ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 43.

An Act for dividing, allotting, and incloſing the ſeveral Commons and Waſte Grounds within the Manor of *Norton*, in the Pariſhes of *Norton* and *Dronfield*, in the County of *Derby*.

[17th *May* 1803.]

WHEREAS there are within the Manor and Pariſh of *Norton*, in the County of *Derby*, certain Commons or Parcels of Waſte Ground, containing together by Eſtimation One hundred and forty Acres or thereabouts, upon which the Owners or Proprietors of Houſes, Lands, Tenements, and Hereditaments, within the ſaid Manor and Pariſh, are in Right thereof entitled to Common of Paſture for all their Commonable Cattle levant and couchant upon their ſaid reſpective Tenements: And whereas there are within the ſaid Manor of *Norton*, in the Pariſh of *Dronfield*, in the ſaid County of *Derby*, certain other Commons or Parcels of Waſte Ground, containing together by Eſtimation One hundred and thirty Acres or thereabouts, upon which the Owners or Proprietors of Houſes, Lands, Tenements, and Hereditaments, within the ſaid Manor of *Norton*, and Pariſh of *Dronfield*, are in Right thereof entitled to Common of Paſture for all their Commonable Cattle levant and couchant upon their ſaid reſpective Tenements: And whereas *Samuel Shore* the younger, Eſquire, is Lord of the Manor of *Norton* aforeſaid, and as ſuch is Owner of the Soil of the ſaid ſeveral Commons and Waſte Grounds: And whereas *Peter Robinſon* Clerk, is Vicar and Lecturer of *Norton* aforeſaid, and as ſuch is entitled to certain Glebe Lands within the ſaid Manor, and

Lord of the Manor.

to Right of Common in respect thereof, upon the said Commons and Waste Grounds: 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 said Commons and Waste Grounds in their present Situation are incapable of any considerable Improvement, and a Division and Allotment of the same between and amongst the several Owners and Proprietors thereof and Persons interested therein, according to their respective Rights and Interest, and such Allotments inclosed would be a manifest Advantage to the said several Persons, and tend greatly to the Improvement of their Estates; but such Division, Allotment, and Inclosure, cannot be effected and established without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the said several Commons and Waste Grounds shall be set out, allotted, and divided, as soon after the passing of this Act as conveniently may be, by *John Nuttall* of *Matlock*, in the County of *Derby*, Gentleman, and that he and his Successor for the Time being, shall be and he is hereby appointed the Commissioner for setting out, dividing, allotting, and inclosing the several Commons and Waste Grounds, and for putting in Execution the several Powers and Authorities herein-after mentioned, subject to the Powers and Provisions of the said recited Act, except where the same are hereby varied or altered.

A Commissioner appointed.

Power to appoint a new Commissioner.

II. And be it further enacted, That if the said *John Nuttall*, or any Commissioner to be appointed in his stead as herein-after mentioned, shall die, or shall neglect or refuse or become incapable to act, before the Powers and Authorities hereby vested in him shall be wholly and completely executed, then and in every such Case, the Persons interested in the said intended Division and Inclosure, or the major Part of them in Value (to be ascertained by the Land Tax Assessment), or their known Agents or Attornies, or Persons to be appointed for that Purpose by Writing under their respective Hands, who shall attend at a Meeting to be held for that Purpose at *Norton* aforesaid, pursuant to Notice to be given by the Solicitor or Clerk to the said Inclosure in Writing, and to be affixed on the principal outer Doors of the Parish Churches of *Norton* and *Dronfield* aforesaid, and also by Advertisements to be inserted in the Newspapers called *The Derby Mercury* and *The Sheffield Iris*, or some other Newspaper or Newspapers circulated in the Neighbourhood, at least Ten Days before such Meeting, shall from Time to Time (within One Calendar Month next after the Death, Neglect, Refusal, or Incapacity of the said Commissioner shall happen, or as soon after as Occasion may require), by Writing under their Hands, appoint One other Commissioner not interested in the said intended Inclosure in the place of such Commissioner so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and every new Commissioner so appointed (having first taken the Oath prescribed by the said recited Act) shall have the same Powers and Authorities as the said *John Nuttall* is by this Act invested with.

Allowance to Commissioner.

III. And be it further enacted, That the said *John Nuttall*, and every other Commissioner to be appointed as aforesaid, shall be allowed and paid by

by the ſaid Proprietors the Sum of Two Pounds and Two Shillings and no more, for every Day he ſhall attend and be employed at any Sitting or Attendance, or in going to or returning from thence, or otherwiſe howſoever in executing the Powers and Authorities hereby given to him, which ſaid Sum of Two Pounds and Two Shillings ſhall be incluſive of all Expences whatſoever incurred by going to, returning from, or attending at any ſuch Sitting or Attendance.

