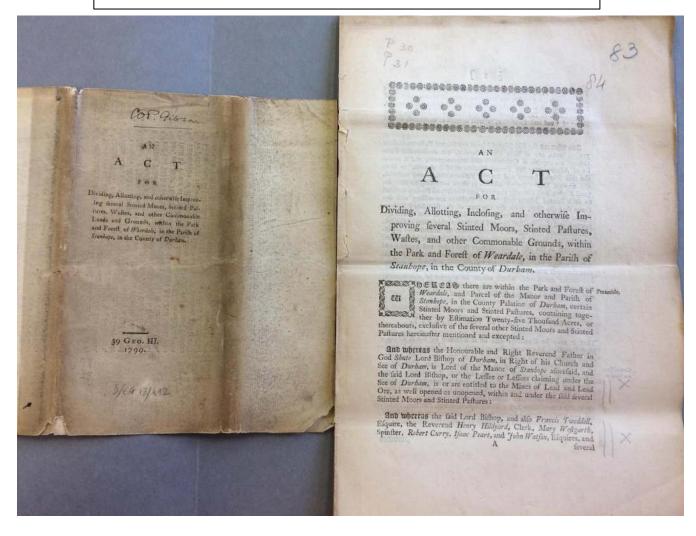
Windyside Moor Public Bridle Road DMMO Application Evidence

Ref. 3/19/098



Historical Documentary Evidence

Document F - 1799 Park and Forest Weardale Inclosure Act





And be it further Englied, That the faid Commiffioners and

Arhitrator respectively, to whom such Reserences or Reserences

shall be made as aforefeld, or any One or more of them, shall and Waster or may, at the Requell of any of the Parties interested in the Reference for the cs or References, Claims or Objections, made to them, or his, her, or fock Retheir Attorney, Solicitor, Steward, or Agent, by Writing or Writ-

ings under their or his Hands or Hand, fummion fuch Witness or Witnesies as shall be thought necessary, to appear and give Evidence before them, at such Time and Place as shall be therein appointed; and if such Witness or Witnesses, being duly served with such Sumseptening to more, and having been paid or had tendered a Sum of Money fuffi-reling to cient to bear his, her, or their Charges of Attendance, thall neglect for next, or refine to appear and give Evidence agreeable to fuch Summons, then the faid Commiffications and Arbitrator respectively, or any Two and sol with hereby empowered and tequired, by Warrant under their or his hereby barries and Seals or Seal, to levy by Diffres and Sale of the by Diffres and Sale of the sale sale sales. ereding for or more of them, on due Proof thereof made, shall, and are and is Money not exceeding Twenty Pounds nor lefs than Forty Shillings, to the Use of the Person or Persons who caused such Witness or Witnesses to be summoned, over and beside the reasonable Charges of fuch Summons, Warrant, Diffress, and Sale, rendering the Overplus (if any) upon Demand, to the Person or Persons re-

And be it further Ennited, That in cafe any Person or Persons in Winesses siving fall his, her, or their Examination upon Oath or Assimuation before the besolged to the Penalties corruptly give falle Evidence, every fach Person to effending, and being thereof duly convicted, thall be, and is hereby declared to be subject and liable to such Pains and Penalties, as by any Law now in being Persons convicted of wilful and corrupt Perjury are subject and liable to.

spectively whose Goods and Chattels shall be so distrained and

Providen always, and be it lurther Enafted. That the faid ers or Arbi- Commissioners and Arbitrator, or any Two of them respectively, trator may award Coils shall, and they are hereby required and empowered, upon Request made to them by all or any of the Parties in whose Favour they

[15]

Guall stake their Award or Awards, to affels such Code and Courges make to as they shall think resionable, for the Use and Beautit of fuch Party Parties, or Parties, upon or against the Person or Persons, Body or Bodies what Parties are the Code of the Code Politic or Corporate, whole Claim or Claims, Objection or Objecttions, shall be thereby disallowed, and by Warrant under the Hands said, and and Scale of the faid Committioners or Arbitrator, or any Two of yorkey the them respectively, to levy such Cotts and Charges by Distress and we come so Sale of the Goods and Chattels of such last-mentioned Person of Per- tor the font, Body or Bodies Politic or Corporate, together with the Charges Hard. of such Distress and Sale: Provided always, that nothing herein Committee contained shall authorize or empower the faid Commissioners or entered Arbitrator, or any of them, to hear or determine any Matter of traor act to Title respecting the faid Lands and Grounds, but the Parties con-symmetric cerned may commence and profecute such Suits or Remedies at at This.

