

COMMONS AND WASTES IN NORTH-WEST DERBYSHIRE—THE HIGH PEAK ‘NEW LANDS’

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Towards the end of Charles I's reign the High Peak Forest was the subject of transactions which radically altered its status and had some effect upon it physically; these transactions resulted in much litigation and their effects have continued to the present day. The Hundred or Lordship of the High Peak, of which the Forest was part, formed a unit in the extensive territory of the Duchy of Lancaster, and indeed the lordship remains vested in the Duchy. In the early part of the seventeenth century deer roamed the Forest, itself still subject to the code of forest law. To Defoe, who travelled these parts in the early 18th century, it was “a waste and howling wilderness” and “perhaps the most desolate, wild and abandoned country in all England”. In the words of a 17th century document it contained ‘wastes, commons and moors which are very large and great’, and it is with these that we are concerned here, an area of some 30,000 acres lying mostly in the high upland country round the Peak and bounded roughly by Glossop, Mellor, Whaley Bridge, Fairfield, Flagg and Chelmorton, Tideswell, Bradwell, Hope and the Peak.¹

Until legislation last century imposed some restrictions, commons and particularly wastes had always been liable to a gradual whittling-away through encroachment. The process had been going on in England from time immemorial as more and more land was taken in for living and for cultivation. In the 17th century an acceleration in such land-use sprang not only from these primeval urges but also from government policy and the need of revenue. In 1626 the disafforestation of certain royal forests was planned. The Duchy's forests were included: Leicester Forest was dealt with in 1628, and in 1633 two-thirds of Duffield Frith were allotted to the commoners and one-third to the king in right of the Duchy, who thereupon sold his share for £2,195. Although here the commoners stoutly, and in the end successfully, resisted enclosure, the exercise was a precedent for the treatment of the Peak Forest.²

Earlier in Charles I's reign a decree in the Duchy Court had allotted a part of the High Peak wastes to the freeholders: these became known in the Duchy as the ‘Old Lands’, and were distinguished from the ‘New Lands’, a name given in modern times to the lands now being discussed. Then in 1634 the freeholders and tenants and other inhabitants within the Forest and its purlieu petitioned the king to disafforest it and enclose and improve the remaining wastes. They wished to be free of the onerous forest laws, which at that time were being enforced in order to provide additional revenue, and they complained of the damage done to their crops by the deer of the Forest. The application may not have been spontaneous, but it suited the authorities.³

On 7th July 1634 the Duchy was authorised to negotiate a division of the wastes, and three days later a survey of the area was urgently put in hand, with express direction to have it done in the summer vacation. The commissioners were all Derbyshire men: John Shallcross the sheriff, Sir John Curzon, Simon Every then Receiver General of the Duchy, John Bullock the Duchy's North Auditor, and Gervase Leigh. Their instructions were to make a thorough enquiry into the tenures, customs, rents, common rights, the extent and nature of the commons, and encroachments within the previous 40 years.⁴ But the work was imperfectly done and a fresh survey was ordered on 3rd April 1639. By that time the whole operation was gathering force. In February of that year Lord Newburgh, Chancellor of the Duchy, had received the king's authority to treat with the freeholders and tenants in the Forest and Hundred for improving the wastes and commons with the specific purpose of increasing the royal revenue.⁵

The commissioners for the new survey of 3rd April 1639 were the same as those of 1634. They were empowered to agree generally with the tenants and commoners for disafforestation, the sale of the king's interest in the soil, and improvement of the wastes for a money consideration. They appointed surveyors and had two juries empanelled, one for the commons and wastes in the Forest, the other for the wastes and commons belonging to the purlieu. From these juries came the recommendation that the king might improve one moiety or half of the wastes and commons in the Forest, the tenants, freeholders and commoners receiving the other moiety in respect of their rights of common, but the portions in the purlieu (being outside the Forest) should be one-third and two-thirds respectively.⁶ As, however, the High Peak was a forest, the commoners could only have had a right of turbary, and no other common rights.

