ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 10.

An Act for inclosing Lands in the Parishes of *Rothbury* and *Elsdon*, in the County of *Northumberland*. [12th *March* 1805.]

WHEREAS there is within the Parishes of *Rothbury* and *Elsdon*, or the one of them, in the County of *Northumberland*, a Common Moor or Waste, called *Tosson Common* otherwise *Tosson Common*, containing by Estimation Five thousand Acres or thereabouts: And whereas Sir *John Buchanan*, of *Riddell* in *North Britain*, Baronet, is Lord of the Barony or Manor of *Hepwell*, otherwise *Hepple*, otherwise *Heppell*, 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 Waste: And whereas the said Sir *John Buchanan* of *Riddell*, *Thomas Clennell* of *Harbottle Castle* in the County of *Northumberland*, Esquire, and several other Persons, are seised and possessed of divers Messuages, Lands, Tenements, and Hereditaments within the said Barony or Manor and Parishes, 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 Waste: And whereas the said Common Moor or Waste, in its present State, is of little Use or Advantage, but considerable Parts thereof are capable of Cultivation and Improvement, and the several Persons entitled to such Right of Common as aforesaid are willing and desirous that the said Common Moor or Waste, with the Consent of the said

Lord of the ſaid Barony or Manor, ſhould be divided and allotted by Commiſſioners, in that Behalf to be appointed, amongſt the ſaid Sir *John Buchanan* 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 Bailey*, of *Chillingham* in the County of *Northumberland*, Gentleman, and *George Forſter*, of *Barcus Cloſe* in the County of *Durham*, 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 in Execution, in ſuch Manner and ſubject to ſuch Regulations as are herein-after contained, and with ſuch of the Powers, and ſubject to ſuch of the Rules, Orders, Directions, Authorities, Regulations, Reſtrictions, and Proviſions contained in an Act paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*, as are not controuled by or repugnant to any of the Clauſes, Proviſions, or Regulations contained in this Act.

Commiſſioners Names.

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

For chooſing new Commiſſioners

II. Provided always, and be it further enacted, That if 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 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 Bailey* ſhall die, neglect, or refuſe, or become incapable to act as aforeſaid, the ſaid Sir *John Buchanan*, his Heirs or Aſſigns, Lords of the ſaid Barony or Manor for the Time being, ſhall and may by any Inſtrument in Writing under his 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 Bailey*; and in caſe the ſaid *George Forſter* 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 Waſte, hereby intended to be divided, or their reſpective Agents preſent at a Meeting to be holden for that Purpoſe, of which Meeting Notice ſhall be given by any Two or more of ſuch Proprietors and Owners, or their reſpective Agents, or by the other Commiſſioner for putting this Act into Execution, by affixing the ſame on the principal Doors of the Parith Churches of *Rothbury*

bury and *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 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 *George Forſter*; and in caſe of the Death of any Perſon ſo to be hereafter nominated and appointed a Commiſſioner as aforeſaid, or of his neglect or refuſal to act, or becoming incapable of acting as aforeſaid, the Perſon or Perſons, Body or Bodies Politick or Corporate reſpectively, by whom ſuch Commiſſioner was nominated and appointed, their reſpective Heirs, Succeſſors, Agents, or Aſſigns, ſhall in like manner nominate and appoint another Commiſſioner in his room, and ſo 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 enrolled 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.

How Differences between the Commiſſioners are to be ſettled.

III. And, for the more effectually obviating and preventing any Inconvenience or Delay, which might otherwiſe happen or be occaſioned in the Proceedings of the ſaid Commiſſioners, by reaſon of any Difference in Opinion between them, touching or concerning any Matter or Thing in the Execution of the Powers of this Act, or any Point or Points, Queſtion or Queſtions, ariſing out of or relating thereto; be it further enacted, That if any Difference of Opinion ſhall happen to ariſe between the Commiſſioners for the Time being, touching or concerning any Matter or Thing in the Execution of the Powers of this Act, or any Point or Points, Queſtion or Queſtions ariſing out of or relating thereto, then and as often as the Caſe ſhall ſo happen, all and every ſuch Matters or Things, or Points or Queſtions reſpectively upon which there ſhall be any ſuch Difference in Opinion between the ſaid Commiſſioners as aforeſaid, ſhall be referred by the ſaid Commiſſioners, by Writing under their Hands, to ſome diſintereſted and ſkilful Perſon, 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, or Points or Queſtions ſo reſpectively referred to his Determination as aforeſaid, to the Intent that the ſaid Commiſſioners may be thereby enabled to proceed in the Execution of the Powers of this Act, and to make their General

General Award as herein-after directed, notwithſtanding any ſuch Difference in 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 ſo 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.

