ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 110.

An Act for dividing, allotting, and incloſing the ſeveral Commons and Waſte Lands, within the Manor and Townſhip of *Wirkſworth* in the County of *Derby*; for protecting certain Springs ſituate on the ſaid Commons and Waſte Lands, and for the better ſecuring a Supply of Water for the Uſe of the Inhabitants of the Town of *Wirkſworth* in the ſaid County. [22d *June* 1802.]

WHEREAS there are within the Manor and Townſhip of *Wirkſworth* in the County of *Derby*, certain Commons or Parcels of Waſte Land, containing together by Eſtimation Seven hundred Acres or thereabouts, upon which the Owners and Proprietors of Houſes, Lands, Tenements, and Hereditaments within the ſaid Manor and Townſhip of *Wirkſworth*, are in Right thereof entitled to Common of Paſture for all their Commonable Cattle: And whereas the King's moſt Excellent Majeſty, in Right of his Duchy of *Lancaſter*, is Lord of the Manor of *Wirkſworth* aforeſaid, and *Richard Paul Jodrell* Eſquire, is Leſſee for a Term of Years of the ſaid Manor: And whereas the Reverend Sir *Richard Kaye* Baronet, Dean of the Cathedral Church

of *Saint Mary the Virgin* in *Lincoln*, in Right of his ſaid Deanry, is Patron of the Vicarage or Pariſh Church of *Wirkſworth* aforeſaid, and the Reverend *John Chaloner* Clerk, is Vicar of the ſame, and is entitled to certain Vicarial or Small Tythes, and *Eaſter* Dues, ariſing, renewing, or payable within the ſaid Townſhip of *Wirkſworth*: And whereas the ſaid Sir *Richard Kaye* Baronet, in Right of his ſaid Deanry of *Lincoln*, is the Impropriator of the Pariſh Church of *Wirkſworth* aforeſaid, and as ſuch entitled to all the Great Tythes ariſing, renewing, increaſing, or happening within the ſaid Pariſh and Townſhip, and *George Henry Errington* Eſquire, is Leſſee of ſuch Tythes: And whereas the ſaid Sir *Richard Kaye* Baronet, in Right of his ſaid Deanry of *Lincoln*, is Lord of a Copyhold Manor within the ſaid Townſhip of *Wirkſworth*, called *The Dean of Lincoln's Manor in Wirkſworth*: And whereas *Philip Gell* of *Hopton*, *Philip Gell* of *Wirkſworth*, *Charles Hurt*, *John Toplis* Eſquire, *Anthony Goodwin* Surgeon, and *Francis Green Goodwin* Eſquire, and divers other Perſons, are Proprietors of, and Perſons intereſted in the ſaid Commons and Waſte Lands: 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 ſeveral Commons and Waſte Lands are, in their preſent Situation, incapable of any Improvement; and a Diviſion, Allotment, and Incloſure of the ſame between and amongſt the ſeveral Owners and Proprietors thereof, and Perſons intereſted therein, according to their reſpective Rights and Intereſts, would be a great 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 and Authority of Parliament: And whereas the Inhabitants of the Town of *Wirkſworth* have heretofore been and ſtill are ſupplied with Water from certain Springs on the ſaid Commons and Waſte Grounds, and it is therefore neceſſary that Proviſion ſhould be made for protecting ſuch Springs, and for the better ſecuring a Supply of Water for the Uſe of the ſaid Town: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Wilcockſon* of *Ireton Wood* in the County of *Derby*, Gentleman, *James Dowland* of *Cuckney* in the County of *Nottingham*, Gentleman, and *John Nuttall* of *Matlock* in the ſaid County of *Derby*, Gentleman, and their Succeſſors, to be elected as herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, allotting, and incloſing the ſaid ſeveral Commons and Waſte Lands, and for putting this Act in Execution, ſubject to the Rules, Orders, and Directions herein-after mentioned, and alſo ſubject to the Powers and Proviſions of the ſaid recited Act, except in ſuch Caſes where the ſame are hereby varied or altered; and that all Acts, Matters, and Things hereby directed to be done by the ſaid Commiſſioners, may be done and executed by any Two of them, and they ſhall be as valid and effectual, to all Intents and Purpoſes, as if done and executed by all the ſaid Commiſſioners.

Commiſſioners.

II. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to cauſe publick Notice to be given in the *Derby* Newſpaper,

Commiſſioners to give Notice of their Meetings.

Newſpaper, and alſo in the Church of *Wirkſworth* aforeſaid, or by affixing a Notice in Writing upon the principal outer Door of the ſaid Church upon ſome *Sunday* during or immediately before Divine Service, of the Time and Place of their Firſt and every ſubſequent Meeting for the Execution of this Act, at leaſt Ten Days before any ſuch Meeting ſhall be held (Meetings by Adjournment only excepted); and any One of the ſaid Commiſſioners, in Default of Two Commiſſioners meeting purſuant to ſuch Notice as aforeſaid, ſhall and may adjourn ſuch Meeting from Time to Time to ſuch Place as he ſhall think proper, within ſome Part of the ſaid Manor and Pariſh, not exceeding Ten Days from the Time of making ſuch Adjournment, and ſhall give timely Notice thereof to ſuch abſent Commiſſioners; and whenever a Meeting ſhall be adjourned by Two Commiſſioners only, immediate Notice ſhall be by them given to the other Commiſſioner of the Time and Place to which ſuch Meeting ſhall be adjourned.

Other Notices how to be given.

III. Provided always, and be it enacted, That all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioners, ſhall be ſo made and given by Advertiſements in the ſaid *Derby* Newſpaper, or in caſe the ſame ſhall not be then publiſhed, then in ſome other Newſpaper circulated in the ſaid County of *Derby*.

On Death of Commiſſioners or Refuſal to act, others to be elected.

IV. And be it further enacted, That if any of the ſaid Commiſſioners appointed by this Act, or who ſhall have been elected in Manner hereinafter mentioned, ſhall, before the Execution of all the Powers and Authorities hereby in them reſpectively veſted, die or refuſe to act, without ſome Cauſe to be approved of by the Perſon or Perſons appointing the ſaid Commiſſioner, or ſhall neglect to attend a Meeting for putting this or the ſaid recited Act in Execution, for the Space of One Calendar Month after he ſhall have received Notice from any Perſon intereſted in the ſaid Diviſion and Incloſure, of the paſſing thereof, a new Commiſſioner or Commiſſioners ſhall be elected in Manner following; (that is to ſay), if the ſaid *John Wilcockſon* ſhall die, or refuſe to act, or neglect to attend as aforeſaid, it ſhall be lawful for the Chancellor of the ſaid Duchy of *Lancaſter* for the Time being, by any Writing under his Hand, to appoint One other Commiſſioner, not intereſted in the ſaid Diviſion and Incloſure, in the Room of the ſaid *John Wilcockſon*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed by the Chancellor of the ſaid Duchy for the Time being as aforeſaid ſhall die, or refuſe to act, or neglect to attend as aforeſaid; and in caſe the ſaid *James Dowland* ſhall die, or refuſe to act, or neglect to attend as aforeſaid, it ſhall be lawful for the ſaid Dean of *Lincoln* or his Succeſſors, Deans of *Lincoln* for the Time being, by any Writing or Writings under his or their Hand or Hands, to appoint One other Commiſſioner, not intereſted in the ſaid Diviſion and Incloſure, in the Room of the ſaid *James Dowland*, and ſo from Time to Time as often as any Commiſſioner ſo to be appointed by the ſaid Dean of *Lincoln* or his Succeſſors as aforeſaid ſhall die, or refuſe to act, or neglect to attend as aforeſaid; and in caſe the ſaid *John Nuttall* ſhall die, or refuſe to act, or neglect to attend as aforeſaid, it ſhall be lawful for the Majority in Value of the other Perſons intereſted in the Lands and Grounds directed by this Act to be divided and incloſed, or their known Agents or Attornies (except the King's Majeſty, his Leſſee or Leſſees, and Dean of *Lincoln*, their Succeſſors and Aſſigns reſpectively), who ſhall be preſent at

