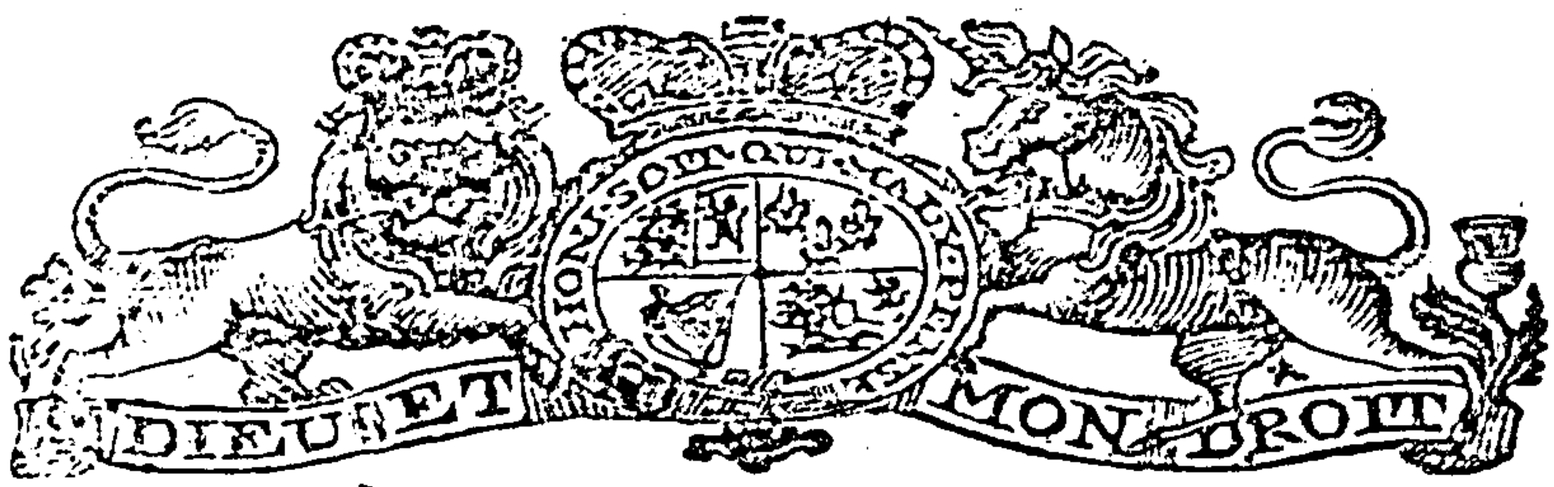


ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 9.

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

[12th *March* 1805.]

WHEREAS there is within the Parish of *Simonburn*, in the County of *Northumberland*, a Common Moor or Waste, containing by Estimation Three thousand Acres or thereabouts, Part whereof is commonly called or known by the Name of *Elingham Rig Common*, and the other Part thereof by the Name of *Shitlington Common*: 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*, in the County of *Northumberland* aforesaid, and as such claim to be seised of or entitled to the Soil and Inheritance, and the Mines, Minerals, Quarries, and Royalties of, within, and under the Whole of the said Common Moor or Waste, containing Three thousand Acres, as Part and Parcel of their said Barony or Manor of *Wark*: And whereas *James Allgood* Esquire claims to be Lord of the Manor of *Shitlington*, in the said County of *Northumberland*, and as such claims to be seised of or entitled to the Soil and Inheritance of that Part of the said Common Moor or Waste, which is commonly called or known by the Name of *Shitlington Common*, consisting of One thousand and seven hundred Acres or thereabouts, and the Mines, Minerals, Quarries, and Royalties of, within, and under the same; but which Claim of the said *James Allgood* is altogether denied by the said Commissioners and Governors; and which

