



ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.



Cap. 26.

An Act for inclosing Lands in the Parish of *Bywell Saint Peter*, in the County of *Northumberland*.

[4th April 1811.]

WHEREAS there is within the Manors of *Newlands* and *Whittonstall*, or *Whittingstall* alias *Quittingstall*, in the Parish of *Bywell Saint Peter*, in the County of *Northumberland*, a Common Moor or Tract of Waste Ground, commonly called or known by the Name of *Newlands* and *Whittonstall* Common, containing by Estimation One thousand four hundred Acres or thereabouts: And whereas the Commissioners and Governors of the Royal Hospital for Seamen, at *Greenwich* in the County of *Kent*, are Lords of the said Manors of *Newlands* and *Whittonstall*, or *Whittingstall* alias *Quittingstall*, and as such are seised or possessed of or entitled to the Soil and Inheritance, and the Mines, Minerals, Quarries, and Royalties, of, within, and under the said Common Moor or Waste, as Part and Parcel of their said Manors of *Newlands* and *Whittonstall*, or *Whittingstall* alias *Quittingstall*: And whereas the said Commissioners and Governors of the said Royal Hospital, and several other Persons, are seised and possessed of divers Messuages, Lands, Tenements, and Hereditaments, within the said Parish, and in respect

[*Loc. & Per.*]

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thereof,

thereof, or as appendant, appurtenant, or belonging thereto, they or their Lessees, Farmers or Tenants, are or claim to be entitled to Rights of Common in and upon the said Common Moor or Waste: And whereas the said Common Moor or Waste, in its present State, is of little Use or Advantage; but considerable Parts thereof are capable of Cultivation and Improvement; and the several Persons entitled to such Rights of Common as aforesaid, are willing and desirous that the said Common Moor or Waste, with the Consent of the said Lords of the said Manors, should be divided and allotted by the Commissioner herein-after appointed, amongst the said Commissioners and Governors, and the several Persons entitled to Rights of Common thereon or otherwise interested therein respectively: But the same cannot be effected without the Aid of Parliament; May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That *John Fryer*, of the Town and County of *Newcastle-upon-Tyne*, Gentleman, shall be and he is hereby appointed sole Commissioner for setting out, dividing, and allotting the said Common Moor or Waste, and for putting this Act into Execution; in such Manner and subject to such Regulations as are herein-after contained, and with such of the Powers, and subject to such of the Rules, Orders, Directions, Authorities, Regulations, Restrictions, and Provisions, contained in an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*, as are not controuled by, repugnant to, or otherwise provided for by any of the Clauses, Provisions or Regulations contained in this Act.

Commissioner's Name.

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

For choosing a new Commissioner.

II. Provided always, and be it further enacted, That if the said *John Fryer* shall die, or shall neglect to act for the Space of Three Calendar Months, when Occasion shall require his Attendance on the Business hereby committed to his Charge, or shall refuse to act, or be rendered incapable of acting by Sickness or any other Cause whatsoever, before the Powers and Authorities hereby vested in him shall be carried into Execution, a new Commissioner shall and may be appointed and nominated in his Place by the major Part in Value (such Value to be ascertained by the Land Tax Assessment for the preceding Year, or by some other convenient Means) of the Proprietors and Owners of Messuages, Lands, Tenements, and Hereditaments, entitled to Right of Common upon the said Common Moor or Waste hereby intended to be divided, or their respective Stewarts, Receivers or Agents, present at a Meeting to be holden for that Purpose (of which Meeting Notice shall be given by any One or more of such Proprietors and Owners, or their respective Agents, by affixing the same on the principal Door of the Parish Church of *Bywell Saint Peter* aforesaid, and also causing the same to be inserted in *The Newcastle-upon-Tyne Courant* Newspaper, or if that Newspaper shall not then be published, then in some other Newspaper usually circulated in the County of *Northumberland*, Twenty-one Days at least before such Meeting) shall and may, by any Instrument in Writing under their Hands, nominate and appoint a proper Person (not being beneficially interested in the said Division and Inclosure, or an Agent to, or Father, Son, or Brother of any Person so interested)

to

to be a Commissioner in the room of the said *John Fryer*; and in case of the Death of any Person so to be hereafter nominated and appointed a Commissioner as aforesaid, or of his Neglect, or Refusal to act, or becoming incapable of acting as aforesaid, the Person or Persons, Body or Bodies Politic or Corporate, hereby empowered to nominate such Commissioner, their respective Heirs, Successors, or Assigns, or their respective Agents, shall in like Manner nominate and appoint another Commissioner in his Room; and so *toties quoties* so often as any Vacancy shall happen by such Death, Neglect, Refusal or Incapacity of every such new Commissioner so to be nominated and appointed as aforesaid; and every Person who shall be nominated and appointed as aforesaid, shall have such and the like Powers and Authorities for putting this Act in Execution, as if he had been nominated and appointed a Commissioner in and by this Act; which said several Instruments of Nomination and Appointment shall be inrolled in the same Place, and Evidence thereof given in the same Manner as in and by the said Act and this Act is directed concerning the General Award to be made by the said Commissioner.

