



ANNO. QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 221.

An Act for dividing and exonerating from Tithes, certain Lands in the Parish of *Ecclesfield*, and West Riding of the County of *York*. [9th July 1811.]

WHEREAS there are in the Chapelry of *Bradfield*, in the Parish of *Ecclesfield*, and within the Manor of *Sheffield*, in the West Riding of the County of *York*, divers Commons, Moors, Wastes, and uninclosed Lands, containing by Estimation Fourteen thousand Acres, or thereabouts, and some Open Field Lands, and Open or Mesne Woods: And whereas the Most Noble *Charles Howard* Duke of *Norfolk* is Lord of the said Manor of *Sheffield*: And whereas Sir *Sitwell Sitwell* Baronet, the Reverend *James Dixon*, Vicar of *Ecclesfield* aforesaid, (in Right of such Vicarage), the Reverend *Thomas Newton*, Curate of *Bradfield* aforesaid, (in Right of such Curacy), and *John Spooner* of *Walkley*, in the Parish of *Sheffield* aforesaid, are entitled to all the Great and Small Tythes arising from the said Commons, Moors and Wastes, and from all Incroachments made therefrom, and to an Annual Payment of Six Pounds or thereabouts, as a Modus or Composition for the Tithes of such of the old Inclosures and open Fields within the said Chapelry, as have appurtenant to them a Right of Common upon the said Commons, Moors, and Waste Lands, in the following Proportions; (that is to say), the said Sir *Sitwell Sitwell* to Two-sixth Parts thereof; the said *James Dixon* to

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Two other Sixth Parts thereof; the said *Thomas Newton* to One Sixth Part thereof; and the said *John Spooner* to the remaining Sixth Part thereof: And whereas *John Worrall*, *Edward Appleyard*, *Robert Briggs*, *John Kaye*, *John Booth*, *William Carlisle*, the Reverend *Charles Stead Hope*, the Reverend *Joseph Hall*, and several other Persons are Proprietors of the said uninclosed Lands; subject to the Claims in Right of the Seigniorship and for Tithes; and it would be of Advantage to them if the same were divided among them in Proportion to their respective Rights: May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Joseph Bishop* of *Bent's Green*, near *Sheffield* aforesaid, Gentleman, shall be, and he is hereby appointed the Commissioner for dividing and allotting the said uninclosed Lands, and for putting this Act into Execution, according to the Directions herein contained, and with such of the Powers; and subject to such of the Directions contained in an Act passed in the Forty-first Year of His present Majesty's Reign, 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*, as are not varied, altered, or otherwise provided for by this Act.

Commissioner appointed.

For appointing a new Commissioner.

II. And be it further enacted, That if the said *Joseph Bishop* shall die, or neglect to act, for the Space of Six Weeks when Occasion shall require his Attendance on the Business of the said Inclosure, or shall become incapable of acting, it shall be lawful for the Majority in Value of the Proprietors of the said uninclosed Lands (to be ascertained by the Land Tax Assessment, or other sufficient Means), or their respective Agents, present at a Meeting to be holden for that Purpose, (of which Meeting Six Days Notice shall be given by the Commissioner's Clerk, or by any one or more of the said Proprietors, in like Manner as is herein directed with respect to the First Sitting of the Commissioner), by Writing under their Hands, to appoint one other fit Person to be a Commissioner, in the Room of the said *Joseph Bishop*; and all future Vacancies shall be supplied in like Manner.

George Barker to be a Commissioner as to the Tithe Allotments.

III. And be it further enacted, That *George Barker* of *Darley*, in the County of *Derby*, Gentleman, shall be, and he is hereby appointed a Commissioner to act with the said *Joseph Bishop*, or his Successor, in valuing the said Commons, Moors, and Waste Lands, hereby directed to be inclosed, and the Incroachments therefrom, for the Purpose of ascertaining the Allotment or Allotments herein after directed to be allotted to the said Tithe Owners, in Lieu of Tithe, Moduses, and *Easter Dues*, and of allotting the same to them accordingly, and of causing such Allotments to be fenced; and he shall be, and be considered a Commissioner as to, for, and concerning all other Matters, Questions, and Things whatsoever, relating to the Rights and Interests of the said Tithe Owners, under and by virtue of this Act, and that for such Purposes he be in all Respects and to all Intents vested with the same Powers and Authorities as the said *Joseph Bishop* is vested with by virtue of this Act; and that the said *George Barker* shall, before he proceeds to execute any of the Powers hereby vested in him, take the same Oath, as by the said Act of the Forty first Year of His present Majesty's Reign, is directed to be taken by Commissioners under Inclosure Acts.

IV. And

IV. And be it further enacted, That in case of the Death or Incapacity to act of the said *George Barker*, before any or all of the Powers hereby vested in him shall be completed, or in case he shall neglect or refuse to act for the Space of Six Weeks after being required in Writing so to do by the said *Joseph Bishop*, or his Successor, a new Commissioner shall be named and appointed in lieu of the said *George Barker*, with the same Powers as are hereby given to the said *George Barker*, and under the same Regulations and Provisions, by the Majority in Value of the said Tithe Owners, to be ascertained by the Land Tax Assessment, or by other sufficient Means, within Six Weeks after such Death, Incapacity, Neglect or Refusal of the said *George Barker*; and all future Vacancies shall be supplied in the same Manner.

In case of Mr. Barker's Death a Successor to be appointed.

