ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 75.

An Act for dividing, allotting, and incloſing the ſeveral Open Common and Meſne Fields, Moors, Meadows, Paſtures, Waſtes, and other Commonable and unincloſed Lands and Grounds, within the Townſhip or Liberty of *Great Hucklow*, in the Pariſh of *Hope*, in the County of *Derby*.

[11th *June* 1803.]

WHEREAS there are within the Townſhip or Liberty of *Great Hucklow*, in the Pariſh of *Hope*, in the County of *Derby*, divers Open Fields, Commons, Moors, Waſtes, Meſne Incloſures, and other Open and unincloſed Lands and Grounds, containing in the Whole, by Eſtimation, Four hundred Acres, or thereabouts: And whereas the King's moſt Excellent Majeſty, in Right of His Duchy of *Lancaſter*, is Lord of the Manor of *High Peak*, within which the ſaid Commons, Moors, and Waſte Lands, are ſituate: And whereas *Richard Rich* Eſquire, *William Needham*, and ſeveral other Perſons, are Proprietors of or otherwiſe intereſted in the ſaid Open Fields, Commons, Moors, Waſtes, Meſne Incloſures, and other Open and unincloſed Lands and Grounds; and it would be of Advantage to ſuch Proprietors and Perſons intereſted, if all the ſaid Open Fields, Commons, Moors, Waſtes, Meſne Incloſures, and other Open and unincloſed Lands and Grounds were divided, and ſpecifick

cifick Parts thereof allotted to ſuch Proprietors and Perſons intereſted in Proportion to their reſpective Properties, Rights of Common, and other Intereſts in the ſame, in order that ſuch Allotments may be incloſed, and held in Severalty; but ſuch Diviſion, Allotment, and Incloſure cannot effectually be carried into Execution without the Aid and 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

Commiſſioner. ſame, That *William Whitelock* of *Brotherton*, in the County of *York*, Gentleman, ſhall be and he is hereby appointed the Commiſſioner for dividing and allotting the ſaid Open Fields, Moors, Waſtes, Meſne Incloſures, and other Open and unincloſed Lands and Grounds, purſuant to the Powers and Directions herein-after contained, and to ſuch other Powers, Authorities, Regulations, Reſtrictions, Penalties, Forfeitures, Proviſions, Clauſes, Matters, and Things contained in an Act paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, Chapter One hundred and nine, as are not controuled by or repugnant to any of the Clauſes, Proviſions, and Regulations contained in this Act.

II. And be it further enacted, That if the ſaid *William Whitelock*, or any ſucceeding Commiſſioner to be appointed in Manner herein-after mentioned, ſhall die or neglect to act for the Space of One Calendar Month when Occaſion ſhall require his Attendance on the Buſineſs of the ſaid Diviſion and Incloſure, or ſhall refuſe to act, or become incapable of acting by Sickneſs or any other Cauſe whatſoever, before all the Powers and Authorities hereby veſted in him ſhall be carried into Execution, it ſhall be lawful for the Chancellor of the Duchy of *Lancaſter* for the Time being, or the Clerk of the Council of the ſaid Duchy, or his Deputy for the Time being, by and with the Conſent of the Majority in Value of the Proprietors of the ſaid Commonable Lands and Grounds intended to be hereby divided and allotted, or their reſpective Agents or Attornies, preſent at a Meeting to be holden for the Purpoſe, by Writing under their reſpective Hands, to nominate and appoint One other fit and proper Perſon, not intereſted, to be a Commiſſioner in the Place of the ſaid *William Whitelock*, or ſuch other Commiſſioner as aforeſaid; provided that Ten Days Notice of the Time, Place, and Purpoſe of ſuch Meeting ſhall be given by One of the ſaid Proprietors in like Manner as is herein-after directed, with reſpect to the Meetings of the ſaid Commiſſioner, and that ſuch Meeting ſhall be held within the Townſhip of *Great Hucklow*, or within the Diſtance of Eight Miles therefrom; and if any Commiſſioner who ſhall be ſo appointed in the Place of the ſaid *William Whitelock*, ſhall die, or neglect or refuſe to act, or become incapable of acting as aforeſaid, all ſuch future Vacancies ſhall, from Time to Time and ſo often as Occaſion ſhall require, be ſupplied in like Manner.