III. And be it further enacted, That true and exact Surveys and Ad-
measurements shall be taken, and fair Plans made of the said Common Moor or Waste, so intended to be divided and allotted, and also of the several Messuages, Lands, Tenements, and Hereditaments, in respect of which Right of Common is claimed thereon, some Time before the First Day of *January* Onethousand eight hundred and twelve, or as soon after as conveniently may be, by *William Fryer*, of *Newcastle-upon-Tyne* aforesaid, Land Surveyor, or in case of the Death, Neglect, Refusal, or Incapacity by Sickness or any other Cause whatsoever of the said *William Fryer*, for the Space of one Calendar Month when Occasion shall require his Attendance on the Business of taking and making such Surveys or Admeasurements and Plans, then the same shall be made and taken by such other fit and proper Person being an experienced Surveyor of Land (not beneficially interested in the said Division, nor an Agent to any Person so interested) as the Commissioner for the Time being shall by Writing under his Hand from Time to Time nominate and appoint. Survey to be made.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as Surveyor as aforesaid, until he shall have taken and subscribed, before the said Commissioner, 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 act, according to the best of my Skill and Judgment, in surveying and ad-
measuring all the Lands and Tenements directed to be surveyed and admea-
sured, by virtue of an Act passed in the Fifty-first Year of the Reign of
His Majesty King *George the Third*, intituled [*here set forth the Title of this Act*] and in making true Maps or Plans thereof, to be laid before the
Commissioners for putting the said Act in Execution. Surveyor's Oath.
‘ So help me GOD.’

Which Oath the said Commissioner is hereby authorized and required to administer when and as often as occasion shall require; which Oath, and also the Instrument or Instruments of Appointment of any new Surveyor, shall be How to be administered.

be respectively inrolled and deposited in the same Places respectively, and Evidence thereof given in the same Manner as by the said Act and this Act is directed, concerning the General Award to be made by the said Commissioner.

Charge to be paid to Surveyor.

V. And be it further enacted, That the Surveys or Admeasurements, including all necessary Resurveys and all Plans (except the fair Plan upon Vellum herein-after particularly mentioned), shall be paid for at and after the Rate of Sixpence *per* Acre for each and every Acre of the Land which shall be surveyed, admeasured, and planned, in pursuance of this Act; and the said Surveyor shall at all Times bear and pay his own Expences; and in case of the Death of any such Surveyor, before such Surveys, Admeasurements, and Plans as aforesaid shall be finished, then and in every such Case the Executors or Administrators of every such Surveyor so dying shall be paid after the like Rate of Sixpence *per* Acre, for each and every Acre which shall have been so surveyed and admeasured in his Lifetime.

Surveyor to make a fair Plan upon Vellum of the Common, and his Charge for same.

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

Encroachments, except those made, for thirty Years to be Part of the Common.

VII. And be it further enacted, That all Inclosures and Encroachments which have been taken from the said Common Moor or Waste (save and except such as have been peaceably and quietly enjoyed for the Space of Thirty Years last past or upwards, without any Interruption or Payment of any Acknowledgement, and save and except such Houses, Cottages, Mills, Engines and other Erections and Buildings as have heretofore been erected and built upon the said Common Moor or Waste, by the said Commissioners and Governors of the said Royal Hospital, Lords for the Time being of the said Manors of *Newlands* and *Whittonstall*, or *Whittingstall* alias *Quittingstall*, or their Lessees or Assigns) shall be deemed Part and Parcel of the said Common Moor or Waste so to be divided; and in case any Difference or Dispute shall arise touching any such Inclosures or Encroachments being deemed Part or Parcel of the said Common Moor or Waste, such Differences or Disputes shall be examined into and determined by the said Commissioner.

Commissioner to give Notice of his First, Second, and Third Meetings, &c.

VIII. And be it further enacted, That the said Commissioner shall and he is hereby required to cause a Notice in writing under his Hand, to be affixed upon the principal Door of the Parish Church of *Bywell Saint Peter* aforesaid, and also to be inserted in *The Newcastle-upon-Tyne Courant* Newspaper, of the Time and Place of his First, Second, and Third Meetings respectively, for putting this Act in Execution, at least Ten Days next before such respective Meetings; and that the said Commissioner shall and may after his Third Meeting, from Time to Time appoint such Time and Place for every such subsequent Meeting as he shall think proper, causing a Notice

tice in Writing under his Hand, to be affixed upon the Principal Door of the Parish Church of *Bywell Saint Peter* aforesaid, Eight Days at least before every such subsequent Meeting; but the said Commissioner at the First, Second, or Third Meeting, or any other subsequent Meeting or Meetings, shall have full Power and Authority, from Time to Time as he shall think it convenient, to continue such First, Second, or Third Meeting, or any other subsequent Meeting or Meetings by Adjournment for the due Execution of this Act, without giving any Notice whatsoever of such Meeting or Meetings by Adjournment, otherwise than by leaving, at the Time and Place where such Meeting or Meetings shall be held, Notice under his Hand, when and where such adjourned Meetings are to be held from Time to Time; provided that the Meetings of the said Commissioner and Proprietors in pursuance of this Act, shall be held in the Parish of *Bywell Saint Peter* aforesaid, or within the Distance of Eight Miles from the Boundary of the said Parish.

