



ANNO QUADRAGESIMO PRIMO-

GEORGI III. REGIS.

Cap. 144.

An Act for dividing, allotting, and inclosing certain Commons, and other Commonable Lands, in the Parochial Chapelries of *Lamesley* and *Tanfield*, or One of them, in the County of *Durham*.

[2d July 1801.]

WHEREAS there are within and Parcel of the Manors, Towns, Preamble,
Townships, Precincts, or Territories of *Hecton*, otherwise *Ayton*
and *Ravenworth*, otherwise *Lamesley*, *Kibbleworth*, *Beamish*,
and *Hedley*, or some or One of them, within the Parochial Chapelries of
Lamesley and *Tanfield*, or the One of them, in the Parish of *Chester-le-Street*,
in the County of *Durham*, several Commons, Moors, or Tracts of
Waste Land, called or known by the several Names of *Blackburn Fell*,
Burdon Moor, *Hedley Fell*, *Kibbleworth Common*, and *Beamish East Moor*
otherwise Part of *Blackburn Fell* aforesaid, containing together by Estima-
tion Two thousand Acres or thereabouts; and there are also within the
said Manor of *Ravenworth* otherwise *Lamesley*, certain Town Fields and
a Stinted Pasture, called *Ravenworth Town Fields* and *Ravenworth South*
Pasture respectively, containing by Estimation Six hundred Acres or
thereabouts: And whereas Sir *Thomas Henry Liddell* Baronet, as Lord of

[Loc. & Per.]

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the Manors of *Hetton*, otherwise *Ayton* and *Ravenworth*, otherwise *Lamesley*, is seised of or entitled to the Soil and Royalties of and within the said Commons, Moors, or Tracts of Waste Land, called *Blackburn Fell* and *Burdon Moor* respectively (except only the Coal Mines and Seams of Coals within and under the said Common Moor or Tract of Waste Land, called *Blackburn Fell*); and the said Sir *Thomas Henry Liddell* is also seised of or entitled to all the Coal Mines and Seams of Coal, and all other Mines, Minerals, and Quarries within and under the said Town Fields and Stinted Pasture, called *Ravenworth Town Fields* and *Ravenworth South Pasture*: And whereas the said Sir *Thomas Henry Liddell* and Sir *John Eden* Baronet, as Lords of the Manor of *Kibbleworth* aforesaid, are seised of or entitled to the Soil and Royalties of and within the Common Moor or Tract of Waste Land, called *Kibbleworth Common*: And whereas the said Sir *Thomas Henry Liddell*, as Lord of the said Manors of *Hetton*, otherwise *Ayton* and *Ravenworth*, otherwise *Lamesley* aforesaid, and the said Sir *John Eden*, as Lord of the Manor of *Beamish* aforesaid, claim respectively, or the One of them, to be seised of or entitled to the Soil of the several Commons, Moors, or Tracts of Waste Land, which are called or known by the several Names of *Hedley Fell* and *Beamish East Moor*, otherwise Part of *Blackburn Fell* aforesaid: And whereas the Right Honourable *John Bowes* Earl of *Strathmore* claims to be Lord of the Manor of *Hedley*, and as such to be seised of or entitled to the Soil of the said Commons, Moors, or Tracts of Waste Land known by the Name of *Hedley Fell* otherwise Part of *Blackburn Fell* aforesaid: And whereas the Honourable and Right Reverend Father in God *Shute* Lord Bishop of *Durham*, is, in Right of his Church and See, seised of or entitled to the Collieries and Coal Mines, and Seams of Coal, as well opened as not opened, lying and being within and under the Whole of the said Common, Moor, or Tract of Waste Land, called *Blackburn Fell*, together with full and free Liberty, Power, and Authority to have and use all and all Manner of necessary and convenient Ground Room and Heap Room, Ways and Liberty of Passage, and all such other Liberties, Powers, and Privileges in and upon the same, necessary for the convenient winning, working, managing, and carrying on the said Collieries, Coal Mines, and Seams of Coal, and for leading and carrying away the same, (save and except the putting and placing of Railways thereon) as he the said Lord Bishop of *Durham* now holds and enjoys: And whereas the said Sir *Thomas Henry Liddell* and Sir *John Eden*, and also the Right Honourable *John Bowes* Earl of *Strathmore*, Sir *Thomas Clavering* Baronet, *Calverly Bewicke* Esquire, *William Greenwell* Esquire, *John Marley* Esquire, and several other Persons, are Owners of Messuages, Lands, Tenements, and Hereditaments, and in respect thereof are entitled to Right of Common in and upon all, or some One or more of the said Commons, Moors, or Tracts of Waste Land; and the Proprietors thereof are desirous that the same should be divided, allotted, and inclosed in Manner herein-after mentioned, and the several and respective Persons, Proprietors of Lands in the said Town Fields and Stinted Pasture, are also willing and desirous that the same should be divided and allotted in Manner herein-after mentioned; but forasmuch as the same cannot be effectually compleated and established without the Aid of Parliament; may it 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

the Authority of the same, That all the said Commons, Moors, or Tracts of Waste Land, shall be divided, set out, and allotted by the Commissioners herein-after appointed, and their Successors, to be elected and appointed in the Manner herein-after mentioned, unto and amongst, or for the Benefit of the several Persons having Right of Common thereon respectively, in the Manner, and subject to the Rules, Orders, and Directions by this Act reserved, ordered, provided, directed, and prescribed; and that *John Fryer*, of the Town and County of *Newcastle-upon-Tyne*, Gentleman, *John Taylor* of *Asb* in the County of *Durham*, Gentleman, and *John Martindale* of *Flatts* in the said County, Gentleman, shall be, and they are hereby appointed Commissioners for that Purpose, and for putting this Act in Execution; and if any of the said Commissioners or their Successors shall die, or refuse, or neglect to act, it shall and may be lawful to and for the Arbitrators herein-after named, or their Successors, or any Two of them, and they are hereby required from Time to Time, within Forty Days next after every such Death, Refusal, or Neglect, by an Instrument in Writing under their Hands and Seals, to elect and appoint a Commissioner or Commissioners (not being beneficially interested in the said Division) in the Place of him or them so dying, or refusing, or neglecting to act as aforesaid; and every such new Commissioner or Commissioners shall, immediately from and after the Execution of such Instrument or Instruments, have such and the like Powers and Authorities to put this Act in Execution, as if he or they had been named or appointed herein, which said Instrument or Instruments shall, within Fourteen Days after the Execution thereof, be deposited and inrolled in the same Place, and Evidence thereof given in the same Manner as herein-after is directed with regard to the General Award to be made by the said Commissioners or their Successors, or any Two of them, in pursuance of this Act; and that no Person shall be capable of acting as a Commissioner in the Execution of any of the Powers given by this Act (unless it be the Power hereby given of administering the Oath next herein-after mentioned, and of riding or perambulating the Boundaries of the said Commons, Moors; or Tracts of Waste Land, and of giving Notice of the Commissioners Intention to hold their First Meeting for putting this Act in Execution as herein-after is directed) until he shall have taken and subscribed an Oath in the Form 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 Judgement, act in the Execution and Performance of the several Powers and Trusts reposed in me as a Commissioner, by virtue of an Act, passed in the Forty-first Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of the Act*] without Favour or Affection, Prejudice or Malice, to any Person whomsoever.

Commissioners Oath.

‘ So help me GOD. ’

Which Oath it shall and may be lawful for any One or more of the said Commissioners to administer, and he and they is and are hereby empowered and required to administer, the same to any other of the said Commissioners; and the said Oath, so to be taken and subscribed by each Commissioner, shall be deposited and inrolled in the same Place as the said General Award of the said Commissioners is in and by this Act directed to be inrolled and entered.

How to be administered.

II. And

Arbitrators
appointed.

II. And be it further enacted, That *Robert Hopper Williamson* of *Newcastle-upon-Tyne*, Esquire, *John Hullock* of *Gray's-Inn* in the County of *Middlesex*, Esquire, and *Richard Wharton* of *Offerton* in the said County of *Durham*, Esquire, and their Successors, to be elected and appointed in the Manner herein-after mentioned, shall be, and are hereby appointed Arbitrators for the Purpose of hearing, adjudging, and determining all such Disputes, Claims, and Objections as shall or may arise, happen, or be made in the Execution of this Act, and be referred to them for their Judgement and Determination in the Manner herein-after directed; and if any of the said Arbitrators or their Successors shall die, or refuse, or neglect to act, it shall and may be lawful to and for the said Commissioners acting under the Authority of this Act, or any Two of them, and they are hereby required from Time to Time, within Forty Days next after every such Death, Refusal, or Neglect, by any Instrument in Writing under their Hands and Seals, to elect and appoint a fit Person, being a Barrister at Law, and not beneficially interested in the said Division, or Agent to any Person so interested, in the Place of every such Arbitrator so dying, or refusing, or neglecting to act as aforesaid; and every such new Arbitrator or Arbitrators shall, immediately from and after the Execution of such Instrument or Instruments, have such and the like Powers and Authorities to act in the Premises, as if he or they had been named and appointed herein; which said Instrument or Instruments shall be deposited and inrolled in the same Place, and Evidence thereof given in the same Manner, as herein-after is directed concerning the General Award to be made by the said Commissioners.

Arbitrators to
take an Oath.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as an Arbitrator in the Execution of any of the Powers given to the Arbitrators by this Act, until he shall have taken and subscribed before the said Commissioners, or some or One of them, an Oath in the Form following; (that is to say),

Arbitrator's
Oath.

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, act in the Execution and Performance of the several Powers and Trusts reposed in me as an Arbitrator, by virtue of an Act, passed in the Forty-first Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of the Act*] without Favour or Affection, Prejudice or Malice, to any Person whomsoever.

‘ So help me GOD.’

How to be
administered.

Which Oath it shall and may be lawful for any One or more of the said Commissioners to administer, and he and they is and are hereby empowered and required to administer the same to every One of the said Arbitrators; and the said Oath, so to be taken and subscribed by each Arbitrator, shall be deposited and inrolled at the same Place, and Evidence thereof given in the same Manner, as herein-after is directed concerning the General Award to be made by the said Commissioners.

Boundaries to
be rode before
the Commis-
sioners First
Meeting.

IV. And, for the more just and regular Division of the said Commons, and other Commonable Lands aforesaid, for preventing all unnecessary Obstructions and Delays therein; for determining all Claims, Objections, Differences, and Disputes, which may be made or arise relating to or concerning the Boundaries of the said Commons, Moors, or Tracts of

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Waste Land, Town Fields, and Stinted Pasture, or any of them, or any Part thereof; and for making known, ascertaining, and settling the same; be it further enacted, That the said Sir *Thomas Henry Liddell*, Sir *John Eden*, and *John Bowes* Earl of *Strathmore* respectively, by themselves or their respective Agents or Bailiffs, and such of the Persons interested in the said intended Division as may think fit, together with the said Commissioners, or any Two of them, shall openly and publicly in the Day Time ride and perambulate the Boundary of the said Commons, Moors, or Tracts of Waste Land, and the Boundary of the said Town Fields and Stinted Pasture respectively, on some Day or Days, One Calendar Month or more before the First Meeting of the said Commissioners for putting this Act in Execution, of which Day or Days of riding and perambulating the said Boundary of the said Moors or Commons, Town Fields, and Stinted Pasture, and of the Hour and Place of beginning to ride the same, Notice shall be inserted in One or more of the Newspaper printed at *Newcastle-upon-Tyne*, and affixed upon the principal Door of the Parish Church of *Chester-le-Street* aforesaid, and upon the principal Door of each of the Chapels of *Lamesley* and *Tanfield*, at least Ten Days before the riding and perambulating of the said Boundaries; and in case any Person or Persons shall make any Claim or Claims which may affect the Boundary of the said Commons, Moors, or Tracts of Waste Land, or the Boundary of the said Town Fields and Stinted Pasture, or any of them, or any Part or Parts thereof, such Person or Persons is and are hereby required respectively, by himself, herself, or themselves, or his, her, or their Attorney, Steward, Agent, or Bailiff, to give and deliver to the said Commissioners, or any One or more of them, at their First or Second Meeting for putting this Act in Execution, an Account in Writing under his, her, or their Hand or Hands, or under the Hand of his, her, or their Attorney, Steward, Agent, or Bailiff, of such his, her, or their respective Claim or Claims; and all and every such Claim and Claims touching the said Boundaries, which shall be so made and given as aforesaid, and to which no Objection shall be made at the said First, Second, or Third Meeting of the said Commissioners, shall be allowed, and shall not afterwards be litigated, controverted, or disputed; but if such Claim or Claims shall at the said First, Second, or Third Meeting of the said Commissioners, be objected to by the said Sir *Thomas Henry Liddell*, Sir *John Eden*, and *John Bowes* Earl of *Strathmore*, or any of them respectively, their or any of their Heirs or Assigns, or by their or any of their Attornies, Agents, Stewards, or Bailiffs, or by any Three or more of the Persons having or claiming Right of Common on the said Commons, Moors, or Tracts of Waste Land, or by the Proprietors of Lands in the said Town Fields and Stinted Pasture, or any of them, or their respective Attornies, Stewards, Agents, or Bailiffs, by Writing or Writings under his or their Hand or Hands, to be given or delivered to the said Commissioners, or any One or more of them, at their said First, Second, or Third Meeting, and if the Person or Persons making such respective Claim or Claims, shall persist in the Claim or Claims by him, her, or them given in as aforesaid, then and in such Case the said Commissioners, or any Two of them, shall, and they are hereby authorized, directed, and required (with the Consent of the Person or Persons making and persisting in such Claim or Claims respectively, and of the Person or Persons objecting thereto respectively, to be signified by Writing under their respective Hands, and not otherwise) to refer such Claim or Claims

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Notice of riding Boundaries to be given.

