



ANNO QUARTO

GULIELMI IV. REGIS.

Cap. 12.

An Act for dividing, allotting, inclosing, and otherwise improving the Open Fields, Commons, and Waste Lands in the Liberty of *Kirk Langley* in the County of *Derby*. [16th June 1834.]

WHEREAS there are within the Liberty of *Kirk Langley* in the County of *Derby* certain Open Fields, containing One hundred and ten Acres or thereabouts, and certain Commons and Waste Lands containing One hundred and twenty Acres or thereabouts: And whereas *Godfrey Meynell* Esquire and *Edward Sacheverell Chandos Pole* Esquire are or claim to be Lords of the Manor of *Kirk Langley* (which extends also over the Liberty of *Meynell Langley*) in the Proportions herein-after mentioned, and as such entitled to the Soil of such of the said Commons and Waste Lands as lie within the said Liberty of *Kirk Langley* aforesaid, and to certain Cottages standing thereon, and to all Mines and Minerals under the same, in the following Shares and Proportions; (that is to say,) the said *Godfrey Meynell* to Eight Ninth Shares thereof, and the said *Edward Sacheverell Chandos Pole* to the remaining One Ninth Share thereof: And whereas the said *Godfrey Meynell* is Patron of the Rectory of *Kirk Langley*, and the Reverend *Henry James Feilden* is Rector of the said Rectory, and as such entitled to certain Glebe Lands within the said Liberty of *Kirk Langley*: And whereas the said *Godfrey Meynell*, *Edward Sacheverell Chandos Pole*, *Philip Gell* Clerk, *Thomas Goodall Copestake*, *James Brough*, *Sarah Johnson* Widow, *Thomas Peach* Doctor of Medicine, *Henry Brough*, *John Morley*, and divers other
[Private.] Persons

Persons are Owners and Proprietors of all the Messuages, Lands, Tenements, and other Hereditaments, both open and inclosed, within the said Liberty of *Kirk Langley*, and are entitled to Rights of Common and other Rights in and upon the said Open Fields, Commons, and Waste Lands: And whereas an Act was passed in the Forty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas another Act was passed in the First and Second Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England*: And whereas the said Open Fields, Commons, and Waste Lands are in their present Situation incapable of any material Improvement, and it would be advantageous to the several Persons interested therein if the same were divided, allotted, and inclosed, and specific Allotments made thereof to the several Persons entitled thereto according to their respective Rights and Interests therein, but such Division, Allotment, and Inclosure cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Robert Bromley* of *Derby* in the County of *Derby*, Land Surveyor, and his Successors to be appointed in manner herein-after mentioned, shall be and he is hereby appointed Commissioner for dividing, allotting, and inclosing the said Open Fields, Commons, and Waste Lands, and for putting this Act and the said recited Acts into execution, in the Manner and subject to the Rules, Orders, and Directions herein contained, and also with and subject to the Powers and Provisions of the said recited Acts, except where the same are hereby varied and altered.

41G.3.c.109.
1 & 2 G. 4.
c. 23.
Appointment
of Commis-
sioner.

For appoint-
ing a new
Commis-
sioner.

II. And be it further enacted, That if the said *Robert Bromley* or any other Commissioner to be appointed in his Stead as herein-after mentioned shall die, or refuse to act, or become incapacitated, or neglect for the Space of Two Calendar Months to act as a Commissioner in the Execution of this Act and the said recited Acts, before all the Powers, Authorities, and Trusts reposed and vested in the said Commissioner shall be fully executed and performed, then and in every such Case the Proprietors or Persons interested in the said Open Fields, Commons, and Waste Lands hereby directed to be divided, allotted, and inclosed, or the major Part of them in Value (such Value to be ascertained by the Land Tax Assessments), who shall be present in Person, or by their respective Attornies or Agents, at a Meeting to be held for that Purpose in *Kirk Langley* aforesaid within Twenty-one Days after such Death, Refusal, Incapacity, or Neglect shall happen or be known, (of which Meeting Notice shall be given by any Two or more of such Owners or Proprietors, or their respective Attornies or Agents, by affixing such Notice on the principal outer Door of the Church of *Kirk Langley* upon some *Sunday* before Divine Service, and causing the same to be inserted in the Newspaper called the *Derby Mercury*, or some other Newspaper then printed or circulated in the said County, Ten Days at least before such Meeting,) shall and may by Writing under their Hands nominate, elect, and appoint a proper

a proper Person (not being interested in the said Inclosure, or the Agent ordinarily entrusted with the Care, Superintendence, or Management of the Estate of any Person so interested,) to be a Commissioner in the Place and Stead of the said *Robert Bromley*, or of any other Commissioner to be appointed in his Stead; and every such Commissioner so to be appointed shall have the same Power and Authority to act in the Execution of the Powers given in and by this Act and the said recited Acts as if such Commissioner had been named a Commissioner in and by this Act.

III. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to appoint a Clerk or Clerks to assist him in the Execution of the Powers of the said recited Acts and this Act, and from Time to Time to remove such Clerk or Clerks, and to appoint another or others in his or their Stead, as to such Commissioner shall seem meet. Commis-
sioner to ap-
point a Clerk.

IV. And be it further enacted, That *Frederick Simpson* of *Derby* aforesaid, Land Surveyor, shall be and he is hereby appointed Surveyor for the Purposes of the said recited Acts and this Act; and if he shall die, neglect or refuse to act or become incapable of acting in the Execution of the said recited Acts and of this Act, before the Duties hereby or by the said recited Acts reposed in him are performed, then and in every such Case the said Commissioner shall have Power, and he is hereby authorized and required, to appoint some other fit and proper Person (not interested in the said Division, Allotment, and Inclosure, or the Agent as aforesaid of any Person so interested,) to succeed to such Office, and so from Time to Time as often as any future Vacancy in that Office shall happen; and in case any such Surveyor shall neglect to perform any of the Duties reposed in him, and a written Notice under the Hand of the said Commissioner shall have been served upon him, or left at his last or usual Place of Abode in *England*, requiring him to perform any such Duty so neglected within Ten Days from the Service of such Notice, such Neglect shall be and be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act. Appointment
of Surveyor.

V. Provided always, and be it further enacted, That the Person or Persons so to be appointed Surveyor as aforesaid, before he or they shall proceed to act as such Surveyor, shall take and subscribe an Oath, (or being a Quaker, Moravian, or Separatist, an Affirmation,) in the following Form of Words; (that is to say,) Surveyor to
take an Oath.

‘ I *A. B* do swear, [*or, being one of the People called Quakers, or of the United Brethren called Moravians, or of the People called Separatists,* do solemnly affirm,] That I will faithfully, impartially, and honestly do, execute, and perform the several Duties incumbent on me as Surveyor by virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], according to the best of my Skill and Judgment, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. Oath.

So help me GOD.’

[*Or, being one of the People called Quakers, or of the United Brethren called Moravians, or of the People called Separatists, omit the Words: ‘ So help me God.’*]

Which

Which Oath or Affirmation the said Commissioner or any Justice of the Peace for the said County of *Derby* is hereby empowered to administer; and such Oath or Affirmation, and also the Writing appointing such Surveyor or Surveyors, shall be annexed to and enrolled with the Award of the said Commissioner, and an Office Copy of such Enrolment shall be admitted as legal Evidence on all Occasions.

Commis-
sioner may
use old Sur-
veys, &c.