Law respecting the same as they shall think propers but no such Suit shall hinder or delay the Execution of this Act.

and be it further Engited. That the faid Commissioners, or Commission any Two of them, shall, and they are hereby required, on or before the Twelfth Day of May One thousand Eight hundred and One, or as Peru of the foon after as conveniently may be, to fet out, afcertain, and appoint fail suared fuch Parts of the fail Stinted Moor or Moors, and Stinted Patture or Photos and States of Photos or Phot Pattures respectively, as shall, in the Judgment of the said Commiliance of th tioned; and shall, and they are hereby required, according to the mol capable best of their Skill and Judgment, to ellimate, ascertain, and settle meat the Extent and Value of the Right and Estate of the several Person divided and or Porions, Body or Bodies Politic or Corporate, interetted in the states faid Stinted Moor or Moors, and Stinted Patture or Pattures respectively. tively, and in like Manner to estimate, ascertain, and settle the Value tim the Number of of the Soil and Ground of the faid Parts of the faid Stinted Moor or Stints there-Moors, and Stinted Pasture or Pastures refpectively; and the faid Com- on. millioners, or any Two of them, thall and may, and they are hereby authorized and required to let out, affign, and allot, apportion and divide the faid Parts of the faid Stinted Moor or Moors, and Stinted Pailure or Pailures respectively, in Manner following; (that is to fay) as foon as all and every the Claim and Claims respecting the Boun- Then to set daries of the faid Stinted Moor or Moore, and Stinted Patture or out pablic Pattures respectively, and also the Claim or Claims of Right or Rash. Interest in and to the faid Stinted Moor or Moors, and Stinted Pasture or Pattures respectively, shall be fettled and determined, the faid Commissioners, or any Two of them, shall, and they are hereby authorized and required in the first Place to set out and appoint such



Altogether better

[16]

No Person to public Carriage Roads, in, over, and upon the Lands and Grounds ref asy hereby intended to be divided and allotted, as they shall think necessitions are the state of the stat fary and proper, all which public Roads thall be and remain of the Breadth of FortyFeet of Affize at the least between the Ditches; the Breaght of Forty Feet of Africe at the feath between the Duches and in cafe any of the faid Lands and Grounds shall be included by virtue of this Act, and any public Roads shall be fet out through and on the Budge over the fame, such Roads shall be well and sufficiently sensed over the fame, such Roads shall be well and sufficiently sensed. Commillies out on each Side from the Lands adjoining, by fuch Owners and en mapped Proprietors of the faid Lands and Grounds, and within such Time start, yer of as the faid Commissioners, or any Two of them, shall in their Award direct and appoint; and that it thall not be lawful for any Person to erect any Gate across any of the faid Roads, or to plant any Trees in or near the Hedges on the Sides of any of the faid Roads, at a lefs Diftance from each other than Fifty Yards; and after the faid Roads shall be fet out as aforefaid, the faid Commissioners, or any Two of them, thall, and are hereby empowered and required, by Writing under their Hands, to appoint One or more Surveyor or Surveyors of the faid Roads; and in case of the Death, Neglect, Refutal, or Incapacity of fuch Surveyor or Surveyors, in like Manner to appoint other or others in his or their Stead or Steads, and fuch Surveyor or Surveyors shall cause the same to be formed and put into good and fufficient Repair, and shall be allowed foch Salary or Reward for his or their Trouble therein as the said Committoners, or any Two of them, shall, by Writing under their Hands, direct and appoint; which Salary or Reward, and also the Expense of forming the faid Roads, and of putting the fame into good and fufficient Repair (over and above the Statute Duty to be performed in respect of such of the said Roads as are now ancient public Highways) final be borne and paid by the feveral Owners and Proprietors of the Lands and Grounds hereby intended to be divided er, sud each and allotted, and finall be raifed by a Rate to be laid on fuch Owners Perfors From and Proprietors according to the respective Value of the faid Lands and Grounds, the respective Proportion thereof to be afcertained by them. and affeffed by the faid Commissioners, or any Two of them, or by any Justice of the Peace for the County of Durham, upon Application made for that Purpose by the faid Surveyor or Surveyors, and to be collected and received by fuch Perfon as the faid Commissioners or Justice by whom such Rate shall be laid and affested shall Such Rate in by Writing appoint; and in cafe any Perfon fhall neglect or refule to eate of Non-pay his or her Share of the faid Rate within Fourteen Days next after payment, the such as the payment of the faid Rate within Fourteen Days next after payment. Demand made thereof, the same shall and may be levied and recovered by Diffreis and Sale of the Goods and Chattels of the Person so neglecting or resusing, by Warrant under the Hands and

