



ANNO QUADRAGESIMO QUINTO

GEORGGII III. REGIS.

Cap. 13.

An Act for inclosing Lands in the Parish of *Middletou*
in *Teesdale* in the County of *Durham*.

[25th March 1805.]

WHEREAS there are within the Township and Manor of *Middletou* in *Teesdale* in the Parish of *Middletou* in *Teesdale*, in the County of *Durham*, certain open and uninclosed Moors, Commons, and Tracts of Waste Land, containing several Thousand Acres, on which said Moors, Commons, and Tracts of Waste Land the Owners and Occupiers of certain ancient Freehold Messuages, Houses, Lands, and Tenements severally claim to be entitled to, and exercise, a Right of Common: And whereas, there are also within the Township and Manor of *Eggleston* in the Parish of *Middletou* in *Teesdale* aforesaid, certain open and uninclosed Moors, Commons, and Tracts of Waste Land containing several Thousand Acres, on which said last mentioned Moors, Commons, and Tracts of Waste Land the Owners and Occupiers of certain ancient Freehold Messuages, Houses, Lands, and Tenements severally claim to be entitled to and exercise a Right of Common: And whereas the right Honourable *William-Harry* Earl of *Darlington* is Lord of the Manor of *Middletou* in *Teesdale*, and as such is seised of and entitled to the Soil and Inheritance of Land in the Mines, Minerals, Fossils, Quarries, and Royalties within or under the said Moors, Commons, and Tracts of Waste Land within the Township and Manor of *Middletou* in *Teesdale* aforesaid: And whereas *Timothy Hutchinson* Esquire is Lord of the Manor of *Eggleston* aforesaid, and as such is seised of or entitled to the Soil and Inheritance of and in the Mines, Minerals, Fossils, Quarries, and Royalties within or under the said Moors, Commons, and Tracts of Waste Land within the Township

The Earl of
Darlington
Lord of the
Manor of
Middletou in
Teesdale.

Timothy
Hutchinson,
Esquire, Lord
of the Manor
of Eggleston.

[Loc. & Per.]

3 G

and

The King
Patron, and
the Rev.
Charles Baillie
Rector of
Middleton in
Teesdale.

Commission-
ers.

Appointment
of new Com-
missioners, in
case of Death,
&c.

and Manor of *Eggleson* aforesaid: And whereas the King's most Excellent Majesty is Patron of the Rectory of *Middleton* in *Teesdale* aforesaid, and the Reverend *Charles Baillie* is Rector of the Rectory and Church of *Middleton* in *Teesdale* aforesaid, and in right thereof is entitled to Tithes of Corn and Hay and the Small-Tithes arising, renewing, or payable, within the said Parish of *Middleton* in *Teesdale*, except Tithes of Hay within the ancient Inclosures of the said Townships of *Middleton* in *Teesdale* and *Eggleson*, in lieu whereof a certain Modus or Moduses, Prescript Payment or Prescript Payments hath or have been paid from Time immemorial: And whereas the said Earl of *Darlington*, the Right Honourable *John Bowes* Earl of *Strathmore*, *William Hutchinson* Esquire, *Joseph Dawson*, *John Robinson*, *John Addison*, *William Oliver*, and several other Persons are respectively Owners and Proprietors of Messuages, Lands, and Tenements within the said Manors and Townships of *Middleton* in *Teesdale* and *Eggleson*, which are all of Freehold Tenure, and in respect thereof are or claim to be entitled to Right of Common in and upon the said Moors, Commons and Tracts of Waste Land, or some or one of them: And whereas the said Moors, Commons, and Tracts of Waste Land in their present State are of little Use or Service to any of the Parties interested therein, but considerable Parts thereof are capable of Cultivation and great Improvement; and it would be of Advantage to all Parties concerned that the same should be divided, inclosed, and allotted in the Manner and under the Regulations herein-after mentioned; but for as much as the same cannot be effectually completed and established without the Aid of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That *Joseph Granger* of *Flass*, in the County of *Durham*, Gentleman, and his Successors, to be elected in Manner herein-after mentioned, shall be, and he and they are hereby appointed Commissioner and Commissioners for dividing, allotting, and inclosing and converting into Stinted Pasture or Stinted Pastures the said Moors, Commons, and Tracts of Waste Land, and for putting this Act into Execution pursuant to the Powers, Regulations, and Directions, herein-after contained, and to such of the Powers, Regulations, Restrictions, and Provisions, contained in an Act passed in the Forty-first Year of His Majesty's Reign, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*, as are not controuled by or repugnant to any of the Clauses, Provisions, or Regulations, contained in this Act; and that the Notices by the said last mentioned Act required to be given in some publick Newspaper of setting out publick Carriage Roads and of reading and executing the Award of the Commissioner shall be given and published in the *Newcastle Courant*, or if that Newspaper shall not then be published, in some other Newspaper generally circulated in the County of *Durham*.

II. And be it further enacted, That if the said *Joseph Granger* shall, before the Execution of all the Powers and Authorities hereby in him vested, die, decline, or refuse to act, or become incapable of acting, a new Commissioner for each of the said Townships of *Middleton* in *Teesdale* and *Eggleson*, for the Execution of all the then remaining Powers and Authorities, with regard to each respective Township, shall be elected in
Manner

