



ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 63.

An Act for inclosing Lands in the Parishes of *Ovingham*, *Bywell Saint Peter*, and *Bywell Saint Andrew*, in the County of *Northumberland*.

[20th April 1812.]

WHEREAS there are within the several Parishes of *Ovingham*, *Bywell Saint Peter*, and *Bywell Saint Andrew*, in the County of *Northumberland*, several Open and Common Fields and Commonable Lands and Waste Grounds, commonly called or known by the several Names of *Mickley*, *Apperley*, and *Fairley-May Commons*, containing together by Admeasurement One thousand eight hundred and fifty-one Acres, Two Roods, and Nine Perches, or thereabouts; and there are also within the Township of *Broomley*, in the said Parish of *Bywell Saint Peter*, certain other Open and Common Fields and Commonable Lands and Waste Grounds, commonly called or known by the Name of *Broomley Common*, containing together by Estimation One thousand one hundred Acres, or thereabouts: And whereas the Whole of the several Open and Common Fields, Commonable Lands, and Waste Grounds, herein-before mentioned, were heretofore Part and Parcel of the Barony or Manor of *Bywell*, in the said County of *Northumberland*, but that Part of the said Open and Common Fields, Commonable Lands, and Waste Grounds, which is called or known by the Name of *Mickley Common*, has long since been, and is now severed from the said Barony or Manor: And whereas the Reverend *Septimus Hodson*, of *Bywell* aforesaid, Clerk, and *Frances* his Wife, (in Right of the said *Frances*), are seized of or entitled

[Loc. & Per.]

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to the Barony or Manor of *Bywell* aforesaid, and are entitled to the Soil, Mines, Minerals, Quarries, and Royalties of, within, and under all the said Open Fields, Commons, and Waste Grounds, (except *Mickley Common* aforesaid), as Part and Parcel of the said Barony or Manor of *Bywell*: And whereas *William Wrightson* of *Cusworth House*, in the County of *York*, Esquire, is seised of or entitled to the Soil, Mines, Minerals, Quarries, and Royalties of, within, and under all that Part of the Open Fields, Commons, and Waste Grounds, which is called *Mickley Common*: And whereas the said *Septimus Hodson*, and *Frances* his Wife, (in Right of her the said *Frances*), and also of the said *William Wrightson*, *Anthony Surtees* Esquire, and several other Persons, are seised of or otherwise entitled to various Lands, Tenements, and Hereditaments, within the said several Parishes aforesaid, or within some of the same Parishes respectively, in respect whereof, or as appendant, appurtenant, or belonging thereto, they are or claim to be entitled to Right of Common in and upon the aforesaid Open and Common Fields, Commonable Lands, and Waste Grounds, called *Mickley*, *Apperley*, and *Fairley-May Commons*; and the said *Septimus Hodson*, and *Frances* his Wife, (in Right of the said *Frances*), and also the said *William Wrightson*, *William Hodson* Esquire, and several other Persons, are seised of or otherwise entitled to various Lands, Tenements, and other Hereditaments, within the Parish of *Bywell Saint Peter* aforesaid, in respect whereof, or as appendant, appurtenant, or belonging thereto, they are or claim to be entitled to Right of Common in and upon the said Open Fields, Commonable Lands, and Waste Grounds, called *Broomley Common*: And whereas an Act was 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*: And whereas the Property in the said Open and Common Fields lies intermixed and dispersed, and is inconveniently situated; and the said Commonable Lands and Waste Grounds in their present State are incapable of any considerable Improvement; but if the same were to be divided and inclosed, and specific Allotments made unto and amongst the several Persons interested, in Proportion and according to their respective Rights and Interests, it would tend to the Improvement of their Estates, and be of general Utility; but as such Objects cannot be effected without the Authority 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 Bell* of the Town and County of *Newcastle-upon-Tyne*, Land Surveyor, and *William Todd* of *Greenside*, in the Parish of *Ryton* in the County of *Durham*, Gentleman, shall be and they are hereby appointed Commissioners for setting out, dividing, and allotting the said Open and Common Fields, Commonable Lands and Waste Grounds, 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, Directions, Restrictions, and Provisions contained in the said recited Act, as are not repugnant to any of the Clauses, Provisions, or Regulations contained in this Act.

II. Provided

II. Provided always, and be it further enacted, That if the Commissioners hereby appointed, or either of them, shall die, or shall neglect to act for the Space of Three Calendar Months, when Occasion shall require their Attendance on the Business hereby committed to their Charge, or shall refuse to act, or be rendered incapable of acting by Sickness, or by any other Cause whatsoever, before the Powers and Authorities hereby vested in them shall be carried into Execution, a new Commissioner or Commissioners shall and may be nominated and appointed in the Place or Places of him or them so dying, neglecting, or refusing to act, or rendered incapable to act as aforesaid, in Manner following; (that is to say), in case the said *John Bell* shall die, or shall neglect, refuse, or become incapable to act as aforesaid, the Lord or Lords, Lady or Ladies for the Time being of the said Barony or Manor of *Bywell*, or the Guardian or Guardians of any Lord or Lords, Lady or Ladies for the Time being of the said Barony or Manor of *Bywell*, being an Infant or Infants under the Age of Twenty-one Years, or his or their Steward or Stewards, Receiver or Receivers, Agent or Agents for the Time being, shall and may, by any Instrument in Writing under his, her, and their or any of their Hand or Hands, nominate and appoint a proper Person (not being beneficially interested in the said Division and Inclosure, or an Agent to, or Father, Son, or Brother of, any Person so interested) to be a Commissioner in the Room of the said *John Bell*; and in case the said *William Todd* shall die, neglect, or refuse, or become incapable to act as aforesaid, the major Part in Value (to be ascertained by the Land Tax Assessment) of the rest of the Proprietors and Owners of Messuages, Lands, Tenements, and Hereditaments, entitled to Right of Common upon the said Open and Common Fields, Commonable Lands and Waste Grounds intended to be hereby divided, (other than and except the Lord or Lords, Lady or Ladies for the Time being of the said Barony or Manor of *Bywell*), or their respective Agents present at a Meeting to be holden for that Purpose, of which Meeting Notice shall be given by any Two or more of such Proprietors and Owners or their respective Agents, or by the other Commissioner for putting this Act into Execution, by affixing the same on the principal Door of the several Parish Churches of *Ovingham*, *Bywell Saint Peter*, and *Bywell Saint Andrew* aforesaid; and also causing the same to be inserted in the *Newcastle-upon-Tyne Courant* Newspaper, or if that Newspaper shall not be then published, then in some other Newspaper usually circulated in the said County of *Northumberland*, Ten Days at least before such Meeting, shall and may, by any Instrument in Writing under their Hands, nominate a proper Person, (not being beneficially interested in the said Division and Inclosure, or an Agent to, or Father, Son, or Brother of, any Person so interested), to be a Commissioner in the Room of the said *William Todd*; and in case 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, the Person or Persons respectively by whom such Commissioner was nominated and appointed, their respective Heirs, Agents, Guardians or Assigns, shall in like Manner nominate and appoint another Commissioner in his Room, and so from Time to Time as often as any Vacancy shall happen by such Death, Neglect, Refusal, or Incapacity of every such new Commissioner or Commissioners so to be nominated and appointed as aforesaid; and every Person who shall be nominated and appointed as aforesaid shall have such

For choosing
new Commis-
sioners.

and the like Powers and Authorities for putting this and the said recited Act into Execution, as if he had been nominated and appointed a Commissioner in and by this Act; and the 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 recited Act and this Act is directed concerning the General Award to be made by the said Commissioners.

Umpire to be appointed.