diſputed Claim of the ſaid *James Allgood* it is intended ſhall be tried and finally ſettled and determined under a feigned Iſſue or feigned Iſſues, as herein-after is mentioned in that Behalf: And whereas the ſaid *James Allgood* Eſquire, and ſeveral other Perſons, are ſeiſed and poſſeſſed of divers Meſſuages, Lands, Tenements, and Hereditaments within the ſaid Pariſh of *Simonburn*, and in reſpect thereof, or as appendant, appurtenant, or belonging thereto, they or their Leſſees, Farmers, or Tenants, are or claim to be entitled to Right of Common in and upon the ſaid Common Moor or Waſte, or upon ſome Part or Parts thereof reſpectively: And whereas the ſaid Common Moor or Waſte, in its preſent State, is of little Uſe or Advantage, but conſiderable Parts thereof are capable of Cultivation and Improvement; and the ſeveral Perſons entitled to ſuch Right of Common as aforeſaid, are deſirous that the Whole of the ſaid Common Moor or Waſte, with the Conſent of the ſaid Commiſſioners and Governors, 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; which Diviſion 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 *John Bailey* of *Chillingham*, in the County of *Northumberland*, Gentleman, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, and allotting, the Whole of the ſaid Common Moor or Waſte, containing by Eſtimation Three thouſand Acres or thereabouts, and for putting this Act in Execution, in ſuch Manner and ſubject to ſuch Regulations as are herein-after contained, and with ſuch of the Powers, and ſubject to ſuch of the Rules, Orders, Directions, Authorities, Regulations, Reſtrictions, and Proviſions, contained in an Act, paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in One Act, certain Proviſions uſually inſerted in Acts of Inclоſure, 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.

II. Provided always, and be it further enacted, That if either of the ſaid 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, the Auditor of Accounts herein-after appointed, or the Auditor of Accounts for the Time being, ſhall and he is hereby required, by any Inſtrument in Writing under his Hand, to nominate and appoint a proper Perſon (not being beneficially intereſted in the ſaid Diviſion and Incloſure, or an Agent to, or Father, Son, or Brother of any Perſon ſo intereſted), to be a Commiſſioner in the Room of the Commiſſioner ſo dying, neglecting, or refuſing to act, or rendered incapable

For chooſing new Commiſſioners.

as aforesaid; 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 said Auditor herein-after appointed, or the Auditor for the Time being, shall in like Manner nominate and appoint another Commissioner in his Room, and so from Time to Time as often as any Vacancy shall happen by such Death, Neglect, Refusal, or Incapacity of every such new Commissioner or Commissioners so to be nominated and appointed as aforesaid; and every Person who shall be nominated and appointed a Commissioner 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 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 for the Time being, touching or concerning any Matter or Thing in the Execution 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 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

penſation for his Trouble in determining the Matters ſo to be referred to him as aforeſaid, as the ſaid Commiſſioners ſhall think reaſonable; and which Sums of Money the ſaid Commiſſioners are hereby authorized and required to pay out of the Monies herein-after directed to be raiſed for carrying this Act into Execution.

Surveys to be made.

IV. And be it further enacted, That true and exact Surveys and Admeaſurements ſhall be taken, and fair Plans made of the ſaid Common Moor or Waſte ſo intended to be divided and allotted, and alſo of the ſeveral Meſſuages, Lands, Tenements, and Hereditaments in reſpect of which Right of Common is claimed thereon, ſome Time before the Firſt Day of *May* One thouſand eight hundred and ſix, or as ſoon after as conveniently may be, by *Joſeph Harriſon Fryer* of *Newcaſtle-upon-Tyne* aforeſaid, and *John Greenwell Bailey* of *Chillingham* aforeſaid, Land-ſurveyors, or in caſe of the Death, or Neglect, Refuſal, or Incapacity by Sickneſs, or any other Cauſe whatſoever, of either of them the ſaid *Joſeph Harriſon Fryer*, and *John Greenwell Bailey*, 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, or Neglect, Refuſal, or Incapacity as aforeſaid, of both of them the ſaid *Joſeph Harriſon Fryer* and *John Greenwell Bailey*, 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 Surveyor or Surveyors as aforeſaid until he ſhall have taken and ſubſcribed before the ſaid Commiſſioners, or One of them, an Oath in the Form following; that is to ſay,

Surveyor's Oath.

'I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly act, according to the beſt of my Skill and Judgement, in ſurveying and admeaſuring the Common Moor or Waſte intended to be divided and incloſed by virtue of an Act, paſſed in the Forty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here ſet forth the Title of this Act*], and in making true Maps or Plans thereof, to be laid before the Commiſſioners for putting the ſaid Act into Execution.

'So help me GOD.'

How to be adminiſtered.

Which Oath the ſaid Commiſſioners, or one of them, are and is hereby authorized and required to adminiſter when and as often as Occaſion ſhall 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.

VI. And

Charge to be paid surveyors.

VI. And be it further enacted, That the Surveys or Admeaſurements, including all neceſſary Re-ſurveys, and all Plans (except the fair Plan or 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 a Plan or Plans upon Vellum, of the Common, and their Charge for the 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 a fair Plan or 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 Plan or fair Plans, ſo to be made as aforeſaid, the Sum of Twenty-one Pounds ſhall be paid and no more, whether there ſhall be Two ſuch fair Plans or One ſuch fair Plan only.

