



ANNO QUINQUAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 103.

An Act for inclosing Lands in the Parish of *Alfreton*,
in the County of *Derby*. [5th May 1812.]

WHEREAS there are within the Parish of *Alfreton*, in the County of *Derby*, certain Commons or Parcels of Waste Grounds, containing together by Estimation Two hundred and eighty Acres or thereabouts, upon which the Owners or Proprietors of certain ancient Messuages and other Estates, within the said Parish, are entitled to Right of Common: And whereas the Reverend *Henry Case Morewood* Clerk, in Right of *Ellen Morewood* his Wife, is Lord of the Manor of *Alfreton* aforesaid, and as such is entitled to the Soil of the said Commons and Waste Grounds, or such Parts thereof as are situate within the said Manor; and *Lancelot Rolleston* Esquire claims to be entitled to a Manor, or reputed Manor of *Riddings*, within the Parish of *Alfreton* aforesaid, and as such claims to be entitled to the Soil of such Part of the said Commons and Waste Grounds as is situate within his said Manor of *Riddings*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Commons and Waste Grounds, in their present uninclosed State, are incapable of any considerable Improvement, but if the same were to be divided and inclosed, and specific Allotments made unto and amongst the several Persons interested therein, according to their respective Rights, it would tend to the Improvement of their Estates, and be of public Utility; but as such Division, Allotment, and Inclosure, cannot be effected

Lord of the
Manor.

[Loc. & Per.]

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and

Commissioners.

and established 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 and Waste Grounds shall be set out, allotted, and divided, as soon after the passing of this Act as conveniently may be; and that *John Nuttall* of *Matlock*, in the said County of *Derby*, and *James Green* of *Len-ton Abbey*, in the County of *Nottingham*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for setting out, dividing, allotting, and inclosing the said several Commons and Waste Grounds, and for putting this Act into Execution, subject to the Provisions of the said recited Act, except where the same are hereby varied or altered.

Umpire.

II. And be it further enacted, That *John Radford* of *Smalley*, in the County of *Derby*, Esquire, and his Successor, to be appointed as herein-after mentioned, shall be and he is hereby appointed to act as an Umpire, touching any Difference of Opinion which shall arise between the said Commissioners in the Execution of this or the said recited Act; and that all such Differences of Opinion shall be stated in Writing, and referred by the said Commissioners to the said *John Radford*, or his Successor, 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 Two Calendar Months from the Time any such Difference shall be referred to him; and the Judgement and Determination of the said *John Radford*, or his Successor, therein, in all Cases so referred to him, shall be deemed and taken to be the Judgement and Determination of the said Commissioners; and they the said Commissioners shall and they are hereby required to conform thereto.

Appointment of new Commissioners and Umpire.

III. And be it further enacted, That if the said *John Nuttall*, 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 in him, die, refuse, or become incapable of acting in the Premises, then and in every such Case it shall and may be lawful to and for the Lord or Lady of the said Manor of *Alfreton* for the Time being, by any Writing under his or her Hand or Hands, within Twenty-one Days next after such Refusal, Death, or Incapacity to act, shall be made known to him or her, by Notice in Writing from the surviving or remaining Commissioner (which Notice such Commissioner is hereby required to give) to appoint one other Commissioner, not interested in the said Inclosure, in the Stead of the said *John Nuttall*, or such other Commissioner so dying, refusing, or becoming incapable of acting as aforesaid; and if the said *James Green*, or any other Commissioner to be appointed in his Stead as herein-after mentioned, shall in the like Manner die, refuse, 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 intended Inclosure, or their Agents appointed for that Purpose by Writing under their respective Hands, (except and exclusive of the said Lord or Lady of the said Manor of *Alfreton* for the Time being), who shall be present at a publick Meeting,

