



ANNO QUADRAGESIMO TERTIO

# GEORGI II. REGIS.

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## Cap. 45.

An Act for dividing and inclosing the several Commons and Waste Grounds within the Manor of *Eyam* in the County of *Derby*. [17th May 1803.]

**W**HEREAS there are within the Manor of *Eyam* in the County of *Derby*, certain Commons or Parcels of Waste Ground, containing together by Estimation Three Thousand Acres, or thereabouts, upon which the Owners or Proprietors of Houses, Lands, Tenements, and Hereditaments, within the said Manor, are in Right thereof entitled to Common of Pasture for all their Commonable Cattle levant and couchant upon their said respective Tenements: And whereas the Right Honourable *George Henry Cavendish*, commonly called Lord *George Henry Cavendish*, is Lord of the Manor of *Eyam* aforesaid, and as such is entitled to the Soil and Stone of the said Commons and Waste Grounds: And whereas the Reverend *Charles Hargrave* is Rector of the Parish of *Eyam*, and as such is entitled to certain Glebe Lands within the said Manor, and to Right of Common in respect thereof upon the said Commons and Waste Grounds: And whereas the said Commons and Waste Grounds in their present Situation are incapable of any considerable Improvement, and a Division 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 manifest Advantage to the said several Persons, and tend greatly to the Improvement of their Estates: But such Division and Inclosure cannot be effected

[*Loc. & Per.*]

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Appointment  
of Commis-  
sioners, and  
Umpire.

and established without the Aid of Parliament ; May it therefore please Your Majesty, That it may be enacted ; and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *James Dowland* of *Cuckney* in the County of *Nottingham*, and *John Nuttall* of *Matlock* in the County of *Derby*, Gentlemen, and their Successors to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said several Commons and Waste Grounds, and for carrying this Act into Execution ; and that *William Gauntley* the Elder, of *Bakewell* in the said County of *Derby*, Gentleman, and his Successors for the time being, to be appointed as hereinafter mentioned, shall be and he is hereby appointed to act as an Umpire touching any Difference of Opinion which shall arise between the said Two Commissioners in the Execution of this Act ; and that all such Difference of Opinion (if any shall arise) shall be stated in Writing, and referred by the said Commissioners to the said *William Gauntley*, within Twenty-one Days next after any such Difference shall have arisen, who shall determine the same, and deliver to the said Commissioners, or One of them, such his Determination in Writing, the Name of the said Umpire being thereto signed, within Three Calendar Months from the Time any such Difference shall be referred to him ; and the Judgment and Determination of the said *William Gauntley* therein, in all Cases so referred to him, shall be deemed and taken to be the Judgment and Determination of the said Commissioners, and they the said Commissioners shall and are hereby required to conform thereto ; and such Determination shall be inrolled and recorded with, and in the same Manner as the other Proceedings of the said Commissioners under this Act are hereby directed to be inrolled and recorded.

General Act  
of 41 Geo. 3.  
to be put in  
Execution,  
where not re-  
pugnant to  
this Act.

II. And be it further enacted, That all and every the Clauses, Provisions, Powers, Authorities, and Directions contained in an Act of Parliament made and 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*, shall be applied, and deemed and taken as Part of this Act ; except only so far as they or any of them are otherwise hereby provided and enacted.

Appointment  
of new Com-  
missioners and  
Umpire.

III. And be it further enacted, That if the said *James Dowland*, or any Commissioner to be appointed in his stead, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse, or become incapacitated to act, then, and in every such Case, it shall be lawful for the said Lord *George Henry Cavendish*, his Heirs or Assigns, within Twenty Days next after such Death, Refusal, or Incapacity shall be made known to him or them, by Notice in Writing from the surviving or remaining Commissioner (and which Notice such Commissioner is hereby required to give), to appoint a new Commissioner (not interested in the said Inclosure) in the stead of the said *James Dowland*, or such Commissioner so dying, refusing, or becoming incapacitated to act ; and in case no such Appointment of a Commissioner shall be made by the said Lord *George Henry Cavendish*, his Heirs or Assigns as aforesaid, the surviving or remaining Commissioner shall and may, and he is hereby required, at a Meeting to be held for that Purpose, by Writing under his Hand, to appoint One other Commissioner for