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 Common Moor or Waſte, (ſave and except ſuch as have been peaceably and quietly enjoyed for the Space of Thirty Years laſt paſt, or upwards, without any Interruption, or Payment of any Acknowledgement, and ſave and except ſuch Houſes, Cottages, Mills, Engines, and other Erections and Buildings as have heretofore been erected and built upon the ſaid Common Moor or Waſte by the 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 Common Moor or Waſte ſo to be divided; and in caſe any Difference or Diſpute ſhall ariſe touching any ſuch Incloſures or Encroachments being deemed Part or Parcel of the ſaid Common Moor or Waſte, ſuch Difference or Diſpute ſhall be examined into and determined by the ſaid Commiſſioners.

Commiſſioners to give Notice of their Firſt, Second, and Third 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*, or ſome other Newſpaper publiſhed at *Newcaſtle-upon-Tyne* aforeſaid, of the Time and Place of their Firſt, Second, and Third Meetings reſpectively (which ſhall be holden at ſome convenient Place within the Pariſh of *Simonburn* 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

and of their ſubſequent Meetings.

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 of the Award herein-after mentioned, be interested in the said intended Division and Inclosure, or any of them, touching or concerning the respective Shares and Proportions which they or any of them shall claim in the said Lands and Grounds hereby intended to be divided and inclosed as aforesaid, or touching or concerning the respective Shares and Proportions which they or any of them ought to have of or in the said intended Division and Inclosure, it shall and may be lawful to and for the said Commissioners and they are hereby authorized and required to hear and determine the same, except only the said herein-before mentioned Claim of the said *James Ailgood* to that Part of the said Common Moor or Waste called *Shitlington Common*, which Claim is directed to be settled and determined under a feigned Issue or feigned Issues in Manner herein-after mentioned,

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, Attorneys, or Agents, within Two Calendar Months next after such Determination shall have been made by the said Commissioners, and Notice thereof in Writing given to such Claimant or Claimants, Objector or Objectors, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, give

give or cauſe to be given Notice in Writing to the ſaid Commiſſioners, or either of them, of his, her, or their Deſire of having ſuch Claim or Claims, Rights and Intereſts reſpectively, tried at Law, (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 ſaid Commiſſioners and Governors of the ſaid Royal Hoſpital (or againſt the ſaid *James Allgood*, in reſpect of that Part of the ſaid Common Moor or Waſte called *Shitlington Common*, in caſe the herein-before mentioned Claim of the ſaid *James Allgood* to that Part of the ſaid Common Moor or Waſte called *Shitlington Common* ſhall then have been eſtabliſhed in Manner herein-after mentioned), or any Perſon or Perſons, Body or Bodies Politick or Corporate intereſted in the ſaid Diviſion, who ſhall make ſuch Objection or Objections reſpectively, 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 are hereby authorized and required to conform thereto: Provided always, that it ſhall be lawful for the Court in which any Action commenced in purſuance of this Act ſhall be depending, upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Action, or to award a new Trial therein, although the Time herein-before limited for the Trial of ſuch Action may be thereby exceeded; but if no ſuch Action or Actions at Law ſhall be brought or commenced by the Perſon or Perſons, Body or Bodies Politick or Corporate, giving ſuch Notice within the Time aforeſaid, or if ſuch Action or Actions ſhall not be proceeded in to a Trial or Trials at the Firſt Aſſizes which ſhall be holden for the ſaid County of *Northumberland*, after the Expiration of Twenty Days from the Day of giving ſuch Notice, by or on Account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in ſuch Caſe the Determination of the Commiſſioners ſhall be final, binding, and concluſive unto and upon all Parties whomſoever.

XIII. Pro-

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 profecuted 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 the ſaid Common Moor or Waſte, 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 Common Moor or Waſte in purſuance of this Act, and alſo of all the Proprietors and Occupiers of ancient Meſſuages, Lands, Tenements, and Hereditaments, in reſpect of which any ſuch Allotment ſhall be made, to be uſed in or upon ſuch Allotments or ancient Meſſuages, Lands, Tenements, and Hereditaments reſpectively, but not for Sale, or upon any other Buildings or Lands, or for any other Uſe or Purpoſe; and the ſaid Commiſſioners ſhall in and by 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.