VI. And be it further enacted, That in case any Person or Persons having in his, her, or their Custody any accurate Surveys, Maps, or Plans of the said Lands or Grounds, or of any Part or Parts thereof, or of the inclosed or other Lands or Grounds within the said Liberty of *Kirk Langley*, made within the last Twenty Years, shall deliver such Surveys, Maps, or Plans to the said Commissioner at such Time as he may appoint, it shall be lawful for the said Commissioner to inquire into the Accuracy or Authenticity thereof on the Oath or solemn Affirmation, as well of the Person or Persons producing and delivering such Surveys, Maps, or Plans respectively, as of any other Person or Persons, (which said Oath or Affirmation the said Commissioner is hereby authorized to administer,) or by such other Means as he shall think proper; and in case the said Commissioner shall be satisfied that the same or any of them are or is accurate Surveys, Maps, or Plans, or an accurate Survey, Map, or Plan, then it shall be lawful for the said Commissioner and he is hereby authorized to make use of the same as far as the same shall be available for the Purpose of carrying this Act and the said recited Acts into execution; and the said Commissioner shall or may purchase the same, or make unto the Owner or Owners of such Surveys, Maps, and Plans, or to the Person or Persons producing the same respectively, a just and fair Payment or Allowance for the same, or for the Production or Use of such Surveys, Maps, and Plans, out of the Monies to be raised for the general Purposes of this Act.

Allowance to
Commis-
sioner and
Clerk.

VII. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the said Commissioner, and Clerk or Clerks to be appointed by the said Commissioner as hereinbefore directed, shall respectively be paid for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act or the said recited Acts during the first Two Years next after the passing of this Act the Sum of Three Pounds and Three Shillings and no more, and after the Expiration of the said Two Years, until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings and no more, for each and every Day they shall be respectively employed as aforesaid, in full Satisfaction for their Time and Trouble, and for the several Expences which they shall be put unto during their several Journies and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Room in which the Meetings shall be holden for carrying this Act and the said recited Acts into execution, and the Costs and Expences of drawing, preparing, copying, engrossing, and enrolling the Award of the said Commissioner, and of Advertisements.

Allowance to
Surveyor.

VIII. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and

and executing the same and the said recited Acts, the Person for the Time being employed as Surveyor for the Purposes of this Act shall be paid and allowed for his Time and Trouble in surveying, measuring, mapping, and planning the Lands and Grounds necessary to be surveyed for the Purposes of this Act One Shilling and Sixpence *per* Acre for the uninclosed Lands, and Nine-pence *per* Acre for the old inclosed Lands, or One Pound Eleven Shillings and Sixpence for each and every Day he shall be actually and wholly employed, either in surveying, measuring, mapping, or planning, or otherwise as a Surveyor for the Purposes of this Act; which said Sums of One Shilling and Sixpence *per* Acre and Nine-pence *per* Acre, or One Pound Eleven Shillings and Sixpence *per* Day, shall be in full Satisfaction for his Time and Trouble, and for all travelling and other Expences (except Labourers Wages) of every Description to be incurred by him as such Surveyor in and about the Execution of this Act.

IX. And, for regulating the Duration of all Meetings to be holden for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings, and that any Meeting to be held for the Purposes of this Act of less Duration than Eight Hours shall be charged as only Half a Day, and the said Commissioner and his Clerk or Clerks shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk or Clerks in which shall be entered the several Days on which the said Commissioner shall hold his Meetings, and in such Book shall also be entered at what Hour the said Commissioner and his Clerk or Clerks were respectively present at such Meeting, and at what Hour they respectively left the same; and such Book shall be signed by such Commissioner and his Clerk or Clerks at the Termination of each Meeting, and shall be open to the Inspection of any Person or Persons interested in the said Division, Allotment, and Inclosure, or his, her, or their Agents or Attornies, during all the Meetings to be held in pursuance of this Act; and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided always, that it shall not be lawful for the said Commissioner to retain or pay to himself or his Clerk or Clerks, out of any Monies to be received by them or over which they may have any Control in the Execution of this Act, any Sum or Sums of Money, on account of the Allowance herein-before directed to be made to such Commissioner and Clerk or Clerks respectively, beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Day of the Delivery of the Award in manner herein-after directed to be made, or in case the Accounts of the said Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioner or his Clerk or Clerks previous to the Execution of the Award herein-after directed to be made, the Commissioner for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or of such deceased Clerk or Clerks such Sum of Money as shall appear by the said Accounts to be due to them.

Duration of Meetings.

[*Private.*]

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X. Pro-

Proprietors
to pay their
own Ex-
pences at
Meetings.

X. Provided always, and be it further enacted, That the several Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioner at any of his Meetings to be held in pursuance of this Act.

Notice of
Commis-
sioner's
Meetings.

XI. And be it further enacted, That the said Commissioner shall and he is hereby required to give or cause to be given public Notice in the *Derby Mercury*, or some other Newspaper or Newspapers then circulating in the said County of *Derby*, and also Notice in Writing by affixing the same on the principal outer Door of the Church of *Kirk Langley* aforesaid on some *Sunday* before Divine Service, of the Time and Place of the First and every subsequent Meeting for the Execution of this Act, Ten Days at least before every such Meeting (Meetings by Adjournment only excepted); and all such Meetings shall be held within the said Liberty of *Kirk Langley*, or within Five Miles from the Boundaries of the said Liberty of *Kirk Langley*, and the said Commissioner shall and may adjourn such Meetings from Time to Time as he shall see Occasion for the Execution of this Act and the said recited Acts: Provided always, that all other Notices necessary or requisite to be given by the said Commissioner in pursuance of the said recited Acts or of this Act shall be so given by Advertisement in the said Newspaper called the *Derby Mercury*, or some other Newspaper printed or circulated in the Neighbourhood of *Kirk Langley* aforesaid, and also by Notice in Writing to be affixed on the principal outer Door of the Parish Church of *Kirk Langley* aforesaid on some *Sunday* before Divine Service.

Proceedings
to be entered.

XII. And be it further enacted, That all Orders and Proceedings of the said Commissioner shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the said Commissioner, and such Orders shall and may be read in Evidence in all Suits or Proceedings concerning any thing done in relation to the Execution of this Act.

Commis-
sioner may
settle Dis-
putes.

XIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division, Allotment, and Inclosure touching or concerning the respective Rights or Interests which they or any of them shall have or claim to have in, to, upon, or out of the several Lands and Grounds hereby directed to be divided, allotted, and inclosed, or touching or concerning the respective Shares or Allotments which they or any of them ought to have of or in the same, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioner and he is hereby authorized and empowered to examine into, hear, and determine the same.

Commis-
sioner not to
determine
Titles, nor to
molest Pos-
session.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Encroachment made within the Period of Twenty Years, as herein-after mentioned); but in case the said Commissioner shall be of opinion against the Right
of

of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or shall have been recovered from such Person or Persons by Ejectment or other due Course of Law.

XV. And be it further enacted, That in case the said Commissioner shall, upon the hearing and determining of any Claim or Claims, or Objection or Objections, to be delivered to him in pursuance of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioner and he is hereby empowered, 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 Determination of the said Commissioner shall be made by the Party or Parties whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall refuse or neglect to pay the same upon Demand, then it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so refusing or neglecting to pay the same, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any); on Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Commis-
sioner may
award Costs.

Power to
assess Costs.

XVI. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioner touching or concerning any Claim or Claims to the Right of Soil, or any Right of Common or other Rights or Interest in, over, upon, or out of the said Lands or Grounds, or any Part or Parts thereof, it shall be lawful for the said Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been notified in Writing to the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, against whom such Determination shall have been made, or to his, her, or their known Agent or Attorney; and the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate so dissatisfied as aforesaid, shall proceed to a Trial at Law of the Matter so determined by the said Commissioner at the next Assizes to be held for the said County of *Derby* after such Action or Actions shall have been so commenced, unless such Assizes shall happen within One Calendar Month next after such Action or Actions shall have been so commenced, and in that Case at the Second Assizes to be held for the said County next after such Action or Actions shall have been so commenced; 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,

Parties may
try their
Rights at
Law.