Maner following (that is to say), it shall be lawful for the said Earl of *Darlington* or the Lord of the Manor of *Middleton* in *Teesdale* for the Time being, or his known Agent or Attorney, by Writing under his Hand, and the Majority in Value of the Proprietors and Persons entitled to Right of Common upon the said Moors, Commons, and Tracts of Waste Land lying within the Manor and Township of *Middleton* in *Teesdale* aforesaid, or their known Agents or Attorneys who shall be present at a publick Meeting to be held for this Purpose in the Township of *Middleton* in *Teesdale* aforesaid (in pursuance of a Notice to be given in Writing for that Purpose and to be affixed upon the outer Door of the Church of *Middleton* in *Teesdale* aforesaid, at least Fourteen Days before such Meeting), by Writing under their Hands, to nominate and appoint a proper Person not interested in the said Division and Inclosure, to be a Commissioner in the room of the said *Joseph Granger* for executing the Powers and Authorities of this Act, which relate to the Lands and Grounds within the Manor and Township of *Middleton* in *Teesdale* aforesaid, and so from Time to Time as often as any Commissioner so to be appointed by the Lord of the Manor and Proprietors of Commonable Lands and Tenements within the Manor and Township of *Middleton* in *Teesdale* aforesaid shall die, decline, or refuse to act, or become incapable of acting; and it shall and may be lawful for the said *Timothy Hutchinson*, or the Lord of the Manor of *Eggleston* for the Time being, or his known Agent or Attorney, by Writing under his Hand, and the Majority in Value of the Proprietors and Persons entitled to Right of Common upon the said Moors, Commons, and Tracts of Waste Land lying within the Manor and Township of *Eggleston* aforesaid, or their known Agents or Attorneys who shall be present at a publick Meeting, to be held for this Purpose in the Township of *Eggleston* aforesaid, (in pursuance of a Notice for that Purpose, to be given in Writing and to be affixed upon the outer Door of the Chapel of *Eggleston* aforesaid, at least Fourteen Days before such Meeting), by Writing under their Hands to appoint a proper Person not interested in the said Division and Inclosure to be a Commissioner in the room of the said *Joseph Granger* for executing the Powers and Authorities of this Act, which relate to the Lands and Grounds within the Manor and Township of *Eggleston* aforesaid, and so from Time to Time as often as any Commissioner so to be appointed by the Lord of the Manor and Proprietors of Commonable Lands and Tenements within the Manor and Township of *Eggleston* shall die, decline, or refuse to act, or become incapable of acting.

III. And be it further enacted, That out of the Money that shall arise for defraying the Expences of executing this Act there shall be paid to the Commissioner acting in the Execution thereof, as a Recompence for his Pains and Trouble, the Sum of Two Pounds and Two Shillings for each and every Day he shall be employed in travelling to, returning from, and attending in the Execution of this Act, and no more; and at all Meetings to be held in pursuance of this Act, such Commissioner shall also out of such Allowance defray his travelling and all other Expences; and that there shall be paid to the Surveyor to be appointed for the Purpose of this Act to much for every Acre of the Land and Ground which shall be surveyed and measured in pursuance thereof, as the Commissioner acting in the Execution of this Act, together with the Majority in Value of the Proprietors of Commonable Lands and Tenements situate and lying within

Recompence
to Commis-
sioner and
Surveyor.

in the respective Townships in which the said Surveyor shall be employed shall adjudge to be a full Recompence and Satisfaction for all his Expences and Charges whatsoever in attending the said Commissioner, and in surveying and admeasuring the Lands and Grounds, and in planning and staking out the Allotments intended to be made, and in making such Maps and Plans as may be required in the Execution of this Act.

Middleton.
Notice of
Commission-
ers Sittings.

IV. And be it further enacted, That the Commissioner for the Time being shall cause Notice to be given in the Church of *Middleton* in *Teesdale*, and Chapel of *Eggleston* aforesaid, on some *Sunday* immediately after Divine Service, or otherwise, in Writing, to be affixed upon the principal outer Door of the said Church and Chapel, of the Time and Place of his first and every other Sitting for the Execution of this Act, at least Seven Days before every such Sitting shall be held (Sittings by Adjournment only excepted); and that the said Commissioner shall and may adjourn any such Sitting from Time to Time as he shall see Occasion, for the further Execution of this Act.

Commission-
er to deter-
mine Disputes
among Pro-
prieters.

V. And be it further enacted, That if any Dispute or Difference shall arise between any of the Proprietors or Persons interessed in any of the Lands intended to be divided and allotted or converted into a Stinted Pasture or Stinted Pastures by this Act, concerning the respective Rights and Interests which they, or any of them, claim to have in or upon, or in any Manner respecting or relating to the same Lands, or any or either of them, it shall be lawful for the Commissioner to hear, adjudge, and determine the same.

If Parties
dissatisfied an
Issue at Law
given.

VI. Provided, and be it further enacted, That in case the Party or Parties making any Claim in pursuance of this Act, or the Person or Persons objecting thereto, shall be dissatisfied with the Determination of the Commissioner, and shall, by Writing under his, her, or their Hand or Hands, or the Hand or Hands of his, her, or their known Agent, respectively signify the same to the said Commissioner within Two Calendar Months next after any such Determination shall be made, in such Case, but not otherwise, it shall be lawful for the Person or Persons so dissatisfied with such Determination, to have the Subject of such Claim or Objection in respect of which such Determination shall be made, tried at Law by an Action to be brought by him, her, or them against any Person or Persons in whose Favour any Determination shall have been so made, upon a feigned Issue, to be settled by the proper Officers of the Court where such Action shall be brought, in case the Parties differ about the same, such Action to be brought within Three Calendar Months next after any such Determination shall have been made; and the Defendant or Defendants in such Action shall and is, and are hereby required to appear to such Action, accept a Declaration and plead to Issue, and the Plaintiff or Plaintiffs shall thereupon proceed in such Action, so as to have the same tried and determined at the First or Second Assizes to be holden for the County of *Durham*, next after the Commencement of such Action, and the Verdict of the Jury on such Trial, if the same shall be satisfactory to the Court, shall be binding, final, and conclusive upon all the Parties interested therein; and that after such Trial the said Commissioner shall, and he is hereby required to act in conformity to the Verdict or Verdicts thereupon given, and to allow or disallow the Claim or Claims thereby determined

determined according to the Event of such Trial or Trials: Provided always, that all such Determinations of the said Commissioner as shall not be objected to by such Notice to be given to the said Commissioner as aforesaid, or being so objected to, and the dissatisfied Parties respectively not causing such Action at Law to be brought and proceeded in as aforesaid, shall be absolutely binding, final, and conclusive.