Claims affecting Boundaries to be given in at the Commissioners 1st or 2d Meeting.

All Claims made and not objected to at Commissioners 1st, 2d, or 3d Meeting, are to be final;

but if objected to, to be referred to the Arbitrators, with Consent of both Parties.

If either Party refuses to consent to Reference, the Claim to be tried at Law.

as shall be so persisted in, together with the Objection or Objections thereto, unto the said Arbitrators, finally to hear and determine the same, in such Manner as herein-after is directed and prescribed; but if such Claimant or Claimants, or the Person or Persons making such Objection or Objections respectively, shall not consent that such Claims and Objections respectively may be referred to the said Arbitrators, and shall be desirous to have the same tried at Law, and the Person or Persons so desirous to have the same tried do give Notice thereof, in Writing, to the said Commissioners, or any One or more of them, at their said First, Second, or Third Meeting, or within Thirty Days next after their said Third Meeting (and of which Notice the said Commissioners, or some One or more of them, shall, and they are hereby required, as soon as conveniently may be, to give Information to the adverse Party or Parties respectively, by Writing under their or his Hands or Hand, to be delivered to or left at the usual Place of Abode of such Party or Parties) it shall and may be lawful to and for such Person or Persons making such Claim or Claims to proceed to a Trial or Trials at Law of the same at the First or Second Assizes to be held for the County of *Durham* next after the passing of this Act, in a feigned Action or Actions for that Purpose, to be commenced in the Court of Pleas at *Durham*, within Two Calendar Months next after such Notice shall be given to the said Commissioners, by the Person or Persons making such Claims respectively, against any One or more of the Person or Persons making such Objections thereto; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall appear or file Common Bail, and accept of One or more Issue or Issues, whereby such Claim or Claims shall be properly tried and determined; the Form of which Issue or Issues shall be settled by the Prothonotary of the said Court or his Deputy, if the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final and conclusive to all Persons whomsoever; but if the Person or Persons making such Claim or Claims respectively, do not consent to refer the same to the said Arbitrators, in case neither of the Parties have given such Notice to the Commissioners of their Desire to have the same tried at Law as aforesaid; or if such Claimant or Claimants, in case either of the Parties have desired that such Claim or Claims may be tried at Law, and given such Notice thereof as aforesaid, do not commence such Action or Actions at Law within Two Calendar Months next after such Notice shall be given to the said Commissioners as aforesaid; or if such Action or Actions be not proceeded in to a Trial or Trials at the said First or Second Assizes to be held for the County of *Durham*, by or on Account of the Neglect or Default of the Person or Persons who shall be Plaintiff or Plaintiffs therein; or in case a Verdict or Verdicts shall be found for the Defendant or Defendants in such Action or Actions, then and in any of the said Cases, such Claimant or Claimants shall be, and is and are hereby severally and respectively excluded and debarred of and from all Right and Title, Part or Share of, in, or to that Part of the Lands and Grounds which he, she, or they shall so claim and shall be in Dispute.

After the Boundaries are rode, a Survey is to be made.

V. And, for the more just and regular Distribution and Division of the said Moors and Commonable Lands so to be divided and inclosed, and for the better ascertaining of the same; be it further enacted, That after the

the Riding of the said Boundaries, a true and accurate Survey and Ad- measurement shall be taken, and a Plan or Plans shall be made, of all the said Commons, Moors, or Tracts of Waste Land so intended to be divided, and also of the said Town Fields and Stinted Pasture, within Two Calendar Months next after the passing of this Act, or as soon after as conveniently may be, by the said *John Fryer*, or in case of his Death or Refusal, or Neglect to take the said Survey, and make the said Plan or Plans, then by such other Person or Persons as by the said Com- missioners, or any Two of them, shall be appointed for that Purpose (such Person or Persons not being beneficially interested in the said Division); which said Plan or Plans shall specify as well the Boundaries of the said Commons, Moors, or Tracts of Waste Lands, Town Fields, and Stinted Pasture, as the Number of Statute Acres, Roods, and Perches, contained therein.

Surveyor ap- pointed, if he dies or refuses to act, a new one to be ap- pointed.

VI. And be it further enacted, That all Incroachments and Inclosures which have been taken or made from any of the said Commons, Moors, or Tracts of Waste Land (save such as have been enjoyed peaceably and quietly for Thirty Years last past, or upwards, without any Interruption given) shall be deemed Part or Parcel of the Commons, Moors, or Tracts of Waste Land intended to be divided and inclosed; and in case any Dispute shall happen to arise touching what Incroachments or Inclosures shall or may be so deemed to be Part and Parcel of the said Commons, Moors, or Tracts of Waste Land, or any of them, such Disputes shall be referred by the said Commissioners, or any Two of them, to the De- termination of the said Arbitrators, to be by them proceeded on, ex- amined into, and determined, in such and the like Manner as the disputed Claims affecting the Boundaries or Right of Common are by this Act directed to be proceeded on, examined into, and deter- mined.

Encroach- ments made within 30 Years to be deemed Com- mon.

Disputes con- cerning En- croachments to be referred to the Arbi- trators.

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

Surveyor to take an Oath.

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly; according to the best of my Skill and Judgement, survey and ad- measure all the Commons and other Lands intended to be divided and inclosed, by virtue of an Act passed in the Forty-first Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of the Act*] and make a fair Map or Plan thereof, and lay the same before the Com- missioners acting in the Execution of the said Act.

Surveyor's Oath.

‘ So help me GOD.’

Which Oath shall be administered by the same Person or Persons, and deposited and inrolled in the same Office, and at the same Time, as are herein-before directed and prescribed in respect to the Oath to be taken and subscribed by the said Arbitrators.

How to be administered.

VIII. And be it further enacted, That the said Commissioners, or any Two of them, 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

Commission- ers to give Notice of holding their Meetings.

Parish Church of *Chester-le-Street*, and also upon the principal Door of each of the Chapels of *Lamesley* and *Tanfield*, and also to be inserted in One or more of the *Newcastle* Newspapers, of the Time and Place of their First, Second, and Third Meetings respectively, for the Execution of the Powers hereby vested in them, at least Twenty Days before such respective Meetings; and that the said Commissioners, or any Two of them, shall and may, after their said Third Meeting, from Time to Time appoint such Time and Place for every subsequent Meeting as they shall think proper, they causing a Notice in Writing under their Hands to be affixed upon the principal Door of the said Parish Church, and of each of the said Chapels, Eight Days at least before every such subsequent Meeting; but the said Commissioners, or any Two of them, at the said First, Second, or Third, or any 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, or any subsequent Meeting or Meetings by Adjournment, for such Time or Times as they shall think proper, for the due Execution of this Act, without giving any other Notice thereof; any Thing in this Act contained to the contrary thereof notwithstanding.

To have
Power to
adjourn.

All Claims of
Right of Com-
mon to be
made at the
1st or 2d
Meeting
the Com-
missioners.

IX. And be it further enacted, That all Persons having or claiming to have any Right of Common upon the said Commons, Moors, or Tracts of Waste Land, hereby directed to be divided, allotted, and inclosed, or any Estate, Right, Title, or Interest of, in, or to the said Town Fields and Stinted Pasture, or any of them, shall and they are hereby required, by themselves, their Agents, or Tenants for the Time being respectively, at the First or Second Meeting of the said Commissioners to put this Act in Execution, to give and deliver, or cause to be given and delivered, a Notice in Writing under his, her, or their Hand respectively, to the said Commissioners, or any One or more of them, present at such Meeting, of his, her, or their Claim or Claims, and which shall contain a full, true, and just Account of the several Messuages, Mills, Lands, Tenements, and Hereditaments, with the different Tenure or Tenures thereof respectively, together with the Name or Names of the several Tenant or Tenants, or Person or Persons in Possession, for and in respect whereof he, she, or they respectively claim to be entitled to such Right of Common, or such Right, Title, or Interest as aforesaid; and all and every Person or Persons, and their respective Heirs and Assigns, neglecting or omitting so to give and deliver, or cause to be given and delivered to the said Commissioners, or any One or more of them, at their said First, Second, or Third Meeting, such Claim or Claims in Writing as aforesaid, shall be, and is and are by this Act for ever excluded, and totally debarred of and from all Right and Title, Estate, Claim, and Interest, of, in, to, or out of the said Commons, Moors, or Tracts of Waste Land, hereby directed to be divided, allotted, and inclosed, and of and from all Benefit and Advantage, or Expectancy of Benefit and Advantage, of, in, or to any Share or Allotment, Shares or Allotments thereof, upon the said Division, and of and from all Right, Title, and Interest, of, in, or to the said Town Fields and Stinted Pasture by virtue of this Act, and also of and from all Right of Common, and other Rights, Estates, and Interests whatsoever, of, in, to, or out of the Lands and Grounds, to be allotted to any other Person or Persons, and their respective Heirs and Assigns, by virtue of this Act; and that no such Claim or Claims shall

shall be made, received, or allowed, save at the said First or Second Meeting of the said Commissioners; and that all and every such Claim and Claims as shall be so given in and delivered to the said Commissioners, or any One or more of them, at their said First or Second Meeting, and to which no Objection or Objections shall be made at the said First or Second, or at the Third Meeting of the said Commissioners, shall be allowed and confirmed, and shall be final and conclusive to all and every Person and Persons whomsoever, and shall never thereafter be or be suffered to be litigated or disputed.

X. Provided always, and be it further enacted, That in case such Claim or Claims of Right of Common, or of any Estate or Interest in the said Town Fields and Stinted Pasture, or either of them, shall, at the said First, Second, or Third Meeting of the said Commissioners, be objected to by any Three or more of the Persons, their respective Heirs or Assigns, having or claiming Right of Common on the said Commons, Moors, or Tracts of Waste Land, or having or claiming any Estate or Interest in the said Town Fields and Stinted Pasture, or either of them, or his, her, or their Attorney, Solicitor, Steward, or Agent, by Writing or Writings under their respective Hands, therein specifying or setting forth the Cause or Reason, Causes or Reasons, of such Objection or Objections, to be given and delivered to the said Commissioners, or any One or more of them, at their First, Second, or Third Meeting; and if the Person or Persons making such respective Claims as aforesaid, shall persist in such Claim or Claims by him, her, or them made and given in as aforesaid, then and in any of the Cases so happening as aforesaid, the said Commissioners, or any Two of them, shall, and they are hereby empowered, authorized, and required to hear and determine the same in such Manner as is herein-after directed.

Claims may be objected to, and the Cause of Objection must be given.

XI. Provided always, and be it further enacted, That if any Person or Persons, or their respective Heirs or Assigns, making such Claim or Claims, Objection or Objections, shall be desirous of having such Claim or Claims, Objection or Objections, referred to the said Arbitrators, and shall and do by himself, herself, or themselves, or his, her, or their Attorney, Solicitor, Steward, or Agent for the Time being, signify such his, her, or their Desire in Writing to the said Commissioners, or any Two of them, before the Time appointed for hearing and determining the same by them the said Commissioners, or any Two of them as aforesaid, then and in any such Case they the said Commissioners, or any Two of them, are hereby directed and required to refer such Claim or Claims, and Objection or Objections thereto, to the said Arbitrators, to be by them heard and finally determined, in such Manner as is herein-after directed, appointed, and prescribed.