III. And, for the Purpose of settling and determining any Difference or Dispute that may arise between the said Commissioners, touching or concerning any of the Matters and Things to be by them done and performed in pursuance of the said recited Act or of this Act, be it further enacted, That *James Armstrong* of *Heddon-on-the-Wall*, in the said County of *Northumberland*, Gentleman, shall be and he is hereby appointed to act as Umpire; and he as such Umpire is hereby authorized and required to hear and determine any Difference or Dispute that may arise between the said Commissioners, touching any Matter or Thing relating to the said Division and Inclosure, and the Judgment and Determination of the said Umpire therein shall be deemed and considered to be the Judgment and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned in the said Division and Inclosure, so far as the Acts of the said Commissioners are by the said recited Act and this Act made final and conclusive: Provided always, that in case the said *James Armstrong* shall die, or refuse to act, or become incapable of acting in the Execution of the said recited Act or this Act, then and in every such Case it shall be lawful for the said Commissioners to nominate and appoint one other Person (not being beneficially interested in the said Division and Inclosure, nor an Agent to, or Father, Son, or Brother of any Person so interested) as Umpire, in the Room or Stead of the said *James Armstrong* so dying, or refusing to act, or becoming incapable of acting in the Execution of the said recited Act and this Act, and so from Time to Time as often as any Person so nominated and appointed an Umpire shall die, or refuse to act, or become incapable of acting in the Execution of the said recited Act and of this Act; and in case any such Umpire shall neglect to settle and determine any such Difference or Dispute within Thirty Days after the same shall have been referred to him by the said Commissioners, such Neglect shall be, and be deemed and taken to be, a Refusal to act within the Intent and Meaning of this Act.

Umpire to be sworn before he acts.

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

‘ I do swear [*or, being one of the People called Quakers, do solemnly affirm*] that I will faithfully, impartially and honestly, according to the best of my Skill and Ability, execute and perform the Powers and Authorities reposed in me as Umpire, by virtue of an Act, made in the Fifty-second Year of the Reign of King *George the Third*, intituled *An Act* [*here insert the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection to any Person or Persons whomsoever. So help me GOD.’

Which

Which Oath or Affirmation it shall be lawful for either of the said Commissioners to administer, who is hereby required to administer the same; and such Oath or Affirmation, when so taken and subscribed by such Umpire, shall be annexed to and inrolled with the Award of the said Commissioners.

V. And be it further enacted, That true and exact Surveys and Admeasurments shall be taken, and fair Plans made, of the said Open and Common Fields, Commonable Lands and Waste Grounds hereby directed to be divided and allotted, and also of such of the several Lands, Tenements, and other Hereditaments, in respect of which Right of Common is claimed therein, (whereof no Maps or Surveys shall be tendered to the Commissioners for the Time being at the First, Second, or Third Meeting holden by them for putting this Act into Execution, and of which it shall be necessary in their Judgment that just and true Maps or Surveys should be taken), some Time before the First Day of *January* One thousand eight hundred and thirteen, or as soon after as conveniently may be, by *John Fryer*, of the Town and County of *Newcastle-upon-Tyne*, Surveyor, or in case of the Death, Neglect, Refusal, or Incapacity by Sicknes, or any other Cause whatsoever of the said *John Fryer*, for the Space of Three Calendar Months, when Occasion shall require his Attendance on the Business of taking and making such Surveys or Admeasurments and Plans, then the same shall be made and taken by such other fit and proper Person, being an experienced Surveyor of Lands, (not beneficially interested in the said Division, nor an Agent, Father, Son, or Brother to any Person so interested), as the said Commissioners shall by Writing under their Hands from Time to Time nominate and appoint.

Maps or Surveys of Lands to be tendered at First, Second, or Third Meetings.

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

Surveyor to take an Oath.

‘ I do swear (or, being one of the People called *Quakers*, do solemnly affirm) faithfully, impartially, and honestly to act, according to the best of my Skill and Judgment, in surveying and admeasuring all the Lands and Tenements directed to be surveyed and admeasured, by virtue of an Act, passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act* [here insert the Title of this Act] and in making true Maps or Plans thereof to be laid before the Commissioners for putting the said Act into Execution. ‘ So help me GOD.’

Surveyor's Oath.

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

How to be administered.

VII. And be it further enacted, That the Surveys or Admeasurments, including all necessary Re-surveys, and all Plans (except the fair Plan upon [Loc. & Per.] 14 T Vellum

Charge to be paid Surveyor.

Vellum herein-after particularly mentioned), shall be paid for at and after the Rate of Sixpence *per* Acre for each and every Acre of Land which shall be surveyed, admeasured, and planned in pursuance of this Act; and the said Surveyor shall at all Times bear and pay his own Expences; and in case of the Death of any such Surveyor before such Surveys, Admeasurements, and Plans as aforesaid shall be finished, then and in every such Case the Executors or Administrators of every such Surveyor so dying shall be paid after the Rate of Four-pence *per* Acre for each and every Acre which shall have been once only surveyed, and Sixpence *per* Acre for each and every Acre that shall have been surveyed more than once: Provided nevertheless, that such Surveys and Admeasurements as shall be taken, and fair Plans made of such of the said Lands, Tenements, and other Hereditaments, in respect of which Right of Common is claimed upon the said Open and Common Fields, Commonable Lands, and Waste Grounds, whereof no such Maps or Surveys shall be tendered to the Commissioners for the Time being as aforesaid, shall be taken and made at the sole Expence of the several and respective Proprietors of such Lands, Tenements, and other Hereditaments as aforesaid.

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

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

Commissioners to give Notice of the First, Second, and Third Meetings, which are to be holden at Bywell;

IX. And be it further enacted, That the said Commissioners shall and they are hereby required to cause a Notice in Writing under their Hands, to be affixed upon the principal Door of the several Parish Churches of *Ovingham, Bywell Saint Peter, and Bywell Saint Andrew* aforesaid, and also to be inserted in the *Newcastle-upon-Tyne Courant* Newspaper, or if that Newspaper shall not be then published, then in some other Newspaper usually circulated in the said County of *Northumberland*, of the Time and Place of their First, Second, and Third Meetings for putting this and the said recited Act into Execution, at least Ten Days next before such respective Meetings; and that the said Commissioners shall and may after their said Third Meeting, from Time to Time appoint such Time and Place for every subsequent Meeting as they shall think proper, causing a Notice in Writing under their Hands to be affixed upon the principal Door of the several Parish Churches of *Ovingham, Bywell Saint Peter, and Bywell Saint Andrew* aforesaid, Eight Days at least before every such subsequent Meeting; but the said Commissioners at the First, Second, and Third Meeting, or any other subsequent Meeting or Meetings, shall have full Power and Authority, from Time to Time, as they shall think it convenient, to continue such First, Second, or Third Meeting, or any other subsequent Meeting or Meetings, by Adjournment, from Day to Day, or in case of *Sunday* intervening, then to the *Monday* following, for the due Execution of this Act, without giving any Notice whatsoever: Provided always, that if it shall happen that no more than One of the said Commissioners shall attend at any Meeting or Meetings to be holden pursuant to

and their subsequent Meetings.

Power to adjourn such Meetings.

If only One Commissioner present he

this

this Act, such Commissioner may and he hath hereby full Power and Authority to adjourn such Meeting or Meetings respectively to such Time, not exceeding Eight Days, as he shall see most convenient, giving due Notice thereof in Writing, to the other of the said Commissioners: Provided also, that all the Meetings of the said Commissioners shall be held at some Place or Places within the several Parishes of *Ovingham, Bywell Saint Peter, and Bywell Saint Andrew*, or some or one of them.

may adjourn, giving due Notice to the other Commissioner.

X. And be it further enacted, That all Notices which by this Act or the said Act are required to be given or published in some Public Newspaper, of setting out the public Roads, and of reading and executing the Award of the said Commissioners, or of any other Act, Matter, or Thing, shall be inserted in the *Newcastle-upon-Tyne Courant* Newspaper, or if that Newspaper shall not be then published, then in some other Newspaper or Newspapers generally circulated in the said County of *Northumberland*.

Notice to be published in the Newcastle Courant.

XI. And be it further enacted, That in case any Dispute or Difference shall arise between the Parties that now are, or shall, before making the Award hereafter mentioned, be interested in the said intended Division and Inclosure, or of any of them, touching or concerning the respective Shares and Proportions which they or any of them shall claim in the Lands and Grounds hereby directed to be divided and inclosed, 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 be lawful for the said Commissioners, and they are hereby authorized to hear and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners or Umpire to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners to determine Differences.