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Seals or Hand and Scal of the faid Committioners, or any Two of them, or of any Justice of the Peace for the faid County (which Warrant the faid Commillioners or fuch Justice are and is hereby empowered and required to grant upon Oath or Affirmation of fuch Neglect or Refufal, and of fuch Demand as aforefaid; and the faid Commissioners, or any Two of them, and such Justice, are and is hereby respectively empowered to administer such Oath or Affirmation) rendering the Overplus, if any, to the Owner of fuch Goods and Chattels, on Demand, after deducting the Charges of fuch Warrant, Diffress, and Sale, and that none of the Inhabitants of the faid Parish of Stanbope (other than the Owners and Proprietors of the faid Lands and Grounds to be divided and allotted) thall be charged and chargeable (over and above the Statute Duty) towards the forming and putting the faid Roads into Repair, until the fame shall be completely formed and made good, and shall have been certified to to be by the faid Surveyor or Surveyors, by Writing under his or their Hand or Hands, to be delivered to the Justices at their Quarter Sessions to be holden for the faid County of Durkam, and fuch Certificate shall have been allowed and confirmed by them; which faid Certificate shall be delivered to the faid Juffices at their Quarter Seilions, to be holden next after the faid Roads thall be completely formed and made good as aforefaid, and within the Space of Two Years next after the Execution of the faid Award by the faid Commissioners, unless fusficient Reason be given, to the Satisfaction of the faid Juffices, that a further Time is necetfary for delivering in the faid Certificate, as they shall think proper not exceeding One Year; and in cafe the faid Surveyor or Surveyors thall neglect or refute to deliver in such Certificate within the Time before limited, fuch Surveyor or Surveyors shall forfeit and pay the Sum of Twenty Pounds, to be recovered in like Manner as the the faid Rate is hereinbefore authorized to be recovered, and the fame shall be applied in aid of the Rate so to be laid as aforefaid; and that after fuch Certificate shall have been delivered to the faid Juffices by the Surveyor or Surveyors as aforefaid, and shall have been by them allowed and confirmed, the faid Roads shall from Time to Time be amended and kept in Repair, in the fame Manner as other public Roads are by Law amended and kept in

and, to prevent all Disputes and Differences touching the Re- Committee pair of the public Roads which do go over or along the faid Parts of the faid Stinted Moors and Stinted Patheres hereby authorized to bashe. be divided or flinted, or any Part thereof respectively, or to be set Road beout in pursuance of this Act, Be it further Enacted, That the faid long.



Commissioners, or any Two of them, shall, and they are hereby authorized and required to determine and adjudge what Part of the said Highways which are ancient ones, and also of the new Highways to be fet out in pursuance of this Act, shall belong to any and what Township or Townships, District or Districts in particular, which Determination and Adjudication of the said Commissioners, or any Two of them, shall be reduced into Writing, and figned and feated by the faid Commissioners, or any Two of them, and incolled, and the Original deposited, and Evidence thereof given in the same Manner as the General Award of the faid Commissioners is by this Act directed to be involled, deposited, and given in Evidence, and thall be final and conclusive, to all Intents and Porpotes , and the Inhabitants of such Township or Townships, District or Districts, thall, after such Determination and Adjudication as aforefaid, maintain and keep fuch respective public Roads in Repair, as shall be so determined and adjudged to belong to such Township or Townships, District or Districts, in the same Manner as ancient and common public Roads or Highways are by Law directed to be kept in Repair; and that it shall not be lawful for any Person or Persons to make use of any Roads or Ways, either public or private, in, over, or through the Lands and Grounds hereby to be divided or ftinted, or any of them, or any Part thereof (other than the Lord Bishop of Durbam and his Successors, his or their Lessee or Leffices, Affignee or Affigns, for fuch Purpotes as are herein after particularly referved, mentioned, and contained) either on Poot, or with Horfes, Cattle, Carts, or Carriages, other than fuch as thall be fet out and appointed by the faid Commissioners by virtue of this Act; and that all former Roads and Ways which thall not be fet out and appointed by the faid Commissioners, as Ways and Roads through the faid Lands and Grounds to be divided or flinted as aforefaid, shall be deemed Part of the Lands fo to be inclosed, and shall be divided and allotted, held and enjoyed, as Part and Parcel of fuch Lands accordingly.