Issues, whereby such Claim or Claims, Objection or Objections, and the Right or Rights thereby insisted on may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced in case the Party or Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon and to all and every Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts; and order a new Trial or Trials to be had therein, which it shall be lawful for the Court to do in case the said Court shall think proper; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims, Right or Rights, or Interest or Interests thereby determined, according to the Event of such Trial or Trials: Provided always, that if no such Action at Law shall be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time and in the Manner herein-before for that Purpose mentioned, then the Determination of the said Commissioner shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Deaths of
Parties not
to abate
Proceedings.

XVII. And be it further enacted, That if any of the Parties in any Action or Actions to be brought and prosecuted in pursuance of this Act shall die pending the same, such Action or Actions shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and if any Person or Persons in whose Favour 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, or Body or Bodies Politic, Corporate, or Collegiate, 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 to the said Commissioner with Process for commencing such Action or Actions, in the same Manner as the Party or Parties so dying 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.

Trials not to
delay the
Execution of
the Act.

XVIII. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Right, Title, or Interest of any Person or Persons in, to, or out of any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever, for or in respect of which any Right of Common or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted,

and inclosed, or any Part thereof, shall be claimed, 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 this Act or the said recited Acts, but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits, and the said Commissioner shall award the Allotment and Inclosure in respect of the Hereditaments to which such Suit or Suits shall relate to the Person or Persons, Party or Parties, who shall be in the actual Enjoyment or Possession of such Hereditaments; and the same Allotment or Allotments shall follow the Event of any such Suit or Suits, and may be had and taken by the Person or Persons, Party or Parties, who upon the Determination of such Suit or Suits shall become entitled to the same.

XIX. And be it further enacted, That if any of the Parties interested in the said intended Division, Allotment, and Inclosure, or any Exchanges agreed upon, shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioner shall not be thereby suspended or determined, but the said Commissioner shall proceed in the Execution of the Powers given to him by this Act or the said recited Acts in such Manner as he might have done in case such Party or Parties were still living; and the Share of the Person or Persons so dying shall be allotted to the Person or Persons who by Law shall become entitled to the same, and shall be accepted, taken, and fenced by him, her, or them according to the Directions of this Act and the said recited Acts; and he, she, or they shall be liable to the Charges and Expences, and the several Provisions of this Act and the said recited Acts.

Deaths of Parties not to suspend the Execution of the Act.

XX. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and empowered, to stop up and discontinue, divert, widen, alter, or improve, any old or accustomed Road or Roads, Track or Tracks, Way or Ways, Path or Paths, passing or leading through or over any of the Lands or Grounds intended to be divided, allotted, and inclosed by virtue of this Act, or passing or leading through any Part of the old Inclosures within the said Liberty, and the Soil of the Roads and Ways so to be stopped up or discontinued shall be deemed and taken to be Part of the Lands and Grounds so to be divided, allotted, and inclosed, and to make such Order or Orders as to him shall seem proper for that Purpose, giving such Notices as are required by and subject to the Provisions and Directions of the said first-recited Act with respect to the stopping up or setting out any public Road or Roads: Provided always, that no such public Tracks, Ways, or Paths leading into, through, or over any old Inclosures shall be stopped up, discontinued, diverted, or turned without the Concurrence or Order of Two Justices of the Peace acting for the said County of *Derby*, and not interested in the Repairs thereof; which Order shall be subject to an Appeal at the Quarter Sessions for the said County of *Derby* in manner mentioned and contained in an Act passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the said Act to the stopping up of unnecessary Roads*: Provided always, that no public Highway or Road within the said Liberty

Commissioner may stop up old Roads.

55 G. 3. c. 68.

[Private.]

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shall

shall be shut up or discontinued until the Roads intended to be and remain public Highways shall be set out according to the Directions of the said first-recited Act, and until the same shall be properly formed and made safe and convenient for Horses, Cattle, and Carriages, and for Persons on Foot, respectively: Provided also, that all private Roads, Ways, and Footpaths which shall be set out and appointed by the said Commissioner shall be made by him, and for ever after be maintained and kept in repair by such Persons, and the Expences of such Repairs shall be paid, raised, and levied in such Manner and by such Ways and Means as the said Commissioner shall by his Award, or any other Writing under his Hand, order, direct, or appoint.

Expences of discontinuing or widening Roads.

XXI. And be it further enacted, That the Charges and Expences attending the stopping up, discontinuing, diverting, making, or widening of such Roads or Highways, and the making of such Fences as aforesaid, shall be raised and paid in such and the like Manner as the Expences of passing and executing this Act are hereby directed to be raised and paid.

For making and widening Roads.

XXII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and empowered to make any public or private Roads or Highways, Path or Paths, Watering Places for Cattle, Gates, Stiles, and other Accommodation, and for such Purpose, or for the Purpose of widening, altering, or improving any old or accustomed Road, Track, Way, or Path in manner aforesaid, to take a sufficient Quantity of any adjoining ancient inclosed Lands and Grounds, (the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to any House,) and to make a full Compensation for the Value of the Land or Ground so to be taken for the making or widening of such public Roads or Highways or private Roads, either in Money, such Money to be considered as Part of the Expences of carrying this Act into execution, or by allotting and awarding unto the Person or Persons from whom any such ancient inclosed Lands or Grounds shall be so taken an adequate Part of the said Open Fields, Commons, and Waste Lands hereby directed to be divided, allotted, and inclosed, and also to make good and substantial Fences on each Side of such public Roads and Highways.

Commissioner to allot the Herbage of private Roads and Ways.

XXIII. And be it further enacted, That the said Commissioner shall in and by his Award order and appoint the Grass and Herbage growing and renewing on and upon all and every the private Roads to be set out by him by virtue of the said recited Acts and of this Act to be and for ever thereafter to remain to and for the Use and Benefit of such Person or Persons as he the said Commissioner shall in his Judgment think best entitled to the same.

Roads not to be depastured.

XXIV. And be it further enacted, That no Person or Persons whomsoever shall at any Time after the passing of this Act permit any Sort of Cattle, Sheep, Swine, or Geese to graze in any Highway, Lane, or Passage, nor lay any Dung, Manure, or Compost in or upon the same; and any Owner or Proprietor of Lands within the said Liberty, and his, her, their, or any of their Servants and Labourers, is and are hereby empowered to take and impound all such Cattle, Sheep, Swine, or Geese so found grazing as aforesaid as Cattle Damage feasant.

XXV. And

XXV. And be it further enacted, That the said Commissioner shall and may scour out, widen, deepen, and change the Course or Direction of all or any ancient Ditches, Drains, Watercourses, Sluices, Tunnels, Banks, and Bridges within the said Liberty of *Kirk Langley* as he shall think proper; and also shall and may set out and appoint such new Ditches, Drains, Watercourses, Tunnels, Sluices, Banks, and Bridges, to be made, of such Width, Breadth, Height, Depth, and Extent, and in such Situation and Direction, as he the said Commissioner shall think fit, as well in, through, and over the Lands and Grounds hereby intended to be divided, allotted, and inclosed as aforesaid, as also in, over, and through any ancient Inclosures or other Lands or Grounds within the said Liberty, making such Satisfaction to the Proprietors of such ancient Inclosures, or other Lands or Grounds not hereby intended to be divided, allotted, and inclosed, for the Damage done thereby as he shall adjudge reasonable; and the said Commissioner shall and may and he is hereby directed in and by his said Award to order and direct by whom, at whose Expence, at what Time and in what Manner, the said Ditches, Drains, Watercourses, Tunnels, Sluices, Banks, and Bridges shall be thereafter repaired, cleaned, scoured, and maintained; and the Expence of such Repairs, cleaning, scouring, and maintaining shall be raised and levied by such Ways and Means as the said Commissioner shall by his Award, or any other Writing under his Hand, direct or appoint.