The next step was to measure the areas, divide the land into three grades—best, middle and worst—and allot the due proportions. The king's share of each kind was staked out and maps prepared.⁷ That share was 7,322 customary or Cheshire acres, based on a perch of eight yards, or about 15,400 statutory acres. As shown in a lease of 1674, to be considered later, the details of the King's allotment were thus:

	A	R	P
Hope	616	3	01
Fairfield, Fernilee, Shallcross and Bowden Chapel ..	917	3	08
Bowden Middlecale	2,228	0	00
Bowden Chapel (distinct from the townships) ..	973	1	09
Castleton	441	0	08
Bradwell	657	1	03
Wormhill	504	3	06
Flagg and Chelmorton	622	3	29
Taddington and Priestcliffe	188	3	14
Mellor	182	0	18
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	7,332	3	16

Although in essence the process was simple, the detailed work was more complicated, especially the determination of boundaries.⁸ Quite early in the negotiations the procedure to be followed in Bowden Middlecale was settled with the tenants, about one hundred of whom entered into individual agreements with the Duchy.⁹ Events, indeed, moved fastest in Bowden Middlecale, which was by far the largest area. The name may be unfamiliar to many, and indeed it is not now on the maps. It is connected with Bowden and Bowden Hall, near Chapel-en-le-Frith, which belonged to the family of the same name in the 17th century.¹⁰ Bowden Middlecale, in the vast parish of Hope, was a very large township comprising in that century Ollersett, Phoside, Chapel or Ely Bank, Brownside, Great Hamlet and Matley Moor. It was a separate division for land tax assessments in the 18th century and did not disappear from them until 1802, when it was divided into Beard, Great Hamlet and Chinley.¹¹

Early in 1639 a survey had already been made of the wastes in Bowden Middlecale and in the adjoining townships of Bowden Chapel (more familiar as Chapel-en-le-Frith) and Wormhill. Because the commissioners were uncertain about the boundaries of Bowden Chapel with the parishes of Hope and Glossop, and to some extent Wormhill, a fresh enquiry was ordered on 10th July 1639: but it was never carried out. It was followed by another commission of 9th December 1639 which gave to Thomas Legh, Anthony Elcock, clerk, Edmund Nickson, clerk, John Greaves and George Hopkinson the task of distinguishing the boundaries of Bowden Chapel with the parishes of Hope and Glossop and with the contaberies or townships of Wormhill and Bowden Middlecale.¹² The commissioners took some evidence on 6th January 1640 in Shallcross at the house of the widow Jane Mosley.¹³ Many of those questioned were in their eighties and could

recollect several occasions when they had walked the bounds in procession. As an example, they described the bounds of Chapel with the parts of Wormhill constabulary lying in Hope parish in some such terms as these:

'from the end of the old Whaley bridge to a cross called Cross Cliff or Cross in the Broom or Broomfield, thence to Rowting Clough, over the Brown Edge to the long edge "as the water falls to Wainstones Cross"; then to the Archers' Walls and over the Moss to Derwins Lowe to a stone called the Hanging Stone, and so to Doveholes Kiln'.

The Blackbrook, the Washbrook, Metcalfe Brook or Carbrook and the Rock Clough Brook (the head stream running into the Blackbrook) formed the boundary between Bowden Middlecale and Bowden Chapel and the parishes of Hope and Glossop.

Soon after the results of this enquiry had been received in the Duchy Office, Lord Newburgh as Chancellor of the Duchy and the Duchy's Attorney General Thomas Bedingfield concluded on 14th February 1640 an agreement with representatives of the freeholders and tenants of Bowden Middlecale, headed by Randolph Ashenhurst,¹⁴ for dividing the wastes and commons there: one half for the king, the other for the freeholders and tenants. The king's part was then to be sold to the others for £100 with an annual rent of £110, and payment of a further £100 would secure disafforestation. All royal mines, mines of lead and coal, quarries and stonebreaks were reserved to the Duchy.¹⁵ Similar arrangements for the other townships were obviously intended. No agreements exist, but in proceedings in the Duchy Court in 1675 and again in 1684 the fact that all the townships had agreed was categorically stated and accepted by the court.¹⁶