IX. And be it further enacted, That in case any Dispute or Difference shall happen to arise between the Parties that now are or shall before the making the Award hereinafter mentioned, be interested in the said intended Division and Inclosure, or any of them, touching or concerning the respective Shares and Proportions which they or any of them shall claim in the said Lands and Grounds hereby intended to be divided and inclosed as aforesaid, or touching or concerning the respective Shares and Proportions which they or any of them ought to have of or in the said intended Division and Inclosure, it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and required to hear and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments, or to determine any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Inclosures or Encroachments as hereinbefore mentioned); but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

Commissioner to determine Differences.

X. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioner, and shall be desirous of having such Claim or Claims, Rights and Interests respectively tried at Law, and the Person or Persons, Body or Bodies Politic or Corporate so desirous to have the same tried at Law, shall and do by themselves, or their respective Stewards, Receivers, Attornies or Agents, give or cause to be given Notice thereof in Writing to the said Commissioner, within Two Calendar Months next after such Determination shall have been so made by the said Commissioner, (of which Notice the said Commissioner is hereby required immediately on Receipt thereof, or as soon afterwards as conveniently may be done, to give Information to the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, by Writing under his Hand, to be delivered to or left at the usual Place of Abode of such Party or Parties,

Power to try disputed Claims at Law.

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Stewards,

Stewards, Receivers, Attornies, or Agents, as aforesaid); then but not afterwards it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, and he, she, or they is and are hereby required to proceed to a Trial or Trials at Law of the same, at the Assizes to be holden for the County of *Northumberland*, in a feigned Action or Actions for that Purpose, to be commenced in His Majesty's Court of King's Bench or Common Pleas at *Westminster*, by the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, against the Lords of the said Manors of *Newlands* and *Whittonstall*, or *Whittingstall* alias *Quittingstall*, or any Person or Persons, Body or Bodies Politic or Corporate, interested in the said Division, who shall make such Objection or Objections within Two Calendar Months next after such Notice shall be given to the said Commissioner as aforesaid; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall file Common Bail, or appear and accept one or more Issue or Issues, whereby all such Claim or Claims, and Rights and Interests, may be properly tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court wherein such Action shall be brought, if the Parties shall differ about the same); and if at the Trial of any such Issue or Issues, it shall appear that the Party claiming is entitled to any qualified or less Right or Rights or Interests than was or were claimed by such Party, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried to find and declare the same by their Verdict, which shall be indorsed on the Postea in addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such Special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such Special Finding and Indorsement, or such Special Finding and Indorsement, if any such shall be made, shall be binding upon and to all and every Bodies Politic and Corporate, Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or Finding and Indorsement, and order a new Trial or Trials to be had thereupon, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts, or Special Finding or Indorsement shall be obtained, and not set aside by the Court, the said Commissioner shall and he is hereby authorized and required to act in Conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, or Interest or Interests, thereby determined, according to such Verdict or Verdicts or Finding and Indorsement as aforesaid: Provided always, that it shall be lawful for the Court in which any Action commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action, or to award a new Trial therein, although the Time herein-before limited for the Trial of such Action may be thereby exceeded; but if no such Action or Actions at Law shall be brought or commenced by the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice within the Time aforesaid, or if such Action or Actions shall not be proceeded in to a Trial or Trials at the First Assizes which shall be holden for the said County of *Northumberland*, after the Expiration of Twenty Days from the Day of giving such Notice, by or on Account of the Neglect or Default of the Plaintiff or Plaintiffs therein,

therein, then and in such Case the Determination of the said Commissioner shall be final, binding and conclusive unto and upon all Parties whomsoever.

XI. Provided always, and be it enacted, That if any of the Parties in any Action or Actions to be brought and prosecuted in pursuance of this Act, shall die pending the same, such Action or Actions shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and if any Person or Persons in whose Favour any such Determination of the said Commissioner as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall and may be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioner with Notice of such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living, and it shall then be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Right of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Actions not to abate by the Deaths of Parties, and how to be brought after such Deaths.

XII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioner, if he in his Discretion shall so think fit, upon Request made to him by all or any of the Parties in whose Favour he shall make his Award or Awards, to order and adjudge such Costs and Charges as he shall think reasonable, for the Use and Benefit of such Party or Parties, upon or against the Person or Persons, Body or Bodies Politic or Corporate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed, as the Case shall happen, and by Warrant under the Hand and Seal of the said Commissioner, to levy such Costs and Charges by Distress and Sale of the Goods and Chattels of such last-mentioned Person or Persons, together with the Charges of such Distress and Sale; and in case there shall be no Goods and Chattels whereby to levy the same, or in case a Body Corporate is to pay such Costs, then and in either of such Cases it shall be lawful for the Person or Persons in whose Favour such Costs shall be awarded, to recover the same by Action or Actions of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioner, and in consequence of such Order of Adjudication, without setting forth any other of the Proceedings therein had.

Commissioner to assess Costs.

