



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 82.

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

[27th May 1808.]

WHEREAS there is within the Parish of *Rothbury* in the County of *Northumberland* a Common Moor or Waste, containing by Estimation Four hundred Acres or thereabouts, commonly called or known by the Name of *Cbirnells Common*: And whereas the Most Noble *Hugh Duke of Northumberland* is Lord of the Barony or Manor of *Rothbury* in the County of *Northumberland* aforesaid, and as such claims to be seised of or entitled to the Soil and Inheritance, and the Mines, Minerals, Quarries, and Royalties of, within, and under the said Common Moor or Waste, as Part and Parcel of his said Barony or Manor of *Rothbury*: And whereas *George Burdon*, *Adam Atkinson*, Esquires, and several other Persons, are seised and possessed of divers Messuages, Lands, Tenements, and Hereditaments, in the Township of *Rothbury*, within the said Parish of *Rothbury*, 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 Two Third Parts of the said Common Moor or Waste: And whereas *Edward Pringle*, the Representative of *Elizabeth Harrison*, Widow, deceased, and several other Persons, are seised and possessed of divers Messuages, Lands, Tenements, and Hereditaments, in the Township of *Snitter* within the said Parish of *Rothbury*, 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 remaining One Third Part of the said Common Moor or Waste: And whereas the said Common Moor or Waste

[*Loc & Per.*]

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in

in its present State is of little Use or Advantage, but considerable Parts thereof are capable of Cultivation and Improvement, and the several Persons entitled to such Right of Common as aforesaid are willing and desirous that the said Common Moor or Waste, with the Consent of the said *Hugh Duke of Northumberland*, should be divided and allotted by Commissioners in that behalf to be appointed amongst the said *Hugh Duke of Northumberland* and the several other Persons entitled to Right of Common thereon, or otherwise interested therein respectively; which 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 *William Bates* the elder, of *Chollerton* in the County of *Northumberland*, Gentleman, and *John Dinning*, of *Newlands* in the said County of *Northumberland*, Gentleman, shall be and they are hereby appointed Commissioners for setting out, dividing, and allotting the said Common Moor or Waste, and for putting this Act in Execution in such Manner and subject to such Regulations as are hereinafter contained, and with such of the Powers and subject to such of the Rules, Orders, Directions, Authorities, Regulations, Restrictions, and Provisions, contained in an Act, passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*, as are not controuled by or repugnant to any of the Clauses, Provisions, and Regulations contained in this Act.

Commissioners' Names.

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

The choosing new Commissioners.

II. Provided always, and be it further enacted, That if the Commissioners hereby appointed, or either of them, shall die, or shall neglect to act for the Space of Three Callendar Months, when Occasion shall require their Attendance on the Business hereby committed to their Charge, or shall refuse to act, or be rendered incapable of acting by Sickness or any other Cause whatsoever, before the Powers and Authorities hereby vested in them shall be carried into Execution, a new Commissioner or Commissioners shall and may be nominated and appointed in the Place or Places of him or them so dying, neglecting, or refusing to act, or rendered incapable as aforesaid, in Manner following; (that is to say) in case the said *William Bates* shall die, neglect, or refuse or become incapable to act as aforesaid, the said *Hugh Duke of Northumberland*, or the Lord of the said Barony or Manor for the Time being shall and may, by any Instrument in Writing under his, her, or their Hand or Hands, nominate and appoint a proper Person (not being beneficially interested in the said Division and Inclosure, or an Agent to, or Father, Son, or Brother of any Person so interested) to be a Commissioner in the Room of the said *William Bates*; and in case the said *John Dinning* shall die, neglect, or refuse or become incapable to act as aforesaid, the major Part in Value of the Proprietors and Owners of Messuages, Lands, Tenements, and Hereditaments, entitled to Right of Common upon the said Common Moor or Waste hereby intended to be divided, or their respective Agents, present at a Meeting to be holden

