



ANNO QUADRAGESIMO NONO

# GEORGI III. REGIS.

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## Cap. 65.

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

[12th May 1809.]

**W**HEREAS there are within the Barony or Manor of *Wark*, and in the Parish of *Simonburn*, in the County of *Northumberland*, a Common Moor or Waste, containing by Estimation Five thousand Acres or thereabouts, commonly called or known by the Name of *Tarretburn*, otherwise *Blackburn Common*; and also certain Common Fields, called *Smiddywell-Rig*, *Blackmiddings*, *Hatherybirst* (otherwise *Hatheryball*), *Sneep*, *Gatehouse* (otherwise *Yatehouse*), *Greenbeald*, *Shipleys-Shields*, *Dunstead*, *Gleedlee*, and *Newbiggin*, containing by Estimation Three hundred Acres or thereabouts: And whereas the Commissioners and Governors of the Royal Hospital for Seamen at *Greenwich*, in the County of *Kent*, are Lords of the said Barony or Manor of *Wark*, and as such are or claim to be seised of or entitled to the Soil and Inheritance, and the Mines, Minerals, Quarries, and Royalties of, within, and under the said Common Moor or Waste, as Part and Parcel of their said Barony or Manor of *Wark*: And whereas *John Reed*, Esquire, *William John Charlton*, Esquire, *Thomas Ridley*, Esquire, and several other Persons, are seised and possessed of divers Messuages, Lands, Tenements, and Hereditaments within the said Barony or Manor and Parish, and in respect thereof or as appendant, appurtenant, or belonging thereto, they or their Lessees, Farmers, or Tenants, are or claim to be entitled to Right of Common in and upon the said Common Moor or Waste: And

[Loc. & Per.]

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whereas

whereas the said Common Moor or Waste in its present State is of little Use or Advantage, but considerable Parts thereof are capable of Cultivation and Improvement, and the several Persons entitled to such Right of Common as aforesaid are willing and desirous that the said Common Moor or Waste, with the Consent of the said Lords of the said Barony or Manor, should be divided and allotted by Commissioners in that Behalf to be appointed amongst the said Commissioners and Governors, and the several Persons entitled to Right of Common thereon or otherwise interested therein respectively; and the several Proprietors of the said Common Fields called *Smiddywell-Rig*, *Blackmiddings*, *Hatherybirst* (otherwise *Hatheryball*), *Sneep*, *Gatehouse* (otherwise *Yatehouse*), *Greenbeald*, *Shipley-Shields*, *Dunstead*, *Gleedlee*, and *Newbiggin*, are also willing and desirous that the same should be divided and allotted by the said Commissioners in Manner herein-after mentioned; but the same cannot be affected without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, that *John Fryer*, of the Town and County of *Newcastle-upon-Tyne*, Gentleman, and *William Bates* the elder, late of *Clarewood*, but now of *Chollerton* in the 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 Common Fields, and for putting this Act in Execution, in such Manner and subject to such Regulations as are herein-after contained; and with such of the Powers, and subject to such of the Rules, Orders, Directions, Authorities, Regulations, Restrictions, and Provisions, contained in an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*, as are not controuled by or repugnant to any of the Clauses, Provisions, or Regulations contained in this Act.

Commissioners Names.

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

For choosing new Commissioners.

II. Provided always, and be it further enacted, That if either of the said Commissioners, or any Person to be nominated and appointed by virtue of this Act a Commissioner in the Room or Stead of either of them, shall die, neglect, or refuse to act, or become incapable of acting in the Execution of this Act, then and in every such Case it shall and may be lawful to appoint new Commissioners or a new Commissioner in Manner following; (that is to say), the said Commissioners and Governors of the said Royal Hospital, their Successors or Assigns, or their Stewards or Steward, Receivers or Receiver, or Agents or Agent for the Time being, by any Instrument in Writing under the Common Seal of the said Royal Hospital, or under the Hands or Hand of such Stewards or Steward, Receivers or Receiver, Agents or Agent, in case of the Death, Neglect, or Refusal, or Incapacity to act of the said *John Fryer*, and may within Sixty Days next after such Death, Neglect, Refusal, or Incapacity, nominate and appoint another Person (not being interested in the said intended Division and Inclosure), to be a Commissioner in the Room or Stead of the said *John Fryer*, and so *toties quoties* as often as any Commissioner, so nominated or appointed by the said Commissioners and Governors shall die, refuse, or neglect to act, or become incapable of acting; and in case the

