



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.



Cap. 90.

An Act for inclosing Lands in the Township of *Beeley*,
in the County of *Derby*. [14th May 1811.]

WHEREAS there are within the Township or Hamlet and Manor of *Beeley*, in the Parish of *Bakewell*, in the County of *Derby*, certain Commons, Wastes, Moors, Open Pastures and Fields, Meſne Incloſures, and other unincloſed Lands, containing, by Eſtimation, Two thouſand Acres, or thereabouts: And whereas the Moſt Noble *William* Duke of *Devonſhire* is Lord of the Manor of *Beeley* aforeſaid: And whereas the ſaid *William* Duke of *Devonſhire* is entitled to certain Tythes of Corn, Grain, and Hay, ariſing within the ſaid Township or Hamlet and Manor of *Beeley*, or to certain Moduſes or Payments in lieu thereof: And whereas the Dean and Chapter of the Cathedral Church of *Lichfield* are entitled to Tythe of Wool and Lamb ariſing within the ſaid Township or Hamlet and Manor of *Beeley*: And whereas the ſaid Dean and Chapter of *Lichfield* are Patrons of the Vicarage of *Bakewell* aforeſaid; and the Reverend *Richard* Chapman is Vicar of the Pariſh Church of *Bakewell* aforeſaid; and certain Vicarial and Small Tythes, or certain Moduſes or Payments in lieu thereof, are due and payable to the ſaid Vicar of *Bakewell*, from and out of the ſaid Township or Hamlet and Manor of *Beeley*: And whereas the ſaid *William* Duke of *Devonſhire* is Owner of the Perpetual Curacy of *Beeley* aforeſaid, and the Reverend *John* Barker is Curate thereof: And whereas the ſaid *William* Duke of *Devonſhire*, *Clement* Kynnerſley Eſquire, *Henry* Granger, *William* Lees, and ſeveral other Perſons, are reſpectively Owners and Proprietors of or
[Loc. & Per.] 20 P otherwise

otherwise interested in the said Commons, Wastes, Moors, Open Pastures and Fields, Mesne Inclosures, and other uninclosed Lands: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intitled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Parts usually required on the passing of such Acts*: And whereas it would be for the Advantage of the said Owners and Proprietors, and other Persons interested as aforesaid, if the said Commons, Wastes, Moors, Open Pastures and Fields, Mesne Inclosures, and other uninclosed Lands, were divided and inclosed and specific Allotments made to the several Persons interested therein, according to their respective Properties, Rights and Interests, and a Commutation made for the Great and Small Tythes within the said Township or Hamlet and Manor of *Beeley*; but such Division, Allotment, and Inclosure, and other Purposes, cannot be made and effected without the 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 the said Commons, Wastes, Moors, Open Pastures and Fields, Mesne Inclosures, and other uninclosed Lands, shall be divided, allotted, and inclosed in Manner hereinafter mentioned; and that *James Dowland*, of *Cuckney*, in the County of *Nottingham*, Gentleman, and his Successors, to be elected in Manner herein-after mentioned, shall be and are hereby appointed Commissioners for carrying this and the said recited Act into Execution, subject to the Rules, Orders, and Directions contained in the said recited Act, except in Cases where the same are hereby varied or altered.

Commis-
sioner.

How new
Commission-
er shall be
chosen.

II. And be it further enacted, That if the said *James Dowland*, or any other Commissioner to be appointed in his Stead as herein-after mentioned, shall, before the Execution of all the Powers and Authorities hereby vested and reposed in him, die, refuse to act, or become incapable of acting in the Premises, then and in every such Case it shall and may be lawful to and for a Majority in value (to be ascertained by the Land Tax Assessment) of the Proprietors or Persons interested in the said Commons, Wastes, Moors, Open Pastures and Fields, Mesne Inclosures, and other uninclosed Lands hereby directed to be divided, allotted and inclosed, or their known Agents or Attornies, or Persons to be appointed for that Purpose, by Writing under their respective Hands, who shall be present at a Public Meeting to be held for that Purpose, within Three Calendar Months next after any such Death, Neglect, Refusal, or Incapacity to act as aforesaid, of which Meeting Fourteen Days previous Notice at least shall be given in Writing, to be affixed on one of the most public outer Doors of the Parish Church of *Bakewell* aforesaid, and on one of the most public outer Doors of the Church or Chapel of *Beeley* aforesaid; 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*, to nominate and appoint one other Commissioner (not interested in the said Inclosure) in the Stead of the said *James Dowland*, or such other Commissioner to be appointed in his Stead, so dying, refusing, or becoming incapable to act as aforesaid; and in case the said Parties shall at any Time make Default in appointing any such new Commissioner as herein-before mentioned,

within Three Calendar Months next after the Death of the said *James Dowland*, or any Commissioner to be appointed in his Stead as aforesaid, or his or their Refusal or Incapacity to act shall be made known, then and in every such Case it shall and may be lawful to and for the said *William Duke of Devonshire*, or the Lord or Lords, Lady or Ladies for the Time being of the said Manor of *Beeley*, by Writing under his, her, or their Hand or Hands, within Thirty Days next after the Expiration of the said Three Calendar Months allowed for appointing such new Commissioner as before mentioned, to appoint one other Commissioner (not interested in the said Inclosure) in the Room of the said *James Dowland*, or any such Commissioner so dying, refusing, or becoming incapable to act as aforesaid; and every Appointment of a Commissioner in pursuance of this Act shall be reduced into Writing, and signed by the Person or Persons making the same; and every new Commissioner to be appointed as aforesaid shall have the like Powers and Authorities as if he had been named a Commissioner in this Act.

III. And be it further enacted, That the said Commissioner shall be allowed and paid by the said Proprietors, the Sum of Two Pounds and Two Shillings, and no more, for every Day which he 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 him, which said Sum of Two Pounds and Two Shillings shall include all Expences whatsoever incurred by going to, returning from, or attending any such Meeting or Meetings.