Commission- And be it further Enasted, That the faid Commissioners, or committees to fet out any Two of them, shall, and they are hereby authorized and republic ware quired to fet out and appoint proper Places upon the faid Parts of and Wells, the faid Stinted Moor or Moors, and Stinted Pafture or Pastures reprises and feelively, to be hereby divided or flinted for common Watering Hote Road, the Gate, Sales, Places for Cattle and common Wells, if the fame can conveniently se, be done, and thall also affign and fet out such common public and private Horfe and other Roads, Ways, Paffages, Bridges, Gates, Stiles, Hedges, Sewers, Drains, and Watercourses, in, over, and through the said Lands and Grounds so to be divided or thinted, [19]

as they shall think proper, useful, and convenient, such last-mentioned Roads and Waste to be repaired by fuch Person or Persons
Body or Bodies Politic or Corporate, interested in the faid Division,
as the said Commissioners, or any Two of them, shall award, order, and direct: Provided always, that nothing herein contained shall extend, or be confirmed to extend, to give the faid Commissioners, or any of them, any Power or Authority to divert, change, or alter the Course of any Turnpike Road.

and be it further Enaced. That the faid Commissioners, or any Two of them, shall also let out and appoint, in such Parts as they shall think proper of the faid Stinted Moor or Moors, and stored Pasture or Pastures, so many Freestone Quarries, and also Limestone Quarries (if the same can conveniently be done) and Place or Places for procuring and obtaining Peats for Fuel, as they be appeared by the past of the Tenants. shall deem secolary, as well for the Use and Benefit of the Tenants, Lesses and Lesses, and Assigns, of the faid Lord Bilhop of Durham and his of the Pro-Succeffors, as also for the other Person or Persons, Body or Bodies large. Politic or Corporate, having any Right or Interest in the faid Stinted Moor or Moors, and Stinted Patture or Pattures respectively, hereby directed to be divided or finted, their Heirs and Affigns, to be used upon his, her, or their Buildings or Lands, or upon or for the Ufe of any of the Allotments to be made and fet out by virtue of this Act, or any other Buildings or Lands, or any other Purpole, but not for Sale; and the faid Committioners, or any Two of them, thall, in and by their Award to be made as hereinafter mentioned, direct how and in what Manner the fame shall be wrought; and it shall be lawful for the faid Commissioners, or any Two of them, in their faid Award (if they thall think it proper to to do) to restrict the Ufe and Enjoyment of any particular Quarry or Quarries, or Place or Places for procuring Peats as aforefaid, to by them to be fet out and appointed, to any particular Proprietors or Class of Proprietors having such Right or Interest in the faid Stinted Moor or Moors, and Stinted Patture or Pattures as aforefaid, in Exclusion of the others or other of them, provided other Quarry or Quarries, Place or Places, are by them the faid Commissioners, or any Two of them, in their faid Award, fet out and appointed for the exclusive Use and Enjoyment of fuch other Proprietor or Proprietors to excluded.

and be it further Enafted, That it inall and may be lawful for Committee the faid Commissioners, or any Two of them, and they are hereby ered to care authorized and empowered to divert, alter, or change the Courfe or any Water-Current of any of the Springs, Streams, or Watercouries, upon or en the sales within (but not under) any of the Lands or Grounds hereby dis-



[22]

For of which by virtue of this Act, shall become and be of the fame Tenure, and be under the fame Rents and Services, and go and remain to the fame Ufes and Trufts, and be subject and liable to the fame Deviles, Powers, Conditions, Covenants, Agreements, Charges, and Incumbrances, as the Hereditaments in respect whereof the fame shall be respectively made, allotted, or set out, are or shall be fubject and liable to, or could or would have been subject and liable to in case this Act had not passed, other than and except such Leafes and Agreements at Rock Rent as shall be determined, and subject to such Charges and Incumbrances as shall be made in pursuance