VII. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend to authorize or empower the Commissioner or his Successor or Successors to divide, inclose, or allot, or in any Manner to intermeddle with, (except as is herein-after mentioned), any Part of the Moors, Commons, or Tracts of Waste Land within the Township of *Eggleston* aforesaid, which have been at any Time heretofore, or which shall, before or at the passing of this Act, be divided, inclosed, and allotted, or marked and set out with Stakes or other Land Marks for that Purpose, by virtue or in pursuance of an Act passed in the Twenty-fifth Year of His present Majesty's Reign, intituled, *An Act for dividing and inclosing certain Parts of the Moors, Commons, and Waste Lands, within the Manor of Eggleston, in the County of Durham.*

This Act not
to interfere
with Act of
25 G. 3.

VIII. And be it further enacted, That all and every Person and Persons having, or claiming to have, any Right of Common, in, over or upon the said Moors, Commons, or Tracts of Waste Land intended by this Act to be divided, allotted, and inclosed, and converted into Stinted Pastures, shall and they are hereby required, by themselves or their known Agents or Attorneys, at the First or Second Sitting of the said Commissioner, to give and deliver in a written Account of the real Rent and Annual Value of the Lands and Tenements, in Right of which they claim Benefit by virtue of this Act, to be verified by Oath or Affirmation (the Person so claiming being a Quaker), if required so to do by the said Commissioner, which Oath or Affirmation the said Commissioner is hereby authorized to administer.

Claimants to
give in Ac-
counts upon
Oath of the
Rents and
Value of their
Lands.

IX. And be it further enacted, That all Inclosures and Encroachments which have been taken from the said Moors, Commons, and Tracts of Waste Land at any Time or Times since *Michaelmas* in the Year of our Lord One thousand seven hundred and eighty-five, shall be deemed Part and Parcel of the said Moors, Commons, and Tracts of Waste Land, so to be divided, allotted, inclosed, and converted into Stinted Pastures; and in case any Differences or Disputes shall arise, touching any such Inclosures or Encroachments being deemed Part or Parcel of the said Moors, Commons, and Tracts of Waste Land, such Differences or Disputes shall be referred to the Determination of the said Commissioner, to be by him proceeded in, examined into, and finally determined.

Encroach-
ments since
1785 to be
deemed Par-
cel of the
Commons.

X. And be it further enacted, That the Commissioner for the Time being shall, and he is hereby authorized and required, as soon as conveniently may be, after such publick Roads as may be necessary shall be set out under or by virtue of the said Act of the Forty-first Year of His present Majesty, in the next Place to ascertain the Rights and Interests of the several Persons and Parties interested in the Division and Inclosure of the said Moors, Commons, and Tracts of Waste Land, within the Manor

After setting
out Roads
the Rights of
Parties to be
ascertained.

Three Thou-
sand Acres in
Middleton to
be allotted
for a Stinted
Common
Pasture.

One Sixteenth
thereof for
the Lord of
the Manor of
Middleton.

Residue
amongst the
Lord and
other Owners.

and Township of *Middleton* in *Teesdale* aforesaid, and to set out and allot unto and for the said Earl of *Darlington* and the several Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments, having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Land, in the said Manor and Township of *Middleton* in *Teesdale* aforesaid, in one Allotment or Inclosure, a Plot or Parcel of Land adjoining the Ancient Inclosures within the said Township of *Middleton* which shall contain not more than Three thousand Acres, to be used and enjoyed in common, by the said Earl of *Darlington*, and the several Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments, having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Land, within the said Manor and Township of *Middleton* as a Stinted Common Pasture; and that the said Commissioner shall in his Award set out, appoint, and apportion in Cattle-gates, unto and for the said Earl of *Darlington*, in respect of his Right as Lord of the Manor to the Soil thereof, one full Sixteenth Part of the said Allotment of Three thousand Acres, so to be set out as a Stinted Common Pasture, over and besides such Share thereof, as he shall be entitled to in respect of his Commonable Messuages, Lands, Tenements, and Hereditaments, in the Township of *Middleton* in *Teesdale* aforesaid; and that the said Commissioner shall also ascertain, specify, and set forth in his Award the further Number of Cattle-gates, which the same Allotment so to be set out as a Stinted Common Pasture, as aforesaid, shall be capable of agisting or depasturing, and the respective Cattle-gates and Shares of Cattle-gates thereon, to which all and every the Owners of Messuages, Lands, Tenements and Hereditaments, having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Land shall be entitled, in respect of such Commonable Messuages, Lands, Tenements, and Hereditaments; and that the said last mentioned Cattle-gates and Shares of Cattle-gates so to be apportioned and set out as aforesaid shall be estimated, allotted, and apportioned by the said Commissioner, to and amongst the said Earl of *Darlington* and the several other Owners of Commonable Messuages, Lands, Tenements, and Hereditaments, having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Land in the Proportions such Commonable Messuages, Lands, Tenements and Hereditaments are respectively rated in the Pours Rate for the Township in which they are respectively situate, made and collected next or immediately preceding the passing of this Act; and shall also order and direct, that the said last mentioned Allotment so to be set out as a Stinted Common Pasture be, as soon as conveniently may be after the passing of this Act, well and sufficiently fenced.

Allotment of
Residue.