As soon as the agreement of February 1640 had been signed, the Chancellor appointed Sir Simon Every, Francis Revell, George Hopkinson, Robert Cryer (Vicar of Glossop) and some others on 21st February to carry out the division of Bowden Middlecale according to the agreement.¹⁷ Revell and Hopkinson reported from Hayfield on 23rd April. At Chapel-en-le-Frith on 2nd April they had engaged two surveyors, Thomas Hibbert and Samuel Barton, who lost little time in dividing the wastes into two parts, setting up marks and showing the portions on a map,¹⁸ but because of bad weather and lack of co-operation from some of the local people the surveyors had been unable to complete the work. In particular, Mr. Edmund Bradbury the younger of Ollersett 'did much discourage and dishearten' the surveyors. Throughout the year 1640 there was great activity in the survey and division of the wastes and commons, the determination of boundaries and the placing of boundary marks. The surveys were all basically the work of Hibbert and Barton with help not only from the commissioners, or some of them, but also from the freeholders and tenants. A survey of 14th August dealt with Bowden Chapel, Fairfield, Fernilee, Shallcross and Mellor, and at Hayfield on 18th August a division was made of the commons in Bowden Middlecale which had not previously been divided by the surveyors, i.e. Ollersett, Phoside, Chapel Bank or Ely Bank, Kinder, Kinder Bank, Brownside, Great Hamlet and Matley Moor.¹⁹

It seems that some delay occurred in actually setting out the respective portions. Perhaps it was due to an application the freeholders made to the Duchy in an attempt to establish rights of pasture and turbary. The Chancellor of the Duchy, however, put a stop to the legal proceedings and the Bowden Middlecale allotments were confirmed by order of the Duchy Court on 27th November.²⁰ On 1st December the final setting out of these wastes in terms of the agreement was put in hand and instructions were also given about fencing.²¹ The Forest was taken to have been disafforested and the deer were destroyed.

All this activity soon came to a halt, for the political disorders from 1640 and then the onset of civil war in 1642 put an end to further proceedings. Because of the war the Bowden Middlecale contract was never carried out and the king's part remained in the Duchy, although the deer had been removed and the Forest disafforested. As a means of raising money the exercise had failed, but it resulted in some crop improvement if only through the removal of deer. Indeed, the Parliamentary survey of Chapter lands in Derbyshire of 1649-50 indicated that much of the Forest had recently been enclosed and improved, and spoke optimistically of the 'very fruitful land' and 'good

corn growing'.²² By December 1649 the freeholders and tenants in Bowden Middlecale had paid only £150 out of £200 when they asked the Duchy for completion of the agreement.²³ The Duchy, however, itself was about to go into a temporary eclipse which continued in the Interregnum, and for more than 20 years the division of the commons and wastes was left in abeyance.

After the Restoration the High Peak lordship, with much other property, was transferred in 1665 to trustees for the Queen Dowager Catherine for her jointure, and thus passed for a time from direct Duchy administration. But seven or eight years later Sir Robert Carr, then Chancellor of the Duchy, asked for a report on the High Peak commons from Richard Shallcross, who had become Surveyor for the North Parts of the Duchy in 1673; he was also receiver and bailiff of the High Peak and as a local landowner had personal interest and knowledge. By that time the boundary marks were mostly defaced and lost. No rent had been paid for the king's part, and while there had been no enclosure as originally conceived, encroachment on the commons and wastes had been widespread. The local people had taken advantage of the troubled times of the Civil War and Interregnum. Although Shallcross pointed out that in general the treeless countryside was poor, he suggested that 4,482 acres of the middle and best grades of the king's allotment, valued at 6d. an acre, could be improved and converted to pasture, and that some of the best land, by manuring, could be cultivated for oats. He went on to propose that the large number of leadminers (he spoke of thousands) out of work because of depression in the industry and thus a charge on the Hundred, could be set to improve the wastes. As a more immediate and practical step he suggested that fresh commissions would be necessary to restore the marks and boundaries, and recommend a grant of the king's part to a prospective improver.²⁴

No doubt in consequence of this, on 24th December 1674 the king's share of the commons, as already measured, was leased by the Queen Dowager and her trustees to Thomas Eyre of Rowtor Hall for 31 years at a rent of £50. Eyre is not to be confused with his cousin the Catholic Thomas Eyre of Hassop; he was a Protestant and a barrister of Gray's Inn.²⁵ As it happened, both men became involved on opposite sides in litigation over the commons, and Thomas of Hassop led the opposition to the other. Thomas Eyre of Gray's Inn was embarking on his part upon a long and costly process of development and litigation. He soon claimed that as the land was so barren the term of his lease was too short to allow him to make a profit on the cost of improvement; so on 15th February 1675 he obtained an extension of 57 years from 23rd December 1705, and finally, on 4th March 1676, a grant in fee farm of the reversion in the lands leased to him.²⁶ To keep the leases in being he assigned them to trustees.