Claims and Objections thereto may be referred to Arbitrators.

XII. And be it further enacted, That the said Commissioners, or any Two of them, or the said Arbitrators, or any Two of them, to whom respectively any such Claim or Claims, and Objection or Objections thereto as aforesaid, shall be left or referred as aforesaid, shall, and they are hereby authorized, empowered, and required, with all convenient Speed, to proceed to hear and determine the same respectively, upon their own View, Examination of Witnesses upon Oath, to be severally administered by any One or more of the Commissioners or Arbitrators respectively (which Oath the said Commissioners or Arbitrators, or any One

Commissioners or Arbitrators empowered to determine Claims and Objections to the Right of Common, and their Award to be inrolled at the Quarter Sessions.

or more of them respectively, are and is hereby authorized and empowered to administer) or by such other Evidence, Ways, and Means, as to them the said Commissioners and Arbitrators, or any Two of them respectively, shall seem requisite and expedient; and the said Commissioners or Arbitrators, or any Two of them respectively, shall make and execute their Award or Awards under their Hands and Seals respectively, within the respective Times following; (that is to say), the said Commissioners, or any Two of them, shall make and execute their Award or Awards in Writing, under their Hands and Seals, within Six Calendar Months next after such Claim or Claims, and Objection or Objections, with the Cause or Reason, or Causes or Reasons, of such Objection or Objections shall have been given in and delivered to the said Commissioners, or any Two of them as aforesaid, and the said Arbitrators, or any Two of them, shall make and execute their Award or Awards in Writing, under their Hands and Seals, within Six Calendar Months next after such Reference or References of such Claim or Claims, Objection or Objections, shall be made to the said Arbitrators, or any Two of them, as aforesaid; and such Award or Awards to be made and executed by the said Commissioners or Arbitrators, or any Two of them respectively as aforesaid, shall be final and conclusive to and upon all Person and Persons, and their respective Heirs and Assigns, and shall be deposited and inrolled, or entered at full Length at the Place, and Evidence thereof given in the same Manner as herein-after is directed concerning the General Award to be made by the said Commissioners, within Two Calendar Months next after the Execution of such Award or Awards, by such Commissioners or Arbitrators respectively; and such Award or Awards, or a Copy or Copies of any Part or Parts thereof respectively, or the Inrolment thereof, or a Copy of such Inrolment, or any Part or Parts thereof, in like Manner as is herein-after directed with respect to the General Award to be made by the said Commissioners, shall be allowed in all Courts whatsoever; and which said Award or Awards, and Copies respectively, shall be paid for in like Manner as is herein-after directed concerning the said General Award to be made by the said Commissioners.

If Claimants, or the Persons objecting to Claims, refuse to consent to Reference, they must be tried at Law.

XIII. Provided always, and be it further enacted, That if the Person or Persons persisting in such Claim or Claims, or the Person or Persons making such Objection or Objections thereto, shall not consent that such Claims and Objections respectively may be determined by the said Commissioners, or referred to the said Arbitrators respectively as aforesaid, but shall be desirous to have the same tried at Law; and the Person or Persons so desirous to have the same tried at Law, do give Notice thereof to the said Commissioners, or any One or more of them, at their said First, Second, or Third Meeting, or within Thirty Days next after their said Third Meeting (and of which Notice the said Commissioners, or some or One of them, shall and they are hereby required, as soon as conveniently may be, to give Information to the adverse Party or Parties respectively, by Writing under their or his Hands or Hand, to be delivered to or left at the usual Place of Abode of such Party or Parties respectively); and it shall and may be lawful to and for such Person or Persons making such Claim or Claims of Right of Common as aforesaid, to proceed to a Trial or Trials at Law of the same, at the First or Second Assizes to be held for the County of *Durham* next after the passing of this Act, in a feigned Action or Actions for that Purpose, to be commenced

menced in the Court of Pleas at *Durham*, within Two Calendar Months next after such Notice of a Desire to have the same tried at Law shall be given to the said Commissioners, by the Person or Persons making such Objection or Objections thereto; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall appear or file Common Bail, and accept of One or more Issue or Issues, whereby such Claims of Right of Common may be properly tried and determined, the Form of which Issue or Issues shall be settled by the Prothonotary of the said Court, or his Deputy, if the Parties differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final and conclusive to all Persons whomsoever; but if the Person or Persons making such Claim or Claims as aforesaid, do not consent to refer the same to the said Arbitrators, in case neither of the Parties have given such Notice to the Commissioners of their Desire to have the same tried at Law as aforesaid; or if such Claimant or Claimants, in case either of the Parties have desired that such Claim or Claims may be tried at Law, and given such Notice thereof as aforesaid, do not commence such Action or Actions at Law within Two Calendar Months next after such Notice shall be given to the said Commissioners as aforesaid, or if such Action or Actions be not proceeded in to a Trial or Trials at the said First or Second Assizes to be held for the County of *Durham*, by or on Account of the Neglect or Default of the Person or Persons who shall be Plaintiff or Plaintiffs therein, or in case a Verdict or Verdicts shall be found for the Defendant or Defendants in such Action or Actions, then and in any of the said Cases, such Claimant or Claimants shall be, and is and are hereby severally and respectively excluded and debarred of and from all and every Estate, Right, and Interest so claimed and objected to by him, her, or them respectively as aforesaid; but in case a Verdict or Verdicts in such Action or Actions shall be found for the Plaintiff or Plaintiffs therein, then the said Commissioners, or any Two of them, shall set out and allot to the said Claimant or Claimants entitled thereto, a Share or Shares of the said Commons, Moors, or Tracts of Waste Land, Town Fields, and Stinted Pasture respectively, in proportion and according to the Right established by such Verdict or Verdicts respectively.

XIV. And be it further enacted, That the said Commissioners and Arbitrators, or any One or more of them, shall, at the Request of any of the Parties interested in any of the Matters to be determined by or referred to them, or of their Attorney, Solicitor, or Agent, by Writing under his, her, or their Hand or Hands, summon such Witness or Witnesses as shall be thought necessary, to appear and give Evidence before them respectively, at such Time and Place as shall be therein appointed; and if such Witness or Witnesses being duly served with such Summons, and having been paid or had tendered a Sum of Money sufficient to bear his, her, or their Charges of Attendance, shall refuse or neglect to appear and give Evidence agreeably to such Summons, (unless prevented by some reasonable Cause, to be allowed of by the said Commissioners and Arbitrators respectively as a sufficient Excuse) then the said Commissioners and Arbitrators, or any Two of them respectively, as the Case shall be, on due Proof thereof made, are hereby empowered and required, by Warrant under their Hands and Seals respectively, to levy by Distress and Sale of the Goods and Chattels of every Person so

Commissioners and Arbitrators may summon Witnesses.

Penalty on Non-attendance.

so refusing or neglecting to appear and give Evidence, any Sum of Money not exceeding Ten Pounds nor less than Five Pounds to the Use of the Person or Persons who caused such Witness to be summoned as aforesaid, rendering the Overplus (if any be) upon Demand, after deducting the reasonable Charge of such Summons, Warrant, Distress, and Sale, to the Person or Persons respectively whose Goods and Chattels shall be so distrained and sold as aforesaid.

Commissioners and Arbitrators to assess Costs.

XV. Provided always, and be it further enacted, That the said Commissioners and Arbitrators, or any Two of them respectively, as the Case shall be, are hereby respectively empowered and required to assess such Costs and Charges as they shall respectively think reasonable, for the Use and Benefit of the Party or Parties in whose Favour they shall make their Awards or Determinations respectively, upon or against the Person or Persons whose Claims, Complaints, or Objections shall be thereby disallowed, as the Case shall happen; and by Warrant under the Hands and Seals of the said Commissioners and Arbitrators, or any Two of them respectively, as the Case may happen, to levy such Costs and Charges by Distress and Sale of the Goods and Chattels of such last mentioned Person or Persons, rendering the Overplus (if any be) upon Demand, after deducting the reasonable Charges attending such Warrant, Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold as aforesaid.

Guardians, etc. may make Claims.

XVI. Provided also, and be it further enacted, That the Claim of any Guardian, Husband, Trustee, Committee, or Attorney, of any Person or Persons being Minors, under Coverture, Lunaticks, Persons beyond the Seas, or otherwise incapable by Law to make such Claims as aforesaid, shall be, and is hereby declared to be as valid and effectual, as if the Persons in whose Behalf such Claims shall be so made were capable of acting themselves, and made the same; any Thing herein contained to the contrary notwithstanding.

Commissioners to value Lands, etc. having Right of Common.

XVII. And be it further enacted, That the said Commissioners, or any Two of them, shall, and they are hereby required, within Two Calendar Months after the passing of this Act, or as soon afterwards as conveniently may be, according to the best of their Skill and Judgement, to estimate, ascertain, and settle the respective annual Values of the several Messuages, Mills, Lands, Tenements, and Hereditaments, in respect of which any Person or Persons have or are entitled to Right of Common upon the said Commons, Moors, or Tracts of Waste Land hereby directed to be divided, allotted, and inclosed.

Power to Commissioners, Arbitrators, and Surveyors, to enter upon the Lands to survey, &c.

XVIII. And be it further enacted, That all and every the said Commissioners, and the said Surveyor, or every or any of them respectively, together with their and every or any of their Agents and Servants, and every of them, shall, and they and every of them have and hath hereby full Power and Authority, at all and every or any reasonable Time or Times whatsoever, and when and as often as to the said Commissioners and Surveyor, or any of them respectively, shall seem meet and necessary, until the said Division, Allotment, and Inclosure shall be completed, to enter into and upon, view, inspect, examine, survey, and admeasure, as well the Lands intended to be divided and inclosed, as the said several

several Messuages, Mills, Lands, Tenements, and Hereditaments, and every of them respectively, having or being supposed to have Right of Common on the Commons aforesaid, doing as little Damage as may be, and without being liable to any Action or Actions, Suit or Suits whatsoever, for so doing.

XIX. And be it further enacted, That in case any Person or Persons, upon Examination upon Oath before the said Arbitrators or Commissioners, or any Two of them respectively, in pursuance of this Act, shall wilfully and corruptly give false Evidence, or swear falsely, every such Person or Persons so offending in any of the Cases aforesaid, and being duly convicted of such Offence or Offences respectively, shall be, and is and are hereby declared to be subject and liable to such Pains and Penalties, as by any Law now in being Persons convicted of wilful and corrupt Perjury are subject and liable to.

Persons giving false Evidence to be subject to the Penalties of Perjury.

XX. And be it further enacted, That if any of the Person or Persons interested, or claiming to be interested in the Premises, shall happen to die before the said intended Division shall be made and perfected, and before the said Commissioners, or any Two of them, shall have made their General Award touching the same, the Powers and Authorities hereby given unto and vested in the said Commissioners and Arbitrators respectively, shall not be anyways determined or suspended by such Death or Deaths, but that the said Commissioners and Arbitrators respectively, shall and may proceed in and execute the said Powers and Authorities, and every of them, in such and the like Manner as they respectively might have done if such Person or Persons had not died; and that the Part or Parts, Share or Shares of the said Commons, Moors, or Tracts of Waste Land, and Town Fields and Stinted Pasture respectively, which such Person or Persons so dying would have been entitled to, shall be allotted and set out to the Person or Persons who shall then be entitled to the same, according to the best of the Information or Knowledge of the said Commissioners.

The Death of any of the Parties not to determine or suspend any of the Powers given to the Commissioners or Arbitrators.