XI. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required by his Award to set out all the Residue of the said Moors, Commons, and Tracts of Waste Land within the Township and Manor of *Middleton* in *Teesdale* aforesaid, to be held and occupied in Common as a Stinted Pasture, and to set out, appoint, and apportion in Cattle-gates unto and for the said Earl of *Darlington*, in respect of his Right to the Soil thereof as Lord of the Manor, One full Sixteenth Part of such Residue of the said Moors, Commons, and Tracts of Waste Land in the Township and Manor of *Middleton* in *Teesdale* aforesaid, so to be set out, to be held in Common as a Stinted Pasture, and shall then ascertain, specify, and set forth the further Number of Cattle-gates
which

which the said Residue of the said Moors, Commons, and Tracts of Waste Land in the Township and Manor of *Middletou* in *Teesdale* aforesaid so to be set out, to be held in Common as a Stinted Pasture, shall be capable of acting or depasturing, and the respective Cattle-gates and Shares of Cattle-gates thereon to which all and every the Owners of Messuages, Lands, Tenements, and Hereditaments having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Land, within the said Township and Manor of *Middletou* in *Teesdale* shall be entitled, in respect of such Messuages, Lands, Tenements, and Hereditaments; and that the said last mentioned Cattle-gates and Shares of Cattle-gates, so to be apportioned and set out as aforesaid, shall be estimated, allotted, and apportioned by the said Commissioner to and amongst the said Earl of *Derby* and the several other Owners of Messuages, Lands, Tenements, and Hereditaments, having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Land within the Township and Manor of *Middletou* in *Teesdale*, in the Proportions they are respectively rated in respect of the same Messuages, Lands, Tenements, and Hereditaments in the Pours Rate for the Township in which the said Commonable Messuages, Lands, Tenements, and Hereditaments are respectively situate, made, and collected next or immediately preceding the passing of this Act.

XII. And be it further enacted, That the said *Joseph Granger* or the Commissioner for the Time being for the said Township of *Eggleston* shall, and he is hereby authorized and required (after such publick and private Roads as may be necessary shall be set out under or by virtue of the said Act of the Forty-first Year of His present Majesty) in the next place to ascertain the Rights and Interests of the several Persons and Parties interested in the Division and Inclosure of the said Moors, Commons, and Tracts of Waste Land, in the Township of *Eggleston* aforesaid, and to divide and inclose and set out and allot the Residue of the same Moors, Commons, and Tracts of Waste Land, in the Manner, and subject to the Directions and Regulations herein-after mentioned, that is to say, in the first place, he shall set out and allot unto and for the said *Timothy Hutchinson* Lord of the Manor of *Eggleston* aforesaid, or to the Lord of the said Manor for the Time being, as a Compensation for his Right in the Soil only, and for his Content to the Division and Inclosure thereof, one full Sixteenth Part of the said Moors, Commons, and Tracts of Waste Land, within the Township of *Eggleston*, or of such Part or Parts thereof as shall be divided and inclosed by virtue of this Act; and in the next place, shall set out, allot, apportion, and divide, the Residue of the said Moors, Commons, and Tracts of Waste Land, or of such Part or Parts thereof as shall be divided and inclosed by virtue of this Act, unto and among the said several Persons having Right of Common upon the said Moors, Commons, and Tracts of Waste Land, in the Township of *Eggleston* aforesaid, in proportion and according to the real annual Value of their respective Commonable Messuages, Lands, Tenements, and Hereditaments.

Directing
how A lot-
ments shall
be made.

XIII. Provided always, and be it enacted, That in case it shall appear to the Lord of the said Manor of *Eggleston* for the Time being, and to the major Part in Value of the Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments, having Right of Common in, over, and upon the said Moors, Commons, and Tracts of Waste Land, within the

Directing
how Notices
shall be given
and that Lord
or Lady or
the Manor
may act by
said Agent.

said Township of *Eggleston*, at any Meeting to be holden for the Purpose of considering the Expediency of dividing, allotting, and inclosing the Whole or only certain Parts of the same Moors, Commons, and Tracts of Waste Land (of which Meeting and of the Purpose thereof, Fourteen Days Notice in Writing shall be given, signed by the Lord of the said Manor of *Eggleston* for the Time being, or by any Two or more of such Owners or Proprietors, and affixed on the outer Door of the Chapel of *Eggleston* aforesaid) that only a certain Part or certain Parts of the said Moors, Commons, and Tracts of Waste Land, within the said Township of *Eggleston*, should be divided, allotted, and inclosed by virtue of this Act; then and in such Case upon Notice in Writing given to the said Commissioner, signed by the Lord of the said Manor and the major Part in Value of the Owners and Proprietors present at such Meeting, desiring and requiring that only a certain Part or certain Parts of the said Moors, Commons, and Tracts of Waste Land, should be divided, allotted; and inclosed by virtue of this Act, the said Commissioner shall not proceed in making a Division, Allotment, or Inclosure of the Whole of the said Moors, Commons, and Tracts of Waste Land, within the Township of *Eggleston* aforesaid, but only of such Part or Parts thereof as shall be specified and described in such last-mentioned Notice: Provided always, that it shall and may be lawful to and for the Lord or Lady of the said Manor of *Eggleston* for the Time being, or any Person or Persons interested in the said Division or Inclosure, to act by his, her, or their Agent or Proxy, appointed by Writing under his, her, or their Hand or Hands; and that all Acts, Matters, and Things, done or executed by such Agent or Proxy at such Meeting, shall be as good, valid, and effectual as if the same had been done and executed by such Lord or Lady of the said Manor for the Time being, or such other Person or Persons as aforesaid.

The Whole to
to be allotted.

