ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 81.

An Act for dividing, allotting, and incloſing the Commons, Commonable Lands, and Waſte Grounds, within the Liberty of *Wormhill* in the Pariſh of *Tideſwell*, in the County of *Derby*.

[11th *June* 1803.]

WHEREAS there are within the Liberty of *Wormhill* in the Pariſh of *Tideſwell*, in the County of *Derby*, certain Commons and Commonable Lands and Waſte Grounds called *Wormhill Commons*, containing together by Eſtimation about Eight hundred Acres, which are enjoyed by the Proprietors of ancient incloſed Lands, Grounds, Tenements, and Hereditaments, within the ſaid Liberty, as Tenants in Common, under the Denomination of Sheep Gates, each Proprietor being entitled to the depaſturing and feeding of a certain Number of Sheep in and upon ſuch Common and Commonable Lands and Waſte Grounds: And whereas the King's moſt Excellent Majeſty, in Right of His Duchy of *Lancaſter*, is Lord of the Manor of *Wormhill*, the ſame being Part and Parcel of the King's Great Manor of *The High Peak*, within the ſaid Duchy, but in the Year One thouſand ſix hundred and ſeventy-five, Five hundred and four Acres, Part of the original

Common, and Commonable Lands and Waſte Grounds, belonging to the ſaid Liberty of *Wormhill*, were ſeparated and taken from that Part of the ſaid Common and Commonable Lands and Waſte Grounds, belonging to the Proprietors of Eſtates there, in full for His Majeſty's Proportion or Share of the ſame, and were by His late Majeſty King *Charles* the Second, granted to *Thomas Eyre* of *Rowter* in the ſaid County of *Derby*, Eſquire, and his Heirs: And whereas the Dean and Chapter of the Cathedral Church of *Lichfield* are ſeiſed of or entitled to the Tythes of Wool and Lamb ariſing or renewing within the ſaid Liberty of *Wormhill*, and *Thomas Brown* Clerk, Vicar of the Vicarage and Pariſh Church of *Tideſwell* aforeſaid for the Time being, is entitled to the Vicarial or Small Tythes ariſing or accruing within the ſaid Liberty: And whereas *William Bagſhaw* Clerk is Curate of the Perpetual Curacy of *Wormhill* aforeſaid, and as ſuch is entitled to certain Parcels of Glebe Land within the ſaid Liberty belonging to the Chapel there, in right whereof he is alſo entitled to Common of Paſture for the depaſturing or feeding of a certain Number of Sheep in and upon the ſaid Common and Commonable Lands and Waſte Grounds: And whereas *William Chambers Bagſhaw* Eſquire, *Francis Eyre* Eſquire, the ſaid *William Bagſhaw*, *Samuel Frith*, *James Mackrill*, Eſquires, *Ellis Needham* Gentleman, and ſeveral other Perſons are ſeiſed or poſſeſſed of, or otherwiſe entitled to the Lands and Grounds by this Act intended to be divided, allotted, and incloſed: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty King *George* the Third, 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 Lands and Grounds of the reſpective Proprietors in the ſaid Common and Commonable Lands and Waſte Grounds are ſo circumſtanced as to render the Cultivation and Management thereof, in their preſent State, inconvenient; and it would tend greatly to the Advantage of the ſeveral Proprietors thereof and of all Perſons intereſted therein, if the ſaid Common and Commonable Lands and Waſte Grounds were divided and incloſed, and ſpecifick Parts thereof allotted to the ſeveral Perſons intereſted therein, in Proportion to their reſpective Rights and Intereſts; but the ſame cannot be effected without the Aid and Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Joſeph Gould* of *Pilſbury* in the ſaid County of *Derby* Gentleman, ſhall be and he is hereby appointed the ſole Commiſſioner for dividing, allotting, and incloſing the ſaid Common and Commonable Lands and Waſte Grounds, and for putting this Act in Execution, ſubject to the Rules, Orders, Directions, and Regulations of the ſaid recited Act, except in ſuch Caſes where the ſame are hereby varied or altered; and that he the ſaid *Joſeph Gould*, or ſuch other Commiſſioner as ſhall hereafter be appointed in purſuance of this Act, and in Manner herein-after mentioned to execute the ſeveral Powers of this Act, may and he is hereby authorized and empowered to call to his Aſſiſtance and to employ ſuch Perſon as he ſhall think proper as an Aſſiſtant, in making the Valuations, Calculations, and Allotments of the ſaid Diviſion and Incloſure, and to allow to ſuch Aſſiſtant for his

Commiſſioner.