Meeting, to be appointed by the surviving or remaining Commissioner, within Twenty-one Days next after such last-mentioned Death, Refusal, or Incapacity to act as aforesaid, shall be known to him, of which Meeting Ten Days Notice at the least shall be given in Writing by him, to be affixed on One of the most public outer Doors of the Parish Church of *Alfreton* 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 appoint One other Commissioner (not interested in the said Inclosure) in the Stead of the said *James Green*, or such other Commissioner to be appointed in his Stead, so dying, refusing, or becoming incapable of acting as last aforesaid; and in case the Lord or Lady of the said Manor of *Alfreton* for the Time being, or the said Parties last aforesaid (as the Case may be), shall at any Time make Default in appointing any such new Commissioner as herein before mentioned within Twenty-one Days next after the Death of any Commissioner, or his Refusal or Incapacity to act shall be made known as aforesaid, and of which such Notice shall have been given respectively as aforesaid, then the surviving or remaining Commissioner shall and he is hereby required, from Time to Time by Writing under his Hand, within Ten Days next after the Expiration of the said Twenty-one Days allowed to the respective Parties for naming such new Commissioner as aforesaid, to appoint one other Commissioner (not interested in the said Inclosure) in the Room of any such Commissioner so dying, refusing, or becoming incapable to act as aforesaid; and if the said *John Radford*, or any Umpire to be appointed in his Stead as herein-after mentioned, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse, or become incapable of acting in the Premises, then and in every such Case one other Person as Umpire, not interested in the said Inclosure, shall be appointed in the Stead of the said *John Radford*, or such other Umpire so dying, refusing, or becoming incapable of acting as aforesaid, by a Majority in Value (to be ascertained by the Land Tax Assessment) of the Proprietors or Persons interested in the said Commons and Waste Grounds hereby directed to be divided, allotted and inclosed, including the Lord or Lady of the said Manor for the Time being, 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 appointed for that Purpose by the said Commissioners, within Twenty-one Days next after such last-mentioned Death, Refusal, or Incapacity to act as aforesaid, shall be known to him, of which Meeting Ten Days Notice at least shall be given in Writing to be affixed on one of the most public outer Doors of the Parish Church of *Alfreton* aforesaid, and also by Advertisement to be inserted in the said Newspaper called *The Derby Mercury*, or in some other Newspaper published and circulated in the said County of *Derby*; 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 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 an Umpire in the Execution of this or the said re-
 Umpire to take an Oath.
 cited

cited Act, until he shall have taken and subscribed the Oath or Affirmation following; (that is to say),

‘ I do swear, [or, being one of the People called *Quakers*, do solemnly affirm] That I will faithfully, impartially and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers and Authorities, vested and reposed in me as an Umpire, by virtue of an Act, for inclosing Lands in the Parish of *Alfreton*, in the County of *Derby*, according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.’

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, or Commissioner, shall be annexed to and enrolled with the Award of the said Commissioners; and a Copy of the Inrolment thereof shall be admitted as legal Evidence.

Allowance to
Commissioners
and Umpire.

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 Three Guineas, and no more, for every Day which he shall attend and be employed at any Meeting or Meetings, or be occupied in going to or returning from thence, or otherwise howsoever in executing the Powers and Authorities hereby given to them, which said Sum of Three Guineas shall include all Expences whatsoever incurred by going to, returning from, or attending any such Meeting or Meetings.

Surveyor appointed.

VI. And be it further enacted, That *William Crisshop* of *Mansfield*, in the County of *Nottingham*, Gentleman, and his Successors to be elected as herein-after mentioned, shall be, and he and his Successor for the Time being shall be and is hereby appointed Surveyor of the said Commons and Waste Grounds, and also of the ancient inclosed Lands within the said Parish; and if the said *William Crisshop*, or any Surveyor to be appointed in his Stead as herein-after mentioned, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse, or become incapable of acting in the Premises, then and in every such Case, one other Person as Surveyor, not interested in the said Inclosure, shall be appointed in the Stead of the said *William Crisshop* or such other Surveyor so dying, refusing or becoming incapable of acting as aforesaid, by a Majority in Value (to be ascertained by the Land Tax Assessment) of the Proprietors or Persons interested in the said Commons and Waste Grounds hereby directed to be divided, allotted and inclosed, including the Lord or Lady of the said Manor for the Time being, 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 appointed for that Purpose by the said Commissioners, within Twenty-one Days next after such last-mentioned Death, Refusal or Incapacity to act as aforesaid, shall be known to him, of which Meeting Ten Days Notice at least shall be given in Writing, to be affixed on One of the most public outer Doors of the Parish Church of *Alfreton* aforesaid, and also by Advertisement to be inserted in the said Newspaper called *The Derby Mercury*, or in some other Newspaper published and circulated in the said County of *Derby*; and every Appointment of a Surveyor in pursuance of this Act, shall be reduced into Writing, and signed by the Person
or

or Persons making the same; and every Surveyor to be appointed as aforesaid, shall have the like Powers and Authorities as if he had been named a Surveyor in this Act.