V. And be it further enacted, That in case any Difference of Opinion shall arise between the said *Joseph Bishop* or his Successor, and the said *George Barker* or his Successor, in executing the Powers hereby vested in them, all such Differences of Opinion shall be stated in Writing, and referred by them to the Decision of some one impartial and competent Person, to be agreed upon and named by them as Umpire, and such Difference shall be so referred within Three Weeks after the same shall arise; and the said Umpire shall determine the same, and shall deliver to the said *Joseph Bishop*, or his Successor, and the said *George Barker*, or his Successor, such his Determination in Writing, signed by him, within Two Calendar Months from the Time any such Difference shall be referred to him; and the Determination of the said Umpire, upon all Matters to him referred, shall be deemed and taken to be the Judgment and Determination of the said *Joseph Bishop* or his Successor, and the said *George Barker* or his Successor; and they shall ratify the same by their special Award herein-after directed to be made; and in case of the Death of such Umpire, before he shall determine upon such Difference, another shall be named and chosen in the same Manner, within Six Weeks afterwards; and the said Umpire shall be paid all his reasonable Charges and Expences in making such Decision, to be allowed and approved by the said *Joseph Bishop* or his Successor, and the said *George Barker* or his Successor; and no such Umpire shall be capable of acting, until he shall have taken and subscribed the following Oath or Affirmation:

Umpire appointed.

‘ I *A. B.* do swear, [or, being one of the People called *Quakers*, do solemnly affirm] that I will faithfully, impartially and honestly, according to the best of my Skill and Ability, execute and perform the Trusts, Powers and Authorities vested and reposed in me as Umpire, by virtue of an Act passed in the Fifty-first Year of His present Majesty's Reign, intituled, [here set forth the Title of this Act] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

‘ So help me GOD.’

Which Oath the said *Joseph Bishop* or his Successor, and the said *George Barker* or his Successor, are hereby empowered to administer.

VI. And be it further enacted, That the Person to be employed as Surveyor, for the Purposes of the said Division, shall be elected at the First Sitting of the Commissioner, or at some other Sitting, as soon afterwards as may be, (of which other Sitting, in case no Election takes Place at the

Surveyor to be elected.

First, Notice shall be given in Manner herein-after required, with respect to any Sitting which may eventually be held for the Election of a Commissioner in the Room of the said *Joseph Bishop*), by a Majority in Value of the Proprietors of the said uninclosed Lands, (to be ascertained by the Land Tax Assessment), who shall attend such Meeting; and the Surveyor, when elected, shall (if he accept the Office) enter into an Agreement with the said Commissioner to do all the Business required of him for a certain specific Sum, to be agreed upon at such Meeting, with the Consent of a Majority in Value of the said Proprietors then attending, such Value to be ascertained by the Land Tax Assessment, or by other sufficient Means, which Agreement shall stipulate what Proportion of that Sum shall be paid, in case of the Death or Incapacity to act of the Surveyor pending the Business, and shall provide against all other Contingencies in such Manner as shall then be agreed upon; and in case of the Death, Neglect, or Refusal to act of such Surveyor, another shall be elected in the same Manner as aforesaid.

Notice of the Commissioner's Sittings, and other Notices, how to be given.

VII. And be it further enacted, That the said *Joseph Bishop* or his Successor, shall cause a Notice specifying the Time and Place of his First Sitting or Attendance for executing this Act, to be inserted in one of the *Sheffield* Newspapers, and to be affixed on the principal outer Doors of the Chapel at *Bradfield*, and the Church at *Ecclesfield*, on some *Sunday* before Divine Service, Ten Days at least before such Sitting; and he shall cause the like Notice to be given of all his other Sittings or Attendances, (Attendances by Adjournment which it shall be lawful for him to make, only excepted); and all Sittings or Attendances of the said *Joseph Bishop* or his Successor, shall be held at *Sheffield* aforesaid, or within Eight Miles of the Chapel of *Bradfield* aforesaid; and all the Notices by the said Act of the Forty-first Year of the present Reign required to be given in some public Newspaper, shall be given in one of the Papers which shall then be published at *Sheffield*.

Commissioners may determine disputed Claims,

VIII. And be it further enacted, That in case any Differences or Disputes shall arise between any of the Parties interested in, or claiming to be interested in the Lands and Grounds hereby intended to be divided or affected by this Act, concerning their Rights therein, or in any Part thereof, it shall be lawful for the said *Joseph Bishop* or his Successor, and he is hereby authorized and required to enquire into, hear and determine the same.

but not to determine Titles, nor Rights, contrary to the Possession.

IX. Provided always, and be it further enacted, That nothing herein contained shall authorize the said *Joseph Bishop* or his Successor, to determine the Title to any Lands or Hereditaments whatsoever, nor any Right between any Parties contrary to the Possession of any such Parties, (except in Cases of Encroachments made within the Period of Thirty Years); but in case the said *Joseph Bishop* or his Successor, shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon, until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

Commissioners may give Costs.

X. And be it further enacted, That if the said *Joseph Bishop* or his Successor, shall, upon the Hearing and Determination of any Claim or Claims, Objection

Objection or Objections, to be delivered to him in pursuance of the said recited Act or this Act, see Cause to award any Costs, it shall be lawful for him to settle, assess and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any such Determination shall be made, by the Person or Persons whose Claims, Complaints or Objections shall be thereby disallowed, and by Warrant under his Hand and Seal to levy such Costs and Charges by Distress and Sale of the Goods and Chattels of such last-mentioned Person or Persons, rendering the Overplus (if any) upon Demand, after deducting the reasonable Charges attending such Warrant, Distress and Sale, to the Person or Persons whose Goods and Chattels shall be so distrained and sold as aforesaid.