Provided always, and be it further Enafted. That the faid Commissioners, or any two of them, shall, and they are hereby required to allign and allot unto fach Person and Persons, Body or hope made Bodies Politic or Corporate, entitled to any Part or Shate of and in the date is, the faid Stinted Moor or Moors, and Stinted Pather or Pathers respectively, as are in the Polleffion of any Encroachment or Encroschments, all and every the Lands and Grounds comprehended therein, and all Edifices and Buildings which are made thereon for and in Part of the Allotment or Allotments which firstly be made to them respectively by virtue of this Act, in case such Person or Perfour, Body or Bodies Politic or Corporate, shall by himfelf, herielf, or themselves, or his, her, or their Agent or Agents, defire the fame, and shall figurify such Defire under their or any of their Hands re-spectively to the said Commissioners, or any Two of them, at the First, Second, or Third Meeting to be held in pursuance of this Act, and the faid Commissioners, or any Two of them, shall think it convenient, unless it thall happen that such respective Encreachments thall be greater or more (Quantity or Quality confidered) than the Allotment or Allotments would amount unto which fuch Person or Persons, Body or Bodies Politic or Corporate, in the Possession of fuch Encrosediment or Encrosediments respectively, would be entitled to, for and in respect of their Right and Interest therein, in which Case a proportional Part only of such Encreachment or Encreachments thall be deducted from the fame respectively; and the faid Commissioners, or any Two of them, are hereby directed and required, in the Valuation of fach faid Encroschment or Encroschments, to value the fame as near as they possibly can according to the intrinsic Value thereof respectively at the Time of encreaching the fame, without any Regard to the Improvements usade therein, or to the Value of the Edifices and Buildings which are erected or built thereupon.

Provided

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Problem always, and he it further Enades and Declares, Non-collider That nothing herein contained shall extend, or be construed, decimed, or taken to extend, to empower the said Committioners or their Succeffors, or any of them, to divide or allot certain Moors or Pattures within and Parcel of the faid Park and Forch of Weardale, called Kelley, Welloy, and Spark Shiell, Middlebape Moor, Sunderland Moor, Liningarth Moor, Red Burn Moor, Eastgate Passure, and Sunderland Paliure, or any of them, or any Part or Parts thereof respectively, but that the same shall respectively be and remain, and be held and enjoyed in the same State, Manner, and Form, as the same were before the passing of this Act; any thing herein contained to the contrary notwithstanding.

And he it fliether English. That after foch Part and Parts as the Aberthe bet faid Committioners, or any Two of them, shall deem and adjudge Part of the to be improveable of the faid Stinted Moor or Moors, and Stinted Moors and Passure or Passures respectively, shall have been set out and allotted Passures are in Manner hereinbefore directed, the Residue and Remainder of the Remainder faid Stinted Moor or Moors, and Stinted Pasture or Partures respectively. tively, thall be held and enjoyed as Stinted Pasture or Passures; Stines, acand the faid Committioners, or any Two of them, are hereby au coding to theorized, empowered, and required to efficient, according to the code of the the Number and Nature of Stints to be enjoyed upon the faid Parts of the faid Stinted Moor or Moors, and Stinted Patture or Pattures respectively, and shall allot and award the Stints so to be set out upon the faid Stinted Moor or Moors, and Stinted Palture or Paltures respectively as afurefaid, to the faid Lord Bishop of Durban, Francis Tweddell, Henry Hildyard, Mary Wejlgurth, Robert Carry, Ifaac Peart, and John Watjon, and the feveral other Persons, Body or Bodies Politic or Corporate, having any Ethate, Right, or Interest in the faid Stinted Moor or Moors, and Stinted Pasture or Pastures, by this Act directed to be divided or flinted as aforefaid, in proportion to the Effates, Rights, and Interests of such several Persons in and to the faid Stinted Moor or Moors, and Stinted Pafture or Pastures, so directed to be divided as aforesaid.

Provided alicaps, and be it further Enafted, That the faid Committee Commissioners, or any Two of them, shall, and they are hereby au-thorized and required, in their faid General Award, to accertain, deferibe, and fet forth the Nature of a Stint fo to be depuffured upon Nature of a the faid Stinted Moor or Moors, and Stinted Pathure or Patitures respectively, and what the same shall consist of; also to prescribe fuch Rules, Orders, and Regulations, as they shall think proper to he observed in the enjoying such Stints; all which Rules, Orders,