VII. And be it further enacted, That if any Map, Plan, Survey and Measurement of the said Parish of *Alfreton*, shall be produced to the said Commissioners, and the same shall be in their Judgement and to their Satisfaction a just and true Map, Plan, Survey and Admeasurement, and proper to be used, for the Purpose of carrying this Act and the said recited Act into Execution, it shall be lawful for the said Commissioners to contract for and purchase the same, at or for such Sum of Money as they shall think reasonable, and such Purchase Money shall be considered as Part of the Costs, Charges, and Expences of executing this and the said recited Act, and shall be raised, levied and paid accordingly; and after such Contract and Purchase the said Commissioners and the said Surveyor are hereby authorized and required to use any such Map, Plan, Survey, and Admeasurement so contracted for and purchased as aforesaid, (the same being first verified upon the Oath or Oaths of the Person or Persons who made the same, which Oath or Oaths the said Commissioners are hereby empowered to administer), for the Purpose of carrying this and the said recited Act into Execution, without causing any new Map, Plan, Survey and Admeasurement, to be made of the Lands and Tenements comprized therein.

Map already made may be used.

VIII. And be it further enacted, That the said *William Christoph*, or any other Person or Persons to be appointed and employed as Surveyor or Surveyors by virtue of this Act, shall not charge or be allowed more than Two Guineas for every Day that he or they shall attend and be employed at any Sitting or Meeting of the said Commissioners, or be occupied in going to, or returning from thence; which said Sum of Two Guineas *per Day* shall be inclusive of all Expences whatsoever incurred by going to, returning from, or in attending at any such Sitting or Meeting.

Surveyors Allowance.

IX. And be it further enacted, That Notice of the first and every other Meeting for carrying this and the said recited Act into Execution, (Meetings by Adjournment only excepted), and all other Notices necessary or requisite to be made or given by the said Commissioners, shall be made and given by Writing to be affixed upon one of the most public outer Doors of the Parish Church of *Alfreton* 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*, Eight Days at least previous to every such Meeting; and that every such Meeting shall be held in the Town of *Alfreton* aforesaid.

Notice of Meetings.

X. And be it further enacted, That the said Commissioners shall not begin to value the Lands and Grounds to be inclosed by virtue of this or the said recited Act, or any of the ancient inclosed Lands within the said Parish of *Alfreton*, until the Survey of the whole thereof shall be completed, and that when the said Commissioners shall afterwards begin to make such their Valuation, they shall proceed therein Seven Days at least in every ensuing Calendar Month, between the Months of *April* and *October*, and in every other Month proceed or not as Circumstances may permit, until the same be completed.

Commissioners to attend Seven Days in a Month in making Valuation.

Commis-
sioners to
set out Boun-
daries of the
the Manor.

XI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, on or before their Third Meeting for the Execution of this Act, by Examination of Witnesses upon Oath (which Oath they are hereby empowered to administer) and by such other lawful Ways and Means as they shall think proper, to enquire into, set out and ascertain, fix and determine the Boundaries of the Manor or Manors if more than One, in which the said Commons and Waste Grounds, or any Part thereof, are situate, so far as shall be necessary for the Purposes of this Act.

Commission-
ers to deter-
mine disputed
Claims.

XII. And be it further enacted, That in case any Difference or Dispute shall arise with or between any of the Parties interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, touching the respective Shares, Proportions, Rights, Interests, Claims or Demands of them or any of them, or relating to the Boundaries of any Manor or Manors in which the said Commons and Waste Grounds, or any Part thereof, are claimed to be situate, or relating to any other Boundaries to be set out by the said Commissioners in pursuance of this or the said recited Act, or any other Matter or Thing relating to the said Division, Allotment, and Inclosure, the said Commissioners shall, and they are hereby authorized and required to hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners or Umpire to determine the Title to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever.

Commission-
ers may award
Costs.

XIII. And be it further enacted, That in case the said Commissioners, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, Difference or Dispute, which shall be brought before them 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, it shall and may be lawful for the said Commissioners, 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 such Determination of the said Commissioners shall be made, by any Person or Persons whose Claim or Claims, Objection or Objections, shall or may by such Determination be disallowed or over-ruled; 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 Rights
by an Issue at
Law.

XIV. And be it further enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning the Boundaries of any Manor or Manors in which the said Commons and Waste Grounds or any Part thereof, are claimed to be situate, or any other Boundaries to be set out in pursuance of this or the said recited Act, or 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 the said Commons and Waste Grounds, or any Part thereof, 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 Commissioners or Umpire, at the then next

or

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 as aforesaid, shall cause an Action to be brought or commenced upon a feigned Issue against the Person or Persons in whose favour such Determination shall have been made, if the Subject of their Determination shall be of a partial Nature, or against the said Commissioners if the Subject of their Determination shall be of such a Nature as will affect the Persons in general interested in the said Commons and Waste Grounds, or in any particular Part or Parts thereof, within Three Calendar Months next after such Determination of the said Commissioners or Umpire shall have been 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 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 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; and in case there shall be no 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 Commissioners shall and they are 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 always, that the Determination of the said Commissioners or Umpire, touching or concerning any such Claim or Claims as aforesaid, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, which shall not be objected to, or being objected to, in respect whereof the Party or Parties objecting shall not cause such Action at Law to be brought and proceeded in as aforesaid, shall be final, binding and conclusive upon and to all Parties whatsoever.