Allowance to
Commis-
sioner.

IV. And be it further enacted, That the said Commissioner shall and he is hereby required to cause public Notice to be given by Writing under his Hand, to be affixed to one of the most Publick outer Doors of the Parish Church of *Bakewell* aforesaid, and on One of the most Public outer Doors of the Church or Chapel of *Beeley* aforesaid, and also by Advertisement to be inserted in the said 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 Meeting for the Execution of this Act, Eight Days at least before any such Meeting shall be held, Meetings by Adjournment (which it shall be lawful for the said Commissioner to make) only excepted: Provided always, that all Meetings of the said Commissioner in the Execution of this or the said recited Act shall be held within Eight Miles of the said Township or Hamlet and Manor of *Beeley*.

Notice of
Meetings.

V. Provided also, 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 on one of the most public outer Doors of the Parish Church of *Bakewell* aforesaid, and on one of the most public outer Doors of the Church or Chapel of *Beeley* aforesaid, and also by Advertisement, to be inserted in the said Newspaper called the *Derby Mercury*, or in some other Newspaper published or circulated in the said County of *Derby*.

Other Notices
how to be
given.

VI. And be it further enacted, That in case any Difference or Dispute shall arise with or between any Person or Persons interested in the said intended Division, Allotment, and Inclosure, touching their respective Shares,

Commissioner
to determine
disputed
Claims;

but not to
determine
Titles.

Shares Proportions, Rights, Interests, Claims, or Demands, or relating to the Boundaries to be set out by the said Commissioner in pursuance of this or the said recited Act, the said Commissioner shall and he is hereby authorized and required to hear and determine the same; provided that nothing herein contained shall authorize the said Commissioner to determine any Difference or Dispute touching the Title of any Person or Persons in or to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioner
may
award Costs.

VII. And be it further enacted, That in case the said Commissioner upon the hearing and Determination of any Claim or Claims, Objection or Objections, Difference or Dispute, which shall be brought before him, under and by virtue of this or the said recited Act, shall see cause to award any Costs or Charges to any of the Parties concerned therein, it shall and may be lawful for the said Commissioner, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any such Determination of the said Commissioner shall be made, by any Person or Persons whose Claim or Claims, Objection or Objections, shall or may by such Determination be disallowed or overruled; and such Costs and Charges shall and may be levied and recovered in the same Manner as the Expences of passing and executing this Act are directed and authorized to be recovered.

Allowing the
Parties to try
their Right
by an Issue
at Law.

VIII. And be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said Division, Allotment, or Inclosure, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim or Claims of the Right to the Soil, or of any Right of Common, or other Right or Interest in, over, or upon, or in respect of, the said Commons, Wastes, Moors, Open Pastures and Fields, Mesne Inclosures, and other uninclosed Lands hereby directed to be divided, allotted, and inclosed, or any Part thereof, or relating to the Boundaries to be set out in pursuance of this or the said recited Act, or touching or concerning any other Matter or Thing relating to the said Division, Allotment or Inclosure, it shall and may be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter determined by the said Commissioner, at the then next or at the following Assizes to be holden for the said County of *Derby*; and for that Purpose the Person or Persons, who shall be dissatisfied with the Determination of the said Commissioner as aforesaid, shall cause an Action to be brought or commenced on a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Two Calendar Months next after such Determination of the said Commissioner shall have been made known to such Person or Persons, 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 upon, or in Dispute may be tried and determined, such Issue or Issues, in case the Parties shall differ about the same, to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced; and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right, or Rights

or

or Interests, than was or were claimed by such Party, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried to find and declare the same by their Verdict, which shall be indorsed on the Postea in Addition to the Verdict given on the Issue or Issues joined; but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such Special Finding had been made; and the Verdict or Verdicts which shall be given in such Action or Actions upon the Issue or Issues therein joined, in case there shall be no such Special Finding and Indorsement, or such Special Finding and Indorsement, if any shall be made, shall be finally binding and conclusive upon and to 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, or Finding and Indorsement, and order a new Trial or Trials to be had thereupon, which it shall be lawful for the Court to do, and also upon sufficient Cause shewn to put off the Trial of such Issue or Issues, as is usual in other Cases; and that after such Verdict or Verdicts, or Special Finding and Indorsement 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, Right or Rights, or Interest or Interests thereby determined, according to such Verdict or Verdicts, or Finding and Indorsement as aforesaid: Provided

Determina-
tion of Com-
missioner to
be final, if
not objected
to, or no
Action
brought.

IX. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this or the said recited 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.

If Parties die
Proceedings
not to abate.

X. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title of any Person or Persons to any Messuages, Lands, Tenements, or Hereditaments within the said Township or Hamlet and Manor of *Beeley*, such Suit or Suits shall not impede, delay, or hinder the said Commissioner from proceeding in the Execution of the Powers vested in him by the said recited Act or this Act; but the said Division, Allotment and Inclosure, shall be proceeded in notwithstanding such Suit or Suits; and the Allotment or Allotments to which such Suit or Suits shall relate, may be had and taken by the Person or Persons who upon the Determination of such Suit or Suits shall become entitled to the same.

Suits not to
delay the
Inclosure.

XI. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring

Provision in
case of Death
of Parties
before Ac-
tions brought.

the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioner with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living, and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Right of Possession of Persons not to be determined by Commissioner.

XII. Provided also, and be it further enacted, That nothing in this Act contained, shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any of such Parties (except in Cases of Encroachment made within the Period of Thirty Years, as herein-after mentioned); but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Respecting Encroachments.