XI. Provided always, and be it further enacted, That if any Person or Persons, Bodies Politic or Corporate, making any Claim or Claims to any Lands or Hereditaments intended to be divided or affected by this Act, or any Rights or Interests therein, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said *Joseph Bishop* or his Successor, and shall be desirous of having the same tried at Law, and shall by himself, herself or themselves, or his, her or their respective Stewards, Receivers, Attornies or Agents, give or cause to be given Notice thereof in Writing to the said *Joseph Bishop* or his Successor, within One Calendar Month after such Determination shall have been so made by the said *Joseph Bishop* or his Successor, (of which Notice he the said *Joseph Bishop*, or his Successor, is hereby required, immediately on Receipt thereof, or as soon after as conveniently may be, to give Information to the adverse Party or Parties, or his, her or their respective Stewards, Receivers, Attornies or Agents, by Writing under his Hand, to be delivered to or left at the usual Place of Abode of such Party or Parties, Stewards, Receivers, Attornies or Agents as aforesaid), then, but not afterwards, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, by whom or on whose Behalf such Notice shall be given, their respective Heirs, Successors or Assigns, to proceed to a Trial at Law, of the Matter or Matters so determined by the said *Joseph Bishop*, or his Successor, at the then next or the following Assizes to be holden for the County of *York*, and for that Purpose to commence an Action in one of His Majesty's Courts of Record at *Westminster*, against any Person or Persons, Bodies Politic or Corporate, interested in supporting the said Determination, within Two Calendar Months next after such Notice shall be given to the said *Joseph Bishop* or his Successor; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall appear thereto and file Common Bail; and accept one or more Issue or Issues, whereby all such Claim or Claims, Rights and Interests may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which such Action shall be brought, if the Parties shall differ about the same; and if at the Trial of any such Issue or Issues, it shall appear that the Party claiming is entitled to any qualified or less Right or Rights, or Interests, than was or were claimed by such Party, then it shall be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the Postea, in addition to the Verdict given on the Issue or Issues joined; but nevertheless, the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no Special Finding had been

Power to try
disputed
Claims at
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made;

made; and the Verdict or Verdicts which shall be given in such Action or Actions, upon the Issue or Issues therein joined, in case there shall be no such Special Finding and Indorsement, or such Special Finding or Indorsement, if any such shall be made, shall be final and conclusive upon and to all and every Person and Persons, Body and Bodies Politic and Corporate whomsoever; unless the Court in which such Action or Actions shall be brought shall set aside such Verdict or Verdicts, or Finding and Indorsement, and order a new Trial or Trials to be had thereupon, which it shall be lawful for the Court to do, as is usual in other Cases, although the Time herein-before limited for the Trial of such Action or Actions may be thereby exceeded; and after such Verdict or Verdicts, or Special Finding and Indorsement shall be obtained, and not set aside by the Court, the said *Joseph Bishop* or his Successor 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 Verdict or Verdicts, or Finding and Indorsement as aforesaid: Provided always, that all the Determinations of the said *Joseph Bishop* or his Successor, touching or concerning such Claim or Claims, Rights and Interests as aforesaid, which shall not by such Notice as aforesaid be objected to within Two Calendar Months after the same shall be published or made known to the Parties, or which being objected to, the Party or Parties objecting shall not cause such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive on all Parties.

Actions may be proceeded in or brought notwithstanding the Deaths of Parties.

XII. Provided always, and be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and if any Person or Persons, in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same, within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said *Joseph Bishop*, or his Successor, with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Pinfold.

XIII. And be it further enacted, That the said *Joseph Bishop*, or his Successor, shall have Power to pull down and destroy the present Common

Common Pound or Pinfold, and to cause another to be erected in its Stead, wherever he shall think fit, and to pay the Expence of doing so out of the Fund to be raised for the general Purposes of this Act.

XIV. And be it further enacted, That the said *Joseph Bishop*, or his Successor, may divert and alter all or any of the Watercourses or Springs of Water, in the said Commons, Moors, and Wastes, as he shall in his Discretion think proper: Provided always, that no such Brook or Stream shall be diverted or turned, without the Consent of the Owner or Owners, Proprietor or Proprietors of such inclosed Lands and Grounds, from which any such Brook or Stream shall be diverted, or into which any such Brook or Stream shall be turned.

For diverting Water-courses.

XV. And be it further enacted, That all Incroachments which shall have been made upon the said Commons, Moors, and Waste Grounds, within the Memory of Man, by any Persons, who, at the Time of making such Incroachments, were not entitled to any Common Right upon the Lands by virtue of this Act to be divided, and all Incroachments made therefrom, within Thirty Years previous to the passing of this Act, by any Persons who, at the Time of making the same, were entitled to such Right of Common, (except the Incroachments sold by the said Duke of *Norfolk*), shall be deemed Part of the Commons and Waste Grounds to be divided, and the same shall be divided accordingly: Provided nevertheless, that all such Incroachments shall be allotted to the Person or Persons (having Right of Common) who shall at the Time of making the said Allotments, be in the Possession or Receipt of, or entitled to the Rents and Profits of such Incroachments, as the Whole or Part of the Share or Proportion of the said Commons and Waste Grounds, to which such Person or Persons will be entitled, by virtue of this Act, without considering the Value of any Erections thereon, or Improvements made thereto; and in case any such Incroachments shall, in the Judgement of the said *Joseph Bishop* or his Successor, be of greater Value (exclusive of such Erections and Improvements) than the Share or Proportion of the said Commons and Waste Grounds, to which the Person or Persons in Possession or Receipt of the Rents and Profits thereof, shall be entitled, then the Person or Persons to whom such Incroachments shall be allotted, shall pay to the said *Joseph Bishop* or his Successor, at or within such Time as he shall appoint, such Sum of Money as he shall adjudge to be the Value of such Incroachment, over and above the Value of the Allotment to which such Person or Persons will be entitled, and exclusive of any such Erections and Improvements as aforesaid; and such Sum of Money shall go to the General Fund for defraying the Expences of obtaining and executing this Act; and in Default of Payment of such Money within the Time to be appointed as aforesaid, the said *Joseph Bishop* or his Successor may sell and dispose of such Incroachments, or any Part thereof, by Public Sale or otherwise, for the most Money that can be had or obtained for the same, and the Money arising by such Sale shall be applied as aforesaid; and the said *Joseph Bishop* or his Successor, shall have Power, if he should think proper, to make such Recompence (out of the Fund for paying Expences) as he shall think fit, to any Person not having Right of Common, and being in the Possession of, or in the Receipt

Incroachments.

of the Rents and Profits of any Incroachments, for any Improvement made thereto.

Sales of Incroachments made by the Duke of Norfolk confirmed.