Encroachments made within 30 Years, to be deemed Part of the Commons.

III. And be it further enacted, That all Encroachments which have been taken or made from any Part of the ſaid Moors, Commons, or Waſtes, within the Space of Thirty Years laſt paſt, ſhall be deemed Part of the Lands and Grounds to be divided and allotted by virtue of this Act.

IV. And

Commissioner's Meetings.

IV. And be it further enacted, That it shall be lawful for the Commissioner for the Time being, and he is hereby required to cause a Notice in Writing under his Hand, specifying the Time and Place of his First Sitting for executing this Act, to be affixed on the principal outer Door of the Parish Church of *Hope*, on some *Sunday* before Divine Service, Ten Days at least before such Sitting, and also to cause the like Notice to be given of every subsequent Sitting, (Sittings by Adjournment only excepted); and it shall be lawful for the said Commissioner to adjourn his Sittings from Time to Time, as he shall see Occasion, for the Execution of this Act.

Certain Notices to be given in the *Derby Mercury*.

V. And be it further enacted, That the Notices by the said Act of the Forty-first Year of the present Reign required to be given in some publick Newspaper, of setting out publick Carriage Roads, and of reading and executing of the Award of the said Commissioner, shall be given and published in the Newspaper called *The Derby Mercury*, or if that Newspaper shall not then be published, in some other Newspaper usually circulated in the said County of *Derby*.

Disputes concerning Boundaries to be determined by the Commissioners.

VI. And be it further enacted, That if any Dispute or Doubt shall arise concerning the Boundaries of the Township or Liberty of *Great Hucklow* aforesaid, and any of the adjoining Parishes, Manors, Townships, Hamlets, or Districts, the same shall be determined by the said Commissioner in such Manner and Form as by the said Act of the Forty-first Year of the present Reign is provided or mentioned in that Behalf.

If the Parties are dissatisfied with such Determination, the Boundaries may be determined by Trial at Law.

VII. Provided always, and be it further enacted, That if His Majesty or any other Person or Persons interested in the Determination of the said Commissioner respecting the said Boundaries, shall be dissatisfied therewith, and shall be desirous of having the Boundaries affected by such Determination tried at Law, and shall by themselves, or their respective Agents or Attornies, give Notice, in Writing, of his, her, or their Objection to the said Boundaries so determined by the said Commissioner, and of such Desire to have the same Boundaries settled by Trial at Law, to the said Commissioner, within Three Calendar Months after such Determination shall have been made and published by the said Commissioner (of which Notice the said Commissioner is hereby required immediately on Receipt thereof, or as soon afterwards as conveniently can be done, to give Information to One or more of the Party or Parties who shall insist upon the Boundaries so determined by the said Commissioner, being the true and proper Boundaries, or his, her, or their respective Agents or Attornies, by Writing under their respective Hands, to be delivered to or left at the usual Place of Abode of such Party or Parties, Agents or Attornies respectively), then it shall be lawful for His Majesty, or the Person or Persons giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, to proceed to Trial at Law, for the ascertaining of such Boundaries so objected to as aforesaid, at the next Assizes to be holden for the County of *Derby*, after the Expiration of Three Calendar Months from the Time of such Notice being given as aforesaid, in an Action or Actions for that Purpose, to be commenced in One of His Majesty's Courts at *Westminster*, by the Person or Persons giving such Notice as aforesaid, their respective Heirs, Successors, or Assigns, against any Person or Persons interested therein, who shall insist upon the Boundaries so determined