XIII. And be it further enacted, That all Encroachments which shall appear to the said Commissioner to have been made at any Time within Thirty Years previously to the First Day of *January* One thousand eight hundred and eleven, upon the said Commons, Wastes, Moors, and uninclosed Lands 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 settled by the said Commissioner; and all such Encroachments as shall be deemed Parts of the said Commons, Wastes, Moors, and uninclosed Lands, in case the same shall be allotted to the respective Parties who may have improved the same, or to the said *William Duke of Devonshire*, his Heirs or Assigns, shall be valued as if in an unimproved State, and without considering the Improvements made thereupon, in Building or otherwise; but if such 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 and allow to such Person or Persons as shall or may have improved the same, such Compensation or Satisfaction, and in such Manner, as the said Commissioner shall think reasonable, and by Writing under his Hand, or in and by his Award, order and direct.

Roads, Bridges, and other Conveniences to be made and repaired as Commissioner shall appoint.

XIV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, before he proceeds to the Allotments herein-after mentioned, to set out, appoint, and direct, or cause to be made, erected and completed, such public Roads in Manner by the said recited Act mentioned, and such Private Roads and Ways, and also such Bridges, Banks, Ditches, Drains, Watercourses and other Conveniences, in, over, and within the said Commons, Wastes, Moors, Open Pastures and Fields, Mesne Inclosures, and other uninclosed Lands intended to be divided, allotted, and inclosed, and also in, over, and within any of the Old Inclosures within the said Township or Hamlet and Manor of *Beeley*, as the said Commissioner shall judge necessary or proper, and that as well all such Private Roads and Ways, as also all such Bridges, Banks,

Banks, Ditches, Drains, Watercourses, and other Conveniences, shall respectively be made, erected and completed, and at all Times hereafter kept in Repair, in such Manner, and by such Person or Persons; and the Grass, Herbage, and Soil of such Private Roads and Ways, and other Conveniences, shall appertain and belong to such Person or Persons, and for such Purposes as the said Commissioner in and by his Award shall direct, and in the mean Time, and until his said Award shall be made and executed, as the said Commissioner in and by any Writing under his Hand shall order, direct, or appoint; and the said Commissioner shall and may order and award, issue and pay such Satisfaction and Recompence as he shall think reasonable, to any Owner or Owners of Lands or Hereditaments which may be damaged or destroyed by making or repairing any such Roads or Ways, or any such Bridges, Banks, Ditches, Drains, Watercourses and other Conveniences as aforesaid.

XV. And be it further enacted, That it shall be lawful to and for the said Commissioner, with the Concurrence and Order of Two Justices of the Peace acting in and for the said County of *Derby*, and in Manner, and subject to Appeal, as in the said recited Act is mentioned to divert, stop up, discontinue, alter, or change any old Public Carriage or Private Road or Footway leading into, through, over, or upon the said Commons, Wastes, Moors, Open Pastures and Fields, Mesne Inclosures, or other uninclosed Lands, or the old Inclosures lying within the said Township or Hamlet and Manor of *Beeley*; and that such Public Carriage Roads as shall be so stopped up and discontinued shall be deemed Part of the Lands and Grounds to be sold or divided, allotted and inclosed, pursuant to this Act. For stopping up Roads.

XVI. 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 Commons, Wastes, Moors, Open Pastures and Fields, Mesne Inclosures, and uninclosed Lands hereby intended to be divided, allotted, and inclosed (in such convenient Situation or Situations as he shall think proper, within the said Township or Hamlet, and Manor of *Beeley*, not exceeding Six Acres in the Whole), to be used for the Purposes of Public Watering-places for Cattle, and for getting and burning Limestone, and also for getting Stone, Gravel, Sand, Clay, and other Materials for building or repairing any Houses or other Buildings, Bridges, Walls, Fences, Drains, Watercourses and other Conveniences, and for repairing the Highways and Roads, and making and repairing Meers within the said Township or Hamlet and Manor of *Beeley*, and for such other Uses and Purposes for the general Benefit and Advantage of the Inhabitants within the said Township or Hamlet and Manor of *Beeley*, as the said Commissioner shall direct; and that as well the said Lands so to be set out, and the Herbage growing and renewing in and upon the same, as also all and every the Private Lanes, Roads and Ways within the said Township or Hamlet and Manor of *Beeley*, and the Herbage thereof, shall be vested in such Person or Persons, and applied to such Uses, as the said Commissioner shall in and by his said Award direct or appoint. Allotment for public Watering-places, &c.

XVII. And be it further enacted, That the said Commissioner shall and he is hereby required in the next Place to set out and allot unto the Allotment for Glebe Lands.

the Reverend *John Barker*, Curate of *Beeley* aforesaid, and his Successors, such Parcels of Land, Part of the said Commons, Wastes, Moors, and uninclosed Lands intended by this Act to be inclosed, as in the Judgement of the said Commissioner shall be a full Equivalent and Compensation for his uninclosed Lands and Right of Common, for and in respect of the Glebe and other Lands to which he is entitled as Curate aforesaid.

Allotment to the Duke of Devonshire for Tythes of Corn, Grain, and Hay.

Allotments to remain to the same Uses as the Tythes.

Allotment to the Dean and Chapter of Lichfield for the Tythe of Wool and Lamb.