at a Meeting to be held for that Purpoſe in the Pariſh Church of *Wirkſworth* aforeſaid, in purſuance of a Notice to be given by any Two or One of the Commiſſioners in the ſaid Church, and by Writing to be fixed upon the moſt publick outer Door of the ſaid Church, at leaſt Fourteen Days before ſuch Meeting, by Writing under their Hands, to appoint One other Commiſſioner, not intereſted in the ſaid intended Incloſure, in the Room of him the ſaid *John Nuttall*, and ſo from Time to Time as often as any Commiſſioner to be appointed by the ſaid Perſons as aforeſaid ſhall die, refuſe to act, or neglect to attend as aforeſaid, ſuch Majority in Value to be from Time to Time aſcertained and determined by the Poor Rate or Aſſeſſment for the ſaid Townſhip of *Wirkſworth*; and in caſe the ſaid reſpective Parties, or any of them, ſhall make Default in appointing any ſuch new Commiſſioner within Two Calendar Months after the Death of any Commiſſioner, or his Refuſal to act, or Neglect of Attendance ſhall be known, then the ſurviving or remaining Commiſſioners or Commiſſioner ſhall, and they and he are and is hereby required from Time to Time, by Writing under their or his Hands or Hand, within One Calendar Month after the Expiration of the ſaid Two Calendar Months allowed to the reſpective Parties for naming ſuch new Commiſſioner or Commiſſioners by them reſpectively as aforeſaid, to appoint One other Commiſſioner, not intereſted in the ſaid Diviſion and Incloſure, in the Room of every ſuch Commiſſioner ſo dying, refuſing to act, or neglecting to attend; and every Commiſſioner ſo to be appointed ſhall have the like Power and Authority as the Commiſſioner in whoſe Place he ſhall be appointed was veſted with by virtue of this Act.

Surveys and Plans to be made.

V. And be it further enacted, That *John Nuttall* of *Matlock* in the ſaid County of *Derby*, Gentleman, or in caſe of his Death or Refuſal to act, ſuch other Perſon or Perſons as ſhall be elected as herein-after mentioned, ſhall (within Four Calendar Months next after the paſſing of this Act, or ſo ſoon after as conveniently may be), with ſuch Aſſiſtant or Aſſiſtants as ſhall be approved by the ſaid Commiſſioners, make or cauſe to be made a true and perfect Survey, Admeaſurement, and Plan of the ſaid Commons and Waſte Lands within the ſaid Manor and Townſhip of *Wirkſworth*, and of all Intakes and Encroachment which have been made from the ſame reſpectively, and alſo a true and perfect Survey and Admeaſurement of all the ancient incloſed Lands within the Manor and Townſhip of *Wirkſworth* aforeſaid, and ſuch reſpective Surveys and Admeaſurements ſhall be reduced into Writing, and ſhall ſpecify the Number of Acres, Roods, and Perches of the ſaid Commons and Waſte Lands, Intakes and Encroachments, and of ancient incloſed Lands within the Manor and Townſhip of *Wirkſworth* aforeſaid, belonging to each Proprietor thereof, and Perſon intereſted therein, at the Time of making ſuch reſpective Surveys; which Surveys, Admeaſurements, and Plans ſhall, ſo ſoon as conveniently may be after the ſame ſhall be completed, be delivered to the ſaid Commiſſioners, to be by them kept for the Purpoſes of this Act.

Surveyors to be ſworn.

VI. And be it further enacted, That no Perſon ſhall be capable of acting as a Surveyor, or Aſſiſtant to ſuch Surveyor, for the Purpoſes aforeſaid, until he or they ſhall have taken and ſubſcribed the Oath following; *videlicet*:

'I DO

'I Do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, make a true, diſtinct, and perfect Survey and Admeaſurement of the ſeveral incloſed Lands, Commons, and Waſte Lands, within the Manor and Townſhip of *Wirkſworth* in the County of *Derby*, or ſuch Part or Parts thereof as I ſhall be directed to ſurvey by the Commiſſioners appointed to put in Execution an Act for dividing and incloſing the ſaid ſeveral Commons and Waſte Lands; and that I will reduce the ſame into Writing, and therein ſet forth the Number of Acres, Roods, and Perches contained in the ſaid reſpective Commons and Waſte Lands, and of the ſaid Intakes and Encroachments, and alſo the Number of Acres, Roods, and Perches of the ſaid incloſed Lands within the ſaid Manor or Townſhip of *Wirkſworth*, belonging to each Proprietor thereof, and Perſon intereſted therein; and that I will lay the ſame before the Commiſſioners appointed to put the ſaid Act in Execution, purſuant to the Directions of the ſaid Act. So help me GOD.' Surveyor's Oath.

Which Oath or Oaths it ſhall be lawful for any One or more of the ſaid Commiſſioners, and he or they is and are hereby required to adminiſter to ſuch Surveyor or Aſſiſtant accordingly; and the ſaid Oath ſo taken ſhall be alſo ſubſcribed by ſuch Surveyor or Aſſiſtant, and ſhall be written on Parchment, and annexed to and inrolled with the Award or Inſtrument of the ſaid Commiſſioners.

VII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, as ſoon as conveniently may be after the paſſing of this Act, to examine into and determine the ſeveral and reſpective Copyhold Eſtates entitled to Right of Common upon the ſaid Commons and Waſte Lands, and alſo the ſeveral and reſpective Rights of Common, and all Differences and Diſputes which ſhall ariſe between the Parties intereſted or claiming to be intereſted in the ſaid intended Diviſion and Incloſure, or any of them, concerning their reſpective Rights, Shares, and Intereſts in the ſaid Commons and Waſte Lands, or the reſpective Allotments, Shares, and Proportions which they or any of them ought to have in the ſaid intended Diviſion and Incloſure, which Determination ſhall be binding and concluſive upon all Parties (ſave and except as herein-after mentioned); but no ſuch Determination ſhall hinder or prevent any of the Parties from trying their Right at Law, in reſpect of any Matter of Title or Tenure. Commiſſioners to aſcertain Right of Common, and ſettle Diſputes.

VIII. Provided always, and be it enacted, That in caſe any Perſon or Perſons intereſted in the ſaid intended Diviſion and Incloſure ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, touching or concerning any Rights or Intereſts in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, or touching or concerning any Common Rights or Intereſts which they may have or claim in, upon, or over the ſame, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Incloſure, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners, 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 Allowing Parties to try their Rights by an Iſſue at Law.

Commiſſioners 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 Commiſſioners, 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 where ſuch 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, 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 thereon, 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 Commiſſioners ſhall and they are 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: Provided always, that the Determination of the ſaid Commiſſioners, touching ſuch Claim or Claims to ſuch Common Rights or other Rights or Intereſts in, over, or upon the ſaid Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, which ſhall not be objected to, or being objected to, the Party or Parties objecting not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon all Parties.

Determinations not objected to, to be final.

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

IX. 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.

Commiſſioners to make Allotments.

X. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, within Three Calendar Months, or as ſoon as conveniently may be after the ſaid Survey ſhall have been laid before them, and after the publick Roads ſhall be ſet out, to aſſign, ſet out, and allot the ſeveral Commons and Waſte Lands unto and amongſt the ſeveral Owners and Proprietors thereof, and Perſons intereſted therein, according to their reſpective Rights and Intereſts, in Manner herein-after mentioned; (that is to ſay), in the Firſt Place they ſhall aſſign, ſet out, and allot unto the King's moſt Excellent Majeſty, in Right of His Duchy of *Lancaſter*, and His Heirs and Succeſſors (yet nevertheleſs to and for the Benefit and Uſe of the ſaid *Richard Paul Jodrell*, as Leſſee of the ſaid Manor of *Wirkſworth*, during the Continuance of the preſent Leaſe thereof), ſuch Part or Parts of the ſaid Commons and Waſte Lands, lying within the ſaid Manor and Townſhip of *Wirkſworth*, as ſhall contain One full Twentieth Part or Share thereof (Contiguity, Quantity, and Quality conſidered), in lieu of and full Recompence and Satisfaction for all his Right and Intereſt in and to the Soil of the ſaid Commons and Waſte Lands which ſhall be incloſed by virtue of this Act; and in the next Place ſhall aſſign, ſet out, and allot ſuch other Part or Parts of the ſaid Commons and Waſte Lands as they ſhall

To the King's Majeſty, as Lord of the Manor, and *R. P. Jodrell* Eſq. as Leſſee.

For getting Stone.