XIV. And be it further enacted, That as well all such Parts of the said Moors, Commons, and Tracts of Waste Land, in the Township of *Eggleston* aforesaid, until the same shall be divided and inclosed as hereinbefore is directed, and also all such Part or Parts of the same Moors, Commons, and Tracts of Waste Land, as may at the passing of this Act be marked and set out with Stakes or Land Marks, by virtue of or under the said Act passed in the Twenty-fifth Year of His present Majesty's Reign, but which shall not be then subdivided and allotted, pursuant to the last mentioned Statute, until the same shall be subdivided and allotted under and by virtue of the same Statute, as also all the Residue of the same Moors, Commons, and Tracts of Waste Land, shall be set out and allotted, and the said Commissioner is hereby authorized and required to set out and allot the same unto and amongst the said *Timothy Hutchinson* Lord of the said Manor of *Eggleston*, and the several Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments, having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Land within the Township of *Eggleston* aforesaid, to be used and enjoyed in Common by the said *Timothy Hutchinson* and the said several Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments, having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Land, within the said Township of *Eggleston* as a Stinted Common Pasture; and that the said Commissioner shall in his Award set out, appoint, and apportion in Cattle-gates unto and for the said *Timothy Hutchinson* as Lord of the Manor in respect of his Right to the Soil thereof,
one

one full Sixteenth Part of the same Lands and Grounds so to be set out as a Stinted Common Pasture in the Township of *Eggleston* aforesaid, over and besides such Share thereof as he shall be entitled to in respect of his commonable Messuages, Lands, Tenements, and Hereditaments, in the Township of *Eggleston* aforesaid; and that the said Commissioner shall also ascertain, specify, and set forth in his Award the further Number of Cattle-gates which the said Lands and Grounds so to be set out as a Stinted Common Pasture in the Township of *Eggleston* as aforesaid shall be capable of agitting or depasturing, and the respective Cattle-gates and Shares of Cattle-gates thereon to which all and every the Owners of Messuages, Lands, Tenements, and Hereditaments, having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Lands, within the said Township of *Eggleston*, shall be entitled in respect of such Commonable Messuages, Lands, Tenements, and Hereditaments, respectively, and that the said Cattle-gates and Shares of Cattle-gates last mentioned so to be apportioned and set out as aforesaid, shall be estimated, allotted, and apportioned by the said Commissioner to and amongst the said *Timothy Hutchinson* and the several other Owners of Messuages, Lands, Tenements, and Hereditaments, having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Land, within the said Township of *Eggleston* in proportion and according to the real annual Value of the Messuages, Lands, Tenements, and Hereditaments, in respect whereof they are severally entitled to Right of Common upon the same Moors, Commons, and Tracts of Waste Lands, in the said Township of *Eggleston*.

One Sixteenth
to the Lord.

Residue
among the
Lord and
Owners.

XV. And be it further enacted, That it shall and may be lawful to and for the Lord or Lords for the Time being of the said Manors of *Middleton* in *Teesdale* and *Eggleston* respectively, together with the respective several Owners for the Time being of Rights of Common on such Parts of the said Moors, Commons, and Tracts of Land within the said Manors and Townships of *Middleton* in *Teesdale* and *Eggleston* respectively as are hereby directed to be set out as Stinted Pastures, or the major Part in Value of such respective Owners (such Value to be ascertained according to the Rentals and Rates collected, made, and settled in the then last Collections of Land Tax, Poor Rates, and other Parochial Assessments within the said respective Townships) from Time to Time after the Execution of the said Award of the said Commissioners, to make such Rules and Orders in Writing under their Hands for regulating the Manner of using and occupying such Stinted Pastures respectively, at all Times of the Year, and of flocking the same with Cattle, Sheep, Horses or other Stock, and for limiting and stinting the Number and Kinds of the said Stock, and for limiting the Times and Seasons for stocking, and such other Rules, Orders, and Regulations for the better Management and more convenient Enjoyment thereof respectively, as they respectively shall from Time to Time think proper and for the Benefit of all Persons interested therein respectively, according to their respective Rights and Interests; and also from Time to Time in like Manner to amend, repeal, and alter all or any of such Rules, Orders, and Regulations, and make such Orders as they shall respectively deem expedient and for the Benefit of all Persons interested therein, according to their respective Rights and Interests therein respectively; and such Rules, Orders, and Regulations shall from Time to Time be binding upon and observed by all Persons

Regulations
for occupying
the Stinted
Pastures of
both Manors.

[Loc. & Per.]

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interested

interested in the said Stinted Pastures respectively, in respect of which such Rules, Orders, or Regulations shall be made.

Fencing of
Rector's Al-
lotment.

XVI. And be it further enacted, That any Allotment or Allotments of Land which shall be set out and awarded by virtue of this Act unto the said *Charles Baillie*, or his Successors, Rectors of the said Rectory, in Right of the same, shall be fenced with a Stone Wall well capped five Quarters high, under the Direction of the Commissioner for the Township in which such Allotment or Allotments shall respectively be, and at the Expence of the rest of the Owners and Proprietors of Lands and Tenements within such Township, and shall be allotted to the said Rector and his Successors clear of all Charges whatsoever; and that the Expence of fencing such Allotment or Allotments of Land, and the proportionable Part of the Costs and Charges attending such Division and Inclosure with respect to the Lands of the said Church of *Middleton in Teesdale*, shall be assessed by the said Commissioner, together with the other incidental Charges of the said Division as herein-after mentioned; and that, from the Time of taking up into Tillage and inclosing all and every the Plots and Parcels of Land which shall be divided and inclosed by virtue of this Act, within the said respective Townships of *Middleton in Teesdale* and *Eggleson* aforesaid, or either of them, the several Allotments therein respectively, in Consideration of the Costs and Charges to be paid as aforesaid of inclosing and fencing the Allotment or Allotments to be set out to the said Rector and his Successors in Right of the said Church, shall be free and exempt from Tithes for Seven Years.

Exemption
from Tithes.

Repairs of
Rector's
Allotment.