holden for that Purpose, of which Meeting Notice shall be given by any Two or more of such Proprietors and Owners, or their respective Agents, or by the other Commissioner for putting this Act into Execution, by affixing the same on the principal Door of the Parish Church of *Rotbury* 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, in some other Newspaper generally circulated in the County of *Northumberland*, Ten Days at least before such Meeting, shall and may, by any Instrument in Writing under their Hands, nominate and appoint a proper Person (not being beneficially interested in the said Division and Inclosure, or an Agent to, or Father, Son, or Brother of any Person so interested) to be a Commissioner in the Room of the said *John Dinning*; 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 Politic or Corporate respectively by whom such Commissioner is authorized to be appointed, their respective Heirs, Successors, Agents, or Assigns, shall in like Manner nominate and appoint another Commissioner in his Room, and so from Time to Time as often as any Vacancy shall happen by such Death, Neglect, Refusal, or Incapacity of every such new Commissioner or Commissioners so to be nominated and appointed as aforesaid, and every Person who shall be nominated and appointed as aforesaid, shall have such and the like Powers and Authorities for putting this Act into Execution, as if he had been nominated and appointed a Commissioner in and by this Act; which said several Instruments of Nomination and Appointment shall be 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.

III. And, for the more effectually obviating and preventing any Inconvenience or Delay which might otherwise happen or be occasioned in the Proceedings of the said Commissioners, by Reason of any Difference in Opinion between them touching or concerning any Matter or Thing in the Execution of the Powers of this Act, or any Point or Points, Question or Questions arising out of or relating thereto; Be it further enacted, That if any Difference of Opinion shall happen to arise between the Commissioners for the Time being, touching or concerning any Matter or Thing in the Execution of the Powers of this Act, or any Point or Points, Question or Questions arising out of or relating thereto, then, and as often as the Case shall so happen, all and every such Matters or Things, or Points or Questions respectively upon which there shall be any such Difference in Opinion between the said Commissioners as aforesaid, shall be referred by the said Commissioners, by Writing under their Hands, to some disinterested and skilful Person, whom it shall be lawful for the said Commissioners to nominate and appoint, by Writing under their Hands for that Purpose from Time to Time, and as often as they shall think necessary, to determine all and every such Matters or Things, and Points or Questions respectively as aforesaid; and the Determination of every such Person so to be appointed, to be expressed in Writing under his Hand, shall be and shall be taken and deemed by the said Commissioners as conclusive and binding

How Differences between the Commissioners are to be settled.

ing 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 hereinafter 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 hereinafter 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, some Time before the First Day of January One thousand Eight hundred and Nine, or as soon after as conveniently may be, by *John Bell*, of the Town and County of *Newcastle-upon-Tyne* Land Surveyor; or in case of the Death, or Neglect, Refusal, or Incapacity by Sickness, or any other Cause whatsoever, of him the said *John Bell* for the Space of Three Calender Months, when occasion shall require his Attendance on the Business of taking and making such Surveys or Admeasurements and Plans, then the same shall be made and taken by such other fit and proper Person, being an experienced Surveyor of 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.

Surveyor to take an Oath.

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

Surveyor's Oath.

“ I *A. B.* do swear, That I will faithfully, impartially, and honestly act according to the best of my Skill and Judgment in surveying and admeasuring the Common Moor or Waste intended to be divided and inclosed by virtue of an Act, passed in the Forty-eighth 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.”

Which

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 and 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.

How to be administered.

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

Charge to be paid Surveyor.

VII. And be it further enacted, That the said Surveyor shall, after the said Division and Allotment of the Lands and Grounds intended to be hereby divided and enclosed shall be completed, make a fair Plan upon Vellum of all the said Lands and Grounds intended to be hereby divided and allotted, whereon, respectively shall be truly and distinctly delineated, set down, marked, and expressed the several Matters and Things necessary or proper to be inserted therein, for the better explaining the Award of the said Commissioners; and for which fair Plan so to be made as aforesaid, the Sum of Twenty-one Pounds shall be paid, and no more.

Surveyors to make a Plan or Plans upon Vellum of the Common, and their Charge for same.

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 Twenty-one Years last past, or upwards, without any Interruption or Payment of any Acknowledgement) shall be deemed Part and Parcel of the said Common Moor or Waste so to be divided; and in case any Difference or Dispute shall arise touching any such Inclosures or Encroachments being deemed Part or Parcel of the said Common Moor or Waste, such Differences or Disputes shall be examined into and determined by the said Commissioners.

