ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 73.

An Act for incloſing Lands in the Pariſh of *Simonburn*, in the County of *Northumberland*.

[29th *June* 1804.]

WHEREAS there are within the Pariſh of *Simonburn*, in the County of *Northumberland*, Three Commons, Moors, or Waſtes; the one of the ſaid Commons, called *Thorneyburn Common*, containing by Eſtimation Two thouſand Acres or thereabouts; another of the ſaid Commons, called *Greyſtead Common*, otherwiſe *The Eals Common*, otherwiſe *Stokoe Fell*, containing by Eſtimation Five hundred Acres or thereabouts; and the other of the ſaid Commons, called *Stannersburn Common*, containing by Eſtimation Five hundred Acres or thereabouts; and there are alſo within the ſame Pariſh, certain Common Fields, called *Stannersburn Common Fields*, containing by Eſtimation Forty Acres or thereabouts: And whereas the Commiſſioners and Governors of the Royal Hoſpital for Seamen at *Greenwich*, in the County of *Kent*, are Lords of the Barony or Manor of *Wark*, and as ſuch are or claim to be ſeiſed of or entitled to the Soil and Inheritance, and the Mines, Minerals, Quarries, and Royalties, of, within, and under the ſaid Three Commons,

Moors, or Waſtes, as Part and Parcel of their ſaid Barony or Manor of *Wark:* And whereas *George Holme Sumner* Eſquire, *George Gibſon* Eſquire, and ſeveral other Perſons, are ſeiſed and poſſeſſed of divers Meſſuages, Lands, Tenements, and Hereditaments, within the ſaid Barony or Manor and Pariſh, and in reſpect thereof, or as appendant, appurtenant, or belonging thereto, they or their Leſſees, Farmers, or Tenants, are or claim to be entitled to Right of Common in and upon the ſaid Commons, Moors, or Waſtes, ſome or one of them: And whereas the ſaid Commons, Moors, or Waſtes, in their preſent State are of little Uſe or Advantage, but conſiderable Parts thereof are capable of Cultivation and Improvement, and the ſeveral Perſons entitled to ſuch Right of Common as aforeſaid are willing and deſirous that the ſaid Commons, Moors, or Waſtes, with the Conſent of the ſaid Lords of the ſaid Barony or Manor, ſhould be divided and allotted by Commiſſioners in that Behalf to be appointed amongſt the ſaid Commiſſioners and Governors and the ſeveral Perſons entitled to Right of Common thereon or otherwiſe intereſted therein, reſpectively; and the Property in the ſaid *Stannersburn* Common Fields lying diſperſed in ſmall Parcels and inconveniently ſituated, the ſeveral Perſons intereſted therein are willing and deſirous that the ſame ſhould alſo be divided and allotted by the ſaid Commiſſioners, amongſt the ſeveral Perſons intereſted therein; which reſpective Diviſions will be advantageous to all the Parties intereſted therein reſpectively, 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 Fryer*, of the Town and County of *Newcaſtle-upon-Tyne*, Gentleman, and *William Bates*, of *Clarewood* in the County of *Northumberland*, Gentleman, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, and allotting the ſaid Commons, Moors, or Waſtes, and Common Fields, 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-fifth 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 either of the Commiſſioners hereby appointed ſhall die, or ſhall neglect to act for the Space of One Calendar Month when Occaſion ſhall require his Attendance on the Buſineſs hereby committed to his Charge, or ſhall refuſe to act, or be rendered incapable of acting by Sickneſs or any other Cauſe whatſoever, before the Powers and Authorities hereby veſted in them ſhall be carried into Execution, a new Commiſſioner or Commiſſioners ſhall and may be appointed and nominated in the Place or Places of him or them ſo dying, neglecting, or refuſing to act, or rendered incapable as aforeſaid, in Manner following, that is to ſay, in caſe the ſaid *John Fryer* ſhall die,

die, neglect, or refuſe, or become incapable to act as aforeſaid, the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, their Succeſſors or Aſſigns, or their Stewards or Steward, Receivers or Receiver, or Agents or Agent for the Time being, ſhall and may, by any Inſtrument in Writing under their Common Seal, or under the Hands or Hand of ſuch Stewards or Steward, Receivers or Receiver, or Agents or Agent, nominate and appoint a proper Perſon (not being beneficially intereſted in the ſaid Diviſion and Enclоſure, or an Agent to, or Father, Son, or Brother of any Perſon ſo intereſted) to be a Commiſſioner in the room of the ſaid *John Fryer*, and in caſe the ſaid *William Bates* ſhall die, neglect, or refuſe or become incapable to act as aforeſaid, the major Part in Value of the Proprietors and Owners of Meſſuages, Lands, Tenements, and Hereditaments, entitled to Right of Common upon the ſaid Commons, Moors, or Waſtes, and intereſted in the ſaid Common Fields 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 in Execution, by affixing the ſame on the principal Door of the Parith Church of *Simonburn* 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 uſually 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 Inclоſure, or an Agent to, or Father, Son, or Brother of any Perſon ſo intereſted) to be a Commiſſioner in the room of the ſaid *William Bates*; and in caſe of the Death of any Perſon ſo to be hereafter nominated and appointed a Commiſſioner as aforeſaid, or of his Neglect or Refuſal to act, or becoming incapable of acting as aforeſaid, the Perſon or Perſons, Body or Bodies Politick or Corporate reſpectively, by whom ſuch Commiſſioner was nominated and appointed (their reſpective Heirs, Succeſſors, Agents, or Aſſigns) ſhall in like Manner nominate and appoint another Commiſſioner in his room, and ſo *toties quoties* ſo often as any Vacancy ſhall happen by ſuch Death, Neglect, Refuſal, or Incapacity, of every ſuch new Commiſſioner or Commiſſioners ſo to be nominated and appointed as aforeſaid; and every Perſon who ſhall be nominated and appointed 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.