mined by the ſaid Commiſſioner being the true and proper Boundaries, 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 Boundaries may be properly tried and determined, (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court wherein ſuch Action or Actions ſhall be commenced, if the Parties ſhall differ about the ſame), and the Jury or Juries who ſhall try ſuch Iſſue or Iſſues, ſhall, if neceſſary, find the true Boundary or Boundaries of the ſaid Townſhip or Liberty of *Great Hucklow* aforeſaid, which Finding or Findings ſhall, under the Direction of the Judge who tries the ſaid Iſſue or Iſſues, be indorſed ſpecially on the *Poſtea*, in every Caſe where the ſame may be neceſſary for the aſcertaining of ſuch Boundaries; and the Verdict or Verdicts which ſhall be given in the ſaid Action or Actions ſhall be final and concluſive to His Majeſty, His Heirs and Succeſſors, and to all and every Perſon and Perſons, Body and Bodies Politick and Corporate whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial or new Trials to be had, which it ſhall be lawful for the Court to do, and alſo upon ſufficient Cauſe ſhewn to put off the Trial of ſuch Iſſue, as is uſual in other Caſes; and after any Verdict or Verdicts ſhall have been obtained, and not ſet aſide by the Court, the ſaid Commiſſioner ſhall and he is hereby authorized and required to conform thereto, any Thing in the ſaid Act or this Act contained to the contrary notwithſtanding; provided that the Defendant or Defendants in every ſuch Action ſhall be reimburſed all the Coſts, Charges, and Expences, he or they ſhall reaſonably pay, expend, or be put unto, in the Defence of ſuch Action, out of the Money to be raiſed for carrying this Act into Execution.

Commiſſioner to determine diſputed Claims, &c.

VIII. And be it further enacted, That in caſe any Differences or Diſputes ſhall ariſe between His Majeſty, His Heirs or Succeſſors, and any other of the Parties intereſted in the ſaid intended Diviſion and Incloſure, or between any of the Parties intereſted in the ſaid intended Diviſion and Incloſure, touching their reſpective Shares, Proportions, Rights, Intereſts, or Claims, the ſaid Commiſſioner ſhall, and he is hereby authorized and required to hear and determine the ſame; provided, that nothing herein contained ſhall authorize the ſaid Commiſſioner to determine any Differences or Diſputes, touching the Title of any Perſon or Perſons, in or to any of the Lands or Grounds intended to be hereby divided and allotted.

Commiſſioner may award Coſts.

IX. And be it further enacted, That in caſe the ſaid Commiſſioner ſhall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in purſuance of this Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioner, upon Application made to him for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as he ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioner ſhall be made by any Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled, and the ſame ſhall and may be levied and recovered in the ſame Manner as the Expences of paſſing and executing this Act are recoverable.

X. Provided

Allowing Parties to try their Rights by an Iſſue at Law.

X. Provided always, and be it further enacted, That in caſe His Majeſty, His Heirs or Succeſſors, or any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotments, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioner, touching or concerning any Claim or Claims of any Lands, Rights of Common, or other Rights or Intereſts, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, it ſhall be lawful for His Majeſty, His Heirs or Succeſſors, or other Perſon or Perſons ſo diſſatisfied, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioner, at the Firſt Aſſizes to be holden for the ſaid County of *Derby*, after the Expiration of Four Calendar Months from the Time when ſuch Determination was made, and for that Purpoſe the Perſon or Perſons who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner, ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Two Calendar Months next after ſuch Determination of the ſaid Commiſſioner, and the Defendant or Defendants in ſuch Action or Actions ſhall forthwith name an Attorney or Attornies, who ſhall appear thereto or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined, (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame); and after ſuch Trial or Trials, the ſaid Commiſſioner ſhall and he is hereby required to act in Conformity to the Verdict or Verdicts thereupon given, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials; provided, 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.

Old Roads may be ſtopped up.