XVIII. And be it further enacted, That the said Commissioner shall and he is hereby required in the next Place to set out and allot unto and for the said *William Duke of Devonshire*, as Owner of Tythes of Corn, Grain and Hay within the said Township or Hamlet, and Manor of *Beeley*, his Heirs and Assigns, such Part or Parts of the said Commons, Wastes, Moors, and uninclosed Lands intended by this Act to be inclosed, as shall in the Judgement of the said Commissioner be equal in Value to One-twelfth Part of the Whole of the inclosed Lands subject to the Payment of Tythes to the said *William Duke of Devonshire*, his Heirs or Assigns, within the said Township or Hamlet and Manor (except such Lands, Part of the said inclosed Lands, as shall be covered by any Modus or Moduses, in respect of which no greater Allotment or Allotments than the Value of such Modus or Moduses shall be made or allotted); and also to One-twelfth Part of the Whole of the said Commons, Wastes, Moors, and uninclosed Lands within the said Township or Hamlet and Manor, of the said Allotments respectively to be taken from such Part or Parts of the said Commons, Waste, Moors, and uninclosed Lands intended by this Act to be inclosed, as shall in the Judgement of the said Commissioner be of an Average Value *per Acre* with the Residue thereof, and which said Allotments respectively shall be and be taken in lieu of and in full Satisfaction of and for the Tythes of Corn, Grain and Hay, and all Moduses and other Payments in lieu thereof, arising or payable or which might hereafter arise or become payable unto the said *William Duke of Devonshire*, his Heirs and Assigns, within the said Township or Hamlet and Manor aforesaid: Provided always, that the said Allotments to be so made to the said *William Duke of Devonshire*, his Heirs or Assigns, in lieu of Tythes, Moduses, and other Payments in lieu thereof as aforesaid shall be and remain 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 such and the same Wills, Limitations, Conditions, Settlements, Provisoos, Remainders, Reversions, Mortgages, Debts, Charges, and Incumbrances, as the Tythes, Moduses, and other Payments in lieu or in respect whereof such Allotments respectively shall be made, at or immediately preceding the making thereof, shall or may stand limited or liable to, or would have been liable to, in case this Act had not been made.

XIX. And be it further enacted, That the said Commissioner shall and he is hereby required to set out and allot unto and for the said Dean and Chapter of *Lichfield*, and their Successors, as Owners of the Tythe of Wool and Lamb arising and payable within the said Township or Hamlet and Manor of *Beeley*, so much and such Part and Parcel of the said Commons, Wastes, Moors, and uninclosed Lands hereby intended to be divided, allotted, and inclosed, as shall in the Judgement of the said Commissioner be of the annual Rent or Value of Twenty Pounds, for, in

lieu, and in full Compensation of and for the Tythe of Wool and Lamb arising or becoming due or payable, or which might arise or become due or payable unto the said Dean and Chapter or their Successors, within the said Township or Hamlet and Manor aforesaid.

XX. And be it further enacted, That the said Commissioner shall and he is hereby required to set out and allot unto and for the said Vicar of *Bakewell*, and his Successors, so much and such Part or Parts of the said Commons, Wastes, Moors, and uninclosed Lands by this Act directed to be divided, allotted and inclosed, as shall in the Judgement of the said Commissioner be of the yearly Value of Ten Pounds at the least, to be let on a Lease for Fourteen Years, for and in lieu of, and the same shall be taken in full Recompence and Satisfaction of and for, all Vicarial and Small Tythes, and all other Tythes whatsoever, of what Nature or Kind soever (including Agistment Tythes), and all Payments in lieu of Tythes due and payable, or which might arise or become payable unto the said Vicar of *Bakewell* or his Successors, within the said Township or Hamlet and Manor of *Beeley* (Mortuaries, *Easter* Offerings, and Surplice Fees only excepted).

Allotment to the Vicar of *Bakewell* in lieu of Vicarial Tythes.

XXI. And be it further enacted, That the said Commissioner, after having set out the several Allotments herein-before directed, shall and he is hereby required to set out and allot to and for the said *William Duke of Devonshire*, as Lord of the Manor of *Beeley* aforesaid, his Heirs and Assigns, so much and such Part and Parts of the then residue of the Commons, Wastes, Moors, and uninclosed Lands within the Township or Hamlet and Manor of *Beeley* aforesaid, as in the Judgment of the said Commissioner shall be equal in Value to One full Eighteenth Part or Share of such Residue of the said Commons, Wastes, Moors, and uninclosed Lands, for and in lieu of, and as a full Recompence and Satisfaction for his Right to the Soil of the said Commons, Wastes, Moors, and uninclosed Lands, and for his Consent to the said Inclosure.

Allotment to the Lord of the Manor.

XXII. And be it further enacted, That the said Commissioner shall and he is hereby required to set out and allot the Residue of the said Commons, Wastes, Moors, open Pastures and Fields, Mesne Inclosures, and uninclosed Lands hereby intended to be divided, allotted, and inclosed, unto, between, and amongst the several Persons who at the Time of making such Division, Allotment, and Inclosure, shall be entitled thereto, or interested therein, in Proportion to their several and respective Shares, Estates, Rights, and Interests; and in making the several Allotments to be made under and by virtue of this Act, the said Commissioner shall and he is hereby required to have due Regard to Situation and Convenience, as well as to the Quantity and Quality of Land to be allotted, and so as that the Allotment or Allotments of each Person be laid as near together and as contiguous to their several Dwelling and Farm-houses, and Estates as conveniently may be, consistent with the general Convenience of the Parties interested in the said Division, Allotment, and Inclosure: Provided always, that it shall be lawful for the said Commissioner, at any Time before executing his final Award, to make any such Alterations in the Allotments or in the Fences which he may have set out and ordered, or in any of the Orders and Directions relating thereto, which he may have made in pursuance of this or the said recited Act, as he may think right and expedient;

Allotment of Residue to Proprietors.

and in case any Person or Persons be injured by such Alterations on account of any Expences he or they may have been at, or otherwise, the said Commissioner shall ascertain and determine what Recompence shall be made to him, her, or them for such Injury, and shall order and direct by whom and in what Manner such Recompence shall be made.

Certain inclosed Lands to be allotted as Open Fields.

XXIII. And be it further enacted, That whenever it shall happen that more Proprietors than One have Land in the same Close or Parcel of the present inclosed Lands within the said Township or Hamlet and Manor of *Beeley*, it shall be lawful for the said Commissioner, and he is hereby authorized, in every such Case, at the Request of the Parties interested therein, to be signified by Writing under their respective Hands, to divide, allot, and award every such Close or Parcel of the present inclosed Land, in the same Way and Manner as if the same were Part of the Open and Common Fields hereby directed to be divided, allotted, and inclosed.

Allotment in lieu of Rents, &c.