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 in Opinion ſhall happen to ariſe between the Commiſſioners

missioners 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 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 Commons, Moors, or Wastes, 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, and of the said Common Fields, some Time before the First Day of *January* One thousand eight hundred and five, or as soon after as conveniently may be, by *Joseph Harrison Fryer*, of the Town and County of *Newcastle-upon-Tyne*, and *William Bates* the Younger, of *Chollerton* in the said County of *Northumberland*, Land Surveyors; or in case of the Death, Neglect, Refusal, or Incapacity by Sickness, or any other Cause whatsoever, of either of them the said *Joseph Harrison Fryer* and *William Bates* the Younger, for the Space of One Calendar Month when Occasion shall require his Attendance on the Business of taking and making such Surveys or Admeasurements and Plans, then the same shall be made and taken by the other of them; and in case of the Death, Neglect, Refusal, or Incapacity as aforesaid, of both of them the said *Joseph Harrison Fryer* and *William Bates*

Bates the Younger, for the Space of One Calendar Month when Occaſion ſhall require their Attendance on the Buſineſs of taking and making ſuch Surveys or Admeaſurements and Plans, then by ſuch other fit and proper Perſon, being an experienced Surveyor of Land (not beneficially intereſted in the ſaid Diviſion, nor an Agent to any Perſon ſo intereſted) as the Commiſſioners for the Time being ſhall, by Writing under their Hands, from Time to Time, nominate and appoint.

Surveyors to take an Oath.

V. Provided always, and be it further enacted, That no Perſon or Perſons ſhall be capable of acting as Surveyors or 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 all the Commons, Moors, or Waſtes, and Common Fields, intended to be divided and incloſed, by virtue of an Act, paſſed in the Forty-fourth 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 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 Surveyors.

VI. And be it further enacted, That the Surveys or Admeaſurements, including all neceſſary Reſurveys, and all Plans (except the fair Plans upon Vellum herein-after particularly mentioned) ſhall be paid for at and after the Rate of Sixpence *per* Acre for each and every Acre of the Land which ſhall be ſurveyed, admeaſured, and planned, in purſuance of this Act; and the ſaid Surveyors ſhall at all Times bear and pay their 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 Three-pence *per* Acre, for each and every Acre which ſhall have been ſo ſurveyed and admeaſured in his Lifetime.

Surveyors to make fair Plans upon Vellum of the Commons, and their Charge for ſame.

VII. And be it further enacted, That the ſaid Surveyors or Surveyor ſhall, after the ſaid Diviſion and Allotment of the Lands and Grounds intended to be hereby divided and incloſed, ſhall be completed, make fair Plans upon Vellum of all the ſaid Lands and Grounds intended to be hereby divided and allotted, whereon reſpectively ſhall be truly and diſtinctly delineated, ſet down, marked, and expreſſed, the ſeveral Matters and Things neceſſary or proper to be inſerted therein, for the better explaining the Award of the ſaid Commiſſioners, and for which fair Plans upon Vellum the Sum of Twenty-one Pounds ſhall be paid.

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

VIII. And be it further enacted, That all Inclosures and Encroachments which have been taken from the said Commons, Moors, or Wastes (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; and save and except such Houses, Cottages, Mills, Engines, and other Erections and Buildings, as have heretofore been erected and built upon the said Commons, Moors, or Wastes, by the said Commissioners and Governors of the said Royal Hospital, Lords for the Time being of the said Barony or Manor of *Wark*, or their Lessees or Assigns) shall be deemed Part and Parcel of the said Commons, Moors, or Wastes, so to be divided; and in case any Difference or Dispute shall arise, touching any such Inclosures or Encroachments being deemed Part or Parcel of the said Commons, Moors, or Wastes, such Differences or Disputes shall be 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 *Bellingham*,

and of their subsequent Meetings.

IX. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a Notice in Writing under their Hands, to be affixed upon the principal Door of the Parish Church of *Simonburn* 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 *Bellingham*, within the Barony or Manor of *Wark* aforesaid) for putting this Act in 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 such 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 *Simonburn* 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

in the ſaid Lands and Grounds hereby intended to be divided and inclоſed 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 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 Lords of the ſaid Barony or Manor of *Wark*, or any Perſon or Perſons, Body or Bodies Politick or Corporate, intereſted in the ſaid Diviſion, who ſhall make ſuch Objection or Objections within Two Calendar Months next after ſuch Notice ſhall be given to the ſaid Commiſſioners as aforeſaid; and the Defendant or Defendants in ſuch Action or Actions, ſhall forthwith name an Attorney or Attornies, who ſhall file Common Bail, or appear and accept One or more Iſſue or Iſſues, whereby all ſuch Claim or Claims, and Rights and Intereſts, may be properly tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the 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 and Corporate, and all Perſons whomſoever; and after any Verdict or Verdicts ſhall have been obtained and not ſet aſide by the Court, the ſaid Commiſſioners ſhall, and 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

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 case there shall be no Goods and Chattels whereby to levy the same, or in case a Body Corporate is to pay such Costs, then and in either of such Cases it shall be lawful for the Person or Persons in whose Favour such Costs shall be awarded, to recover the same by Action or Actions of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant 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.

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

XV. 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 Freestone Quarries, Limestone Quarries, and Slate Quarries, in each of the said Commons, Moors, or Wastes, as they shall think necessary, for the Use and Benefit of the said Commissioners and Governors of the said Royal Hospital, Lords of the said Barony or Manor, their Successors, 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 Commons, Moors, or Wastes respectively, in pursuance of this Act, and also of all the Proprietors and Occupiers of ancient Messuages, Lands, Tenements, and Hereditaments, in respect of which any such Allotment shall be made, to be used in or upon such Allotments or ancient Messuages, Lands, Tenements, and Hereditaments respectively, but not for Sale, or

upon

upon any other Buildings or Lands, or for any other Uſe or Purpoſe; and the ſaid Commiſſioners ſhall, in and by their ſaid General Award, order and direct how and in what Manner the ſame ſhall reſpectively be worked for the general Advantage of the reſpective Perſons intereſted therein.