XII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby empowered at their Discretion, upon Request made to them by all or any of the Parties in whose Favour they shall make their Award or Awards, to order and adjudge such Costs and Charges as they shall think reasonable, for the Use and Benefit of such Party or Parties, upon or against the Person or Persons; Body or Bodies Politic or Corporate, whose Claim or Claims, Objection or Objections, Complaint or Complaints, shall be thereby disallowed (as the Case shall happen), and by Warrant under the Hands and Seals of the said Commissioners to levy such Costs and Charges by Distress and Sale of the Goods and Chattels of such last-mentioned Person or Persons, together with the Charges of such Distress and Sale; and in case there should 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 it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioners, and in consequence of such Order of Adjudication, without setting forth any other of the Proceedings therein had.

Commissioners to assess Costs.

XIII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, making any Claim

Power to try disputed Claims at Law.

or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners or Umpire, 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 Commissioners or either of them, within Two Calendar Months next after such Determination shall have been so made by the said Commissioners or Umpire, of which Notice the said Commissioners are hereby required immediately on Receipt thereof, or as soon afterwards as conveniently may be, to give Information to the adverse Party or Parties, or his, her, or their respective Stewards, Receivers, Attornies, or Agents, by Writing under their respective Hands, to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies, or Agents as aforesaid, then, but not afterwards, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, or their respective Heirs, Successors, or Assigns, and he, she, or they is and are hereby required to proceed to a Trial or Trials at Law of the same, at the Assizes to be holden for the County of *Northumberland*, in a feigned Action or Actions for that Purpose, to be commenced in His Majesty's Court of King's Bench or Common Pleas at *Westminster*, by the Person or Persons, Body or Bodies Politic or Corporate, giving such Notice as aforesaid, against the Lord or Lords, Lady or Ladies for the Time being of the said Barony and Manor of *Bywell*, 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 Commissioners 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 the Verdict or Verdicts which shall be given in the said Action or Actions shall be final and conclusive to all Bodies Politic or Corporate, and all Persons whomsoever; and after any Verdict or Verdicts shall have been obtained, and not set aside by the Court, the said Commissioners shall and they are hereby authorized and required to conform thereto: 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 any such Action or Actions shall not be proceeded in to a Trial or Trials at the first Assizes which shall be holden for the said County of *Northumberland* after the Expiration of Twenty Days from the Day of giving such Notice, by or on account of the Neglect or Default of the Plaintiff or Plaintiffs therein, then and in such Case the Determination which shall

have

have been so made by the said Commissioners or Umpire, shall be binding and conclusive upon all Parties whomsoever.

XIV. Provided always, and be it further enacted, That if any of the Parties in any such 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.

Actions not to abate by the Death of Parties.

XV. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions 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 to the said Commissioners with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon 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 Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

In Cases of Death of Parties, Actions brought, the same to be carried on and defended in their Names.

XVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, (except in Cases of such Inclosures or Encroachments as shall have been made within the Space of Thirty Years last past, or for which any Acknowledgment shall have been paid within the like Space of Thirty Years now last past), but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

Persons in Possession not to be molested without due Course of Law.

XVII. And be it further enacted, That all Inclosures and Encroachments which shall have been taken from the said Open and Common Fields, Commonable Lands, and Waste Grounds, (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 Acknowledgment), shall be deemed Part and Parcel of the said Open and Common Fields, Commonable Lands, and Waste Grounds 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 Open and Common Fields, Commonable Lands, and Waste Grounds, such Differences or Disputes shall be examined into and determined by the said Commissioners.

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

No Turves or
Sods to be
cut.

XVIII. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any Person or Persons (other than and except the Lord or Lords, Lady or Ladies for the Time being of the said Barony or Manor of *Bywell*, his, her, or their Heirs or Assigns, and the Commissioners for carrying this Act into Execution) to cut, dig, or carry away any Turves or Sods in, upon, or from off the said Open and Common Fields, Commonable Lands, and Waste Grounds, or any Part thereof, until the same shall be allotted and set out as aforesaid, upon Pain of forfeiting for every such Offence, to the said Lord or Lords, Lady or Ladies of the said Barony or Manor of *Bywell*, such Sum not exceeding One Pound Nineteen Shillings as shall be assessed in the Nature of an Amerciament, at any Court Leet or Court Baron to be holden for the said Barony or Manor of *Bywell*; the same to be assessed by the Assessor then and there sworn, and which Amerciament or Amerciaments when so assessed shall be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, by virtue of a Precept to the Bailiff or Bailiffs of the said Barony or Manor of *Bywell*, to be directed for that Purpose by the Steward of the Court of the said Barony or Manor of *Bywell*; and the Money arising from all such Amerciaments shall be paid to the Commissioners acting under the Authority of this Act, and shall be applied towards defraying the Expences of carrying this Act into Execution.

Encroach-
ments to be
allotted to
Persons in
Possession
thereof.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required, in all Cases where the same can be done without Prejudice or Inconvenience to the Occupation of the adjoining Lands, to assign and allot unto such Person or Persons entitled to and having Right of Common upon the said Open and Common Fields, Commonable Lands and Waste Grounds, as are in the Possession thereof respectively, all or any such Encroachment or Encroachments as is or are herein-after directed to be deemed Part and Parcel of the said Open and Common Fields, Commonable Lands, and Waste Grounds, for and 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 Encroachment shall be greater or more (Quantity and Quality considered) than the Allotment or Allotments would amount unto which such Person or Persons, Body or Bodies Politic or Corporate, in the Possession of such Encroachment or Encroachments respectively, would be entitled to for and in respect of their ancient Estate; in which Case a proportionable Part of such Encroachment or Encroachments shall be deducted from the same respectively, and the said Commissioners are hereby directed and required in their Valuation of such Encroachments for the Purposes aforesaid, to estimate the same according to their original Value in their open State, without any Regard to the Improvement thereon, or to the Value of the Edifices and Buildings, or Woods and Trees, which are or may be respectively erected or built, or standing and growing thereupon.

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

XX. And, for the preventing all Disputes and Differences which may arise touching the Repairs of the public Highways and Roads which shall be set out and appointed in pursuance of this Act, or of the said recited Act, be it further enacted, That the said Commissioners shall and they are hereby authorized and required to determine and adjudge what Parts of the said Highways and Roads so to be set out and appointed shall

or

or do belong to any Parish, Township, or Quarter respectively, and the said Commissioners shall in and by their general Award order and direct by what Parish, Townships, or Quarters respectively such Highways and Roads shall be maintained, amended, and kept in Repair; and the Owners and Occupiers for the Time being in each of such Parishes, Townships or Quarters respectively shall from and after the Execution of the general Award of the said Commissioners, maintain, amend, and keep such respective public Highways and Roads in Repair, as shall be so determined and adjudged to belong to such Parishes, 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.