XIII. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, appoint, and allot such and so many Freestone Quarries, Limestone Quarries, and Slate Quarries (if the same can conveniently be done) in the said Common Moor or Waste, as he shall think necessary, for the Use and Benefit of the said Commissioners and Governors of the said Royal Hospital, Lords of the said Manors, their Successors, Tenants, Lessees, and Assigns; and also for the Use and

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

Benefit

Benefit of the Proprietors and Occupiers of the several Allotments which shall be made of the said Common Moor or Waste in pursuance of this Act; and also of all the Proprietors and Occupiers of ancient Messuages, Lands, Tenements, and Hereditaments, in respect of which any such Allotment shall be made, to be used in or upon such Allotments or ancient Messuages, Lands, Tenements, and Hereditaments respectively, but not for Sale, or upon any other Buildings or Lands, or for any other Use or Purpose; and the said Commissioner shall in and by his said General Award, order and direct how and in what Manner the same shall respectively be worked for the general Advantage of the respective Persons interested therein.

Commissioner to determine to what Townships Roads shall belong.

XIV. And, for the preventing all Disputes and Differences which may arise, touching the Repairs of the public Highways and Roads which shall be set out and appointed in pursuance of this Act, or of the said Act of the Forty-first Year of His present Majesty; be it further enacted, That the said Commissioner shall and he is hereby authorized and required to determine and adjudge what Part or Parts of the said Highways and Roads so to be set out and appointed, shall belong to any Townships or Quarters respectively within the said Parish; and the said Commissioner shall in and by his General Award, order and direct by what Townships or Quarters respectively such Highways and Roads shall be maintained, amended, and kept in Repair; and the Owners or Occupiers for the Time being in each of such Townships or Quarters respectively, shall from and after the Execution of the General Award of the said Commissioner, maintain, amend, and keep such respective public Highways and Roads in Repair, as shall be so determined and adjudged to belong to such Townships or Quarters respectively, in the same Manner as ancient and common public Highways and Roads are by Law to be amended and kept in Repair.

Allotment of one-sixteenth of the Common to the Lords for the Soil.

XV. And be it further enacted, That the said Commissioner shall and he is hereby required in the next Place to set out, allot, and appoint unto and for the said Commissioners and Governors of the Royal Hospital for Seamen at *Greenwich*, in the County of *Kent* (as Lords of the Manors of *Newlands* and *Whittonstall*, or *Whittingstall* alias *Quittingstall* aforesaid), their Successors and Assigns, One full Sixteenth Part in Value, (Quantity, Quality and Situation considered), of the said Common Moor or Waste so to be divided and allotted, (after deducting all the Public Carriage Roads, Drains, Watercourses, and Quarries, to be set out in pursuance of this Act), in lieu of and as a full Compensation and Satisfaction for their Right and Interest to the Soil of the said Common Moor or Waste so to be divided and allotted.

The Lord's Sixteenth to lie in the Townships of *Newlands* and *Whittonstall*.

XVI. And be it further enacted, That such One full Sixteenth Part or Share of the said Common Moor or Waste, when and as soon as the same shall be assigned, set out, allotted, and appointed as aforesaid, shall be deemed to lie within the said Manors of *Newlands* and *Whittonstall*, or *Whittingstall* alias *Quittingstall*, and that such One Sixteenth Part or Share shall be allotted and awarded to lie in the Townships of *Newlands* and *Whittonstall* aforesaid, in Proportion and according to the Value of the several Messuages, Lands, Tenements, and Hereditaments in each of such Townships which have Right of Common upon the said Common Moor or Waste; and that from and immediately after the Execution and Inrolment of the General Award of the said Commissioner, the several distinct Plots or
Parcels

Parcels so allotted and awarded as and constituting the said One Sixteenth Part or Share, shall be deemed and taken as Part and Parcel of each such Township, according to the Appointment of the said Commissioner, to and for all Intents, and Purposes whatsoever.

XVII. And be it further enacted, That the said Commissioner shall and he is hereby required in the next Place to set out, divide, assign, allot and appoint the Residue of the said Common Moor, or Waste, (after the said Allotment of One Sixteenth Part thereof shall have been made and set out as herein-before is directed), unto and amongst the said Commissioners and Governors, and the several Persons, Bodies Politic or Corporate respectively, having Right of Common upon the said Common Moor, or Waste respectively, in Proportion and according to the respective Values of their several Messuages, Lands, Tenements, and Hereditaments, in respect whereof they are severally and respectively entitled to such Right of Common as aforesaid.

Allotment of the Residue of the Common.

XVIII. Provided always, That all Houses and Buildings not occupied with some Farm of Land, on the Twelfth Day of *May*, which was in the Year of our Lord One thousand eight hundred and eight, shall be valued separately from the Lands, Garths, and Gardens; and the Allotments to be made in respect of such Houses or Buildings shall be less by One Third in Proportion to the Value of such Houses and Buildings, than the Allotments to be made in respect of any Lands, Garths, and Gardens; but no separate Valuation shall be made of any Houses or Buildings which were occupied with, and were Part and Parcel of any Farm of Land on the said Twelfth Day of *May* One thousand eight hundred and eight; but such last-mentioned Houses and Buildings shall be considered as included in the Valuation of the Lands constituting such Farm to which they respectively belong; and that all Mills (if any) having Right of Common upon the said Common, Moor, or Waste hereby intended to be divided, shall be also separately valued, and the Allotments to be made in respect of such Mills, shall also be less by One Third in Proportion to the Value of such Mills, than the Allotments to be made in respect of Lands or Grounds.