said

said *William Bates* shall die, neglect, or refuse to act, or become incapable of acting 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, and interested in the said Common Fields hereby intended to be divided, (other than and except the said Commissioners and Governors and their Successors), or their respective Agents present at a Meeting to be holden for that Purpose, (of which Meeting Notice shall be given within Sixty Days from the Time of such Death, Neglect, Refusal, or Incapacity, 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, or by the Clerk to the said Commissioners, by affixing such Notice on the Door of the Parish Church of *Simonburn* aforesaid, and also causing the same to be inserted in the *Newcastle-upon-Tyne Courant* Newspaper, or if that Paper shall not then be published, then in some other Newspaper usually circulated in the said County of *Northumberland*), shall and may at such last-mentioned Meeting, by any Instrument in Writing under their Hands, nominate and appoint a proper Person (not being interested in the said intended Division and Inclosure) to be a Commissioner in the Room or Stead of the said *William Bates*, and so *toties quoties* as often as any Commissioner so to be nominated and appointed by the said major Part in Value of the said Proprietors and Owners or their Agents shall die, refuse, neglect, or become incapable to act; and every Commissioner so to be nominated and appointed as aforesaid, shall, after taking the Oath prescribed in that Behalf, have the like Power and Authority for carrying this Act into Execution, and be subject and liable to the like Rules, Regulations, and Restrictions, as if he had been originally nominated a Commissioner in and by this Act; and in case of Neglect of Appointment of a new Commissioner by either of the said Parties upon the Events and in Manner herein-before mentioned by the Time herein-before limited, it shall and may be lawful to and for the continuing Commissioner to act alone in the said Division and Inclosure, in like Manner in every Respect as the said Commissioners hereby appointed are authorized to act, until such Party so neglecting shall appoint such new Commissioner; but if both of the said Commissioners hereby appointed, or any Persons or Person to be appointed Commissioners or Commissioner by virtue of this Act, shall for the Reason and by the Means aforesaid become incapable of acting, and there shall at any Time be no existing or acting Commissioner, then it shall and may be lawful to and for the Person who in such Event shall be first appointed by either of the said Parties hereby authorized to appoint new Commissioners in the Event aforesaid, to have the same Power of acting alone as herein-before mentioned, until such Second Commissioner shall be appointed as aforesaid.

III. Provided also, and be it enacted, That if either of the said Commissioners hereby appointed shall refuse or neglect to attend the First Meeting directed to be holden for carrying this Act into Execution, or to duly qualify himself by taking the Oath by the said recited Act of the Forty-first Year of the present Reign prescribed in that Behalf, or shall wilfully absent himself from any subsequent Meeting appointed to be holden by virtue of this Act, such Meetings being known to him, either by his being present at the Appointment thereof, or Notice thereof in Writing having been given to him, or left at his last or usual Place of Abode,

by the Clerk to the said Commissioners, (such Commissioner not being prevented in such Cases respectively by Sickness or other reasonable Cause), or if any Commissioner, to be nominated and appointed in manner by this Act directed, shall not attend and qualify himself as a Commissioner in the Execution of this Act, at the First Meeting after his Nomination or Appointment, such Meeting to be appointed by the surviving or remaining Commissioner for carrying this Act into Execution, or shall thereafter wilfully absent himself from any Meeting to be holden by virtue of this Act, such Meetings being known to him, either by his being present at the Appointment thereof, or Notice thereof in Writing having been given to him or left at his last or usual Place of Abode, by the Clerk to the said Commissioners, and such Commissioner not being prevented in such Cases respectively by Sickness or other reasonable Cause, or if either of the said Commissioners hereby appointed, or any Commissioner hereafter to be appointed, shall not attend Eight Hours at least on each Day of Meeting to be appointed as by this Act directed, not being prevented by Sickness or other such reasonable Cause as aforesaid, then and in every such Case such Absence or Non-attendance shall be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act; which said several Instruments of Nomination and Appointment shall be enrolled and deposited in the same Places respectively, 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.