Determina-
tion of Com-
missioners to
be final if not
objected to
or Action
brought.

XV. 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.

Suits not to
delay the
Inclosure.

XVI. 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 Parish of *Alfreton*, such Suit or Suits shall not impede, delay or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by the said recited Act and 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.

Provision in
case of Death
of Parties be-
fore Actions
brought.

XVII. 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 the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk or Clerks of the said Commissioners 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 Pos-
session of Per-
sons not to be
determined
by Commis-
sioners.

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

Encroach-
ments made
within Twen-
ty Years to
be deemed
Part of the
Commons.

XIX. And be it further enacted, That if it shall appear to the said Commissioners that any Encroachments by building or otherwise have been made and continued upon the said Commons and Waste Grounds, within the Space of Twenty Years next before the First Day of *January* One thousand eight hundred and twelve, 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, upon a Valuation as if in an unimproved State, and without considering the Improvements made thereupon, or otherwise, in case the same shall be allotted to the respective Persons who have improved the same; but if such Encroachments shall be allotted to any other Person
or

or Persons, then and in such Case the Person or Persons respectively who shall receive the same, shall pay to the several Persons respectively who may have inclosed and built upon the same, such Compensation in Money for such Building only, in such Manner, and at such Times as the Commissioners shall think reasonable, and by Writing under their Hands direct and appoint, or otherwise permit such Building to be taken down, removed and carried away, by the Occupier thereof, within Three Calendar Months after Notice shall be given to him or them in Writing for that Purpose, by the Person or Persons to whom such Allotment or Allotments shall be made: Provided always, that all such Encroachments by Building or otherwise, as have been made and continued upon the said Commons and Waste Grounds for Twenty Years and upwards, (save and except only such as have been held during that Period adversely, and without Payment of any Rent, or Acknowledgement for the same), shall be deemed and taken to be absolute Freeholds of the Lord of the said Manor or Manors in which the same are situate.

XX. And be it further enacted, That it shall be lawful to and for the said Commissioners, with the Concurrence and Order of Two Justices of the Peace acting in and for the said County of *Derby*, (subject to Appeal as in the said recited Act is mentioned), to divert, stop up, discontinue, alter or change any old public Carriage, Bridle, or other public Roads or Footways, leading into, through, over, or upon the said Commons and Waste Grounds or other uninclosed Lands, or the old Inclosures lying within the said Parish of *Alfreton*, and that such public Carriage, Bridle, or other public Roads, as shall be so stopped up and discontinued, shall be deemed Part of the Lands and Grounds to be divided, allotted, and inclosed, pursuant to this Act, and shall be allotted to the Proprietors of the Lands adjoining the same. For stopping up Roads.

XXI. And be it further enacted, That before any Allotment shall be made by virtue of this Act, the said Commissioners shall and they are hereby required to set out and allot unto the Lord or Lords, Lady or Ladies of the Manor or Manors within which the said Commons and Waste Grounds are situate, so much and such Part and Parts of the said Commons and Waste Grounds to be set out and allotted by virtue of this and the said recited Act, as in their Judgment shall be equal in Value to One full Sixteenth Part or Share of the said Commons and Waste Grounds so to be set out and allotted as aforesaid, for and in lieu of and as a full Recompence and Satisfaction for his, her, or their Right or respective Rights to the Soil of the said Commons and Waste Grounds. Allotment to the Lord of the Manor.

XXII. And whereas under and by virtue of an Act, passed in the Twenty-second Year of the Reign of His present Majesty, intituled *An Act for the better Relief and Employment of the Poor*, a certain Piece or Parcel of the Commons or Waste Grounds lying on a Common called *Sleight Moor*, containing Ten Acres or thereabouts, was taken in, inclosed and improved, and a Workhouse hath been erected thereon, and the Rents and Profits of the said Piece or Parcel of Land have been applied to and for the Benefit of the Poor within the said Parish of *Alfreton*; be it therefore enacted, That the said Piece or Parcel of Land so taken and inclosed, shall be vested in the Visitor and Guardian of the Poor of the Parish of *Alfreton* aforesaid, and their Successors for the Time being, yet nevertheless for the Use and Benefit of the Poor within the said Parish, according to, Intake for the Poor.

[Loc. & Per.]

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the Direction of the said recited Act passed in the Twenty-second Year of the Reign of His present Majesty.