Drains and
Ditches to be
widened, &c.

XXVI. And be it further enacted, That all Encroachments and Inclosures which have been made or taken by any Person or Persons whomsoever in, upon, or from the said Commons and Waste Lands, or any Part or Parts thereof, within Twenty Years last past before the passing of this Act, whether any Amerciament, Rent, or Acknowledgment hath or hath not been paid for or in respect of the same to or for the Use of the Lord or Lords of the Soil, or any other Person or Persons whomsoever, shall be deemed and taken to be Part and Parcel of the said Open Fields, Commons, and Waste Lands by this Act directed to be inclosed, divided, and allotted; and in case any Dispute or Question shall arise touching any such Encroachment or Inclosure, or the Extent or Duration thereof, such Dispute or Question shall be heard, settled, and determined by the said Commissioner: Provided nevertheless, that it shall be lawful for the several Persons who shall be in Possession of such Encroachments or Inclosures, or in the Receipt of the Rents or Profits thereof, at the Time of the passing of this Act, to take down, take up, remove, and carry away all Buildings, Fences, and other Erections as shall then be on such Encroachments or Inclosures respectively, and to convert the same and the Materials thereof to their own respective Uses without any Interruption from the said Commissioner, or any of his Officers, Agents, or Servants.

Encroachments made
within 20
Years to be
deemed Part
of the Commons.

XXVII. And be it further enacted, That if any Person or Persons shall after the passing of this Act cut, dig, pare, plough, get or take away any of the Turf or Soil, Gravel or Land, in, upon, or from any of the said Open Fields, Commons, and Waste Lands to be divided, allotted, and inclosed by virtue of this Act for any Use or Purpose whatsoever, (other than and except the Lord or Lords, Lady or Ladies of the said Manor of *Kirk Langley* for the Time being, for the Purpose of opening any Mine or Mines, or digging or searching for any Minerals,) then

Penalty on
Persons
digging or
carrying
away Turf,
&c.

then and in every such Case, upon due Proof made before any Justice of the Peace for the said County of *Derby* on Oath, (which Oath the said Justice is hereby empowered to administer,) such Justice shall and he is hereby required, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause any Sum or Sums of Money not exceeding Five Pounds for each Offence to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending in the Premises, rendering the Surplus (if any), on Demand, to the Person or Persons whose Goods and Chattels shall be distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money to be levied as aforesaid shall be applied towards the Payment of the Costs, Charges, and Expences of obtaining and executing this Act; and no Person shall be incompetent to give Evidence of any such Offence by reason of his being a Proprietor or Occupier of Lands within or an Inhabitant of *Kirk Langley* aforesaid.

Allotment
for public
Watering
Places.

XXVIII. 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 said Open Fields, Commons, and Waste Lands hereby intended to be divided, allotted, and inclosed, in such convenient Situation or Situations as he shall think proper within the said Liberty of *Kirk Langley*, not exceeding One Rood in the whole, to be used and kept for the Purposes of public Watering Places for Cattle, for the general Benefit and Advantage of the Inhabitants within the said Liberty of *Kirk Langley*.

Allotments
to the Lords
of the Manor.

XXIX. And be it further enacted, That the said Commissioner in the next place shall and he is hereby required to set out and allot unto the said *Godfrey Meynell* and *Edward Sacheverell Chandos Pole*, and their respective Heirs or Assigns, as Lords of the said Manor of *Kirk Langley*, so much and such Parts of the then Residue of the said Commons and Waste Lands within the said Liberty of *Kirk Langley* hereby intended to be divided, allotted, and inclosed, as shall in the Judgment of the said Commissioner be equal in Value to One full Fifteenth Part of the said Residue, for and in lieu and as a full Recompence and Satisfaction for their respective Rights and Claims to the Soil of such Commons and Waste Lands, which said Fifteenth Part shall be allotted to the said *Godfrey Meynell* and *Edward Sacheverell Chandos Pole* respectively in Severalty, according and in proportion to their Shares and Interests in such Soil as herein-before mentioned.

Allotment to
the Rector
for Glebe.

XXX. 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 Rector of the Rectory of *Kirk Langley* aforesaid so much and such Part and Parts of the said Open Fields, Commons, and Waste Lands within the said Liberty hereby directed to be divided, allotted, and inclosed, as shall in the Judgment of the said Commissioner be a full Compensation for the Rights of Common of the said Rector in respect of his Glebe Lands within the said Liberty.

The Rector,
with Consent
of the Bishop

XXXI. And be it further enacted, That it shall be lawful for the Rector for the Time being of the said Rectory of *Kirk Langley*, and for all other Persons to whom any Allotment shall be made from the Lands and
Grounds

Grounds hereby authorized to be divided, allotted, and inclosed, with respect to any Lands or Hereditaments belonging to any Church, Chapel, or other Ecclesiastical Living or Benefice, by Indenture under his or their Hand and Seal, with the Consent and Approbation of the Bishop of the Diocese and of the Patron of the said Rectory, Church, Chapel, or other Ecclesiastical Living or Benefice for the Time being respectively, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to him or them by virtue of this Act to any Person or Persons whomsoever for any Term not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the passing of this Act, so that the Rent or Rents for the same shall be thereby reserved and made payable to the Rector, or other Incumbent or Person entitled thereto, for the Time being, by equal quarterly Payments in every Year, and so that there be thereby also reserved and made payable the best and most improved Rent or Rents that can be reasonably had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for making or granting any such Lease or Demise, and so that no Lessee by any such Lease or Demise be made dispunishable for Waste by any express Words to be therein contained, and so that there be inserted in every such Lease or Demise a Power of Re-entry on Non-payment of the Rent or Rents to be thereby reserved within a reasonable Time to be therein limited after the same shall become due, and so that a Counterpart of such Lease or Leases, Demise or Demises, be duly executed by the Lessee or Lessees to whom such Lease or Demise shall be so made as aforesaid; and every such Lease or Demise shall be valid and effectual to all Intents and Purposes, any thing in this Act or the said recited Acts, or in any Law or Usage, to the contrary notwithstanding.

of the Diocese and Patron of the Living, may lease Allotments.

XXXII. Provided always, and be it further enacted, That in case any such Lease or Leases, Demise or Demises, so to be granted as aforesaid shall by any Means become void or forfeited, or be surrendered before the Expiration of the Term granted by such Lease or Demise, then and in such Case and as often as the same shall happen it shall be lawful for the Rector of the said Rectory or other Person entitled to any Allotment as aforesaid for the Time being, by and with the Consent and Approbation of the Bishop of the Diocese, and of the Patron of the said Rectory, Church, Chapel, or other Ecclesiastical Living or Benefice for the Time being respectively, to grant a new Lease of or demise all or any Part or Parts of the Allotment or Allotments so to be set out and allotted to such Rector or other Person as aforesaid, such last-mentioned Lease or Demise to continue for such Term of Years as shall from the Time of such Avoidance, Forfeiture, or Surrender be then to come and unexpired of the Term granted by such original Lease or Demise, subject nevertheless to the Provisions, Conditions, and Covenants contained in such original Lease or Demise, and then remaining unperformed and capable of taking effect.

When Leases granted become void before Expiration of the Term, the Rector may grant a new Lease.

XXXIII. Provided also, and be it enacted, That nothing in this Act contained shall extend in anywise to prejudice, lessen, or defeat the Right, Title, or Interest of the Rector of the said Rectory and Parish Church of *Kirk Langley* aforesaid for the Time being of, in, or to any Tithes or Tenths, or any Modus or Moduses for Tithes or Tenths, or to

Nothing to prejudice the Right of Tithes.