Houses, &c. not occupied with a Farm on the Twelfth Day of *May*, 1808, to be valued separate.

XIX. Provided always, and be it further enacted, That the said Commissioner shall and he is hereby required, in all Cases where the same can be done without Prejudice or Inconvenience to the Occupation of the adjoining Lands, to assign and allot unto such Person or Persons, Body or Bodies Politic or Corporate, entitled to and having Right of Common upon the said Common Moor, or Waste, as are in the Possession of any Encroachment or Encroachments herein-before directed to be deemed Part of the said Common Moor, or Waste, all the Lands and Grounds comprized in such Encroachment or Encroachments, and all Edifices and Buildings erected thereon, for or in Part of the Allotment or Allotments which shall be made to them respectively by virtue of this Act, unless it shall happen that such respective Encroachments shall be greater or more (Quantity and Quality considered) than the Allotment or Allotments would amount unto, which such Person or Persons, Body or Bodies Politic or Corporate, in the Possession of such Encroachment or Encroachments respectively, would be entitled to, for and in respect of their ancient Estate, in which Case a proportionable Part of such Encroachment or Encroachments shall be deducted from the same respectively; and the said Com-

Encroachments to be allotted to Persons in Possession thereof.

missioner is hereby directed and required, in his Valuation of such Encroachments for the Purposes aforesaid, to estimate the same according to their original Value in their open State, without any regard to the Improvements made therein, or to the Value of the Edifices and Buildings which are erected or built thereupon.

Distinct Allotments to be made for Lands holden by different Titles, or for different Estates.

XX. And be it further enacted, That in case the Proprietor or Proprietors of any Lands or other Hereditaments hereby authorized to be divided, allotted, or exchanged, shall hold their respective Lands or Hereditaments for different Estates, or under different Titles, the said Commissioner shall ascertain and distinguish the Lands or other Hereditaments held for each of such Estates, and under each of such Titles respectively, and shall also set out and distinguish the different Allotments or other Hereditaments to be accepted and taken as an Equivalent in respect of each of them; and the said Commissioner shall and he is hereby authorized and required to set forth and declare, in and by his said General Award, in Right of what Estates in particular such Allotments shall have been respectively made, and therein also separately to describe and ascertain the Situation of every such Allotment.

Allotments to be in the same Townships as the ancient Lands.

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

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

XXII. Provided always, and be it further enacted, That all the Allotments to be set out and made by virtue of this Act, in respect of any Property granted or demised, or held by any Leases or Agreements, for any Term or Number of Years not exceeding Twenty-one Years at Rack Rent, shall be allotted to the respective Lessors or Owners of such Property, and shall be held and enjoyed by them respectively, free from all Right, Title, and Interest of their respective Lessees or Tenants, by virtue of or under such Leases or Agreements; and such respective Lessors or Owners shall make such Abatement of the Rents reserved or made payable by such Leases or Agreements respectively, for and on Account of their taking such Allotments, as the said Commissioner shall adjudge and determine to be just and reasonable, and shall by Writing under his Hand ascertain, direct, and appoint.

Where Tenants enjoy Allotments, the Commissioner to ascertain the Fees they are to pay for the same.

XXIII. Provided always, and be it further enacted, That where any of the said Tenants or Lessees shall take or agree to hold or enjoy such Allotment or Allotments during the Remainder of the Terms of their respective Leases or Agreements, then and in such Case the said Commissioners shall ascertain and settle what Sum or Sums of Money shall be paid by Way of additional Rent by such Tenants or Lessees respectively, to their respective Lessors or Owners for such Allotments, and shall by Writing under his Hand (to be delivered to each of the Parties interested therein, but not to form a Part of his General Award), order and direct what Sum or Sums

of

of Money, by Way of additional Rent, shall be paid during the Continuance of such respective Leases or Agreements by such Tenant or Tenants, Lessee or Lessees respectively, to the said respective Lessors or Owners, their Heirs, Successors, or Assigns, for such Allotment or Allotments, subject to such Term or Terms for Years, regard being had by the said Commissioner to the Expence which the said respective Lessors or Owners, their Heirs, Successors or Assigns, shall or may be put unto on Account of the dividing, allotting, and inclosing such Allotment or Allotments respectively; and all and every such Sum and Sums of Money, so by the said Commissioner ordered and directed to be paid by Way of additional Rent for such Allotment or Allotments as aforesaid, shall be recoverable in such and the like Manner; and by the same Remedies, Ways, and Means, as the certain Rent reserved by the Lease or Leases, or Agreement or Agreements of the Messuages, Lands; Tenements, or Hereditaments and Right of Common, can or may by Law be recovered; and all Orders and Directions so made by the said Commissioner shall be final, binding, and conclusive to all and every the Person and Persons, Body and Bodies Politic and Corporate, interested therein.