Commiſſioner declining to act to give Notice.

IV. And be it further enacted, That every Commiſſioner who ſhall refuſe or decline to act as aforeſaid, ſhall and he is hereby required forthwith to give Notice of his Intention to refuſe or decline acting as a Commiſſioner, in like Manner as Notices of Sittings and Attendances from the ſaid Commiſſioner are hereby required to be given.

Surveyors appointed.

V. And be it further enacted, That *William Fairbank* and *Joſiah Fairbank*, both of *Sheffield* in the County of *York*, Gentlemen, ſhall be and they are hereby appointed Surveyors of the ſaid Commons and Waſte Grounds, and alſo of the ancient incloſed Lands within the ſaid Manor.

Their Allowance.

VI. And be it further enacted, That the ſaid *William Fairbank* and *Joſiah Fairbank*, or any other Perſon or Perſons to be appointed and employed as Surveyor or Surveyors by virtue of this Act, ſhall not charge or be allowed more than Sixpence *per* Acre for ſurveying and planning all the ancient incloſed Lands, and One Shilling *per* Acre for ſurveying, planning, and ſtaking out all the Commons and Waſte Grounds hereby directed to be divided, allotted, and incloſed, and making One fair Plan of the ſaid ancient incloſed Lands, and Two fair Plans of the ſaid Commons and Waſte Grounds, including all Expences (except the Sum of Twenty-five Pounds, which is to be allowed towards their Expences during the Time they ſhall be employed in making the ſaid Survey, and alſo except the Value of the Vellum or Parchment upon which the ſame Plans ſhall be reſpectively drawn); nor ſhall the ſaid *William Fairbank* and *Joſiah Fairbank*, or any other ſuch Surveyor or Surveyors as aforeſaid, charge or be allowed more than One Pound Eleven Shillings and Sixpence for every Day that he or they ſhall attend at any Sitting or Attendance of the ſaid Commiſſioner, which ſaid Sum of One Pound Eleven Shillings and Sixpence *per* Day ſhall be incluſive of all Expences whatſoever incurred by or in attending at any ſuch Sitting or Attendance.

Notice of Attendances.

VII. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby required to cauſe Notice of the Time and Place of his Firſt and every ſubſequent Sitting or Attendance for the Execution of this Act to be inſerted in the ſaid Newſpapers, called *The Derby Mercury* and *Sheffield Iris*, or in ſome other Newſpaper or Newſpapers printed or circulated in the Neighbourhood, Eight Days at leaſt before every ſuch Sitting or Attendance (Sittings or Attendances by Adjournment only excepted); and all Sittings or Attendances to be holden by the ſaid Commiſſioner, ſhall be held within Six Miles of the Manor of *Norton* aforeſaid.

Other Notices how to be given.

VIII. Provided always, and be it further enacted, That all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioner, ſhall be ſo made and given by Advertiſements in the ſaid Newſpapers called *The Derby Mercury* and *Sheffield Iris*, or in caſe the ſaid Newſpapers or One of them ſhall not then be publiſhed, then in ſome other Newſpaper printed or circulated in the Neighbourhood.

IX. And

Old Roads may be ſtopped up.

IX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and empowered by and with the Concurrence and Order of Two Juſtices of the Peace for the ſaid County of *Derby* (acting in and for the Diviſion in which ſuch Road or Roads, Footpath or Footpaths ſhall be ſituate, and not intereſted in the Repair of ſuch Road or Roads, Footpath or Footpaths), to ſtop up and direct to be diſcontinued any publick Road or Roads, Footpath or Footpaths through any Part or Parts of the Lands and Grounds within the ſaid Manor, which ſhall appear to the ſaid Commiſſioner to be uſeleſs or unneceſſary; and ſuch Order ſhall be ſubject to an Appeal to the Quarter Seſſions, in like Manner, and under the ſame Forms and Reſtrictions, as if the ſame had been originally made by ſuch Juſtices.