XVI. And be it further enacted, That no Incroachments which have at any Time heretofore been made from the said Commons, Moors, and Wastes, by the said Duke, or any of his Ancestors or Predecessors; or by his or their Agents or Tenants on his or their Behalf, and which have been sold by the said Duke, or by the Trustees named in the Act or Acts of Parliament obtained by him, for Sale of Part of his settled Estates, or under the Acts of Parliament passed for rendering perpetual the Land Tax subject to Redemption and Purchase to any Person or Persons whomsoever, shall be considered as Part of the Lands to be divided by Authority of this Act; but the several Sales, Grants, and Conveyances so made of such Incroachments, shall be ratified and confirmed, to all Intents and Purposes, as fully and effectually, as if the said Incroachments had at the Time of such Sales, Grants, and Conveyances, been ancient inclosed Lands, except that the Proprietors thereof shall not in respect thereof, be entitled to any Allotment from the said Commons, Moors, and Wastes; but a certain Inclosure called *The Side*, and all Incroachments whatever, at any Time within the Memory of Man, made from the said Commons, Moors, or Wastes by the said Duke, or any of his Ancestors, or by his or their Agents or Tenants, on his or their Behalf, which have not at the Time of passing this Act been sold, shall be deemed Part of the Lands by virtue of this Act to be divided.

All other Incroachments made by the said Duke to be divided.

Directions as to Roads.

XVII. And be it further enacted, That it shall be lawful for the said *Joseph Bishop* or his Successor, with the Concurrence and Order of Two Justices of the Peace for the said West Riding, acting in and for the Division in which the Road or Roads, Foot-path or Foot-paths herein-after mentioned shall be situate, and not interested in the Repair of such Road or Roads, Foot-path or Foot-paths, to stop up and direct to be discontinued any public or private Road or Roads, Foot-path or Foot-paths, through any Part or Parts of the Lands and Grounds in the said Chapelry of *Bradfield*; in respect of which the Proprietors thereof shall be entitled to Right of Common upon the Lands intended to be divided by the Authority of this Act, which to the said *Joseph Bishop*, or his Successor, shall appear useless or unnecessary; and also to set out and direct to be made, with the Consent in Writing of the Owner or Owners of the same Lands or Grounds, through or over which such Road or Roads is or are intended to pass, any new public or private Road or Roads, Foot-path or Foot-paths, in, over, or upon any of such Lands or Grounds as last aforesaid, as to him shall appear necessary: Provided that none of the present Roads or public Highways within the said Chapelry shall be shut up or discontinued, until the several Roads intended to be and remain public or private Highways within the said Chapelry shall be set out according to the Directions of the said recited Act, and until the same shall be properly formed and made safe and convenient for Horses, Cattle, and Carriages; and that all such new public Road or Roads, Foot-path or Foot-paths, so to be set out by the said *Joseph Bishop*, or his Successor, shall be made by and out of the Monies to be raised for the defraying the Expences of this Act, and afterwards kept

kept in Repair by such District, Hamlet, Division, Person or Persons, as the said *Joseph Bishop* or his Successor, shall by his Award order and appoint.

XVIII. And be it further enacted, That the said *Joseph Bishop* or his Successor, shall set out and allot in all or any of the several Districts, in which the said uninclosed Lands are situate, such Quantity of the said Commons, Moors, and Waste Grounds, as he may think proper, for the Use and Benefit of the Persons entitled to any Allotments of the said Commons, Moors, and Waste Grounds, for the Purpose of getting Stone, Sand or Gravel, or other Materials for making and repairing their public and private Roads, Walls, Bridges, and Drains; and to be used as Watering Places for Cattle.

Stone Quarries and Watering Places.

XIX. And be it further enacted, That the said *Joseph Bishop* or his Successor, shall set out, allot, and award to the said Duke of *Norfolk*, or the Lord of the said Manor of *Sheffield* for the Time being, to be held in Severalty, all that the Tract of Land, supposed to contain near Seven thousand Acres, including the said Duke's Freehold Lands, called the *Holden Pasture*, the *Holden Heys*, and the *Little Holden*, lying North West of a Line to be drawn in Manner herein-after mentioned, from the Boundary of the said Moors against the County of *Derby*, at or near to a Place called the *Lost Lad*, in a Northward Direction, to a Stream or Rivulet running into *Ewden Brook*, at or as near as may be to a Place called *Hawk Clough* or *Oaken Clough*, being the small Brook or Stream of Water nearest to and Westward of an old Inclosure herein-after mentioned, called *The Side*, after deducting so much and such Part thereof as the said *Joseph Bishop* or his Successor shall adjudge will be adequate to the Value of the Allotments to be set out in Right of certain Lands and Tenements late the Estates of the said Duke, within the said Chapelry and Manor, and which, since the Month of *November* One thousand eight hundred and nine, have been sold and conveyed by the said Duke, and are now the Property of other Persons, who will be entitled to have Allotments set out to them in respect thereof: Provided nevertheless, that the said Places called *Lost Lad* and *Hawk Clough*, otherwise *Oaken Clough*, shall remain the Places to and from which the said Allotment shall be set out, and the Deduction hereby directed to be made shall be by curving the Line in some intermediate Place where there is the most natural and convenient Mark of Boundary: Provided also, that the Allotment herein-before directed to be set out for the said Duke shall be staked out from the said given Points in as straight a Direction as conveniently may be; but that the said *Joseph Bishop*, or his Successor, shall be at Liberty to follow the most natural Line of Boundary, and to vary the Course in such Manner as there shall be Occasion, or as he shall think will be mutually advantageous to the said Duke and the Proprietors in general; taking Care in doing so, not unnecessarily to increase or diminish, in Quantity or Quality, the said Allotment to the said Duke, from what it would be if it were staked out in a straight Line: Provided further, that the said Duke shall not be compelled to make any Fences round the said Tract of Land, or any Part thereof.

Allotment to the Duke of Norfolk.