XXI. And be it further enacted, That the said Commissioners, or any Two of them, shall, and they are hereby authorized and empowered, according to the best of their Skill and Judgement, after deducting so much of the said Commons, Moors, or Tracts of Waste Land as is herein-after directed to be set out for publick Highways, Roads, and Drains, and for a common Quarry or Quarries, common Watering Places or Wells, to set out, allot, and appoint unto and for the Lords of the several Manors aforesaid respectively, One full Sixteenth Part in Value (Quantity, Quality, and Situation considered) of the Residue of the said several Commons, Moors, or Tracts of Waste Land, as a Compensation for their respective Rights in and to the Soil of the said Commons, Moors, or Tracts of Waste Land, and for their Consent to the Division and Inclosure thereof respectively, in the following Manner; (that is to say), unto and for the said Sir Thomas Henry Liddell One Sixteenth Part of the several Commons, Moors, or Tracts of Waste Lands, called or known by the Names of *Blackburn Fell* and *Burdon Moor*; and unto and for the said Sir Thomas Henry Liddell and Sir John Eden, One Sixteenth Part of the Common, Moor, or Tract of Waste Land, called *Kibbleworth Common*, in equal Shares and Proportions as Tenants in Common; and unto and for such of them the said Sir Thomas Henry Liddell and Sir John Eden,

Manner of Division.

as shall be adjudged and determined to be entitled to the Soil of the said Commons, Moors, or Tracts of Waste Land called *Beamish East Moor*, otherwise Part of *Blackburn Fell*, in and by such Action or Actions at Law as is or are herein-after directed to be commenced and prosecuted in this Behalf, One Sixteenth Part of such last-mentioned Commons, Moors, or Tracts of Waste Land respectively; and unto and for such of them the said Sir *Thomas Henry Liddell*, Sir *John Eden*, and *John Bowes* Earl of *Strathmore*, as shall be adjudged and determined to be entitled to the Soil of the said Commons, Moors, or Tracts of Waste Land called *Hedley Fell* otherwise Part of *Blackburn Fell*, in and by such Action or Actions as is or are herein-after directed to be commenced and prosecuted in this Behalf, One Sixteenth Part of such last-mentioned Commons, Moors, or Tracts of Waste Lands respectively, and after One Sixteenth Part of the Whole of the said Commons, Moors, and Tracts of Waste Land shall be set out and allotted in Manner aforesaid, the said Commissioners, or any Two of them, are hereby authorized and required to set out, allot, apportion, and divide the remaining Parts of the said Commons, Moors, or Tracts of Waste Land, unto and amongst the said Sir *Thomas Henry Liddell*, Sir *John Eden*, *John Bowes* Earl of *Strathmore*, and Sir *Thomas Clavering*, and the several other Persons having Right of Common upon the said Commons, Moors, or Tracts of Waste Land, in Proportion and according to the annual Rents or Value of their respective Messuages, Mills, Lands or Hereditaments, in respect whereof they are severally entitled thereto as aforesaid, in the Manner and Proportions following; (that is to say), to such Person or Persons as are entitled to Land only, or Land and a House or Houses usually farmed and occupied therewith as a Farm House or Farm Houses, in Proportion to the Whole clear yearly Rent or Value of every such Farm, and Farm House or Farm Houses, constituting One Farm; and to such Person or Persons as are entitled to a House or Houses, Cottage or Cottages, Mill or Mills only, without any Lands thereto belonging, in Proportion to One Half of the clear yearly Rent or Value of such House or Houses, Cottage or Cottages, Mill or Mills respectively; and to such Person or Persons as are entitled both to Lands and a Mill or Mills, or to Land and a House or Houses, Cottage or Cottages, which Mill or Mills, House or Houses, Cottage or Cottages, are held or occupied therewith, but hath or have been heretofore usually held or occupied separately and distinctly from such Land, at separate and distinct Rents, or are or is not taken or deemed to be a Farm House or Farm Houses, in Proportion to the Whole clear yearly Rent or Value of such Land, and in Proportion to One Half of the clear yearly Rent or Value of such Mill or Mills, House or Houses, Cottage or Cottages respectively, as the same are severally worth to be let in the Judgement of the said Commissioners, or any Two of them.

Commissioners to have a Regard to Quality, Quantity, and Situation of Allotments.

XXII. Provided always, and be it further enacted, That the said Commissioners, or any Two or more of them, shall, in setting out the several Proportions or Allotments of the several Persons having Right of Common upon the said Commons, Moors, or Tracts of Waste Land, have a due Regard as well to the Quality and Quantity of the several Allotments so by them to be set out as aforesaid, as to the Convenience of their several Situations, and shall set out and allot the Share of each Person as near to his ancient inclosed Lands and Tenements, for which the same

same shall be allotted, as conveniently may be, and also in One entire Plot or Parcel, in case the same can conveniently be done, and if not, then in as few and convenient Plots or Parcels as may be.

XXIII. Provided always, and be it further enacted, That the Allotments to be made and set out by virtue of this Act, in right of any Property under Leases at Rack Rent, shall be allotted and set out to the respective Lessors or Landlords, their Heirs or Assigns, in such Leases, and shall be held and enjoyed by them free from all Right and Interest of their respective Tenants; and such respective Lessors or Landlords, their Heirs or Assigns, shall make such Abatement out of the Rents reserved by such Leases respectively, on account of their said Allotments, as the said Commissioners, or any Two of them, shall judge reasonable, and shall in and by their Award, or any Writing under their Hands, ascertain, direct, or appoint.

Allotments for Property under Lease to be set out to the Owners, who shall make Compensation to their Tenants.

XXIV. And be it further enacted, That the said Commissioners, or any Two of them, shall and may, (and they are hereby directed to set out, order, and appoint One or more Place or Places for a common Quarry or common Quarries, common Watering Places for Cattle, common Wells, and also publick Highways and Roads, and also private Roads, Ways, and Passages, Drains, and Watercourses, in, over, and through the Grounds so to be inclosed, for the Use and Benefit of the several Proprietors, to, through, over, and from the Plots or Parcels of Land to be assigned and allotted to them respectively, and shall order, direct, and appoint the said private Ways, Roads, and Passages, and all Sewers, Drains, and Watercourses to be made, maintained, and kept in Repair by such Person or Persons, Owners or Occupiers of Lands and Tenements interested in the said Division, and in such Proportions and Shares, and in such Manner and Form, or by such other Ways and Means as to the said Commissioners, or any Two of them, shall seem proper and convenient; and that after making their General Award herein-after mentioned, and of such Highways and Roads, and other Ways as aforesaid, it shall not be lawful for any Person or Persons to make or use any Roads or Ways, either publick or private, in, over, or through the said Allotments, or any of them, or any Part thereof, save as herein-after is mentioned, either on Foot or on Horseback, or with Horses, Cattle, Carts, or Carriages, or otherwise, other than such as shall be set out and appointed by the said Commissioners, or any Two of them, as aforesaid; and that all former Roads and Highways (save as aforesaid) over the said Commons, Moors, or Tracts of Waste Land, which shall not be set out and appointed as Roads and Highways as aforesaid, shall be deemed, and are hereby declared Part of the Lands to be divided, allotted, and inclosed by virtue of this Act.

Commissioners to set out common Quarries, Roads, etc.

XXV. And be it further enacted, That all such publick Highways and Carriage Roads as shall be set out and appointed in pursuance of this Act, shall be set out and appointed in such Situations, Courses, and Directions, as shall be most convenient for the Publick; and the said Commissioners shall, within One Calendar Month next after setting out and appointing any such publick Highways and Carriage Roads as aforesaid, specify and describe the general Courses and Directions thereof respectively, in a Notice under their Hands, to be inserted in One or more Newspapers

Carriage Roads to be set out.

Persons
dissatisfied
therewith,
may appeal to
the Quarter
Sessions.

papers published at *Newcastle-upon-Tyne* aforesaid; and if any Person or Persons shall be of Opinion that the publick Highways or Carriage Roads set out and appointed as aforesaid, or any of them, are or is likely to be less convenient than Circumstances would permit, it shall be lawful for him or them to appeal against such setting out, and appointing of the same publick Highways and Carriage Roads, or of any of them, to the Quarter Sessions of the Peace for the County of *Durham*, which shall be first holden after the Expiration of One Calendar Month from the Publication of such Notice, such Appellant or Appellants first giving Ten Days Notice in Writing to the said Commissioners, or any Two of them, of his or their Intention to bring such Appeal (specifying therein the particular Roads which are the Subject of such Appeal) and within Four Days after such Notice entering into a Recognizance before One of His Majesty's Justices of the Peace for the said County of *Durham*, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of such Session; and on Proof of such Notice and Recognizance having been given and entered into as aforesaid, the said Court of Quarter Sessions are hereby fully authorized to hear such Appeal, and for the better Information of the said Court, the said Commissioners, or One of them, or their Clerk or Surveyor, shall attend at the Hearing of the said Appeal; and the said Court, after hearing the Parties, their Counsel or Agents, and Witnesses, or such of them as shall be present, shall finally determine in what Course and Direction the Roads so appealed against shall be made, and may then also determine whether any and what other publick Highway or Highways, Carriage Road or Roads, shall be set out and made in pursuance of this Act; and the Order and Determination of the said Court shall be final, binding, and conclusive; and Costs shall and may be awarded and levied, and recovered in like Manner as is herein-after mentioned with respect to other Appeals to be made to the General Quarter Sessions in pursuance of this Act.

How publick
Carriage
Roads are to
be made and
fenced.

XXVI. And be it further enacted, That all such publick Carriage Roads as shall be set out, ordered, and appointed in pursuance of this Act, shall be Forty Feet wide at the least between the Ditches, and shall be well and sufficiently fenced on each Side from the Lands adjoining, by such of the Proprietors of the said Lands and Grounds, and in such Time and Manner as the said Commissioners, or any Two of them, shall direct; and that no Gate shall be erected across any of such publick Carriage Roads, nor any Trees planted on the Sides thereof nearer each other than Fifty Yards, and the said Commissioners, or any Two of them, may, and they are hereby authorized and required, at their said Second Meeting, to appoint a Surveyor, with such Salary as to them shall seem proper and requisite, for the first forming and putting into good and sufficient Repair the publick Carriage Roads to be made by virtue of this Act, and the Expence of such Salary, and such first forming and Repair which shall be incurred (over and above the Statute Duty) shall be raised and paid in such Manner as the Expences of obtaining and executing this Act are herein-after directed to be raised and paid, to the Intent that the Inhabitants of the several Districts through which such publick Carriage Roads lie (not being Owners or Proprietors of Lands) may not be charged or burthened with the Costs of first forming, making, and repairing the said Roads (other than the Statute Duty) until the same shall by the said Commissioners, or any Two of them, or the said Surveyor,
be

be certified before the Justices of the Peace for the said County of *Durham*, at their Quarter Sessions, to be completely formed and made good, which Certificate the said Commissioners or any Two of them, or the said Surveyor, is hereby directed to deliver to the said Justices within Two Years after making the General Award of the said Commissioners, or any Two of them, or to give sufficient Reasons for further Allowance of Time, not exceeding One other Year, under the Penalty of Twenty Pounds; and after the said publick Highways and Carriage Roads shall be formed and put into good Repair as herein-before is directed, the same shall from Time to Time be amended and kept in Repair by the Inhabitants and Owners or Occupiers of Lands and Tenements within the respective Townships or Places through which the same shall pass, as Parcel of the publick Highways within such Townships and Places respectively, and in such Manner as ancient and common publick Highways are by Law to be amended and kept in Repair.

XXVII. And be it further enacted, That the said Commissioners, or any Two of them, shall, and they are hereby empowered and required to set out and allot the said Town Fields and Stinted Pasture called *Ravenfworth Town Fields* and *Ravenfworth South Pasture* respectively, unto and amongst the several Owners and Proprietors of the same Town Fields and Stinted Pasture respectively, according to their several Estates and Interests therein, Quantity and Quality being considered, and the several Allotments so to be made of and in the said Town Fields and Stinted Pasture respectively, shall be fenced and kept in Repair, and such publick and private Roads and Ways, Watercourses, and Watering Places therein, shall be set out, made, repaired, and upheld by such Person or Persons, and in such Manner and Form as the said Commissioners, or any Two of them, shall by their Award order and direct; and from and immediately after the said Town Fields and Stinted Pasture shall be so divided and allotted as aforesaid, all the former Right, Title, and Interest of the several Proprietors therein (except the Right and Interest of the said Sir *Thomas Henry Liddell*, his Heirs and Assigns, of, in, and to the Coalmines, and Seams of Coal, and other Mines, Minerals, and Quarries within and under the same) shall cease and be extinguished, and the several Allotments thereof shall be held and enjoyed in Severalty, by the several Persons to whom the same shall be so set out and allotted, by the same Tenure as their respective Estates therein are now held.

How the
Town Fields
and Stinted
Pasture are to
be allotted.

XXVIII. And be it further enacted by the Authority aforesaid, That when and as soon as the said Commissioners, or any Two of them, shall have finished and completed the said intended Division, they the said Commissioners, or any Two of them, shall and they are hereby required to form and draw up, or cause to be formed and drawn up, a Draft of their General Award in Writing, which shall express and specify the Number of Acres, Roods, and Perches, in Statute Measure, contained in the said Commons, Moors, or Tracts of Waste Land, Town Fields, and Stinted Pasture respectively, and in the different Plots or Parcels thereof, which shall be set out and allotted to each and every Person or Persons by virtue of this Act, with an exact Description of the Situations, Buttals, and Boundaries of the same, with Orders and Directions for hedging, fencing, and ditching thereof, and making, keeping, securing, and maintaining such Hedges, Fences, and Ditches, and for making

Commission-
ers to prepare
a Draft of
their General
Award.