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

IX. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice, in Writing under their Hands, to be affixed upon the principal Door of the Parish Church of *Rothbury* aforesaid, and also to be inserted in the *Newcastle-upon-Tyne Courant* or some other News-paper published at *Newcastle-upon-*
[Loc. & Per.]

Commissioners to give Notice of their First, Second, and Third Meetings;

and their
subsequent
Meetings.

Power to ad-
journ such
Meetings.

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 *Rothbury* 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 *Rothbury* aforesaid Eight Days at least before every such subsequent Meeting; but the said Commissioners, at the First, Second or Third Meetings, 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 when and where the Meeting or Meetings shall be held at which any such Adjournment or Adjournments shall be made as aforesaid, Notice under their Hands when and where such adjourned Meetings are to be held from Time to Time; provided that all the Meetings of the said Commissioners shall be held in the Parish of *Rothbury* aforesaid, or within the Distance of Eight Miles therefrom.

If only One
Commission-
er present he
may adjourn,
giving Eight
Days Notice
to the other
Commis-
sioner.

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.

Commission-
ers to deter-
mine Differ-
ences.

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 hereinafter mentioned, be interested in the said intended Division and Inclosure, or any of them, touching or concerning the respective Shares and Proportions which they or any of them shall claim in the said Lands and Grounds hereby intended to be divided and inclosed as aforesaid, or touching or concerning the respective Shares and Proportions which they or any of them ought to have of or in the said intended Division and Inclosure, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to hear and determine the same; provided that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuage, Lands, or Hereditaments.

Power to try
disputed
Claims at
Law.

XII. Provided always, and be it it further enacted, That if any Person or Persons, Body or Bodies Politic 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;

Law ; and the Person or Persons, Body or Bodies Politic 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 so 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, Attorneys, or Agents, 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, Attorneys, 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, Attorneys, or Agents as aforesaid) ; then, but not afterwards, it shall be lawful for the Person or Persons, Body or Bodies Politic 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 Politic or Corporate giving such Notice as aforesaid, against the Lord of the said Barony or Manor of *Rothbury*, or any Person or Persons, Body or Bodies Politic 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 Attorneys, who shall file Common Bail, or appear and accept one or more Issue or Issues, whereby all such Claim or Claims and Rights and Interests may be properly tried and determined (such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties shall differ about the same) ; and the Verdict or Verdicts which shall be given in the said Action or Actions shall be final and conclusive to all Bodies Politic or Corporate, and all Persons whomsoever ; and after any Verdict or Verdicts shall have been obtained, and not set aside by the Court, the said Commissioners shall and are hereby authorized and required to conform thereto : Provided always, that it shall be lawful for the Court in which any such 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 hereinbefore 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 Politic 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,

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
the Party.

XIII. Provided always, and be it further 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.

Commission-
ers 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 Politic 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.

Commission-
ers to deter-
mine to what
Townships
Roads shall
belong.

XV. And for preventing all Disputes and Differences which may arise touching the Repairs of the public 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 and Occupiers for the Time being in each of such Townships or Quarters respectively shall from and after the Execution of the general Award of the said Commissioners maintain, amend, and keep such respective public 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 public Highways and Roads are by Law to be amended and kept in Repair.

Commission-
ers to set out
Part of the

XVI. And be it further enacted, That after the necessary Roads and Highways as aforesaid shall have been deducted, it shall and may be

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 hereinafter 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 hereinafter is directed.

Common to
pay Ex-
pences.

XVII. 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; 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 public 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 unto 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, and 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 hereinafter expressly reserved to the Lord of the said Barony or Manor of *Rothbury*), and the same shall be deemed to be and continue within and to be held of the said Barony or Manor of *Rothbury*, and shall be held in the same manner, and be subject and entitled to all such Orders, Directions, Charges, Rights, Liberties, Privileges, and Exceptions, 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 subject and entitled to respectively by virtue of this Act.

Lands set
apart to be
sold, to be
disposed of
by public
Auction.

XVIII. 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 so be sold shall belong, having a due regard to the Pro-

Commission-
ers to deter-
mine to what
Townships
the Parts of
the Common

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portion

which shall
be sold shall
belong.

portion and Value of the several Messuages, Lands, Tenements, and Hereditaments in such 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.