Part of the 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 the ſaid Common Moor or Waſte, 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 the ſaid Common Moor or Waſte 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 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 inconvenient Situation of the ſaid Common Moor or Waſte from the Pariſh Church and Rectory Houſe of *Simonburn* aforeſaid, it would be of great Advantage to all the Parties intereſted

tereſted 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 the ſaid Common Moor or Waſte 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 ſaid Allotments of the ſaid Common Moor or Waſte, to which the ſaid *James Scott*, as Rector, and his Succeſſors, Rectors as aforeſaid, is or are or would be entitled from the ſaid Common Moor or Waſte, or the ſeveral Allotments on the Incloſure thereof 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 Perſons 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 or more Plot or Plots of the ſaid Common Moor or Waſte, unto and for the ſaid *James Scott* Rector, and his Succeſſors, Rectors of the ſaid Rectory and Pariſh Church of *Simonburn* aforeſaid, ſo much of the ſaid Common Moor or Waſte as ſhall, in the Judgement of the ſaid Commiſſioners, be equivalent to and in lieu of and 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 Rector and his Succeſſors, out of, from, or in reſpect of the ſaid Common Moor or Waſte, 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 Great Tythes of the Common.

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

XX. And be it further enacted, That the Allotment of the ſaid Common Moor or Waſte 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 the ſaid Common Moor or Waſte, or any Part thereof, 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 Allotment or 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 Common Moor or Waſte, or from the Allotments thereof, ſhall at all Times hereafter continue due and be paid and payable to the ſaid *James Scott*, 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

Rector's Allotments to be fenced.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall, before the Execution of their General Award, cauſe the Allotment or Allotments ſo to be awarded to the ſaid *James Scott* Rector, and his Succeſſors, Rectors as aforeſaid, as an Equivalent for ſuch Tythes as are hereinbefore 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 Allotment or 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 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.

XXII. And be it further enacted, That all ſuch laſt mentioned Allotments 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 the ſaid Common Moor or Waſte, 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 Enrolment 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 reſpectively 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 Common Moor or Waſte ſhall or may be held and be ſubjected and entitled to reſpectively by virtue of this Act.

Commiſſioners to ſet out Part of the Common 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 Land-marks, ſo much and ſuch Part or Parts of the ſaid Common Moor or Waſte as to them ſhall ſeem competent, neceſſary, and ſufficient, to be ſold as herein-after mentioned; which Part or Parts of the ſaid Common Moor or Waſte 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 the ſaid Common Moor or Waſte as ſhall be appropriated, marked, and ſet out to be ſold by the ſaid Commiſſioners in purſuance of the Directions herein contained;

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 the ſaid Common Moor or Waſte 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 the ſaid Common Moor or Waſte 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 Common Moor or Waſte as ſhall be ſo ſold, allotted, and appointed as aforeſaid, and the Fee Simple and Inheritance thereof, 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, under, 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 the ſaid Common Moor or Waſte ſhall and may be held, and be ſubjected and entitled to reſpectively by virtue of this Act.

Commiſſioners to determine to what Townſhips the Parts of the Common 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 Common Moor or Waſte 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 the ſaid Common Moor or Waſte); 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 Common Moor or Waſte 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.

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XXVI. And

Money arising from Sale of the Common, 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 Common Moor or Waſte, 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; and in caſe there ſhall be any Surplus of the Monies ariſing by or from ſuch Sale or Sales as aforeſaid, after Payment of all ſuch Charges and Expences as aforeſaid, ſuch Surplus Monies ſhall be applied in the Manner directed by the ſaid Act of the Forty-firſt Year of the preſent Reign, with reſpect to Money to be paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon.

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 the ſaid Common Moor or Waſte, 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 the ſaid Common Moor or Waſte ſo to be ſet out and allotted to ſuch Party or Parties reſpectively.

Allotment of One Sixteenth of the Common to the Lords of the Manor for the Soil.

XXVIII. 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 Common Moor or Waſte 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 Common Moor or Waſte ſo to be divided and allotted, and alſo for their Conſent to the ſaid Diviſion and Incloſure thereof.

The Lord's Sixteenth to be in the ſeveral Townſhips in proportion to the Eſtates therein.