ſhall think fit, not exceeding in the Whole Two Acres, to be uſed and enjoyed for ever thereafter in common by the Proprietors of Eſtates within the ſaid Manor and Townſhip of *Wirkſworth*, for the Purpoſe of getting Stone and other Materials for the building, rebuilding, or repairing of Houſes, Bridges, Walls, Fences, and other Works within the Manor and Townſhip of *Wirkſworth* aforeſaid, and for the repairing of the Highways and private Roads which now are or hereafter ſhall be within the ſame, and for laying and depoſiting Rubbiſh which may ariſe or be made within the ſaid Manor and Townſhip; and ſhall in the next Place aſſign, ſet out, and allot unto each and every Proprietor of an ancient Meſſuage, Toftſtead, or Scite thereof, within the ſaid Manor and Townſhip of *Wirkſworth*, One Rood of the Average Value of the ſaid Commons and Waſte Lands, and no more, for and in reſpect of each Meſſuage, Toftſtead, or Scite thereof; and ſhall then divide, ſet out, and allot the Reſidue and Remainder of the ſaid ſeveral Commons and Waſte Lands, lying within the ſaid Townſhip of *Wirkſworth*, unto and amongſt the ſeveral Owners of Eſtates within the ſaid Manor and Townſhip entitled to Right of Common thereon, in Proportion and according to their ſeveral and reſpective Rights and Intereſts therein, agreeably to the Directions and Intentions of this Act, in lieu of and as a full Recompence and Satisfaction for all the Right of Common and other Intereſts of the ſaid ſeveral Perſons in, upon, or in reſpect of the ſaid Commons and Waſte Lands.

To Owners of ancient Meſſuages, Toftſteads, and Scites, One Rood;

and Reſidue to Land Owners.

XI. And be it further enacted, That all and every the Allotments to be made to the Owners or Proprietors of Eſtates within the ſaid Manor and Townſhip of *Wirkſworth*, in Right of or in reſpect of any Freehold Meſſuages, Lands, or Hereditaments, ſhall, from and immediately after the Execution of the Award of the ſaid Commiſſioners, be deemed and taken as and for Freehold; and that all and every the Allotments to be made in Right of or in reſpect of any Copyhold Meſſuages, Lands, or Hereditaments, by virtue of this Act, ſhall, from and after the Execution of the ſaid Award, be deemed and taken as and for Copyhold, and ſhall be held as ſuch by Copy of Court Roll, at the Will of the Lord of the ſeveral Manors of which ſuch Copyhold Meſſuages, Lands, or Hereditaments, are reſpectively held, according to the Cuſtom of ſuch Manors reſpectively, and under and ſubject to the ſame Tenures, Rents, Payments, Fines, Cuſtoms, and Services, as the Copyhold Meſſuages, Lands, or Hereditaments reſpectively, for or in lieu or in reſpect whereof ſuch Allotments ſhall be made are now held (except as herein-after otherwiſe provided for); and the Quantities in Acres, Roods, and Perches of ſuch Copyhold Allotments, with their reſpective Boundaries and Abuttals, ſhall be deſcribed and diſtinguiſhed from each other, and alſo from the Freehold Allotments, by the ſaid Commiſſioners in their Survey, Map, and Award; and that all and every Perſon and Perſons to whom any ſuch Copyhold Allotment or Allotments ſhall be made, ſhall, within Twelve Calendar Months next after the Execution of the ſaid Award, be reſpectively admitted Copyhold Tenants to the Lands ſo allotted to them, and on each of ſuch Admiſſions the nominal Fine of One Shilling only ſhall be paid, together with all the accuſtomed Charges and Fees to the Stewards, Juries, and Bailiffs of the Courts of the reſpective Manors; but ſuch nominal Fine ſhall not hereafter be cited as a Precedent on any future Occaſion of Fines to be taken in reſpect of ſuch Allotments, or

Allotments to be of the ſame Tenure as the Lands for which they are allotted.

entered

entered in the Court Rolls of the respective Manor; and if any Person or Persons to whom such Allotment or Allotments shall be made, shall, within the Time above limited, refuse or neglect to be admitted a Copyhold Tenant or Copyhold Tenants thereof respectively as before mentioned, then and in every such Case it shall and may be lawful to and for the Lord of the said Manor of *Wirksworth*, and the Lord of the said Manor called *The Dean of Lincoln's Manor in Wirksworth*, for the Time being, to enter upon the Allotment or Allotments belonging to the Person or Persons so refusing or neglecting to be admitted Tenant thereof as aforesaid as and for a Forfeiture, and to hold the same as in case of other forfeited Estates within the said Manors respectively.

Copyhold Fines for Allotments; Fines certain how to be paid.

XII. And whereas, in order to obviate and remove all Doubts and Disputes respecting the Quantum and Inequality of the Fines to be taken in future upon Admissions to Allotments to be made in Right of Copyhold Estates within the said Manor of *Wirksworth*, Fine certain or compound, and for rendering the same more certain; be it further enacted, That upon every future Admission (either after a Death or a Surrender), to every Copyhold Allotment which shall be made from the said Commons and Waste Lands, in Right of any ancient Copyhold Messuage, Toftstead, or Scite thereof, within the said Manor of *Wirksworth* (for which a certain or compounded Fine hath heretofore usually been paid), a Fine of Two Shillings and Sixpence at every Change or Alienation shall be payable to the Lord of the said Manor, and shall and may be demanded, received, and taken by the Steward thereof for the Time being; and that upon the like Admission to every other Copyhold Allotment made from the said Commons and Waste Lands, in Right of any other Copyhold Hereditaments or Lands within the said Manor of *Wirksworth*, for which a certain or compounded Fine hath heretofore usually been paid, a Fine of One Shilling; but in case the Allotment last mentioned shall be more than Half an Acre in Statute Measure, then an additional Fine of Sixpence, and so on progressively for every additional Quantity above One Rood, shall be payable to the Lord of the said Manor, and shall and may be demanded, received, and taken by the Steward thereof for the Time being.

Estates, not Part of the Commons, and now held by Copy of Court Roll, to continue so.

XIII. Provided nevertheless, and it is hereby declared and enacted, That such Messuages, Farms, Lands, and Tenements within the said Manor of *Wirksworth*, and within the said Manor called *The Dean of Lincoln's Manor in Wirksworth*, not Parcel of the said Commons and Waste Lands, as are now held by Copy of Court Roll of the Lords of the said respective Manors, shall still continue to be so held of the respective Lords of the same Manors respectively, by the same Tenure, Rents, Fines, Customs, and Services, as if this Act had not been made.

Cottages built within Twenty Years, and Encroachments made within Forty Years, to be deemed Common.

XIV. And be it further enacted, That all Cottages erected upon any Part of the said Commons and Waste Lands (except such as have been enjoyed for Twenty Years or upwards without Interruption), shall be deemed Part of the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed; and that all other Encroachments (exclusive of Gardens appendant to Houses as aforesaid), made and taken on or from the same (except such as have been enjoyed for Forty Years or upwards without Interruption as aforesaid), shall likewise be deemed Part of

of the ſaid Commons and Waſte Lands hereby directed to be divided, allotted, and incloſed, and ſhall be divided, allotted, and incloſed accordingly; and that it ſhall be lawful for the ſaid Commiſſioners to enquire and determine what Cottages and Encroachments have been built and made upon the ſaid Commons and Waſte Lands, and whether the ſame are to be deemed Part thereof or nor, purſuant to the Direction of this Act; and all ſuch Cottages and Encroachments as ſhall be deemed Part of the ſaid Commons and Waſte Lands, ſhall be valued as if in an unimproved State, and without conſidering the Improvements made thereon by building or otherwiſe, in caſe the ſame ſhall be allotted to the reſpective Perſons who may have improved the ſame, or to the Lord of the ſaid Manor of *Wirkſworth*; but if ſuch Cottages or Encroachments ſhall be allotted to any other Perſon or Perſons, then and in ſuch Caſe the Perſon or Perſons to whom the ſame ſhall be ſo allotted ſhall pay to the ſeveral Perſons reſpectively who may have built, incloſed, and improved the ſame, ſuch Compenſation in Money, in ſuch Manner and at ſuch Times as the ſaid Commiſſioners ſhall think reaſonable, and by Writing under their Hands direct and appoint.

This Act not to injure the Cuſtom of Mining.

XV. Provided alſo, and be it further enacted, That not any Thing herein contained ſhall extend, or be deemed, conſtrued, or taken to extend, to prejudice, leſſen, or defeat the Right, Title, or Intereſt, of the King's moſt Excellent Majeſty, or of His Leſſee or Leſſees for the Time being, in or to the Duty of Lot and Cope, or other Duties upon Lead Ore or Lead Mines within the ſaid Manor or the Wapentake of *Wirkſworth* aforeſaid, or to alter, vary, injure, or prejudice the Cuſtom of Mining within the ſaid Manor or Wapentake, or any of the Laws, Articles, Rules, or Orders, relating thereto, or the Power of ſearching for, getting, leading, taking, or carrying away Lead Ore within or under any Part of the ſaid Commons or Waſte Lands, or of ſinking Shafts, erecting Engines, or making Roads or Ways, or other uſual or cuſtomary Works for thoſe Purpoſes, by any of His Majeſtſty's liege Subjects, according to the Cuſtom of Mining; but that the ſame Cuſtoms, Laws, Articles, Rules, and Orders, relating to the Mines and Miners within the ſaid Manor or Wapentake of *Wirkſworth*, ſhall remain, continue, and be in the like Force, Vigour, and Effect, as the ſame were in immediately before or at the Time of the paſſing of this Act.