XVII. Provided always, and be it further enacted, That after making such Inclosures and Fences of the Allotment or Allotments of Land to the Rector of *Middleton in Teesdale* aforesaid, the same shall for ever thereafter be kept in Repair by the said Rector and his Successors, and the Owner or Owners of the adjoining Allotment or Allotments, or any of them, in such Shares and Proportions as the said Commissioner shall by his Award direct.

Allotments to
be fenced by
Proprietors.

XVIII. And be it further enacted, That the several other Allotments of Lands which shall be made by virtue of this Act shall be inclosed and fenced at the Expence of the respective Proprietors, (except the said Rector) in such Manner and within such Time, and from thenceforth kept in Repair in such Proportions as the said Commissioner shall by his Award direct.

Tithes, &c.

XIX. Provided, and be it further enacted, That all such Allotments of Land as shall be inclosed in pursuance of this Act within the said Manors and Townships of *Middleton in Teesdale* and *Eggleson* respectively, shall after such Inclosure thereof respectively be subject and liable to the Payment of such Tythes or of such Moduses or prescript Payments in lieu of Tythes only, and entitled to such Exemptions and Privileges as the Lands in respect of which such Allotments so to be inclosed shall respectively be made, were respectively subject and liable or entitled to at the Time of passing this Act.

Directing
Leases grant-
ed by the
Rector shall

XX. Provided always, and be it enacted, That no Lease or Leases to be granted or demised by virtue of the said recited Act, by the Rector

Rector of the said Parish of *Middleton*, or his Successors, of any Lands or Grounds to be allotted to him or them by virtue of this Act, in Right of the said Rectory, shall be good, valid, or effectual without the Consent of the King's most Excellent Majesty first had and obtained thereto.

not be valid, without the King's Consent.

XXI. And be it further enacted, That no Sheep shall be allowed to depasture on any Allotment of Land so to be set out, divided, and inclosed as aforesaid for Ten Years next after the Date and signing the Commissioner's Award or Awards respectively.

Sheep not to be depastured.

XXII. 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 in Severalty by virtue of this Act at any Time or Times thereafter to win, get, and work Stones within their said respective Allotments, and also to win, get, and work Stones in and out of the Common Quarries to be set out by the said Commissioner as well for the use of the Ground 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.

Authorizing Owners of Allotments to get Stone.

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to revoke, alter, or make void any Settlement, Deed, Will or Lease whatsoever, or to prejudice any Person or Persons whomsoever having any Right or Claim of Dower, Jointure, Rent Service, Debt, Charge or Incumbrance of, in, to, or out of, or affecting any of the Messuages, Lands, Tenements, or Hereditaments in respect whereof any Allotment of the said Moors, Commons, and Tracts of Waste Land, shall be made by virtue of this Act, but that the several Lands, Tenements, and Hereditaments which shall be assigned or allotted to the several Proprietors respectively, shall, immediately after the Execution of the Award or Awards of the said Commissioner, be vested in, remain, and be held and enjoyed by the several Persons to whom the same shall be assigned or allotted, to for and upon such and the same Uses, Estates, Interests, Trusts, Intents and Purposes, and under and subject to the same Powers, Provisoes, Limitations, Conditions, Covenants, Debts, Charges, and Incumbrances and Provisions of every Kind, and in the same Manner as the several Hereditaments in respect whereof the same shall be respectively assigned or allotted would have stood severally limited or settled to, or subject or liable to, if this Act had not passed.

This Act not to avoid prior Charges and Incumbrances.

XXIV. And be it further enacted, That the Boundary between the said Manor and Township of *Middleton* in *Teesdale*, and the said Manor and Township of *Egglesfen*, shall be ascertained and fixed by the said Commissioner, pursuant to the Powers, Regulations, and Directions, contained in the said Act of the Forty-first Year of the Reign of His present Majesty, herein-before referred to; and that after the same Boundary shall have been so ascertained and fixed, the said Commissioner shall and he is hereby authorized and required, by such Agents, Workmen, and Labourers, as he shall think fit to employ in that Behalf, to erect and build a good and sufficient Stone Wall of the Height of Six Feet, with an Edgewise Cape, for and as the said Boundary Fence between the said

Boundary Fence.

Manors, where the said Manors may happen to adjoin and lie contiguous to each other, to or on the West of a certain Beck, called *Eggleburn Beck*, and that the Costs, Charges, and Expences of erecting and building the said Stone Wall for a Boundary Fence between the said Manors and Townships, as in that Behalf aforesaid, shall be borne, paid, and defrayed, and that the same Wall shall from Time to Time and for ever after the Building thereof be repaired, supported, maintained, and kept in repair, by the said Manors and Townships of *Middleton in Teesdale* and *Eggleston* in equal Moieties (that is to say) one Moiety or Half-part of the said last mentioned Expences shall be borne and defrayed by the several Owners and Proprietors of commonable Lands and Tenements, situate within the said Manor and Township of *Middleton*, by an equal Rate or Assessment, Rates or Assessments, to be made from Time to Time as Necessity may be or require by the said Commissioner or his Successor or Successors, upon all such Owners and Proprietors respectively in Proportion and according to the real Value of their said respective Lands and Tenements within the same Manor; and the other Moiety of the same Expences shall be borne and defrayed by the several Owners and Proprietors of Commonable Lands and Tenements situate within the said Manor and Township of *Eggleston* by an equal Rate or Assessment, Rates or Assessments, to be made from Time to Time as Necessity may be or require, by the said Commissioner, or his Successor or Successors, upon all such Owners and Proprietors respectively in Proportion and according to the real Value of their said respective Lands and Tenements within the said last mentioned Manor, and all and every such Rate and Rates, Assessment or Assessments, shall be payable and paid by the Persons therein named respectively, and to such Person or Persons and at such Time or Times as shall by the said Commissioner, or his Successor or Successors, be named and appointed in or by the said Rate or Rates in that Behalf; and in case any Person or Persons chargeable with and liable to contribute to the said last mentioned Expences shall refuse or neglect to pay his, her, or their Share or Proportion of the same Expences, to be specified and fixed in and by the said Rate or Rates, Assessment or Assessments, to the Person or Persons to whom, and at the Time or Times, when the same shall be so limited and appointed to be paid in Manner as in that Behalf last aforesaid; after Demand made thereof, then the said Commissioner or his Successor or Successors, shall and may, and they are hereby empowered and required by Warrant under his or their Hand and Seal, directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels, wheresoever the same shall be found, of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels after deducting the Costs and Charges of making such Demand, Warrant, Distress, and Sale.