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

after directed to be taken, have and is hereby vested with the same Powers and Authorities as by the said Act and this present Act are given to the Commissioners hereby appointed, but so nevertheless, as that any such Person shall not be empowered to act for any other Purpose than the determining of such Matters as may be so referred to him as aforesaid, and every such Person shall be paid such Sum and Sums of Money, as a Compensation for his Trouble in determining the Matters so to be referred to him as aforesaid, as the said Commissioners shall think reasonable, and which Sums of Money the said Commissioners are hereby authorized and required to pay out of the Monies herein-after directed to be raised for carrying this Act into Execution.

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

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Trusts, Powers, and Authorities vested and reposed in me as Umpire by virtue of an Act passed in the Forty-ninth Year of the Reign of His Majesty King George the Third, intituled, [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. ‘ So help me GOD.’

Umpire's  
Oath.

Which Oath it shall be lawful to and for the said Commissioners or either of them to administer, and they are hereby required to administer the same; and such Oath, so taken and subscribed by such Umpire, shall be enrolled and deposited in the same Places respectively with the Award of the said Commissioners.

VI. 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, and of the said Common Fields, some Time before the First Day of *January* One thousand eight hundred and ten, or as soon after as conveniently may be, by *Joseph Harrison Fryer*, of the Town and County of *Newcastle-upon-Tyne*, Land Surveyor; or in case of the Death, Neglect, Refusal, or Incapacity, by Sickness or any other Cause whatsoever, of the said *Joseph Harrison Fryer*, 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 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.

Survey to be  
made.

VII. 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 to  
take an Oath.

[*Loc. & Per.*]

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‘ I *A. B.*

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  
 ‘ admasuring all the Lands and Tenements directed to be surveyed and  
 ‘ admeasured by virtue of an Act passed in the Forty-ninth 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 be-  
 ‘ fore the said Commissioners for putting the said Act in Execution.  
 ‘ So help me GOD.’

How to be  
administered:

Which Oath the said Commissioners or One of them are and is hereby authorized and required to administer, when and as often as Occasion shall require; which Oath, and also the Instrument or Instruments of Appointment of any new Surveyor, shall be respectively enrolled and deposited in the same Places respectively, and Evidence thereof given in the same Manner as by the said Act and this Act is directed, concerning the General Award to be made by the said Commissioners.

Charge to be  
paid Surveyor.

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

Surveyor to  
make fair  
Plans upon  
Vellum of  
the Common,  
&c.

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

Encroach-  
ments, except  
those made  
for Thirty  
Year., to be  
deemed Part  
of the Com-  
mon.

X. 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 said Commissioners and Governors of the said Royal Hospital, Lords for the Time being of the said Barony or Manor of *Wark*, or their Heirs 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 Differences or  
 Disputes

Disputes shall be examined into and determined by the said Commissioners.

XI. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a Notice in Writing under their Hands to be affixed upon the principal Door of the Parish Church of *Simonburn* aforesaid, and also to be inserted in the *Newcastle-upon Tyne Courant* Newspaper, of the Time and Place of their First, Second, and Third Meetings respectively, (which shall be holden at 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 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: 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, provided that the Meetings of the said Commissioners and Proprietors, in pursuance of this Act, shall be held in the Parish of *Simonburn* aforesaid, or within the Distance of Eight Miles from the Boundary of the said Parish: Provided further, that when and as soon as the Surveys, Admeasurements, and fair Plans hereby directed to be taken and made shall be completed, and all Disputes or Differences respecting Rights of Common, or Rights or Interests touching or affecting the said Common Moor or Waste, and Common Fields, shall be finally settled and determined, the said Commissioners shall not adjourn their Meetings for the Execution of this Act for a longer Period of Time than Fourteen Days, during the Months of *April, May, June, July, August, September, and October* in every Year, until the said Commissioners shall have staked out the Allotments of the said Common Moor or Waste, and Common Fields, or shall have given Notice that all Right of Common shall cease, or shall have given Instructions for forming and drawing up their General Award; and that during the other Months of every such Year it shall be lawful for the said Commissioners to appoint their Meetings (if necessary) at such convenient Times as they may think proper.

Commissioners to give Notice of their Meetings, etc.

For regulating Meetings.

XII. And be it further enacted, That in case any Dispute or Difference shall happen to arise between the Parties that now are or shall, before the making the Award herein-after mentioned, be interested in the said intended

Commissioners to determine Differences.

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 always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners not to determine Rights contrary to the Possession.

XIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, (except in Cases of Inclosures or Encroachments as herein-before mentioned), but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been taken from such Person or Persons by Ejectment or other due Course of Law.