The Owners of *Meer Brook Sough* to work and carry forward the ſame, making Satisfaction for Damages.

XVI. Provided alſo, and be it further enacted, That it ſhall be lawful for the Owners and Proprietors of a certain Sough or Level called *Meer Brook Sough* or *Longway Bank Sough*, to continue to work and carry forward ſuch Sough or Level from Time to Time and at all Times for ever hereafter, for the Purpoſe of unwatering or draining any Lead Mine or Lead Mines within the ſaid Manor or Wapentake of *Wirkſworth*, or otherwiſe, and to amend and repair the ſame when and as often as Need ſhall be and require; and for thoſe Purpoſes to ſink Shafts, erect Engines and Buildings, and make and uſe all neceſſary Roads, Ways, Paths, and Watercourſes, upon, under, through, or over any of the Allotments to be made from the ſaid Commons or Waſte Lands in purſuance of this Act, ſuch Owners or Proprietors, and their Servants, Workmen, Horſes, Cattle, Carts, and Carriages, doing as little Damage from Time to Time as the Nature of the ſeveral Caſes will admit of, and ſuch Owners and Proprietors making reaſonable Satisfaction from Time to Time to the ſeveral

and respective Owners or Proprietors of such Allotments, and the Tenants and Occupiers thereof, for the Damage to be done to them, him, or her thereby.

Commissioners may make any Alterations respecting Allotments or private Roads, before Execution of their Award.

XVII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, at any Time before executing their final Award, to make any Alterations in the Allotments and Fences which they may have set out and ordered, or private Roads laid or to be laid over to such Allotments, that they shall think right and expedient; and in case any Person or Persons be injured by such Alterations, on account of any Expences he or they may have been at, the said Commissioners shall ascertain and determine what Recompence shall be made to him, her, or them, and shall direct by whom and in what Manner such Recompence shall be made.

All Exchanges of Copyhold to be made by Surrender in the Courts of the Lords of the respective Manors

XVIII. And be it further enacted, That all and every Exchange or Exchanges, Partition or Partitions, Division or Divisions, to be made by the said Commissioners, as far as the same regards any Copyhold Messuage, Farm House, Barn, or other Building, Lands or Grounds, or Part or Parcel of any Messuage, House, Barn, or other Building, Lands or Grounds, within the Manor of *Wirksworth*, or the Manor called *The Dean of Lincoln's Manor in Wirksworth* aforesaid, or either of them, shall, as soon as conveniently may be after the Agreement for such Exchange or Exchanges, Partition or Partitions, Division or Divisions hath or have been made, with the Consent and Approbation of the Owners or Proprietors interested therein, or the Trustee or Trustees, Guardian or Guardians, Committee or Committees, Husband, Attorney, or Agents, and at all Events prior to the final Award of the said Commissioners, be made by the customary Surrender and Admission, or Surrenders and Admissions of the respective Parties interested in the Courts of the Lords of the said respective Manors, or either of them, and in no other Mode whatever; and on such customary Surrender and Admission, or Surrenders and Admissions, *bonâ fide* made for the Purpose of such Exchange and Exchanges, Partition or Partitions, Division and Divisions, prior to the Award only, the nominal Fine of One Shilling shall be paid to the said Lords of the said respective Manors respectively, together with all accustomed Fees usually taken by the Stewards, Juries, and Bailiffs of the said Courts of the said respective Manors, and all Arrears of Fine or Fines, if any due at the Time, to the said Lords of the said respective Manors; and the said nominal Fine of One Shilling so taken by the said Lords of the said Manors on such Exchanges, Partitions, and Divisions, shall not hereafter be cited or construed as a Precedent on any future Occasion of Fines to be taken hereafter on Exchanges, Partitions, and Divisions of Copyhold Estates in the said Manor of *Wirksworth*, and the said Manor called *The Dean of Lincoln's Manor in Wirksworth* aforesaid, or either of them, or any future Surrender of or Admission to the same Estate or Estates, or any Part thereof, or entered in the Court Rolls; nor shall it affect the Arrears of any preceding Fine or Fines which may be due or owing to the said Lords of the said respective Manors from such Copyhold Estates so exchanged or divided, but the same shall be liable to be paid as before; nor shall any Chief Rent or Quit Rent issuing out of such Copyhold Estates so exchanged, partitioned, or divided, be affected or altered, or sub-

ſub-divided, without the Lord's Conſent at the Time, nor the Right of recovering the Arrears of ſuch Chief Rent or Quit Rent from ſuch Copyhold Eſtates be affected thereby.

Proprietors may diſpoſe of their Allotments previous to the Commiſſioners Award.

XIX. And whereas it may happen that ſome of the Proprietors of Eſtates in *Wirkſworth* aforeſaid may ſell, or enter into Contracts for Sales of the Allotments to be made in lieu of their preſent or original Eſtates, previous to the Execution of the Award of the ſaid Commiſſioners; be it therefore enacted, That all ſuch Sales or Contracts of or for ſuch Allotments ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes, in like Manner as if the ſaid Award had been actually made and executed previous to the Date and Execution of the ſaid Contracts, Conveyances, Surrenders, Leaſes, or other Aſſurances.

Partitions amongſt Copyholders to be made in the Courts of the Lords of the Manors.

XX. And be it further enacted, That all and every Partition or Partitions, Diviſion or Diviſions to be made by the ſaid Commiſſioners, as far as the ſame regards any Copyhold Meſſuage, Cottage, Tenement, or ancient incloſed Land within the ſaid Manor of *Wirkſworth*, or the ſaid Manor called *The Dean of Lincoln's Manor* ſhall be made in the Courts of the Lords of the ſaid reſpective Manors by the ſaid Copyholders, as Tenants in Common or Joint Tenants, and in no other Mode whatſoever, and at all Events prior to the final Award of the ſaid Commiſſioners; and in ſuch Caſe the nominal Fine of One Shilling ſhall be paid by each Tenant in Common or Joint Tenant to the ſaid Lords of the ſaid reſpective Manors, together with all the accuſtomed Fees to the Stewards, Juries, and Bailiffs of the ſaid Courts of the ſaid reſpective Manors, and all Arrears of Fine or Fines, if any due at the Time to the ſaid Lords of the ſaid reſpective Manors; and the nominal Fine of One Shilling ſo taken by the ſaid Lords of the ſaid Manors on ſuch Partition or Diviſion, ſhall not hereafter be cited or conſtrued as a Precedent on any future Occaſion of Fines to be taken hereafter, or entered in the Court Rolls; nor ſhall it affect the Arrears of any preceding Fine or Fines, if unpaid, which may be then due or owing to the ſaid Lords of the ſaid Manors from ſuch Copyhold Eſtates ſo partitioned or divided, but the ſame ſhall be liable to be paid as before; nor ſhall any Chief or Quit Rent iſſuing out of ſuch Copyhold Eſtates ſo partitioned or divided be affected, altered, or ſub-divided, without the Lord's Conſent at the Time, nor the Right of recovering the Arrears of ſuch Chief Rent or Quit Rent from ſuch Copyhold Eſtates be affected thereby.

Not to prejudice the Right of Tythes.

XXI. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to defeat, leſſen, or prejudice the Title or Intereſt of the ſaid Dean of *Lincoln* or his Succeſſors, Deans of *Lincoln*, or his or their Leſſee or Leſſees, or the ſaid *John Chaloner* and his Succeſſors, Vicars of the ſaid Vicarage of *Wirkſworth* for the Time being, of, in, or to any Tythes (Great or Small), Moduſes, Surplice Fees, *Eaſter* Dues, or other Payments whatſoever, ariſing, growing, renewing, or payable within or out of the ſaid Pariſh, but that the ſame and every of them, and every Part thereof, ſhall continue, remain, and be due and payable in like Manner as the ſame was or were before the paſſing of this Act, or would, could, or might have been had, taken, collected, or received, in caſe this Act had not been made (except as herein-after mentioned).

XXII. And

Commissioners to ascertain what shall be exempt from Tythes for Seven Years, and give Notice thereof.