Reservation
to the Earl of
Darlington of
Seignories and
Royalties, &c.

XXV. And be it further enacted, That nothing in this Act contained shall defeat, lessen, or prejudice the Right, Title, or Interest, of the said Earl of *Darlington*, his Heirs, Lessees, and Assigns, of, in, or to the Seignories and Royalties incident and belonging to the said Manor of *Middleton in Teesdale*, but that the Lord of the said Manor for the Time being 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, Estrays, and all Royalties, Jurisdictions, Matters, and Things, whatsoever

to the same Manor incident, belonging or appertaining, in as full, ample, and beneficial Manner, to all Intents and Purposes, as he or they could or might have held and enjoyed the same if this Act had not been made; and that the said Earl of *Darlington* and his Heirs; and all Persons claiming under him and them, shall and may from Time to Time and at all Times hereafter have, hold, work, and enjoy all Mines, Minerals, and Quarries, of what Nature or Kind soever, lying and being within or under the said Moors, Commons, and Tracts of Waste Land, in the Manor and Township of *Middleton* in *Teesdale* aforelaid, together with all convenient and necessary Ways, and Way Leaves in, through, over and along the said Moors, Commons, and Tracts of Waste Land, in the Township of *Middleton* in *Teesdale* aforelaid, not only before but also at all Times after the same shall have been set out as a Sintered Common Pasture in pursuance of this Act; and full and free Liberty at all Times hereafter of making, laying, repairing, and using, any new Road or Roads, Waggon Way or Waggon Ways, or any other Way or Ways whatsoever, in, through, over, or along the same Lands and Grounds; and for that Purpose to take away and remove any Hedges, Fences, Trees, Partitions, or other Obstructions which shall be made for dividing or inclosing the said Lands and Grounds, and do every other Act either now in Use or hereafter to be devised for the Purpose of searching for, draining, winning, and working, and leading and carrying away all such the said Mines, Minerals, and Quarries, belonging to the said Earl of *Darlington* wheresoever the same are or shall be found, and also of leading and carrying away all Iron, Wood, Materials, and Things, unto the same Mines and Quarries necessary or proper for the Draining, Winning, Working, and Use of the same respectively, and of making Pits, Shafts, Pit Rooms, Heap Rooms, Drifts, Levels, Watercourses, and Drains, and of erecting and using Fire Engines, and other Engines, and other Buildings, Workshops, Hay Yards, and Raft Yards, and all other necessary and convenient Works, Buildings, Erections, Liberties, Powers, and Authorities, either now in Use or hereafter to be invented, together with full and free Liberty, Power, and Authority, from Time to Time and at all Times, at his or their Will and Pleasure, to remove and take away and convert to his and their own Use and Uses, all and every the Rails, Sleepers, Iron, Timber, and other Materials of the said Waggon Ways and other Ways, Pit Shafts, Fire Engines, and other Engines and Erections whatsoever, without paying any Damages or making any Satisfaction for so doing.

XXVI. 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 *Timothy Hutchinson* as Lord of the Manor of *Eggleston*, his Heirs, Lessees, or Assigns, of, in, and to the Seignories and Royalties incident and belonging to the same Manor, but that the Lord of the same Manor for the Time being 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, Estrays, and all Royalties, Jurisdictions, Matters, and Things, whatsoever to the said Manor of *Eggleston* incident, belonging, or appertaining, 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 that the said *Timothy Hutchinson* and his Heirs, and all Persons claiming under him and them, shall and may from Time to Time, and at all Times hereafter, have,

Reservation
of Seignories
and Royalties
&c. to Mr.
Hutchinson.

hold, work, and enjoy all Mines, Minerals, and Stone Quarries, of what Nature and Kind soever, lying and being within or under the said Moors, Commons, and Tracts of Waste Land, in the Township of *Eggleston* aforesaid, together with all convenient and necessary Ways and Way Leaves in, through, over, and along the same Moors, Commons, or Tracts of Waste Land, within the said Township and Manor of *Eggleston*, or any Part or Parts thereof, not only before but also at all Times after the same shall be divided, allotted, and inclosed in pursuance of this Act, and full and free Liberty at all Times hereafter of making, repairing, and using any new Road or Roads, Way or Ways, for Waggon Ways, or any other Way or Ways whatsoever in, through, over, or along the same Lands or Grounds; and for that Purpose to take away or remove any Hedges, Fences, Trees, Partitions or other Obstructions which shall be made for dividing the said last mentioned Moors, Commons, and Tracts of Waste Land, in the Township of *Eggleston*, and to do every act either now in use or hereafter to be devised for the Purpose of searching for, draining, winning, working, leading, and carrying away the said Mines, Minerals, and Quarries within and under the said Moors, Commons, and Tracts of Waste Land, in the Township of *Eggleston*, and also of leading and carrying all Iron, Wood, Materials, and Things, unto the said Mines and Quarries necessary or proper for the draining, winning, working, and Use of the same respectively, and of making Pit Shafts, Pit Rooms, Sleep Rooms, Drifts, Levels, Watercourses and Drains, and of erecting and using Fire Engines and other Engines, and other Buildings, Work Shops, Hay Yards and Rait Yards, and all other necessary and convenient Works, Buildings, Erections, Liberties, Powers and Authorities either now in use, or hereafter to be invented; together also with full and free Liberty, Power, and Authority from Time to Time and at all Times, at his or their Will and Pleasure, to remove and take away and convert to his and their own Use and Uses, all and every the Rails, Sleepers, Iron, Timber, and other Materials of the said Waggon Ways, and other Ways, Pit Shafts, Fire Engines, and other Engines, and Erections whatsoever, without paying any Damages or making any Satisfaction for so doing; save and except reasonable Satisfaction for Damage and Spoil of Ground within the Inclosures which shall be made and allotted in Severalty in pursuance of this Act.