Money arising
from Sale
of the Com-
mon to be
applied for
paying Ex-
pences of
Division.

XIX. 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.

Applications
of Surplus
Money.

XX. Provided always, That in case more Money shall be produced by such Sale or Sales as aforesaid than will be required to defray the Charges and Expences hereinbefore directed to be raised by such Sale or Sales, then and in such Case the Surplus Money shall be divided and apportioned between the Owners of the several Allotments to be set out in pursuance of this Act, or such of them, and in such Shares and Proportions as the said Commissioners shall think proper; and the Shares of such of them as shall be Tenants of their respective Allotments in Fee Simple shall be paid to them respectively, and the Shares of such other Persons of and in such Surplus Money shall be applied and disposed of in Manner directed by the said Act, in those Cases wherein any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Parties inter-
ested may
pay Money
instead of
Lands being
sold.

XXI. Provided always, That in all Cases where any of the Persons, Bodies Politic or Corporate interested in any Allotment or Allotments of the said Common Moor or Waste shall be minded and desirous of paying their respective Share 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

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, or 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.

XXII. 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 said *Hugh Duke of Northumberland*, or to the Person or Persons who shall then be entitled to the Barony or Manor of *Rothbury* aforesaid, 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 public Carriage Roads, in lieu of and as a full Compensation and Satisfaction for his Right and Interest to the Soil of the said Common Moor or Waste so to be divided and allotted, and also for his Consent to the said Division and Inclosure thereof.

Allotment of One Sixteenth of the Common to the Lord of the Manor, for the Soil.

XXIII. 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, and allotted and appointed as aforesaid, shall be deemed to lie within the Barony or Manor of *Rothbury*; and that such one Sixteenth Part or Share of the said Common Moor or Waste intended to be divided by virtue of this Act, shall be assigned, set out, allotted, and appointed to lie in one entire Plot or Parcel.

The Lord's Sixteenth to be in one entire Plot.

XXIV. 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 one full Third Part in Value (Quantity and Quality considered) of the Residue of the said Common Moor or Waste unto and amongst the several Proprietors of Messuages, Lands, Tenements, and Hereditaments in the said Township of *Snitter*, having Right of Common in and upon the said Common Moor or Waste, in Proportion and according to the several and respective Parts and Shares which such Messuages, Lands, Tenements, and Hereditaments, are liable and contributory to pay of the Fee-farm Rent payable to the Crown for or out of the said Township of *Snitter*; and to set out, assign, allot, and appoint the two remaining Third Parts in Value (Quantity and Quality considered) of the same Residue of the said Common Moor or Waste unto and among the several Proprietors of Messuages, Lands, Tenements, and Hereditaments in the Township of *Rothbury* having Right of Common in and upon the said Common Moor or Waste, in Proportion and according to the several and respective Parts and Shares which such last-mentioned Messuages, Lands, Tenements, and Hereditaments are liable or contributory to pay of the Borough Rent payable to the Lord of the said Barony or Manor of *Rothbury*, for or out of the said Township of *Rothbury*.

Allotment of the Residue of the Common.

XXV. Provided

Encroach-
ments to be
allotted to a
Person in
Possession
thereof.

XXV. 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 Politic 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 hereinbefore 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 Politic 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 Improvement made therein, or to the Value of the Edifices and Buildings which are erected or built thereupon.

Distinct Al-
lotments to
be made for
Lands holden
by different
Titles, or for
different
Estates.

XXVI. 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 the 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 Allotment shall have been respectively made, and therein also separately to describe and ascertain the Situation of every such Allotment.

Allotments
to lie in the
same Town-
ships as the
ancient
Lands.

XXVII. 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

XXVIII. 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

any Property granted or demised or held by any Leases or Agreements for any Term or Number of Years not exceeding Twenty-one Years at Rack Rent, shall be allotted to the respective Lessors or Owners of such Property, and shall be held and enjoyed by them respectively, free from all Right, Title, and Interest of their respective Lessees or Tenants, by virtue of or under such Leases or Agreements; and such respective Lessors or Owners shall make such Abatement of the Rent reserved or made payable by such Leases or Agreements respectively, for or 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.

Leases at
Rack Rent
to be set out
to the Lessors.

