIII. And be it further enacted, That if any Person or Persons, Body or Bodies Politick or Corporate, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act or the said recited Act, (other than and except such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, settled, tried, or determined by the Verdict of a Jury, or where by any of the Provisions of the said recited Act or of this Act, the Determination, Acts, or Proceedings of the 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 *Ovingham* 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 or Warrant to levy the Damages and Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties awarded to pay the same, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Owners of Allotments may get Freestone, &c.

XLIV. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Proprietors for the Time being of the several Lands allotted in pursuance of this Act, to win, get, and work therein Freestones, Limestones, and Slates, as well for the Use of the Grounds so to be allotted to them as 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.

This Act not to prejudice the Lord of

XLV. 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

Intereſt of the ſaid *Hugh* Duke of *Northumberland*, or the Lord or Lords, Lady or Ladies for the Time being of the ſaid Barony, his, her, or their Heirs, Succeſſors and Aſſigns, of, in, and to all Mines, Minerals, Quarries, and Beds of Clay, of what Nature or Kind ſoever, lying or being within or under the ſaid Common Moor or Waſte hereby intended to be divided, and alſo of, in, and to the Seigniories and Royalties incident or belonging to the ſaid Barony; and the Lord or Lords, Lady or Ladies of the ſaid Barony, his, her, or their Heirs, Succeſſors and Aſſigns, and all and every other Perſon and Perſons claiming by, from, under, or in Truſt for him, her, or them, as Lord of the ſaid Barony for the Time being, ſhall and may, from Time to Time, and at all Times for ever hereafter have, hold, and enjoy all Quit Rents, Free Rents, and other Rents, Reliefs, Dues, Cuſtoms, Suits, and Services, and all Fines, Amerciaments, Courts, Courts Leet and Views of Frank Pledge, Courts Baron, and all Profits and Perquiſites of Court and Courts Leet, and all Things which to Courts Leet and Views of Frank Pledge and Courts Baron do belong or appertain, with free Warren, and Liberty of hawking, hunting, fiſhing, and fowling within and throughout the ſaid Barony and every Part thereof, and all Goods and Chattels of Felons and Fugitives, and Felons of themſelves and put in exigent, Deodands, Treaſure Trove, Waifs, Forfeitures, Eſtrays, 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 Barony, or to the Lord or Lords, Lady or Ladies thereof for the Time being, incident, belonging, or appertaining (other than and except the Right to the Soil of the ſaid Common Moor or Waſte, 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; (except only as hereinafter is mentioned), and that the ſaid *Hugh* Duke of *Northumberland*, and all ſucceeding Lord or Lords, Lady or Ladies of the ſaid Barony of *Prudhoe*, or his, her, or their Tenants, Leſſees, or Aſſigns, ſhall and may, from Time to Time, and at all Times hereafter have, hold, win, work, and enjoy excluſively all Mines, Minerals, Quarries, and Beds of Clay, of what Nature or Kind ſoever, ſave and except the ſaid common Quarries and Gravel Pits within and under the ſaid Common Moor or Waſte hereby directed to be divided, and within and under every Part thereof reſpectively, and the ſeveral Allotments thereof in purſuance of this Act, ſubject nevertheleſs, and without Prejudice to the Rights and Privileges herein-before reſerved and given in reſpect of ſuch Freeſtone, Limeſtone, and Slates as are herein-before permitted to be won, gotten, and worked by Proprietors of Allotments, together with all convenient and neceſſary Ways and Way-leaves, 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, Quarries, and Beds of Clay, 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, Quarries, and Beds of Clay or Collieries, belonging to the ſaid *Hugh* 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,

the Manor to the Royalties, &c.

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 or may be necessary or convenient for the full and complete working, Use, and Enjoyment of such Mines, Minerals, Quarries, and Beds of Clay hereby reserved, in as full, ample, and beneficial a Manner to all Intents and Purposes as they might or could have done in case this Act had not been made.

For making Compensation for Damage in working Mines.

XLVI. And be it further enacted, That in case the said *Hugh* Duke of *Northumberland*, or the Lord or Lords, Lady or Ladies of the said Barony for the Time being, his, her, or their Heirs or Assigns, or any Person or Persons claiming under him, her, or them, shall, after such Inclosures or Allotments made as aforesaid, search for, win, or work any Mine or Mines, Minerals, Quarries, or Beds of Clay, 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, Quarries, or Beds of Clay, then and in such Case the said *Hugh* Duke of *Northumberland*, or the Lord or Lords, Lady or Ladies of the said Barony, his, her, or their Heirs or Assigns, 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 the erecting or building any Houses, Drawkilns, Erections, Buildings, Fire Engines or other Engines, Mills, or other Erections, or by the altering, changing, repairing, amending, rebuilding, pulling down, or carrying away the same or any of the Materials thereof as aforesaid to the Person or Persons who shall be in Possession of such Ground at the Time or Times of such Damage or Spoil.

General Saving.

XLVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Person and Persons, Body and Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except the said *Hugh* Duke of *Northumberland*, and the several other Persons, Bodies Politick or Corporate, 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, or 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 Waste 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.

This Act to be printed and given in Evidence.

XLVIII. 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. 1810.