XXI. And be it further enacted, That the said Commissioners shall and they are hereby required to set out, appoint, and allot such and so many common Quarries of Freestone, Limestone, and Slate respectively, and common Gravel Pits in the said Open and Common Fields, Commonable Lands and Waste Grounds, as they shall think necessary for the Use and Benefit of the said *Septimus Hodson* and *Frances* his Wife, or the Lord or Lords, Lady or Ladies for the Time being of the said Barony or Manor of *Bywell*, (as to such of the said common Quarries and Gravel Pits as shall be set out on *Apperley*, *Fairley May*, and *Broomley Commons*,) and of the said *William Wrightson*, (as to such of the said common Quarries and Gravel Pits as shall be set out on *Mickley Common*,) and his, her, or their respective Heirs, Tenants, Lessees, and Assigns, and also for the Use and Benefit of the Proprietors and Occupiers of the several Allotments which shall be made of the said Open and Common Fields, Commonable Lands, and Waste Grounds respectively 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 or Allotments shall be made respectively, but not for Sale, or upon any other Buildings or Lands, or for any other Use or Purpose; and the said Commissioners shall in and by their 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.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby required in the next Place to set out, allot, and appoint unto the said *Septimus Hodson* and *Frances* his Wife (in right of the said *Frances*), as well as being Lord and Lady of the Barony or Manor of *Bywell* aforesaid, as also as being Owners of a certain Tenement or Farmhold, situate in the Parish of *Bywell Saint Peter*, in the said County of *Northumberland*, and commonly called or known by the Name of *Fairley May*, or to such other Person or Persons as shall then be entitled to the said Barony or Manor of *Bywell* and Tenement or Farmhold called *Fairley-May* respectively, all that Piece or Parcel of Ground being Part and Parcel of the aforesaid Common called *Fairley-May Common*, situate, lying, and being in the Parish of *Bywell Saint Peter* aforesaid, bounded on the East by a Rivulet called *Coal Burn*, and on the North by another Rivulet called *Fotherley Burn*, containing by Estimation Four hundred and twenty-seven Acres, or thereabouts, in lieu of and as a full Compensation and Satisfaction, as well for his, her, or their Right and Interest in the Soil of the said *Fairley-May Common*, and for his, her, or their Consent to the said Division and Inclosure thereof, as also in lieu of,

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

Allotment of a Piece of Land to the Lord and Lady of the Manor for the Soil of Fairley May Common, and their Common Rights, in respect of Fairley May Tenement.

of, and as a full Compensation and Satisfaction for his, her, or their Right of Common upon *Fairley-May Common* aforesaid, for and in respect of the said Tenement or Farmhold called *Fairley-May*, and which said Allotment herein-before directed to be made as aforesaid, is to be over and above, and exclusive of all and every such Share and Allotment, Shares and Allotments of and in the said several Open and Common Fields, Commonable Lands, and Waste Grounds to be divided and allotted under the Authority of this Act; as the said *Septimus Hodson* and *Frances* his Wife are or shall be entitled to, for or in respect of their several other Lands, Tenements, and Hereditaments (except the said *Fairley-May* Estate) having Right of Common upon the said Open and Common Fields, Commonable Lands and Waste Grounds, or any Part thereof respectively.

Allotment of One-sixteenth of Broomley Common, to the Lord and Lady of the Manor, for the Soil of the Common.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby required in the next Place to set out, allot, and appoint, unto the said *Septimus Hodson* and *Frances* his Wife (in Right of the said *Frances*), Lord and Lady of the Barony or Manor of *Bywell*, or to such other Person or Persons as shall then be entitled to the same Barony or Manor, One full Sixteenth Part in Value (Quantity, Quality, and Situation considered) of that Part of the said Open and Common Fields, Commonable Lands, and Waste Grounds, which is called or known by the Name of *Broomley Common*, so to be divided and allotted (after deducting the Highways and Roads, and public Quarries and Gravel Pits), in lieu of and as a full Composition and Satisfaction for his, her, and their Right and Interest in the Soil of the same Open and Common Fields, Commonable Lands, and Waste Grounds called *Broomley Common*, so to be divided and allotted, and also for his, her, and their Consent to the said Division and Inclosure thereof.

Allotment of One-sixteenth of the Residue of the Commons, to William Wrightson for the Soil of those Commons.

XXIV. And be it further enacted, That the said Commissioners shall and they are hereby required in the next Place to set out, allot, and appoint, unto the said *William Wrightson* and his Heirs, as being the Owner of the Soil of that Part of the said Open and Common Fields, Commons, and Waste Grounds, which is called or known by the Name of *Mickley Common*, One full Sixteenth Part in Value (Quantity, Quality, and Situation considered) of the said last-mentioned Common, called *Mickley Common*, so to be divided and allotted (after deducting the Highways and Roads, and public Quarries and Gravel Pits), in lieu of and as a full Composition and Satisfaction for his Right and Interest in the Soil of the same last-mentioned Commonable Lands and Waste Grounds so to be divided and allotted, and also for his Consent to the said Division and Inclosure thereof.

The Lord's Allotment to be in such Townships or Quarters as the Commissioners shall appoint.

XXV. And be it further enacted, That the several Allotments of the said Open and Common Fields, Commonable Lands, and Waste Grounds herein-before directed to be set out, allotted, and appointed to the said *Septimus Hodson* and *Frances* his Wife (in Right of the said *Frances*) as aforesaid; and the said Allotment of the said *Mickley Common* herein-before directed to be set out, allotted, and appointed to the said *William Wrightson* (as Owner of the Soil of the same Common) and his Heirs as aforesaid, when and so soon as the same shall be respectively assigned, set out, allotted, and appointed as aforesaid, shall be allotted and awarded to lie

lie in such Township, Quarter, or Place, or Townships, Quarters, or Places respectively, as the said Commissioners shall direct and appoint.

XXVI. And be it further enacted, That in the next Place the said Commissioners shall, and they are hereby required to set out, divide, assign, allot, and appoint the Residue of the said Open and Common Fields, Commonable Lands, and Waste Grounds, called *Mickley, Apperley, and Fairley-May Commons*, after the said several Allotments herein-before directed to be made in respect thereof as aforesaid, shall have been made and set out, unto, and amongst the said *Septimus Hodson* and *Frances* his Wife (in Right of the said *Frances*), and the said *William Wrightson, Anthony Surtees*, and the several other Persons respectively having Right of Common upon the said Open and Common Fields, Commonable Lands, and Waste Grounds, called *Mickley, Apperley, and Fairley-May Commons*, in Proportion and according to the respective Values of their several Messuages, Lands, Tenements, and Hereditaments in respect whereof they are entitled to such Right of Common therein; and also that the said Commissioners shall, and they are hereby required to set out, divide, assign, allot, and appoint the Residue of the said Open and Common Fields, Commonable Lands, and Waste Grounds, called *Broomley Common* (after the said Allotments herein-before directed to be made in respect thereof as aforesaid shall have been made and set out), unto and amongst the said *Septimus Hodson* and *Frances* his Wife (in Right of the said *Frances*), and the said *William Wrightson, William Hodson*, and the several other Persons respectively having Right of Common upon the said last-mentioned Open and Common Fields, Commonable Lands, and Waste Grounds, in Proportion and according to the respective Values of their several Messuages, Lands, Tenements, and Hereditaments, in respect whereof they are entitled to such Right of Common thereon.

Allotment of the Residue of the Common.

XXVII. 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, and thenceforth kept in Repair by and at the Expence of such respective Proprietors, within such Time, and in such Manner and Proportions, as the said Commissioners shall in and by their general Award order and direct.

Allotments to be fenced.

XXVIII. Provided always, and be it further enacted, That all and every Allotment and Allotments so to be set out, allotted, and appointed by the said Commissioners unto or for the said *William Wrightson*, his Heirs and Assigns, under the Authority of this Act, shall be by them the said Commissioners allotted, appointed, and awarded unto him the said *William Wrightson*, his Heirs and Assigns, as being wholly severed from the said Barony or Manor of *Bywell* aforesaid, and totally freed and discharged of and from all manorial and other Rights, Services, Customs, Claims, and Demands whatsoever hereafter to be made or claimed by the said present Lord and Lady, or any future Lord or Lady, Lords and Ladies of the said Barony or Manor of *Bywell* aforesaid, for the Time being for ever hereafter.

The Allotments to *William Wrightson* to be freed from manorial Rights.

XXIX. Provided always, and be it further enacted, That all Houses and Buildings not occupied with some Farm of Land on the Twelfth Day of *May* One thousand eight hundred and eight, shall be valued

Houses, &c. not occupied with a Farm, on the 12th.

[*Loc. & Per.*]

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separately

Day of May
1808, to be
valued se-
parate.

separately from the Lands, Garths, and Gardens, and the Allotments to be made in respect of such Houses and 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 any of the said Open and Common Fields, Commonable Lands, and Waste Grounds 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.