XXIV. Provided also, and be it further enacted, That all the Charges and Expences touching the settling and ascertaining such additional Rent, shall be paid and defrayed by the respective Lessors or Owners, their Heirs, Successors, and Assigns.

Commissioner's Expences in settling such Rents to be paid by Lessors.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioner to set out, assign, or allot any of the Lands or Grounds hereby directed to be divided and allotted, or any Messuages, Buildings, inclosed Lands, or Grounds, or other Hereditaments in the Parish of *Bywell Saint Peter* aforesaid, in lieu of and in exchange for any other Messuages, Buildings, Lands, and Hereditaments in the same Parish of *Bywell Saint Peter*, or in any Parish adjoining thereto, so that every such Exchange be set forth and ascertained by the General Award of the said Commissioner, and also be made with the Consent of the respective Proprietors or Persons, Body or Bodies Politic or Corporate, seized or entitled in Possession of or to the Messuages, Buildings, Lands, or Hereditaments so to be exchanged, for any Life or Lives, or for Years determinable on any Life or Lives, or for some Estate of Inheritance less than an Estate in Fee Simple, or of the Husbands, Guardians, Trustees, Committees, or Attornies of any such Proprietors or Persons who shall at the Time of making such Exchanges be Femes Covert, Infants, Lunatics, Persons beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves; and so as that every Exchange of any Lands or Hereditaments holden in Right of any Church or Chapel, or other Ecclesiastical Benefice, be also made with the Consent of the respective Patrons thereof, and the Bishop of the Diocese for the Time being respectively, in which such Lands or Hereditaments shall lie or be situate, such Consents to be respectively signified by Writing under the Hands and Seals of the consenting Parties, or under the Seals of such of them as are a Corporation aggregate, and every Exchange so made and declared shall be for ever good, valid and effectual in Law; and the respective Lands or Hereditaments so to be exchanged shall go and remain to, for, and upon the same Uses and Trusts, and be subject to the same Powers, Conditions, Covenants,

Exchanges.

and.

and Agreements, as the Lands or Hereditaments in respect whereof the same shall be exchanged, are or shall be subject or liable to, or would have been subject or liable to, in case the Exchange thereof had not been made.

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

XXVI. Provided always, and be it further enacted, That the Costs, Charges, and Expences attending the making of any Exchange or Exchanges, Partition or Partitions, to be made by virtue of this or the said recited Act, shall be borne, paid, and defrayed by the several Persons making such Exchanges or Partitions, in such Shares and Proportions as the said Commissioner shall by Writing under his Hand order and direct.

Notices to be published in the Newcastle Courant.

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

Allotments that may happen to be sold, may upon Request be allotted to the Purchasers by the General Award.

XXVIII. And be it further enacted, That if any Person or Persons entitled in Fee Simple to any Allotment or Allotments of the said Common Moor, or Waste, shall, previous to the Execution of the Award of the said Commissioner, have sold and disposed of his, her, or their Allotment or Allotments to any Person or Persons, and shall by Writing under his, her, or their Hand or Hands, desire the same to be set out, allotted, and appointed, to the Person or Persons so purchasing the same, the said Commissioner, in every such Case, shall and he is hereby authorized to set out, allot, and appoint the said Allotment or Allotments to the Purchaser or Purchasers thereof, and the said Allotment or Allotments so sold and disposed of, shall in every such Case, from and after the Execution of the said General Award of the said Commissioner, become, and the same is and are hereby declared to be vested in and settled upon the Person or Persons to whom the same shall have been so sold as aforesaid, and his, her, or their Heirs, Executors, Administrators, and Assigns, to all Intents and Purposes whatsoever.

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

XXIX. And be it further enacted, That the General Award to be made by the said Commissioner, pursuant to the Directions of the said Act of the Forty-first Year of the Reign of His present Majesty and this Act, shall be inrolled in One of His Majesty's Courts of Record at *Westminster*; and the said Original General Award, and such Plans or Surveys as may be annexed thereto, shall be lodged and deposited in the Office of the Clerk of the Peace for the County of *Northumberland*, to remain with the Records of the Court of General Quarter Sessions of the Peace there, to the End that Recourse may be had thereto by any Person or Persons interested in the said Division; which said Award and Plans, and every other Award and Instrument to be lodged with the said Award, shall and may be inspected at all reasonable Times, upon reasonable Notice of the Party requiring such Inspection.

XXX. And be it further enacted, That the said Commissioner shall at the Request, Costs, and Charges of any Person or Persons, Body or Bodies Politic or Corporate, his, her, or their Stewards or Agents, having any Allotment or Allotments of the said Lands and Grounds hereby intended to be divided, or otherwise interested therein, at any Time before the depositing of the said Award, make and execute a Duplicate of the said Award, Plans, and Surveys, or any of them, for the Use of the Person or Persons requesting and paying for the same; and such Duplicate shall at all Times be admitted and allowed as legal Evidence in all Courts whatsoever.

Commissioner may execute Duplicates of the Award for Persons requiring and paying for the same.

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

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

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

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

not passed, except as to such Leases and Agreements at Rack Rent as shall be determined under this Act, and subject nevertheless to such Charges or Mortgages as shall be made by virtue of the said Act of the Forty-first Year of the Reign of His present Majesty or this Act respectively.