for the Purposes of this Act, in the room and stead of such Commissioner so dying, refusing, or becoming incapacitated to act; and if the said *John Nuttall*, or any Commissioner to be appointed in his stead, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse, or become incapacitated to act, then and in every such Case a new Commissioner (not interested in the said Inclosure) shall be appointed in the stead of the said *John Nuttall*, or such last-mentioned Commissioner, so dying, refusing, or becoming incapacitated to act, by a Majority in Value (to be ascertained by the Land Tax Assessment) of the Persons interested in the said Commons and Waste Grounds hereby directed to be divided and inclosed, and in the Ancient Inclosed Lands within the said Manor, or their known Agents or Attornies, or Persons to be appointed for that Purpose by Writing under their respective Hands, (except and exclusive of the said Lord *George Henry Cavendish*, his Heirs or Assigns), who shall be present at a Meeting to be appointed for that Purpose within Twenty Days next after such last-mentioned Death, Refusal, or Incapacity, by the surviving or remaining Commissioner, on Ten Days Notice in Writing to be given by him and affixed on the principal Door of the Parish Church of *Eyam* aforesaid, and also by Advertisement to be inserted in *The Derby Mercury*, or some other Newspaper circulated in the Neighbourhood; and if the said *William Gauntley*, or any Umpire to be appointed in his stead, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse, or become incapacitated to act, then and in every such Case a new Umpire (not interested in the said Inclosure) shall be appointed in the stead of the said *William Gauntley*, or such Umpire so dying, refusing, or becoming incapacitated to act, by the said Commissioners and their respective Successors to be appointed as aforesaid, within Twenty Days next after such Death, Refusal; or Incapacity; and every Appointment of a Commissioner or Umpire in pursuance of this Act shall be reduced into Writing and signed by the Person or Persons making the same; and every new Commissioner or Umpire to be appointed as aforesaid shall have the like Powers and Authorities as if he had been named a Commissioner or Umpire in this Act.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as Umpire in the Execution of this Act, until he shall have taken and subscribed the Oath or Affirmation directed to be taken by Commissioners for Inclosures in and by the before-recited Act, which Oath or Affirmation either of the said Commissioners is hereby empowered and required to administer; and the said Oath or Affirmation so to be taken and subscribed by such Umpire, and also the Appointment of every new Umpire, shall be annexed to and inrolled with the Award of the said Commissioners.

Umpire to  
take an Oath.

V. And be it further enacted, That each of the said Commissioners and Umpire shall be allowed and paid by the said Proprietors, the Sum of Two Pounds and Two Shillings, and no more, for every Day each of the said Commissioners and Umpire shall attend and be employed at any Meeting or Meetings, or in going to or returning from thence, or otherwise howsoever in executing the Powers and Authorities hereby given to them; which said Sum of Two Pounds and Two Shillings shall be inclusive

Allowance to  
Commission-  
ers and Um-  
pire.

clusive of all Expences whatsoever incurred by going to, returning from, or attending at any such Meeting or Meetings.

Allowance to Surveyor.

VI. And be it further enacted, That the Surveyor or Surveyors to be appointed and employed by the said Commissioners shall not charge or be allowed more than Sixpence *per* Acre for surveying and planning all the Ancient Inclosed Lands, and One Shilling *per* Acre for surveying, planning, and staking out all the Commons and Waste Grounds hereby directed to be inclosed, and making One Plan of the said Ancient Inclosed Lands, and Two fair Plans of the said Commons and Waste Grounds, including all Expences (except the Value of the Vellum or Parchment upon which the same Plans shall be respectively drawn); nor shall such Surveyor or Surveyors charge or be allowed more than One Pound Eleven Shillings and Sixpence for every Day which he or they shall attend at any Meeting of the said Commissioners, which said Sum of One Pound Eleven Shillings and Sixpence *per* Day shall be inclusive of all Expences whatsoever by attending at any such Meeting.

Notice of Meetings.

VII. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice in Writing of the Time and Place of their First and every other Meeting for the Execution of this Act, to be inserted in *The Derby Mercury*, or in some other Newspaper printed and circulated within the said County of *Derby*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners, only One of the said Commissioners shall attend, the Commissioner so attending may adjourn such Meeting to such Time and Place as he shall deem most convenient; and all Meetings to be holden by the said Commissioners and Umpire shall be held within Six Miles of the Manor of *Eyam* aforesaid.

Other Notices how to be given.