XXIV. And be it further enacted, That the said Commissioner shall and he is hereby authorized to assign, set out, and allot unto any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall or may be entitled to any Fee-farm Rents, Chief Rents, Quit Rents, or other dry and unimprovable Rents or Payments whatsoever, from or out of the said Wastes, Moors, Commons, or uninclosed Lands by this Act directed to be inclosed, or from or out of any Messuages, Cottages, Lands, Tenements or Hereditaments belonging to any of the said Owners or Proprietors, or Persons interested as aforesaid and entitled to any Allotment or Allotments under and by virtue of this Act, such Portion or Portions of the said Wastes, Moors, Commons or uninclosed Lands, or of the Allotment or Allotments of such Owners or Proprietors, or Persons interested as aforesaid, as in the Judgement of the said Commissioner shall be equivalent in Value to the Fee Simple and Inheritance of any such Rents or Payments, and in lieu of and full Satisfaction for the same; provided nevertheless, that the Lands so to be set out, allotted, and appointed as a Compensation or Equivalent for any such Rents or Payments in respect of any Messuages, Cottages, Lands or Hereditaments as before mentioned, shall be deducted out of, or taken from the several or respective Allotments of the Person or Persons who now pay or shall or may at the Time of such Allotments, be liable to pay such respective Rents: And provided also, that the Allotment and Allotments to be so made or set out in lieu of or Satisfaction for any such Rents or Payments as aforesaid, shall be and remain 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 such and the same Wills, Limitations, Conditions, Settlements, Provisoos, Remainders, Reversions, Mortgages, Debts, Charges and Incumbrances, as the Rents or other Payments in lieu or in respect whereof such Allotment or Allotments respectively shall be made, at or immediately preceding the making thereof, shall or may stand limited or liable to, or would have been liable to, in Case this Act had not been made.

For shortening Boundary Fences.

XXV. And be it further enacted, That in order to shorten the Boundary Fences between the Lands hereby directed to be inclosed, and the Lands and Grounds in any adjoining Parish, Township or Place, it shall and may be lawful to and for the said Commissioner with the Consent in Writing under the Hand of the Lord of the Manor of *Beeley* aforesaid,

and of the Lord of any adjoining Manor in respect of any Common or Waste Lands adjoining to the said Township or Hamlet and Manor of *Beeley*, and also under the Hand or Hands of the Owner or Owners of any Lands and Grounds upon which such Fence or Fences is or are intended to be made, to set out, ascertain, and determine the Boundary Fence between the Lands and Grounds hereby intended to be divided, allotted and inclosed, and the Lands and Grounds in such adjoining Parish, Township or Place, in such Manner as the said Commissioner shall judge proper for the Purposes aforesaid; and after such Boundary Fence shall be set out, ascertained, and determined as aforesaid, the same shall be fenced by such Person and Persons, Body and Bodies Politic, Corporate and Collegiate, in such Manner and at such Time or Times as the said Commissioner shall by any Writing under his Hand or in and by his Award, order and direct; and such Fences shall for ever thereafter be deemed and taken to be the Boundary and Boundaries between the said Township or Hamlet and Manor of *Beeley*, and such adjoining Parish, Township or Place, any Law, Usage, or Custom to the contrary thereof notwithstanding.

XXVI. And be it further enacted, That the Allotments herein-before respectively directed to be set out and allotted to and for the said *William Duke of Devonshire*, his Heirs and Assigns, the said Dean and Chapter of *Lichfield*, Vicar of *Bakewell*, and Curate of *Beeley*, and their Successors, for or in respect of Glebe Lands, or in lieu of Tythes, or other Payments in respect thereof, as before mentioned and set forth, shall (save and except on such Parts and Sides thereof as the said Commissioner shall order and direct to be fenced by any of the Owners or Proprietors of Lands whose Allotments shall adjoin thereto) be ring-fenced, and fenced on each Side of any public Carriage Road, that shall by the said Commissioner be laid out, or directed to be made, or continued through the same, with good Stone Walls of sufficient Height and Breadth, and constructed in a substantial and workman-like Manner, with customary Copping, and good Wooden Gates, properly set up, and hung on proper Stone Posts, in such Part of the said Allotments as the said Commissioner shall think necessary and direct, by and at the Expence of the respective Owners and Proprietors of Lands, subject to the Payment of Tythes within the said Township or Hamlet, and Manor aforesaid, in such Proportions as the said Commissioner shall direct or appoint; and that such Walls, Fences, and Gates shall for ever after the making thereof be maintained and kept in Repair by the said *William Duke of Devonshire*, his Heirs and Assigns, the said Dean and Chapter of *Lichfield*, and the said Vicar of *Bakewell*, and Curate of *Beeley*, and their Successors for the Time being respectively, so far as their respective Allotments shall extend; and that from the First Day of *November* next, after the said Allotments, for or in lieu of Tythes or Moduses, and Payments in lieu thereof, shall have been respectively allotted and fenced as aforesaid, all and all Manner of Tythes, both great and small, and all Moduses and Payments in lieu thereof, due and payable to the said *William Duke of Devonshire*, his Heirs or Assigns, and to the said Dean and Chapter of *Lichfield*, and Vicar of *Bakewell*, and their respective Successors, (Mortuaries, *Easter Offerings*, and *Surplice Fees* excepted), as well for and in respect of the said Commons, Waste Lands, Moors, Open Pastures, and Fields, Meuse Inclosures, and uninclosed Lands hereby intended to be divided, allotted and inclosed, as also for and in respect

Glebe and Tythe Allotments to be ring-fenced.

spect of the ancient Inclosures, and all other Lands within the said Township or Hamlet, and Manor of *Beeley*, shall cease, determine, and be forever extinguished.

In case Proprietors of old Inclosures have not sufficient Common to commute for Tythes, the Deficiency to be made up from the other Part of the Common, and Money paid in lieu thereof towards the Expences of the Act.