Allotment of
Residue to
Proprietors.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out and allot the Residue of the said Commons and Waste Grounds unto and amongst the several Persons having Right of Common thereon, in Proportion to their several and respective Rights and Interests, with a due Regard to the Situation and Convenience as well as to the Quantity and Quality of the Land to be allotted, so that the Allotments of each Person be laid as near together, and as contiguous to their respective Estates as conveniently may be, consistently with the Provisions of this Act, and general Convenience of the Parties interested in the said intended Division and Inclosure: Provided always, that the Allotment to be made and set out to the said *Henry Case Morewood*, as Lord of the said Manor of *Alfreton*, shall include a certain Pond or Dam of Water called *Swanwick Dam*, as Part of such Allotment, and that the Residue thereof shall be set out and allotted to him upon and from a certain Common called *Alfreton Common*, being Part of the Lands and Grounds to be inclosed in pursuance of this Act, and that the Remainder of the said Common called *Alfreton Common*, (save and except only a certain Part thereof lying on the Eastwardly Side of the Town-street and the *Derby Turnpike Road*, and extending from the Town of *Alfreton* aforesaid to the North-westwardly Corner of a Close called *Woodbridge Pingle*, and bounded on the West by the said Town-street and Turnpike Road from the Town of *Alfreton* up to a Stone Causeway or Foot Road on the South Side of the *Hitchbill*, and from thence by the said Causeway to the North-west Corner of the said Close called *Woodbridge Pingle*), shall be wholly allotted to the said *Henry Case Morewood* and *Ellen* his Wife, or the Owner for the Time being of their Mansion called *Alfreton Hall*, in the Front of which the said Common is situate, as Part of the Allotments to be made to them in respect of their Estates having Right of Common on the said Commons and Waste Grounds: Provided also, that the Allotment to be made to *Hugh Wood* Esquire, shall be wholly set out and allotted to him upon and from that Part of a certain Common called *Swanwick Green*, which lies on the East Side of the new Turnpike Road leading from *Alfreton* to *Derby*, so as to adjoin his Mansion House and Estate there lying and being on the South Side of the said Green; and the said Commissioners shall and they are hereby also required to set out and allot all those old Inclosures and other Hereditaments of which the said *Henry Case Morewood* and *Ellen* his Wife or One of them, are or is seised in Fee Simple, or of some other good Estate of Inheritance situate in the said Parish of *Alfreton*, and herein-after particularly mentioned; (that is to say), all those Three several Closes, Pieces or Parcels of inclosed Land or Ground, situate, lying and being in the said Parish of *Alfreton*, as the same are now in the Tenure or Occupation of *Mickael Holmes*; Two of which said Closes are called the *Flowerylèys Closes*, and the other Close adjoins thereto, and also all those Three other Closes, Pieces or Parcels of inclosed Land or Ground, situate, lying and being in the Parish of *Alfreton* aforesaid, commonly called or known by the several Names of the *Over Dob Close*, the *Oak Close*, and the *Nether Close*, heretofore in the Possession of *Joseph Wilson*, but now in the Tenure or Occupation of *Thomas Stanley*; and also all that Cottage, Dwelling-house, or Tenement, with the Garden and Croft thereto adjoining and belonging, now in the Tenure or Occupation