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

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

IX. And be it further enacted, That if it shall appear to the said Commissioners, that any Encroachments have been made upon the said Commons and Waste Grounds within the Space of Thirty Years next before the First Day of *January* One thousand eight hundred and three, all such Encroachments shall be deemed Part of the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, and shall be divided and allotted accordingly; and that it shall and may be lawful to and for the said Commissioners to enquire and determine what Inclosures and Encroachments have been made upon the said Commons and Waste Grounds, and whether the same are to be deemed Part thereof or not; pursuant to the Directions of this Act; and all such Inclosures and Encroachments as shall be deemed Part of the said Commons and Waste Grounds, shall be valued as if in an unimproved State, and without considering the Improvements made thereupon by building or otherwise, in case the same shall be allotted to the respective Persons who may have improved

improved the same, or to the said Lord *George Henry Cavendish*, as Lord of the said Manor; but if such Inclosures or Encroachments shall be allotted to any other Person or Persons, then and in such Case the Person or Persons who shall receive the same, shall pay to the several Persons respectively who may have inclosed and improved the same, such Compensation in Money, in such Manner and at such Times as the said Commissioners shall think reasonable, and by Writing under their Hands direct and appoint.

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

Commissioners to settle Disputes.

XI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination shall be made by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to assess Costs.

XII. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning any Claim or Claims to the said Commons and Waste Grounds, or any Rights or Interests therein as aforesaid, it shall and may be lawful to and for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined

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

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by the said Commissioners or Umpire, 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 Commissioners or Umpire, 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 or Umpire; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final, binding, and conclusive, upon all and every Person and Persons whomsoever, Body and Bodies Politic, Corporate, or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners or Umpire shall, and they or he are and is hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials.

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

XIII. 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.

Allotment for Stone, Gravel, &c.

XIV. And be it further enacted, That the said Commissioners shall set out and allot, in such different Places of the said Manor, such Quantity of the said Commons and Waste Grounds as they shall think necessary for the Use and Benefit of all Persons entitled to any Allotment by virtue of this Act, for the Purposes of getting Stone, Gravel, and other Materials for building, rebuilding, or repairing of Houses, Bridges, Walls, Fences, Drains, and other Works, within the Manor and Parish of *Eyam* aforesaid, and for making and repairing the Highways, and private Roads and Ways, which now are or hereafter shall be within the same Manor and Parish; and the Herbage growing or renewing in or upon such Parcel or Parcels of the said Commons and Waste Grounds so to be set out as aforesaid, shall be and is hereby vested in the Surveyor or Surveyors of the Highways of the said Parish of *Eyam* for the Time being, in Trust to set and let the same, and to apply the Rents and Profits thereof to the Repairs of the public Roads and Ways within the said Manor and Parish; and such Surveyor or Surveyors shall, and they are hereby required to account for such Rents and Profits in the same Manner as he or they is, are, or shall be accountable for other Money that shall come to his or their Hand or Hands, as such Surveyor or Surveyors of the Highways, and shall be under and subject to the like Penalties for the Neglect thereof.

XV. And

XV. And be it further enacted, That the said Commissioners shall also assign, set out, and allot unto the said Lord *George Henry Cavendish*, and his Heirs, as Lord of the Manor aforesaid, such Part or Parts of the said Commons and Waste Grounds as shall in the Judgment of the said Commissioners contain One full Eighteenth Part or Share thereof, in lieu of and as a full Recompence and Satisfaction for his Right and Interest in and to the Soil of the said Commons and Waste Grounds, and his Consent to the Inclosure thereof, exclusive of the Allotments next hereinafter directed to be made and set out to him in lieu of his Quarries of Flags and Slate, and also exclusive of the Allotments to be made to him in lieu of his Right and Interest in the said Commons and Waste Grounds, in respect of the Messuages, Tofts, and inclosed Lands belonging to him the said Lord *George Henry Cavendish*, within the said Manor.

Allotment to the Lord of the Manor for Right of Soil.

XVI. And be it further enacted, That the said Commissioners shall also assign, set out, and allot unto the said Lord *George Henry Cavendish*, and his Heirs, such other Part or Parts of the said Commons and Waste Grounds as in the Judgment of the said Commissioners shall be a full Equivalent for the Value of the Beds and Quarries of Flags or paving Stone and Slate, within the said Commons and Waste Grounds hereby intended to be divided and inclosed, in lieu of and full Recompence and Satisfaction for the said Beds and Quarries of Flags or paving Stone and Slate.

Allotment for Flags or paving Stone and Slate.

XVII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to apportion, divide, set out, and allot the Residue and Remainder of the said Commons and Waste Grounds unto and amongst the said *Charles Hargrave* and the several Persons who, at the Time of making such Divisions and Allotments, shall be entitled to Right of Common on the said Commons and Waste Grounds, in proportion and according to their respective Rights, Property, and Interest therein.

Allotment of Residue to Proprietors.