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

X. And be it further enacted, That if it ſhall appear to the ſaid Commiſſioner that any Encroachments have been made upon the ſaid Commons and Waſte Grounds within the Space of Thirty Years next before the Firſt Day of *January* One thouſand eight hundred and three, all ſuch Encroachments ſhall be deemed Part of the ſaid Commons and Waſte Grounds hereby directed to be divided, allotted, and incloſed, and ſhall be divided and allotted accordingly, and that it ſhall be lawful for the ſaid Commiſſioner to enquire and determine what Incloſures and Encroachments have been made upon the ſaid Commons and Waſte Grounds, and whether the ſame are to be deemed Part thereof or not, purſuant to the Directions of this Act; and all ſuch Incloſures and Encroachments as ſhall be deemed Part of the ſaid Commons and Waſte Grounds ſhall be valued as if in an unimproved State, and without conſidering the Improvements made thereupon by Building or otherwiſe, in caſe the ſame ſhall be allotted to the reſpective Perſons who may have improved the ſame, or to the ſaid *Samuel Shore*, as Lord of the ſaid Manor; but if ſuch Incloſures or Encroachments ſhall be allotted to any other Perſon or Perſons, then and in ſuch Caſe the Perſon or Perſons who ſhall receive the ſame, ſhall pay to the ſeveral Perſons reſpectively, who may have incloſed and improved the ſame, ſuch Compenſation in Money, in ſuch Manner and at ſuch Times as the ſaid Commiſſioner ſhall think reaſonable, and by Writing under his Hand direct and appoint.

Commiſſioners to ſettle Diſputes.

XI. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid Diviſion and Allotments touching or concerning any Claim or Claims to the ſaid Commons and Waſte Grounds, or any Part or Parts thereof, or touching or concerning their reſpective Rights and Intereſts which they or any of them ſhall have or claim to have in the ſame, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Allotments, it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and empowered to examine into, hear, and determine the ſame; and his Determination therein ſhall be binding and concluſive upon all Parties, ſave and except as herein after is mentioned: Provided always, that nothing in this Act contained ſhall authorize or empower the ſaid Commiſſioner to determine the Title to any Meſſuages, Cottages, Lands, or Hereditaments whatſoever.

Power to aſſeſs Coſts.

XII. 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 or the ſaid re-

cited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioner, and he is hereby empowered, 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 Determinaton ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and required, by Warrant under his Hand, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

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

XIII. Provided always, and be it enacted, That in caſe any Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, 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 to the ſaid Commons and Waſte Grounds, or any Rights or Intereſts therein as aforeſaid, it ſhall and may be lawful to and for the Perſon or Perſons ſo diſſatisfied, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioner at the then next or at the following Aſſizes to be holden for the ſaid County of *Derby*, 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 Three Calendar Months next after ſuch Determination of the ſaid Commiſſioner; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to 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 the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive upon all and every Perſon and Perſons whomſoever, Body and Bodies Politick, Corporate, or Collegiate, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do as is uſual in other Caſes; and that after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioner ſhall and he is hereby required to act in Conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials.

If any of the Parties die, Proceedings not to abate.

XIV. And be it further enacted, That if any of the Parties in any Action to be brought in purſuance of this Act ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened.

Allottment for Stone, Gravel, &c.

XV. And be it further enacted, That the ſaid Commiſſioner ſhall ſet out and allot ſuch Quantity of the ſaid Commons and Waſte Grounds, lying within the ſaid Manor of *Norton*, in the Pariſh of *Dronfield* aforeſaid, as he ſhall think neceſſary for the Purpoſes of getting Stone, Gravel, and other Materials for making and repairing the Highways and private Roads and Ways which now are or hereafter ſhall be made within the ſaid Manor of *Norton* and Pariſh of *Dronfield* aforeſaid; and the Herbage growing or renewing in or upon ſuch Parcel or Parcels of the ſaid Commons and Waſte Grounds ſo to be ſet out as aforeſaid, ſhall be and is hereby veſted in the Surveyor or Surveyors of the Highways of that Part of the ſaid Manor of *Norton* as lies in the Pariſh of *Dronfield* aforeſaid for the Time being, in Truſt to ſet and let the ſame. and to apply the Rents and Profits thereof to the Repairs of the publick Roads and Ways within the ſaid Manor of *Norton*, in the Pariſh of *Dronfield* aforeſaid, and ſuch Surveyor or Surveyors ſhall and he and they is and are hereby required to account for ſuch Rents and Profits in the ſame Manner as he or they is, are, or ſhall be accountable for other Money that ſhall come to his or their Hand or Hands as ſuch Surveyor or Surveyors of the Highways, and ſhall be under and ſubject to the like Penalties for the Neglect thereof.

Allotment to the Lord of the Manor.