In order to re-establish the divisions a series of surveys was organised from the Duchy at Eyre's request and charge. One, of 10th March 1675, resulted in surveys of Bowden Chapel, Fairfield, Fernilee, Shallcross and Mellor by Peter Barker and Thomas Stubbings, of Bowden Middlecale and Mellor by Richard Marshall and John Lowe, and of Castleton by Joseph Eyre.²⁷ Another, of 6th July 1675, dealt with Wormhill (Peter Barker, surveyor), Bradwell both inside and outside the Forest (Joseph Eyre), Taddington and Priestcliffe (Joseph Eyre) and Chelmorton and Flagg (Thomas Stubbings).²⁸ The wastes in Hope were not surveyed then, but other surveys of the lands followed from time to time in the next two decades.

As soon as Eyre had taken possession and begun enclosure he met strenuous opposition. Even before his first lease had been completed the freeholders and tenants in Chelmorton had applied to Sir John Coke as a major land-owner for his advice and help in stopping the lease and the surveys.²⁹ All over the areas involved the tenants claimed that they had acquired the whole of the wastes under the agreements made in 1640. For too long the commoners and the others had gone their own way with encroachments, building new houses on the wastes, asserting unwarranted rights, pasturing cattle on the king's part, and in general, as Eyre claimed, defrauding the king's majesty. They had no wish to see the commons enclosed and improved. They had stolen or

destroyed some of the relevant documents, and we learn from proceedings in 1684 that the Forest records, the consents of the parties to the division and the allotments, the commissions with the returns and maps had been burnt and destroyed, mostly during the Civil War.

Difficulties started in Bowden Middlecale in February 1675, and although Eyre made more than one offer to meet the commoners and negotiate a transfer of his interest to them, he was faced with a lack of co-operation, with threats of violence and of the removal of his marks and enclosures. Eyre, however, had the support of the Duchy and the Queen Dowager's trustees, who wanted improvement, and he brought a relator action in the Duchy Court against Ralph Waterhouse and others.³⁰ The court made a decree in his favour on 26th June 1678, on the ground that the freeholders and commoners had not performed their part of the contract to purchase the king's moiety; it ratified the agreement with the king to have a moiety in Bowden Middlecale and decreed that moiety to Eyre.³¹ He obtained a similar decree on 10th February 1682 for the king's parts in Castleton, Hope, Bradwell, Wormhill, Bowden Chapel, Shallcross, Fairfield, Fernilee and Mellor.³² Opposition in Hope, Bradwell and Wormhill was more determined, led by Thomas Eyre of Hassop, William Inge and Adam Bagshaw. Against them Eyre of Gray's Inn obtained a decree on 3rd June 1684, after much weighty deliberation, which assured to him the moiety in Hope, Bradwell and Wormhill.³³ The disgruntled losers appealed to the House of Lords in May 1685, but the Lords dismissed their petition on 14th November and confirmed the Duchy decree.³⁴

Eyre continued his efforts to divide and enclose the various allotments, in spite of opposition from the commoners, who refused to fence, and ran their cattle on his land. He had recourse now and then to the Duchy Court. In one such action taken against William Inge and others by the Duchy's Attorney General at Eyre's relation, some commissioners with the help of the surveyor Peter Barker and a jury set out two moieties in Hope, Thornhill and Bradwell early in 1688.³⁵ Later that year, on 24th November, the Chancellor of the Duchy ordered a fresh division in Hope and Bradwell. Thereupon Rowland Eyre, the son and heir of Thomas Eyre of Hassop (by then dead), William Inge and others appealed to the Lords, who set aside the order as an impeachment of their judgement of November 1685 (3rd May 1689).³⁶ Rowland Eyre and his fellow plaintiffs then petitioned the Lords for a direction to the Duchy for a fair and equal division of the commons in Hope and Bradwell, but this was refused.³⁷ To the end of the century Eyre was involved in litigation and in obtaining Duchy commissions for boundary adjustments. Even so as late as December 1691 we find a commission to establish if the surveys of 1675 and 1640 for Bowden Middlecale agreed. By that time Eyre was selling off portions of his enclosed lands to pay his costs and make some profit from the transaction.³⁸ He had also debts to repay. He had borrowed money from diverse people, and not least from Reginald Bretland, a serjeant at law who had appeared for the defendants in the 1684 Duchy case about Hope, Bradwell and Wormhill. Eyre owed him over £650, a sum still outstanding in 1707/8, when Bretland was dead.³⁹