XVIII. And be it further enacted, That it shall be lawful for any Person or Persons interested in the said Commons and Waste Grounds to be inclosed by virtue of this Act, at any Time before the Execution of the Award of the said Commissioners, to sell and dispose of all such Estate, Right, Title, Interest, and Property which he, she, or they now hath or have, or shall or may hereafter have, in or to any Right of Common in and upon the said Commons and Waste Grounds, or in and to any Allotment or Allotments to be made in respect thereof by virtue of this Act, separate and apart from such Estate in right whereof he, she, or they is, are, or shall be so entitled; and that in case of any such Sale or Sales, it shall be lawful for the said Commissioners, and they are hereby authorized and required to allot the same to the Purchaser or Purchasers thereof respectively, who shall and may immediately after the Execution of the Award of the said Commissioners, have, hold, use, and enjoy such Allotment or Allotments so to be allotted and laid out in lieu of the Right of Common so by him, her, or them purchased as aforesaid, in as full, large, ample, and beneficial Manner to all Intents and Purposes whatsoever as the former Proprietor or Vendor thereof could or might have done, in case such Sale or Sales had not been made; and the said Commissioners shall, and they are hereby authorized and required, upon the Request in Writing of any Person or Persons who shall or may have purchased any of the said Rights of Common on the said Commons and Waste Grounds, to appoint, set out,

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

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

and allot, in and by their said Award, unto or for such Person or Persons, all and every the said Rights of Common so purchased as aforesaid, in One or more entire Allotment or Allotments.

Rector's Allotments to be fenced.

XIX. And be it further enacted, That the Allotment or Allotments to be set out and allotted to the said *Charles Hargrave* and his Successors, Rectors of the Parish of *Eyam* aforesaid, for or in respect of any Glebe Lands or Hereditaments within the said Manor, shall be inclosed and ring-fenced, and fenced against any public Carriage Roads that may be laid through the same, in such Manner as the said Commissioners shall direct (except on such Parts and Sides thereof as the said Commissioners shall order and direct to be fenced by any of the Proprietors whose Allotments shall adjoin thereto), by and at the Expence of the other Owners and Proprietors of the Lands and Hereditaments within the Manor of *Eyam* aforesaid, in proportion to their respective Rights and Properties in the Lands and Grounds hereby intended to be divided and inclosed; and such Fences shall for ever after the making thereof be maintained and kept in Repair by the said *Charles Hargrave* and his Successors, Rectors of *Eyam* aforesaid for the Time being.

For defraying the Expences of the Act.

XX. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, of preparing and executing the Award of the said Commissioners, of inclosing the Allotment or Allotments which shall by virtue of this Act be made and set out to the Rector of *Eyam* aforesaid in right of his Glebe, and the Allotment or Allotments so to be set out for the Purpose of getting Stone, Gravel, and other Materials as aforesaid, and all other Charges and Expences whatsoever incurred for or by reason of or preparatory to the said intended Division or Inclosure of the said Commons and Waste Grounds, and carrying this Act into Execution, shall be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act (save and except the Rector of the said Parish of *Eyam*, and the Surveyors of the Highways within the said Parish for the Time being, for and in respect of the Allotments hereby directed to be made to them respectively as aforesaid); which said Costs, Charges, and Expences, together with the Proportions thereof to be paid by the several Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioners, and shall be paid at such Time and Place, and to such Person or Persons, as the said Commissioners shall appoint.

Commissioners to lay their Accounts before Two Justices Once in every Year.

XXI. 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 laid before any Two or more of His Majesty's Justices of the Peace for the said County of *Derby*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Books of Accounts to be kept in the Office of the Clerk to the said 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 such Justices.

XXII. And



XXII. And be it further enacted, That all Costs, Charges, and Expences attending the making any Exchanges and Divisions, shall be paid and borne by the severall Persons making such Exchanges and Divisions, in such Manner and in such Proportion as the said Commissioners shall by their said Award order and direct.

Expence of Exchanges, &c. how to be paid.

XXIII. Provided always, That the said Proprietors, their Attornies and Agents, shall pay their own Expences, when they or any of them shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act.

Proprietors and Agents to pay their own Expences.

XXIV. And be it further enacted, That if any Person or Persons shall advance any Sum or Sums of Money for defraying the Expences of obtaining and passing this Act, or of carrying the same into Execution, every such Person shall be repaid the same, with Interest after the Rate of Five Pounds *per Centum per Annum*, out of the First Monies that shall be raised or received by the said Commissioners by virtue of this Act, for defraying such Expences.

Money advanced to be repaid with Interest.