XXIX. And be it further enacted, That ſuch one full Sixteenth Part or Share of the ſaid Common Moor or Waſte, when and ſo ſoon as the ſame ſhall be aſſigned, ſet out, allotted and appointed as aforeſaid, ſhall be deemed to lie within the ſaid Barony or Manor of *Wark*, and that ſuch one Sixteenth Part or Share ſhall alſo 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 reſpectively, which have Right of Common upon the ſaid Common Moor or Waſte, and ſhall be allotted and awarded to lie in ſuch Townſhips, Quarters, or Places accordingly; and that from and immediately after the Execution and Enrolment of the General Award of the ſaid Commiſſioners the ſaid ſeveral diſtinct Plots or Parcels ſo allotted and awarded, as and conſtituting the ſaid one Sixteenth Part or Share, ſhall be and the ſame are hereby declared and enacted to be and lie within and ſhall be deemed and taken as Part and Parcel of ſuch Townſhips, Quarters, or Places reſpectively, as the ſame ſhall be ſo appointed and awarded to lie as aforeſaid, to and for all Intents and Purpoſes whatſoever.

Allotment of the Reſidue of the Common.

XXX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required in the next Place to ſet out, divide, aſſign, allot, and appoint the Reſidue of the ſaid Common Moor or Waſte (after the ſaid ſeveral Allotments herein-before directed to be made as aforeſaid ſhall have been made and ſet out accordingly) unto and amongſt the ſeveral Perſons, Bodies Politick or Corporate reſpectively, having Right of Common upon the ſaid Common Moor or Waſte, 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 as aforeſaid.

Houſes, &c. not occupied with a Farm on the 12th of May 1802, to be valued ſeparate.

XXXI. 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 two, 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 two; but ſuch laſtmentioned Houſes and Buildings ſhall be conſidered as included in the Valuation of the Lands conſtituting ſuch Farm to which they reſpectively belong; and that all Mills (if any) having Right of Common upon the ſaid Common Moor or Waſte hereby intended to be divided, ſhall be alſo ſeparately valued, and the Allotments to be made in reſpect of ſuch Mills ſhall alſo be leſs by One-third, in proportion to the Value of ſuch Mills, than the Allotments to be made in reſpect of Lands or Grounds.

Encroachments to be allotted to Perſons in Poſſeſſion thereof.

XXXII. 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

of the adjoining Lands, to aſſign and allot unto ſuch Perſon or Perſons, Body or Bodies Politick or Corporate, entitled to and having Right of Common upon the ſaid Common Moor or Waſte, as are in the Poſſeſſion of any ſuch Encroachment or Encroachments as is or are herein-before directed to be deemed Part and Parcel of the ſaid Common Moor or Waſte, all and every the Lands and Grounds compriſed therein, and all Edifices and Buildings erected thereon, for or in Part of the Allotment or Allotments which ſhall be made to them reſpectively by virtue of this Act, unleſs it ſhall happen that ſuch reſpective Encroachments ſhall be greater or more (Quantity and Quality conſidered) than the Allotment or Allotments would amount unto which ſuch Perſon or Perſons, Body or Bodies Politick or Corporate, in the Poſſeſſion of ſuch Encroachment or Encroachments reſpectively would be entitled to, for and in reſpect of their ancient Eſtate, in which Caſe a proportionable Part of ſuch Encroachment or Encroachments ſhall be deducted from the ſame reſpectively; and the ſaid Commiſſioners are hereby directed and required in their Valuation of ſuch Encroachment 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.

XXXIII. 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.

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

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

XXXV. 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 that may happen to be ſo'd may, on Requeſt, be allotted to the Purchaſers by the General Award.

XXXVI. And be it further enacted, That if any Perſon or Perſons entitled in Fee Simple to any Allotment or Allotments of the ſaid Common Moor or Waſte ſhall, by any Writing under his, her, or their Hand or Hands, to be delivered to the ſaid Commiſſioners at any of their Meetings, previouſly to their preparing a 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 diſp ſed thereof, to the Perſon or Perſons mentioned in ſuch Notice to be the Purchaſer or Purchaſers of ſuch Allotment or Allotments; and the ſaid Allotment or Allotments ſo ſold and diſpoſed of ſhall in every ſuch Caſe, from and after the Execution of the ſaid General Award of the ſaid Commiſſioners, become and the ſame is and are hereby declared to be veſted in Fee Simple in the Perſon or Perſons to whom the ſame ſhall have been by ſuch Notice or Writing as aforeſaid ſo ſignified and declared to have been ſo ſold as aforeſaid, and his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns, to all Intents and Purpoſes whatſoever.

Exchanges.