XVI. And be it further enacted, That the ſaid Commiſſioner ſhall aſſign, ſet out, and allot unto the ſaid *Samuel Shore* as Lord of the Manor aforeſaid, ſuch Part or Parts of the ſaid Commons and Waſte Grounds lying within the ſaid Manor and Pariſh of *Norton*, as in the Judgement of the ſaid Commiſſioner ſhall contain One full Twentieth Part or Share thereof; and alſo ſuch Part or Parts of the ſaid Commons and Waſte Grounds lying within the ſaid Manor of *Norton* and Pariſh of *Dronfield*, as in the Judgement of the ſaid Commiſſioner ſhall contain the like full Twentieth Part or Share of the ſaid laſt mentioned Commons and Waſte Grounds, in lieu of and full Recompence and Satisfaction for his Right and Intereſt in and to the Soil of all the ſaid Commons and Waſte Grounds, and his Conſent to the Incloſure thereof, excluſive of the Allotments to be made to him in lieu of his Right and Intereſt in the ſaid Commons and Waſte Grounds, in reſpect of the ſeveral Meſſuages, Tofts, and incloſed Lands belonging to him the ſaid *Samuel Shore* within the ſaid Manor.

Allotment to Proprietors of the Reſidue.

XVII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required to apportion, divide, ſet out, and allot the Reſidue and Remainder of the ſaid ſeveral Commons and Waſte Grounds unto and amongſt the ſaid *Peter Robinſon*, and the ſeveral Perſons who at the Time of making ſuch Diviſion and Allotments ſhall be entitled to Right of Common on the ſaid ſeveral Commons and Waſte Grounds, in Proportion and according to their reſpective Rights, Property, and Intereſt therein.

Rights of Common may be ſold ſeparate from the Lands to which they are appurtenant;

XVIII. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons intereſted in the ſaid Commons and Waſte Grounds to be incloſed by virtue of this Act at any Time before the Execution of the Award of the ſaid Commiſſioner, to ſell and diſpoſe of all ſuch Eſtate, Right, Title, Intereſt, and Property which he, ſhe, or they now hath or have, or ſhall or may hereafter have, in or to any Right of Common, in and upon the ſaid Commons and Waſte Grounds, or in and to any Allotment or Allotments to be made in reſpect thereof by virtue of this Act, ſeparate

parate and apart from such Estate, in Right whereof he, she, or they is, are, or shall be so entitled; and that in case of any such Sale or Sales, it shall be lawful for the said Commissioner, and he is hereby authorized and required to allot the same to the Purchaser or Purchasers thereof respectively, who shall and may immediately after the Execution of the Award of the said Commissioner, have, hold, use, and enjoy such Allotment or Allotments so to be allotted and laid out in lieu of the Right of Common so by him, her, or them purchased as aforesaid, in as full, large, ample, and beneficial Manner to all Intents and Purposes whatsoever, as the former Proprietor or Vendor thereof could or might have done in case such Sale or Sales had not been made; and the said Commissioner shall and he is hereby authorized and required upon the Request in Writing of any Person or Persons who shall or may have purchased any of the said Rights of Common on the said Commons and Waste Grounds, to appoint, set out, and allot, in and by his said Award, unto or for such Person or Persons, all and every the said Rights of Common so purchased as aforesaid in One or more entire Allotment or Allotments.

and may be set out in one entire Allotment on Request of Persons purchasing.

XIX. And be it further enacted, That the Allotment or Allotments to be set out and allotted to the said *Peter Robinson*, and His Successors as Vicars and Lecturers of *Norton* aforesaid, for or in respect of any Glebe Lands and Hereditaments within the said Manor, shall be inclosed and Ring-fenced, and fenced against any publick Carriage Roads that may be laid through the same, in such Manner as the said Commissioner shall direct (except on such Parts and Sides thereof as the said Commissioner shall order and direct to be fenced by any of the Proprietors whose Allotments shall adjoin thereto), by and at the Expence of the other Owners and Proprietors of the Lands and Hereditaments within the Manor of *Norton* aforesaid, in Proportion to their respective Rights and Property in the Lands and Grounds hereby intended to be divided and inclosed, and such Fences shall for ever after the making thereof be maintained and kept in Repair by the said *Peter Robinson* and his Successors, Vicars and Lecturers of *Norton* aforesaid for the Time being.

Vicar's Allotments to be fenced.