To appoint a Meeting for reading the Draft, and to give Notice thereof:

If any Objections are made to the Award the Commissioners to refer them to the Arbitrators,

who are to determine the same, and award Costs.

Award to be ingrossed and executed.

laying out, and repairing publick Highways, Roads, and Drains, and common or publick and private Horse and other Roads, Ways, Passages, Gates, Stiles, Sewers, and Watercourses, in, over, and through the said Allotments, and all such other Rules, Orders, Regulations, Matters, and Determinations, touching the said Division in and by this Act mentioned, directed, required, or authorized to be made, settled, or established, as to the said Commissioners, or any Two of them, shall appear necessary and proper to be inserted therein, conformably to the Tenor and true Meaning of this Act; and as soon as conveniently may be, after the preparing such Draft of their Award, the said Commissioners, or any Two of them, shall appoint a Meeting to be held at such Place and Time as they shall think fit, for reading and settling the said Draft before the same shall be ingrossed, and shall cause Notice to be inserted in One or more of the Newspapers printed at *Newcastle-upon-Tyne*, and also to be affixed in Writing upon the principal Door of the Parish Church of *Chester-le-Street*, and upon the principal Door of each of the Chapels of *Lamesley* and *Tanfield*, of the Time and Place of the said Meeting, at least Ten Days before such Meeting, by which Notice it shall be signified, that the said Commissioners have prepared a Draft of their intended Award of Division of the said Commons, Moors, or Tracts of Waste Land, Town Fields, and Stinted Pasture respectively, and that all Persons interested therein, their Agents or Tenants, may, if they think proper, attend at such Meeting, and peruse and inspect the said Draft of the said Award, and hear the same read over, and be at Liberty to make such Objections thereto as they shall think proper, in order to have the same removed, or the Parties complaining to have such Redress therein as shall appear to be just; and that if any Person or Persons interested in the said intended Division, or his, her, or their Steward, Agent, or Attorney, shall at the said Meeting last mentioned make any Objection or Objections to the said intended Award, or any Part thereof, and the said Commissioners, or any Two of them, shall not be able to settle the same, to the Satisfaction of themselves, and of the Person or Persons making such Objection or Objections, then the said Commissioners, or any Two of them, shall refer such Objection or Objections to the said Arbitrators, or any Two of them, to hear and finally determine the same; and the said Arbitrators, or any Two of them, shall, and they are hereby required, with all convenient Speed, to hear and determine the same, and to settle the Draft of the said General Award, and also to award Costs for or against the Person or Persons making such Objections, as to the said Arbitrators shall seem meet, which Costs shall be recovered and levied in such Manner as concerning Costs is herein-before directed, in case such Costs shall be awarded against such Objector or Objectors; but in case such Costs shall be awarded for such Objector or Objectors, then the same shall be paid out of the Monies directed to be raised for defraying the Expences of obtaining and passing this Act, and putting the same in Execution.

XXIX. And be it further enacted, That as soon as the Draught of the said Award shall be settled as aforesaid, the said Commissioners, or any Two of them, shall and they are hereby required to cause the same to be fairly engrossed upon Parchment, and the same Award shall be read over and executed by the said Commissioners, or any Two of them, in the Presence of the Proprietors, who may attend at a Special General Meeting

Meeting called for that Purpose, of which Ten Days Notice at least shall be given in One of the Newspapers printed at *Newcastle-upon-Tyne* aforesaid, and by Writing affixed upon the principal Door of the Parish Church of *Chester-le-Street*, and upon the principal Door of each of the Chapels of *Lamesley* and *Tanfield*, which Execution of the said Award shall be proclaimed the next *Sunday* in the Parish Church of *Chester-le-Street* aforesaid, and in the Chapels of *Lamesley* and *Tanfield* aforesaid respectively; from the Time of which Proclamation only, and not before, such Award shall be considered as complete; to which Award shall be annexed a true Copy of the said Plan or Survey herein-before directed to be made of the said Commons, Moors, or Tracts of Waste Land, Town Fields, and Stinted Pasture, which shall also be signed by the said Commissioners, or any Two of them; and on which said Plan the said several Allotments, publick and private Roads, Ways, Common Quarries, Watering Places, Wells, Passages, Sewers, Drains, and Watercourses, mentioned in the said General Award, and all other Matters and Things which the said Commissioners, or any Two of them, shall think proper to be described thereon, shall be fairly set down, delineated, marked, and expressed; and that the said Award, and Plan or Survey to be annexed thereto, so executed and signed, shall, within Six Calendar Months next after such Execution, be filed or deposited in the Office of the Clerk of the Peace for the said County of *Durham*, to the End that the same may be preserved amongst the Records of the said County, and that Recourse may be had thereto respectively, by any Person or Persons whomsoever; and the said Award shall also be inrolled and recorded at the Court of Quarter Sessions of the Peace for the said County of *Durham*; for which said Inrolment the said Clerk of the Peace, who is hereby required to inrol the same, shall be paid at and after the Rate of Ten Shillings *per* Skin, and no more, for every Skin of Parchment whereof the said Award shall consist; and that the said Award and Plan, or the Inrolment of the said Award, or a true Copy of the said Award, or Inrolment thereof, or of any Part thereof, to be made upon Paper, under the Hand of the said Clerk of the Peace, or his Deputy, shall be allowed as Evidence in all Courts whatsoever; and which Copy the said Clerk of the Peace, or his Deputy, is hereby required to make and deliver to any Person requesting the same, being paid for such Copy after the Rate of Fourpence *per* Sheet besides the Stamp Duty, accounting Seventy-two Words to each Sheet; and the said Clerk of the Peace, or his Deputy, shall permit and suffer any Person or Persons whomsoever, at all reasonable Times, to peruse and inspect the said Award and Plan, or the said Inrolment thereof, being paid for every such Perusal or Inspection One Shilling and no more.

XXX. And be it further enacted, That from and immediately after the Execution and Proclamation of the said General Award in Manner aforesaid, the same Award, and the Plan to be annexed thereto as aforesaid, and all Matters and Things therein contained, shall be final and conclusive; and that all Right of Common upon the said Commons, and other Commonable Lands so to be divided and allotted, shall from thenceforth cease and be for ever extinguished.

Award to be conclusive, and all Right of Common to cease after it is executed.

XXXI. And be it further enacted, That all such Allotments of the said Commons, Moors, or Tracts of Waste Land, Town Fields, and Stinted Pasture,

Allotments to be binding, and to be ac-

cepted within Six Months after the Award is executed and inrolled, and Notice thereof given by the Commissioners.

Pasture, as shall be set out and allotted by the said Award of the said Commissioners, or any Two of them, shall be binding and conclusive to all and every Person or Persons having a Right of Common thereon, and to all other Persons interested therein, their and every of their Heirs, Executors, Administrators, and Assigns respectively, and he, she, or they, to whom such Allotments shall be made, shall and is, and are hereby required to accept such his, her, and their Allotments respectively, within Six Calendar Months next after the executing and proclaiming the said Award as aforesaid, and he, she, or they, shall also respectively, within the Time for that Purpose to be limited and appointed in and by the said Award, at his, her, or their own Charges respectively, well and sufficiently inclose, hedge, and fence his, her, and their several Allotment and Allotments, in such Manner and Form, and in such Proportions as shall be directed, ordered, and appointed in and by the same Award.

Commissioners to sell or mortgage the Allotments of those who refuse to inclose them, and to pay the Expence of obtaining the Act.

XXXII. And be it further enacted, That in case any Person or Persons to whom any Allotment or Allotments shall be made by the said General Award, or who shall be, or shall claim to be entitled to the same, shall neglect to inclose, hedge, or fence such Allotment or Allotments, within the Time or respective Times to be appointed in pursuance of this Act, or to pay his, her, or their Share and Proportion of the Charges and Expences of obtaining this Act, and of putting the same into Execution, within Ten Days next after Demand in Writing under the Hands of the said Commissioners, or any Two of them, then and in any of the Cases aforesaid, the said Commissioners, or any Two of them, shall, and they are hereby empowered and required to mortgage the Allotment or Allotments of the Person or Persons so neglecting to inclose the same, or to pay his, her, or their Share and Proportion of the Charges and Expences aforesaid, or such Part or Parcel of such Allotment or Allotments as shall be sufficient to raise Money to pay the inclosing thereof, and for the Share and Proportion of the Charges and Expences as aforesaid, and also the Charges of such Mortgage, and all other necessary Expences attending the same, to be ascertained by the said Commissioners, or any Two of them; all which Costs, Charges, and Expences, the said Commissioners; or any Two of them, shall pay and disburse thereout accordingly, rendering the Overplus (if any) to the Person or Persons entitled thereto, on Demand; and the Person or Persons to whom such Allotment or Allotments, or any Part of the same shall be mortgaged as aforesaid; and all and every Person and Persons claiming under him, her, or them, shall and may have, hold, possess, and enjoy the same peaceably and quietly, according to the Terms of the Mortgage thereof, without any Interruption from the Person or Persons to whom such Allotment or Allotments shall have been made in and by the said Award, or from any Person or Persons lawfully claiming or to claim by, from, or under him, her, or them, or any of them.

Proprietors may fence off their respective Allotments before the Award is signed, with the Consent of the Commissioners.

XXXIII. Provided always, and be it further enacted, That it shall and may be lawful to and for any Person or Persons, to whom any Plot or Parcel of Ground upon the said Commons, Moors, or Tracts of Waste Land, Town Fields, and Stinted Pasture respectively shall be allotted, staked, or set out, by virtue of this Act, at any Time after the Expiration of Three Calendar Months from the Time that the said Commissioners, or any Two of

of them, shall have staked or set out all the Plots or Parcels of Ground intended to be allotted or awarded in pursuance of this Act (without waiting until the General Award of the said Commissioners, or any Two of them, shall be executed and proclaimed as aforesaid) to inclose, hedge, and fence his, her, and their several Allotments, Plots, or Parcels of Ground so staked and set out as aforesaid, but with the Consent and Approbation of the said Commissioners, or any Two of them, so as to prevent the Horses, Cattle, or Sheep, belonging to any of the other Proprietors, their Lessees or Tenants, from depasturing, grazing, or coming thereon, until all the Right of Common in and upon the said Commons and other Commonable Lands shall be extinguished as herein-before mentioned; any Thing herein-before contained to the contrary thereof notwithstanding.

XXXIV. Provided always nevertheless, and be it further enacted, That the said Commissioners shall not, by virtue of any Power given to them by this Act, award, order, or direct any Hedges or Fences to be made, further than such Hedges or Fences as shall appear to them to be necessary for the fencing of the several Allotments against each other, but not against the Lands and Grounds of any other Person or Persons whomsoever.

XXXV. Provided also, and be it further enacted and declared, That nothing in this Act contained shall extend, or be construed, deemed, adjudged, or taken to extend, to revoke, alter, annul, or make void any Settlement, Deed, Will, or Lease whatsoever, except so far as any such Leases shall be determined by this Act, or to prejudice any Person or Persons having any Right or Title of Dower, Jointure, Rent, Service, Debt, Charge, or Incumbrance, out of, from, upon, or affecting any of the Ancient Estates entitled to Right of Common on the said Commons, Moors, or Tracts of Waste Land, or out of, from, upon, or affecting the said Town Fields and Stinted Pasture; but that as well the said ancient Estates as the Allotments to be set out in respect thereof, and also the Allotments of and in the said Town Fields and Stinted Pasture respectively, shall, immediately after the Execution and Proclamation of the General Award of the said Commissioners, or any Two of them, be vested, and be deemed to be vested, remain, continue, and enure, and be held and enjoyed, and the several Persons to whom the same shall be assigned and allotted respectively, shall from thenceforth stand and be seised and possessed thereof respectively, to and for such and the same Uses, Estates, Intails, Interests, Trusts, Intents, and Purposes, and subject and liable to such and the same Wills, Limitations, Estates, Conditions, Settlements, Provisoos, Remainders, Reversions, Leases (except as aforesaid), Debts, Charges, and Incumbrances, as the several ancient Estates, Town Fields, and Stinted Pasture, in respect of which such Allotments shall be respectively made, were and stood limited, settled, or vested, or were severally subject and liable to at the Time of making and executing the said Award; but that all such Allotments respectively, shall nevertheless be subject to such Mortgage or Mortgages as shall be made by the Authority and for the Purposes of this Act, as herein-before and herein-after is mentioned and directed.