Parts of each Common to be ſet out for Peat Moſs.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall aſſign, ſet out, and appoint, ſuch Part or Parts, Parcel or Parcels, of each of the ſaid Commons, Moors, or Waſtes, as is or are conveniently ſituate, and fit and proper for the digging, cutting, and curing of Peats, for the Uſe and Benefit of the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, Lords of the ſaid Barony or Manor, their Succeſſors, Tenants, Leſſees, and Aſſigns, as alſo for the Uſe and Benefit of the Proprietors and Occupiers for the Time being of Meſſuages or other Buildings, in reſpect whereof any Allotments of each of the ſaid Commons, Moors, or Waſtes reſpectively, ſhall be made in purſuance of this Act, or which ſhall be erected and built upon any ſuch Allotment or Allotments, to be uſed in all Times thereafter as Peat Moſſes by the ſaid Commiſſioners and Governors, and the ſaid other Proprietors for the Time being, and their ſeveral Tenants and Leſſees, all which Peats ſhall be uſed for Fuel in and upon the Meſſuages or other Buildings to be erected upon the ſaid reſpective Allotments, or in or upon the ſeveral Meſſuages or other Buildings in reſpect whereof ſuch Allotments ſhall be made, but not for Sale, or any other Purpoſe whatſoever.

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

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

Commiſſioners to 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 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.

XIX. And whereas the said Commissioners and Governors of the said Royal Hospital are Patrons of the Rectory and Parish Church of *Simonburn* aforesaid, and the Reverend *James Scott*, Doctor in Divinity, is the present Rector and Incumbent of the said Rectory and Parish Church of *Simonburn*, and in Right thereof is entitled to all and all Manner of Tythes, as well Great as Small, yearly arising, growing, renewing, or increasing, within and throughout the Whole of the Rectory and Parish of *Simonburn* aforesaid, or to certain Moduses or prescriptive Payments in lieu thereof: And whereas by reason of the great Extent of the said Rectory and Parish of *Simonburn*, and of the remote Situation of the said Commons, Moors, or Wastes, from the Parish Church and Rectory House of *Simonburn* aforesaid, it would be of great Advantage to all the Parties interested in the said Division, and to the said *James Scott* as Rector, and his Successors, Rectors of the said Rectory and Parish Church of *Simonburn* aforesaid, if a reasonable Share of each of the said Commons, Moors, or Wastes, was set out and allotted to the said *James Scott* as Rector, and his Successors Rectors as aforesaid, equivalent to, and in lieu of, and in full Compensation and Satisfaction for the Tythes of Corn, and Grain, and Hay, yearly arising, growing, renewing, or increasing, or which shall or may arise, grow, renew, or increase, within or from the Whole of the Allotments of each of the said Commons, Moors, or Wastes, to which the said *James Scott* as Rector, and his Successors Rectors as aforesaid, is, or are, or would be entitled from the said several Commons, Moors, or Wastes, or the several Allotments on the Inclosure thereof respectively, by virtue of this Act, and the said Commissioners and Governors as Patrons, and the said *James Scott*, as Rector of the said Rectory and Parish Church of *Simonburn* aforesaid, and the several Parties interested in the said Division, have accordingly consented to the same being carried into Effect; be it therefore further enacted, That the said Commissioners acting under the Authority of this Act shall and they are hereby required, in the next place, to set out, allot, and award, in One Plot, of each of the said Commons, Moors, or Wastes, unto and for the said *James Scott*, Rector, and his Successors for the Time being, Rectors of the said Rectory and Parish Church of *Simonburn* aforesaid, so much of each of the said Commons, Moors, or Wastes, as shall in the Judgement of the said Commissioners be equivalent to, and in lieu of, and a full Recompence and Satisfaction for all and all Manner of Tythes of Corn and Grain, and Hay, that might thenceforth arise, increase, and grow due to the said *James Scott* as Rector, and his Successors for the Time being, Rectors of the said Rectory and Parish Church of *Simonburn*, out of, from, or in respect of each of the said Commons, Moors, or Wastes, or the several Allotments thereof respectively, including the Allotments which shall be sold by the Commissioners in pursuance of this Act.

Commissioners to set out Allotments for Corn and Hay Tythes of the Commons.

XX. And be it further enacted, That the Allotment of each of the said Commons, Moors, or Wastes, which shall be set out to or for the said *James Scott* as Rector, and his Successors Rectors as aforesaid, shall be in lieu of, and in full Compensation and Satisfaction for all Tythes and Tenths of Corn and Grain, and Hay, arising, growing, renewing, increasing, appertaining, or due or payable, or which shall or may arise, grow, renew, increase, appertain, or become due or payable to him or them, from or out of each of the said Commons, Moors, or Wastes, or

Tythe Allotments to be in lieu of Corn and Hay Tythes.

any

any of the Allotments thereof respectively, to be set out by virtue of this Act; and the same Tythes and Tenths of Corn and Grain, and Hay, shall, immediately from and after the making and setting out the Allotments in lieu and Satisfaction thereof as aforesaid, or at such other Time or Times as the said Commissioners shall, in and by their General Award, or any Writing to be signed by them previous to the Execution of their said Award, direct or appoint, cease, determine, and be for ever extinguished; but all other Tythes, of what Nature or Kind soever, now due or payable, or to become due or payable, to the said *James Scott* as Rector, and his Successors Rectors as aforesaid, within or from the said Commons, Moors, or Wastes, or any of them, or from the Allotments thereof respectively, shall at all Times hereafter continue due, and be paid and payable to the said *James Scott* Rector, and his Successors Rectors as aforesaid, in the same Manner as the same are or would have been due, and paid and payable, if this Act had not been passed.

Tythes not compensated for to continue.