Allotments
to be fenced.

XXXIII. And be it further enacted, That the said several Allotments to be made by virtue of this Act, shall be inclosed, hedged, ditched, and fenced by and at the Expence of such respective Proprietors, in such Manner and within such Time, and shall be from thenceforth kept in Repair in such Proportions as the said Commissioner shall in his General Award order and direct.

No Turves
or Sods to be
cut.

XXXIV. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any Person or Persons (other than and except the Lords of the said Manors, their Lessees or Assigns, and the Commissioner for carrying this Act into Execution) to cut, dig, or carry away any Turves or Sods in, upon or from the said Common Moor, or Waste, or any Part thereof, until the same shall be allotted and set out as aforesaid, upon Pain of forfeiting for every such Offence to the said Commissioners and Governors, Lords of the said Manors, their Successors or Assigns, such Sum not exceeding Thirty-nine Shillings, as shall be assessed in the Nature of an Amerciament at any Court Leet, or Court Baron to be holden for the said Manors, the same to be assessed by the Assesors then and there sworn; and which Amerciament or Amerciaments when so assessed shall be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, by virtue of a Precept to the Bailiff or Bailiffs of the said Manors, to be directed for that Purpose by the Steward of the Courts of the said Manors; and the Money arising from all such Amerciaments shall be paid to the Commissioner acting under the Authority of this Act, and shall be applied towards defraying the Expences of carrying this Act into Execution.

Expences of
the Division
to be paid by
the Parties.

XXXV. And be it further enacted, That the Charges and Expences of soliciting, obtaining, and passing this Act, and of surveying, planning, and measuring, dividing, and allotting the said Common Moor, or Waste, and of making Highways or Roads, and of all other the Charges and Expences incident to or attending the Execution of this Act, as are not herein otherwise directed to be paid, shall be borne, paid, and defrayed by the several and respective Persons, Body and Bodies Politic and Corporate, to whom any Allotment or Allotments of the said Common Moor, or Waste shall be respectively made, his, her, or their Heirs, Successors, Executors, Administrators, and Assigns, in Proportion to the real Value of their respective Allotments, to be settled and ascertained by the said Commissioner; and the several and respective Shares and Proportions of all such Fees, Payments, Charges, and Expences as aforesaid, shall be payable and paid by such Owners and Proprietors respectively to such Person or Persons, and at such Time or Times, as shall by the said Commissioner, either before or after the Execution of his General Award as aforesaid, be ordered, directed and appointed, in Writing under his Hand, Twenty Days before the Time appointed for such Payment.

Commissioner
to pay his
own Ex-
pences.

XXXVI. And be it further enacted, That the said Commissioner and his Successor, shall at all and every of his Attendances or Meetings for putting

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

XXXVII. And be it further enacted, That the said Commissioner shall and he is hereby required to keep or cause to be kept a just and true Statement and Account of all Sums of Money which shall be raised or received, and laid out or expended by him or by his Order, or for his Use, under or by virtue or in the Execution of this Act, and of what shall be due or owing to him for his own Trouble or Expences, and shall truly and regularly enter all the Particulars of such Statements and Accounts in a Book to be provided for that Purpose; and such Accounts shall at least once in every Year from the passing of this Act, till such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined and settled by *Robert Hopper Williamson*, of the Town and County of *Newcastle-upon-Tyne* aforesaid, Esquire, (who is hereby appointed Auditor for that Purpose); and in case of his Death or Refusal to act, by such other fit and proper Person as shall be nominated and appointed Auditor in his stead, by the major Part in Value (such Value to be ascertained by the Land Tax Assessment for the preceding Year, or by some other convenient Means) of the Proprietors and Owners of Messuages, Lands, Tenements, and Hereditaments entitled to Right of Common upon the said Common Moor or Waste, or their respective Agents, as shall be present at a Meeting to be holden for that Purpose, of which Meeting Notice shall be given by any one or more of such Proprietors and Owners, or their respective Agents, or by the Commissioner for putting this Act in Execution, by affixing the same upon the principal Door of the said Parish Church of *Bywell Saint Peter*, and also causing the same to be inserted in *The Newcastle-upon-Tyne Courant* Newspaper, or if that Newspaper shall not then be published, in some other Newspaper generally circulated in the said County of *Northumberland*, Ten Days at least before such Meeting, by any Instrument in Writing under the Hands of such Proprietors and Owners, or their respective Agents, and so from Time to Time as often as any Vacancy shall happen by the Death or Refusal of every such new Auditor; and the said Auditor for the Time being shall from Time to Time state in Writing under his Hand, the Balance of the said Accounts in such Book as aforesaid; and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by such Auditor; and also that such Book of Accounts shall be kept at the Office of the Clerk of the said Commissioner, and shall be open to the Inspection of any of the said Proprietors or their Agents at all reasonable Times during the Progress of the said Division and Inclosure, and until the said Accounts shall have been finally settled and allowed; and in case the said Commissioner or his Clerk shall refuse or neglect so to do, the Commissioner or Clerk respectively so refusing or neglecting, shall for every such Refusal or Neglect forfeit and pay to any Person, who shall sue for the same, the Sum of Ten Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

Commissioner to account.