XXII. And whereas it cannot at present be ascertained what Quantity of the said Commons and Waste Lands will, on Account of the Barrenness thereof, be subject and liable to the Payment of Tythes immediately after the Inclosure thereof; be it therefore further enacted, That the said Commissioners shall, and they are hereby required and directed to ascertain, determine, and describe what Quantity, Part, and Share of the said Commons and Waste Lands shall, immediately after the Inclosure thereof, be subject to the Payment of Tythes, and what Quantity, Part, and Share thereof shall, on Account of its Barrenness be exempt from the Payment of such Tythes for the Space of Seven Years from the passing of this Act; so as the Part or Share to be subject to the immediate Payment of Tythes be set out upon the most valuable Part of the said Commons and Waste Lands, and do not contain less in Quantity than Six hundred Acres.

Lands immediately liable to the Payment of Tythes to be set out by the Commissioners.

XXIII. And be it further enacted, That, for the more publick and better Information of the several Persons interested therein (until the said Commissioners shall have made and executed their said Award), which of the Allotments herein-before directed to be made and set out from the said Commons and Waste Lands are, immediately after the Inclosure thereof, to be subject and liable to the Payment of Tythes as aforesaid, and which of the Allotments are to be exempted from Tythes for the Space of Seven Years, the said Commissioners shall, and they are hereby required and directed, within the Space of Three Calendar Months next after they have staked or set out the same, to give publick Notice in Writing (a Copy or Duplicate thereof shall be affixed Two *Sundays* on the South Door of the Parish Church of *Wirksworth* aforesaid), which of the Allotments are immediately after the Inclosure thereof to be subject and liable to the Payment of Tythes, and which of the Allotments are to be exempted from the Payment of Tythes for the Space of Seven Years from the passing of this Act; and shall also within the said Space of Three Calendar Months deliver a Duplicate of such Notice to *Adam Wolley* of *Matlock* aforesaid, Gentleman, the Agent of the said *George Henry Errington*, the Lessee of the Rectorial Tythes arising within the Parish of *Wirksworth* aforesaid.

No Settlement or Will to be affected.

XXIV. 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, Portion, Rent, Service Mortgage, Debt, Charge, or Incumbrance, in, out of, upon, or affecting any of the Lands and Grounds to be divided, allotted, and inclosed as aforesaid, or any Messuages, Lands, Tenements, or Hereditaments, which shall be exchanged, partitioned, or divided by virtue of this Act, or any Part or Parcel thereof respectively, but that the several Messuages, Lands, Tenements, and Hereditaments, so to be assigned, allotted, exchanged, partitioned, or divided as aforesaid, shall immediately after making such Allotments, Exchanges, Partitions, or 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, shall from henceforth 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, Mortgages, Debts, Charges,

and

and Incumbrances, as the ſeveral Meſſuages, Lands, Hereditaments, and Common Rights, in lieu or in reſpect whereof ſuch Allotments, Exchanges, Partitions, or Diviſions ſhall be made, now ſtand limited or liable to, or would have been liable to in caſe this Act had not been made.

Lords of Manors Allotments how to be fenced.

XXV. Provided always, and be it enacted, That the Allotments to be made to the King's Majeſty, His Heirs and Succeſſors, or to the ſaid *Richard Paul Jodrell*, as Leſſee of the ſaid Manor as aforeſaid, ſhall, as ſoon as conveniently may be after the ſame ſhall be ſtaked out, be incloſed and fenced round by Walls or Quickſet Hedges and Ditches, and other proper and ſufficient Mounds and Fences, and alſo a good Oak Gate, properly hung on Stone Poſts, to each Allotment where neceſſary, at the Expence of the Proprietors of the other Allotments, in Proportion to their reſpective Meſſuages, Lands, and Hereditaments in the ſaid Manor and Townſhip, ſuch Expence and the Proportions thereof to be paid by each Proprietor, and to be ſettled and aſcertained by the ſaid Commiſſioners, in the ſame Manner as the Expences of obtaining this Act, and of putting the ſame in Execution, are directed to be paid; and that ſuch Fences ſhall be for ever thereafter maintained and kept in Repair by the King's Majeſty, His Heirs or Succeſſors, or His Leſſee or Leſſees as aforeſaid, Lords of the ſaid Manor of *Wirkſworth* for the Time being; any Thing herein contained to the contrary notwithſtanding.

Commiſſioners to proceed in executing the Act, and ſit 14 Days in every Lunar Month, after receiving Surveys.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall, as ſoon as conveniently may be after the paſſing of this Act, begin to put the ſame in Execution and that they ſhall begin to value the Commons and Waſte Lands to be incloſed by virtue of this Act within Fourteen Days after they ſhall have received the Survey thereof hereby directed to be made, and alſo the ancient incloſed Lands and Grounds within the ſaid Manor and Pariſh of *Wirkſworth*, having Right of Common on the ſaid Commons and Waſte Lands intended to be incloſed; as ſoon as they ſhall have received the Survey thereof hereby alſo directed to be made, or ſooner if they ſhall think proper ſo to do; and when the ſaid Commiſſioners ſhall afterwards begin to make ſuch reſpective Valuations, they ſhall proceed therein, and in the Execution of the other Powers and Directions of this Act, Six Days at leaſt in every enſuing Lunar Month, excluſive of the Days of travelling to and from the Place of Meeting, until the ſame Valuations ſhall be completed; and the ſaid Commons and Waſte Lands ſhall be allotted, ſtaked out, and ſhewn to the reſpective Proprietors, for the Purpoſe of incloſing and cultivating the ſame.

Separate Award and Plan of Allotments to the King.

XXVII. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby authorized and required to make a ſeparate Award, under their Hands and Seals, of all and every the Allotments, by Way of Exchange or otherwiſe, to be made to His Majeſty, His Heirs and Succeſſors, by virtue of this Act, together with the Situations, Contents, and Quantities, Abuttals, and Boundaries thereof, with the ſeveral Orders and Directions concerning the ſame; and alſo of the ſeveral Meſſuages, Lands, Tenements, and Hereditaments being of the Nature of Copyhold Tenure within the ſaid Manor of *Wirkſworth*, which ſhall or may be exchanged or allotted under or by virtue of this Act; and ſhall tranſmit the ſame, together with a Map or Plan thereof, upon a reduced Scale, to His Majeſty's Clerk of the Council of His

Duchy of *Lancaſter*, or his Deputy, within Three Calendar Months next after the making the General Award of the ſaid Commiſſioners.

Leaſes at Rack Rent to be void.

XXVIII. And be it further enacted, That all and every Leaſe and Leaſes for any Term not originally exceeding Twenty-one Years, of all or any Part or Parts of any Meſſuages, Lands, Tenements, or Hereditaments, in Right of which any Perſon or Perſons hath or have any Intereſt in the ſaid Commons and Waſte Grounds, ſo far as the ſame relates to the ſaid Commons and Waſte Grounds, ſhall, on the Twenty-fifth Day of *March* One thouſand eight hundred and three, ceaſe, determine, and be void; and ſo far as the ſame relates to the ſaid Meſſuages, Lands, Tenements, and ancient Incloſures (if the ſaid Commiſſioners, by Writing under their Hands and Seals, ſhall ſo direct), ſhall, on the Twenty-fifth Day of *March* One thouſand eight hundred and four, ceaſe, determine, and be void; the reſpective Leſſors or Landlords, of ſuch Meſſuages, Lands, Tenements, or Hereditaments ſo in Leaſe as aforeſaid, making ſuch Satisfaction to the reſpective Leſſee or Leſſees, Tenant or Tenants, as the ſaid Commiſſioners ſhall aſcertain as reaſonable to be paid to ſuch Leſſee or Leſſees, Tenant or Tenants, on Account thereof, or as an Equivalent for the ſame: Provided always, that if there ſhall be any Leaſe of Lands, Part of which ſhall be in the ſaid Manor or Townſhip, and Part in any adjoining Pariſh or Townſhip, all and every ſuch Leaſe or Leaſes upon Rack Rent now ſubſiſting may be vacated; but where any Land ſhall have been taken in Exchange, and which Land ſhall be under Leaſe, and wholly ſituate in an adjoining Pariſh or Townſhip, the Leaſe of ſuch laſt mentioned Lands ſhall not be vacated.

Fences to be made.