Document G – 1815 Park and Forest Weardale Inclosure Award

Hird The do hereby assign set out and appoint another public stoute Road part and prime way recently feet in breated as the same is now stated and set out by states and sand starts and waita for ownintions water we shall describated when to and rail by the name of Windyside Moor Public. Buille Road vogiming reading from a Gate in the Domoan Wall between Jaco windyside stoor and chapet pasture ratted devel fate and protectuig Eastwards tarough and over the allotheut Acrematic vel out to Easurab viraro upou the said windupide oftoot to and arrow the said winduplite stroot private Carriage was and 588 and from tacure fartact doute castwards tarough and over the autuento Acrematice set out to william Blanfourn and Caristopaer Emerson responsivem upon tac savo winouside ottoor to and nito the said Great full Stoad South of the Sliver ticat was in the same



Windyside Moor Public Bridle Road Transcription

And we do hereby assign set out and appoint another public Horse Road Pack and Prime Way twenty feet in breadth as the same is now staked and set out by Stakes and Land Marks and which for distinctions sake we shall hereinafter refer to and call by the name of "Windyside Moor Public Bridle Road" beginning at and leading from a gate in the boundary wall between the said Windyside Moor and Chapel Pasture called Level Gate and proceeding eastwards through and over the allotment hereinafter sety out to Thomas Wears upon the said Windyside Moor to and across the said Windyside Moor Private Carriage Road and from thence further south eastwards through and over the allotments hereinafter set out to William Blackburn and Christopher Emerson respectively upon the said Windyside Moor to and into the Great Drift Road south of the river Wear.



rescionar puese sance rener 2110 200 do heroby totter and award that all the said an scretal douse eleace or part and prime want accombete 100 603 by us bet our and appointed shall for over deceafer be and toutinue til tele nationest parte thereof espanden of a the breakth of weard feet diarute steadure and that it that and may be lawful to and for all persone an who were at all times Acreafter to past and repast in wood through over and along the same corpetioning 1001 and on Acrobath only at their free will and an 604 pleasured 2110 we do deroby order owen and award to total the protest and all functe owners or ompter of the said several allorunous or parieto of Ground through over or along whith any of the said sound Slotte 20000 or part and prime thank are del on as aforesaid saall respensively windle twenty days were next cristing mate and place and for ever racialists upaolo maurani acco perp un repair good and sufficient well going fased on the sine of all our last would Read wi the found of their several and repented to allotuano jor tae more tommoderes organisment doaco tapanach ...

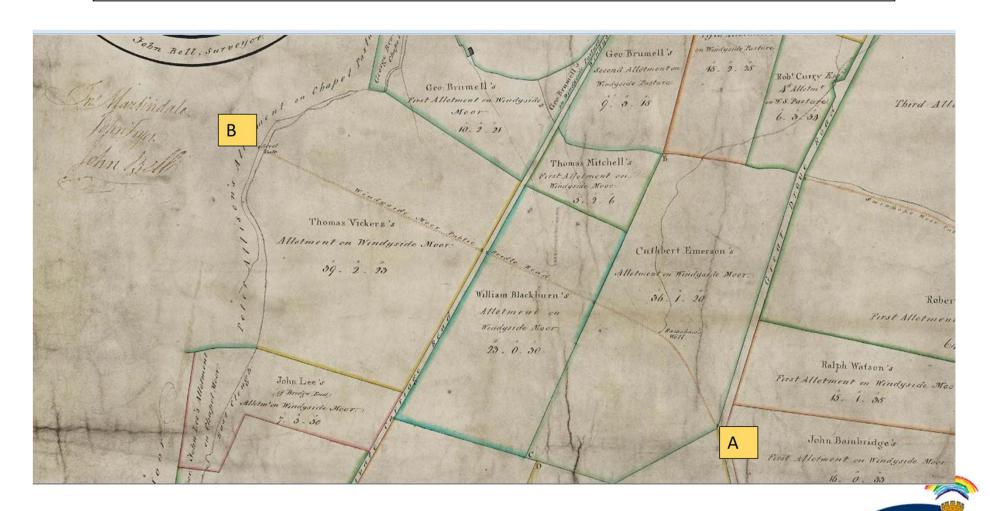


Uses of the Public Bridle Roads

And we do hereby direct and award that all the said several Horse roads or Pack and Prime ways hereinbefore by us set out and appointed shall for ever hereafter be and continue in the narrowest parts thereof respectively of the breadth of twenty feet statute measure and that it shall and may be lawful to and for all persons whomsoever at all times hereafter to pass and repass in upon through over and along the same respectivley on foot and on horseback only at their free wills and pleasures. And we do hereby order direct and award that the present and all future owners or occupiers of the said several allotments or parcels of ground through over or along which any of the said several Horse Roads or Pack and Prime ways are set out as aforesaid shall respectivley within twenty days now next ensuring make and place and forever thereafter uphold maintain and keep or repair good and sufficient well going gates on the line of all such last mentioned Road in the fences of their several and respective allotments for the more commodious enjoyment of the same roads respectivley.