IV. 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, 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 ſix, or as ſoon after as conveniently may be, by *John Greenwell Bailey*, of *Chillingham* aforeſaid, Land Surveyor; or in caſe of the Death, Neglect, Refuſal, or Incapacity, by Sickneſs or any other Cauſe whatſoever, of the ſaid *John Greenwell Bailey*, 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 Commiſſioners for the Time being ſhall by Writing under their Hands from Time to Time nominate and appoint.

Surveyor to take an Oath.

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

Surveyor'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 the Common Moor or Waſte, intended to be divided and allotted by virtue of an Act paſſed in the Forty-fifth Year of the Reign of His Majeſty 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 the ſaid Act into 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

ſhall require; which Oath, and alſo the Inſtrument or Inſtruments of Appointment of any new Surveyor, ſhall be reſpectively enrolled in the ſame Place, and Evidence thereof given in the ſame Manner as by the ſaid Act and this Act is directed concerning the General Award to be made by the ſaid Commiſſioners.

Charges to be paid Surveyor.

VI. And be it further enacted, That the Surveys or Admeaſurements including all neceſſary Reſurveys, and all Plans, except the fair Plan upon Vellum hereinafter particularly mentioned, ſhall be paid for at and after the Rate of Sixpence *per* Acre, for each and every Acre of the Land which ſhall be ſurveyed, admeaſured, and planned in purſuance of this Act, and the ſaid Surveyor ſhall at all Times bear and pay his own Expences; and in caſe of the Death of ſuch Surveyor, before ſuch Surveys, Admeaſurements, and Plans as aforeſaid ſhall be finiſhed, then and in every ſuch Caſe the Executors or Adminiſtrators of every ſuch Surveyor ſo dying ſhall be paid after the Rate of Four-pence *per* Acre, for each and every Acre which ſhall have been once only ſurveyed, and Sixpence *per* Acre for each and every Acre that ſhall have been ſurveyed more than once; and for ſetting out the Allotments, attending the Commiſſioners, and executing ſuch other Buſineſs as ſhall neceſſarily have been done by the ſaid Surveyor, relative to the ſaid Diviſion, at and after the Rate of Two 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 ſame.

VII. And be it further enacted, that the ſaid Surveyor ſhall, after the ſaid Diviſion and Allotment of the Lands and Grounds intended to be hereby divided and incloſed ſhall be 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 Twenty-one Years, to be deemed Part of the Lands to be divided.

VIII. 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 Twenty one Years laſt paſt or upwards, without any Interuption, or Payment of any Acknowledgement) 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 Rothbury;

IX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to cauſe a Notice in Writing under their Hands, to be affixed upon the principal Doors of the Pariſh Churches of *Rothbury* and *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 *Rothbury* 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

and their subsequent Meetings.

Notice in Writing under their Hands to be affixed upon the principal Doors of the Parish Churches of *Rothbury* and *Elsdon* aforesaid, Eight Days at least before every such subsequent Meeting; but the said Commissioners, at the First, Second, or Third Meeting, or any other subsequent Meeting or Meetings, shall have full Power and Authority from Time to Time, as they shall think it convenient, to continue such First, Second, or Third Meeting, or any other subsequent Meeting or Meetings by Adjournment, for the due Execution of this Act, without giving any Notice whatsoever of such Meeting or Meetings by Adjournment, otherwise than by leaving at the Time and Place where such Meeting or Meetings shall be held, Notice under their Hands when and where such adjourned Meetings are to be held from Time to Time.

Power to adjourn such Meetings.

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

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

Commissioners to determine Differences.

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

Power to try disputed Claims at Law.

XII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politick or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person or Persons, Body or Bodies Politick or Corporate, so desirous to have the same tried at Law, shall and do by themselves or their respective Stewards, Receivers, Attornies or Agents, give or cause to be given Notice thereof in Writing to the said Commissioners, or 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, 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

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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 or Manor of *Hepewell* otherwiſe *Hepple* otherwiſe *Heppell*, 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 Attorneys, 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 are hereby authorized and required to conform thereto; provided always, that it ſhall be lawful for the Court in which any Action commenced in purſuance of this Act ſhall be depending, upon ſufficient Cauſe ſhewn to put off the Trial of ſuch Action, or to award a new Trial therein, although the Time herein-before limited for the Trial of ſuch Action may be thereby exceeded; but if no ſuch Action or Actions at Law ſhall be brought or commenced by the Perſon or Perſons, Body or Bodies Politick or Corporate, giving ſuch Notice within the Time aforeſaid, or if ſuch Action or Actions ſhall not be proceeded in to a Trial or Trials, at the Firſt Aſſizes which ſhall be holden for the ſaid County of *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.