XXI. And be it further enacted, That the said Commissioners shall, before the Execution of their General Award, cause the several Allotments so to be awarded to the said *James Scott* Rector, and his Successors Rectors as aforesaid, as an Equivalent for such Tythes ae are herein-before mentioned, to be inclosed and fenced with good and sufficient Boundary Fences of Stone, the Expence 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 Fences to the said Allotments, all such Fences shall for ever thereafter be kept in Repair by the said Rector, and his Successors Rectors as aforesaid, and the Owner or Owners of the adjoining Allotment or Allotments, or any of them, in such Shares and Proportions as the said Commissioners shall in and by their General Award order, direct, and appoint.

Rector's Allotment to be fenced.

XXII. And be it further enacted, That all such last-mentioned several Allotments, when and so soon as the same shall be assigned, set out, allotted, and appointed as aforesaid, shall be deemed to lie within the said Barony or Manor of *Wark*, and the same shall be divided into 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, having Right of Common upon each of the said Commons, Moors, or Wastes respectively, and shall be allotted and awarded to lie in such several Townships, Quarters, or Places respectively; and that, from and immediately after the Execution and Inrolment of the General Award of the said Commissioners, the said several distinct Plots or Parcels so allotted and awarded, 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 the several Townships, Quarters, or Places respectively, in which the same shall be so respectivety appointed and awarded to lie as aforesaid, to and for all Intents and Purposes; and the same Allotments shall be subject and entitled to all such Orders, Directions, Charges, Rights, Liberties, Privileges, and Exemptions, as the other Allotments to be made in respect of Common Rights upon the said Commons, Moors, or Wastes, shall or may be held, and be subjected and entitled to respectively, by virtue of this Act.

Rector's Allotments to be awarded to lie in the several Townships or Quarters, in proportion to the Value of the Estates therein having Right of Common.

XXIII. And

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

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

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

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

XXV. Provided

Commissioners to determine to what Townships the Parts of the Commons which shall be sold shall belong.

XXV. Provided always, and be it further enacted, That the said Commissioners shall determine and adjudge to what Townships or Quarters respectively, such Part or Parts of the said several Commons, Moors, or Wastes, as shall be so sold, shall belong (having a due Regard to the Proportion and Value of the several Messuages, Lands, Tenements, and Hereditaments, in each Township, Quarter, or Place respectively having Right of Common upon each of the said Commons, Moors, or Wastes); and such Determination and Adjudication shall be final and conclusive to all Intents and Purposes, and such Part or Parts as shall be so sold, shall be accordingly allotted and awarded to lie in such Townships or Quarters respectively; and that, from and immediately after the Execution of the General Award of the Commissioners, all and every the said Part or Parts of the said several Commons, Moors, or Wastes, which shall be so sold as aforesaid, shall, 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 several Townships or Quarters respectively as the same shall be so appointed and awarded to lie in as aforesaid, to and for all Intents and Purposes.

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

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

Parties interested may pay Money instead of Land being sold.

XXVII. Provided always, That in all Cases where any of the Persons, Bodies Politick or Corporate, interested in any Allotment or Allotments of each of the said Commons, Moors, or Wastes, shall be minded and desirous of paying their respective Shares of the said Expences in Money, instead of sustaining a Loss of Land in their respective Allotments, and shall and do, at the First or Second Meeting of the said Commissioners for receiving Claims of Right of Common under this Act, give Notice thereof in Writing to the said Commissioners of such their Mind and Desire, that then and in every such Case the Share or respective Shares of the Party or Parties so giving such Notice as aforesaid, of and in all such Expences, shall be paid and defrayed in Money by such Party or Parties respectively, in such Manner, and at such Time or Times, and to such Person or Persons as the said Commissioners shall, by Writing under their Hands, order, direct, and appoint; and in all Cases where any such Payment or Payments in Money shall be so made as aforesaid, the said Commissioners, in setting out the Allotment or Allotments of the Party or Parties making such Payment or Payments, shall have Regard to the Amount of such Payment and Payments respectively, in ascertaining the Share and Proportion of each of the said Commons, Moors, or Wastes, so to be set out and allotted to such Party or Parties respectively.

Commissioners to appoint the Course of Husbandry for the Common Fields.

XXVIII. And be it further enacted, That, from and after the passing of this Act, the said Commissioners shall order, direct, and appoint the Course of

of Husbandry to be used in the Tillage Parts of the said Common Fields, until such Time as they shall have completed their General Award concerning the said Division, Allotment, and Inclosure, and shall and may order and direct such Sum and Sums of Money to be paid by any Owner or Owners, Occupier or Occupiers, of Lands or Grounds in the said Common Fields, to any other such Owner or Owners, Occupier or Occupiers, as aforesaid, for or in respect of the ploughing, tilling, or sowing such Lands and Grounds, or any Part or Parts thereof, as they the said Commissioners shall think reasonable and appoint; and all and every such Owner and Owners, Occupier and Occupiers, is and are hereby respectively declared to be from Time to Time subject to and bound by such Orders and Directions; and in case any such Owner or Owners, Occupier or Occupiers respectively, who shall as aforesaid be directed to pay any other of such Owner or Owners, Occupier or Occupiers, any Sum or Sums of Money, by reason or on account of any of the Matters and Things aforesaid, shall neglect or refuse to pay, on Demand, such Sum or Sums of Money as he, she, or they shall be directed to pay as aforesaid, or any Part thereof, then and in every such Case the said Commissioners shall and may, by Warrant under their Hands and Seals to be directed to any Person or Persons whomsoever, not being a Party or Parties in such Case, cause such Sum or Sums of Money to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any be) upon Demand, after the reasonable Charges and Expences attending such Distress and Sale are fully paid and satisfied.

Grass Land not to be broken up.

XXIX. Provided always, and be it further enacted, That, from and after the passing of this Act, and until the Execution of the General Award of the said Commissioners, no Part or Parts of the Meadow, Pasture, or Fresh Ground, Part of the said Common Fields, shall be ploughed, broken up, or converted into Tillage.