XXXVII. 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, with ſuch Exceptions and Reſervations as may be thought neceſſary, ſo that every ſuch Exchange be ſet forth and aſcertained by the General Award of the ſaid Commiſſioners, and alſo be made with the Conſent of the reſpective Proprietors or Perſons, Body or Bodies Politick or Corporate, ſeiſed or entitled in Poſſeſſion of or to the Hereditaments ſo to be exchanged for any Life or Lives, or for ſome Eſtate of Inheritance, or of the Huſbands, Guardians, Truſtees, Committees, or Attornies of any ſuch Proprietors, who ſhall at the Time of making ſuch Exchanges be Femes Covert, Infants, Lunaticks, Perſons beyond the Seas, or under any other legal Diſability or Incapacity of acting for themſelves, and ſo as that every Exchange of any Lands or Hereditaments belonging to the 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 Cor-

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.

Notices to be publiſhed in the Newcaſtle Courant.

XXXVIII. And be it further enacted, That all Notices which by this Act or the ſaid Act of the Forty-firſt Year of the preſent Reign are required to be given or publiſhed in ſome publick Newſpaper, of ſetting out publick Carriage Roads, and of reading and executing the Award of the Commiſſioners, and of any other Act, Matter, or Thing, ſhall be inſerted in the *Newcaſtle-upon-Tyne Courant*, or if that Newſpaper ſhall not then be publiſhed, then in ſome other Newſpaper or Newſpapers generally circulated in the County of *Northumberland*.

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

XXXIX. 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 Award, and ſuch Plan or Plans, or Survey 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 for the ſame to the Clerk of the Peace.

XL. 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 the Plan or 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 Part thereof), for a Copy or Copies of ſuch Plan or 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 Plan or Plans, or any Part thereof, 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 their Award.

XLI. 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, Plan, and Survey, 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.

XLII. 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 or 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, &c. but Allotments to go to the ſame Uſes.

XLIII. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall extend or be conſtrued, deemed, or adjudged to revoke, alter, annul, or make void any Settlement, Deed, Will, or Leaſe whatſoever, or to prejudice any Perſon or Perſons whomſoever, having any Right or Claim of Dower, Jointure, Rent, Service, Debt, Charge, or Incumbrance, of, in, out of, or upon, or affecting any of the Meſſuages, Lands, Tenements, Common Rights, or other Hereditaments, in reſpect whereof any Allotment of the ſaid Common Moor or Waſte ſhall be made by virtue of this Act; but that the ſeveral Lands, Tenements, and Hereditaments, which ſhall be aſſigned or allotted upon the ſaid Diviſion, to the ſeveral Proprietors reſpectively, ſhall, immediately after the Execution of the General Award of the ſaid Commiſſioners, be veſted in, and remain, continue, and enure to and be held and enjoyed by the ſeveral Perſons, Bodies Politick and Corporate, to whom the ſame ſhall be aſſigned or allotted reſpectively, and they ſhall from thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively, to, for, and upon ſuch and the ſame Uſes, Eſtates, Intereſts, Truſts, Intents, and Purpoſes, and ſubject and liable to the ſame Wills, Limitations, Eſtates, Conditions, Settlements, Proviſoes, Remainders, Reverſions, Leaſes, Debts, Charges, and Incumbrances of every Kind, as the ſeveral Hereditaments in reſpect whereof the ſame Lands, Tenements, and Hereditaments, ſhall be reſpectively aſſigned or allotted, would have ſtood ſeverally limited or ſettled to or upon, or have been ſeverally ſubject and liable to, if ſuch Allotments thereof had not been made, or this Act had not paſſed, except as to ſuch Leaſes or Agree-

ments

ments at Rack Rent as ſhall be determined under this Act; and ſubject nevertheleſs to ſuch Charges or Mortgages, as ſhall be made by virtue of the ſaid Act or this Act reſpectively.

Where Lands ſhall be holden by different Titles, &c. and diſtinct Allotments ſhall not have been made for the ſame, they may divide the Allotments by Deed.