XX. And be it further enacted, That the said Allotment herein-before directed to be made to the said Duke, and the Confirmation of the Sales made by him of Incroachments, shall be in lieu of, and as a Compensation

The Allotment to the said Duke and the Confirmation of the

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tion for all his Rights, Interest, Claims, and Demands, in and to the Soil of the said Moors, Commons, and Wastes, as Lord of the said Manor of *Sheffield*, and as Owner of any Messuages, Lands, Tenements, or Hereditaments, in respect of which he could or might claim any Common Right or Allotment upon or from the same.

Roads to the
said Duke's
Allotments.

XXI. And be it further enacted, That the said *Joseph Bishop*, or his Successor, shall set out at least Two good and sufficient Carriage Roads across the Rest of the said Commons, Moors, and Wastes, to the said Tract of Land directed to be allotted to the said Duke; and One of such Roads shall be of the Breadth of Sixty Feet at the least, and shall be set out from a Place called *Moscar Cross*, to a Place called *Loft Lad*, being the most eligible Direction for a Road between *Sheffield* and *Glossop Dale*; such Roads to be set out and made by and out of the Monies to be raised for defraying the Expences of this Act, and afterwards kept in Repair by the Inhabitants of such District, Hamlet or Division, as the same shall run through.

Tithe Allot-
ments.

XXII. And be it further enacted, That after staking out Roads, Watering Places, and Stone Quarries, and the Allotment to the said Duke, the said *Joseph Bishop*, and the said *George Barker*, who is herein named and appointed a Commissioner, as far as respects the Rights and Interests of the said Tithe Owners, shall set out, allot, and award, unto the said *Sir Sitwell Sitwell*, *James Dixon*, *Thomas Newton*, and *John Spooner*, in Four separate Allotments, according to their respective Rights and Interests, or to the Persons who shall then be the Owners of the said Tithes, and in the Proportions aforesaid, such Parts of the Residue of the said Commons, Moors, and Wastes, as in the Judgment of the said *Joseph Bishop* and *George Barker*, shall be equal in Value to One full Ninth Part of such Residue, and of the said Allotments to be made to the said Duke of *Norfolk*, and of all Incroachments whatsoever, and such further Part thereof, as they shall adjudge to be an equivalent Compensation or Satisfaction for the said Modus or annual Payment, and of the said *Easter Dues*; which Allotments shall be made and accepted and taken, in lieu of and in full Satisfaction of and for all such Tithes, of every Nature whatsoever, and all Moduses, Payments, Dues, and Compositions whatsoever, (Mortuary and Surplice Fees only excepted), as from and after the ring-fencing of the said Allotments, might arise, grow, or become due to the said Tithe Owners respectively, their and every of their Heirs and Assigns, out of and from all or any of the old inclosed Lands as have appurtenant to them a Right of Common upon the Lands hereby directed to be inclosed; and out of and from all or any and every Part of the Lands and Grounds intended by virtue of this Act to be divided, including the said Allotment to the said Duke, and all Incroachments whatsoever, but excluding the said Inclosure given up by the said Duke, and called *The Side*; but the said *Joseph Bishop* and *George Barker* shall not allot to the said Tithe Owners, any Part of the Allotment herein-before directed to be made to the said Duke of *Norfolk*, or any Incroachments from the said Commons, Moors, or Wastes, but shall set out and make the Allotments to them, from such Parts as come within the Denomination or Description of *Green Common*, and not from the Moors or *Black Heath*; but the Allotments in lieu of Tithe shall be (as herein-before is expressed) equal in Value, according to the Judgement of the said *Joseph Bishop* and *George Barker*, to One-ninth of the Residue (after the Deductions aforesaid) of the

the said Commons, Moors, and Wastes, inclusive of the Allotment to the said Duke, and all Incroachments whatsoever, but excluding the said Inclosure called *The Side*.

XXIII. And be it further enacted, That in case any of the Proprietors of the said Commons, Moors, Wastes, and uninclosed Lands, shall be in the Possession of, or in the Receipt of the Rents and Profits of any Incroachment or Incroachments from the same, of which Incroachment or Incroachments, under the Directions of this Act, the Owners of the said Tithes shall be entitled to One-ninth Part in Value, the said *Joseph Bishop*, or his Successors, shall diminish such Person's Share or Proportion of the Commons, Moors, and Wastes hereby directed to be inclosed, so much in Value as will be equal to One-ninth Part of the Value of the same Incroachment or Incroachments (considering the same in the unimproved State); so that the Burthen of exonerating such Incroachments from the Tithe may fall upon the Proprietors individually, and not upon the Proprietors at large.

As to Tithes of Incroachments.

XXIV. And be it further enacted, That the said *Joseph Bishop* or his Successor, shall apportion, divide, and allot the said Open Fields and Mesne Woods, unto and among the several Persons intitled thereto respectively, in Proportion to their respective Shares, Rights, and Interests.

Allotments of the Open Fields and Woods.

XXV. And be it further enacted, That the said *Joseph Bishop* or his Successor, shall allot and award One-fourth Part in Value of the Residue of the said Commons, Moors, and Waste Lands, unto and among the Proprietors of the ancient Messuages, or Tofts, having Right of Common upon the said Commons, Moors, and Wastes, in respect of such Messuages and Tofts, in lieu of such Right of Common, and in Proportion to the Number, and without considering the comparative Value of such Messuages and Tofts; and he shall set out, allot, and award the Residue of the same Commons, Moors, and Wastes, unto and among the several Proprietors of ancient inclosed Lands, having such Right of Common in Proportion and according to the Value of such their respective Lands, and in lieu of such Right of Common; and no Person or Persons shall have or be entitled to any Allotment or Allotments from the said Commons, Moors, and Wastes, in Right of any Messuages, Lands, Tenements, or Hereditaments, in Respect whereof any Allotment or Allotments have been set out or made, from any other of the Commons, within the said Chapelry of *Bradfield*, heretofore divided, under the Authority of any preceding Act or Acts of Parliament.

Allotments of the Residue of the Commons.