Allotment of One-sixteenth of Commons to the Commissioners and Governors of *Greenwich* Hospital.

XXX. 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 and for the Commissioners and Governors of the Royal Hospital for Seamen at *Greenwich*, in the County of *Kent* (as Lords of the Barony or Manor of *Wark* aforesaid) their Successors and Assigns, One full Sixteenth Part in Value (Quantity, Quality, and Situation, considered) of the said Commons, Moors, or Wastes respectively so to be divided and allotted (after deducting the publick Carriage Roads, Drains, Watercourses, and Quarries, and the several Allotments herein-before directed to be set out to the said *James Scott* and his Successors, and to be sold respectively as aforesaid) in lieu of, and as a full Compensation and Satisfaction for their Right and Interest to the Soil of the said Commons, Moors, or Wastes, so to be divided and allotted, and also for their Consent to the said Division and Inclosure thereof.

The Lords Sixteenths to be awarded to lie in the several Townships or Quarters, in proportion and according to

XXXI. And be it further enacted, That such respective One full Sixteenth Part or Share of the said Commons, Moors, or Wastes, when and so soon as the same shall be assigned, set out, allotted, and appointed as aforesaid, shall be deemed to lie within the said Barony or Manor of *Wark*, and that such respective One-sixteenth Part or Share shall also be divided into

into 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 each of the ſaid Commons, Moors, or Waſtes, and ſhall be allotted and awarded to lie in ſuch Townſhips, Quarters, or Places accordingly; and that, from and immediately after the Execution and Inrolment 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 Parts or Shares, 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.

the Value of the Eſtates therein, which have Right of Common.

XXXII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, in the next place, to ſet out, divide, aſſign, allot, and appoint, the Reſidue of the ſaid Commons, Moors, or Waſtes, and Common Fields reſpectively (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 ſeveral Perſons, Bodies Politick or Corporate reſpectively, having Right of Common upon the ſaid Commons, Moors, or Waſtes, reſpectively, and Lands, or other Eſtates or Intereſts in the ſaid Common Fields, in proportion and according to the reſpective Values of their ſeveral Meſſuages, Lands, Tenements, and Hereditaments, in reſpect whereof they are ſeverally and reſpectively entitled thereto reſpectively as aforeſaid.

Allotment of the Reſidue of the Commons, and Allotment of the Common Fields.

XXXIII. 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 one, 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 one, but ſuch laſt mentioned Houſes and Buildings ſhall be conſidered as included in the Valuation of the Lands conſtituting ſuch Farm to which they reſpectively belong; and that all Mills (if any) having Right of Common upon the ſaid Commons, Moors, or Waſtes, or any of them, 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, *etc.* not occupied with a Farm, on 12th of *May* 1801, to be valued ſeparately.

XXXIV. 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

Encroachments to be allotted to Perſons in Poſſeſſion thereof.

Common upon the ſaid Commons, Moors, and Waſtes, or any of them, as are in the Poſſeſſion of any ſuch Encroachment or Encroachments as is or are herein-before directed to be deemed Part and Parcel of the ſaid Commons, Moors, or Waſtes, all and every the Lands and Grounds 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.

XXXV. And be it further enacted, That in caſe the Proprietor or Proprietors of any Lands or other Hereditaments hereby authorized to be divided, allotted, or exchanged, ſhall hold their reſpective Lands or Hereditaments 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.

XXXVI. Provided always, and be it further enacted, That the ſeveral Allotments of each of the ſaid Commons, Moors, or Waſtes, 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.

XXXVII. 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

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

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

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

Exchanges.

XXXIX. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners to ſet out, aſſign, or allot, any of the Lands or Grounds hereby directed to be divided and allotted, or any Meſſuages, Buildings, incloſed Lands or Grounds or other Hereditaments in the Pariſh of *Simonburn* 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; and ſo as that every Exchange of any Lands or Hereditaments belonging to the Rector of the Pariſh of *Simonburn* aforeſaid, be alſo made with the Conſent of the Patrons thereof, and the Biſhop of the Dioceſe for the Time being reſpectively, ſuch Conſents to be reſpectively ſignified by Writing under the Hands and Seals of the conſenting Parties, or under the Seals of ſuch of them as

are 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, for, and upon the ſame Uſes and Truſts, and be ſubject to the ſame Powers, Conditions, Covenants, and Agreements, as the Lands or Hereditaments in reſpect whereof the ſame ſhall be exchanged are or ſhall be ſubject or liable to, or would have been ſubject or liable to in caſe the Exchange thereof had not been made.

Owners to enjoy Mines, *etc.* paying Damage for Spoil of Ground.

XL. Provided always, and be it further enacted, That in caſe it ſhall happen that any of the Proprietors of ancient Freehold Meſſuages, Lands, Tenements, or Hereditaments, ſhall exchange any of their ancient Freehold Meſſuages, Lands, Tenements, or Hereditaments, for any Allotment or Allotments of the ſaid Commons, Moors, or Waſtes, 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, hold, or enjoy ſuch Mines, Minerals, or Quarries, and Liberties, Powers, Privileges, and Authorities aforeſaid reſpectively, in caſe this Act had not been made, or in caſe ſuch ancient Meſſuages, Lands, Tenements, or Hereditaments, had not been given in Exchange for ſuch Allotment or Allotments, making reaſonable Satisfaction for Damage and Spoil of Ground to be occaſioned thereby.

XLI. 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, and Quarries, lying and being within and under the ſaid Allotment or Allotments ſo to be given in Exchange, ſhall remain the Property of, and be held and enjoyed by the ſaid Commiſſioners and Governors, their Succeſſors and Aſſigns, with all Liberties, Powers, Privileges, and Authorities, for winning, working, leading, and carrying away the ſame, and the Produce thereof reſpectively, in as full, ample, and beneficial Manner, to all Intents and Purpoſes, as if ſuch Exchange or Exchanges had not been made.

Notices to be publiſhed in the *Newcaſtle Courant*.