Trouble

Trouble such Compensation as the said *Joseph Gould*, or such other Commissioner, shall deem reasonable, not exceeding the Sum of Two Pounds and Two Shillings *per* Day, including the Expences to be incurred by such Assistant.

Appointing new Commissioner.

II. And be it further enacted, That if the said *Joseph Gould*, or any other Commissioner to be appointed in his stead as herein-after mentioned, shall die, refuse, neglect, or become incapable to act, before this Act shall have been fully carried into Execution, then and in every such Case a new Commissioner shall be chosen and appointed by a Majority in Value of the Persons who for the Time being shall be interested in the said Division and Inclosure, who shall by themselves or their Agents be present at a Meeting to be appointed for that Purpose by Notice as herein is directed, and held within Thirty Days next after such Death, Refusal, Neglect, or Incapacity, shall happen or be made known; and every Commissioner so to be appointed shall have the like Powers and Authorities for putting this and the said recited Act into Execution, in all Respects as the Commissioner to whose Place he shall succeed was invested with.

Noticee of Meetings.

III. And be it further enacted, That the said Commissioner shall and he is hereby required to cause publick Notice to be given in the Chapel of *Wormhill* aforesaid, upon some *Sunday* immediately after Divine Service, or by Writing under his Hand to be affixed on the most publick outer Door of the said Chapel, and also by Advertisement to be inserted in the Newspaper called *The Derby Mercury*, or in some other Newspaper published or circulated in the said County of *Derby*, of the Time and Place of the first and every other Attendance for the Execution of this Act Eight Days at the least before any such Attendance shall be held, Attendance by Adjournment, which it shall be lawful for the said Commissioner to make, only excepted.

Other Notices, how to be given.

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made or given by the said Commissioner, shall be made and given by Writing to be affixed upon the most publick outer Door of the said Chapel, or by Advertisement in the said Newspaper, or in some other Newspaper published or circulated in the said County of *Derby*.

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

V. And be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim or Claims of the Right to the Soil of the said Common and Commonable Lands and Waste Grounds, or of any Rights of Common or other Rights or Interests, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, 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 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

or Perſons who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner, ſhall cauſe an Action to be brought on 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 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 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: Provided always, that the Determination of the ſaid Commiſſioner, 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: Provided alſo, that nothing in this Act contained ſhall authorize the ſaid Commiſſioner to determine the Title to any Meſſuages, Cottages, Lands, or Hereditaments whatſoever.

Parties dying Proceedings not to abate.

VI. Provided always, 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 ſuch Event had not happened.

Allotment for Watering Places and getting Materials.

VII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to ſet out and appoint One or more Piece or Pieces of Ground (Part of the Common and Commonable Lands and Waſte Ground hereby intended to be divided, allotted, and incloſed) in ſuch convenient Situation or Situations as he ſhall think proper, within the ſaid Liberty, not exceeding Six Acres in the Whole, to be uſed for the Purpoſe of publick Watering Places for Cattle, and for getting Stone, Gravel, Sand, or other Materials for repairing the Highways and Roads to be ſet out and made, in, over, and upon the Lands and Grounds hereby intended to be divided, allotted, and incloſed, for the Uſe of the Inhabitants of the ſaid Liberty.

Allotment to His Majeſty in lieu of Quit Rents, *etc.*

VIII. And be it further enacted, That the ſaid Commiſſioner do and ſhall in the next Place, and he is hereby required to ſet out and allot and appoint unto the King's Majeſty, in Right of his ſaid Duchy, ſuch Parcel

Parcel or Parcels of Land out of and from any of the ſaid Common and Commonable Lands and Waſte Grounds hereby intended to be incloſed, as he ſhall think proper, as ſhall in the Judgement of the ſaid Commiſſioner be equal in Value to or an Equivalent for all ſuch Chief Rents, Quit Rents, or Fee Farm Rents, or other dry or unimproveable Rents as are now due and payable to the ſaid King's Majeſty out of or from or in reſpect of any Meſſuages, Cottages, Toftſteads, or Lands, ſituate, lying, and being within the ſaid Liberty of *Wormhill* and Pariſh of *Tideſwell*, which belong to Perſons having Right of Common in and upon the ſaid Common and Commonable Lands and Waſte Grounds, which Lands ſo ſet out and allotted, or appointed as aforeſaid, ſhall be deducted out or taken from the ſeveral or reſpective Allotments of thoſe Perſons who now pay or are liable to pay ſuch Chief Rents, Quit Rents, or Fee Farm Rents to the ſaid King's Majeſty.