XXIX. And be it further enacted, That when the ſaid Commons and Waſte Lands ſhall be divided and allotted as aforeſaid, the ſaid ſeveral Allotments made thereof ſhall be incloſed, walled, hedged, ditched, drained, and fenced, and ſuch Fences, Ditches, and Drains, ſhall for ever thereafter be repaired by ſuch Perſon or Perſons, in ſuch Shares and Proportions, and in ſuch Manner, and at ſuch Time or Times, as the ſaid Commiſſioners by their Award, or by Writing under their Hands, ſhall order and direct; and that convenient Gaps and Openings ſhall be left in the ſaid Fences and Incloſures for the Space of Six Calendar Months next after the Execution of the ſaid Award, for the Paſſage of Cattle, Carts, and Carriages, in, upon, through, and over convenient Parts of the ſame, unleſs the ſeveral Parties intereſted therein ſhall agree, or the ſaid Commiſſioners ſhall, by Writing under their Hands, direct that the ſame ſhall ſooner be made up.

Gaps to be left for Six Months.

Meer Stones to be placed where Fencing impracticable.

XXX. Provided always, That in caſe the Boundary of any ſuch Allotment or Allotments, ſhall be in or upon any Bog or Moraſs, or in or over any other Land whereon the ſaid Commiſſioners ſhall deem the making a Hedge, Ditch, Wall, or Fence, to be impracticable or unneceſſary, then the ſaid Commiſſioners ſhall and may diſpenſe with the Fencing of ſuch Allotment or Allotments for ſuch Time or Times as they may think proper, and inſtead thereof direct Meer Stones or Boundary Marks to be put down, for the Purpoſe of aſcertaining the Extent of ſuch Allotment or Allotments; and in their ſaid Award ſhall make ſuch Directions for the fencing of the ſame reſpectively at any future Period, as to them ſhall appear expedient.

XXXI. And

No Sheep to be depaſtured in the new Incloſures for Seven Years:

XXXI. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons to depaſture or keep any Sheep or Lambs upon any of the Allotments or 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 reſpectively ſo depaſturing or keeping Sheep or Lambs do effectually, at their own Expence, guard and fence their own and alſo their Neighbours Quickſets adjoining to ſuch Allotments or Incloſures reſpectively in which Sheep or Lambs ſhall be depaſtured or kept as aforeſaid, ſo as to prevent any Damage or Injury from being done to the ſaid Fences or Quickſets, or to the Allotment or Allotments of their Neighbours by ſuch Sheep or Lambs; and the Perſons reſpectively depaſturing or keeping ſuch Sheep or Lambs, and neglecting or refuſing to guard their own and their Neighbours Quickſets 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 of ſuch depaſturing or keeping Sheep or Lambs as aforeſaid, to be recovered by Application to the Court of General or Quarter Seſſions of the Peace in and for the County of *Derby*, in a ſummary Way, which Matter ſuch Court of General or Quarter Seſſions is hereby authorized and empowered to hear and finally determine, and to award Damages, and order the ſame to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant or Order of the ſaid Court, with reaſonable Coſts and Charges, rendering the Overplus (if any) to the Owner or Owners thereof; and

Nor Cattle in the Lanes for Ten Years.

that no Perſon or Perſons ſhall graze or keep any Horſe, Foal, or any Sort of Beaſt, Cattle, Sheep, or Lambs, in any Lanes or Roads within the ſaid Manor or Townſhip of *Wirkſworth*, on either Side whereof any new Fences ſhall have been made, within the Space of Ten Years next after the Execution of the ſaid Award or Inſtrument, under a Penalty not exceeding Forty Shillings nor leſs than Ten Shillings, for every ſuch Horſe, Beaſt, Sheep, or Lamb, to be paid to the Perſon or Perſons injured thereby, which ſaid Penalty ſhall be recovered by Application to any Juſtice of the Peace for the ſaid County of *Derby*, or to the Court of General or Quarter Seſſions of the Peace, in ſuch Manner, and with ſuch Coſts and Charges as the Damages laſt mentioned are directed to be recovered.

Expences of Act how to be paid.

XXXII. And be it further enacted, That the Charges and Expences of preparing, ſoliciting, obtaining, and paſſing this Act, and of ſurveying, planning, mapping, admeaſuring, valuing, dividing, allotting, aſcertaining, and determining the future Tenure of the Commons and Waſte Lands hereby intended to be divided, allotted, and incloſed, and of preparing and inrolling the Award of the ſaid Commiſſioners, and all the Expences of forming, making, completing, and repairing the publick Carriage Roads and Highways to be ſet out and appointed by the ſaid Commiſſioners, and all other Coſts, Charges, and Expences in and about the carrying this Act into Execution, or in anywiſe preparatory or incident thereto; and all and every Sum and Sums of Money, Recompence, and Satisfaction, which the ſaid Commiſſioners are hereby directed, authorized, and empowered to make or pay, and which they ſhall direct to be made or paid by or to any Perſon intereſted in the ſaid Diviſion and Incloſure, ſhall from Time to Time, as the ſame ſhall be expended, be paid, borne, and defrayed by the ſeveral Owners and Proprietors of and Perſons intereſted in the ſaid Commons and Waſte Lands, Meſſuages, Lands, Tenements, and Hereditaments ſo intended to be divided, allotted, and incloſed as aforeſaid

(other

(other than and except the King's Majesty, His Heirs and Successors, and the said *Richard Paul Jodrell* as Lessee as aforesaid, and the Person from whose Allotment or Allotments a Deduction shall be made, and also other than and except the said Sir *Richard Kaye* Baronet, as Dean of *Lincoln* as aforesaid, and his Successors), at such Time and Times, and in such Proportion and Proportions, Manner and Form, as they by their said Award, or by any Writing under their Hands, either before or after the Execution of the said Award, shall order, direct, or appoint, whereof Notice in Writing under their Hands shall from Time to Time be affixed on the Door of the Parish Church of *Wirksworth* aforesaid, at least Twenty Days before the Time of such Payment shall be required.

Lands may be deducted for Expences.

XXXIII. And be it further enacted, That the said Commissioners shall and may set out and allot unto and for such Person or Persons respectively, who at the Time of the Allotments to be made in pursuance of this Act shall be seised of any Land, Ground, or Common Right in or upon the Lands authorized by this Act to be divided, as Tenant for Life (other than and except the said Vicar of *Wirksworth* for the Time being), the future Owners whereof will perpetually be Tenants for Life, or in Right of or in Trust for any Hospital, School, or other publick Use, such Parcel or Parcels of the said Lands as shall, in the Judgement of the said Commissioners be such respective Persons Proportion or Proportions thereof, after a Deduction of so much as shall in the Judgement of the said Commissioners be equal in Value to his, her, or their Proportion of the Expences of obtaining, passing, and executing this Act, and of fencing such Allotment or Allotments respectively, and of all such other Expences as are hereby directed to be paid and borne for them respectively by the rest of the Proprietors of the Lands so intended to be inclosed; and such Lands so deducted, shall be allotted or divided amongst the said Proprietors, or any and such of them as the said Commissioners shall think most proper, and who shall be charged with such Expences as aforesaid.

Mortgages may be made for Expences.

XXXIV. And whereas it may happen that some Persons may have Occasion, or it may be more convenient, to borrow Money for effecting the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, or Committees of any of the said Owners or Proprietors, being under Coverture, Infants, Lunaticks, Idiots, or Persons beyond the Seas, or otherwise incapacitated, Tenants in Tail or for Life only (with the Consent of the said Commissioners, testified in Writing under their Hands), by any Deed or Deeds, Writing or Writings, under their or his Hands and Seals or Hand and Seal, to be executed in the Presence of and attested by Two or more credible Witnesses, or by Surrender or Surrenders, in case the Estate shall be Copyhold, from Time to Time to charge the Lands or Grounds which shall be assigned and allotted to them respectively by virtue and in pursuance of this Act, with any Sum or Sums of Money as the said Commissioners shall in their Discretion judge necessary for the Purpose of defraying the Expences of obtaining this Act, the subsequent Expences of putting the same in Execution, and for other the Purposes before mentioned, not exceeding Four Pounds for every Acre of such Lands and Grounds respectively; and for securing the Re-payment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise, or otherwise subject the Lands and Grounds so to be assigned and allotted

allotted as aforesaid, or any Part thereof, unto such Person or Persons as shall lend and advance the same respectively, his, her, or their respective Executors, Administrators, and Assigns, for any Term or Number of Years, so as such Grant, Demise, or Mortgage, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully satisfied and paid; and so as in every such Grant, Demise, or Mortgage, which shall be made by or on Behalf of any Person or Persons interested in or entitled to any such mortgaged Premises, for the Term of his, her, or their natural Lives, there be contained a Covenant to pay and keep down the Interest of the said Money to be thereby respectively secured, during his, her, or their respective Life or Lives, in such Manner as that no Person afterwards becoming possessed of such mortgaged Premises, shall be subject or liable to pay any further or larger Arrear of Interest than for Twelve Calendar Months preceding the Time when the Title to such Possession shall accrue or commence; and every such Grant, Mortgage, Lease, or Demise, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law, for the Purposes thereby intended.