This Act not to revoke any Settlement, nor to prejudice any Right of Dower, &c.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Two of them, to set out, assign, or allot any

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of Exchanges.

of the Lands or Grounds hereby directed to be divided and allotted, or any Messuages, Buildings, inclosed Lands or Grounds, or other Hereditaments in the Parish of *Chester-le-Street* aforesaid, in lieu of and in exchange for any other Messuages, Buildings, Lands, and Hereditaments in the same Parish, or in any Parish or Township adjoining thereto, so that every such Exchange be set forth and ascertained by the Award of the said Commissioners, or some Deed or Deeds to be executed by the said Commissioners, or any Two of them, at any Time before or within the Space of Six Calendar Months after the Date of the said Award; and also be made with the Consent of the respective Proprietors or Persons seised or entitled in Possession of or to the Hereditaments so to be exchanged for any Life or Lives, or for Years determinable upon any Life or Lives, or for some Estate of Inheritance, or of the Husbands, Guardians, Trustees, Committees, or Attornies of any such Proprietors, who shall, at the Time of making such Exchanges, be Femes Covert, Infants, Lunaticks, Persons beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves; and so that every such Exchange of any Hereditaments belonging to the Curacies of *Lamesley* and *Tanfield* aforesaid, or either of them, or any other Ecclesiastical Benefice, be also made with the Consent of the Lord Bishop of *Durham*, and the Patron thereof for the Time being respectively, such Consents to be respectively signified by Writing under the Hands of the consenting Parties; and every Exchange so made and declared, shall, as well in respect of the Hereditaments and Premises within the Parish of *Chester-le-Street* aforesaid, as in respect of the Hereditaments within any other Parish or Township adjoining thereto, be for ever good, valid, and effectual in Law; and the respective Hereditaments so to be exchanged, shall become and be of the same Tenure, and held under the same Rents and Services, and go and remain to and upon the same Uses and Trusts, and be subject to the same Powers, Conditions, Covenants, and Agreements, as the Hereditaments in respect whereof the same shall be exchanged, are or shall be subject and liable to, or would have been subject or liable to in case the Exchange thereof had not been made.

No Sheep or
Asses to be
kept in the
Inclosure for
10 Years.

XXXVII. And be it further enacted, That none of the Owners of any of the said Allotments, nor their Tenants or Lessees, shall at any Time within the Space of Ten Years next after the executing and proclaiming of the said Award, graze or depasture any Sheep, Lambs, or Asses, in any Part of their Allotments adjoining to the Boundary Fences of the Allotment or Allotments of any other Person or Persons whomsoever; and if any Person or Persons shall, contrary to this Act, graze or put any Sheep, Lambs, or Asses, upon his, her, or their said respective Allotments, such Person or Persons shall for every such Offence of which he, she, or they shall be convicted before One or more of His Majesty's Justices of the Peace for the said County of *Durham*, on the Oath or Oaths of One or more credible Witness or Witnesses (which Oath the said Justices, or any One of them, are and is hereby empowered to administer) forfeit the Sum of Forty Shillings to the Use of the Informer, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, by virtue of a Warrant under the Hand and Seal, or the Hands and Seals of any One or more of His Majesty's Justices of the Peace for the said County, at any Time within Six Calendar Months next after such Offence committed, rendering the Overplus (if any) upon Demand, after deducting the reasonable Charges of such Warrant, Distress and

and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold as aforesaid.

XXXVIII. Provided always, That convenient Gaps and Openings shall (if necessary) be left in the Hedges and Fences of the said Allotments, for the Space of Three Calendar Months next after the said Commissioners, or any Two of them, shall have staked or set out the same by virtue of this Act, for the Passage of Horses, Cattle, Carts, and Carriages, in, by, and through such Gaps and Openings, unless the said Commissioners, or any Two of them, shall order that the same be sooner fenced, made up, and inclosed.

Gaps to be left in the Fences.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the Owners or Occupiers of the said Allotments to be set out or allotted by virtue of this Act, at any Time or Times hereafter, to win, get, and work Stones within the said respective Allotments, and also to win, get, and work Stones in and out of the Common Quarries to be set out as before-mentioned, as well for the Use of the Grounds so to be allotted to them, as of their ancient inclosed Grounds, in respect whereof any such Allotments shall be made; but they shall not be at Liberty to sell or dispose of such Stones to any Person or Persons whomsoever.

Proprietors of Allotments may work Stones, &c. within the same.

XL. Provided always, and be it further enacted, That nothing in this Act contained shall be construed or adjudged to defeat, lessen, or prejudice the Right, Title, or Interest of the said Sir *Thomas Henry Liddell* as Lord of the Manors of *Heston* otherwise *Ayton*, and *Ravensthorpe* otherwise *Lamesley*, his Heirs or Assigns, or any of them, of, in, and to the Seigniority and Royalties incident and belonging to the said Manors; but that the Lord of the said Manors, his Heirs and Assigns, shall and may, from Time to Time, and at all Times hereafter, hold and enjoy all Courts, Perquisites, and Profits of Courts and Services, and all yearly and other Rents and Acknowledgments reserved and usually paid, and which are due and demandable for all, any, or every of the Houses, Buildings, Cottages, Intacks, or Inclosures now built, made, being, or standing in or upon the said Commons, Moors, or Tracts of Waste Land, or the Boundaries thereof, or in or upon any Ground formerly Part of the said Commons, Moors, or Tracts of Waste Land now held or enjoyed in Severalty, and which heretofore had been, or which ought to be paid, made, or performed by the Owners or Possessors for the Time being of such Houses, Buildings, or Cottages, or of any of the Intacks or Inclosures heretofore Parcel of the said Commons, Moors, or Tracts of Waste Land, and now held and enjoyed in Severalty; and also all Waifs, Strays, Estrays, Mines, Minerals, and Quarries, and all Royalties, Jurisdictions, Matters, and Things whatsoever, to the said Manors of *Heston* otherwise *Ayton* and *Ravensthorpe* otherwise *Lamesley*, incident, belonging, or appertaining (other than and except such Common Right as could or might be claimed by him or them as Owner or Owners of the Soil and Inheritance of the said Commons, Moors, or Tracts of Waste Land, called *Blackburn Fell* and *Burdon Moor*, and other than and except the Coal Mines and Seams of Coal within and under that Part of the said Commons, Moors, or Tracts of Waste Land, called *Blackburn Fell*) in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he or they could or might have enjoyed the same if this Act had not been made; and also full and free Liberty at all Times hereafter of making, laying, repairing, and using, and of granting to any other Person or Persons any Waggon

This Act not to prejudice the Right of Sir *Thomas Henry Liddell*.

Way

Way or Waggon Ways, or other Way or Ways whatsoever, in, through, over, or along the said Commons, Moors, or Tracts of Waste Land, called *Blackburn Fell* and *Burdon Moor*, and in, through, over, and along the said Town Fields and Stinted Pasture, called *Ravensthorpe Town Fields* and *Ravensthorpe South Pasture*, or any Part thereof, and for that Purpose to take away and remove so much of any Hedges, Fences, or other Obstructions thereon, and to do every Act either now in use, or which shall hereafter be used or invented, which shall be necessary to be done for the Purpose of winning, working, leading, and carrying away the said Mines, Minerals, and Quarries, within and under the said last-mentioned Commons, Moors, or Tracts of Waste Land, and Town Fields, and Stinted Pasture respectively (other than and except as aforesaid); and also for the leading, carrying, and conveying the Coals, and the Produce of any other Mines and Minerals, from or under any other Lands and Grounds whatsoever; he the said Sir *Thomas Henry Liddell*, or his Lessees or Assigns, or the Person or Persons using and enjoying such Liberties and Privileges, making and paying such Satisfaction for Damage and Spoil of Ground as herein-after is mentioned.

Saving of mineral Rights to the Lords of *Kibbleworth*.

XLI. Provided also, and be it further enacted, That nothing in this Act contained shall be considered or adjudged to defeat, lessen, or prejudice the Right, Title, or Interest of the said Sir *Thomas Henry Liddell* and Sir *John Eden*, as Lords of the Manor of *Kibbleworth* aforesaid, their respective Heirs or Assigns, of, in, and to the Seigniorie and Royalties incident and belonging to the said Manor; but that the Lords of the said Manor, their respective Heirs and Assigns, shall and may, from Time to Time and at all Times for ever hereafter hold and enjoy all Courts, Perquisites, and Profits of Courts, Rents, Services, Waifs, Strays, Estrays, Mines, Minerals, and Quarries, and all Royalties, Jurisdictions, Matters, and Things whatsoever to the said Manor of *Kibbleworth* incident, belonging, or appertaining (other than and except such Common Right as could or might be claimed by them, or either of them, as Owner or Owners of the Soil and Inheritance of the said Common, Moor, or Tract of Waste Land called *Kibbleworth Common*) in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they respectively could or might have enjoyed the same if this Act had not been made; and full and free Liberty at all Times hereafter of making, laying, repairing, and using, and of granting to any other Person or Persons any Waggon Way or Waggon Ways, or other Way or Ways whatsoever, in, through, over, or along the same, or any Part thereof; and for that Purpose to take away and remove so much of any Hedges, Fences, or other Obstructions thereon, and to do every Act either now in Use, or which shall hereafter be used or invented, which shall be necessary to be done for the Purpose of winning, working, leading, and carrying away the said Mines, Minerals, and Quarries, within and under the same Common, Moor, or Tract of Waste Land; and also for the leading, carrying, and conveying the Coals, and the Produce of any other Mines and Minerals from or under any other Lands and Grounds whatsoever; they the said Sir *Thomas Henry Liddell* and Sir *John Eden*, their Lessees or Assigns, or the Person or Persons using and enjoying such Liberties and Privileges, making and paying such Satisfaction for Damage and Spoil of Ground as herein-after is mentioned.

XLII. Provided

XLII. Provided also, and be it further enacted, That nothing in this Act contained shall be considered or adjudged to defeat, lessen, or prejudice the Right, Title, or Interest of such of them the said Sir *Thomas Henry Liddell*, Sir *John Eden*, and *John Bowes* Earl of *Strathmore*, as shall in and by such Actions at Law as are herein-after directed to be commenced and prosecuted in this Behalf be adjudged and determined to be entitled to the Soil of the said Commons, Moors, or Tracts of Waste Land, called *Hedley Fell* and *Beamish East Moor*, otherwise Part of *Blackburn Fell* respectively, as the Lord or respective Lords of the Manor or Manors whereof the same are respectively Parcel, or their respective Heirs and Assigns, of, in, and to the Seigniorie and Royalties incident and belonging to the said Manor or Manors respectively; but that the Lord or Lords of such of the said Manor or Manors to whom the Soil of the said last mentioned Commons, Moors, or Tracts of Waste Land shall be so adjudged and determined to belong as aforesaid, his or their Heirs and Assigns, shall and may, from Time to Time and at all Times hereafter, hold and enjoy all Courts, Perquisites and Profits of Courts, Rents, Services, Waifs, Strays, Estrays, Mines, Minerals, and Quarries, and all Royalties, Jurisdictions, Matters, and Things whatsoever, to the said Manor or Manors, or to any of them incident, belonging or appertaining (other than and except such Common Right as could or might be claimed by him, them, or either of them, as Owner or Owners of the Soil and Inheritance of the said Commons, Moors, or Tracts of Waste Land which are called or known by the several Names of *Hedley Fell* and *Beamish East Moor*, otherwise Part of *Blackburn Fell*, and other than and except the Coal Mines and Seams of Coal within and under the Whole of the said Common Moor or Tract of Waste Land called *Blackburn Fell*, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as they respectively could or might have enjoyed the same if this Act had not been made; and full and free Liberty at all Times hereafter of making, laying, repairing, and using any Waggon Way or Waggon Ways, or other Way or Ways whatsoever, in, through, over and along the said Commons, Moors, or Tracts of Waste Land called *Hedley Fell*, *Beamish East Moor*, otherwise Part of *Blackburn Fell*, or any Part thereof, and for that Purpose to take away and remove so much of any Hedges, Fences, or other Obstructions thereon, and to do every Act either now in Use, or which shall hereafter be used or invented, which shall be necessary to be done for the Purpose of winning, working, leading, and carrying away the said Mines, Minerals, and Quarries, within and under the said Commons, Moors, and Tracts of Waste Land; and also for the leading, carrying, and conveying the Coals and the Produce of any other Mines and Minerals, either from or under any other Lands and Grounds whatsoever; such of them the said Sir *Thomas Henry Liddell* and Sir *John Eden*, and *John Bowes* Earl of *Strathmore*, or other Persons who shall be so entitled as aforesaid, or his or their Lessees or Assigns, or the Person or Persons using and enjoying such Liberties and Privileges, making and paying such Satisfaction for Damage and Spoil of Ground as herein-after is mentioned.