XXVI. And be it further enacted, That the said *Joseph Bishop*, or his Successor, shall sell (in the same Manner as directed by the said Act of the Forty-first Year of the present Reign, with Respect to the Sale of Lands to raise Money to defray the Expences of obtaining and executing any Inclosure Act) a sufficient Part or Parts of the Allotment or Allotments to be set out and made, by virtue of this Act, in Right of the Glebe Lands, or of any other Allotment or Allotments made to any Tenants in Tail, or for Life, or Years determinable upon any Life, to raise a Sum of Money adequate to defray the Expences of ring-fencing the same Allotments,

Fencing of Glebe Allotments.

ments, in such Manner as he shall think proper, and he shall apply such Money to that Purpose.

Tithe Allotments to be ring-fenced.

XXVII. And be it further enacted, That the said *Joseph Bishop* and *George Barker* shall cause the said Allotments in Lieu of Tithes, and the said Modus, to be ring-fenced with good and sufficient Walls, and the Expences of making such Ring-Fences, (except the Expence of any Fence which the said *Joseph Bishop*, or his Successors, shall order to be made, by any Proprietors whose Lands may adjoin the said Allotments in Lieu of Tithes), shall be paid out of the Money to be raised for the Purpose of defraying the Expence of obtaining and executing this Act; but the same Fences shall for ever thereafter be repaired by the several Owners of the said Allotments in Lieu of Tithes, and the said Modus and *Easter Dues*, each such Owner repairing the Fences of his own Allotment.

Fences.

XXVIII. And be it further enacted, That the several Allotments to be made by virtue of this Act, (except the said Allotment to the said Duke, and except as herein-after mentioned), shall be inclosed and fenced by and at the Expence of the several Proprietors to whom such Fences shall, by the said *Joseph Bishop* or his Successor, be allotted, or directed to belong, by Walls or other Fences, of such Sort or Description, and within such Time or Times, and in all Respects in such Manner, as the said *Joseph Bishop*, or his Successor, shall by his Award, or, in the mean Time, by any Writing under his Hand, direct; but it shall be lawful for the said *Joseph Bishop*, or his Successor, in such Cases as he shall think proper, to omit making any Order or Direction about any Fence or Fences; and it shall be optional with the Owners or Owner of any Allotment or Allotments, for the fencing of which, either wholly or in Part, no such Order or Direction shall be made, to fence the same or not.

Abatement to Lessees.

XXIX. And be it further enacted, That in Cases where an Allotment or Allotments of any Part of the said Moors, Commons, and other uninclosed Lands shall be made, in respect of any Hereditaments which are held by any Tenant for a Term of Years, by virtue of any Lease or Agreement, (if such Tenant do not agree with the Person or Persons to whom such Allotments shall be made, for the Use, Occupation, and Enjoyment thereof), such Tenant shall not be entitled to enter upon, occupy, or hold the said Allotment or Allotments, but shall (unless such Lease or Agreement specially provide to the contrary) have and receive, from the Proprietor thereof, such an Abatement from the Yearly Rent reserved and made payable, in and by such Lease or Agreement, for the Remainder of the Term of his Lease, as the said *Joseph Bishop*, or his Successor, shall adjudge to be a reasonable Compensation for the Loss of Common Right which such Tenant may sustain.

Exchanges.

XXX. And be it further enacted, That it shall be lawful for the said *Joseph Bishop*, or his Successor, to set out or allot any of the Lands hereby directed to be divided and allotted, or any Messuages, Buildings, inclosed Lands, Grounds, Tithes, or other Hereditaments, in the Chapelry of *Bradfield*, in the Parish of *Ecclesfield* aforesaid, in Lieu of, and in Exchange for, any other Messuages, Buildings, Lands, Tithes, or Hereditaments, in the same Chapelry or Parish, or any other Parish or Township adjoining thereto,

thereto, so as every such Exchange be set forth and ascertained by the Award of the said *Joseph Bishop*, or his Successor, and so also as every such Exchange be made with the Consent of the respective Proprietors, or Persons seized or intitled in Possession of or to the Hereditaments so to be exchanged for any Life or Lives, or for Years determinable on any Life or Lives, or for some Estate of Inheritance less than an Estate in Fee Simple, or with the Consent of the Husbands, Guardians, Trustees, Committees, or Attornies, of any such Proprietors, who shall, at the Time of making such Exchange, be Females Covert, Infants, Lunatics, beyond the Seas, or under any other legal Disability, Incapacity of acting for themselves, and so as every such Exchange of any Lands, Tenements, or Hereditaments, holden in Right of any Church, Chapel, or other Ecclesiastical Benefice, be made with the Consent of the Patron thereof, and the Bishop of the Diocese within which the same shall lie or be situate; and that all such Consents as aforesaid be respectively signified by Writing, under the Hands of the consenting Parties, or under the Seals of any of them, being Corporations Aggregate; and every Exchange which shall be so made and declared shall, as well with respect to the Hereditaments within the Chapelry and Parish of *Ecclesfield* aforesaid, as in respect of the Hereditaments within any other Parish or Township adjoining thereto, be for ever good, valid, and effectual to all Intents and Purposes.

XXXI. And be it further enacted, That the several Lands and Hereditaments which shall be allotted or exchanged by virtue of this Act, or of the said Act of the Forty-first Year of the present Reign, shall go to the same Persons, and for and upon the same Estates, Uses, and Trusts, and subject to the same Charges and Incumbrances of every Kind, as the Hereditaments in respect whereof the same shall be respectively allotted or exchanged, shall, at the Time of making such Allotment or Exchanges, be of, or be limited or subject to, or affected by.

Allotments to go to the same Uses as the Hereditaments in Right of which they shall be made.

XXXII. And be it further enacted, That until the Tithe Allotments shall be completely ring-fenced, the Rights and Interests of the Tithe Owners shall continue the same as they are at present; and they shall be entitled to their Tithe, Modus, and *Easter Dues*, in the same Manner as if this Act had not been obtained; but from the Time that such Allotments shall be ring-fenced, such their present Rights and Interests (save as to Arrears of Tithe Rents, Modus, and *Easter Dues*) shall be extinguished, and they shall accept their respective Allotments in Lieu thereof.