Reſidue.

IX. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to divide, aſſign, ſet out, and allot the Reſidue and Remainder of the ſaid Common and Commonable Lands and Waſte Grounds, to and amongſt the reſpective Proprietors, in Proportion to the Number of Sheep Gates, or other Intereſts to which they ſhall appear in the Judgement of the ſaid Commiſſioner to be reſpectively entitled.

Encroachments.

X. And be it further enacted, That all Encroachments which at any Time within Thirty Years now laſt paſt have been made upon the ſaid Common and Commonable Lands and Waſte Grounds, ſhall be deemed Part thereof, and ſhall be divided and allotted accordingly; and in caſe any Diſpute or Difference ſhall ariſe touching any ſuch Encroachments, or the Extent thereof, ſuch Diſpute ſhall be finally ſettled by the ſaid Commiſſioner.

Not to affect the Tythes.

XI. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend to prejudice, leſſen, or defeat the Right, Title, or Intereſt of the ſaid *William Bagſhaw*, *Samuel Frith*, Dean and Chapter of *Lichfield*, or Vicar of *Tideſwell*, or their reſpective Heirs, Succeſſors, or Aſſigns, of, in, or to any Tythes, Modaſes, or Payments whatſoever in lieu of Tythes, Eaſter Dues, Surplice Fees, or Payments whatſoever, ariſing, growing, or accruing within or out of the ſaid Liberty, and the ſeveral Lands, Grounds, Tenements, and Hereditaments, Common and Commonable Lands and Waſte Grounds, ſituate therein, but that the ſame and every of them, and every Part thereof, ſhall remain, continue, and be due and payable in like Manner as the ſame were or was 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.

Allotments to be made to Purchaſers.

XII. Provided always, and be it further enacted, That if any Perſon hath ſold or contracted, or agreed to ſell, or ſhall at any Time before the Execution of the Award of the ſaid Commiſſioner, ſell or contract, or agree to ſell his or her Right, Intereſt, or Property in, over, and upon the ſaid Common and Commonable Lands and Waſte Grounds, or any Part thereof, to any other Perſon or Perſons, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized

rized and required to make an Allotment of Land unto the Purchaſer or Purchaſers in ſuch Sale, Contract, or Agreement, or to his, her, or their Heirs or Aſſigns, for or in reſpect of ſuch Right, Intereſt, and Property ſo ſold or contracted, or agreed to be ſold as aforeſaid; and every ſuch Purchaſer or Purchaſers, and his, her, and their Heirs and Aſſigns, ſhall and may, from and after the Execution of the ſaid Award, hold and enjoy the Lands ſo to be allotted to him, her, or them as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor in every ſuch Sale, Contract, or Agreement, might, could, or ought to have held and enjoyed the ſame, in caſe ſuch Sale, Contract, or Agreement had not been made, or ſuch Right, Intereſt, or Property had been veſted in ſuch Vendor at the Time of making ſuch Allotment as aforeſaid.

Ring-fencing Curate's Allotment.

XIII. And be it further enacted, That the ſeveral Parcels of Land and Allotments which ſhall be aſſigned, ſet out, and allotted to the ſaid *William Bagſhaw*, as Curate of *Wormhill* aforeſaid, ſhall be Ring-fenced at the Expence of the ſeveral other Proprietors, with a Stone Fence or Wall; and ſhall for ever thereafter be maintained and kept in Repair by the ſaid *William Bagſhaw* and his Succeſſors, Curates of *Wormhill* for the Time being, in ſuch Manner as the ſaid Commiſſioner ſhall by his Award direct; and that the ſeveral other Parcels of Land and Allotments which ſhall be aſſigned, ſet out, and allotted by virtue of this Act, ſhall be incloſed and fenced, and ſuch Fences ſhall at all Times thereafter be maintained and kept in Repair by ſuch Perſon or Perſons, and in ſuch Manner, and within ſuch Time or Times, as the ſaid Commiſſioner, by any Writing or Writings under his Hand, or by his Award, ſhall order and direct.

Fencing other Allotments.

Tenants to give up exchanged Lands.