Power to try disputed Claims at Law.

XIV. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politick or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person or Persons, Body or Bodies Politick or Corporate, so desirous to have the same tried at Law, shall and do by themselves or their respective Stewards, Receivers, Attornies, or Agents, give or cause to be given Notice thereof in Writing to the said Commissioners, or either of them, within Two Calendar Months next after such Determination shall have been so made by the said Commissioners, (of which Notice the said Commissioners are hereby required immediately on Receipt thereof, or as soon afterwards, as conveniently may be done, to give Information to the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, by Writing under their respective Hands, to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies, or Agents as aforesaid); then, but not afterwards, it shall be lawful for the Person or Persons, Body or Bodies Politick or Corporate, giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, and he, she, or they, is and are hereby required to proceed to a Trial or Trials at Law of the same, at the Assizes to be holden for the County of *Northumberland*, in a feigned Action or Actions for that Purpose to be commenced in His Majesty's Court of King's Bench or Common Pleas at *Westminster*, by the Person or Persons, Body or Bodies Politick or Corporate, giving such Notice as aforesaid, against the Lords of the said Barony or Manor of *Wark*, or any Person or Persons, Body or Bodies Politick or Corporate, interested in the said Division, who shall make such Objection or Objections, within Two Calendar Months next after such Notice shall be given to the said Commissioners as aforesaid; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or



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 if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right or Rights or Interests than was or were claimed by such Party, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the Postea, in addition to the Verdict given on the Issue or Issues joined, but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such special finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such special Finding and Indorsement, or such special Finding and Indorsement if any such shall be made, shall be binding upon and to all and every Bodies Politick and Corporate, Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or Finding and Indorsement, and order a new Trial or Trials to be had thereupon, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts, or special Finding or Indorsement shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby authorized and required to act in conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, or Interest or Interests thereby determined according to such Verdict or Verdicts, or Finding and Indorsement as aforesaid: 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, 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 said Commissioners shall be final, binding, and conclusive unto and upon all Parties whomsoever.

XV. Provided always, and be it enacted, That if any of the Parties in any Action or Actions to be brought and prosecuted in pursuance of this Act, shall die pending the same, such Action or Actions shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened: Provided also, that if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies

Actions not to abate by the Death of the Party.

Politick or Corporate, who might have brought such Action against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons, as if actually living, and to serve the Clerk of the said Commissioners with Notice of such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall therein be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Right of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Commissioners to assess Costs.

XVI. 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 may 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.

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

XVII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, appoint, and allot such and so many 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.

XVIII. And

XVIII. 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.

Part of the Common to be set out for Peat Moss.

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

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

XX. And, for the 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 within the said Parish, 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 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.

Commissioners to determine to what Townships Roads shall belong.

XXI. And be it further enacted, That (after such necessary Roads and Highways, Quarries, Peat Mosses, and Watering Places 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

Commissioners to set out Part of the Common to pay Expenses

proper Stakes or Landmarks, 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 public Auction.

XXII. And, as to so much and such Part or 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 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, shall from and immediately after the Execution of the said General Award of the said Commissioners, become, and the same is and are hereby declared to be vested in the Person or Persons to whom the same shall be so allotted and appointed, and his, her, or their Heirs and Assigns for ever; save and except as to the Mines, Minerals, and Quarries, and other Royalties and Rights of, within, and under, and through, over, and along the same, which are herein-after expressly reserved to the Lords of the said Barony or Manor, their Successors and Assigns, and the same shall be deemed to be and continue within and 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, and Privileges, 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.

XXIII. Provided always, and be it further enacted, That the said Commissioners shall determine and adjudge to what Townships or Quarters respectively, within the said Parish, 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

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.

XXIV. 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 divided between the several Persons interested in the said Lands and Grounds, in proportion to their respective Interest and Property therein, and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of such other Persons respectively shall be applied in the Manner directed by the said Act of the Forty-first Year of His present Majesty, 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: 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 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, Second, or Third Meeting of the said Commissioners, (or at any subsequent Meeting of the said Commissioners, of which they shall give Ten Days Notice in Writing, by affixing the same upon the principal Door of the said Parish Church of *Simonburn*), give Notice 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.

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

Parties interested may pay Money instead of Land being sold.

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

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

Grass Land not to be broken up.