Saving the Rights of the Lords of the Manors of *Hecton* otherwise *Ayton*, and *Ravensthorpe* otherwise *Lamesey* and *Lemmish*.

XLIII. Provided always nevertheless, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be construed or adjudged to defeat, lessen, prejudice, or in anyway affect the Right, Title, or Interest of the said Sir *Thomas Henry Liddell*, Sir *William Augustus Cunynghame* Baronet, and the said *John Bowes* Earl of *Strathmore*,

Saving the Rights of certain Persons to Way Leaves.

[Loc. & Per.]

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their

their Heirs, Executors, Administrators; and Assigns respectively; or any other Person or Persons now entitled to any Waggon Ways or other Way Leaves, in, through, over, or along the said Commons, Moors, or Tracts of Waste Land hereby intended to be divided and inclosed as aforesaid; but that they the said Sir Thomas Henry Liddell, Sir William Augustus Cunyngbame, and John Bowes Earl of Strathmore, and all other Persons having or using, or entitled to, have or use any Waggon Way or Waggon Ways now laid and in Use, shall henceforth for and during the Term of Twenty-five Years, to be computed from the Twelfth Day of May One thousand eight hundred and two, have and enjoy the same, with full and free Liberty, Power, and Authority, to repair and amend the same, without paying any Damage, or making any Satisfaction, or Compensation for Spoil of Ground to be occasioned by the Use or Enjoyment of the said Liberties, Powers, and Authorities, or any of them, in as full, ample, and beneficial a Manner to all Intents and Purposes, as he or they could or might have held or enjoyed the same if this Act had not been made.

Saving the
Right of the
Bishop of Dur-
ham to the
Coal on
Blackburn
Fell.

XLIV. Provided also, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall be construed or adjudged to defeat, lessen, prejudice, or anywise affect the Right, Title, or Interest of the Honourable and Right Reverend Father in God *Shute* Lord Bishop of *Durham*, and his Successors, and his or their Lessees or Assigns, or any of them, in and to the Coal Mines and Seams of Coal, as well opened as not opened, within and under that Part of the said Commons, Moors, or Tracts of Waste Land called *Blackburn Fell*; but that the said Bishop and his Successors, or his or their Lessees or Assigns, shall and may at all Times hereafter have and enjoy the same Coal Mines and Seams of Coal, together with all such Rights, Privileges, and Liberties for winning, working, managing, leading, and carrying away the same, as he or they are now entitled to have and enjoy, and in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he or they could or might have held or enjoyed the same if this Act had not been made.

Damages
occasioned by
working
Mines, etc.

XLV. And whereas great Inconveniences may happen, and Damage be done to particular Persons, by reason of searching for, winning, and working the said Mines and Quarries within and under their respective Allotments, or by using and exercising the other Liberties and Privileges herein-before reserved and mentioned, by the respective Lords of the said several Manors, or by some of them, their or some of their Heirs, or their respective Lessees or Assigns: For Remedy whereof be it enacted, That when and so often as any Person or Persons shall suffer or sustain any Loss or Damage in his, her, or their respective Allotment or Allotments, by the searching for, winning, or working of the said Mines and Quarries therein, or the leading or carrying away of the Coals, Lead, Minerals, Stones, or other Things to be gotten thereout, or out of any other Mines or Quarries, or by the making, laying, repairing, or using of Waggon Ways or other Ways, or by making Drifts, Levels, or Watercourses, or erecting, or using Fire Engines or other Engines, or making or using Pit Rooms or Heap Rooms, or using or exercising any other of the Powers or Liberties hereby reserved to and for the said Lords of the said Manors, or any of them, their or either or any of their Heirs, or their respective Lessees or Assigns as aforesaid, such Person or Persons so damaged, upon making such Complaint, shall receive

receiving such Satisfaction for such Damage as hereinafter is directed in that Behalf; and to that End and Purpose be it enacted, That upon the Complaint or Application of any Person or Persons so to be damaged by the working of Mines or Quarries, or using any other of the Liberties or Privileges concerning the same hereinbefore mentioned (which Complaint and Application may be made in Person, or by Agent or Attorney) to One or more of His Majesty's Justices of the Peace in and for the said County of *Durham*, Notice in Writing of such intended Complaint being affixed upon the principal Door of each of the Chapels of *Lamesley* and *Tanfield* aforesaid, on some *Sunday* Morning before Divine Service, at least Eight Days preceding such Complaint, such Justices shall, and they are hereby required and empowered to examine and enquire into such Complaint or Complaints in a summary Way, either by Examination of the Party or Parties, or his, her, or their Witnesses, upon Oath (which Oath the said Justices are hereby required and empowered to administer) or by such other Evidence or Proofs, or on their own Views, or such other Ways and Means, as to them shall seem requisite and expedient in that Behalf, and finally to settle, ascertain, and determine the Damages sustained by the Person or Persons so complaining as aforesaid; and thereupon such Damages shall be paid and borne by the Person or Persons exercising such Rights, Powers, and Privileges, by or in consequence of which such Damage shall accrue or be done respectively; and in case any Person or Persons so to be charged with the Payment of such Damages and Charges as aforesaid, shall refuse or neglect to pay his, her, or their Proportion thereof, to such Person or Persons, and within such Time as the said Justices shall direct or appoint (the same being first demanded) then and in any such Case so happening, the same shall, by virtue of a Warrant under the Hands and Seals of the said Justices, be levied by Distress and Sale of the Goods and Chattels of every Person so assessed, and refusing or neglecting to pay the same as aforesaid, rendering the Overplus (if any) after deducting the reasonable Charges of such Warrant, Distress, and Sale, to the Owner or Owners of such Goods and Chattels respectively, upon Demand.

XLVI. And whereas several Disputes and Questions have arisen and are subsisting between the said Sir *Thomas Henry Liddell* and Sir *John Eden* concerning the Right to the Soil and Inheritance of and in that Part of the said Commons, Moors, or Tracts of Waste Land called *Beamish East Moor* otherwise Part of *Blackburn Fell*, and also respecting the Manor or Manors of or in which the same and every Part thereof are or is Parcel or situated respectively; be it therefore further enacted, That for the Purpose of finally settling and determining the same so as to ascertain in what Manor or Manors the said *Beamish East Moor* otherwise Part of *Blackburn Fell* do respectively lie and are situated, and to whom respectively the Right and Inheritance of and in the Soil thereof do belong, it shall be lawful for the Parties who for the Time being shall be immediately interested in such Disputes and Questions, to proceed to a Trial or Trials at Law of the same, at the First or Second Assizes to be holden for the County of *Durham* next after the passing of this Act, in One or more feigned Action or Actions for that Purpose to be commenced in the Court of Pleas at *Durham*, by the said Sir *Thomas Henry Liddell*, or some other or others of the Parties so for the Time being immediately interested against the said Sir *John Eden*, or some other or others of the Parties so for the Time being immediately interested, as soon as conveniently and properly

For determining certain Disputes between Sir *Thomas Henry Liddell* and Sir *John Eden*, by Trial at Law.

properly may be after the passing of this Act; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies who shall appear: or file Common Bail, and accept of One or more Issue or Issues, whereby such Disputes or Questions may be properly tried and determined, the Form of which Issue or Issues shall be settled by the Prothonotary of the said Court or his Deputy, if the Parties differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final and conclusive to all Persons, and Bodies Politick and Corporate whomsoever, interested in the said intended Division and Inclosure; and in case any such Action or Actions shall be tried at Law, the Costs of such Action or Actions being taxed by the proper Officer of the Court, shall abide the Event thereof, and follow with the Verdict or Verdicts to be given therein: Provided always, That any such Trial, or any Judgement thereupon, shall not suspend or impede the Execution of this Act, but the said Commissioners shall distinguish the Lands or Grounds allotted in respect of such litigated Rights and Property; which Lands or Grounds shall be taken by the Person or Persons who shall be entitled thereto.

For determining certain Disputes between Sir Thomas Henry Liddell, Sir John Eden, and the Earl of Strathmore, by Trial at Law.

XLVII. And whereas certain Disputes and Questions have also arisen, and are subsisting between the said Sir *Thomas Henry Liddell*, Sir *John Eden*, and *John Bowes* Earl of *Strathmore*, concerning the Right to the Soil and Inheritance of and in that Part of the said Commons, Moors, or Tracts of Waste Lands, called *Hedley Fell*, and also respecting the Manor or Manors of or in which the same and every Part thereof are or is Parcel or situated respectively; be it therefore further enacted, That for the Purpose of finally settling and determining the same, so as to ascertain of and in what Manor or Manors the said *Hedley Fell*, and every Part thereof, is and are respectively Parcel and situated, and to whom respectively the Right and Inheritance of and in the Soil thereof do belong, it shall be lawful for the Parties who, for the Time being, shall be immediately interested in such Disputes and Questions, to proceed to a Trial or Trials at Law of the same, at the First or Second Assizes to be holden for the County of *Durham* next after the passing of this Act, in One or more feigned Action or Actions for that Purpose, to be commenced in the Court of Pleas at *Durham*, by the said *John Bowes* Earl of *Strathmore*, or some other or others of the Parties so for the Time being immediately interested against the said Sir *Thomas Henry Liddell* and Sir *John Eden*, or One of them, or some others or other of the Parties so for the Time being immediately interested, as soon as conveniently and properly may be after the passing of this Act; and the Defendants or Defendant in such Action or Actions shall forthwith name an Attorney or Attornies, who shall appear or file Common Bail, and accept of One or more Issue or Issues whereby such Disputes or Questions may be properly tried and determined, the Form of which Issue or Issues shall be settled by the Prothonotary of the said Court or his Deputy, if the Parties differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final and conclusive to all Persons, and Bodies Politick and Corporate whomsoever, interested in the said intended Division and Inclosure; and in case any such Action or Actions shall be tried at Law, the Costs of such Action or Actions being taxed by the proper Officer of the Court, shall abide the Event thereof, and follow with the Verdict or Verdicts to be given therein: Provided always, that any such Trial, or any Judgement thereupon,

thereupon, shall not suspend or impede the Execution of this Act; but the said Commissioners shall distinguish the Lands or Grounds allotted in respect of such litigated Rights and Property; which Land or Grounds shall be taken by the Person or Persons who shall be entitled thereto.

XLVIII. And whereas several of the Persons to whom such Allotments shall be made as aforesaid, may have Occasion to borrow Money to pay and defray the Charges and Expences of dividing and enclosing, hedging, building upon, and improving their respective Allotments, and of building Farm Houses, Barns, Stables, and other Outbuildings, and making or erecting other Conveniences in, upon, or about the same, and by reason of their being Tenants for Life thereof only, or of some Settlement or Settlements already made of the Messuages, Mills, Lands, or Tenements, in respect whereof such Allotments shall be so made, or of some Part thereof, or by reason of their being or acting as Guardians, Trustees, Committees, or Agents for Infants, Femes Covert, Lunaticks, Persons beyond the Seas, or by reason of some other Impediment or Disability, cannot make an effectual Security thereon for the Money to be borrowed for those Purposes; be it further enacted, That it shall and may be lawful to, and for all such Persons respectively to whom any Allotment shall be made or allotted under such Disability or Incapacity as aforesaid (except the respective Curates of *Lamesley* and *Tanfield* aforesaid), or their respective Guardians, Trustees, Committees, or Agents, by Writing under their Hands and Seals, from Time to Time to charge the Lands and Grounds which shall be so allotted to such Persons respectively, by virtue of this Act, with any Sums of Money not exceeding Three Pounds for every Acre of the Lands and Grounds so to be allotted to them respectively, to be paid to such Person or Persons as the said Commissioners, or any Two of them, shall for that Purpose nominate and appoint, which they are hereby empowered and required to do upon Request for that Purpose to be made, in order to be applied and disposed of for the Purposes before mentioned; but for the Application, Misapplication, or Non-application of the said Money, or any Part thereof, the said Commissioners, or his or their Representatives, shall not be answerable or accountable; and for securing the Re-payment of such Sum and Sums of Money, with Interest for the same, to grant, mortgage, lease, or demise, or otherwise effectually subject and charge the Lands and Grounds so to be allotted unto such Person or Persons as shall advance and lend the same respectively, for any Term or Number of Years; without Impeachment of Waste; so as every such Grant or Demise be made with a Condition to be void and cease, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, and the Charges occasioned by the preparing and executing such Security, and borrowing such Sum or Sums of Money respectively, shall be satisfied and paid, and which Charges shall be ascertained in such Security.