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

XXX. And be it further enacted, That in case the Proprietor or Proprietors of any Lands or other Hereditaments by this Act authorized to be divided, allotted, or exchanged, shall hold their respective Lands or Hereditaments for different Estates, or under different Titles, the said Commissioners shall ascertain and distinguish the Lands or other Hereditaments held for each of such 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 Commissioners shall and they are hereby authorized and required to set forth and declare in and by their said General Award in right of what Estates in particular such Allotments shall have been respectively made, and therein also separately to describe and ascertain the Situation of every such Allotment.

Where Com-
missioners
shall not have
distinguished
such Lands,
and awarded
distinct Allot-
ments for the
same, they
may on Re-
quest do the
same by a
Deed, after
making their
Award.

XXXI. Provided always, and be it further enacted, That where from the Want of necessary Information, or other Cause, the said Commissioners shall have omitted by their general Award to distinguish and ascertain the Lands or other Hereditaments holden for each of such Estates, and under each of such Titles respectively, and the setting out and awarding of several and distinct Allotments for such respective Lands or other Hereditaments as herein-before is required, and within Twelve Calendar Months after the making of the said Award, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do every Thing necessary for supplying such Omission, and, so far as that Purpose shall require, to examine Witnesses, and in every other Respect to proceed and act as if the Award had not been made; and when they shall have obtained what they think sufficient Information, are hereby also authorized, by any Deed under their Hands and Seals, to distinguish and ascertain the Difference of Tenure Estates and Titles respectively, and accordingly to make distinct and several Allotments in the same Manner as is hereby required, where such Determination should be contained in the said Award; and every such separate Instrument shall be inrolled in the same Place, and Evidence thereof shall be given in the same Manner as by the said recited Act and this Act, or either of them, respectively is directed concerning the said general Award of the
said

said Commissioners; and all Expences which shall be reasonably incurred in or about any such separate Instrument as aforesaid, shall be paid by the Person or Persons who shall have so requested the said Commissioners to make and execute the same, or by his or their Heirs, Executors, or Administrators, and every such separate Instrument shall from and immediately after the due Execution thereof by the said Commissioners, have the same Effect to all Intents and Purposes as if the Contents thereof had been inserted and contained in their general Award, and the same shall after such Enrolment as aforesaid be delivered to the Person or Persons upon whose Request any such Omission shall have been so supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question, shall, in the Opinion of the said Commissioners, most properly belong.

XXXII. And be it further enacted, That the several Allotments of the said Open and Common Fields, Commonable Lands and Waste Grounds, to be assigned, set out, allotted and appointed by the said Commissioners as aforesaid, in respect of any Lands, Tenements or Hereditaments, (except on the said Hereditaments called *Fairley-May* Estate), having Right of Common thereon, shall be deemed, adjudged and taken, and to be Part and Parcel of and within the Township, Quarter or Place, Townships, Quarters or Places respectively wherein the Lands, Tenements or other Hereditaments, in respect of which such Allotments shall be respectively made, do lie or are situated.

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

XXXIII. 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 Lease or Leases, or Agreement 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 Abatements of the Rents reserved or made payable by such Leases or Agreements respectively, for and on account of their taking such Allotments, as the said Commissioners shall adjudge and determine to be just and reasonable, and shall in and by their general Award, or any other Writing under their Hands, ascertain, direct, and appoint.

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

XXXIV. And be it further enacted, That it shall and may be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, sell, demise, mortgage, convey and assure the same, at any Time before the Execution of the Award of the said Commissioners, for his, her or their expectant Estate or Interest therein, and every such Gift, Grant, Bargain, Sale, Demise, Mortgage, Conveyance and Assurance thereof, shall be of the same Force and Validity as if made after the Execution of the said Award; and it shall also be lawful for any of the Owners or Proprietors of any Common Right upon the Open and Common Fields, Commonable Lands and Waste Grounds hereby directed to be divided and inclosed, to sell and dispose of the same, or of the Allotment or Allotments to be made and set out in respect thereof, by virtue of this Act, either together with, or separately and distinctly from, the Estate in Right of which he or she is or may

Allotments of Common Rights may be conveyed before the Execution of the Award.

may be entitled to the same, in such Manner as he or she might have done at any Time after the Execution of the said Award.

If any Person
sell his Com-
mon Right,
the Allotment
to be made to
the Purchaser.

XXXV. And be it further enacted, That if any Person shall at any Time before the Execution of the said Award, sell his or her Right or Interest and Property in, to, over or upon the Lands hereby directed to be divided and allotted, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns, for and in-respect of such Right, Interest and Property so sold as aforesaid; and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may, after the Execution of the said Award hold and enjoy the Land so to be allotted to him, her, or them as aforesaid, in the same Manner as the Vendor in such Sale might, could or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

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

XXXVI. And be it further enacted, That all and every Allotment and Allotments of Lands and Grounds which shall be made, set out, or appointed in pursuance of this Act, for or in respect of any Lands, Tenements or other Hereditaments having Right of Common thereon, shall be held by the same Tenure, and shall be subject to the same yearly and other Rents and Payments, Reliefs and Fines, Dues, Duties, Suits and Services, as the several and respective Lands, Tenements and Hereditaments, in respect of which the said several Allotments or Parcels of Ground shall be so set out or allotted, are now holden and subject to respectively; and all and every Person and Persons who for the Time being shall be entitled to such Rents, Payments, Reliefs, Fines, Dues, Duties, Suits and Services, 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 Lands, Tenements and Hereditaments before the passing of this Act; but the several and respective Lands, Tenements and Hereditaments, in respect of which the said several Allotments or Parcels of Ground shall be so set out and allotted, and the Allotments made in respect thereof, shall not, nor shall any of them be subject to any new or increased yearly or other Rents, Payments, Reliefs, Fines, Dues, Duties, Suits or Services whatsoever, to any Person or Persons whomsoever.

Exchanges.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, assign, or allot any of the Lands or Grounds hereby directed to be divided and allotted, or any Messuages, Buildings, Lands or Grounds, or other Hereditaments in the several Parishes of *Ovingham, Bywell Saint Peter, and Bywell Saint Andrew* aforesaid, or any of them, in lieu of and in Exchange for any other Messuages, Buildings, Lands and Hereditaments in the same Parishes, or any of them, or within any adjoining Parish, Hamlet or Place, so that every such Exchange be set forth and ascertained by the general Award of the said Commissioners, and also be made with the Consent of the respective Proprietors or Persons, Body or Bodies Politic or Corporate, seized or entitled in Possession of or to the Hereditaments so to be exchanged for any Life or Lives, or for some Estate of Inheritance, or of the Husbands, Guardians, Trustees, Com-
mittees,

mittees, or Attornies of any such Proprietors, who shall at the Time of making such Exchanges be Femes Covert, Infants, Lunatics, Persons beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves, such Consent to be respectively signified by Writing under the Hands and Seals of the consenting Parties, or under the Seals of such of them as are a Corporation Aggregate; and every Exchange so made and declared shall be for ever good, valid and effectual in Law, and the respective Lands or Hereditaments so to be exchanged, shall go and remain to the same Person or Persons, and to, for and upon the same Uses, Estates, Trusts, Intents and Purposes, and be subject to the same Powers, Conditions, Covenants and Agreements, as the Lands or Hereditaments in respect whereof the same shall be exchanged would have gone and remained, and have been subject or liable to, in case the Exchange thereof had not been made; provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church or Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or other Hereditaments so to be exchanged shall be situated; provided also, that all Costs, Charges, and Expences attending the making or completing of any Exchanges or Partitions, shall be paid and borne by the respective Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Costs of Exchanges how to be paid.