XLII. 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,

published, then in some other Newspaper or Newspapers usually circulated in the County of *Northumberland*.

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

XLIII. 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 may be delivered on a reasonable Sum being paid to the Clerk of the Peace

XLIV. 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 the same.

XLV. 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.

XLVI. And be it further enacted, That all and every Allotment and Allotments of Lands and Grounds which shall be made, set out, or appointed, in pursuance of this Act, shall be held by the same Tenure, and shall be subject to the same Yearly and other Rents and Payments, Reliefs, Fines, Dues, Duties, Suits, and Services, as the several and respective Messuages, Lands, Tenements, and Hereditaments, in respect of which the said several Allotments or Parcels of Ground shall be so set out or allotted, are and have heretofore been holden respectively; and the Lords of the said Barony or Manor of *Wark*, their Successors and Assigns, for the

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

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

XLVII. 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 any of the ſaid Commons, Moors, or Waſtes ſhall be made by virtue of this Act; but that the ſeveral Lands, Tenements, and Hereditaments, which ſhall be aſſigned or allotted upon the ſaid Diviſion, to the ſeveral Proprietors reſpectively, ſhall, immediately after the Execution of the General Award of the ſaid Commiſſioners, be veſted in, and remain, continue, and enure to, and be held and enjoyed by the ſeveral Perſons, Bodies Politick and Corporate, to whom the ſame ſhall be aſſigned or allotted reſpectively, and they ſhall from thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively, to, for, and upon ſuch and the ſame Uſes, Eſtates, Intereſts, Truſts, Intents, and Purpoſes, and ſubject and liable to the ſame Wills, Limitations, Eſtates, Conditions, Settlements, Proviſoes, Remainders, Reverſions, Leaſes, Debts, Charges, and Incumbrances, of every Kind, as the ſeveral Hereditaments in reſpect whereof the ſame Lands, Tenements, and Hereditaments, ſhall be reſpectively aſſigned or allotted, would have ſtood ſeverally limited or ſettled to or upon, or have been ſeverally ſubject and liable to, if ſuch Allotments thereof had not been made, or this Act had not paſſed, except as to ſuch Leaſes and Agreements at Rack Rent as ſhall be determined under this Act.

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.

XLVIII. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which ſhall be divided, allotted, or exchanged, by virtue of this Act, ſhall hold their reſpective Lands and Hereditaments for different Eſtates, or under different Titles, and where, from the Want of the neceſſary Information before the ſaid Commiſſioners, or from any other Cauſe, their Award ſhall have omitted the diſtinguiſhing and aſcertaining of the Lands or other Hereditaments holden for each of ſuch Eſtates, and under each of ſuch Titles reſpectively, and the ſetting out and awarding of ſeveral and diſtinct Allotments for ſuch reſpective Lands or other Hereditaments as herein-before is required; and after the making of the ſaid Award, Requeſt ſhall be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted, by Writing under his or their Hand or Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument, then and in every ſuch Caſe the ſaid Commiſſioners are hereby authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion, and, ſo far as that Purpoſe ſhall require, to examine Witneſſes,

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 Act of the Forty-firſt Year of His preſent Majeſty, and this Act, or either of them reſpectively, is directed concerning the ſaid General Award of the ſaid Commiſſioners; and all Expences which ſhall 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.

XLIX. 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.

Intereſt in Common Fields and Allotments thereof to be holden in Severalty.

L. And be it further enacted, That from and immediately after the ſaid Common Fields being ſo divided and allotted, all former Eſtate, Right, Title, and Intereſt, of the ſeveral Owners and Proprietors thereto and therein, ſhall ceaſe and be for ever extinguiſhed; and the ſeveral Allotments thereof ſhall be holden and enjoyed in Severalty, by the ſeveral Perſons to whom the ſame ſhall be reſpectively awarded and allotted, by the ſame Tenure by which they now hold their reſpective Eſtates therein.

No Turves or Sods to be cut.

LI. And be it further enacted, That from and after the paſſing of this Act, it ſhall not be lawful for any Perſon or Perſons (other than and except the Lords of the ſaid Barony or Manor, their Leſſees or Aſſigns, and the Commiſſioners for carrying this Act into Execution) to cut, dig, or carry away any Turves or Sods, in, upon, or from any of the ſaid Commons, Moors, or Waſtes, or any Part thereof, until the ſame ſhall be allotted and ſet out as aforeſaid, upon Pain of forfeiting for every ſuch Offence, to the ſaid Commiſſioners and Governors, Lords of the ſaid Barony or Manor, their Succeſſors or Aſſigns, ſuch Sum not exceeding Thirty-nine Shillings nor leſs than Five Shillings, as ſhall be aſſeſſed in the Nature of an Amerciament, at any Court Leet or Court Baron to be

holden for the ſaid Barony or Manor, 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 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, if the Land to be ſold is not ſufficient.

LII. And be it further enacted, That ſo much of the Charges and Expences of ſoliciting, obtaining, and paſſing this Act, and of ſurveying, planning, and meaſuring, dividing, and allotting, the ſaid Commons, Moors, or Waſtes, and Common Fields, 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 Commons, Moors, or Waſtes, and Common Fields, ſhall be reſpectively made, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns (other than and except the reſpective Purchaſers of ſuch Part or Parts of the ſaid Commons, Moors, or Waſtes, as ſhall be ſold by the ſaid Commiſſioners in purſuance of this Act, and alſo other than and except the Rector of the ſaid Pariſh of *Simonburn* for the Time being, as ſuch, and alſo other than and except the Curate of *Falſtone* 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.

LIII. And be it further enacted, That the ſaid Commiſſioners and their Succeſſors ſhall, at all and every of their Attendances or Meetings for putting this Act in Execution, bear and pay their own Expences; and that when and as ſoon as the ſaid intended Diviſion and other Purpoſes of this Act ſhall be finiſhed and completed, and the ſaid Commiſſioners ſhall have executed their ſaid General Award, they the ſaid Commiſſioners reſpectively ſhall be paid and allowed each of them the Sum of Two Pounds and Two Shillings for each and every Day upon which they reſpectively ſhall have attended a Meeting, and tranſacted Buſineſs, in or for putting this Act in Execution.