XIII. 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.

XIV. 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

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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.

Commissioners to determine to what Townships Roads shall belong.

XV. And, for the preventing all Disputes and Differences which may arise, touching the Repairs of the publick Highways and Roads which shall be set out and appointed in pursuance of this Act, or of the said Act of the Forty-first Year aforesaid; be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to determine and adjudge what Part or Parts of the said Highways and Roads so to be set out and appointed shall or do belong to any Townships or Quarters respectively; and the said Commissioners shall in and by their General Award order and direct by what Townships or Quarters respectively such Highways and Roads shall be maintained, amended, and kept in Repair; and the Owners or Occupiers for the Time being, in each of such Townships or Quarters respectively, shall, from and after the Execution of the 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 Lord of the Manor for the Soil.

XVI. 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 Sir *John Buchanan*, as Lord of the Barony or Manor of *Hopewell* otherwise *Hepple* otherwise *Heppell*, as aforesaid, his Heirs and Assigns, One full Sixteenth Part in Value (Quantity, Quality, and Situation considered) of the said Common Moor or Waste respectively so to be divided and allotted, after deducting the publick Carriage Roads, Drains, Watercourses and Quarries, in lieu of and as a full Compensation and Satisfaction for his Right and Interest to the Soil of the said Common 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 Ground, as shall be assigned and allotted to him in respect of his several Messuages, Lands, Tenements, and Heraditaments, having Right of Common upon the said Common Moor or Waste.

The Lord's Sixteenth to be awarded to lie in the several Townships or Quarters in proportion and according to the Value of the Estates therein which have Right of Common.

XVII. 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 or Manor of *Hopewell* otherwise *Hepple* otherwise *Heppell*, and that such respective One Sixteenth Part or Share shall also be subdivided in several distinct Plots or Parcels, in proportion and according to the Value of the several Messuages, Lands, Tenements, and Hereditaments in each Township, Quarter, or Place respectively, which have Right of Common upon the said Common Moor or Waste, and shall be allotted and awarded to lie in such Townships, Quarters,

Quarters, or Places accordingly; and that from and immediately after the Execution and Enrolment of the General Award of the ſaid Commiſſioners, the ſaid ſeveral diſtinct Plots or Parcels ſo allotted and awarded as and conſtituting the ſaid reſpective 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, as the ſame ſhall be ſo appointed and awarded to lie as aforeſaid, to and for all Intents and Purpoſes whatſoever.

Allotment of the Reſidue of the Common.

XVIII. 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 Sir *John Buchanan*, *Thomas Clennell*, 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 their ſeveral Meſſuages, Lands, Tenements, and Hereditaments, in reſpect whereof they are ſo entitled thereto reſpectively as aforeſaid.

Houſes, &c. not occupied with a Farm on the 12th of May 1803, to be valued ſeparate.

XIX. Provided always, That all the Houſes and Buildings not occupied with ſome Farm of Land on the Twelfth Day of *May* which was in the Year of our Lord One thouſand eight hundred and three, 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 three; but ſuch laſt mentioned Houſes and Buildings ſhall be conſidered as included in the ſaid Valuation of the Lands conſtituting ſuch Farm to which they reſpectively belong; and that all Mills (if any) having Right of Common upon the ſaid 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.

Encroachments to be allotted to Perſons in Poſſeſſion thereof.

XX. 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 comprized 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 such Encroachments for the Purposes aforesaid, to estimate the same according to their original Value in their open State, without any Regard to the Improvements made therein, or to the Value of the Edifices and Buildings which are erected or built thereupon.

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

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

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

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

XXIII. 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 General Award, or any other Writing under their Hands, ascertain, direct, and appoint.

Allotments that may happen to be sold may on

XXIV. 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 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. Requeſt be allotted to the Purchaſers by the General Award.