Occupation of *Benjamin Naylor*; and also all that Close, Piece or Parcel of Land to the said Cottage, Dwelling-house or Tenement belonging, and occupied therewith, called or known by the Name of *Naylor's Close*, in the Tenure or Occupation of the said *Benjamin Naylor*, all which said before-mentioned Parcels of inclosed Lands and Hereditaments are bounded by the *Nottingham Turnpike Road*, and ancient inclosed Lands belonging to *Thomas Barker* and *John Eardley Wilmot*, Esquires, and *William Wilson*, *George Banfall*, and *Joseph Wilson*, Gentlemen, (save and except and always reserving unto the said *Henry Case Morewood* and *Ellen* his Wife, their Heirs and Assigns, all Mines, Veins, Delphs, and Seams of Coal, and Ironstone, within and under the said old inclosed Lands, and all such Rights and Privileges in, over, under and upon the same, after the same shall be set out and allotted as aforesaid, as they respectively are now entitled to use, exercise and enjoy, as well for the searching for, draining, working, getting, selling, coaling, using, conveying, taking and carrying away the said Coals and Ironstone, hereby reserved, or for any other Purpose relating thereto, as fully and freely in every Respect, and to all Intents and Purposes as such Power and Privileges could or might have been exercised or enjoyed if the said old inclosed Lands had not by this Act been directed to be set out and allotted as aforesaid), unto and amongst the several Persons having Right of Common on the said Commons and Waste Grounds, (save and except the said *Henry Case Morewood* and *Ellen* his Wife, or the Owner for the Time being of the said Mansion called *Alfreton Hall*, and in respect of their said Estates having Right of Common on the said Commons and Waste Grounds), in the same Manner to all Intents, Effects, Constructions and Purposes whatsoever, as if the same actually formed Part of the Residue of the said Commons and Waste Grounds hereby directed to be set out and allotted unto and amongst the several Persons having Right of Common thereon as aforesaid; and in case the said old Inclosures and other Hereditaments hereby directed to be set out and allotted as last aforesaid, and the Rights of the said *Henry Case Morewood* and *Ellen* his Wife, or the Owner for the Time being of their said Mansion, and in respect of their Estates having Right of Common on the said Commons and Waste Grounds and Manor, shall, in the Opinion of the said Commissioners, be of greater Value than the Remainder of the said Common called *Alfreton Common*, so directed to be wholly allotted to the said *Henry Case Morewood* and *Ellen* his Wife, or the Owner of their said Mansion for the Time being, as aforesaid, then and in such Case the said Commissioners shall, and they are hereby required to set out and allot to the said *Henry Case Morewood* and *Ellen* his Wife, or the Owner for the Time being of their said Mansion, so much and such Part of the Residue of the said Commons and Waste Grounds hereby directed to be inclosed, as shall in the Opinion of the said Commissioners be, together with the Remainder of the said Common called *Alfreton Common* so directed to be wholly allotted as aforesaid, equal in Value to the said old inclosed Lands and other Hereditaments, and the Rights of the said *Henry Case Morewood* and *Ellen* his Wife, or the Owner for the Time being of the said Mansion as aforesaid, and in respect of their Estates having Right of Common on the said Commons and Waste Grounds; but in case the said old Inclosures, and other Hereditaments, hereby directed to be set out and allotted as aforesaid, and the Rights of the said *Henry Case Morewood* and *Ellen* his Wife, or the Owner for the Time being of the said Mansion as aforesaid, and in respect of their Estates having Right of Common on the said Commons

mons and Waste Grounds, shall not in the Opinion of the said Commissioners, be equal in Value to the Remainder of the said Common called *Alfreton Common*, so directed to be wholly allotted as aforesaid to the said *Henry Case Morewood* and *Ellen* his Wife, or the Owner for the Time being of the said Mansion, then and in such Case the said *Henry Case Morewood*, or the Person for the Time being Owner of the said Mansion, shall pay to the said Commissioners so much Money as they shall by Writing direct, as an Equivalent or Compensation for such Deficiency in Value as aforesaid, of the said old inclosed Lands and other Hereditaments; and the said last-mentioned Rights of Common, and such Sum of Money so to be paid shall be applied by the said Commissioners in or towards the general Expences of the Inclosure hereby authorized to be made, in Exoneration to that Extent of the Persons entitled to Allotments out of the Residue of the Commons and Waste Grounds hereby directed to be set out and allotted.

Vicar's Allotments to be fenced.

XXIV. And be it further enacted, That the Allotment or Allotments to be made to the Vicar of the Vicarage of *Alfreton* and his Successors, for his Right of Common on the said Commons and Waste Grounds, 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 Parish of *Alfreton* aforesaid, in Proportion to their respective Rights and Property in the Lands and Grounds hereby intended to be divided and inclosed, without any Deduction being made from such Allotment or Allotments for or on Account of the Expence of such Fences, or the Expence of obtaining and executing this Act; and such Fences shall for ever after the making thereof be maintained, and kept in Repair, by the Vicar of the said Vicarage and his Successors.

Exchanges may be made.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements or Hereditaments whatsoever, within the said Parish of *Alfreton*, in lieu of and in Exchange for any other Lands, Tenements and Hereditaments, within the said Parish of *Alfreton*, or within any adjoining Parish, Manor, Hamlet, Township or Place, provided that all such Exchanges be ascertained, specified and declared, in the Award of the said Commissioners, 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, Proprietor 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 by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees for Schools, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for such Proprietors or Owners as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Femmes 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 Politic, Corporate or Collegiate, 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 be situate: Provided always, that the Costs, Charges and

Expences of Exchanges how to be borne.

XXVI. 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 Parish of *Alfreton*, which shall be exchanged by virtue of this Act, shall, immediately after the Execution of the Award of the said Commissioners, or within such further Time as the said Commissioners 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 Commissioners 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 Two Calendar Months after Demand made thereof, it shall be lawful for the said Commissioners and they are hereby required to raise and levy the same for the Use of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges and Expences of obtaining and executing this Act, can or may be raised or recovered.

Tenants to give up exchanged Lands.