XI. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioner to divert, ſtop up, widen, alter, or change any of the publick Roads, (not being a Turnpike Road), or any private Road, Footway, Fence, Bridge, Cauſeway, Brook, Ditch, Drain, Watercourſe, Gate, or Stile, over, upon, by, through, or between any of the incloſed Lands within the ſaid Townſhip and Liberty, and the Soil of any of the ſaid Roads and Ways, being Common or Waſte, ſo to be ſtopped up, be deemed and taken as Part of the Lands to be divided and incloſed by virtue of this Act; provided that no Road or Footway through ſuch incloſed Lands ſhall be ſtopped up or diverted without the Concurrence and Order of Two Juſtices of the Peace for the ſaid County of *Derby*, not intereſted in the Repair of ſuch Roads, and which Order ſhall be ſubject to an Appeal to the Quarter Seſſions for the ſaid County of *Derby*, in like Manner as if the ſame had been originally made by ſuch Juſtices.

Commiſſioners to ſell Lands to defray Expences.

XII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to aſcertain and ſet out ſo much and ſuch convenient Part or Parts of the ſaid Commons, Moors, and Waſtes, as in the Judgement of the ſaid Commiſſioner ſhall be ſufficient to raiſe a competent Sum of Money for paying the Charges and Expences of paſſing and exe-

cuting this Act, and to ſell the Lands ſo ſet out, in ſuch Manner, and ſubject to ſuch Conditions and Regulations as by the ſaid Act of the Forty-firſt Year of the preſent Reign, is provided in that Behalf; and the Receipt or Receipts of the ſaid Commiſſioner for the Purchaſe Money ſhall be a full and complete Diſcharge, or full and complete Diſcharges to the Purchaſer or Purchaſers thereof for the Conſideration Money which ſhall be therein expreſſed to be received, and ſuch Purchaſer or Purchaſers, after ſuch Receipt or Receipts, ſhall not be obliged to ſee to the Application of ſuch Purchaſe Money or any Part thereof, or be anſwerable or accountable for the Miſapplication or Non-application thereof, or of any Part thereof; and after Payment of the full Purchaſe Money for any ſuch Allotment or Allotments, the Purchaſer or Purchaſers ſhall thereupon reſpectively have and take to himſelf, herſelf, or themſelves, and his, her, and their reſpective Heirs and Aſſigns, an abſolute and indefeaſeable Eſtate of Inheritance in Fee Simple of and in the Lands which ſhall be compriſed in ſuch his, her, or their Purchaſe or Purchaſes; and the ſaid Commiſſioner ſhall and he is hereby authorized and empowered either to award the ſaid Part or Parts of the ſaid Commons, Moors, and Waſtes, when ſold to the Purchaſer or Purchaſers thereof reſpectively, his, her, or their Heirs and Aſſigns for ever, in and by his Award, and ſuch Award ſhall be a good and ſufficient Title in Fee Simple to ſuch Purchaſer or Purchaſers, or otherwiſe, if the Purchaſer or Purchaſers ſhall requeſt the ſame, the ſaid Commiſſioner ſhall and he is hereby authorized and empowered to convey in Fee Simple, by Leaſe and Releaſe made and executed by the ſaid Commiſſioner, to the Purchaſer or Purchaſers thereof reſpectively, his, her, and their Heirs and Aſſigns, the ſaid Allotment or Allotments, and the ſame ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes, and the Money ariſing from ſuch Sale or Sales ſhall be applied by the ſaid Commiſſioner in defraying the ſeveral Charges and Expences aforeſaid: Provided always, that in caſe the Money ariſing by the Sale of ſuch Allotment or Allotments as aforeſaid, ſhall not be ſufficient to defray all the Charges and Expences aforeſaid, then the Deficiency ſhall be made up by the ſeveral Perſons intereſted in the ſaid Commons, Moors, and Waſtes, and ſhall be paid in ſuch Shares and Proportions, and within ſuch Time, and to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall direct, nominate, and appoint; or in caſe any Expences ſhall be incurred on the Execution of any of the Powers and Proviſions of this Act, which ought to be borne and defrayed by any particular Perſon or Perſons, and not out of any Money to be raiſed for the general Purpoſes of this Act, then the ſame ſhall be paid in ſuch Shares and Proportions, and by ſuch Perſon or Perſons, and within ſuch Time and to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall direct, nominate, or appoint.

Directing Lands to be ſold to defray the Expences of the King.

XIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioner, and he is hereby empowered to make a Deduction in Land from the Allotment or Allotments to be made by virtue of this Act to His ſaid Majeſty, His Heirs and Succeſſors, of ſo much of the ſaid Allotment or Allotments as ſhall be ſufficient, in the Judgement of the ſaid Commiſſioner, to raiſe by Sale thereof a Sum of Money adequate to the Share or Proportion of His ſaid Majeſty of the Coſts, Charges, and Expences attending the paſſing and executing this Act, and of making the ſaid Roads, and of Ring-fencing and ſubdividing the ſaid Allotment or Allotments

Allotments to His Majeſty by virtue of this Act, and ſuch other Expences as ſhall attend the ſame; and that it ſhall be lawful for the Chancellor and Counſel of the ſaid Duchy for the Time being, in Court of Revenue of the ſaid Duchy, to make Orders for the Sale and Diſpoſal of ſuch Part or Parts of the ſaid Allotment or Allotments ſo to be deducted as aforeſaid, by publick Auction or private Contract; and upon Payment of the Purchaſe Money into the Hands of the Receiver General of the Revenues of the ſaid Duchy, or his Deputy for the Time being, it ſhall and may be lawful to and for the Chancellor of the ſaid Duchy for the Time being, by any Deed or Writing under the Seal of the ſaid Duchy, to grant, convey, and releaſe, in the Name of His Majeſty, His Heirs and Succeſſors, unto ſuch ſeveral and reſpective Purchaſers, and their Heirs in Fee Simple, the ſeveral and reſpective Parcels of Land or Ground by him, her, or them, reſpectively purchaſed, free from all Rents and Payments whatſoever, which ſaid Deed or Writings ſo ſealed as aforeſaid, and duly inrolled with the Auditor for the North Parts of the ſaid Duchy for the Time being, ſhall be effectual and ſufficient in Law to veſt in every ſuch Purchaſer and his Heirs, the Fee Simple and Inheritance of the Lands therein to be comprized and deſcribed, notwithſtanding the Act of the Firſt Year of the Reign of Queen *Anne*, intituled, *An Act for the better Support of Her Majeſty's Houſehold, and the Honour and Dignity of the Crown*; or any other Act, or other Impediment or Diſability whatſoever; and the Receipt of the ſaid Receiver General or his Deputy for ſuch Purchaſe Monies, ſhall be a full and ſufficient Releaſe and Diſcharge to every ſuch Purchaſer for the ſame, and that ſuch Purchaſers ſhall be in no Reſpect liable or bound to ſee to the Application thereof.

Allotments for Watering Places, and for the Uſe of the Roads.

XIV. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to ſet out and appoint One or more Piece or Pieces of Ground, (Part of the Lands hereby directed to be incloſed), of ſuch Quantity and in ſuch Situation as he ſhall think fit to be uſed for the Purpoſe of publick Watering Places for Cattle, and for getting Materials for repairing the Highways and Roads to be ſet out and made over the Lands hereby directed to be incloſed, or any other ancient Roads within the ſaid Townſhip or Liberty of *Great Hucklow*, for the Uſe of the Inhabitants of the ſame Townſhip.

Allotment to the King.

XV. And be it further enacted, That the ſaid Commiſſioner ſhall in the next Place ſet out and allot unto the King's moſt Excellent Majeſty, His Heirs and Succeſſors, in Right of His ſaid Duchy, as Lord of the ſaid Manor of *High Peak*, ſo much and ſuch Part of the Lands and Grounds intended to be hereby divided and allotted, as in the Judgement of the ſaid Commiſſioner ſhall be equal in Value, Quantity, Quality, and Situation conſidered, to One Eighteenth Part of the Moors, Commons, and Waſtes, intended to be hereby divided and allotted, in lieu of and as a Compenſation for the Right and Intereſt of His ſaid Majeſty in and to the Soil of the ſaid Moors, Commons, and Waſtes.

Allotment of the Reſidue.