XXV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners to ſet out, aſſign, or allot any of the Lands or Grounds hereby directed to be divided and allotted, or any Meſſuages, Buildings, incloſed Lands or Grounds, or other Hereditaments in the Pariſhes of *Rothbury* and *Elſdon* aforeſaid, or either of them in lieu of and in Exchange for any other Meſſuages, Buildings, Lands, and Hereditaments in the ſame Pariſhes, or either of them, 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, 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, and ſo as that every Exchange of any Lands or Hereditaments belonging to the perpetual Curacies of *Tweedmouth* and *Ancroft* be alſo made with the Conſent of the Patrons of the ſaid Curacies and the Biſhop of *Durham* for the Time being reſpectively, 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 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 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. Exchanges.

XXVI. And

Notices to be published in the Newcastle Courant.

XXVI. 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 generally circulated in the County of *Northumberland*.

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

XXVII. 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*; and the said Original General Award, and such Plans or Surveys as may be annexed thereto, shall be lodged and deposited in the Office of the Clerk of the Peace for the said County of *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 to the Clerk of the Peace.

XXVIII. 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, for a Copy or Copies of such Plans or any Part thereof respectively; and in case any Dispute or Difference shall arise between the said Clerk of the Peace and the Person or Persons requesting a Copy or Copies of such Plans or any Part thereof respectively, touching such Allowance, then and in such Case the same shall be settled and ascertained by the Justices of the Peace for the said County of *Northumberland*, in General Quarter Sessions assembled, or by the major Part of them, and the same being so settled and ascertained shall be final and conclusive to the said Parties.

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

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

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

XXX. 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

liefs 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 Barony or Manor of *Hopewell* otherwiſe *Hepple* otherwiſe *Heppell*, 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 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 or Manor of *Hopewell* otherwiſe *Hepple* otherwiſe *Heppell*, his Heirs and Aſſigns.

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

XXXI. 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, Intents, and Purpoſes, and ſubject and liable to the ſame Wills, Limitations, Eſtates, Conditions, Settlements, Proviſoes, Remainders, Reverſions, Leaſes, Debts, Charges, and Incumbrances of every Kind, as the ſeveral Hereditaments in reſpect whereof the ſame Lands, Tenements, and Hereditaments ſhall be reſpectively aſſigned or allotted would have ſtood ſeverally limited or ſettled to or upon, or have been ſeverally ſubject and liable to, if ſuch Allotments thereof had not been made, or this Act had not 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

XXXII. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which ſhall be divided, allotted, or exchanged by virtue of this Act, ſhall hold their reſpective Lands and Hereditaments for different Eſtates or under different Titles, and where, from the Want of the neceſſary Information before the ſaid Commiſſioners, or from any other Cauſe, their Award ſhall have omitted the diſtinguiſhing and aſcertaining of the Lands or other Hereditaments holden for each of ſuch Eſtates, and under each of ſuch Titles reſpectively, and the ſetting out and awarding of ſeveral and diſtinct Allotments for ſuch

Same in their General Award, they may on Requeſt do the ſame by Deed after the making of the ſaid Award.

ſuch reſpective Lands or other Hereditaments as herein-before is required, and after the making of the ſaid Award, Requeſt ſhall be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted, by Writing under his or their Hand or Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument, then and in every ſuch Caſe the ſaid Commiſſioners are hereby authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion, and ſo far as that Purpoſe ſhall require, to examine Witneſſes, and in every other Reſpect to proceed and act as if the Award had not been made; and when they ſhall have obtained what they ſhall think ſufficient Information, are hereby alſo authorized by any Deed under their Hands and Seals to diſtinguiſh and aſcertain the Difference of Tenure, Eſtates, and Titles, reſpectively, and accordingly to make diſtinct and ſeveral Allotments in the ſame Manner as is hereby required where ſuch Diſcrimination ſhould be contained in the ſaid Award; and every ſuch ſeparate Inſtrument ſhall be enrolled in the ſame Place, and Evidence thereof ſhall be given in the ſame Manner, as by the ſaid Act of the Forty-firſt Year of His preſent Majeſty, and this Act, or either of them reſpectively, is directed, concerning the ſaid General Award of the ſaid Commiſſioner, 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 Enrolment 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.

XXXIII. 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, except only ſuch Allotments the incloſing and fencing whereof are otherwiſe particularly directed and provided for by this Act.

No Turves or Sods to be cut.