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

Allotments
that may
happen to be
sold may, on
Request, be
allotted to
the Pur-
chasers by
the General
Award.

XXX. 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 *Rothbury* aforeaid, 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 Politic 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 Attorneys of any such Proprietors, who shall at the Time of making such Exchanges be Feme Covert, Infants, Lunatics, Persons beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves, and so that all such Exchanges of Hereditaments belonging to any Ecclesiastical Benefice or Corporation be also made with the Consent of the Patron thereof, and of the Bishop Parochial of the Dio-

Exchanges.

[*Loc. & Per.*]

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case in which the same are situate respectively, such Consent to be respectively signified by Writing under the Hands and Seals of the consenting Parties, or under the Seals of such of them as are a Corporation Aggregate; and every Exchange so made and declared shall be for ever good, valid, and effectual in Law, and the respective Lands or Hereditaments so to be exchanged shall become and be of the same Tenure, and held under the same Rents and Services, and go and remain to, 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; provided, that no such Exchange shall be made of any Copyhold Tenements without the Consent of the Lord of the Manor of which such Copyhold Tenements are holden:

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

XXXI. Provided always, and be it further enacted, That in case it shall happen that any of the Proprietors of ancient Freehold Messuages, Lands, Tenements, or Hereditaments, shall exchange any of their ancient Freehold Messuages, Lands, Tenements, or Hereditaments for any Allotment or Allotments of the said Common Moor or Waste, then and in such Case the Proprietors of such ancient Freehold Messuages, Lands, Tenements, or Hereditaments so exchanged as aforesaid, their respective Heirs and Assigns, shall from Time to Time, and at all Times for ever thereafter have, hold, and enjoy all and all manner of Mines, Minerals, and Quarries whatsoever, lying, being, and remaining within and under the said ancient Messuages, Lands, Tenements, or Hereditaments so to be given in Exchange, and all Liberties, Powers, Privileges, and Authorities for winning, working, leading, and carrying away the same, and the Produce thereof respectively, in as full, ample, and beneficial Manner, to all Intents and Purposes, as they and every of them could or might or ought to have had, held, and 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:

Mines, &c. of Exchanged Lands to remain the Property of D. of Northumberland.

XXXII. 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 *Hugh Duke of Northumberland*, his Heirs, 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.

XXXIII. 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

are required to be given or published in some public News-paper, of setting out public 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 News-paper shall not then be published, then in some other News-paper or News-papers generally circulated in the County of *Northumberland*.

XXXIV. 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 inrolled 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.

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

XXXV. 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 Parts thereof) or 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.

Copy of Plans may be delivered, on a reasonable Sum being paid for the same to the Clerk of the Peace.

XXXVI. And be it further enacted, That the said Commissioners shall, at the Request, Costs, and Charges of any Person or Persons, Body or Bodies Politic or Corporate, or his 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.

Commissioners may execute Duplicates of their Award.

XXXVII. 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

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

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 and allotted, are and have heretofore been holden respectively; and the Lord of the said Barony or Manor of *Rothbury* 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, or other Rents, Payments, Reliefs, Fines, Dues, Duties, Suits, and Services whatsoever to the Lord of the said Barony or Manor of *Rothbury* for the Time being.

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

XXXVIII. 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 the said Common Moor or Waste to be divided and inclosed as aforesaid, or any of the Messuages, Lands, Tenements, or Hereditaments which shall be exchanged by virtue of this Act, or any Part or Parcel thereof respectively; but that the several Allotments of Common Lands, Tenements and Hereditaments which shall be set out and allotted or exchanged respectively by virtue of this Act, shall, immediately after the Execution of the said 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 Politic and Corporate, to and with whom the same shall be set out and allotted or exchanged respectively, and they shall from thenceforth stand and be seised and possessed thereof respectively to, for and upon such and the same Uses, Estates, Limitations, Interests, Trusts, Intentions and Purposes, and subject and liable to the same Settlements, Leases, Conditions, Charges and Incumbrances as the several Messuages, Lands, Tenements, and Common Rights, in lieu or in respect whereof such Allotments and Exchanges shall be made respectively, now stand limited or liable to, or would have been liable to in case this Act had not been made (except as to such Leases or Agreements at Rack Rent as shall be determined under this Act) and subject always nevertheless to such Charges or Mortgages as shall be made by virtue of the said Act of the Forty-first year of the Reign of His present Majesty, or this Act respectively.