Proprietors under Disability enabled to borrow Money for the Purposes of the Act, etc.

XLIX. Provided always, That in every such Grant or Demise to be made by any Tenant for Life, there shall be a Proviso that the Person or Persons entitled in Remainder or Reversion, shall not be liable upon his, her, or their becoming seised of the Premises, to the Payment of any further Sum on Account of or for the Arrears of Interest, than for One Year's Interest of the Monies to be charged on such Lands; and every Grant,

The Person next in Remainder, not to pay more than One Year's Interest.

[Loc. & Per.]

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Mortgage,

Mortgage, Lease, Demise, or Charge so to be made in pursuance of this Act, shall be good, valid, and effectual in Law for the Purposes thereby intended.

Curates Al-
lotments how
to be fenced.

L. Provided always, and be it further enacted, That the Expence of inclosing, hedging, and fencing the Allotment or Allotments to be made to the Curates of *Lamesley* and *Tanfield* aforesaid respectively, shall be paid and defrayed by and out of the Monies directed to be raised for paying the Expences of this Act, and putting the same in Execution; and after making such Inclosures, Hedges, and Fences, the same shall for ever thereafter be kept in Repair by the said Curates and their Successors, and the Owner or Owners of the adjoining Allotment or Allotments, in such Shares and Proportions as the said Commissioners, or any Two of them, by their General Award shall direct.

Commissioners
to pay their
own Expences.
Commissioners
Fees.

LI. And be it further enacted, That the said Commissioners shall, at all and every of their Attendances for putting this Act in Execution, bear and pay their own Expences; and that when and as soon as the said intended Division shall be finished and completed, and the said Commissioners, or any Two of them, shall have executed their said General Award, they the said Commissioners respectively shall be paid and allowed each of them the Sum of Two Guineas for each and every Day upon which they shall respectively have attended and transacted Business in or for putting this Act in Execution, not exceeding Sixty Days in the Whole.

Arbitrators to
pay their own
Expences.

Their Fees.

LII. And be it further enacted, That the said Arbitrators shall, at all and every of their Meetings and Attendances for the hearing and determining of any of the Claims and Objections, Matters and Things, which shall be referred to them respectively by virtue of this Act, bear and pay their own Expences; and in Discharge thereof, and for their Trouble and Attendance, the said Arbitrators respectively shall be paid and allowed each of them the Sum of Four Guineas for each and every Day upon which they shall respectively have attended for the Purposes aforesaid; and if it shall happen that the said Arbitrators respectively, shall have Occasion to take any Journey or Journies in order to give such Attendance, or for the Purposes of viewing any of the Lands or Grounds hereby intended to be divided, and which shall be claimed, and happen to be in Dispute, then and as often as it shall so happen, it is hereby also directed, that such Arbitrators respectively, so taking such Journey or Journies, shall be paid and allowed their reasonable travelling Expences to and from every such Meeting or Attendance, over and besides the said Four Guineas for each and every Day they shall be respectively employed for the Purposes aforesaid; and the same shall be considered by the said Arbitrators respectively, in the Costs to be awarded to be paid by any Person or Persons against whom respectively any Award shall be made, and any Costs shall be ordered to be paid by either Party.

Surveyor to
pay his own
Expences, and
his Allowance
ascertained.

LIII. And be it further enacted, That the said Surveyor shall, upon all and every his Attendances in the Execution of this Act, or wherein he shall be employed by the said Commissioners, bear and pay his own Expences; and in Discharge thereof, and for his Time, Trouble, and Attendance in making the Surveys and Plans, and transacting the other Business directed or intended to be done by him in the Execution of this Act,

Act, or to be directed by the said Commissioners, he shall be paid the several Rewards, Gratuities, or Sums of Money following; (that is to say), for making the first Survey and fair Plan of the said Commons, Moors, or Tracts of Waste Land, at and after the Rate of Sixpence for every Acre thereof, and for re-surveying and making fair Plans of any Part or Parts thereof, either for the Use of the said Commissioners upon valuing the said Commons and other Lands in the Execution of this Act, and setting out the Allotments thereof, or for the Use of the said Arbitrators upon their hearing and determining of an Reference or References, or for Use upon any Trial or Trials at Law to be had by virtue or in pursuance of this Act, at and after the Rate of Fourpence an Acre; and for making the fair Plan of the said Division, to be annexed to the said Commissioners General Award, the Sum of Ten Guineas and no more.

Surveyor's Allowance.

LIV. And be it further enacted, That the said Commissioners, and the Representatives of such of the Commissioners as shall happen to die, shall, and they are hereby respectively required to keep, or cause to be kept, a just and true 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, in the Execution of this Act, and shall truly and regularly enter all the Particulars of such Accounts in a Book to be provided for that Purpose, and kept at the Office of their Clerk, open to the Inspection of any of the said Proprietors or their Agents, at all reasonable Times during the Progress of the said Division and Inclosure, and until the said Accounts shall have been finally settled and allowed; and in case the said 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, a Sum not exceeding Ten Pounds nor less than Five Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

Commissioners to account.

LIV. And be it further enacted, That all Monies which shall be raised or received by the said Commissioners, or by their Order, or for their Use, under and by virtue of this Act, shall, as often as the same shall amount unto the Sum of Fifty Pounds, be paid into the Hands of such Banker, or other Person or Persons, as shall be approved by a Majority in Value of the said Proprietors who shall be present at the First Meeting of the said Commissioners, and in the Notice of which Meeting shall be expressed the Intention of then appointing such Banker, or such other Person or Persons as aforesaid; and that the Monies so paid in shall not afterwards be issued out of the Hands of such Banker, or other Person or Persons, without an Order under the Hands of the said Commissioners, or any Two of them, specifying the Sum to be paid, the Person to whom the same is made payable, and the Service for which the same is due; and upon the final Settlement of the said Accounts, the Balance (if any) shall be immediately repaid to the said Land Owners, in Proportion to the Sums they respectively paid or contributed thereto.

And to pay over the Money received by them to a Banker.

LVI. And be it further enacted, That as well the Fees and Payments to the said Commissioners, as also the Charges and Expences attending the soliciting, obtaining, and passing this Act, and of the surveying, planning,

Expences of the Act.

planning, and measuring, dividing, and allotting the said Commons, Moors, or Tracts of Waste Land, and of the preparing, making, executing, and inrolling the said Award of the said Commissioners, the several Instruments of Appointment, and of setting out the Highways or Roads, and of making any new Highways or Roads which shall be set out and appointed, or directed to be made by the said Commissioners, or any Two of them, and all other Charges and Expences attending the Execution of this present Act, shall be borne and defrayed by the several and respective Persons to whom any Allotment or Allotments of the said Lands and Grounds by this Act directed to be divided, shall be respectively made (except the Curates of *Lamesley* and *Tanfield*, aforesaid) in Proportion to the real Value of their respective Allotments, to be settled and ascertained by the said Commissioners, or any Two of them; and the several and respective Shares and Proportions of all such Fees, Payments, Charges, and Expences as aforesaid, shall be payable and paid by the Owners and Proprietors respectively, to such Person or Persons, and at such Times as shall by the said Commissioners, or any Two of them, 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; and in case any Person or Persons interested in the said Division and Inclosure, shall refuse or neglect to pay their, his, or her Shares or Proportions, Share or Proportion, of all such Fees, Payments, Charges, and Expences, within the Time so to be limited and appointed as aforesaid, to such Person or Persons as they the said Commissioners, or any Two of them, shall appoint to receive the same, then the said Commissioners, or any Two of them, shall and may, and they are hereby empowered and required, either by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale thereof, or it shall and may be lawful to and for the said Commissioners, or any Two of them, to mortgage the Allotment or Allotments of the Person or Persons so neglecting to pay their, his, or her Share and Proportion of the Fees, Payments, Charges, and Expences aforesaid, or so much, and such Part or Parts of such Allotment or Allotments as shall be sufficient to raise Money to pay the same, and also the Charges and Expences of such Mortgage, and other Expences attending the same, in Manner and Form as is herein directed and enacted for mortgaging or selling any of the Allotments aforesaid.

Appeal to the
Quarter Sessions.

LVII. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Matter or Thing whatsoever to be done in pursuance of this Act (other than and except such Orders and Determinations, Matters, and Things to be made or done by the said Commissioners and Arbitrators respectively, as are herein-before declared to be final and conclusive), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said County of *Durham*, within Six Calendar Months next after the Cause of Complaint shall have arisen, and His Majesty's Justices, in their said General Quarter Sessions assembled, are hereby required to hear

hear and determine the Matter of every such Appeal, provided that Notice of every such Appeal hath been given Ten Days at least before such General Quarter Sessions, and to make such Order, and award such Costs, as to them in their Discretion shall seem reasonable, and by their Order or Warrant, to levy the Costs and Damages which shall be so awarded by the said Justices, by Distress and Sale of the Goods and Chattels of the Party, or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

LVIII. And be it further enacted, That all such Lands and Grounds as shall, by virtue of this Act, be allotted to any Person or Persons for or in right of their respective Messuages, Mills, Lands, or Tenements, shall be held by such Person or Persons respectively in the same Manner, and shall be of the same Nature and Tenure as their respective Messuages, Mills, Lands, or Tenements, in right or in respect of which such Allotments shall be made, are holden respectively.

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

LIX. Provided always, and be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which shall be allotted or exchanged by virtue of this Act, shall hold their respective Lands or Hereditaments by different Tenures, or for different Estates, or under different Titles, the said Commissioners, or any Two of them, shall, upon the Request of such respective Proprietors, in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held by or under such respective Tenures, Estates, or Titles, and shall accordingly, in their said Award, set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments.

Separate Allotments to be made for Estates held by different Titles.

LX. Provided always, and be it further enacted, That all such Parts of the said Commons, Moors, or Tracts of Waste Lands, as shall be allotted to any Person or Persons for or in respect of any Copyhold or Customary Messuages, Mills, Lands, or Tenements, shall be added to, and from Time to Time pass and be surrendered by, and held in and by such and the like Surrenders and Admittances, as such ancient Copyhold or Customary Premises are, or have been passed, held, or surrendered, by and subject to the same Fees only for the said new Surrenders, Admittances, and Copies of the same, as such ancient Copyhold or Customary Premises are now respectively subject to; and that such Allotments shall be surrendered, admitted to, demised, and demiseable, together or separately, and in such Manner, and subject to such Suit of Court, Duties, Services, and Customs, as the same ancient Copyhold or Customary Tenements are now held, enjoyed, surrendered, admitted to, demised, and subject to respectively.

Allotments for Copyhold Tenements to pass by the same Surrenders.

LXI. Saving always to the King's most Excellent Majesty, His Heirs, and Successors, and all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the Owner or Owners of the

General Saving.

[Loc. & Per.]

Soil

Soil and Inheritance of the said Commons, Moors, or Tracts of Waste Land hereby directed to be divided, allotted, and inclosed, and all other Person and Persons entitled to any Right of Common in or upon the said Commons, Moors, or Tracts of Waste Land, or to the said Town Fields and Stinted Pasture, or either of them, his, her, and their Heirs, Successors, Executors, and Administrators respectively, and the Person or Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, who shall by virtue of this Act, make any Claim or Claims affecting the Boundary of the said Commons, Moors, or Tracts of Waste Land, or of the said Town Fields and Stinted Pasture respectively, or any Claim or Claims of Right of Common, or of any other Estate, Right, or Interest upon, in, to, or out of the said Commons, Moors, or Tracts of Waste Land, Town Fields, and Stinted Pasture, or any of them respectively, which shall be adjudged and determined against him, her, or them as aforesaid), all such Estate, Right, Title, and Interest, as they, every, or any of them had or enjoyed, of, in, to, or out of the said Commons, Moors, or Tracts of Waste Land hereby directed to be divided and inclosed as aforesaid, before the passing of this Act, or could or might have had or enjoyed if this Act had not been made.

Publick Act. LXII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges and Justices, and other Persons whomsoever, without specially pleading the same.

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