XXVII. And be it further enacted, That if it shall happen that any Proprietor or Proprietors of inclosed Lands which shall not have or be entitled to a sufficient Quantity of Land on the said Commons, Wastes, Moors, or uninclosed Lands, to make Compensation for the Tithes of his, her, or their inclosed Lands in Manner aforesaid, such Deficiency shall be made up by and out of the other Part of the said Commons, Wastes, Moors, or uninclosed Lands, and such Proprietor or Proprietors shall pay such Sum or Sums of Money as the said Commissioner shall adjudge reasonable, as an Equivalent for such Deficiency, which Sum and Sums of Money shall be applied towards the Expences of carrying this and the said recited Act into Execution, and shall be levied and recovered in like Manner as Penalties or other Sums of Money are hereby and by the said recited Act directed to be levied and recovered; and if any Surplus Money shall remain, such Surplus shall be divided and apportioned amongst the several Proprietors and Persons from whose Allotment or Allotments any Deduction or Deductions shall have been made for the Purpose of making such Compensation, in such Shares and Proportions as to the said Commissioners shall seem right and proper; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively; and the Shares of the other Proprietors and Persons of and in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act, in those Cases wherein any Money is to be paid for the Purchase or Exchange of any Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Lands to be deducted from Allotments to Tenants for Life, and sold to pay Expences.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby required, in case he shall be requested so to do by any Tenant for Life or in Tail, or other Person being in Possession of but not having the absolute Estate or Interest in any Messuages, Lands, Tenements, or Hereditaments within the said Township or Hamlet and Manor of *Beeley*, such Request being in Writing under the Hand or Hands of such Person or Persons as aforesaid, to sell, in Manner by the said recited Act directed, so much of the respective Allotments to be made to such Person or Persons in respect of such Messuages, Lands, Tenements, or Hereditaments, as shall in the Judgment of the said Commissioner be equal in Value to the respective Proportions of any Part of the Expences of the obtaining and carrying this and the said recited Act into Execution, which such Person or Persons may be charged with, and the Expences of fencing, ditching, and putting into a proper State for letting, the Allotment or Allotments of such Person or Persons as aforesaid; and the said Commissioner shall assign, allot, and award the said Lands so to be sold as aforesaid, to any Purchaser or Purchasers thereof, upon Payment of the Value of such Allotment or Allotments by him or them to the said Commissioner, who shall apply the same in or to the Payment of such Expences, and in fencing, ditching, inclosing, and putting into a proper State for letting the said Allotment or Allotments respectively: Provided always, that if there shall be any Surplus of the Money arising by such Sale, the same shall be paid

paid to the Person or Persons entitled thereto, if they shall be Tenants in Fee Simple, otherwise such Surplus shall be applied and disposed of in Manner directed by the said recited Act, with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses: Provided always, that in all Cases where any Lands shall be deducted from the Allotment of any of the said Proprietors or Persons, towards Payment of Expences as aforesaid, it shall not be lawful for the Proprietor or Person from whose Allotment Land shall be deducted as aforesaid, to charge his or her Lands, Tenements, or Hereditaments by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences; provided also, that the Quantity of Land so to be deducted from any such Allotment, shall not exceed in Value the Money authorized by the said recited Act or this Act to be charged upon the Lands, Tenements, or Hereditaments of such Proprietor or Person.

XXIX. And be it further enacted, That it shall and may be lawful for any of the Owners or Proprietors of any Common Right upon the Commons, Waste Land, Moors, Open Pastures and Fields, Mesne Inclosures, and uninclosed Lands, hereby directed to be divided, allotted and inclosed, to sell and dispose of the same, or of the Allotment or Allotments to be made or set out in respect thereof by virtue of this Act, separate and distinct from the Estate in Right of which he or she is entitled to such Allotment or Allotments, in such Manner as he or she might have done at any Time after the Execution of the said Award; and it shall be lawful for the said Commissioner and he is hereby authorized and empowered to award all and every such Allotment or Allotments which shall be sold and disposed of, or be made and set out in lieu of any Common Right so sold or disposed of, to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by virtue of any such Sale or Disposition.

Proprietors may sell their Allotments before the Execution of the Award, and their Right of Common, separate from their other Property.

XXX. And be it further enacted, That all and every the Lands and Hereditaments which shall be allotted by virtue of this or the said recited Act, shall be holden, and shall be deemed and taken to be, under and subject to such and the like Tenure, Rents, Fines, Customs, Heriots and Services, as the Lands and Hereditaments in right or in respect of which such Allotment shall be made.

Lands to be of the same Tenure, as those in Right of which they may be allotted.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Township or Hamlet and Manor of *Beeley*, in Lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Township or Hamlet and Manor, or within any adjoining Manor, Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Pro-

Exchanges may be made.

prietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants, in Fee Simple, or for Life, or in Fee Tail General or Special, or be the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Incapacity, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, and under the Hands of the other Parties consenting respectively; and all and every such Exchange or Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate: Provided always, that the Costs, Charges and Expences attending the making and completing any Exchanges or Partitions under the Powers and Authorities in this Act and the said recited Act, or either of them contained, shall be paid and borne by the several Persons, Bodies Politic, Corporate or Collegiate, making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioner shall order and direct.

Expences of Exchanges, how to be borne.

Tenants to give up exchanged Lands.

XXXII. 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 Township or Hamlet and Manor of *Beeley*, 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 Six 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 and the said recited Act can or may be raised or recovered.