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

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

Power to Appeal.

XXXIX. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of the said Act of the Forty-first Year of His present Majesty, or of this Act, (other than and except such Claims, Matters and Things, as are herein-before directed or authorized to be ascertained, settled, tried or determined by the Verdict of a Jury, or where by any of the Provisions of the said Act or of this Act, the Determinations, Acts, or Proceedings of the said Commissioner are directed to be final or conclusive), he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be holden for the County of *Northumberland*, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices of the Peace at such Sessions assembled, are hereby authorized to hear and determine the Matter of every such Appeal, (provided that Notice in Writing of every such Appeal, expressing the Cause of Complaint, shall have been given Fourteen Days at least before such General Quarter Sessions), unless the said Justices in their said Sessions assembled, shall see sufficient Cause to adjourn such Appeal, in which Case they are hereby authorized to adjourn the same to the then next General Quarter Sessions of the Peace to be holden for the said County of *Northumberland*, and then to hear and determine the same, and to make such Order therein, and award such Damages and Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Damages and Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties awarded to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and every Order and Determination of the said Justices upon every such Appeal, shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Process or Writ whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Owners of Allotments may get Free-stone, &c.

XL. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Proprietors for the Time being of the several Allotments of the said Common Moor or Waste set out in pursuance of this Act, to win, get, and work therein Free-stones, Lime-stones, and Slates, as well for the Use of the Grounds so to be allotted to them as for the Use of the Messuages, Lands, Tenements, and Hereditaments, in respect of which such Allotments shall be made, but for no other Use or Purpose whatsoever; and that it shall and may be lawful for the said respective Owners and Proprietors of the said several Allotments of the said

faid Common Moor or Waste, to dig and get therein Clay for Bricks or for Tiles, so as the same be used for the Lands or Grounds so to be allotted, and the Lands, Tenements, and Hereditaments in respect whereof the same shall be made, and not for Sale or any other Use or Purpose whatsoever.

XLI. Provided always, and be it further enacted, That nothing in this Act shall be construed to defeat, lessen, or prejudice the Right, Title, and Interest of the said Commissioners and Governors of the said Royal Hospital, their Successors or Assigns, as Lords of the said Manors of *Newlands* and *Whittonstall*, or *Whittingstall* alias *Quittingstall*, of, in, and to all the Mines, Minerals, and Quarries, of what nature or kind soever, lying and being within or under the said Common Moor or Waste hereby intended to be divided and inclosed, and also, of, in, and to the Seigniories and Royalties incident or belonging to the said Manors and each of them; but that the said Commissioners and Governors of the said Royal Hospital, their Successors and Assigns, and all and every other Person and Persons claiming by, under, or in Trust for them as Lords of the said Manors, and all succeeding Lords of the said Manors for the Time being, shall and may from Time to Time and at all Times for ever hereafter have, hold and enjoy all Quit Rents, Free Rents, and other Rents, Reliefs, Dues, Customs, Suits, and Services, and all Fines, Amerciaments, Courts, Courts Leet, and Views of Frank Pledge, Courts Baron, and all Profits and Perquisites of Courts and Leets, and all Things which to Courts Leet and Views of Frankpledge and Courts Baron do belong or appertain, with Free Warren and Liberty of Hawking, Hunting, Fishing, and Fowling, within and throughout the said Manors and every Part thereof; and all Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Treasure Trove, Waifs, Estrays, Forfeitures, Escheats, Fairs, Markets, Tolls, Customs, Stallages, Dues, Rights, Royalties, Immunities, Jurisdictions, Franchises, Privileges, Profits, Commodities, Advantages, Emoluments, Hereditaments, Matters and Things whatsoever, to the said Manors or to the Lords thereof for the Time being incident, belonging, or appertaining (other than and except the Right to the Soil of the said Common Moor or Waste, and such Common Right thereon as could or might be claimed by them, for which Compensation is herein-before directed to be made), in as full, ample, and beneficial a Manner to all Intents and Purposes, as they could or might have held and enjoyed the same if this Act had not been made; and that the said Commissioners and Governors of the said Royal Hospital, their Successors and Assigns, and all succeeding Lords of the said Manors, or their Tenants, Lessees, or Assigns, shall and may from Time to Time and at all Times hereafter have, hold, win, work, and enjoy exclusively all Mines, Minerals, and Quarries, of what nature or kind soever (subject only to the Rights and Privileges herein-before given with respect to the said public Quarries, and also with respect to such Freestone, Limestone, Slate and Clay, as are herein-before permitted to be gotten and taken from or out of [the Allotments to be set out by virtue of and under this Act] within and under the said Common Moor or Waste hereby directed to be divided, and within and under every Part thereof respectively, and the several Allotments thereof, in pursuance of this Act, together with all convenient and necessary Ways and Wayleaves, and also

The Act not to prejudice the Lords of the Manors to the Royalties, &c.

Lords of the Manors to work Mines, lay Waggonways, &c.

[Loc. & Per.]

6 B

Liberty

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

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

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

General
Saving.

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

XLIV. 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.

Act to be
printed by
the King's
Printer.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.