XXXVIII. Provided always, and be it further enacted, That in case it shall happen that any of the Proprietors of ancient Freehold Messuages, Lands, Tenements or Hereditaments, shall exchange any of their ancient Freehold Messuages, Lands, Tenements or Hereditaments, for any Allotment or Allotments of the said Open and Common Fields, Commonable Lands and Waste Grounds, then and in such Case the Proprietors of such ancient Freehold Messuages, Lands, Tenements or Hereditaments so exchanged as aforesaid, their respective Heirs and Assigns, shall from Time to Time, and at all Times for ever thereafter, have, hold and enjoy all and all Manner of Mines, Minerals and Quarries whatsoever, lying and being, and remaining within and under the said ancient Messuages, Lands, Tenements or Hereditaments so to be given in Exchange, and all Liberties, Powers, Privileges and Authorities for winning, working, leading and carrying away the same, and the Produce thereof respectively, in as full, ample and beneficial Manner to all Intents and Purposes as they and every of them could or might, or ought to have had, held and enjoyed, or were entitled to have held or enjoyed such Mines, Minerals, or Quarries, and Liberties, Powers, Privileges, and Authorities aforesaid respectively, in case this Act had not been made, or in case such ancient Messuages, Lands, Tenements, or Hereditaments, had not been given in Exchange for such Allotment or Allotments, (making reasonable Satisfaction for Damage and Spoil of Ground to be occasioned thereby).

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

XXXIX. Provided also, and be it further enacted, That in all Cases of such Exchanges of ancient Freehold Messuages, Lands, Tenements, or Hereditaments for any Allotment or Allotments as aforesaid, all and every the Mines, Minerals, Quarries, and Beds of Clay lying and being within and under such Allotment or Allotments (except only the Allotments of

Mines, &c. within Allotments so given in Exchange to remain the Property of the Lord of the Manor.

[Loc. & Per.]

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Mickley

Mickley Common), so to be given in Exchange, shall remain the Property of, and be held and enjoyed by the Lord or Lords, Lady or Ladies of said Barony or Manor of *Bywell* for the Time being, with all Liberties, Powers, Privileges, and Authorities for winning, working, leading, laying Rail or Waggon Ways, and carrying away the Produce of such Mines, Minerals, Quarries, and Beds of Clay respectively, in as full, ample, and beneficial Manner to all Intents and Purposes as if such Exchange or Exchanges had not been made; and that in all Cases of Exchanges of ancient Freehold Messuages, Lands, Tenements, or Hereditaments, for any Allotment or Allotments of *Mickley Common*, all and every the Mines and Minerals, Quarries and Beds of Clay, lying and being within and under such Allotment or Allotments of *Mickley Common* so to be given in Exchange, shall remain the Property of, and be held and enjoyed by the said *William Wrightson*, his Heirs and Assigns, with all Liberties, Powers, Privileges, and Authorities for winning, working, leading, laying Rail or Waggon Ways, and carrying away the Produce of such Mines, Minerals, Quarries, and Beds of Clay respectively, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as if such Exchange or Exchanges had not been made.

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

XL. Provided always, and be it further enacted and declared, That the several Lands, Tenements, and Hereditaments which shall be respectively allotted or exchanged by virtue of this Act, shall, upon the Allotment or Exchange thereof respectively, go and remain to the same Persons, for the same Estates and Interests, and to the like Uses, upon the same Trusts, and to and for the same Powers, Provisoos, Limitations, Conditions, Covenants, Debts, Charges, and Incumbrances, and Provisions of every Kind, and in the same Manner as the Hereditaments in respect whereof the same Lands, Tenements and Hereditaments shall be respectively allotted or exchanged would belong or stand, or be limited to or upon, or be subject unto, if such Allotment or Exchange had not been made, but such Allotments shall nevertheless be subject to such Charges and Incumbrances thereon as shall be made in pursuance of this Act.

For paying the Expences of the Act.

XLI. And be it further enacted, That as well the Fees and Payments of the said Commissioners, as also the Charges and Expences incident to and attending the drawing, soliciting, obtaining, and passing this Act, and of surveying, measuring, planning, setting out, dividing, and allotting the said Open and Common Fields, Commonable Lands and Waste Grounds, and of preparing, making, executing, and inrolling the said Award of the said Commissioners, Instruments of Election, and of setting out and making the Highways and Roads, and other Roads and Ways, and all other Charges and Expences incident to and attending the Execution of this Act, shall be borne, paid, and defrayed by the several and respective Person and Persons, Body and Bodies Politic and Corporate, to whom any Allotment or Allotments of the said Open and Common Fields, Commonable Lands, and Waste Grounds, shall be respectively made, his, her, or their Heirs, Successors, Executors, Administrators, or Assigns, in proportion to the real Value of their respective Allotments, to be settled and ascertained by the said Commissioners, and the several and respective Shares of all such Fees, Payments, Charges, and Expences as aforesaid, shall be payable and paid by such Owners and Proprietors respectively to such Person or Persons, and at such Time or Times as shall by the said Commissioners,

Commissioners, either before or after the Execution of their general Award as aforesaid, be ordered, directed, and appointed, by Writing under their Hands respectively, Twenty Days before the Time appointed for such Payment; and in case any Person or Persons interested in the said Division and Inclosure, shall refuse or neglect to pay their, his, or her Shares or Proportions, Share or Proportion of all such Fees, Payments, Charges, and Expences within the Time so to be limited and appointed as aforesaid, to such Person or Persons as they the said Commissioners shall appoint to receive the same, then the said Commissioners shall and may, and they are hereby empowered and required, either by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so respectively refusing or neglecting to pay the same, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; or it shall be lawful for the said Commissioners to sell or mortgage the Allotment or Allotments of the Person or Persons so neglecting to pay their, his, or her Shares or Proportions, Share or Proportion, of all such Fees, Payments, Charges, and Expences as aforesaid; or so much and such Part or Parts of all such Allotment or Allotments as shall be sufficient to raise Money to pay their, his, or her Proportion of all such Fees, Charges, and Expences as aforesaid; and also the Charges and Expences of such Sale or Mortgage and other Expences attending the same.

XLII. And be it further enacted, That the Commissioners and Umpire acting in Execution of this Act shall, at all and every of their Attendances or Meetings for putting this and the said recited Act into Execution, bear and pay their own Expences; and that when and as soon as the said intended Division, and other Purposes of this Act shall be finished and completed, and the said Commissioners shall have executed their said General Award, they the said Commissioners respectively shall be paid and allowed each of them the Sum of Three Pounds and Three Shillings for each and every Day upon which they respectively shall have attended a Meeting and transacted Business in or for putting this Act into Execution.

Commissioners Allowance.

XLIII. And be it further enacted, That if any Persons who have Right of Common in or upon the said Open and Common Fields, Commonable Lands and Waste Grounds, or any other Person or Persons, shall advance or pay any Sum or Sums of Money for the Purpose of defraying the Expence of applying for and obtaining this Act, and of carrying the same into Execution, all such Persons shall be fully repaid the same, together with Interest thereon after the Rate of Five Pounds for One hundred Pounds for a Year, out of the first Money which shall be raised for the Purposes of this Act, such Interest to be computed from the Time or respective Times of advancing and paying the said Sum or Sums of Money to the Time or respective Times of the Payment thereof.

Money advanced for obtaining or executing this Act to be repaid in the first Place with Interest.

XLIV. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of passing thereof,) the said Commissioners shall, and they are hereby required to make a just and true Statement or Account of all Sums by them received and expended, or due to them for their Trouble and

Accounts to be passed before Two Justices.

Expences in the Execution of this Act; which Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any Two Justices of the Peace of the County of *Northumberland*, to be by them examined and balanced, and such Balance shall be stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and no Charges or Items in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices as aforesaid.

Draft of an Award to be made.