Mortgages of Copyhold to be by Surrender.

XXXV. Provided, always, and be it further enacted, That all Money charged upon or secured by Mortgage or Mortgages of Copyhold Property, and Assignments thereof, shall be made by the customary Surrender and Admission in the several Courts of the Lords of the respective Manors aforesaid, and on every such Mortgage or Mortgages, and Assignment thereof, the nominal Fine of One Shilling shall be paid to the said Lords of the said Manors respectively, with the customary Court Charges and Fees usually paid to the several Stewards, Juries, and Bailiffs, upon such Occasions; but such Fine shall not be considered or cited as a Precedent on any future Occasion.

Part of Allotments may be sold for Expences.

XXXVI. And whereas it may be more for the Interest and Convenience of some Persons to raise Money for effecting the Purposes of this Act, by Sale of Part of the Allotments made to them by virtue thereof, instead of mortgaging such Allotments; be it therefore further enacted, That it shall be lawful for any Bodies Politick, Corporate, or Collegiate, or the Husbands, Guardians, Trustees, or Committees of any of the said Owners or Proprietors, being under Coverture, Infants, Lunaticks, Idiots, or Persons being beyond the Seas, or otherwise incapacitated, Tenants in Tail or for Life only, or any of them (with the Consent of the said Commissioners or their Successors, testified in Writing under their Hand or Hands and Seals), to sell and convey, in such Manner as directed by the said recited Act, to any Person or Persons who shall be willing to purchase the same, such Part and so much of the Lands and Grounds which shall be so assigned or allotted to them respectively by virtue and in pursuance of this Act, as will raise Money sufficient for the Purposes of defraying such Person or Persons Share or Shares, Proportion or Proportions of the Expences of obtaining this Act, the subsequent Expences of carrying the same into Execution, and for other the Purposes herein-before mentioned.

Sales of Copyhold to be by Surrender.

XXXVII. Provided always, and be it further enacted, That every such Sale, where the same shall be of Copyhold Property, shall be made by the customary Surrender and Admission in the several Courts of the Lords of

the respective Manors aforesaid; and on every such Surrender and Admission the customary Fine shall be paid to the said Lords of the said Manors respectively, with the customary Court Charges and Fees usually paid to the several Stewards, Juries, and Bailiffs, upon such Occasions.

Costs of Partitions, *etc.* to be paid by the Parties.

XXXVIII. Provided always, and be it further enacted, That all Costs, Charges, and Expences attending the making of Partitions, Exchanges, and Sales, by virtue of this Act, or the said recited Act, shall be paid and borne by the several Persons amongst, by, or between whom such Partitions, Exchanges, and Sales shall be made, in such Manner, and in such Shares and Proportions as the said Commissioners shall by their said Award, or by any Order in Writing, under their Hands, direct.

Commissioners not to charge for their Trouble and Expences above Two Guineas *per* Day each.

XXXIX. And be it further enacted, That the said Commissioners shall charge for their Trouble and Expences in and about the dividing and allotting of the said Commons and Waste Lands, and hearing and determining Disputes, settling Differences, and other Matters incident and belonging to their Office as Commissioners as aforesaid, the Sum of Two Guineas *per* Day each, and no more; and such Commissioner or Commissioners shall only charge and be paid for such Days as he or they shall actually attend.

Surveyor's Charge.

XL. And be it further enacted, That the said *John Nuttall*, as such Surveyor as aforesaid, or his Successors, shall not charge or be allowed more than Sixpence *per* Acre for making such Survey and Plan of the said ancient inclosed Lands, nor more than One Shilling *per* Acre for the making such Survey and Plan of the said Commons and Waste Lands, and for marking, dividing, and staking out the same, and for making Two fair Plans of the said Commons and Waste Lands, One to be annexed to the said Award, and the other, upon a reduced Scale, to be annexed to the Inrolment thereof, exclusive of the Vellum or Parchment upon which the same shall be respectively drawn.

Money advanced to be repaid with Interest.

XLI. 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 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 or by the Order of the said Commissioners, or any of them, by virtue of this Act, for defraying such Expences.

Proprietors to pay their own Expences.

XLII. And be it further enacted, That the said Proprietors, their Attornies and Agents, shall pay their own Expences when they attend the Commissioners at any of their Meetings to be held for putting this and the said recited Act into Execution, unless called upon by the said Commissioners to attend for the Purpose of investigating any Claim or otherwise, and then and in every such Case the same shall be paid in like Manner as the Expences of Witnesses shall be paid.

Springs of Water for the Use of the Town of *Wirksworth* to be preserved.

XLIII. And whereas there are divers Springs of Water rising out of and upon Part of the said Commons and Waste Lands, called *Wirksworth Moor*, and Water is now and hath been for many Years past conveyed from such

ſuch Springs by Soughs and Pipes to the Town of *Wirkſworth* aforeſaid, for the Uſe of the ſaid Town in General, and into divers Houſes belonging to the Inhabitants there; and it would be very injurious to the Inhabitants of the ſaid Town to be deprived of ſuch Water; be it therefore enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to ſet out, allot, and appoint a certain Piece or Parcel of the ſaid *Wirkſworth* Moor, where the ſaid Springs of Water riſe, not exceeding Two Acres, for the Purpoſe of preſerving ſuch Springs, and making a Reſervoir for Water for the Uſe of the Inhabitants of the ſaid Town of *Wirkſworth*, and that the ſaid Piece or Parcel of Land ſhall for ever hereafter be veſted in the ſaid *Philip Gell* of *Hopton*, *Philip Gell* of *Wirkſworth*, *Charles Hurt*, *John Toplis*, *Anthony Goodwin*, and *Francis Green Goodwin*, their Heirs and Aſſigns, in Truſt for the Inhabitants of the ſaid Town for the Time being; and alſo that it ſhall be lawful for the Inhabitants of the ſaid Town of *Wirkſworth* for the Time being, or any Five or more of them, being Owners or Occupiers of Houſes there rated to the Poors Rate after the Rate of Ten Pounds *per Annum* or upwards, or any Perſon or Perſons to be authorized and appointed by them, or any Five or more of them, from Time to Time and at all Times after the ſaid intended Diviſion and Incloſure, to enter into and upon any Allotment or Allotments which ſhall be made in purſuance of this Act upon that Part of the ſaid Commons and Waſte Lands called *Wirkſworth Moor*, or upon any other Part or Parts of the ſaid Commons or Waſte Lands wherein or upon which any other Spring or Springs now is or are, or hereafter ſhall happen to be, or through which it may be uſeful to bring the Water from any Spring or Springs to the ſaid Town of *Wirkſworth*, and to make Soughs, lay Pipes, and do all Kinds of Work in ſuch Allotment or Allotments, which may be neceſſary for bringing down and conveying Water to any Part of the ſaid Town of *Wirkſworth* for the Uſe of the Inhabitants thereof; and alſo that it ſhall be lawful for the Inhabitants of the ſaid Town of *Wirkſworth*, or any Five or more of them, being Owners or Occupiers of Houſes there rated to the Poors Rate after the Rate aforeſaid, from Time to Time to enter into and upon any ſuch Allotment or Allotments, to lay down, repair, or take away any ſuch Pipe or Pipes, and to make, cut, cleanſe, and repair any Sough or Soughs, or to make any Reſervoir or Reſervoirs for receiving Water, and to do every neceſſary and needful Work for the better ſupplying the ſaid Town of *Wirkſworth* with Water, the ſaid Inhabitants of the Town of *Wirkſworth* for the Time being making Satisfaction to the reſpective Owners and Occupiers of ſuch Allotments for all Damages to be done therein; and in caſe ſuch Damages ſhall not be ſettled and agreed between the Parties, then and in ſuch Caſe, and as often as it ſhall ſo happen, the ſame ſhall be aſcertained and determined by Two indifferent Perſons, One to be choſen by any Five or more of the Inhabitants for the Time being, who ſhall be rated as aforeſaid, and the other by ſuch Owners and Occupiers who ſhall receive ſuch Damages; and ſuch indifferent Perſons ſhall come upon ſuch Allotment and Allotments, and carefully view the Damage or Damages, Loſs or Loſſes, ſuch Owner or Owners, Occupier or Occupiers of ſuch Allotment or Allotments ſhall have ſuffered or ſuſtained as aforeſaid, and make an Award in Writing reſpecting the ſame, within One Calendar Month from the Time of their Appointment as aforeſaid; and in caſe ſuch Arbitrators ſhall not ſettle the ſame within that Time, then an Umpire

Umpire ſhall be choſen by them to ſettle, adjuſt, and finally determine ſuch Damages or Loſſes reſpectively.