Leases at Rack Rent to be void as to Commons,

XXXIII. And be it further enacted, That all and every Lease and Leases, or other Agreements at Rack Rent now subsisting, of all or any Part or Parts of any Messuages, Lands, Tenements, or Hereditaments within

within the said Township or Hamlet and Manor of *Beeley*, for any Term or Number of Years unexpired, shall immediately upon such Allotments being made, or so soon after as the said Commissioner shall by his said Award direct, cease, determine, and be void in respect of the said Commons, Waste Lands, Moors, Open Pastures and Fields, Mesne Inclosures, and other uninclosed Lands, the respective Owners and Proprietors of the said Messuages, Lands, Tenements, or Hereditaments so in Lease as aforesaid, making such Satisfaction to such Lessee or Lessees, Tenant or Tenants, as the said Commissioner shall direct or appoint, for or in respect of such Lease or Leases or other Agreements, or as an Equivalent for the same: Owners making Satisfaction to Lessees. Provided always, that nothing herein contained shall extend to make void Not to extend to Leases where a Fine has been paid. any Lease or Leases of the present inclosed Lands or Hereditaments, or of any Part or Parts of the Lands or Grounds by this Act directed to be divided, allotted and inclosed, upon the making or renewal whereof any Fine or Fines hath or have been paid; provided also, that if there shall be any Lease of Land, Part of which shall lie within the said Township or Hamlet and Manor, and Part in any adjoining Manor or Township, all and every such Lease or Leases at Rack Rent now subsisting may be vacated, but where any Land shall be taken in Exchange, which shall be under Lease, and wholly situate in an adjoining Manor or Parish, the Lease of such last-mentioned Land shall not be vacated.

XXXIV. And be it further enacted, That in all Cases where an Allotment or Allotments of any Part of the said Commons, Wastes, Moors, Open Pastures and Fields, Mesne Inclosures, and other uninclosed Lands shall be made for and in respect of the Rights and Interests belonging to any Person or Persons, or for or in respect of any Lands, Tenements, or Hereditaments within the said Township or Hamlet and Manor of *Beeley*, which are held by any Tenants or Occupiers for a Term of Years, by virtue of any Lease or Agreement thereof made at Rack Rent, and if 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, and such other Satisfaction or Compensation, as the said Commissioner shall adjudge to be reasonable for the Loss which he or they shall sustain thereby. Abatement to be allowed to Lessees for Loss of Rights.

XXXV. 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, Mortgage, Debt, Charge or Incumbrance, out of, upon, or affecting any of the Lands or Grounds to be divided, allotted, and inclosed as aforesaid, or any Lands, Tenements or Hereditaments, which shall be exchanged or divided by virtue of this Act, or the said recited Act, or any Part or Parcel thereof respectively, but that the several Lands, Tenements, and Hereditaments so to be assigned, allotted, exchanged, or divided as aforesaid, shall immediately after the making such Allotments, No Settlement, Will, &c. to be altered. Exchanges,

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 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 such and the same Wills, Limitations, Conditions, Settlements, Provisions, Remainders, Reversions, Mortgages, Debts, Charges and Incumbrances, as the several Messuages, Lands, Grounds, Hereditaments, and Common Rights, in lieu or in respect whereof such Allotments and Exchanges shall be made, at or immediately preceding the making thereof, shall or may stand limited or liable to, or would have been liable to in case this Act had not been made.

Commissioner
may direct
the Course of
Husbandry.

XXXVI. And be it further enacted, That the said Commissioner shall, as soon after the passing of this Act as conveniently may be by some Writing or Writings under his Hand, to be affixed upon One of the most public outer Doors of the Parish Church of *Bakerwell* aforesaid, and also on One of the most public outer Doors of the Church or Chapel of *Beeley* aforesaid, upon some *Sunday* immediately preceding Divine Service, order and direct the Course of Husbandry that shall be used in, over, and upon the Lands and Grounds intended by this Act to be inclosed, until the Time when they shall have made and completed the said intended Division and Allotments, as well with respect to the laying down, ploughing, sowing, fallowing, and tilling thereof, as to the stocking and eating the Fallow or Stubbles; and also as to the cutting of Turf, Peat, Furze, Thorns or Bushes, getting or digging of Peat or Stone, cutting of Wood, or doing any Injury unto or upon the Lands intended by this Act to be inclosed; and by the same or any other Writing or Writings under his Hand, to be affixed as aforesaid, shall and may make such Orders and Regulations touching the Conduct of Farmers and Tenants within the said Township or Hamlet and Manor of *Beeley*, for preventing them from committing Waste or Destruction upon any of the Lands and Grounds in the said Township or Hamlet and Manor in the mean Time and until the Allotments or Division thereof shall be effected, as to him shall seem expedient; all which Orders and Regulations of the said Commissioner shall be binding and conclusive upon all Parties interested therein, their Farmers and Tenants; and that the said Commissioner shall set and impose such pecuniary Penalties and Forfeitures, not exceeding five Pounds *per Acre*, on every Person not conforming to such Orders and Regulations, as he shall think necessary, which Penalties and Forfeitures shall be paid to such Person or Persons, and for such Uses and Purposes as the said Commissioner shall, by any Writing or Writings under his Hand, or by his Award herein-before mentioned, direct or appoint, and the same shall be recovered and recoverable in a summary Way before any One Justice of the Peace for the said County of *Derby*, who is hereby authorized and required, upon Complaint made before him, to summon the Parties accused, and to examine any Witness or Witnesses upon Oath (to be administered by him), and to proceed to Judgement and Conviction, as in Cases of a similar Nature; and if any such Penalties and Forfeitures shall be adjudged to have been incurred, then it shall be lawful for any such Justice, by Warrant under his Hand and Seal, to cause such Penalties to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties

Parties offending, together with reasonable Costs, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels.

XXXVII. And be it further enacted, That the said Commissioner shall and he is hereby empowered to direct and order all or any of the Water-courses or Springs of Water in the said Commons, Wastes, Moors, Open Pastures and Fields, Mesne Inclosures, and other uninclosed Lands, or any Part thereof, to be diverted, turned or varied, and to be carried and conveyed in such Courses, and through such Lands and Allotments, as he shall in his Discretion think proper, provided that such Watercourses and Springs of Water shall not be diverted, turned or varied, without the Consent in Writing of the Person or Persons who may at that Time be Owner or Owners entitled to the Benefit and Use thereof, and the Consent in Writing of the Person or Persons from or into whose Lands or Grounds such Springs or Watercourses shall be diverted, turned or varied, carried through, or conveyed as aforesaid.