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

XXXIX. 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 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

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 hereinbefore 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.

same, they
may divide
the Allot-
ment by
Deed.

XL. And be it further enacted, That the said several Allotments to be made by virtue of this Act shall be enclosed, hedged, ditched and fenced by and at the Expence of such respective Proprietors, in such Manner and in 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.

Allotments
to be fenced.

XLI. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any Person or Persons (other than and except the Lord of the said Barony or Manor, his Lessees or Assigns, and the Commissioners for carrying this Act into execution) to cut, dig, or carry away any Turves or Sods 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 Lord of the said Barony or Manor or his

No Turfs or
Sods to be
cut.

[*Loc. & Per.*]

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Assigns

Assigns, such Sum, not exceeding Thirty-nine Shillings, as shall be assessed in the Nature of an Amerciament at any Court Leet or Court Baron to be holden for the said Barony or Manor, the same to be assessed by the Assessors then and there sworn, and which Amerciament or Amerciaments when so assessed 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, 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 sold is not sufficient.

XLII. And be it further enacted, That so much of the Charges and Expences of soliciting, obtaining, and passing this Act, and of surveying, planning, admeasuring, 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 Politic 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) 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 in 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.

XLIII. 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 into execution, bear and pay their own Expences, and that when and as soon as the said intended Division and other Purposes of this Act shall be finished and completed, and the said Commissioners shall have executed their said General Award, they the said Commissioners respectively shall be paid and allowed, each of them, the Sum of Three Pounds Three Shillings for each and every Day upon which they respectively shall have attended a Meeting and transacted Business in and for putting this Act in execution.

Commissioners to account.

XLIV. And be it further enacted, That the said Commissioners shall, and they are hereby respectively required to keep, or cause to be kept, a true and just Statement and Account of all Sums of Money which shall be raised or received, and laid out or expended by them

or

or by their Order or for their Use, under or by virtue or in the Execution of this Act, and of what shall be due or owing to them for their own Trouble or Expences, and shall truly and regularly enter all the Particulars of such Statement and Accounts in a Book to be provided for that Purpose; and such Accounts shall, at least once in every Year from the passing of this Act till such Account shall be finally allowed, together with the Vouchers relating to the same, be examined and settled by *Robert Hopper Williamson*, of *Newcastle-upon-Tyne*, Esquire, who is hereby appointed Auditor for that Purpose, and in case of his Death, by such other fit and proper Person as shall be nominated and appointed Auditor in his stead by 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 *Hugh Duke of Northumberland*, his Heirs, Successors or Assigns, or his or their Steward or Stewards, Agent or Agents for the Time being, or by any Five or more of such Proprietors and Owners, or their respective Agents, or by the Commissioners for putting this Act into Execution, or the one of them, by affixing the same on the principal Door of the said Parish Church of *Rothbury*, and also causing the same to be inserted in the *Newcastle-upon-Tyne Courant* News-paper, or if that News-paper shall not then be published, in some other News-paper generally circulated in the County of *Northumberland*, Fourteen Days at least before such Meeting) by any Instrument in Writing under the Hands of such Proprietors and Owners, or their respective Agents; but in case of the Refusal of the said *Robert Hopper Williamson* to act as such Auditor, then by such other fit and proper Person as shall be nominated and appointed Auditor in his stead, by the said *Hugh Duke of Northumberland*, his Heirs, Successors or Assigns, or his or their Steward or Stewards, Receiver or Receivers, Agent or Agents for the Time being, and so from Time to Time, as often as any Vacancy shall happen by the Death or Default of every such new Auditor, such Vacancy shall be filled up in the Manner last mentioned, and the Auditor for the Time being shall from Time to Time state 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 Account 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.

XLV. 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, Money advanced for the Act to be
or

repaid with
Interest.

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 Purpose 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 Payment thereof.