[*Private.*]

any *Easter Dues*, Mortuaries, or Surplice Fees, or to any other Ecclesiastical Dues, Oblations, Obventions, Profits, or Emoluments whatsoever, arising, growing, renewing, or payable within or out of the said Liberty of *Kirk Langley*, or out of the several Lands, Grounds, and Commons situate therein, but that the same and every of them and every Part thereof shall continue, remain, and be due and payable in the same Manner as the same was or were before the passing of this Act, or could or might have been had, taken, collected, or received in case this Act had not been passed.

Allotment
of the Re-
sidue.

XXXIV. And be it further enacted, That the said Commissioner shall and he is hereby required, after making the several Allotments hereinbefore directed, to set out, allot, and award in Severalty the Residue of the said Open Fields, Commons, and Waste Lands unto and amongst the several Owners and Proprietors thereof and Persons interested therein, according to the Value of their several and respective Lands, Grounds, Rights of Common, and other Rights and Interests therein respectively, (Quantity, Quality, and Situation considered,) and in such Shares and Proportions as the said Commissioner shall in his Judgment and Opinion think most just, equitable, and convenient; which said Allotments so to be made and set out by the said Commissioner as aforesaid shall be in full Recompence and Satisfaction for the several and respective Claims, Rights, Shares, and Interests of the said Owners and Proprietors respectively of, in, and upon the said Open Fields, Commons, and Waste Lands hereby directed to be divided, allotted, and inclosed as aforesaid.

Power to
allot ancient
Inclosures
or Parts of
ancient In-
closures.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioner, by and with the Consent in Writing and at the Request of the respective Owners of any Homesteads, Gardens, Orchards, and old inclosed Arable, Meadow, and Pasture Ground, and other ancient Inclosures and Lands, or any Part or Parts thereof, held in Severalty within the said Liberty, to order and direct such Homesteads, Gardens, Orchards, and old inclosed Arable, Meadow, and Pasture Ground, and other ancient Inclosures and Lands so aforesaid held in Severalty, to be considered as allottable Lands, and Part and Parcel of the Lands and Grounds by this Act directed to be divided, allotted, and inclosed; and such Allowance shall be made to the respective Owners of such Homesteads, Gardens, Orchards, inclosed Arable, Meadow, and Pasture Ground, and other ancient Inclosures and Lands in Severalty, on account of Situation or other beneficial Circumstances thereof, as the said Commissioner shall adjudge to be just and reasonable; and the said Commissioner shall and he is hereby required to set out, allot, and award unto and for the said respective Owners of such Homesteads, Gardens, Orchards, inclosed Arable, Meadow, and Pasture Ground, and other ancient Inclosures and Lands held in Severalty in lieu thereof, so much and such Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed as he shall think reasonable and just, subject to the Rules, Orders, and Directions in this Act and the said recited Acts mentioned.

Allotments
on account
of Interests
that have
been or may
be sold.

XXXVI. And be it further enacted, That if any Person or Persons, being the Owner or Owners of any Estate, Right, Title, or Interest within the said Liberty, shall sell or contract to transfer such his, her, or their Estate, Right, Title, or Interest as aforesaid in, over, and upon the

the Lands or Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, or any Allotment or Allotments to be made in lieu thereof, to any Person or Persons whomsoever, and shall give Notice thereof to the said Commissioner by Writing under his, her, or their Hand or Hands at least Three Calendar Months before Notice shall be given by the said Commissioner of the Time appointed for executing his Award, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, to make an Allotment or Allotments of the Land or Ground unto the Vendee or Purchaser or Vendees or Purchasers, or intended Grantee in such Sale or Sales, or to his, her, or their Heirs or Assigns, for or in respect of such Estate, Right, Interest, or Property so sold as aforesaid; and every such Vendee or Purchaser or intended Grantee, and his, her, and their Heirs and Assigns, shall from and after the Execution of the said Award hold and enjoy the Lands so to be allotted to him, her, or them as aforesaid in the same Manner to all Intents and Purposes as the Vendor or Vendors in every such Sale might or could have held and enjoyed the same in case such Sale had not been made; and it shall be lawful for any of such Owners or Proprietors as aforesaid entitled to Right of Pasturage or Common upon or over the Lands or Grounds hereby directed to be divided, allotted, and inclosed to sell any such Rights of Pasturage or Common separate and apart from the Property to which such Right of Pasturage or Common is appurtenant.

XXXVII. And be it further enacted, That the Allotment or Allotments to be set out and allotted to the said Rector as aforesaid in respect of his Glebe Lands 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 whose Allotments shall adjoin thereto) be ring-fenced, and fenced against any such public Carriage Roads, with good young Hawthorn Quicksets, properly planted and guarded on each Side with good Oak Posts and a double Row of Rails of Oak, Ash, or other durable Wood, with good and substantial Gates and Stiles where necessary, and as the said Commissioner shall think proper, by and at the Expence of the Owners and Proprietors of Lands within the said Liberty of *Kirk Langley*, in such Proportions as the said Commissioner shall appoint; and at the like Expence and in the like Proportions the same shall be supported for the Term of Seven Years until the Quicksets shall have become sufficient Fences for themselves, when and for ever after such Fences, Gates, and Stiles shall be maintained and kept in repair by the said Rector for the Time being in such Parts and Manner as the said Commissioner in and by his Award shall order and direct.

Rector's Allotment to be ring-fenced.

XXXVIII. And be it further enacted, That all the other Allotments to be made by virtue of this Act shall be inclosed, hedged, ditched, and otherwise fenced, and such Fences for ever thereafter repaired, by and at the Expence of the respective Persons to whom the same shall be allotted, within such Times and in such Proportions and Manner as the said Commissioner shall direct.

The other Allotments how to be fenced.

XXXIX. Provided also, and be it further enacted, That if, owing to the Situation or other Circumstances of any Allotment or Allotments, it shall happen that the Proprietor or Proprietors thereof shall not have a

Equalizing the Share of Boundary Fences.

propor-

proportionate Share of Boundary Fencing thereto, it shall be lawful for the said Commissioner, where he shall judge it reasonable, to ascertain and appoint any Sum or Sums of Money to be contributed and paid by such Proprietor or Proprietors towards the Expences of the Boundary Fencing of such other or others of the said Proprietors who may happen to have too great a Proportion thereof, in order that the Expence of Boundary Fencing may be brought as near as may be to a just and equal Proportion (due Regard being had to the necessary Subdivision Fences within the respective Allotments), and the Money to be ascertained and appointed shall be levied and recovered in the same Manner as the general Expences of obtaining and executing this Act are hereby or by the said recited Acts directed to be levied and recovered.

Commis-
sioner, before
Execution of
his Award,
may make
Alterations in
Allotments
or Fences.

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

Exchanges.

XLI. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Liberty of *Kirk Langley* in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the same, or within any adjoining Liberty, Parish, Township, or Place, so that every such Exchange be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the respective Owners or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owners or Proprietors shall be Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or 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, by and with the Consent of the Lessor or Lessors of any such Lands, Tenements, or Hereditaments holden for Years determinable as aforesaid, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or for other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself (such Consent to be respectively testified by Writing under the Common Seal of such Bodies Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively); and every such Exchange so to be made shall be good, valid, and effectual in the Law: Provided always, that no such 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

Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

XLII. And be it further enacted, That the Costs, Charges, and Expences attending the making of any Exchange or Partition which shall be made by virtue of this and the said first-recited Act shall be borne and defrayed by the respective Parties making such Exchange or Partition, distinct and apart from the other Expences attending the Execution of this and the said recited Acts, in such Manner as the said Commissioner shall order and direct; and the same shall and may be recovered in manner directed by the said first-recited Act with respect to Persons refusing or neglecting to pay his, her, or their Proportion of the Costs and Expences of obtaining any Act for the inclosing of Lands, and of carrying the same into execution. Costs of Exchange.