When the present Rights of the Tithe Owners shall be extinguished.

XXXIII. And be it further enacted, That if any Person shall advance any Money towards defraying the Expences of obtaining or executing this Act, the same shall be repaid with lawful Interest, out of the first Monies to be raised by the said *Joseph Bishop*, or his Successor, by virtue of this Act.

Money advanced to be repaid with Interest.

XXXIV. And be it further enacted, That the said *Joseph Bishop* shall be paid the Sum of Four hundred and twenty Pounds, and no more, (except in the Event herein-after mentioned), as a Recompence for all his Time and Trouble in executing the Powers and Trusts reposed in him by virtue of this Act, and for all his travelling Expences and Expences at Inns and elsewhere, which Sum of Four hundred and twenty Pounds shall be paid to him, by such Instalments and Proportions, and at such

Allowance to Commissioner.

[*Loc. & Per.*]

55 M.

Times.

Times as shall be determined upon by a Majority in Value of the Persons interested in the said uninclosed Lands, (to be ascertained by the Land Tax Assessment), who shall attend at any Meeting of the said *Joseph Bishop* for that Purpose, of which Ten Days Notice shall have been given by Advertisement, to be inserted in one of the *Sheffield Papers*; and it shall be lawful for such Majority to increase the said Allowance to the said *Joseph Bishop*, in case it should appear to them to be an inadequate Recompence; and in case of the Death or Incapacity to act of the said *Joseph Bishop*, the Majority in Value of the Persons interested (to be ascertained as aforesaid) who shall attend a Meeting to be called for the Purpose, by such Advertisement as last aforesaid, shall name some indifferent Person, to ascertain what Proportion of the said Sum of Four hundred and twenty Pounds, ought in the Judgement of such Person to be paid for the Business then done by the said *Joseph Bishop*, and such Sum shall be paid as such Person shall decide upon; and it shall be lawful for the Majority in Value of the Persons interested attending any Meeting to be called for the Election of a succeeding Commissioner, to make (either then or afterwards) such Bargain or Agreement with such succeeding Commissioner as they may think proper, as to what Remuneration he shall have for completing the Business.

Allowance to
Mr. Barker.

XXXV. And be it further enacted, That the said *George Barker*, or his Successor, shall be paid the Sum of One hundred and five Pounds, and no more, as a Recompence for all his Time and Trouble in executing all the Powers and Trusts hereby vested and reposed in him, and for all his travelling Expences and Expences at Inns or elsewhere, which Sum shall be paid to him by such Instalments and at such Times as the said *Joseph Bishop*, or his Successor, shall direct and appoint; and in case the said *George Barker* shall die, after having executed some, but not all of the Trusts and Powers hereby vested in him, his Executors and Administrators shall be paid such Sum of Money as the said *Joseph Bishop* or his Successor shall think will make up to his Estate and Effects, a proportionate Part of the said Sum of One hundred and five Pounds, in Comparison with the Trouble and Expences he, the said *George Barker*, shall have taken and paid, and the whole Trouble and Expences he might have been put to, in completing all the Trusts and Powers hereby vested in him.

Eventual Al-
lowance to
Mr. Barker's
Successor.

XXXVI. And be it further enacted, That in case, under the Provisions aforesaid, it should become necessary to appoint a Successor in the Room of the said *George Barker*, such his Successor shall be paid the Sum of Two Guineas per Day, for every Day he shall necessarily be employed about the Business, such Sum to include all his travelling Expences and other Expences whatsoever.

Tithe Owners
Solicitor.

XXXVII. And be it further enacted, That the Tithe Owners shall be at Liberty to appoint a Solicitor to attend to the Whole of their Interests in the Progress of the said Inclosure; and that such Solicitor shall be paid the Sum of Sixty-three Pounds for all his Charges in and about the Business already or hereafter to be incurred, including all his Expences whatsoever; and such Sum shall be paid out of the first Monies to be raised for defraying the Expences of this Act.

XXXVIII. And

XXXVIII. And be it further enacted, That the Expences of obtaining and executing this Act shall be raised as follows, viz. Such several Proportions thereof, as the said *Joseph Bishop*, or his Successor, shall adjudge ought to be paid by the Proprietors of the said Open Fields, in respect of the extra Expences which shall be incurred in dividing and allotting the same (but not in respect of any Expence in obtaining this Act), and by any Persons making Exchanges or Sales by virtue of this Act, or of the said Act of the Forty-first Year of the present Reign, shall be paid by them respectively, at such Time or Times as the said *Joseph Bishop* or his Successor shall direct; and the Remainder shall be raised by Sale of Part of the said Commons, Moors, and Waste Lands; and the said *Joseph Bishop* or his Successor shall sell so much as, according to the best Estimate he can make, will raise sufficient for that Purpose; but in case there should be any Deficiency, the same shall be paid by the Persons interested in such Proportions, at such Time, and in such Manner, as the said *Joseph Bishop*, or his Successor, shall direct; except, that no Part of such Deficiency shall be demanded from, or paid by, the Lord of the Manor or the Owners of the Tithes as such.

How Expences are to be paid.

XXXIX. And be it further enacted, That once at least in every Year, during the Execution of this Act (such Year to be computed from the Day of passing thereof), the said *Joseph Bishop*, or his Successor, shall if required by any Person interested, make a true and just Statement or Account of all Sums of Money by him received and expended; and such Statement or Account, together with the Vouchers relating thereto, shall be laid before any One or more of His Majesty's Justices of the Peace for the West Riding of the said County of *York*, to be by him or them examined and balanced; and such Balance shall be by such Justice or Justices stated in the Books of Account to be kept in the Office of the Clerk to the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned, unless the same shall have been first allowed by such Justice or Justices.

Commissioner to account.

XL. And be it further enacted, That it shall be lawful for any Person, entitled to any Allotment, to sell, mortgage, dispose of, and convey the same, before the Execution of the Commissioner's Award, and to sell, mortgage, dispose of, and convey the Estate, in Right of which he, she, or they, may be entitled to any Allotment, separate and apart from, and retaining to himself, herself, or themselves, such Allotment, Common Right, and Interest; and the said *Joseph Bishop*, or his Successor, is hereby required to award such Allotment accordingly.