XXXIV. And be it further enacted, That, from and after the paſſing of this Act, it ſhall not be lawful for any Perſon or Perſons (other than and except the Lord of the ſaid Barony or Manor, his Heirs 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 be allotted and ſet out as aforeſaid, upon Pain of forfeiting for every ſuch Offence, to the ſaid Sir *John Buchanan*, Lord of the ſaid Barony or Manor, his Heirs or Aſſigns, ſuch Sum not exceeding Thirty-nine Shillings nor leſs than Five Shillings, as ſhall be aſſeſſed in the Nature of an Amerciament, at any Court Leet or Court Baron to be holden for the ſaid Barony or Manor, the ſame to be aſſeered by the Aſſeerors then and there ſworn, and which

Amerciament

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 Barony or Manor, to be directed for that Purpoſe by the Steward of the Court of the ſaid Barony or 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.

XXXV. And be it further enacted, That the Charges and Expences of obtaining, obtaining, and paſſing this Act, and of ſurveying, planning, allotting, 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, 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 made, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns (other than and except the Curate of the perpetual Curacies of *Tweedmouth* and *Ancroft* for the Time being as ſuch) in proportion to the real Value of their reſpective Allotments to be ſettled and aſcertained by the ſaid Commiſſioners; and the ſeveral and reſpective Shares and Proportions of all ſuch Fees, Payments, Charges, and Expences as aforeſaid, ſhall be payable and paid by ſuch Owners and Proprietors reſpectively, to ſuch Perſon or Perſons and at ſuch 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.

XXXVI. 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.

XXXVII. 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 aſſeſſed or received and laid out or expended by them, or by their Order or for their Uſe, under or by virtue or in 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

pointed Auditor for that Purpose; and in case of his Death or Refusal to act, by such other fit and proper Person as shall be appointed Auditor in his Stead by the Majority in Value of the said Proprietors, at a Meeting to be holden in like Manner as is herein-before directed with respect to the Meeting of the said Proprietors for the Purposes of appointing a Commissioner in the Place of the said *George Forster*; 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.

XXXVIII. And be it further enacted, That if any of the Persons who have Right of Common in or upon the said Common Moor or Waste, 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.

XXXIX. 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, (other than and except such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, settled, tried, or determined by the Verdict of a Jury, or where, by any of the Provisions of the said Act of the Forty-first Year of the present Reign, or of this Act, the Determinations, Acts, or Proceedings of the said Commissioners are directed to be final 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 Doors of the Parish Churches of *Rothbury* and *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,

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 Proceſs or Writ whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Owners of Allotments may get Free Stone.

XL. 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 and Limeſtones for the Uſe of the Grounds ſo to be allotted to them, and alſo Freeſtone, 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, 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 or for Tiles, or any other Uſe or Purpoſe whatſoever:

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

XLI. 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 Sir *John Buchanan*, his Heirs and Aſſigns, as Lord of the ſaid Barony or Manor of *Hopewell* otherwiſe *Hepple* otherwiſe *Heppell*, 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 Waſte hereby intended to be divided and incloſed, and alſo of, in, and to the Seigniories and Royalties incident or belonging to the ſaid Barony or Manor, but that the ſaid Sir *John Buchanan*, his Heirs and Aſſigns, and all and every other Perſon and Perſons claiming by, under, or in Truſt for him or them, as Lord of the ſaid Barony or Manor, and all ſucceeding Lords of the ſaid Barony or Manor for the Time being, ſhall and may from Time to Time and at all Times for ever hereafter, have, hold, and enjoy all Quit Rents, Free Rents, and other Rents, Reliefs, Dues, Cuſtoms, Suits, and Services, and all Fines, Amerciaments, Courts, Courts Leet, and Views of Frankpledge, Courts Baron, and all Profits and Perquiſites of Courts and Leets, and all Things which to Courts Leet and Views of Frankpledge and Courts Baron do belong or appertain, with free Warren and Liberty of hawking, hunting, fiſhing, and fowling within and throughout the ſaid Barony or 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 Barony or Manor, or to the Lord 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 as if this Act had not been made; and that the said Sir *John Buchanan*, and all succeeding Lords of the said Barony or Manor of *Hopewell* otherwise *Hepple* otherwise *Heppell*, or his 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 as aforesaid, 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, 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 Sir *John Buchanan*, his Heirs or Assigns; and of making Pits, Shafts, and Sumps, Pit Rooms and Heap Rooms, Drifts, Levels, and Watercourses, and of repairing, amending, and upholding the same, and of erecting, building, and using Houses, Drawkilns, Erections, Buildings, Fire Engines and other Engines, Mills, and other Erections and Buildings, and of altering, changing, 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, and Quarries hereby reserved, in as full, ample, and beneficial Manner, to all Intents and Purposes, as they might or could have done in case this Act had not been made.