XLIII. And be it further enacted, That every Tenant and Occupier under any Lease or Agreement for any Term of Years, at Rack or extended Rents, now subsisting, of any Lands, Tenements, or Hereditaments which shall be exchanged by virtue of this Act, shall immediately upon being required by the said Commissioner, or within such Time as the said Commissioner shall appoint, and under and subject to such Orders and Regulations relative to quitting the same as the said Commissioner shall direct, deliver up the full and peaceable Possession of such exchanged Lands, Tenements, or Hereditaments to the Person or Persons to or with whom the same shall be respectively exchanged; but the Tenants or Occupiers of such exchanged Lands, Tenements, or Hereditaments shall receive from the respective Owners and Proprietors thereof, or from such other Person or Persons as the said Commissioner shall order and direct to pay the same, such Satisfaction as the said Commissioner shall ascertain, order, direct, or appoint to be paid to such Tenants respectively as an Equivalent for the Loss or Losses they shall respectively sustain thereby; and if the Money to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Twenty-one Days after Demand made thereof, it shall be lawful for the said Commissioner, and he is hereby empowered and required, to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto by such Ways or Means as the Costs, Charges, and Expences of obtaining and executing this Act can or may be raised and levied: Provided always, that if there shall be any Lease or Agreement of Lands Part of which lie in the said Liberty, and Part in any adjoining Liberty, Parish, or Township, every such Lease or Agreement at Rack or extended Rent now subsisting may be vacated, but where any Land shall be taken in exchange, which Land shall be under Lease or Assignment, and wholly situate in any adjoining Liberty, Parish, Township, or Place, the Lease or Agreement of such last-mentioned Lands shall not be vacated. Tenants to give up exchanged Lands on receiving such Compensation as Commissioner shall direct.

XLIV. And be it further enacted, That the Lands and Grounds which shall be allotted or exchanged to any of the said Proprietors in respect of any Lands and Grounds or other Right in or upon the Lands and Grounds hereby intended to be divided, allotted, and inclosed, or exchanged, shall be held by the same Tenures, Customs, Rents, and Services by which Allotments to be of the same Tenure as former Property.

[Private.]

the Lands, Grounds, Tenements, and Hereditaments, or other Right in respect whereof such Allotment shall be made, are now held.

Leases at Rack Rent to be void as to Allotments on Compensation being made.

XLV. And be it further enacted, That from and immediately after the Allotments herein-before directed shall be marked and staked out, and the said Commissioner shall have directed the same to be entered upon by the Persons for whom the same shall be intended, or at such other Time or Times as the said Commissioner shall appoint, every Lease or other Agreement at Rack Rent or extended Rent subsisting of all or any Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, shall cease and be void, the Person or Persons who hath or have made any such Lease or Agreement making such Satisfaction to his, her, or their respective Lessee or Lessees, Tenant or Tenants, as the said Commissioner shall ascertain as reasonable, and by the said Award or any Writing under his Hand direct to be paid to such Lessee or Lessees, Tenant or Tenants, on account thereof or as an Equivalent for the same (except in such Cases where the Parties themselves shall have otherwise fixed or agreed concerning such Satisfaction); and it shall be lawful for the said Commissioner and he is hereby authorized by Writing under his Hand to ascertain and determine what Rent or Share or Proportion of Rent shall be paid by the several Tenants of the Lands to be inclosed by virtue of this Act for their respective Holdings, to the respective Owners of the Premises, from the passing of this Act until the said Allotments shall be marked, staked out, and entered upon as aforesaid; which Determination shall be binding and conclusive upon all such Tenants and Owners respectively.

Beneficial Leases not to be made void.

XLVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease of any Lands, Tenements, or Hereditaments within the said Liberty, but the Persons entitled to such beneficial Lease shall and may hold and enjoy their respective Allotments to be made in respect of such Lands, Tenements, or Hereditaments for such Terms and under such Rents and Covenants as may be specified in their respective Leases.

Wills and Settlements not to be affected.

XLVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having Right or Claim of Dower, Jointure, Portion, Debt, Rents, or Incumbrances out of, upon, or affecting any of the Messuages, Lands, or Grounds to be divided, allotted, inclosed, or exchanged as aforesaid, or any Part or Parts thereof respectively, but that the Messuages, Lands, or Hereditaments which shall be allotted or given in exchange by virtue of this Act shall be subject to and chargeable with, and the Person or Persons to whom the same shall be so allotted or given in exchange shall be seised thereof, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and none other, as the Messuages, Lands, and Hereditaments whereof such Person was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioner, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to be charged with or affected by in case this Act had not been passed.

XLVIII. And

XLVIII. And be it further enacted, That in case any Person interested in the Lands and Grounds hereby authorized to be divided, allotted, and inclosed shall hold his or her Lands and Grounds, Tenements or Hereditaments, by different Tenures, or for, by, or under different Estates or Titles, the said Commissioner shall, upon the Request in Writing of such Proprietor or Proprietors, inquire into, ascertain, and determine the Lands held by such different Tenures, or for, by, or under such different Estates or Titles respectively, and shall set out distinct Allotments of the Lands hereby authorized to be divided, allotted, and inclosed in respect of the Lands, Tenements, or Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles respectively.

Lands held by different Tenures by the same Proprietors to be distinguished.

XLIX. And be it further enacted, That where from the Want of necessary Information before the said Commissioner, or from any other Cause, the Award of the said Commissioner shall have omitted to distinguish the Lands, Tenements, or Hereditaments held by such different Tenures, or for, by, or under such different Estates or Titles as hereinbefore mentioned, it shall be lawful for the said Commissioner, at any Time within Twelve Calendar Months after the Execution of his Award, upon Request in Writing to him made by any Proprietor of any such Allotments, Lands, Tenements, or Hereditaments, to do all such Acts as may be necessary for supplying such Omission, and for that Purpose to examine Witnesses, and in every other respect to proceed and act as if his said Award had not been made, and by any Deed or Instrument under his Hand and Seal to distinguish and set out the Allotments, Lands, Tenements, and Hereditaments held by different Tenures, or for, by, or under different Estates or Titles respectively, in the same Manner as the said Commissioner is by this Act authorized and required to do in Cases where such Allotments, Lands, Tenements, or Hereditaments are directed to be ascertained, distinguished, and set out by his said Award; and every such separate Instrument shall have the same Force and Effect as if it were contained in the said Award; and such Instrument shall be deposited, and Evidence thereof shall be given, in the same Manner as by the said first-recited Act is directed with respect to Awards made by Commissioners under Acts of Inclosure; and all Expences which shall be reasonably incurred in or about such subsequent Inquiry and separate Instrument as aforesaid shall be paid by the Party who shall have requested the said Commissioner to make and execute the same, or by his Heirs, Executors, or Administrators.

Lands held by different Tenures omitted to be distinguished by the Award may afterwards be distinguished by a separate Instrument.