XXVII. And be it further enacted, That all and every Lease and Leases, or other Agreement at Rack Rent subsisting, of all or any Part or Parts of any Messuage or inclosed Lands within the said Parish of *Alfreton*, 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 or Lands so in Lease as aforesaid, making such Satisfaction to such Lessee or Lessees, Tenant or Tenants, as the said Commissioners shall direct or appoint for or in respect of such Lease or Leases, or other Agreements, or as an Equivalent for the same: Provided always, that nothing herein contained shall extend to make void any Lease or Leases of the present inclosed Land or Hereditaments, or of any Part or Parts of the Lands or Grounds by this Act directed to be di-

Leases at Rack Rent to be void.

[*Loc. & Per.*]

24 E

Not to extend to Leases where Fine has been paid.

vided

vided and allotted, upon the making or Renewal wherof any Fine or Fines hath or have been paid, nor any Lease or Leases of any Mines or Minerals within the said Parish of *Alfreton*.

Abatement to be allowed to Lessees for Loss of Rights.

XXVIII. And be it further enacted, That in all Cases where an Allotment or Allotments of any Part of the said Commons and Waste Lands shall be made for and in respect of the Rights and Interests belonging to any Person or Persons, in respect of any Lands, Tenements or Hereditaments, within the said Parish of *Alfreton*, which are held by any Tenants or Occupiers for a Term of Years by virtue of any Lease or Agreement thereof made, and if such Tenants or Occupiers do not, nor shall not come to an Agreement with the Person or Persons to whom such Allotments shall be made, for the Use, Occupation and Enjoyment thereof, such Tenants or Occupiers shall not be entitled to enter upon, occupy, or hold the said Allotment or Allotments, but shall nevertheless have and receive from the respective Owners or Proprietors thereof such an Abatement from the yearly Rent or Rents reserved and made payable in and by such Lease or Leases, Agreement or Agreements, for the Remainder of the Term or Terms then to come therein, as the said Commissioners shall adjudge to be a reasonable Compensation for the Loss which he or they shall sustain thereby.

No Settlement, Will, &c. to be altered.

XXIX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed or deemed, adjudged or taken to revoke, make void, alter or annul any Settlement, Deed or Will, or to prejudice any Person or Persons having or claiming any Jointure, Dower, Portion, Rent, Service, Mortgage, Debt, Charge or Incumbrance, out of, upon, or affecting any of the Lands and 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, Exchanges, Partitions or Divisions respectively, be, remain and enute, 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 seized 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 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.

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

XXX. And be it further enacted, That it shall not be lawful for any Person or Persons to depasture or keep any Sheep or Lambs upon any of the new Inclosures to be made by virtue of this Act, where Quicksets shall be planted, for the Space of Seven Years from the Execution of the said Award, unless the Person so depasturing or keeping Sheep or Lambs, do effectually, at their own Expence, guard and fence their Neighbours

Quicksets

Quicksets adjoining to such Inclosures in which Sheep or Lambs shall be kept as aforesaid, so as to prevent any Damage or Injury from being done to the said Fences or Quicksets thereby; and that it shall not be lawful for any Person or Persons to graze or keep any Sort of Cattle, Sheep or Lambs, in any Lanes or Roads within the said Parish of *Alfreton*, on either Side of which any new growing Fences shall be planted within the Space of Seven Years next after the Execution of the said Award; and any Person or Persons depasturing such Sheep or Lambs as aforesaid, and neglecting or refusing at the same Time to guard their Neighbours Quicksets, or grazing or keeping any Sort of Cattle, Sheep or Lambs, in any of the said Lanes or Roads as aforesaid, shall be liable to pay all such Damages as shall be sustained by any Person or Persons whomsoever by reason or on account thereof.

Not Cattle
be kept in
the Lanes.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, in case they 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 Parish of *Alfreton* (such Request being in Writing under the Hand or Hands of such Person or Persons as aforesaid) to sell so much of the respective Allotment or Allotments to be made, to such Person or Persons in respect to such Messuages, Lands, Tenements, or Hereditaments, as shall, in the Judgment of the said Commissioners, be equal in Value to the respective Proportions of any Part of the Expences of 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, inclosing and putting into a proper State for letting, the Allotment or Allotments of such Person or Persons as aforesaid; and the said Commissioners shall assign, allot, and award the said Lands so to be sold to any Purchaser or Purchasers thereof, upon Payment of the Value of such Allotment or Allotments by him or them to the said Commissioners, 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 Overplus of the Money arising by such Sale, the same shall be applied in the 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.

Lands to be
deducted
from Allot-
ments to
Tenants for
Life to pay
Expences.