XXVI. Provided always, and be it further enacted, That from and after the passing of this Act, and until the Allotments of the said Common Fields shall have been staked out, no Part or Parts of the Meadow, Pasture, or fresh Ground; Part of the said Common Fields, shall be ploughed, broken up, or converted into Tillage.

Allotment of One-sixteenth of Common to the Commissioners and Governors of Greenwich Hospital, Lords of the Manor, for the Soil.

XXVII. 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 public Carriage Roads, Drains, Watercourses, Quarries, and Peat Mosses, and the several Allotments herein-before directed 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 Lords Sixteenth to lie in the several Townships, in Proportion to the Value of the Estates therein which have Right of Common.

XXVIII. 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

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.

XXIX. 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), and also the said Common Fields respectively, unto and amongst the several Persons, Bodies Politic or Corporate respectively having Right of Common upon the said Common Moor or Waste, and entitled to the said Common Fields, in Proportion and according to the respective Values of their several ancient Estates and Common Fields respectively, in respect whereof such several Allotments shall be respectively made.

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

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

Houses, &c. not occupied with a Farm on 12th May 1805, to be valued separately.

XXXI. 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 herein-before directed to be deemed Part and Parcel of the said Common Moor or Waste, all and

Encroachments to be allotted to Persons in Possession thereof.

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 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.

XXXII. 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.

XXXIII. 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.

XXXIV. Provided always, and be it further enacted, That all the Allotments to be set out and made by virtue of this Act, in respect of any Property granted or demised, or held by any Leases or Agreements for any Term or Number of Years not exceeding Twenty-one Years at Rack Rent, shall be allotted to the respective Lessors or Owners of such Property, and shall be held and enjoyed by them respectively, free from all Right, Title, and Interest of their respective Lessees or Tenants, by virtue of or under such Leases or Agreements; and such respective Lessors or Owners shall make such 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,



Several Persons making such Exchanges, Partitions, or Purchases (save and except the Sales hereby directed for raising Money for defraying the Expences of this and the said recited Act, and for carrying the same into Execution), in such Shares and Proportions as the said Commissioners shall by Writing under their Hands order and direct.

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 His present Majesty, 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 usually circulated in the County of *Northumberland*.

Award to be enrolled at Westminster, and deposited with the Clerk of the Peace for Northumberland.

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 His present Majesty and this Act, shall be enrolled in One of His Majesty's Courts of Record at *Westminster*; and the said original General Award, and such Plans or Surveys as may be annexed thereto, shall be lodged and deposited in the Office of the Clerk of the Peace for the said County of *Northumberland*, to remain with the Records of the Court of General Quarter Sessions of the Peace there, to the End that Recourse may be had thereto by any Person or Persons interested in the said Division; which said Award and Plans and every other Award and Instrument to be lodged with the said Award, shall and may be inspected at all seasonable Times, upon reasonable Notice of the Party requiring such Inspection.

Copies of Plans may be delivered on a reasonable Sum being paid 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 any of the Plans annexed to the said General Award, deposited with the Clerk of the Peace as aforesaid, a reasonable Payment shall be made to him (over and above the Charge for Stamp Duties, and for the Copy or Copies of the said Award and Instruments, or any Part thereof) for a Copy or Copies of such Plans or any Part thereof respectively; and in case any Dispute or Difference shall arise between the said Clerk of the Peace and the Person or Persons requesting a Copy or Copies of such Plans, or any Part thereof respectively, touching such Allowance, then and in such Case the same shall be settled and ascertained by the Justices of the Peace for the said County of *Northumberland* in General Quarter Sessions assembled, or by the major Part of them, and the same being so settled and ascertained shall be final and conclusive to the said Parties.

Commissioners may execute Duplicates of the Award.

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 of the said Award, Plans, and Surveys, or any of them, for the Use of the Person or Persons requesting the same; and such Duplicate shall at all

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

XXXV. 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, or Common Fields, shall, previous to the Execution of the Award of the said Commissioners, have sold and disposed of his, her, or their Allotment or Allotments, to any Person or Persons, 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 to the Purchaser or Purchasers thereof; and the said Allotment or Allotments so sold and disposed of shall in every such Case, from and after the Execution of the said General Award of the said Commissioners, become, and the same is and are hereby declared to be vested in and settled upon the Person or Persons to whom the same shall have been so sold as aforesaid, 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 Purchasers by the General Award.