XLIV. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which ſhall be divided, allotted, or exchanged by virtue of this Act, ſhall hold their reſpective Lands and Hereditaments for different Eſtates or under different Titles, and where, from the Want of the neceſſary Information before the ſaid Commiſſioners, or from any other Cauſe, their Award ſhall have omitted the diſtinguiſhing, and aſcertaining of the Lands or other Hereditaments holden for each of ſuch Eſtates and under each of ſuch Titles reſpectively, and the ſetting out and awarding of ſeveral and diſtinct Allotments for ſuch reſpective Lands or other Hereditaments as herein-before is required, and after the making of the ſaid Award, Requeſt ſhall be made to the ſaid Commiſſioners, by any Perſon or Perſons intereſted, by Writing under his or their Hand or Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument, then and in every ſuch Caſe the ſaid Commiſſioners are hereby authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion, and ſo far as that Purpoſe ſhall require to examine Witneſſes, and in every other Reſpect to proceed and act as if the Award had not been made; and when they ſhall have obtained what they ſhall think ſufficient Information, are hereby alſo authorized, by any Deed under their Hands and Seals to diſtinguiſh and aſcertain the Difference of Tenure, Eſtates, and Titles reſpectively, and accordingly to make diſtinct and ſeveral Allotments in the ſame Manner as is hereby required where ſuch Diſcrimination ſhould be contained in the ſaid Award; and every ſuch ſeparate Inſtrument ſhall be enrolled in the ſame Place, and Evidence thereof ſhall be given in the ſame Manner, as by the ſaid Act of the Forty-firſt Year of His preſent Majeſty; and this Act, or either of them reſpectively is directed concerning the ſaid General Award of the ſaid 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 Enrolment as aforeſaid) be delivered to the Perſon or Perſons upon whoſe Requeſt any ſuch Omiſſion ſhall have been ſo ſupplied, or to the Perſon or Perſons, to whom the Cuſtody of the Deeds and Writings concerning the Title to the Premiſes in queſtion ſhall in the Opinion of the ſaid Commiſſioners moſt properly belong.

Allotments to be fenced

XLV. 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

and fencing whereof are otherwiſe particularly directed and provided for by this Act.

No Turves or Sods to be cut.

XLVI. 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 the ſaid Common Moor or Waſte, or any Part thereof, until the ſame ſhall be allotted and ſet out as aforeſaid, upon Pain of forfeiting for every ſuch Offence, to the ſaid 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 aſſeered by the Aſſeerors then and there ſworn, and which Amerciament or Amerciaments, when ſo aſſeered, ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending, by virtue of a Precept to the Bailiff or Bailiffs of the ſaid 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.

XLVII. 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 Common Moor or Waſte, and of making Highways or Roads, and of all other the Charges and Expences incident to or attending the Execution of this Act, as are not herein otherwiſe directed to be paid, ſhall be borne, paid, and defrayed by the ſeveral and reſpective Perſons, Body and Bodies Politick and Corporate, to whom any Allotment or Allotments of the ſaid Common Moor or Waſte ſhall be 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 Common Moor or Waſte, 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) 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.

XLVIII. 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

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.

XLIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby reſpectively required to keep, or cauſe to be kept, a juſt and true Statement and Account of all Sums of Money which ſhall be raiſed or received and laid out or expended by them, or by their Order or for their Uſe, under or by virtue or in the Execution of this Act, and of what ſhall be due or owing to them for their own Trouble or Expences, and ſhall truly and regularly enter all the Particulars of ſuch Statements and Accounts in a Book to be provided for that Purpoſe; and ſuch Accounts ſhall, at leaſt once in every Year from the paſſing of this Act, till ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined and ſettled by *Robert Hopper Williamſon*, of the Town and County of *Newcaſtle-upon-Tyne*, Eſquire, (who is hereby appointed Auditor for that Purpoſe); and in caſe of his Death or Refuſal to act, by ſuch other fit and proper Perſon as ſhall be nominated and appointed Auditor in his Stead by the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, or their Stewards or Steward, Receivers or Receiver, or Agents or Agent, for the Time being, and the major Part in Value of the Proprietors and Owners of Meſſuages, Lands, Tenements, and Hereditaments entitled to Right of Common upon the ſaid Common Moor or Waſte or their reſpective Agents as ſhall be preſent at a Meeting to be holden for that Purpoſe (of which Meeting Notice ſhall be given by the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, or their Stewards or Steward, Receivers or Receiver, or Agents or Agent for the Time being, or by any Two or more of ſuch Proprietors and Owners, or their reſpective Agents, or by the Commiſſioners for putting this Act in Execution, or the One of them, by affixing the ſame on the principal Door of the ſaid Pariſh Church of *Simonburn*, and alſo cauſing the ſame to be inſerted in the *Newcaſtle-upon-Tyne Courant* Newſpaper, or if that Newſpaper ſhall not then be publiſhed, then in ſome other Newſpaper generally circulated in the County of *Northumberland* Ten Days at leaſt before ſuch Meeting, by any Inſtrument in Writing under the Hands or Hand of the Stewards or Steward, Receivers or Receiver, Agents or Agent of the ſaid Commiſſioners and Governors, their Succeſſors or Aſſigns, for the Time being, and under the Hands of ſuch Proprietors and Owners, or their reſpective Agents, and ſo from Time to Time as often as any Vacancy ſhall happen by the Death or Refuſal of every ſuch new Auditor; and the ſaid 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

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 advanced for the Act to be repaid with Intereſt.