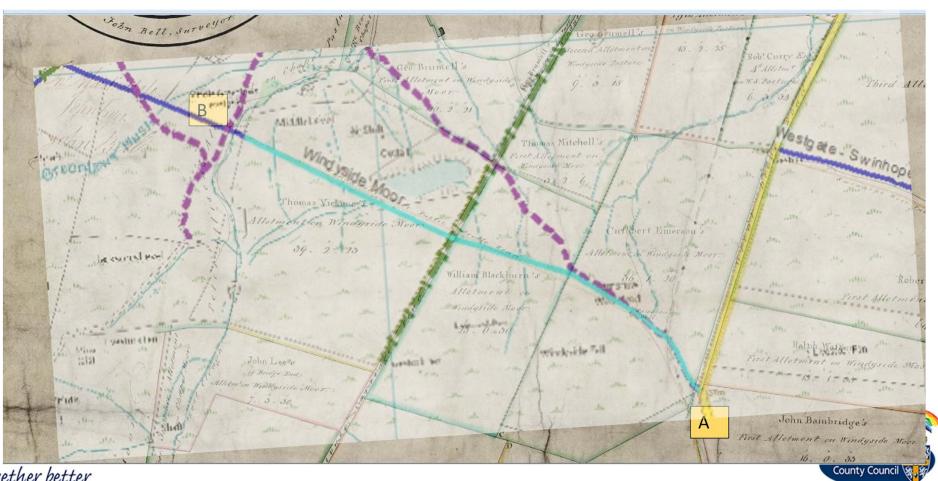


Document H – 1815 Park and Forest Weardale Inclosure Plan and Current Definitive Map Overlay



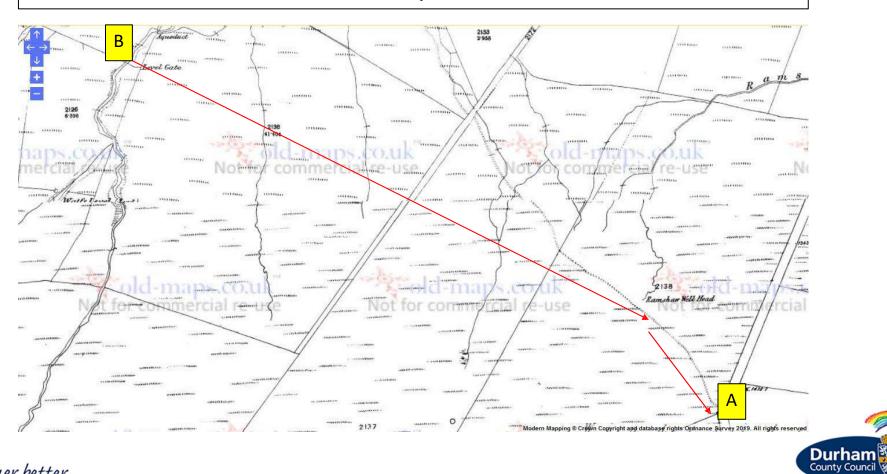
Durham County Council

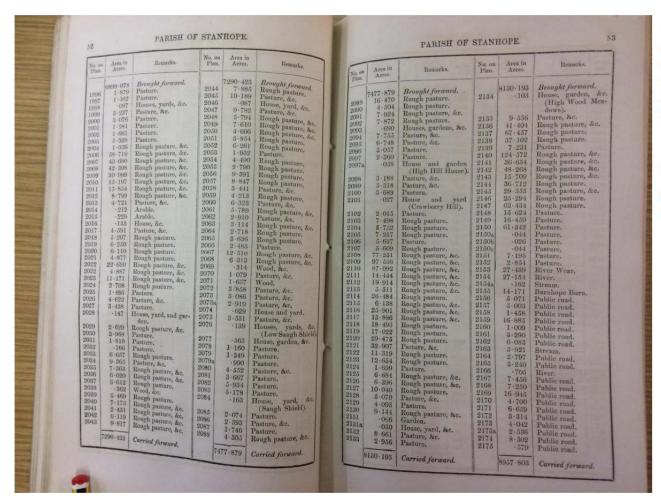
Document H.a – 1815 Park and Forest Weardale Inclosure Plan and Current Definitive Map Overlay