Power to ap-
peal

XLVI. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself or themselves aggrieved by any Thing done in pursuance of the said Act of the Forty-first Year of His present Majesty, or of this Act (other than and except such Claims, Matters and Things as are hereinbefore 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 or of this Act the Determinations, Acts or Proceedings of the said Commissioners are hereby 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 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 and 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 Surplus (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 removeable by *Certiorari*, or any other Process or Writ whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Owners of
Allotments
may get
Freestones.

XLVII. 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 Slate, 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 Allotment shall be made, but for no other Use or Purpose whatsoever.

XLVIII. Provided

XLVIII. 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 *Hugh Duke of Northumberland*, his Heirs, Successors, or Assigns, as Lord of the said Barony or Manor of *Rothbury*, 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 and in and to the Seigniories and Royalties incident or belonging to the said Barony or Manor, but that the said *Hugh Duke of Northumberland*, his Heirs, and all succeeding Lords of the said Barony or Manor of *Rothbury* 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, Court Leet, and View of Frankpledge, Courts Baron and all Profits and Perquisites of Courts and Leets, and all Things which to Courts Leet and View of Frankpledge and Courts Baron do belong or appertain, and all Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Treasure Trove, Waifs, Estrays, Forfeitures, Escheats, Fairs, Markets, Tolls, Customs, Stallages, Dues, Rights, Royalties, Immunities, Jurisdictions, Franchises, Privileges, Profits, Commodities, Advantages, Emoluments, Hereditaments, Matters, and Things whatsoever, to the said Barony or Manor, or to the Lord thereof for the Time being incident, belonging or appertaining (other than and except the Right to the Soil of the said Common Moor or Waste, and such Common Right thereon as could or might be claimed by him, for which Compensation is hereinbefore 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 *Hugh Duke of Northumberland*, his Heirs, Successors and Assigns and all succeeding Lords of the said Barony or Manor of *Rothbury* for the Time being, or his 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, within and under the said Common Moor or Waste hereby directed to be divided, and within and 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 Waggonways 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 *Hugh Duke of Northumberland*, his Heirs, Successors or Assigns, and of making Pits, Shafts and Sumps, Pit Rooms and Heap Rooms, Drifts, Levels and Watercourses, and of repairing, amending and upholding the same, and of erecting, building and using Houses, Drawkilns, Erections, Buildings, Fire Engines and other Engines, Mills 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

The Act not to prejudice the Lord's Right to the Royalties.

[Loc. & Per.]

17 K

all

all such other 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 he or they might or could have done in case this Act had not been made.

Satisfaction
to be made
for Damage
done in work-
ing Mines,
&c.

XLIX. And be it further enacted, That in case the said *Hugh Duke of Northumberland*, his Heirs, Successors or Assigns, or any Person or Persons claiming under him or them, shall, after such Inclosures or Allotments made as aforesaid, search for, win or work any Mine or Mines, Minerals or Quarries lying and being within or under any of the Allotments or Inclosures to be made as aforesaid, or lead or carry away the Produce of or from any such Mines, Minerals or Quarries, then and in such Case the said *Hugh Duke of Northumberland*, his Heirs, Successors, or Assigns, or such Person or Persons so claiming under him or them shall make a reasonable Satisfaction for the Damage and Spoil of Ground occasioned thereby or by the erecting or building any Houses, Drawkilns, Erections, Buildings, Fire Engines or other Engines, Mills, or other Erections, or by the altering, changing, repairing, amending, rebuilding, pulling down, or carrying away the same or any of the Materials thereof as aforesaid, to the Person or Persons who shall be in Possession of such Ground at the Time or Times of such Damage or Spoil.

General
Saving.

L. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Person or Persons, Body and Bodies Politic, and Corporate, his, her, or their Heirs, Successors, Executors, and Administrators (other than and except the said *Hugh Duke of Northumberland*, and the several other Persons, Bodies Politic or Corporate, to whom any Allotment or Allotments of Land shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Allotments shall be made, his, her, or their Heirs, Successors, Executors, Administrators, and Assigns) all such Estates, Rights, Titles, and Interests, as they, every, or any of them had or enjoyed, of, in, to, or out of the said Common Moor or Waste hereby directed to be divided and allotted, before the passing of this Act, or could or might or ought to have had or enjoyed, in case this Act had not been made.

To be print-
ed as a pub-
lic Act.

LI. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof, so printed, shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1808.