For diverting
Water-
courses.

XXXVIII. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, of preparing and executing the Award, of setting out the said Allotments for public Uses as aforesaid, and all other Charges and Expences whatsoever, incurred for or by reason of the said intended Division, Allotment, and Inclosure of the said Commons, Waste Lands, Moors, Open Pastures, and Fields, Mesne Inclosures, and uninclosed Lands, or in carrying this and the said recited Act into Execution, shall be borne and defrayed by the several Persons (save and except the said *William Duke of Devonshire*, his Heirs and Assigns, and the said Dean and Chapter of *Lichfield*, and Vicar of *Bakewell*, and Curate of *Beeley*, and their respective Successors, or any other Person or Persons, for or in respect of and so far as relate to any Allotment or Allotments to be made to him or them for or in Right of any Glebe Lands, or in lieu of Tythes or other Payments in respect thereof), to whom any Allotment or Allotments shall be made by virtue of this Act, which said Costs, Charges, and Expences, together with the Proportions thereof, to be paid by the several Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioner, and shall be paid at such Time and Place, and to such Person or Persons, as the said Commissioner shall appoint.

Expences of
the Act to be
borne by the
Persons in-
terested.

XXXIX. 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 or the said recited Act into Execution, every such Person or Persons shall be repaid the same with Interest, after the Rate of Five Pounds *per Centum per Annum*, out of the First Monies that shall be raised or received by the said Commissioner, by virtue of this Act, for defraying such Expences.

Money ad-
vanced to be
repaid with
Interest.

XL. And be it further enacted, That once at least in each and every Year during the Execution of this Act, (such Year to be computed from the Day of the passing thereof,) the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble and Expences in the Execution of this and the said recited Act; and such Statement or Account when so made, together with the Vouchers

Commissioner
to account.

[*Loc. & Per.*]

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relating

relating thereto, shall be by him laid before One or more of His Majesty's Justices of the Peace for the said County of *Derby*, to be by him or them examined and balanced; and such Balance shall be by such Justice or Justices stated in the Books 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 first allowed by such Justice or Justices.

Proprietors to pay their own Expences.

XLI. And be it further enacted, That the said Proprietors shall pay their own Expences when they or any of them attend the said Commissioner at any of his Meetings to be holden for putting this Act and the said recited Act into Execution.

Award to be deposited.

XLII. And be it further enacted, That the Award to be made by the said Commissioner, when inrolled in Manner directed by the said recited Act, shall be deposited and kept in the Public or Town Chest belonging to the Church or Chapel of *Beeley* aforesaid, where the other public Writings belonging to the said Township or Hamlet and Manor of *Beeley* are usually kept, in order that all Persons interested in the said Inclosure may have Recourse thereto at all seasonable Times.

Appeal to the Quarter Sessions.

XLIII. 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 or the said recited Act, (other than and except such Claims, Matters, and Things as are herein-before directed or authorized to be settled, tried, or determined by the Verdict of a Jury, or where by any of the Provisions of the said recited Act or of this Act, the Determinations of the said Commissioners are directed to be final and conclusive), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Derby*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner, and to the Party or Parties concerned, Fourteen 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 therein, 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 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 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 be levied in Manner aforesaid.

Rights of Mining reserved.

XLIV. Provided always, and be it further enacted, That nothing in this Act contained shall bar, prejudice, lessen, or defeat the Rights, Titles,

Titles, and Interests, which the said *William Duke of Devonshire*, his Heirs or Assigns, 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, Mines, Veins, Beds, or Seams of Coal, Ironstone, and other Minerals, (save and except Stone, Gravel, Clay and Sand), and taking and enjoying such Lead Ore, Coal, Ironstone, and other Minerals, (except as aforesaid) in, upon, and out of all the said Commons, Wastes, Moors, Open Pastures and Fields, Mesne Inclosures, and uninclosed Lands, within the said Township or Hamlet and Manor of *Beeley*, intended to be divided, allotted, and inclosed as aforesaid; but that all and every His Majesty's Subjects shall from henceforth for ever hereafter have and enjoy such Rights of mining for and getting Lead Ore, Coals, Ironstone, and other Minerals (except as aforesaid), and use and exercise such Liberties and Privileges in respect thereof, in and throughout all and every Part of the said Commons, Waste Lands, Moors, Open Pastures and Fields, Mesne Inclosures, and uninclosed Lands, intended to be divided, allotted and inclosed as aforesaid, in as ample and extensive a Manner as they have hitherto of Right enjoyed and exercised the same, making Satisfaction for any Damages that shall be done thereby, any Thing herein contained to the contrary thereof in anywise notwithstanding.

XLV. 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 *William Duke of Devonshire*, his Heirs or Assigns, Lord or Lords of the said Manor of *Beeley*, of, in, or to the Seigniories 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, Mines of Lead Ore, Mines, Veins, Beds or Seams of Coal, Ironstone, and other Minerals (except as aforesaid) Waifs, Eltrays, 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, Wastes, Moors, and uninclosed Lands for which a Compensation is hereby before 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.

XLVI. 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 Politick, Corporate or Collegiate, his, her, and their Heirs, Successors, Executors and Administrators respectively, (other than and except the several Persons, Bodies Politick, Corporate or Collegiate, to whom any Allotment or Allotments of Land, or other Compensation, shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Allotments, or Compensation shall be made, his, her, and their Heirs, Successors, Executors, Administrators and Assigns, and except such other Rights and Interests as the Intent and Purpose of the Division, Allotment and Inclosure hereby authorized, shall absolutely require to be barred, destroyed, or extinguished by virtue of this Act) all such Estates, Rights, Titles, and

General
Saving of
Rights.

and Interests as they, every, or any of them, had or enjoyed of, in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, before the passing of this Act, or could, might, or ought to have held or enjoyed in case this Act had not been made.

Act to be
printed by
the King's
Printer.

XLVII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed, shall be admitted as Evidence thereof, by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.