Altogether better

Document I – 1895 1st Edition OS (Ordnance Survey) 1:2,500 and Area Book Stanhope Parish Forest Quarter





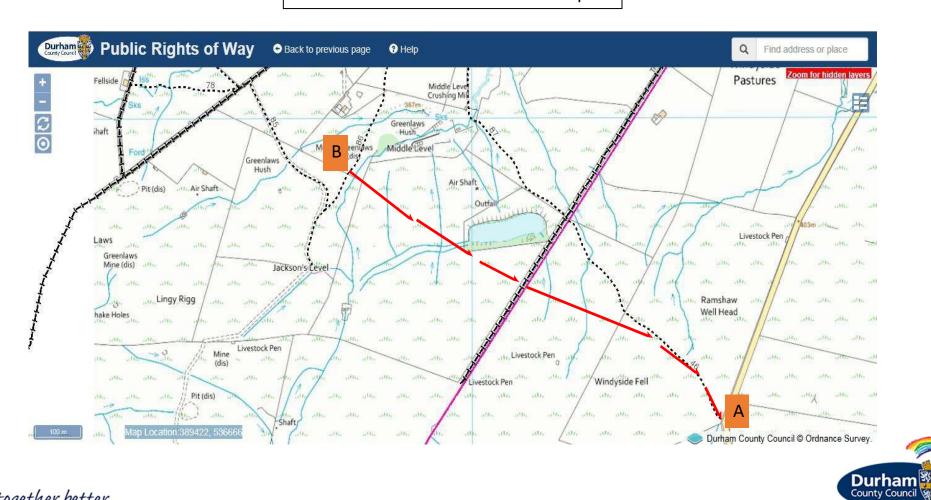
The Inclosure Windyside Moor Public Bridle Road is shown above from Level Gate **A** and passing through plots 2136, 2137 2138 and 2172 to the bend in the road as indicated **B**.

Stanhope Parish,

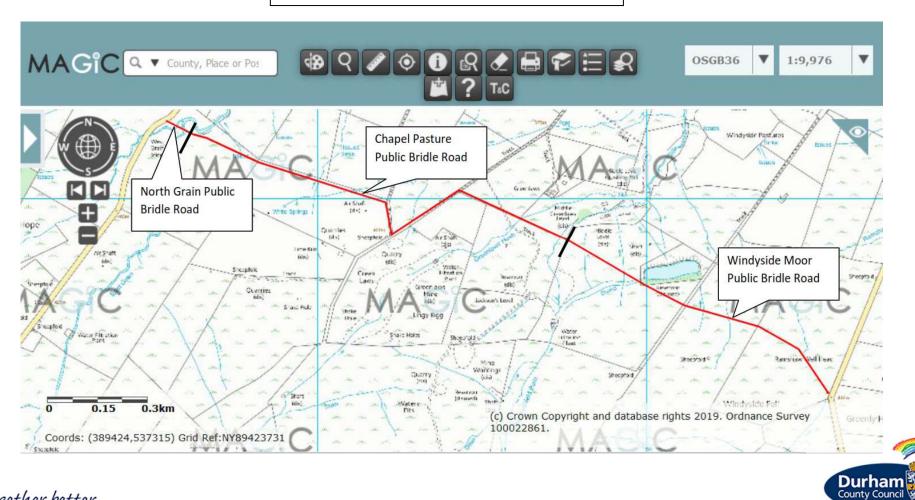
Forest Quarter Township, page 53 (DRO) D/CG13/322



Document J – Current Definitive Map



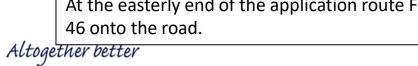
Document K – Current Map (Magic Map)



Document L – Route Photographs



At the easterly end of the application route FP





Track through field with FP 46.



Through a gate in the wall leading away from FP Alto. 46 and towards BW 90.



Old Stone Gate Post after the current Bridleway 90.



The current Bridleway 90 crossed by Windyside Moor Public Bridleway.





The Gate on the western edge of Bridleway 90.



The Reservoir, the Scots Pines are at the western side.

Altogether better



Level gate, the western end of the route, close to the stream looking east to the Scots Pines, heading for the Reservoir.