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

For making Compensation for Damages in working Mines.

XLII. And be it further enacted, That in case the said Sir *John Buchanan*, his Heirs or Assigns, or any Person or Persons claiming under him or them, shall, after such Inclosures or Allotments made as aforesaid, search for, win, or work, any Mine or Mines, Minerals or Quarries, lying and being within or under any of the Allotments or Inclosures to be made as aforesaid, or lead or carry away the Produce of or from any such Mines, Minerals, or Quarries, then and in such Case the said Sir *John Buchanan*, his Heirs or Assigns, or such Person or Persons so claiming under him or them, shall make a reasonable Satisfaction for the Damage and Spoil of Ground occasioned thereby, or by the erecting or building any Houses, Drawkilns, Erections, Buildings, Fire Engines or other Engines, Mills, or other Erections, or by the altering, changing, repairing, amending, 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.

Curate of the perpetual Curacies of

XLIII. And whereas certain Messuages, Lands, Tenements, and Hereditaments, having Right of Common upon the said Common Moor or Waste,

Waſte, have been purchaſed by the Aid of Queen *Anne*'s Bounty, for the Augmentation of the ſaid perpetual Curacies of *Tweedmouth* and *Ancroft*, and it would tend to the Advantage of the Poſſeſſor of ſuch Curacies, by the better enabling him to improve the Allotment or Allotments to be ſet out in reſpect of ſuch laſt-mentioned Premiſes, if he was empowered to grant Leaſes thereof; be it further enacted, That it ſhall be lawful for the Curate of the ſaid perpetual Curacies of *Tweedmouth* and *Ancroft* for the Time being, to let or demiſe the reſpective Allotments, or any Part thereof, by any Deed or Indenture of Leaſe under his Hand and Seal, with the Conſent of the Patrons and Diocеſan, to be teſtified by their being Parties thereto and executing the ſame, for any Term or Number of Years not exceeding Twenty-one Years from the Time of executing the ſaid General Award of the Commiſſioners, ſo as the beſt Rent that can or may be had for the ſame be therein expreſsly reſerved and made payable to the Curate of the ſaid perpetual Curacies of *Tweedmouth* and *Ancroft*, and his Succeſſors reſpectively, during the Terms in ſuch reſpective Leaſes, and ſo as a Clauſe of Re-entry, in caſe of Non-payment of Rent, be therein reſpectively inſerted, and ſo as the Leſſee or Leſſees, to be named in ſuch Leaſes reſpectively, do execute Counterparts thereof; and the Leſſee or Leſſees to be named in ſuch Leaſes reſpectively ſhall, and he, ſhe, or they is and are hereby authorized and empowered to hold and enjoy the ſaid Allotments againſt the Curate of the ſaid perpetual Curacies of *Tweedmouth* and *Ancroft*, and his Succeſſors, under the Terms and Conditions to be expreſſed in ſuch Leaſes reſpectively. Tweedmouth and Ancroft may leaſe his Allotment.

XLIV. And be it further enacted, That the ſaid Commiſſioners ſhall, before the Execution of their General Award, cauſe the Allotment or Allotments to be awarded to the Curate of the ſaid perpetual Curacies of *Tweedmouth* and *Ancroft*, in reſpect of the ſaid Curacies, to be incloſed, hedged, ditched, and fenced with good and ſufficient Boundary Fences, the Expences whereof, as alſo of carrying this Act into Execution in reſpect of ſuch Allotments, ſhall be paid and defrayed by and out of the Monies hereby directed to be raiſed for carrying this Act into Execution, and from and after making ſuch Incloſures, and Hedges, Ditches, and Fences to the ſaid Allotment or Allotments, all ſuch Hedges, Ditches, and Fences ſhall for ever thereafter be kept in Repair by the ſaid Curate of the perpetual Curacies of *Tweedmouth* and *Ancroft*, and his Succeſſors as aforeſaid, and the Owner and Owners of the adjoining Allotment or Allotments, or any of them, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall in and by their ſaid General Award order, direct, and appoint. The Curate's Allotment to be fenced.

XLV. 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 Sir *John Buchanan*, 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, 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 Waſte, hereby directed General Saving.

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

To be printed as a Publick Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1805.