XXXVI. 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, of 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 Politic or Corporate, seized 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, Lunatics, 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 any Ecclesiastical Living or Livings, Benefice or Benefices, be also made with the Consent of the respective Patrons thereof, and the Bishop of the Diocese for the Time being respectively, such Consents to be respectively signified by Writing under the Hands and Seals of the consenting Parties, or under the Seals of such of them as are a Corporation Aggregate; and every Exchange so made and declared shall be for ever good, valid, and effectual in Law, and the respective Lands or Hereditaments so to be exchanged, shall 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.

XXXVII. Provided always, and be it further enacted, That the Costs, Charges, and Expences attending the making of any Exchange or Exchanges, Partition or Partitions, Sale or Sales, to be made by virtue of this or the said recited Act, shall be borne, paid, and defrayed by the

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several

Expences of Exchanges and Partitions shall be borne by the Persons making them.

all Times be admitted and allowed as legal Evidence in all Courts whatsoever.

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

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

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 ancient Estates entitled to Right of Common upon the said Common Moor or Waste, or in, out of, or upon, or affecting the said Common Fields; but that as well the said several ancient Estates, as the Allotments to be set out in respect thereof, and also the Allotments of and in the said Common Fields, 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, Proviso's, Remainders, Reversions, Leases, Debts, Charges, and Incumbrances of every Kind, as the several ancient Estates and Common Fields, in respect of which such Allotments shall be respectively made, would have stood severally limited or settled to or upon, or have been severally subject and liable to, if such Allotments thereof had not been made or this Act had not passed; except as to such Leases and Agreements at Rack Rent as shall be determined under this Act, and subject 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.

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

XLIV. And

Where Lands shall be holden by different Titles, &c. and distinct Allotments shall not have been made for the same, the Commissioners may divide the same 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 Awards 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 at any Time within Twelve Calendar Months next 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.

Interest in Common Fields and Allotments

XLVI. And be it further enacted, That from and immediately after the said Common Fields being so divided and allotted, all former Estate, Right,

Right, Title, and Interest of the several Owners and Proprietors thereto and therein shall cease and be for ever extinguished; and the several Allotments thereof shall be holden and enjoyed in severalty by the several Persons to whom the same shall be respectively awarded and allotted, by the same Tenure by which they now hold their respective Estates therein.

thereof to be holden in Severalty.

XLVII. 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 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, 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.

No Turves or Sods to be cut.

XLVIII. 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 Common Fields, and of making Highways or Roads, and of all other the Charges and Expences incident to, or attending the Execution of this Act, as are not herein otherwise directed to be paid, shall be borne, paid, and defrayed by the several and respective Persons, Body and Bodies Politick and Corporate, to whom any Allotment or Allotments of the said Common Moor or Waste, and Common Fields shall be respectively made, his, her, or their Heirs, Successors, Executors, Administrators and Assigns, (other than and except the respective Purchasers of such Part or Parts of the said 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 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.

Expences of the Division to be paid by the Parties, if the Land to be sold is not sufficient.

XLIX. And be it further enacted, That the said Commissioners and their Successors shall, at all and every of their Attendances or Meetings

Commissioners to pay their own Expences.

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

Commissioners to account.

L. 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 Account 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, and interested in the said Common Fields, 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,

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.

LI. 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 Expences 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 same Sum or Sums of Money to the Time or respective Times of the Re-payment thereof.

Money advanced for obtaining or executing this Act, to be repaid with Interest.

LII: 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 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 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 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.

Power to appeal.

LIII. Provided

Owners of  
Allotments  
may get  
Freestones,  
&c.

LIII. 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 Allotments of the said Common Moor or Waste, set out 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 Grounds 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 Allotments of the said Common Moor or Waste to dig and get therein Clay for Bricks, or for Tiles, or any other Use or Purpose whatsoever.

The Act not  
to prejudice  
the Lords of  
the Manor  
to the Royal-  
ties, &c.