XX. And be it further enacted, That it shall not be lawful for any Person or Persons to keep any Sheep or Lambs, in or upon any of the new Inclosures to be made by virtue of this Act, where Quicksets shall be planted, for the Space of Seven Years from the Execution of the said Award, unless the Persons so depasturing or keeping such Sheep or Lambs, do effectually, at their own Expence, guard and fence their Neighbours Quicksets adjoining to such Inclosures in which Sheep or Lambs shall be kept as aforesaid, so as to prevent any Damage or Injury from being done to the said Fences or Quicksets thereby; and that it shall not be lawful for any Person or Persons to graze or keep any Sort of Cattle, Sheep, or Lambs, in any Lanes or Roads within the said Manor, on either Side of which any new growing Fences shall be planted, within the Space of Seven Years next after the Execution of the said Award, and any Person or Persons, depasturing such Sheep or Lambs as aforesaid, and neglecting or refusing at the same Time to guard their Neighbours Quicksets, or grazing or keeping any Sort of Cattle, Sheep, or Lambs, in any of the said Lanes or Roads as aforesaid, shall be liable to pay all such Damages as shall be sustained by any Person or Persons whomsoever by reason or on Account thereof, and such Damages shall be recovered by Application to the General or Quarter Sessions of the Peace, in and for the said County of *Derby*, in a summary

No Sheep to be depastured in the new Inclosures for 7 Years, unless properly fenced.

Nor Cattle to be kept in the Lanes.

ſummary Way, which Matter ſuch Court is hereby authorized and empowered to hear and finally determine, and to cauſe the Damages to be levied by Diſtreſs and Sale of the Offenders Goods and Chattels, by Warrant or Order of the ſaid Court, with reaſonable Coſts, rendering the Overplus (if any) to the Owner or Owners thereof.

For defraying the Expences of the Act.

XXI. And be it further enacted, That the Coſts, Charges, and Expences of obtaining and paſſing this Act, of preparing and executing the Award of the ſaid Commiſſioner, of incloſing the Allotment or Allotments which ſhall by virtue of this Act be made and ſet out to the ſaid *Peter Robinſon*, as Vicar and Lecturer of the Pariſh of *Norton* aforeſaid, and the Allotment or Allotments ſo to be ſet out for the Purpoſe of getting Stone, Gravel, and other Materials as aforeſaid, and all other Charges and Expences whatſoever incurred for or by reaſon of or preparatory to the ſaid intended Diviſion or Incloſure of the ſaid Commons and Waſte Grounds, and carrying this Act into Execution, ſhall be borne and defrayed by the ſeveral Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act (ſave and except the Vicar and Lecturer of the ſaid Pariſh of *Norton*, and the Surveyors of the Highways within the ſaid Manor of *Norton*, in the Pariſh of *Dronfield* aforeſaid for the Time being, for or in reſpect of the Allotments to be made to them reſpectively as aforeſaid), which ſaid Coſts, Charges, and Expences together with the Proportions thereof to be paid by the ſeveral Perſons hereby made liable to the Payment thereof, ſhall be ſettled and adjuſted by the ſaid Commiſſioner, and ſhall be paid at ſuch Time and Place, and to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall appoint; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Proportion of ſuch Coſts, Charges, and Expences as aforeſaid, within the Time and to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall appoint, then and in ſuch Caſe the ſaid Commiſſioner ſhall cauſe the ſame to be levied and recovered in the Manner directed by the ſaid recited Act.

Commiſſioner to lay his Accounts before Two Juſtices Once in every Year.

XXII. 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 paſſing thereof), 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 and Expences in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by him laid before any Two or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Derby*, to be by them examined and balanced, and ſuch Balance ſhall be by ſuch Juſtices ſtated in the Books of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioner.

XXIII. And be it further enacted, That 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 ſuch Juſtices.

Expences of Exchanges how to be paid.

XXIV. And be it further enacted, That all Coſts, Charges, and Expences, attending the making any Exchanges and Partitions, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges and Partitions, in ſuch Manner, and in ſuch Proportion as the ſaid Commiſſioner ſhall by his ſaid Award order and direct.

XXV. Provided

Proprietors and Agents to pay their own Expences.

XXV. Provided always, and be it further enacted, That the ſaid Proprietors, their Attornies and Agents, ſhall pay their own Expences when they or any of them ſhall attend the ſaid Commiſſioner at any Sittings or Attendances to be holden in purſuance of this Act.

Money advanced to be repaid with Intereſt.

XXVI. And be it further enacted, That if any Perſon or Perſons ſhall advance any Sum or Sums of Money for defraying the Expences of obtaining and paſſing this Act, or of 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*, out of the firſt Monies that ſhall be raiſed or received by the ſaid Commiſſioner by virtue of this Act for defraying ſuch Expences.