XIV. And be it further enacted, That all and every Tenant and Occupier, under any Leaſe or Agreement for any Term of Years, of any of the old Incloſures within the ſaid Liberty, which ſhall be exchanged by virtue of this Act, ſhall (immediately after the Execution of the Award of the ſaid Commiſſioner, or within ſuch further Time as the ſaid Commiſſioner ſhall appoint, and whereof Notice in Writing ſhall be given for that Purpoſe) give up and reſign the full and peaceable Poſſeſſion of ſuch exchanged Lands to the Perſon or Perſons to or with whom the ſame ſhall be reſpectively exchanged, ſuch reſpective Tenants and Occupiers receiving from the ſaid reſpective Owners and Proprietors of ſuch exchanged Lands ſuch Satisfaction as the ſaid Commiſſioner ſhall aſcertain, order, direct, or appoint to be paid to ſuch Tenant or Tenants reſpectively on Account thereof, or as an Equivalent for the Loſs or Loſſes, he, ſhe, or they, ſhall reſpectively ſuſtain thereby; and if the Money ſo to be aſcertained as aforeſaid ſhall not be paid to the Perſon or Perſons entitled to receive the ſame, within Three Calendar Months after Demand made thereof, it ſhall be lawful for the ſaid Commiſſioner, and he is hereby required, to raiſe and levy the ſame for the Uſe of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act, can or may be raiſed or recovered.

Abatement to be allowed to Leſſees for Loſs of Rights.

XV. And be it further enacted, That in all Caſes where an Allotment or Allotments of any Part of the ſaid Common and Commonable Lands and

and Waſte Grounds, ſhall be made for and in reſpect of the Rights and Intereſts belonging to any Perſon or Perſons as aforeſaid within the ſaid Liberty, which are held by any Tenants or Occupiers for a Term of Years by virtue of any Leaſe or Agreement thereof made, and ſuch Tenants or Occupiers do not or ſhall not come to an Agreement with the Perſon or Perſons to whom ſuch Allotments ſhall be made, for the Uſe, Occupation, and Enjoyment thereof, ſuch Tenants or Occupiers ſhall not be entitled to enter upon, occupy, or hold the ſaid Allotment or Allotments, but ſhall nevertheleſs have and receive from the reſpective Owners or Proprietors thereof, ſuch an Abatement from the yearly Rent or Rents reſerved and made payable in and by ſuch Leaſe or Leaſes, Agreement or Agreements, for the Remainder of the Term or Terms then to come therein, as the ſaid Commiſſioner ſhall adjudge to be a reaſonable Compenſation to him, her, or them, for the Right of Common or Depaſturage of Sheep, which hath been lawfully accuſtomed to be uſed and exerciſed by ſuch Occupiers, and which ſhall be extinguiſhed by this Act.

Expences of the Act.

XVI. And be it further enacted, That all the Coſts, Charges, and Expences incident to the obtaining and paſſing this Act, and the ſurveying, meaſuring, dividing, and allotting the Lands and Grounds hereby directed to be divided, allotted, and incloſed, and preparing and enrolling the Award of the ſaid Commiſſioner, and all other neceſſary Coſts, Charges, and Expences in and about the Premiſes (which are not herein otherwiſe directed to be borne, paid, and defrayed), ſhall, from Time to Time be borne, paid, and defrayed by the ſeveral Owners and Proprietors of and Perſons intereſted in the Lands, Grounds, and Hereditaments to be divided, allotted, and incloſed by virtue of this Act (except the ſaid *William Bagſhaw* in reſpect of the Glebe), in ſuch Shares and Proportions as the ſaid Commiſſioner ſhall appoint by any Rate or Rates to be made by him for that Purpoſe; and the ſeveral Sums thereby rated ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time and Place as the ſaid Commiſſioner ſhall by his Award, or any Writing or Writings to be by him ſigned, either before or after the Execution thereof, order and direct.

Expences of Exchanges and Partitions, how to be paid.

XVII. Provided always, and be it further enacted, That all Coſts, Charges, and Expences, attending the making and completing any Exchanges and Partitions, ſhall be paid and borne by the ſeveral Perſons between whom ſuch Exchanges or Partitions ſhall be made, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioner ſhall order and direct.

Not to affect any Wills, &c.

XVIII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Lands and Grounds ſo intended to be divided, allotted, and incloſed, which ſhall be exchanged, divided, or incloſed by virtue of this Act and the ſaid recited Act, but that the ſame reſpectively ſhall immediately after ſuch Allotments, Exchanges, or Diviſions, ſhall be made, remain and

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enure to and for such and the same Uses, Intents, and Purposes, as the several Messuages, Farms, Lands, Grounds, and Hereditaments, in respect or in lieu whereof such Allotments, Exchanges, or Divisions, shall be made as aforesaid, now are or would have been in case this Act had not been made.

Depositing Award.