L. And be it further enacted, That the said Commissioner shall as soon after the passing of this Act as may be, by some Writing or Writings under his Hand, order and direct the Course of Husbandry that shall be used in all the said Open Fields, Commons, and Waste Lands hereby directed to be divided, allotted, and inclosed, and from Time to Time to alter or amend such Orders and Directions, or give new ones, as shall appear to him necessary and proper, until the Time when he shall have made and completed the said intended Division, Allotment, and Inclosure, as well with respect to laying down, ploughing, sowing, reaping of Crops, fallowing, and tilling thereof, as to the cleaning, weeding, stocking, and eating the Fallows or Stubbles, and shall and may, in and by the same or any such other Writing as aforesaid, set and impose such Penalties on every Person not conforming to such Orders and Directions, and

Commissioner to direct Course of Husbandry.

and for doing or committing any Damage, Waste, or Destruction in or upon the said Open Fields, Commons, and Waste Lands, as he the said Commissioner at the Time of making such Orders and Directions shall think reasonable, not exceeding the Sum of Five Pounds *per* Acre, which Penalties shall be recovered and applied in manner directed by the said first-recited Act; and all such Orders of the said Commissioner shall be final, binding, and conclusive upon all Parties interested, and upon their several and respective Farmers and Tenants.

Commis-
sioner may
settle Satis-
faction for
Standage of
Crops, and
give Orders
therein.

LI. And be it further enacted, That unless the said Commissioner shall by any Writing under his Hand, and in and by his said Award, make any Order to the contrary, all the Tillage Parts of the said Open Fields which shall be fallow or sown with Corn upon fallow at the Time when such Division, Allotment, and Inclosure shall take place shall continue in the Possession of the respective Occupiers and Tenants thereof respectively until the next ensuing Harvest, and the Crops thereof shall then be reaped or cut by such Occupiers or Tenants respectively who may enter thereon, and till and cultivate the same at their Pleasure, every such Occupier and Tenant paying to the Proprietor to whom the same shall be allotted, before he shall reap or cut such his Crop, such Satisfaction for the Standage of such Crop, and Damage done by the Cultivation of such Land, and reaping or cutting and taking away such Crop, as the said Commissioner in and by such Writing as aforesaid, or by his said Award, shall direct or appoint: Provided always, that the said Commissioner may, if he thinks proper, make and give any other Order and Direction in the Premises which he shall see more equal and convenient, either by any such Writing as aforesaid or by his said Award.

No Sheep or
Lambs to be
in the Inclo-
sures during
the Space of
Seven Years.

LII. And be it further enacted, That no Sheep, Lambs, Horses, Asses, or other Cattle, Pigs or Geese, shall be depastured or kept in any of the new intended Inclosures during the Space of Seven Years from the Execution of the Award of the said Commissioner, unless the Persons respectively so depasturing or keeping such Sheep, Lambs, Horses, Asses, or other Cattle, Pigs or Geese therein, do at their own Expence staff-hold the same, or effectually guard or fence off and duly keep fenced off the Quickset Hedges or live Fences of the Proprietors of such Allotment or Allotments adjoining thereto, so as to prevent any Damages or Injury being done to such Fences or Quicksets by any such Sheep, Lambs, Horses, Asses, or other Cattle, Pigs or Geese; and in case any Person or Persons shall turn or keep any Sheep, Lambs, Horses, Asses, or other Cattle, Pigs or Geese, within the Time aforesaid, on any of the said new Inclosures, without having first sufficiently guarded and protected the Quickset Hedges by such Staff-holds or other good Protection as aforesaid, it shall be lawful for the Owner or Occupier of any adjoining Allotment or Inclosure, or his or her Servant, to enter the Allotment or Inclosure where such Sheep, Lambs, Horses, Asses, or other Cattle, Pigs or Geese, shall be so turned or kept as aforesaid, and take, drive away, and impound the same as Cattle Damage feasant.

Power to
impound
Cattle, unless
Quickset
protected.

Expences of
Act to be de-
frayed by a
Rate.

LIII. And be it further enacted, That all Costs, Charges, and Expences of obtaining this Act, and all Proceedings which have been taken relative or preparatory thereto, and all Charges and Expences which may be incurred in carrying the same and the said recited Acts into execution, shall

shall from Time to Time as the same shall respectively accrue be borne and defrayed by the several Owners and Proprietors of and Persons interested in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, situate in the Liberty of *Kirk Langley* aforesaid; (except the said Rector of *Kirk Langley* in respect of his Allotment for Glebe), in proportion, or as near as may be, to the Value of their several and respective Estates, Rights, Shares, and Interests therein; and the Amount thereof, and the Shares and Proportions of the same, shall be ascertained and adjusted by the said Commissioner, and shall be paid at such Time and Place or Times and Places, and to such Person or Persons, as the said Commissioner shall appoint; and the said Commissioner shall and he is hereby authorized and required accordingly, at any Time or Times either before or after the making of his Award, to make One or more Rate or Rates or Assessment or Assessments thereof under his Hand; and the same Rate or Rates, Assessment or Assessments, so made and signed, shall be binding and conclusive on all Parties thereby charged, and made liable, and their several and respective Executors and Administrators; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share and Proportion of such Rate or Rates, Assessment or Assessments as aforesaid, within such Time or Times, and to such Person or Persons, and at such Place or Places, as the said Commissioner shall appoint, then and in such Case the said Commissioner shall cause the same to be levied and recovered in manner directed by the said first-recited Act.

LIV. Provided always, and be it further enacted, That the said Commissioner shall and he is hereby required to adjust and settle the Costs, Charges, and Expences of obtaining and executing this Act, and also to regulate the Expences attending the same, as well as all and every Rate or Rates which he may see Occasion to make in pursuance of this Act, and to divide the same in such Proportions as that such Persons who are interested in the said Open Fields, Commons, and Waste Lands shall not be charged more than according to the Benefit they may receive, and the Extent of their respective Rights therein; and in case any Expences shall be incurred in the Execution of any of the Powers and Provisions of this or the said recited Acts which ought to be borne or defrayed by any particular Person or Persons, either altogether or in part, and not out of any Money raised or to be raised for the general Purposes of this Act, then the same shall be paid in such Shares and Proportions, by and to such Person or Persons, and within such Times, as the said Commissioner shall order and direct.

Commis-
sioner to
adjust, settle,
and regulate
Expences,
&c.

LV. And be it further enacted, That it shall be lawful for the said Commissioner, either before or within One Year after the Execution of the Award to be made in pursuance of this Act, on Application being made to him by any of the Owners or Proprietors for the Time being seised of or entitled in Possession to any Allotment or Allotments to be made by virtue of this Act, or to the actual Receipt of the Rents, Issues, and Profits thereof, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or Tenant or Tenants in Fee Simple, or for Life or Lives, in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or upon Application being made to him by

Commis-
sioner, on
Application,
may sell Part
of Allotment
to defray
Expences.

[Private,]

the Guardians, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid who at the Time of such Application shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Application to be made to the said Commissioner in Writing under the Common Seal of any such Body Politic, Corporate, or Collegiate, or under the respective Hands of the other applying Parties, to sell any Part or Parts of the Allotment or Allotments which by virtue of this Act shall have been set or marked out for or actually awarded to the Owner or Owners, Proprietor or Proprietors, who, by himself, herself, or themselves, or such other Person or Persons on his, her, or their Behalf as aforesaid, shall make such Application as herein-before mentioned, for the Purpose of raising a Sum of Money sufficient to defray the Whole or Part of the Costs, Charges, and Expences which such Owner or Owners, Proprietor or Proprietors as aforesaid, shall by virtue of this Act or of the said recited Acts be subject or liable to; and such Sale or Sales shall be made by the said Commissioner in manner herein-after directed; and the said Commissioner shall, with and out of the Money to arise from such Sale or Sales, pay all the Expences attending the same or in anywise relating thereto, and shall, with and out of the Residue of the said Monies, defray the Costs, Charges, and Expences for the defraying of which such Sale or Sales were respectively made: Provided always, that it shall not be lawful for the said Commissioner to raise by Sales respectively any further or greater Sum of Money, for the Purpose of defraying such Costs, Charges, and Expences as aforesaid, than the respective Owners or Proprietors, or other Person or Persons making such Application, are or is by the said first-recited Act empowered or authorized to borrow and charge for the Purpose of defraying his, her, or their respective Share or Shares of Charges and Expences of reckoning after the Rate of Five Pounds for each and every Acre of such Allotment or Allotments: Provided also, that if the Money so to be raised by the Sale of such Allotment or Allotments shall not be equal to the Sum of Money that may be borrowed and charged, by virtue of the said first-recited Act and this Act, on the Lands and Grounds to be allotted by virtue of this Act to such Owner or Owners, Proprietor or Proprietors, reckoning Five Pounds for each and every Acre thereof, then and in every such Case it shall be lawful for the said Owner or Owners, Proprietor or Proprietors, to borrow and charge upon his, her, or their Allotment or Allotments any Sum or Sums of Money not exceeding the Excess or Difference; Provided also, that nothing in this Act contained shall extend, or be deemed or construed to extend, to prevent or hinder any Owner or Proprietor, or other Person or Persons, from exercising, in preference to the said Power of selling, the Power of borrowing and charging given by the said first-recited Act and this Act, but such Charge is then not to exceed Five Pounds for each and every Acre of the Lands allotted to such Owner or Proprietor.