Wills and Settlements not to be affected.

XXVII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued, deemed, adjudged, or taken, to revoke, make void, alter, or annul any Settlement, Deed, or Will, or to prejudice any Perſon or Perſons having or claiming any Jointure, Dower, Rent, Service, Debt, Charge, or Incumbrance, in, out of, or upon, or affecting any of the Lands or Grounds to be divided and incloſed as aforeſaid, or which ſhall be exchanged or divided by virtue of this Act, or any Parcel or Part thereof, but that the ſeveral Lands, Grounds, and Eſtates, to be aſſigned and allotted or given in Exchange by virtue of this Act, ſhall immediately after making ſuch Allotments, Exchanges, and Diviſions reſpectively, be, remain, and enure, and be held and enjoyed, and the ſeveral Perſons to whom the ſame ſhall be aſſigned and allotted or given in Exchange and divided, ſhall from thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively to ſuch and the ſame Uſes, and to and for ſuch and the ſame Eſtates, and with and under ſuch and the ſame Powers and Authorities, and ſubject to the ſame Wills, Limitations, Conditions, Settlements, Proviſoes, Remainders, Reverſions, Debts, Charges, and Incumbrances, as the ſaid Meſſuages, Lands, Grounds, and Common Rights, in lieu or in reſpect whereof ſuch Allotments, Exchanges, and Diviſions ſhall be made, now ſtand limited and liable in caſe this Act had not been made.

Leaſes at Rack Rent to be void.

XXVIII. And be it further enacted, That all and every Leaſe and Leaſes, or other Agreements at Rack Rent, ſubſiſting of all or any Part or Parts of any Meſſuages, Lands, Tenements, or Hereditaments within the Manor of *Norton* aforeſaid, for any Term or Number of Years unexpired, ſhall immediately upon ſuch Allotments being made, or ſo ſoon after as the ſaid Commiſſioner ſhall by his ſaid Award direct, ceaſe, determine, and be void, in reſpect of the ſaid Commons and Waſte Grounds, the reſpective Owners and Proprietors of the ſaid Meſſuages, Lands, Tenements, or Hereditaments ſo in Leaſe as aforeſaid, making ſuch Satisfaction to the Leſſee or Leſſees, Tenant or Tenants, as the ſaid Commiſſioner ſhall direct or appoint on Account thereof, or as an Equivalent for the ſame.

Award to be depoſited.

XXIX. And be it further enacted, That the Award to be made by the ſaid Commiſſioner, when inrolled in Manner directed by the ſaid recited Act, ſhall be depoſited and kept in the Cheſt belonging to the Pariſh Church of *Norton* aforeſaid, where the other Writings belonging to the Pariſh of *Norton* aforeſaid are uſually kept.

Persons aggrieved may appeal to the Quarter Sessions.

XXX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved, by any Thing done or to be done, in pursuance of this Act, then and in every such Case he, she, or they, may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Derby*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Party or Parties concerned, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) in their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages 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 Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs, to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

Ore and Minerals reserved to the Lord, making Satisfaction for the Damage to be done by getting the same.

XXXI. And whereas the said *Samuel Shore* is now entitled as Lord of the said Manor of *Norton* unto all Mines and Beds of Coal, Iron-stone, and other Minerals, in or under the said Commons and Waste Grounds intended by this Act to be divided and inclosed; be it therefore further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said *Samuel Shore*, his Heirs or Assigns, as Lord of the Manor of *Norton* aforesaid, in or to any Mines or Beds of Coal, Iron-stone, and other Minerals (except Stone) in or under the said Commons and Waste Grounds, or any Part thereof; but that the said *Samuel Shore*, his Heirs and Assigns, and his and their Agents, Servants, and Workmen, shall and may at all Times hereafter search for, work, dig, raise, and carry away all such Mines, Beds, and Minerals, as fully and effectually as if this Act had not been passed, save only that he and they shall respectively do as little Damage thereby as possible in the Lands to be inclosed, and shall make reasonable Satisfaction and Recompence from Time to Time, upon Demand, to the Person or Persons possessed thereof, for all Trespass and Damage that shall be done thereto or to any Part thereof, by searching for, working, digging raising, and carrying away the said Mines, Beds, and Minerals, or any of them.

General Saving.

XXXII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest, (other than such as are meant and intended to be barred and destroyed by this Act), as they and every of them had and enjoyed, of, in, to, or in respect of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

XXXIII. And

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

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