XVI. And be it further enacted, That the ſaid Commiſſioner ſhall aſſign, ſet out, and allot the Reſidue of the ſaid Open Fields, Moors, Commons, Waſtes, Meſne Incloſures, and other Open and unincloſed Lands and Grounds intended to be hereby divided and allotted unto and amongſt

amongſt the ſeveral Proprietors and Perſons intereſted in Proportion and according to their ſeveral and reſpective Rights, Shares, and Intereſts, in lieu of and as a full Recompence for all the Rights and Intereſts of the ſaid ſeveral Proprietors and Perſons intereſted in or upon the ſaid Open Fields, Moors, Commons, Waſtes, Meſne Incloſures, and other uninclоſed Lands and Grounds reſpectively.

Exchanges.

XVII. And be it further enacted, That for the more convenient Situation of the ſeveral Farms and Lands within the ſaid Townſhip upon the ſaid intended Diviſion and Incloſure, it ſhall be lawful for the ſaid Commiſſioner to allot and award any incloſed or other Lands or Grounds, Meſſuages, Tenements, Chief or other Rents, Fines, Heriots, or Manerial Intereſts, or other Hereditaments, within the ſaid Townſhip, in lieu of or in Exchange for any other Lands, Grounds, Meſſuages, Tenements, Chief or other Rents, Fines, Heriots, or Manerial Intereſts, or other Hereditaments within the ſaid Townſhip, or any adjoining Pariſh, Townſhip, or Place, ſo as every ſuch Exchange of any Hereditaments belonging to His ſaid Majeſty, be made with the Conſent of the Chancellor of the Duchy of *Lancaſter* for the Time being, and of any Hereditaments belonging to the Vicar of *Hope* aforeſaid, or any other Eccleſiaſtical Benefice be made with the Conſent of the Patron thereof and Biſhop or Ordinary of the Dioceſe within which the ſame lies, and of any Hereditaments belonging to any other Perſon or Perſons be made with the Conſent of the reſpective Owners thereof, who ſhall be ſeiſed in Fee Simple, or as Tenants in Tail, or for Life, in Poſſeſſion reſpectively, or of the Huſband, Guardians, Truſtees, Committees, Attornies, or Agents of ſuch of the ſaid Owners as are under Coverture, or any legal Diſability or Incapacity of acting for themſelves, and that all ſuch Conſents as aforeſaid be reſpectively ſignified by Writing under the Hands of the conſenting Parties, or under the Common Seal of ſuch of them as are Corporations aggregate, and ſo as all ſuch Exchanges be teſtified and declared in the Award of the ſaid Commiſſioner; and all ſuch Exchanges ſo to be made ſhall be for ever good, valid, and effectual in the Law, to all Intents and Purpoſes, notwithſtanding the Want of Title in any of the Parties or Perſons exchanging.

Allotments to enure to the ſame Uſes as the former Eſtates.

XVIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to revoke, alter, or annul any Will, Settlement, Leaſe, Agreement, or other Deed, or to prejudice any Perſon having or claiming any Jointure, Dower, Portion, Debt, Eſtate, or Incumbrance, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments, which ſhall be divided and allotted, or exchanged by virtue of this Act, but that all ſuch Lands, Tenements, and Hereditaments, ſo allotted or exchanged as aforeſaid, (except ſuch as ſhall be ſold by the ſaid Commiſſioner in purſuance of this Act), ſhall immediately after ſuch Diviſion and Allotment, or Exchanges reſpectively, be, remain, and enure, and the ſeveral Perſons to whom the ſame ſhall be ſo allotted or given in Exchange, ſhall from thenceforth ſtand ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and under and ſubject to ſuch and the ſame Settlements, Limitations, Remainders, Charges, Tenures, and Incumbrances, and under ſuch and the ſame Reſtrictions, Covenants, and Agreements, and ſhall be charged with or diſcharged of the Land Tax in the ſame Manner as the ſeveral Meſſuages, Lands,

Lands, Tenements, Rents, or Hereditaments, in lieu or in reſpect whereof ſuch Allotment or Exchanges reſpectively ſhall be made as aforeſaid, would have been ſubject to or charged with in caſe this Act had not been made, except ſuch Right of Common upon the ſaid Moors, Commons, and Waſtes, as the reſpective Tenants or Leſſees now poſſeſs, or as appurtenant to the reſpective Premiſes held by them, which ſhall ceaſe and determine, and revert to the reſpective Leſſors or Landlords from and immediately after the paſſing of this Act, except nevertheleſs to ſuch Mortgages, Charges, or Incumbrances, as ſhall be made in purſuance of the ſaid Act of the Forty-firſt Year of the preſent Reign, and of this Act.