XIX. And be it further enacted, That the Award to be made by the said Commissioner, when enrolled in Manner directed by the said recited Act, shall be deposited and kept in the Chest belonging to the Chapel of *Wormhill* aforesaid, where the other Writings belonging to the said Chapelry are usually kept, in order that all Persons interested in the said Inclosure may have Recourse thereto at all seasonable Times.

Commissioners Accounts to be laid before and settled by Referrees.

XX. And be it further enacted, That Once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of passing thereof) the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble or 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 *Alexander Bosley* of *Bakewell*, in the said County of *Derby*, Gentleman, and *James Mander* of the same Place, Gentleman, or either of them, to be by them or him examined and balanced; and such Balance shall be by the said *Alexander Bosley* and *James Mander*, or either of them, stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by the said *Alexander Bosley* and *James Mander*, or One of them.

Appointment of Referrees in case of Death.

XXI. Provided always, and be it further enacted, That in case the said *Alexander Bosley* and *James Mander*, or either of them, shall die or refuse to act as a Referree or Referrees, 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 convened for that Purpose, by Notice to be affixed on the principal outer Door of the said Chapel of *Wormhill* Twenty Days at the least before the Time appointed for holding such Meeting, by Writing under their Hands, to appoint some other fit and proper Person or Persons, not interested in the said Division and Inclosure, to be a Referree or Referrees in the Place and Stead of the said *Alexander Bosley* and *James Mander*, or either of them, and so as often as for the Reasons aforesaid, or any other Cause Occasion may require; and the Person or Persons so to be from Time to Time nominated and appointed as a Referree or Referrees, shall have the like Power and Authority for executing the Purposes aforesaid.

Persons advancing Money to be repaid with Interest.

XXII. And be it further enacted, That if any of the Proprietors, or any other Person or Persons, shall advance any Money for the Purpose of defraying the Expences of applying for and obtaining this Act, and of carrying the same into Execution, such Person or Persons shall be repaid the

the ſame with lawful Intereſt, out of the firſt Money to be raiſed by virtue of this Act.

XXIII. 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, then and in every ſuch Caſe (except in ſuch Caſes wherein the Determinations of the ſaid Commiſſioner are by the ſaid recited Act or this Act declared to be final, binding, and concluſive, and except in ſuch Caſes where an Iſſue at Law is to be tried as herein-before mentioned) he, ſhe, or they, may appeal to the General Quarter Seſſions of the Peace which ſhall be holden in and for the ſaid County of *Derby*, within Three Calendar Months next after the Cauſe of Complaint ſhall have ariſen; and the Juſtices in the ſaid General Quarter Seſſions are hereby empowered and required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive, 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. Appeal.

XXIV. Provided always, and be it further enacted, That nothing in this Act contained ſhall bar, prejudice, leſſen, or defeat the Right, Title, and Intereſt which His Majeſty in Right of His ſaid Duchy or any of His Majeſty's Subjects now have and enjoy, or ſhall or may hereafter claim to have and enjoy, of digging for, ſearching, working, and carrying on Mines of Lead Ore, and taking and enjoying ſuch Lead Ore, in, upon, and out of all the ſaid Common and Commonable Lands and Waſte Grounds within the ſaid Liberty of *Wormhill*, intended to be divided and incloſed as aforeſaid, and of building Coes and laying the Deads on ſuch Lands, in ſuch Manner, as from Time immemorial hath been accuſtomed in the ſaid Hamlet; but that His ſaid Majeſty, and all and every His ſaid Majeſty's Subjects ſhall from henceforth for ever hereafter have and enjoy ſuch Right of mining for Lead Ore, and uſe and exerciſe ſuch Liberties and Privileges in reſpect thereof, in and throughout all and every Part of the ſaid Common and Commonable Lands and Waſte Grounds intended to be incloſed as aforeſaid, in as ample and extenſive a Manner as they have hitherto enjoyed and exerciſed the ſame, any Thing herein contained to the contrary thereof in anywiſe notwithſtanding. Right of Mining reſerved.

XXV. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every Perſon and Perſons, Bodies Politick and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators (other than and except ſuch Perſon and Perſons to whom any Allotment or Allotments ſhall be made, and all other Perſons whoſe Intereſts are meant and intended to be barred and deſtroyed by this Act), all ſuch Eſtate, Right, Title, Intereſt, Claim, and Demand, as they, every, or any of them had or enjoyed of, in, to, or out of General Saving.

of the ſaid Common and Commonable Lands and Waſte Grounds, 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.

Declaring the Act publick.

XXVI. 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 whomſoever, who ſhall take judicial Notice thereof, in like Manner as if the ſame had been declared a publick Act.

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