XXXII. Provided always, and be it further enacted, That in all Cases where any Land shall be deducted from the Allotment of any of the said Proprietors or Persons, towards Payment of the Expences as aforesaid, it shall not be lawful for the said Commissioners to deduct from any Allotments to be made to any Proprietor or Proprietors, any further or greater Quantity of Land than would be equal in Value to the Sum of Money that such Proprietor or Proprietors is or are by this or the said recited Act empowered to borrow or charge on his, her or their Lands, Tenements or Hereditaments; nor shall it be lawful for the Proprietors or Persons, from whose Allotment Land shall be deducted as aforesaid, to charge his, her or their Lands, Tenements, or Hereditaments, by virtue of the said recited Act, with any Money towards Payment of such Expences.

Not to de-
duct Land
and borrow
Money.

XXXIII And

For defraying
the Expences
of this Act.

XXXIII. 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, and all other Charges and Expences whatsoever, incurred for or by reason of or preparatory to the said intended Division and Inclosure, and of carrying this and the said recited Act into Execution, shall be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act, (save and except the Vicar of the said Vicarage for the Time being, for or in respect of any Allotment or Allotments to be made to him in right of his Glebe Lands), 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; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion of such Costs, Charges, and Expences as aforesaid, within the Time, and to such Person or Persons as the said Commissioners shall appoint, then and in such Case the said Commissioners shall cause the same to be levied and recovered in Manner directed by the said recited Act.

Money ad-
vanced to be
repaid with
Interest.

XXXIV. 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 and the said recited Act into Execution, every such Person or Persons shall be repaid the same, with lawful Interest, out of the first Monies that shall be raised or received by the said Commissioners by virtue of this Act, for defraying such Expences.

Commission-
ers to ac-
count.

XXXV. 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 and the said recited Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before the Recorder of the Borough of *Derby* for the Time being, to be by him examined and balanced, and such Balance shall be by such Recorder stated in the Books of Accounts to be kept in the Office of the Clerks to the said Commissioners; and no Charge or Items in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been first allowed by such Recorder.

Award and
Plan to be
deposited.

XXXVI. 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, with the Plan annexed, shall be deposited and kept in the public Chest in the Vestry of the Church of *Alfreton* aforesaid, where the other public Writings belonging to the said Parish are usually kept, in order that all Persons interested in the said Inclosure may have Recourse thereto at all feasonable Times.

Appeal to the
Quarter
Sessions.

XXXVII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance

fuance 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 ascertained, 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 Commissioners, 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 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 High 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 Cost to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

XXXVIII. 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 Lord or Lords, Lady or Ladies of the Manor or Manors in which the said Commons and Waste Grounds, or any Part thereof, are situate, of, in, or to the Seignories or Royalties incident or belonging to the said Manor or Manors, but that such Lord or Lords, Lady or Ladies, his, her, and their respective Heirs and Assigns, shall and may from Time to Time, and at all Times hereafter, hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, and all other Privileges and Jurisdictions to the said Manor or Manors incident, appendant, appertaining or belonging, (other than and except the Right to the Soil of the said Commons and Waste Lands, and such other Rights as are meant and intended to be barred and extinguished by this Act,) in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he or they might, could or ought to have held and enjoyed the same in case this Act had not been made.

Saving Rights
to the Lord of
the Manor.

XXXIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to the said *Henry Case Morewood* and *Ellen* his Wife, and all and every other Person and Persons, Body or Bodies Politic, Corporate or Collegiate, respectively entitled thereto, his, her, and their Heirs, Successors and Administrators, all Mines, Veins, Delphs, and Seams of Coal and Iron Stone, within and under the said Commons and Waste Grounds, and all such Rights and Privileges in, over, under and upon the said Commons and Waste Grounds, after the same shall be

General
Saving of
Rights.

[*Loc. & Per.*]

24 F

divided

divided and inclosed, as they respectively are now entitled to use, exercise and enjoy, in, over, under and upon the said Commons and Waste Grounds, in their present uninclosed State, as well for the searching for, draining, working, getting, felling, coking, using, converting, taking and carrying away the said Coals and Ironstone hereby reserved, as any other Mines, within or under any of the present inclosed Lands within the said Parish of *Alfreton*, or for any other Purpose or Use relating thereto, as fully and freely in every Respect, and to all Intents and Purposes, as such Powers and Privileges could or might have been exercised or enjoyed if this Act had not been passed, and the said Commons and Waste Grounds had not been inclosed: And also, saving to the King's most Excellent Majesty, His Heirs and Successors, and to all other Bodies and Persons whomsoever, their Successors, Heirs and Assigns, (other than and except those to whom any Allotment shall be made in respect of the Rights for which such Allotment shall be so made, 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 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 admitted as Evidence.

XL. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom, and a Copy, thereof so printed by any of them, 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. 1812.