XLV. And be it further enacted, That as soon as conveniently may be after the said Commissioners shall have completed the said intended Division, and other Purposes of this Act, they the said Commissioners shall, and they are hereby required to draw up or cause to be drawn up a General Award or Instrument in Writing, which shall express, specify, and contain the Quantity in Statute Measure of Acres, Roods, and Perches contained in the said Open and Common Fields, Commonable Lands, and Waste Grounds, and the Quantity and Contents of each and every Part thereof allotted to each of the Persons entitled to Right of Common thereon, with an exact Description of the Situation, Buttals, and Boundaries of the severall and respective Allotments thereof, and also a Description of the respective Premises in Right of which each and every such Allotment shall be made; and shall also set forth and describe all the public Highways and Roads, Ways, Bridges, Drains, and Watercourses in, over, and through the said Open and Common Fields, commonable Lands, and Waste Grounds hereby directed to be divided and inclosed, and shall also contain proper Orders and Directions for and concerning the laying out, making, repairing, maintaining, cleansing, and keeping in Repair all the private Roads and Ways, Passages, Bridges, Gates, Stiles, Drains, Sewers, and Watercourses in, over, and through the said Open and Common Fields, Commonable Lands, and Waste Grounds, and shall set forth such further Rules, Orders and Regulations, Matters and Determinations, as to the said Commissioners shall seem necessary and proper to be inserted therein, conformable to the Tenor and true Meaning of this Act; and that the said Commissioners immediately, or as soon as conveniently may be after preparing the Draft of their Award, shall appoint a Meeting to be held at such Time and Place as they shall think fit for reading and settling the said Draft before the same shall be ingrossed, and shall cause Notice in Writing to be affixed on the principal Door of the respective Parish Churches of *Ovingham*, *Bywell Saint Peter*, and *Bywell Saint Andrew*, and also to be inserted in the *Newcastle Courant* Newspaper, and if that Newspaper shall not be then published, then in some other Newspaper usually circulated in the said County of *Northumberland*, of the Time and Place of the said Meeting, at least Fourteen Days before such Meeting, by which Notice it shall be signified that the Commissioners have prepared a Draft of their intended Award; and that all Persons interested therein, their Stewards or Agents, may (if they think proper) attend such Meeting, and peruse and inspect the said Draft, and hear the same read over, and be at Liberty to make such Objections thereto as they shall think proper, in order to have the same removed, or the Parties complaining to have such Redress therein as shall in the Judgment of the said Commissioners appear to be just.

Draft of the Award to be read over at a Meeting.

XI.VI. And

XLVI. And be it further enacted, That if any Person or Persons interested in the said intended Division, or his, her, or their Steward, Agent, or Attorney, shall at the said Meeting last mentioned make any Objection or Objections to the said intended Award, or any Part thereof, and the said Commissioners shall not be able to settle the same to the Satisfaction of themselves, and the Person or Persons, or his, her, or their Agent or Agents making such Objection or Objections, then the said Commissioners shall refer such Objection or Objections to the said Umpire, who is hereby required with all convenient Speed to hear and determine the same, and to settle the Draft of the said general Award; and also to award such Costs for or against the Person or Persons making such Objection or Objections, as to the said Umpire shall seem meet, which Costs shall be recovered and levied in such Manner as herein-before is directed concerning Costs by this Act, in case such Costs shall be awarded against such Objector or Objectors, and shall be applied towards carrying this and the said recited Act into Execution; but in case such Costs shall be awarded for such Objector or Objectors, then the same shall be paid to such Objector or Objectors, out of the Monies to be raised by the said Commissioners for defraying the Charges of obtaining and putting this Act into Execution, as herein-after is mentioned.

If any Person objects to the Draft of the Award or any Part thereof, the Matter to be referred to the Umpire.

XLVII. And be it further enacted, That as soon as the Draft of the said Award shall be settled as aforesaid, the same shall be fairly ingrossed upon Parchment, and be signed, sealed, and executed by the said Commissioners; to which said Award shall be annexed a true Copy of the Plan or Survey made and taken of the said Open and Common Fields, Commonable Lands, and Waste Grounds, hereby directed to be divided and inclosed, which said Plan or Survey so to be annexed to the said Award shall be signed by the said Commissioners, wherein the said several Allotments, public and private Roads, Ways, Common Quarries, Boundary Marks, Bridges, Sewers, Drains, and Watercourses mentioned in the said general Award, and all other Matters and Things which the said Commissioners shall think proper to be described thereon, shall be fairly delineated, set down, marked, and expressed; and that the said Award, and Plan or Survey so to be annexed thereto, shall within Six Calendar Months next after the same shall be so signed, sealed, and executed as aforesaid, be deposited with the Clerk of the Peace for the County of *Northumberland*, and enrolled of Record at the Court of General Quarter Sessions of the Peace in and for the said County, and the Clerk of the Peace for the said County is hereby required to enroll the same accordingly, who shall be paid at and after the Rate of Ten Shillings, and no more, for every Skin of Parchment whereof the said Award shall consist, for enrolling the same, and such Enrollment shall and may be inspected by any Person or Persons whomsoever from Time to Time and at all seasonable Times for ever, paying the Clerk of the Peace or his Deputy for every such Inspection, the Sum of One Shilling, and no more; and that the said Award, and Plan or Survey annexed thereto, or a true Copy of the said Enrolment, or any Part thereof, under the Hand of the said Clerk of the Peace or his Deputy (such Copies respectively being written on a proper Stamp), shall be allowed as Evidence in all Courts of Law and Equity, and the said Clerk of the Peace or his Deputy is hereby required to deliver to any Person requesting the same, a true Copy of the said Enrolment, or any Part thereof, under his Hand, being paid for such Copy at and after the Rate of Four-pence *per Sheet*, (besides

When Draft of Award settled the same to be engrossed and executed.

[*Loc. & Per.*]

14. Z.

the

the Stamp Duty), accounting Seventy-two Words to a Sheet, and that a Copy of the said Award, when so enrolled, shall be deposited in such of the said Parish Churches as the said Commissioners shall direct.

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

XLVIII. And be it further enacted, That the said Commissioners shall at the Request, Costs, and Charges of any Person or Persons, Body or Bodies Politic or Corporate, his, her, and their Stewards or Agents, having any Allotment or Allotments of the said Open and Common Fields, Commonable Lands, and Waste Grounds, hereby directed to be divided, or otherwise interested therein, at any Time before the depositing the said Award, make and execute a Copy or Copies of the said Award, Plans, and Surveys, or any of them, or any Part or Parts thereof, for the Use of the Person or Persons requesting the same, and every such Copy shall at all Times be admitted and allowed as legal Evidence in all Courts whatsoever.

Power to appeal.

XLIX. 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 this Act or the said recited Act, (other than and except such Claims, Matters, and Things as are herein-before directed and authorized to be ascertained, settled, tried, or determined by Verdict of a Jury, or where, by any of the Provisions of the said recited Act or of this Act, the Determination, Acts, or Proceedings of the said Commissioners are directed to be final and conclusive), he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be holden for the said County of *Northumberland*, within Four Calendar Months next after the Cause of Complaint shall have arisen, giving Notice in Writing of every such Appeal, by affixing such Notices, expressing the Cause of Complaint upon the principal Door of the several Parish Churches of *Ovingham*, *Bywell Saint Peter*, and *Bywell Saint Andrew* aforesaid, Fourteen Days at least before such General Quarter Sessions, and the Justices of the Peace assembled at such General Quarter Sessions, or at any subsequent General Quarter Sessions, to which the said Justices shall adjourn any such Appeal, either for Want of such Notice having been given as aforesaid, or for any other Cause which to the said Justices shall seem a sufficient Cause to adjourn such Appeal, are hereby authorized 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, in any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Owners of Allotments may get Freestone, &c.

L. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Proprietors for the Time being of the several Lands allotted in pursuance of this Act, to win, get, and work therein Freestone, Limeitone, and Slate, as well for the Use of the Grounds so to be allotted to them, as for the Use of the Lands, Tenements, and Hereditaments,

ditaments, or the Buildings thereon respectively, in respect of which such Allotments shall be made, but for no other Use or Purpose whatsoever.