LIV. 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 Seignories and Royalties incident or belonging to the said Barony or Manor; but that the said Commissioners and Governors of the said Royal Hospital, their Successors and Assigns, and all and every other Person and Persons claiming by, under, or in trust for them as Lords of the said Barony or Manor, and all succeeding Lords of the said Barony or Manor for the Time being, shall and may from Time to Time and at all Times for ever hereafter have, hold, and enjoy all Quit Rents, Free Rents, and other Rents, Reliefs, Dues, Customs, Suits, and Services, and all Fines, Amerciaments, Courts, Courts Leet, and Views of Frankpledge, Courts Baron, and all Profits and Perquisites of Courts and Leets, and all Things which to Courts Leet and Views of Frankpledge and Courts Baron do belong or appertain, with free Warren and Liberty of hawking, hunting, fishing, and fowling, within and 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 a Manner, to all Intents and Purposes, as they could or might have held and 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 all Mines, Minerals, and Quarries, of what Nature or Kind soever, (save and except the said public Quarries, and such other Freestone, Limestone,

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



stone, and Slate as aforesaid,) within and under the said Common Moor or Waste, hereby directed to be divided, and within and under every Part thereof respectively, and the several Allotments thereof, in pursuance of this Act, together with all convenient and necessary Ways and Wayleaves, and also Liberty of laying, making, and repairing Waggon Ways and other Ways, in, through, over, and along the same, or any Part thereof, and also for searching for, winning and working the said Mines, Minerals, and Quarries, and leading and carrying away the Lead Ore, Lead, Coals, Stones, Fossils, and other Things to be gotten thereout, or out of any other Mines, Minerals, and Quarries, or Collieries belonging to the said Commissioners and Governors, their Successors or Assigns, and of making Pits, Shafts, and Sumps, Pit Rooms, and Heap Rooms, Drifts, Levels, and Watercourses, and of repairing, amending, and upholding the same, and of erecting, building, and using Houses, Drawkilns, Erections, Buildings, Fire Engines, and other Engines, Mills, and other Erections and Buildings, and of altering, changing, pulling down, and carrying away the same, or all or any of the Materials thereof, at their free Will and Pleasure; and to do, execute, and perform all such other Works, Acts, Deeds, Matters, and Things, either now in use, or hereafter to be invented, as shall or may be necessary or convenient for the full and complete Working, Use, and Enjoyment of such Mines, Minerals, and Quarries hereby reserved, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they might or could have done in case this Act had not been made.

LV. 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.

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

LVI. And whereas certain Messuages, Lands, Tenements, and Hereditaments, having Right of Common upon the said Common Moor or Waste, have been purchased by the Aid of Queen Anne's Bounty for the Augmentation of Ecclesiastical Livings or Benefices, and it would tend to the Advantage of the several Possessors of such Livings or Benefices, by the better enabling them to improve their several Allotments to be set out in respect of such last-mentioned Premises, if they were respectively empowered to grant Leases thereof; Be it therefore further enacted, That it shall be lawful for the several Possessors of such Livings or Benefices for the Time being respectively, to let or demise their respec-

Possessors of  
Livings or  
Benefices  
augmented  
by Queen

[Loc. & Per.]

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tive

Anne's  
Bounty, may  
lease their  
Allotments.

tive Allotments, or any Part or Parts thereof, by any Deed or Indenture of Lease, under their respective Hands and Seals, (with the Consent of the respective Patrons thereof, and the Diocesan for the Time being respectively to be certified by their being Parties thereto and executing the same, but not otherwise), for any Term or Number of Years, nor exceeding Twenty-one Years from the Time of executing the said General Award of the Commissioners, so as the best Rent that can or may be had for the same, be therein respectively expressly reserved and made payable to the Possessors of such Livings or Benefices, and their Successors respectively during the Terms in such respective Leases, and so as a Clause of Re-entry in case of Non-payment of Rent be therein respectively inserted, and so as the Lessee or Lessees to be named in such Leases respectively do execute Counterparts thereof; and the Lessee or Lessees to be named in such Leases respectively, shall, and he, she, and they, is and are hereby authorized and empowered to hold and enjoy the said Allotments against the Possessors of such Livings or Benefices, and their Successors respectively, under the Terms and Conditions to be expressed in such Leases respectively.

General  
Saving.

LVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Person and Persons, Body and Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the said Commissioners and Governors of the said Royal Hospital for Seamen at *Greenwich*, in the County of *Kent*, and the several other Persons, Bodies 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, and their Heirs, Successors, Executors, Administrators, and Assigns), all such Estates, Rights, Titles, and Interests, as they or any of them had or enjoyed, of, in, to, or out of the said Common Moor or Waste, and other Lands and Grounds 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.

Act to be  
printed by  
King's Printer.

LVIII. 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 by all Judges, Justices, and others.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1809.