Water Rents to be payable as heretofore, and applying the ſame in the Repair of Pipes, &c.

XLIV. And whereas the ſaid Pipes and Soughs which convey the Water from the aforeſaid Springs to the ſaid Town of *Wirkſworth*, are frequently out of Repair, and the repairing and keeping them in good Order is of great Conſequence to the Inhabitants of the ſaid Town, and it is reaſonable that the Expence of putting and continuing the ſaid Pipes and Soughs in Repair ſhould be levied, borne, and paid by the Owners and Occupiers of Houſes in the ſaid Town, in a fair and reaſonable Manner; be it therefore enacted, That the ſeveral Water Rents which now are and heretofore have been paid by the Owners and Occupiers of Houſes in the ſaid Town of *Wirkſworth*, who have Branches of Pipes laid into or for the Uſe of ſuch Houſes, ſhall from Time to Time and at all Times hereafter be continued and paid; and that Perſons who ſhall hereafter have Branches of Pipes laid into their Houſes, ſhall pay the like Water Rents, which Water Rents ſhall be collected by, and paid to ſuch Perſon or Perſons as the Commiſſioners or Referees herein-after named, or any Five or more of them, ſhall from Time to Time appoint to collect and receive the ſame; and that on Non-payment thereof it ſhall be lawful for the Commiſſioners or Referees herein-after named, or any Five or more of them, to levy and raiſe the ſame by Warrant under their Hands and Seals, and by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons refuſing to pay ſuch accuſtomed Water Rents, in like Manner as the Expences of putting this Act in Execution are directed to be levied and raiſed.

For keeping Pipes in Repair, and altering them if neceſſary.

XLV. And be it further enacted, That in caſe the ſaid Pipes and Soughs, or any of them, or any Part thereof, ſhall at any Time or Times hereafter be out of Repair, or any Alterations therein ſhall be deemed neceſſary for the better ſupplying the ſaid Town of *Wirkſworth* with Water, each and every Owner of a Houſe in the ſaid Town of *Wirkſworth* for the Time being, rated to the Poors Rate after the Rate aforeſaid, ſhall be and he is hereby appointed a Commiſſioner or Referee to ſettle and determine upon the Propriety or Expediency of ſuch Repairs or Alterations, and alſo the Expences attending the ſame, and the Application of the Money to ariſe from the Water Rents as aforeſaid; and ſuch Commiſſioners or Referees, or a Majority of them, aſſembled at a Meeting or Meetings (of which Six Days previous Notice at leaſt ſhall be given in the Pariſh Church of *Wirkſworth* aforeſaid, on a *Sunday* during or immediately after Divine Service), ſhall make ſuch Order or Orders in the Premiſes as they, or the Majority of them, ſhall from Time to Time think proper, which Order or Orders ſhall be binding and concluſive upon all the Inhabitants of the ſaid Town.

Power to alter or advance Water Rents when neceſſary.

XLVI. Provided always, That in caſe the aforeſaid Water Rents ſhall be inadequate or not ſufficient to defray the Expences which ſhall from Time to Time attend the keeping the ſaid Water Pipes and Water Works in Repair, then it ſhall be lawful for the ſaid Commiſſioners or Referees, at a Meeting to be held as laſt aforeſaid, from Time to Time to alter, raiſe, or advance ſuch Water Rents accordingly, and for them, or any Five or more of them, to collect, levy, and raiſe the Rents ſo altered, in like Manner as is herein-before directed with reſpect to the Rents,

now

now paid by Owners and Occupiers of Houſes in *Wirkſworth* aforeſaid.

Branches of Pipes how to be repaired.

XLVII. And whereas the Branches of Pipes which have been heretofore laid to convey Water from the main Pipes and Soughs into the Houſes of the Inhabitants of the Town of *Wirkſworth* aforeſaid, have been uſually laid and kept in Repair by and at the Expence of the reſpective Inhabitants for whoſe Uſe the ſame have been ſo laid: And whereas it ſometimes happens that ſuch Branches are, by Negligence of the Inhabitants for whoſe Uſe the ſame are ſo laid, ſuffered to go out of Repair, by which the Water is loſt and waſted, to the Injury of the reſt of the ſaid Inhabitants; be it therefore enacted, That in caſe any of the ſaid Inhabitants for the Time being ſhall neglect or refuſe to repair ſuch Branches as aforeſaid, for the Space of Three Days next after Notice ſhall be given to ſuch Inhabitants by the Perſon who ſhall be appointed to collect ſuch Water Rents as aforeſaid, that then it ſhall be lawful for the ſaid Commiſſioners or Referees, or any Five or more of them, from Time to Time to order ſuch Branch or Branches to be cut off and diſcontinued, until ſuch Inhabitant ſhall agree and undertake to repair and keep in Repair the Branch or Branches ſo cut off or intended to be cut off as aforeſaid, or ſuch Commiſſioners or Referees ſhall from Time to Time order to the contrary.

Additional Reſervoir.

XLVIII. Provided always, and be it further enacted, That in caſe any additional Reſervoir ſhall be made in purſuance of the Power, Authority, or Direction herein-before contained, the Water from ſuch additional Reſervoir ſhall be conducted by proper Soughs, Pipes, or other ſufficient Means, into the preſent Reſervoir; and that nothing in this Act contained ſhall extend, or be conſtrued to extend, to prejudice the Rights of any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, his, her, or their Heirs, Succeſſors, Executors, or Adminiſtrators, in or to, or in Reſpect of the Waſte or Surplus Water, over and above the Water which may be wanted for the Supply of the Town of *Wirkſworth* as aforeſaid now flowing, or which (after ſuch additional Reſervoir ſhall have been made), ſhall flow from the ſaid preſent Reſervoir.

Commiſſioners to lay their Accounts before a Referee.

XLIX. 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 Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended, or due to them for their 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 them referred to and laid before *Bache Thornhill* of *Stanton* in the County of *Derby*, Eſquire, to be by him examined and balanced, and ſuch Balance ſhall be by ſuch Referee ſtated in the Book of Accounts to be kept at the Office or Offices of the Clerks to the ſaid Commiſſioners; 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 Referee; and that the ſaid Referee ſhall be allowed and paid the Sum of Two Guineas for each and every Day he ſhall be employed in the Buſineſs of the ſaid Reference.

In caſe of the Death of the Referee,

L. Provided always, and be it further enacted, That in caſe the ſaid *Bache Thornhill* ſhall die or refuſe to act as a Referee as aforeſaid, before

another Referee to be appointed.

before the Matters and Things to be done by virtue of this Act shall be entered upon or fully performed and finished, it shall be lawful for the Proprietors of the major Part in Value of the Lands and Grounds hereby intended to be divided and inclosed, assembled at a Meeting specially convened for that Purpose, by Notice to be affixed on the principal outer Door of the said Church of *Wirksworth*, Fourteen Days at least before the Time appointed for holding such Meeting, by Writing under their Hands, to appoint some other fit and proper Person, not interested in the said Inclosure and Division, to be a Referee in the Place and Stead of the said *Bache Thornhill*; and so as often as for the Reasons aforesaid, or any other Cause as Occasion may require; and the Person or Persons so to be from Time to Time nominated and appointed as Referee or Referees, shall have the like Power and Authority for executing the Purposes aforesaid.

Appeal.

LI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act (other than and except such Orders and Determinations of the said Commissioners as are herein directed to be final or conclusive, and except in such Cases wherein an Issue at Law shall be tried as hereinbefore mentioned), 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 Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, 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.

General Saving.

LII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, as well in Right of His Crown as in Right of His Duchy of *Lancaster*, and to all and every other Person or Persons, Bodies Politick, Corporate, and Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except the respective Persons to whom any Allotment or Compensation shall be made by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, and all those meant and intended to be barred and excluded hereby), all such Estate, Right, Title, Interest, Claim, and Demand, as they, every, or any of them had or enjoyed, of, in, to, out, or in respect of the said Commons and Waste Lands so directed to be divided,

allotted, and incloſed as aforeſaid, before the paſſing of this Act, or could or might have had or enjoyed in caſe the ſame had not been made.

LIII. And be it further enacted, That this Act ſhall be deemed and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whomſoever, without the ſame being ſpecially pleaded. Publick Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1802.