Power to
borrow
Money.

LVI. And be it further enacted, That it shall be lawful for the said Commissioner to borrow and take up at Interest not exceeding the Rate of Four Pounds and Ten Shillings *per Centum per Annum*, of any Person or Persons willing to advance and lend the same, such Sum or Sums of Money as shall from Time to Time be necessary for defraying the Charges and

and Expences of obtaining and passing this Act, and of executing the same and the said recited Acts.

LVII. And be it further enacted, That if any Person or Persons interested in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any other Person or Persons, shall advance and pay any Money in discharge of any Fees or other Expences of obtaining or executing this Act, the Money so paid or advanced shall be repaid and satisfied by the Direction of the said Commissioner, together with Interest for the same.

Persons advancing Money to be repaid with Interest.

LVIII. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said recited Act of the Forty-first Year of the Reign of His Majesty King *George* the Third or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall be lawful for the said Commissioner out of such Sum to defray such Proportion of the Expence of passing this Act, and of carrying the same and the said recited Acts into execution, as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioner be proper to be made and shall be made under his Direction upon any Lands to be by virtue of this Act allotted to such Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward,

Application of Compensation Money if amounting to 200*l*.

1 G. 4. c. 35.

Reward, and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon Application to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied, either in the Purchase or Redemption of the Land Tax, or in or towards the Payment and Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part or Parts thereof as shall be necessary, or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the afore-mentioned Lands, Tenements, or Hereditaments stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid; the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Where less than 20*l.* and amounting to 20*l.*

LIX. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioner, to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, such Nomination to be approved of by the said Commissioner (and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties); and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom,

therefrom, shall be by them applied in like Manner as herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

LX. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged for his, her, or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto. Where less than 20l.

LXI. And be it further enacted, That once at least in every Three Calendar Months during the Execution of this Act (to be computed from the Day of passing this Act) 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 applied in the Execution of this Act, or due to him and to any other Person or Persons to be employed by him in carrying this Act into execution, for their Trouble and Expences in the Execution of this Act; and in every such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum shall have been paid or disbursed; and such Statement and Account when so made, together with the Vouchers relating thereto, shall once at least in every Three Calendar Months be by him laid before any One or more of His Majesty's Justices of the Peace for the said County of *Derby* (not interested in the Premises) to be by him or them examined and balanced; and such Balance shall be by such Justice or Justices stated in the Book of Accounts to be kept in the Office of the Clerk or Clerks to the said Commissioner; and an Abstract of such Account so examined and balanced shall, within Fourteen Days after the same shall have been so examined and balanced, be published in the *Derby Mercury*, or in some other Newspaper printed and circulated within the said County of *Derby*; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law unless the same shall have been duly allowed by such Justice or Justices, and until such Account or the Abstract thereof shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained. Settling the Commissioner's Accounts.

LXII. And be it further enacted, That the Award to be made by the said Commissioner in pursuance of the said first-recited Act or of this Act shall be made, executed, and published within Three Years from the passing of this Act, and, together with a proper Map or Plan annexed thereto, shall be deemed and taken to be well and effectually inrolled according to the Directions of the said first-recited Act, if the same, together with a Map or Plan annexed thereto, shall within the Time mentioned by the same Act for such Inrolment be deposited with the Clerk of the Peace for the said County of *Derby*; and such Clerk of the Award.

[Private.]

Peace shall be paid on the Delivery thereof the Sum of One Pound and One Shilling, and no more; and such Clerk shall and he is hereby required to keep such Award so deposited with him with the Records of the said County of *Derby*, to the end that Recourse may be had thereto by any Person or Persons interested therein, for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and a true Copy of the said original Award, attested by the said Commissioner under his Hand to be a correct Copy, with the Map or Plan annexed thereto, shall be deposited in the Parish Church of *Kirk Langley* aforesaid, and there kept in a proper Box to be provided for that Purpose; and the said Award and Plan, and the said Copy thereof so authenticated by the Signature of the said Commissioner, and any other Copy of the said Award and Plan, or any Part thereof, so attested by the said Commissioner, shall from Time to Time and at all Times be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts and Places whatsoever.

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

LXIII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any thing done or omitted to be done in pursuance of this Act or the said recited Acts, (other than and except such Orders and Determinations of the said Commissioner as are by the said recited Acts or this Act directed to be final, binding, and conclusive, and except in such Cases where an Issue at Law shall be tried as hereinbefore mentioned,) then and in every such Case he, she, or they may appeal to any General or Quarter Sessions of the Peace which shall be holden for the said County within Six 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 (except with respect to the Accounts of the said Commissioner, which, notwithstanding the same shall have been examined and balanced and published as aforesaid, may be appealed against at any Time within Six Calendar Months from the Day of the Inrolment of the said Award at the Office of the Clerk of the Peace for the said County of *Derby*, on giving to the said Commissioner such Notice as last aforesaid); and the Justices (not interested in the Premises) in their said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and make such Order and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be 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), upon Demand, 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 such Justices shall be final and conclusive on all Parties concerned, and shall not be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

LXIV. Pro-

LXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, or defeat the Right, Title, and Interest of the Lord or Lords, Lady or Ladies of the said Manor of *Kirk Langley* for the Time being of, in, or to any Seignories, Royalties, Fisheries, Manorial Rights, and other Rights, Customs, or Services incident to or belonging to the said Manor, but that such Lord or Lords, Lady or Ladies for the Time being, and all and every Person and Persons claiming Interest for him or them as Lord or Lords of the said Manor, shall and may at all Times hereafter have, hold, receive, take, and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Fines, Mines, Minerals, Royalties, Privileges, and Jurisdictions, to the said Manor, or the Lord or Lords, Lady or Ladies thereof, or any claiming under him or them, incident, belonging, appending, or appertaining (except the Right of Soil of the said Commons and Waste Lands for which Compensation is herein-before directed to be made), in as full, large, ample, and beneficial a Manner to all Intents and Purposes as the same might have been held and enjoyed in case this Act had not been passed.

This Act not to affect the Rights of the Lords of the Manors to Seignories, &c.

LXV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all Bodies Politic, Corporate, or Collegiate, and their Successors, and to all and every other Person or Persons, his and their Heirs, Executors, and Administrators, all such Estate, Right, Title, and Interests, (except the several Persons, and Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of this Act or the said recited Acts for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons claiming under them or in Remainder after them,) as he, they, every or any of them, could or ought to have had and enjoyed of, in, to, or in respect of the Lands hereby directed to be divided, allotted, and inclosed, in case this Act had not been passed.

General Saving.

LXVI. 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.

Act to be printed by the King's Printers.