Leaſes at Rack Rent.

XIX. And be it further enacted, That all and every Leſſee and Leſſees, Tenant or Tenants of all or any Part or Parts of the Lands and Grounds hereby directed to be divided and incloſed at Rack Rent for any Time or Term therein, ſhall, upon ſtaking out of the ſeveral Allotments, be at Liberty to hold and enjoy ſuch Lands and Grounds as ſhall be allotted in lieu or reſpect of his, her, or their former Holdings, for and during ſuch Time and Term of Years as he, ſhe, or they ſhall then have in ſuch former Holdings, upon paying ſuch further or additional Rent to the Leſſor or Leſſors, Landlord or Landlords thereof, and to commence at ſuch Time as the ſaid Commiſſioner ſhall think reaſonable between Landlord and Tenant, and by his Award or other Writing under his Hand ſhall direct or appoint, and ſuch further or additional Rents ſhall be paid and recoverable at ſuch Times, and in ſuch Manner, as the original Rents would have been payable and recoverable.

Proprietors may ſell their Allotments before the Execution of the Award, &c.

XX. 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, limit, deviſe, convey, aſſure, and diſpoſe of the ſame for all or any Part of his, her, or their Eſtate and Intereſt therein, or Right thereto, at any Time before the Execution of the Award of the ſaid Commiſſioner; and every ſuch Gift, Grant, Bargain, Sale, Demiſe, Mortgage, Limitation, Aſſurance, Deviſe, Conveyance, and Diſpoſition thereof, ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award; and alſo that it ſhall and may be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and incloſed, to ſell and diſpoſe of the ſame, or of the Allotment or Allotments to be made or ſet out in reſpect thereof, by virtue of this Act, ſeparate and diſtinct from the Eſtate in Right of which he or ſhe is entitled to the ſame, in ſuch Manner as he or ſhe might have done at any Time after the Execution of the ſaid Award, and it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and empowered to award all and every ſuch Allotment or Allotments which ſhall be ſo ſold and diſpoſed of, or be made and ſet out in lieu of any Common Right ſo ſold or diſpoſed of to the Purchaſer or Purchaſers thereof, or other Perſon or Perſons who ſhall be entitled to the ſame by virtue of any ſuch Sale or Diſpoſition.

Where the Commiſſioner's Award is to be inrolled and depoſited.

XXI. And be it further enacted, That the Award to be made by the ſaid Commiſſioner ſhall, within Six Calendar Months next after the Proclamation thereof, be inrolled in the Duchy Court of *Lancaſter* at *Weſtminſter*, and after ſuch Inrolment the ſaid Award, together with a correct Plan or

or Map, ſetting forth each Perſon's Eſtate or Eſtates, Allotment or Allotments, within the ſaid Townſhip, ſhall be depoſited in the Cheſt of the Pariſh Church of *Hope* aforeſaid.

Allotments to be fenced, &c.

XXII. And be it further enacted, That all the Allotments to be ſet out by virtue of this Act, ſhall be incloſed and fenced, and ſuch Fences for ever afterwards maintained and repaired by the reſpective Proprietors thereof, within ſuch Time, and in ſuch Manner, Shares, and Proportions, as the ſaid Commiſſioner ſhall by his ſaid Award, or by other Writing under his Hand direct.

Perſons advancing Money to be repaid.