Commiſſioners to account.

LIV. 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

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 in the Place of the ſaid *William Bates*; and ſuch Auditor for the Time being ſhall, from Time to Time, ſtate in Writing under his Hand the Balance of the ſaid Accounts in ſuch Book as aforeſaid; and that no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned or be valid in Law, unleſs the ſame ſhall be duly allowed by ſuch Auditor; and alſo that ſuch Book of Accounts ſhall be kept at the Office of the Clerk to the ſaid Commiſſioners, and ſhall be open to the Inſpection of any of the ſaid Proprietors or their Agents at all 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 and executing this Act, to be repaid in the firſt place with Intereſt.

LV. And be it further enacted, That if any of the Perſons who have Right of Common in or upon the ſaid Commons, Moors, or Waſtes, or any other Perſon ot 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.

LVI. And be it further enacted, That if any Perſon or Perſons, Body or Bodies Politick or Corporate, ſhall think himſelf, herſelf, or themſelves, aggrieved by any thing done in purſuance of this Act (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; and the Juſtices of the Peace at ſuch Seſſions aſſembled, are hereby authorized to hear and determine the Matter of every ſuch

Appeal

Appeal (provided that Notice in Writing of every such Appeal, expressing the Cause of Complaint shall have been given Fourteen Days at least before such General Quarter Sessions) unless the said Justices in their said Sessions assembled shall see sufficient Cause to adjourn such Appeal, in which Case they are hereby authorized to adjourn the same to the then next General Quarter Sessions of the Peace to be holden for the said County of *Northumberland*, and then to hear and determine the same, and to make such Order therein, and award such Damages and Costs, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Damages and Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties awarded to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and every Order and Determination of the said Justices upon every such Appeal, shall be final and conclusive to all Parties concerned, and shall not be removed or 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 Freestone, *etc.*

LVII. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Proprietors for the Time being of the 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, 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 Lords of the Manor to the Royalties, *etc.*

LVIII. Provided always, and be it further enacted, That nothing in this Act shall be construed to defeat, lessen, or prejudice, the Right, Title, and Interest, of the said Commissioners and Governors of the said Royal Hospital, their Successors or Assigns, as Lords of the said Barony or Manor of *Wark*, of, in, and to all the Mines, Minerals, and Quarries, of what Nature or Kind soever, lying and being within or under the said Commons, Moors, or Wastes, hereby intended to be divided and inclosed, and also of, in, and to the Seigniories and Royalties incident or belonging to the said Barony or Manor; but that the said Commissioners and Governors of the said Royal Hospital, their Successors and Assigns, and all and every other Person and Persons, claiming by, under, or in Trust for them, as Lords of the said 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

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 Lords thereof for the Time being, incident, belonging, or appertaining (other than and except the Right to the Soil of the ſaid Commons, Moors, or Waſtes, and ſuch Common Right thereon reſpectively, as could or might be claimed by them, for which Compenſation is herein-before directed to be made) in as *full, ample, and beneficial a Manner*, to all Intents and Purpoſes, as they could or might have held or enjoyed the ſame if this Act had not been made; and that the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital, their Succeſſors and Aſſigns, and all ſucceeding Lords of the ſaid Barony or Manor of *Wark*, 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, 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 Commons, Moors, or Waſtes, 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 Commiſſioners and Governors, their Succeſſors or Aſſigns, and of making Pits, Shafts, and Sumps, Pit Rooms and Heap Rooms, Drifts, Levels, and Watercourſes, and of repairing, amending, and upholding the ſame, and of erecting, building, and uſing Houſes, Drawkilns, Erections, Buildings, Fire Engines, and other Engines, Mills, and other Erections and Buildings, and of altering, changing, pulling down, and carrying away the ſame, or all or any of the Materials thereof, at their free Will and Pleaſure, and to do, execute, and perform, all ſuch other Works, Acts, Deeds, Matters, and Things, either now in uſe or hereafter to be invented, as ſhall or may be neceſſary or convenient for the full and complete Working, Uſe, and Enjoyment of ſuch Mines, Minerals, and Quarries, hereby reſerved, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as they might or could have done in caſe this Act had not been made.

Lords of the Manor to work Mines, lay Waggon Ways, *etc.*

LIX. And be it further enacted, That in caſe the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, or any Perſon or Perſons claiming under them, ſhall, after ſuch Incloſures or Allotments made as aforeſaid, ſearch for, win, or work, any Mine or Mines, Minerals, or Quarries, lying and being within or under any of the Allotments or Incloſures to be made as aforeſaid, or lead or carry away the Produce of or from any ſuch Mines, Minerals, or Quarries, then and in ſuch Caſe the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, or ſuch Perſon or Perſons ſo claiming under them, ſhall make a reaſonable

Satisfaction to be made for Damage done in working Mines, *etc.*

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 *Falſtone* may leaſe his Allotments.

LX. And whereas certain Meſſuages, Lands, Tenements, and Hereditaments, having Right of Common upon the ſaid Commons, Moors, or Waſtes, ſome or one of them, have been purchaſed by the Aid of Queen *Anne*'s Bounty for the Augmentation of the Curacy of *Falſtone*, in the Pariſh of *Simonburn* aforeſaid, and it would tend to the Advantage of the Poſſeſſor of ſuch Curacy, 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 therefore further enacted, That it ſhall be lawful for the Curate of *Falſtone* 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 Dioceſan, to be certified by their being Parties thereto, and executing the ſame, but not otherwiſe) 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 *Falſtone* and his Succeſſors reſpectively, during the Terms in ſuch reſpective Leaſes; and ſo as a Clauſe of Re-entry, in caſe of Nonpayment 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, and they, is and are hereby authorized and empowered to hold and enjoy the ſaid Allotments againſt the Curate of *Falſtone* and his Succeſſors, under the Terms and Conditions to be expreſſed in ſuch Leaſes reſpectively.