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

Power to appeal.

LI. 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 (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, &c.

LII. Provided always, and be it further enacted, That it ſhall be lawful for the reſpective Owners and Proprietors for the Time being of the

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 Lord's Right to the Royalties, &c.

LIII. 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 Common Moor or Waſte hereby intended to be divided and incloſed, and alſo of, in, and to the Seigniories and Royalties incident or belonging to the ſaid Barony or Manor, but that the ſaid 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 Frank Pledge, Courts Baron, and all Profits and Perquiſites of Courts and Leets, and all Things which to Courts Leet and Views of Frank Pledge and Courts Baron do belong or appertain, with free Warren and Liberty of hawking, hunting, fiſhing and fowling within and throughout the ſaid Barony 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 Common Moor or Waſte, and ſuch Common Right thereon as could or might be claimed by them, for which Compenſation is herein-before directed to be made) in as full, ample, and beneficial Manner, to all Intents and Purpoſes, as they could or might have held 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 Common Moor or Waſte hereby directed to be divided, and within and under

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

under every Part thereof, 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 Manner, to all Intents and Purpoſes, as they might or could have done in caſe this Act had not been made.

Satisfaction to be made for Damage done in working Mines, &c.

LIV. 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 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.

For trying the Right to the Soil of what is commonly called Shitlington Common by an Iſſue at Law.

LV. And, in order to aſcertain the Diſputes and Queſtions which have ariſen and are now ſubſiſting between the ſaid Commiſſioners and Governors, and the ſaid *James Allgood*, concerning the Right to the Soil and Inheritance of that Part of the ſaid Common Moor or Waſte commonly called *Shitlington Common*, and alſo reſpecting the Manor or Manors of or in which the ſame and every Part thereof are or is Parcel or ſituated reſpectively; be it therefore further enacted by the Authority aforeſaid, That, for the Purpoſe of finally ſettling and determining ſuch Diſputes and Queſtions, ſo as to aſcertain in what Manor or Manors the ſaid Part of the ſaid Common Moor or Waſte, commonly called *Shitlington Common*, do reſpectively lie and are ſituated, and to whom the Right and Inheritance of, in, and to the Soil do belong, it ſhall and may be lawful to and for the ſaid *James Allgood*, his Heirs or Aſſigns, or other Perſon or Perſons entitled

entitled to his Eſtates, to proceed to a Trial at Law for the Purpoſe of the ſame, at the Firſt or Second Aſſizes to be holden for the County of *Northumberland* next after the paſſing of this Act, and for that Purpoſe to cauſe an Action at Law to brought in any One of His Majeſty's Courts of Record at *Weſtminſter*, within Two Calendar Months next after the paſſing of this Act, 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 Diſputes and Queſtions 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 (which Coſts 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 *James Allgood*, his Heirs or Aſſigns, or other Perſon or Perſons entitled as aforeſaid, ſhall not commence his or their Action within the Time herein-before limited, 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 as aforeſaid in due Time, by reaſon whereof the ſaid *James Allgood*, 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 *James Allgood*, 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 *James Allgood*, 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 *James Allgood*, his Heirs or Aſſigns, or Perſon or Perſons entitled as aforeſaid, ſuch Allotment or Allowance as a Compenſation and Satisfaction for his or their Right and Intereſt to that Part of the Soil of the ſaid Common Moor or Waſte ſo to be divided and allotted, commonly called *Shitlington Common*, 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 of *Wark*, and all 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 of *Wark*, in reſpect of their Right and Intereſt to the Soil of the

ſaid Common Moor or Waſte commonly called *Shitlington Common*, ſo to be divided and allotted, or ſuch Part thereof as the ſaid *James Allgood*, 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 *James Allgood*, 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 *James Allgood*, 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 *James Allgood*, 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.

General Saving.

LVI. 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*, and the ſeveral other Perſons, Bodies Politick or Corporate, to whom any Allotment or Allotments of Land ſhall be made or provided by virtue of this Act, in reſpect of the Intereſt or Property for which ſuch Allotment or Allotments ſhall be made, his, her, and their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns), all ſuch Eſtates, Rights, Titles, and Intereſts, as they, every, or any of them had or enjoyed, of, in, to, or out of the ſaid Common Moor or Waſte hereby directed to be divided and allotted, before the paſſing of this Act, or could, or might, or ought to have had or enjoyed in caſe this Act had not been made.

To be printed as a publick Act.

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

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