Charges and
Expences.

XXVII. And be it further enacted, That all such Charges and Expences as shall or may be incurred preparatory to and about the obtaining and passing of this Act, shall be paid and borne in equal Moieties by the Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Land, within the Manor and Township of *Middleton* in *Teesdale* aforesaid, and the Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments, having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Land, within the Manor and Township of *Eggleston* aforesaid; and that a Moiety of the said Charges and Expences incurred preparatory to, and in and about the obtaining and passing of this Act, also all Charges and Expences of surveying, measuring, planning, dividing, and allotting, the said Moors, Commons, and Tracts of Waste Land, in the Manor and Township of *Middleton* in *Teesdale* aforesaid; and of setting out, forming, and making publick and private Roads within the same, and for preparing and enrolling the Award or Awards of the said Commissioner relating to the said Manor and Township
of

of *Middleton in Teesdale*; and all other reasonable Expences and Charges of the said Commissioner, and other proper and necessary Expences in the Execution of this Act, and of the said Act of the Forty-first Year of His present Majesty, as far as the same relate to the Moors, Commons, and Tracts of Waste Land in the Manor and Township of *Middleton in Teesdale*, aforesaid, from Time to Time as the same shall respectively accrue, shall be paid and borne by the several Owners and Proprietors of Messuages, Lands, Tenements, or Hereditaments, having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Land, within the Manor and Township of *Middleton in Teesdale* aforesaid in such Proportion and in such Manner, and at such Time or Times, either before or after the Execution of the Award of the said Commissioner, as the said Commissioner shall direct or appoint, (except the said *Charles Baillie* and his Successors, Rectors of *Middleton in Teesdale* aforesaid), and that a Moiety of the said Charges and Expences preparatory to and of obtaining and passing this Act, and also all Charges and Expences of surveying, measuring, planning, dividing, and allotting the said Moors, Commons, and Tracts of Waste Land, in the Manor or Township of *Eggleston* aforesaid, and of setting out, forming, and making publick and private Roads within the same, and of preparing and enrolling the Award or Awards of the said Commissioner relating to the Manor and Township of *Eggleston* aforesaid, and all other the reasonable Expences and Charges of the said Commissioner, and other proper and necessary Expences in the Execution of this Act, and of the said Act of the Forty-first Year of His present Majesty, as far as the same relate to the Moors, Commons, and Tracts of Waste Land, in the Manor and Township of *Eggleston* aforesaid, from Time to Time as the same shall respectively accrue, shall be paid and borne by the several Owners and Proprietors of Messuages, Lands, Tenements, and Hereditaments, having Right of Common in and upon the said Moors, Commons, and Tracts of Waste Land, within the Manor and Township of *Eggleston* aforesaid, in such Proportion and in such Manner, and at such Time and Times either before or after the Execution of the Award of the said Commissioner, as the said Commissioner shall direct or appoint, (except the said *Charles Baillie* and his Successors Rectors of *Middleton in Teesdale* aforesaid.)

XXVIII. And be it further enacted, That if any of the Proprietors or Persons interested in the Execution of this Act, or any other Person or Persons on the Behalf of them or any of them shall advance and pay any Money in Discharge of the Fees and other Expences of obtaining or executing this Act, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioner, together with lawful Interest for the same, out of the first or any other Monies that shall or may be raised for the Purpose of this Act.

Money advanced to be reimbursed with Interest.

XXIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, other than and except such Orders and Determinations of the said Commissioner as are herein directed to be final and conclusive, and excepting such Cases wherein an Issue at Law shall be tried as herein before mentioned, then and in every such Case he, she or they may appeal to the General Quarter Session of the Peace, which shall be holden for the County of *Durham*, within Four Calendar Months next after

Appeal to Quarter Session.

after the Grounds of Complaint shall have arisen, on giving the said Commissioner and to the Party concerned Fourteen Days Notice in Writing of such Appeal, in which Notice shall be distinctly stated and specified the Ground or Grounds, Cause or Causes of such Appeal; and the Justices not interested therein at such General Quarter Session are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages as to them shall seem reasonable, and by their Order and Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party and 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 such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive to all Parties, and shall not be removed by *Certiorari* or any other Writ or Process into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them shall seem reasonable, and to be levied in Manner aforesaid.

Saving Clause.

XXX. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person and Persons, Bodies Politick, Corporate and Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except the Lords of the said Manors for the Time being, touching their Rights to the Soil of the said Moors, Commons, or Tracts of Waste Land, hereby directed to be divided, allotted, and inclosed or converted into a Stinted Pasture or Stinted Pastures, and all other Persons entitled to any Right of Common in or upon the said Commons, Moors, or Tracts of Waste Land, his, her, and their Heirs, Successors, Executors and Administrators respectively, and the Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, who shall make any Claim or Claims of Right of Common, or of any other Nature, Estate, Right, or Interest upon, in, to, or out of, or relative to the said Commons, Moors, or Tracts of Waste Land, or either of them, which shall be adjudged and determined against him, her, or them, under and by virtue of this Act or the said recited Act) all such Right, Title, and Interest, as they, every or any of them could or ought to have had or enjoyed, in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, 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.

Act to be
printed by the
King's
Printer.

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

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