LI. 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 Lord or Lords, Lady or Ladies for the Time being of the said Barony or Manor of *Bywell*, of, in, and to all or any Mines, Minerals, Quarries, and Beds of Clay of what Nature or Kind soever, lying or being within or under the said Open and Common Fields, Commonable Lands, and Waste Grounds hereby intended to be divided, allotted, and inclosed, (except only that Part of the same Open and Common Fields, Commonable Lands, and Waste Grounds which is called *Mickley Common*), and also of, in, and to the Seignories and Royalties incident or belonging to the said Barony or Manor of *Bywell*, but on the contrary, that, notwithstanding such Division and Inclosure as aforesaid, the Lord or Lords, Lady or Ladies of the said Barony or Manor of *Bywell* for the Time being, and all and every other Person and Persons claiming by, from, under, or in Trust for him, her, or them, as Lord or Lords, Lady or Ladies of the said Barony or Manor of *Bywell* 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 Leet, and Views of Frank Pledge, Courts Baron, and all Profits and Perquisites of Courts and Courts Leet, and all Things which to Courts Baron do belong or appertain, with Free Warren and Liberty of Hawking, Hunting, Fishing, and Fowling within and throughout the said Barony or Manor of *Bywell*, and every Part thereof, and all Goods and Chattels of Felons and Fugitives, and Felons of themselves, and of such as are put in Exigent, Deodands, Treasure Trove, Waifs, Forfeitures, Estrays, Escheats, Fairs, Market Tolls, Customs, Stallages, Dues, Rights, Royalties, Immunities, Jurisdictions, Franchises, Privileges, Profits, Commodities, Advantages, Emoluments, Hereditaments, Matters and Things whatsoever, to the said Barony or Manor of *Bywell*, or to the Lord or Lords, Lady or Ladies thereof for the Time being incident, belonging, or appertaining, (other than and except the Right to the Soil of the said Open and Common Fields, Commonable Lands and Waste Grounds intended to be hereby divided, and such Common Right thereon respectively as could or might be claimed by them for which Compensation is herein-before directed to be made), in as full, ample and beneficial Manner, to all Intents and Purposes, as they respectively could or might have held and enjoyed the same if this Act had not been made (except only as herein-after is mentioned); and that the said *Septimus Hodson* and *Frances* his Wife (in Right of the said *Frances*), and all succeeding Lord or Lords, Lady or Ladies of the said Barony or Manor of *Bywell*, or his, her, or their Tenants, Lessees or Assignees, shall and may from Time to Time and at all Times hereafter have, hold, win, work, and enjoy exclusively, all Mines, Minerals, Quarries, and Beds of Clay, of what Nature or Kind soever, (save and except the said Common, Quarries, and Gravel Pits), within and under the said Open and Common Fields, Commonable Lands and Waste Grounds hereby directed to be divided (except *Mickley Common* aforesaid), and within and under every Part thereof respectively, and the several Allotments thereof in pursuance of this Act, (subject only and without Prejudice to the Rights and Privileges herein-before reserved and given in respect of such Freestone, Limestone, and

This Act not to prejudice the Right of the Lord of the Manor to the Royalties, &c.

Slate,

Slate, as are herein-before permitted to be won, gotten, and worked by Proprietors of Allotments), together with all convenient and necessary Ways and Way-leaves, and also Liberty of laying, making, and repairing Waggon Ways and other Ways, in, through, over, and along the same or any Part thereof; and also for searching for, winning, and working the said Mines, Minerals, Quarries, and Beds of Clay, 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, Quarries, and Beds of Clay or Collieries belonging to the Lord or Lords, Lady or Ladies of the said Barony or Manor of *Bywell*; and of making Pits, Shafts, and Pumps, Pit-rooms and Heap-rooms, Drifts, Levels, and Watercourses; and of repairing, amending, and upholding the same; and of erecting, building, and using Houses, Draw-kilns, Erections, Buildings, Fire-Engines and other Engines, Mills and other Erections and Buildings, and of altering, changing, and 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, Quarries, and Beds of Clay 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.

Saving the
Manorial
Rights of Mr.
Wrightson.

LII. Provided also, 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 *William Wrightson*, or his Heirs or Assigns, of, in, and to all or any of the Mines, Minerals, and Beds of Clay, of what Nature or Kind soever, lying and being within or under that Part of the said Open and Common Fields, Commonable Lands, and Waste Grounds, which is called or known by the Name of *Mickley Common*, but on the contrary that (notwithstanding such Division and Inclosure as aforesaid shall be made under the Authority of this Act) he, the said *William Wrightson*, and his Heirs and Assigns, shall and may from Time to Time and at all Times for ever hereafter have, hold, and enjoy Free Warren and Liberty of Hawking, Hunting, Fishing, and Fowling within and throughout *Mickley Common* aforesaid; and all Goods and Chattels of Felons and Fugitives, and Felons of themselves, and of such as are put in Exigent, Deodands, Treasure Trove, Waifs, Estrays, Forfeitures, Escheats, Dues, Rights, Royalties, Immunities, Jurisdictions, Franchises, Privileges, Profits, Commodities, Advantages, Emoluments, Hereditaments, Matters and Things whatsoever, which now appertain or belong to, or can or may be claimed, taken, exercised, or enjoyed by the said *William Wrightson*, or his Heirs, or any other Person or Persons claiming under or in Trust for him or them, in, upon, or in respect of the said *Mickley Common*, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he, they, or any of them respectively, could or might have held and enjoyed the same if this Act had not been made; and that the said *William Wrightson*, his Heirs or Assigns, or his or their Tenant or 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, Quarries, and Beds of Clay, of what Nature or Kind soever (save and except the Common Quarries and Gravel Pits), within and under the said *Mickley Common*, and within and under every Part thereof respectively, and the several Allotments thereof in pursuance of this Act, (subject only
and

and without Prejudice to the Rights and Privileges herein-before reserved and given, in respect of such Freestone, Limestone and Slate, as are herein-before permitted to be won, gotten, and worked by Proprietors of Allotments), together with all convenient and necessary Ways and Way-leaves, and also Liberty of laying, making, and repairing Waggon Ways and other Ways, in, through, over, and along the same or any Part thereof; and also for searching, winning, and working the said Mines, Minerals, and Beds of Clay, 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, Quarries, and Beds of Clay, or Collieries belonging to the said *William Wrightson*, his Heirs and Assigns, and of making Pits, Shafts, and Pumps, Pit-rooms and Heap-rooms, Drifts, Levels, and Watercourses, and of repairing, amending, and upholding the same, and of erecting, building, and using Houses, Draw-kilns, Erections, Buildings, Fire-Engines and other Engines, Mills and other Erections and Buildings, and of altering, changing, and 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, Quarries, and Beds of Clay hereby lastly reserved, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he or they might or could have done in case this Act had not been made.

LIII. And be it further enacted, That in case the Lord or Lords, Lady or Ladies of the said Barony or Manor of *Bywell* for the Time being, his, her, or their Heirs or Assigns, or the said *William Wrightson*, his Heirs or Assigns, or any Person or Persons claiming under any of them respectively, shall after such Inclosure or Allotments made as aforesaid, search for, win, or work any Mine or Mines, Minerals, Quarries, or Beds of Clay, 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, Quarries, or Beds of Clay, then and in every such Case the Lord or Lords, Lady or Ladies of the said Barony or Manor of *Bywell*, his, her, or their Heirs or Assigns, or such Person or Persons so claiming under him, her, or them as aforesaid, or the said *William Wrightson*, his Heirs or Assigns, or such Person or Persons so claiming under him or them as aforesaid (as the Case may happen), shall make a reasonable Satisfaction for the Damage and Spoil of Ground occasioned thereby, or by the erecting or building any Houses, Draw-kilns, 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.

For making
Compensa-
tion for Da-
mages in
working
Mines.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or shall be construed to extend, in any wise to prejudice, lessen, hinder, or defeat the Right, Title, and Claim of the said *Septimus Hodson* and *Frances* his Wife (in Right of the said *Frances*), or the Heirs of her the said *Frances*, to such Right and Interest as they or any of them have or may claim or be entitled in certain Collieries in *Mickley West Banks*, and *Elteringham Common* (Part of *Mickley Common* aforesaid).

Saving Rights
of Mr. and
Mrs. Hodson
to certain
Collieries.

General
Saving.

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

Act to be
printed and
given in
Evidence.

L^{VI}. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them 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. 1812.