Power to sell, &c. before the Execution of the Award.

XLI. And be it further enacted, That the said *Joseph Bishop* or his Successor, and the said *George Barker* or his Successor, shall, as soon as they have completed all the Powers hereby jointly vested in them, form and draw up an Award concerning the same only, which shall be engrossed or written, and read and executed, in such Manner as by the said Act of the Forty-first Year of His present Majesty's Reign is directed with respect to the general Award of Commissioners acting under Inclosure Acts, and shall be annexed to and enrolled with the General Award of the said *Joseph Bishop*, or his Successor, and treated and considered as Part thereof; and the said *George Barker*, or his Successor, shall not be required to join in such General Award.

Special Award as to the Tithe Allotments to be made.

Award to be deposited.

XLII. And be it further enacted, That the Awards to be made in pursuance of this Act, when enrolled, shall be deposited and kept in the public Chest belonging to the Chapel of *Bradfield* aforesaid, where all Persons interested therein may have Access to the same, at all reasonable Times.

Appeal to the Quarter Sessions.

XLIII. And be it further enacted, That if any Person shall think himself, herself, or themselves aggrieved by any Thing done by the said Commissioners, or either of them, in pursuance of this or the said recited Act (other than and except in Cases where, by any of the Provisions of the said Act, or of this Act, the Determinations, Acts, or Proceedings of the said Commissioners, or either of them, are directed to be final and conclusive, and except as to such Claims, Objections, Matters, and Things, as are herein-before directed or authorized to be ascertained, settled, tried, and determined by the Verdict of a Jury), then and in every such Case, he, she, or they, may appeal to the General Quarter Sessions of the Peace which shall be holden for the West Riding of the County of *York*, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) in their General Quarter Sessions, are hereby authorized and required to hear and determine the Matter of such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable; and by their Order or Warrant, to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties adjudged by them liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; and 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.

As to Surplus.

XLIV. Provided always, and be it further enacted, That if the said *Joseph Bishop*, or his Successor, shall happen to raise by such Sales as aforesaid, more Money than will be sufficient to pay and defray the whole of the Costs, Charges, and Expences, directed to be raised by such Sale, then and in that Case, the Surplus Money shall be divided between the several Persons interested, in Proportion to their respective Interests and Property therein, and the Shares of such of them as shall be Tenants thereof in Fee Simple, shall be paid to them respectively, and the Shares of the other Proprietors shall be applied in Manner directed by the said recited Act with respect to Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

XLV. Provided.

XLV. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said Duke of *Norfolk*, or any future Lord or Lords of the said Manor, in or to any Mines, Ores, Minerals, or Coal, in or under the aforesaid Commons, Moors, Wastes, and uninclosed Lands respectively, or any Part thereof, but that they and their respective Lessees, Agents, Servants, and Workmen, shall have full and free Liberty at all Times hereafter, to search for, work, dig, win, raise, carry away, and dispose of all such Mines, Ores, Semimetals, Minerals, and Coal, as fully and effectually as if this Act had not been passed; and also to erect any Engine or Engines, or other Machines or Buildings, and to open, sink, drive, make, and use such Pits, Shafts, Soughs, Levels, Roads, and Ways in, through, upon, and over the said Commons, Moors, Wastes, and uninclosed Lands, or any Part or Parts of the same, as they or any of them shall think expedient and necessary for the better and more beneficially searching for, working, digging, winning, raising, carrying away, and disposing of the said Mines, Ores, Semimetals, Minerals, and Coal, and also for the winning, raising, carrying away, and disposing of all or any other the Mines, Ores, Semimetals, Minerals, and Coal, lying in or under all or any of the ancient inclosed Lands of the said Duke of *Norfolk*, or any future Lord or Lords of the said Manor, in such and the same Manner, as if this Act had not been made, save only that they respectively shall do as little Damage as possible, in the Lands to be inclosed, and shall make full and ample Satisfaction and Recompence from Time to Time, to the Person or Persons seised or possessed of such Lands, for all Damage or Spoil of Ground, or other Loss that shall be done or occasioned thereto, or to any Part thereof, by searching for, working, digging, winning, raising, and carrying away the said Mines, Ores, Semimetals, Minerals, Coal respectively, or any of them.

Reservation of Minerals, and certain Privileges to the Duke of Norfolk.

XLVI. Provided always, and be it further enacted, That no Person or Persons, to whom any Allotments of the said Commons, Moors, Wastes, or uninclosed Lands, shall be made by virtue of this Act, his or their Heirs or Assigns, or any other Person or Persons claiming under him, them, or any of them, or by or under his, their, or any of their Permission or Connivance, other than and except the said Duke of *Norfolk*, and the future Lord or Lords of the said Manor, and the Persons claiming under them respectively, shall drive, make, or use, or permit or suffer to be driven, made, or used, any Sough, Level Way, or Passage, in, through, or under any of the said Allotments, or any Part of the same, whereby any Mines, Ores, Semimetals, Minerals, and Coal lying adjoining, or near to the said Commons, Moors, Wastes, and uninclosed Lands, may be won or laid dry, either wholly or in Part, without the Consent in Writing of the said Duke of *Norfolk*, or the future Lord or Lords of the said Manor, on Pain of paying and forfeiting unto the said Duke of *Norfolk*, or the future Lord or Lords of the said Manor, the Sum of Five hundred Pounds Sterling, for every Acre which may be so won or laid dry, either wholly or in Part, and so in Proportion for a greater or lesser Quantity than an Acre, to be recovered by Action in any of His Majesty's Courts of Record at *Westminster*, in the same Manner as for Money due on an Account stated.

Certain Works of Mining not to be made under the Allotments, without the Consent of the Duke of Norfolk.

THE UNIVERSITY OF CHICAGO

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Chicago, Illinois

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