XXV. And for the better enabling the said Commissioners to accommodate such of the said intended Allotments with Water, where the same shall in their Judgment be wanting; be it further enacted, That the said Commissioners shall, and they are hereby empowered to direct, order, and award all or any of the Springs of Water in the said Commons or Waste Grounds (save and except the Springs of Water hereinafter particularly mentioned) to be carried and conveyed in such Courses and through such Allotments, as they shall in their Discretion think proper; provided that such Springs of Water so to be conveyed, be not diverted or turned without the Consent in Writing of any Person or Persons now entitled to the Benefit thereof, or without the Consent in Writing of the Person or Persons into whose Lands or Grounds such Springs of Water shall be conveyed, diverted, or turned.

For altering Water-courses.

XXVI. Provided always, That nothing in this Act contained shall extend, or be construed to extend to authorize and empower the said Commissioners, or any other Person or Persons whomsoever, and it shall not be lawful for any Person or Persons whomsoever, to divert, alter, change, or in any Sort or Manner to meddle with or injure any of the Springs or Watercourses, or the Water therein contained, which run into the Four severall Stone Troughs at or near the Town of *Eyam* aforesaid; and supply with Water the Inhabitants of the said Town (save and except *James Farewell Wright*, Esquire, his Heirs and Assigns, and the future Owners and Occupiers of the Mansion House in *Eyam* aforesaid, in which the said *James Farewell Wright* now resides, in respect of the Spring or Watercourse which now supplies with Water the said House and Premises thereto belonging, the Waste Water of which runs into and supplies One of the said Troughs); or the Spring or Watercourse, or the Water therein contained, which runs to the Stone Trough at or near *Grindleford Bridge*, and supplies with Water the Inhabitants living near the said Bridge; or the Spring or Watercourse, or the Water therein contained, which runs to and supplies with Water the Messuages, Lands, and Hereditaments situate at *Leam*, within the said Manor, belonging to *Marmaduke Middleton Middleton*, Esquire.

But not to injure certain Springs.

[*Loc. & Per.*]

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XXVII. Pro-

Wills and  
Settlements  
not to be  
affected.

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

Leases at  
Rack Rent  
to be void.

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

Award to be  
deposited.

XXIX. And be it further enacted, That the Award to be made by the said Commissioners, when enrolled in Manner directed by the said recited Act, shall be deposited and kept in the Chest belonging to the Parish Church of *Eyam* aforesaid, where the other Writings belonging to the Parish of *Eyam* aforesaid are usually kept, in order that all Persons interested in the said Inclosure may have Recourse thereto at all reasonable Times.

Persons ag-  
grieved may  
appeal to  
the Quarter  
Sessions.

XXX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Derby* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, or either of them, 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

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.

XXXI. 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 any of his Majesty's Subjects now have and enjoy, or shall or may hereafter claim to have and enjoy, of digging, searching for, working, and carrying on Mines of Lead Ore, and taking and enjoying such Lead Ore, in, upon, and out of the said Commons and Waste Grounds within the said Manor intended to be divided and inclosed as aforesaid; but that all and every His said Majesty's Subjects shall from henceforth forever 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 Commons and Waste Grounds intended to be inclosed as aforesaid, in as ample and extensive a Manner as they have hitherto of right enjoyed and exercised the same, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Rights of Mining reserved.

XXXII. Provided always and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said Lord *George Henry Cavendish*, or the Lord or Lords of the said Manor of *Eyam* for the Time being, of, in, or to the Seignories and Royalties incident or belonging to the said Manor, but that such Lord or Lords for the Time being, shall and may from Time to Time and at all Times hereafter hold and enjoy all Rents, Services, Courts, Perquisites, and Profits of Courts, Beds and Quarries of Limestone, in that Part of the said Commons and Waste Grounds called *The Dale* (except such Part of the said Limestone as shall be set out for the Repair of the Roads within the said Manor), Waifs, Estrays, and all other Royalties, Jurisdictions, Pre-eminences, and Privileges whatsoever to the said Manor incident, appendant, belonging, or appertaining (other than and except the Right to the Soil of the said Commons and Waste Grounds, and the Beds and Quarries of Flags or paving Stone and Slate, for which Compensation is hereinbefore directed to be made), in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the same might or could have been held and enjoyed in case this Act had not been made.

Saving Rights to the Lord of the Manor.

XXXIII. Saving always to the King's Most Excellent Majesty, his Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, his, her, or their Heirs, Successors,

General Saving.

fors, Executors, and Administrators (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under him or them, or in Remainder after them) all such Right, Title, and Interest as they, every, or any of them could or ought to have had and enjoyed, in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, before the passing of this Act, or would or ought to have had and enjoyed in case this Act had not been made.

Act to be  
printed by  
the King's  
Printer.

XXXIV. 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 to be a Public Act.

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