XXIII. And be it further enacted, That if any of the Proprietors, or any other Perſon or Perſons ſhall advance any Sum of Money towards defraying the Expences of this Act, or carrying the ſame into Execution, every ſuch Perſon ſhall be repaid the ſame, with Intereſt after the Rate of Five Pounds *per Centum per Annum*, together with all Coſts and Charges of procuring the ſame, from the Firſt Monies to be raiſed by the ſaid Commiſſioner by virtue of this Act.

Commiſſioner's Fees.

XXIV. And be it further enacted, That the ſaid Commiſſioner ſhall be paid the Sum of Three Pounds and Three Shillings for every Day he ſhall travel, or be neceſſarily employed or engaged in or about the Execution of this Act, or the Truſts hereby in him repoſed, in full for his Trouble and Expences occaſioned thereby; and the Surveyor ſhall be paid ſuch Sum or Sums of Money as the ſaid Commiſſioner ſhall think proper.

Commiſſioner to lay his Accounts before a Barriſter Once in every Year.

XXV. 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 the Commencement of this Act), the ſaid Commiſſioner ſhall and he is hereby required to make a true and juſt Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble or Expence in the Execution of this Act; and ſuch Statement and Account when ſo made, together with the Vouchers relating thereto, ſhall be examined by *Hugh Parker* of *Woodthorpe*, in the County of *York*, Eſquire, Barriſter at Law, who is hereby appointed Auditor for that Purpoſe; and in caſe of his Death or Refuſal to act, by ſuch other Barriſter at Law as ſhall be appointed for that Purpoſe, in like Manner as is herein-before provided for the Appointment of a new Commiſſioner in the Place of the ſaid *William Whitelock*; and the Balance ſhall be by the ſaid Auditor ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioner; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by the ſaid *Hugh Parker*, or ſuch other Auditor as aforeſaid.

Allowing Appeal to the Quarter Seſſions.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by any Thing done in purſuance of this Act, other than and except ſuch Claims, Matters, and Things, as are herein-before directed or authorized to be aſcertained, ſettled, tried, or determined by the Verdict of a Jury, or where by any of the Proviſions of the ſaid Act of the Forty-firſt Year of the preſent Reign, or of this Act, any of the Determinations, Acts, or Proceedings of the ſaid Commiſſioner are directed to be final and concluſive, he, ſhe, or they may

may appeal to the General Quarter Seſſions of the Peace which ſhall be held for the County of *Derby* within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen; and the Juſtices in their ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of every ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Saving Manerial Rights.

XXVII. Provided always, and be it further enacted and declared, That nothing in this Act contained ſhall prejudice, leſſen, or defeat the Right, Title, or Intereſt of the King's moſt Excellent Majeſty, His Heirs or Succeſſors, in Right of the Duchy of *Lancaſter*, or any Lord or Lords of any Manor or Manors, Lordſhip or Lordſhips, within the Juriſdiction or Limits whereof the Lands and Grounds hereby directed to be incloſed, or any Part or Parts thereof, do lie, of, in, and to the Seigniories or Royalties incident to or belonging to ſuch Manors or Lordſhips, or reputed Manors or Lordſhips.

General Saving.

XXVIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every Perſon and Perſons, Bodies Politick and Corporate, his, her, and their reſpective Heirs, Succeſſors, Executors, and Adminiſtrators, (other than and except ſuch Perſon or Perſons to whom any Allotment or Allotments ſhall be made or provided by virtue of this Act, in reſpect of the Intereſt or Property for which Allotment or Allotments ſhall be made, and except ſuch other Rights and Intereſts as the Intent and Purpoſes of the Incloſure hereby authorized, abſolutely require to be barred, deſtroyed, or extinguiſhed by this Act), 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 Lands and Grounds hereby directed to be divided and allotted before the paſſing of this Act, or could or might have had and enjoyed in caſe the ſame had not been made.

Act to be printed by the King's Printer.

XXIX. And be it further enacted, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty, and may be given in Evidence in all Courts of Juſtice, and before all Judges and Juſtices, who ſhall take judicial Notice thereof, in like Manner as if the ſame had been declared to be a publick Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1803.