Falſtone Curate's Allotments to be fenced.

LXI. 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 *Falſtone*, in reſpect of the Curacy of *Falſtone*, to be incloſed, hedged, ditched, and fenced, with good and ſufficient Boundary Fences, the Expence 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, and his Succeſſors Curates as aforeſaid; and the Owner or Owners of the adjoining Allotment or Allotments, or any of them, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall, in and by their General Award order, direct, and appoint.

For trying the Right to the Soil of the Commons by an Iſſue at Law.

LXII. And whereas the Moſt Noble *Hugh* Duke of *Northumberland* claims to be intitled to the Freehold and Inheritance of the ſeveral Commons or Waſtes intended by this Act to be divided and allotted, which Claim is denied by the ſaid Commiſſioners and Governors; be it therefore

fore further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Duke of *Northumberland*, or his Heirs or Assigns, or other Person or Persons entitled to his Estates, to proceed to a Trial at Law for the Purpose of establishing such Claim at the First or Second Assizes to be held for the said County of *Northumberland*, after the passing of this Act, and for that Purpose to cause an Action at Law to be brought in any one of His Majesty's Courts of Record at *Westminster*, in or before the Term next preceding the Assizes at which such Action is intended to be tried, upon a feigned Issue against the said Commissioners and Governors, or their Successors, who shall be named Defendants in such Action, and they are hereby required to name an Attorney or Attornies, who shall appear thereto and file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Right may be properly tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action shall be commenced, in case the Parties differ about the same) and the Verdict or Verdicts which shall be given in such Action shall be final and conclusive, with respect to the Matter in issue, to all Persons and Bodies Politick and Corporate whomsoever, and that after such Trial the said Commissioners acting under the Authority of this Act shall and they are hereby required to act in conformity to the Verdict or Verdicts thereupon to be given, and allow or disallow the Claim thereby determined, according to the Event of such Trial, and the Costs of such Action shall abide the Event of such Trial; and it is hereby declared, that the Costs of such Action shall not in anywise be deemed or considered to be any Part of the Charges and Expences incident to or attending the said intended Division, and provided for by this Act: Provided always, that it shall be lawful for the Court in which such Action shall be brought, 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 shall be thereby exceeded: Provided always, that if the said Duke of *Northumberland*, his Heirs or Assigns, or other Person or Persons entitled as aforesaid, shall not commence his or their Action, and proceed to such Trial as herein-before mentioned, all such Claim of Right as aforesaid shall from thenceforth be utterly barred and disallowed; or in case the said Commissioners and Governors, or their Successors, against whom such Action shall be brought, shall refuse or wilfully neglect to appear thereto, and to accept such Issue or Issues aa aforesaid, in due Time, by reason whereof the said Duke of *Northumberland*, his Heirs or Assigns, or other Person or Persons entitled as aforesaid, shall be obstructed or prevented from proceeding to such Trial as aforesaid, then the Claim of the said Duke of *Northumberland*, intended to be tried by such Action, shall be allowed by the said Commissioners in like Manner as if the same had been established by a Verdict; and then and in such Case, or in case a Verdict be given in favour of the said Duke of *Northumberland*, his Heirs or Assigns, or Person or Persons entitled as aforesaid, the said Commissioners shall and they are hereby authorized and required to make to the said Duke of *Northumberland*, his Heirs or Assigns, or Person or Persons entitled as aforesaid, such Allotment or Allowance, as a Compensation and Satisfaction for their Right and Interest to the Soil of the said Commons, Moors, or Wastes, so to be divided and allotted, or such Part thereof as they shall be found to be entitled to as is by this Act directed to be made to the Lords of the Barony or Manor within which the same lie; and all the

the Rights, Privileges, Emoluments, and Advantages given and granted, or by this Act expreſſed to be given or granted, to the ſaid Commiſſioners and Governors aforeſaid, as Lords of the Barony or Manor within which the ſame lie, in reſpect of their Right and Intereſt to the Soil of the ſaid Commons, Moors, or Waſtes ſo to be divided and allotted, or ſuch Part thereof as the ſaid Duke of *Northumberland*, his Heirs or Aſſigns, or Perſon or Perſons entitled as aforeſaid, ſhall be found to be entitled to, ſhall be and enure to the ſaid Duke of *Northumberland*, and his Heirs and Aſſigns, and Perſon and Perſons entitled as aforeſaid, in as full, ample, and beneficial Manner as the ſame is limited and appointed to the ſaid Commiſſioners and Governors, it being the true Intent and Meaning of this Act that the ſaid Duke of *Northumberland*, and his Heirs and Aſſigns, and Perſon and Perſons entitled as aforeſaid, ſhall have the Benefit and Advantage of, and be bound by and ſubject to all and every the Clauſes, Proviſoes, and Proviſions contained in this Act with reſpect to the Matter in iſſue as aforeſaid, in the ſame Manner as if the ſaid Duke of *Northumberland*, his Heirs and Aſſigns, and Perſon and Perſons entitled as aforeſaid, had been ſpecially named therein, any Thing herein contained to the contrary thereof in anywiſe notwithſtanding: Provided always, that any ſuch Action or Trial ſhall not ſuſpend or impede the Execution of this Act, but the ſaid Commiſſioners acting under the Authority of this Act ſhall proceed in the Diviſion, Allotment, and Incloſure hereby directed to be made.

General Saving.

LXIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and all and every other Perſon and Perſons, Body and Bodies Politick and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators (other than and except the ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital for Seamen at *Greenwich*, in the County of *Kent*, 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 Commons, Moors, or Waſtes, hereby directed to be divided and allotted, before the paſſing of this Act, or could or might, or ought to have had or enjoyed, in caſe this Act had not been made.

Publick Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1804.