By the 18th century, with Eyre well-established by law in his title and possession, and the Duchy still willing to implement the agreement of 1640, some of the commoners and tenants began to realise that their title to the soil under their moiety and also to rights of common should be ratified. Accordingly the freeholders of Castleton, Hope, Wormhill, Bradwell and Fairfield agreed together to obtain a grant under the Duchy seal of their rights of common.⁴⁰ They appointed Adam Bagshaw of Wormhill to act on their behalf, and applied to the Duchy Court on 8th March 1709 claiming that their moiety of the wastes of Bowden Middlecale should have been decreed to them when Eyre had had his decree in 1684. The Duchy Court made the required decree on 25th June 1711, assuring to them the soil of the allotments but reserving minerals to the Duchy.⁴¹

This was not, of course, an enclosure of the tenants' moiety and it was long before all

the portions were divided and severally enclosed: some may still be unenclosed. Among the earliest to have a division were the freeholders and copyholders in Bowden Chapel, or Chapel-en-le-Frith, who entered into an agreement in 1712 for their moiety to be surveyed by two surveyors and divided among the tenants.⁴² Like this one, some other enclosures were effected by agreement, and others later by act of Parliament. Most of the enclosures, indeed, dated from the early part of the 19th century; the latest, in Kinder, was in 1840.⁴³

This in a sense closed the transactions that had begun two centuries earlier, but it is not really the end of the whole story; for the true meaning and interpretation of the mineral reservation in Eyre's grant and in some of the decrees have been debated at intervals from the 18th to the present century. That, however, is a legal question and one that cannot be pursued here.

REFERENCES

- ¹Duchy ownership has meant the survival of good documentation. Much of this was transcribed in 1773 by or for Francis Russell of the Duchy in a 'State of the title of the King's Majesty to the timber, woods, mines of coal within the disafforested Forest of High Peak' (State of Title), and in 1879 in a volume 'High Peak 1640-1692', both in the Duchy Office. I am obliged to the Chancellor and Council of the Duchy for permission to use and quote from them. Other Duchy records cited here are in the Public Record Office. There are also relevant papers in the Derbyshire Record Office and the Archives Departments of the Manchester and the Sheffield Central Libraries. A short account is in the British Library Add. MS 6670 f. 435. Brief references in print are in J. C. Cox, *Royal Forests of England* (1905), 181, 203, and *Memorials of Old Derbyshire (Memorials)* (1907), 290, C. E. B. Bowles in *Derbyshire Archaeological Journal (D.A.J.)*, XXIV (1902), 32 etc., and J. H. Brooksbank 'The Forest of the Peak' in *Hunter Archaeological Society Transactions*, I (1918), 337. R. Millward and A. Robinson, *The Peak District* (1973), 173-4, have a short but inaccurate paragraph on the 'final events in the destruction of the Royal Forest of the Peak'. I gratefully acknowledge help from Miss Joan Sinar and Miss Rosamund Meredith.
- ²*Memorials*, 290.
- ³The petition and the grant of the 'Old Lands' are cited in State of Title, 62.
- ⁴*Calendar of State Papers Domestic 1634-35*, 94, letter from the Secretary of State 26th June 1634; commission with draft instructions DL 17/81.
- ⁵State of Title, 72.
- ⁶Draft commission in DL 17/81, return DL 44/1187, signed by Shallcross and Every. The purlieu were in the townships of Chelmorton, Flagg, Taddington and Priestcliffe.
- ⁷A score of 17th century maps dealing with these transactions survive in the Duchy records. Four are dated 1640 (MR 10, 12, MPC 72, 83) all by Thomas Hibbert and Samuel Barton, and some others are probably of the same year (MPC 13, 14, 15, 17, 18, 20, 22, 29, 40 and perhaps 38). Six (MPC 8, 16, 52, 71, 85, 92) date from legal proceedings later in the century. See J. C. Cox, 'Plans of the Peak Forest' in *Memorials*, 289, 292.
- ⁸For the boundaries of the allotments ancient stones and crosses were often utilised. On boundary stones and crosses mentioned in the surveys and maps see *Memorials*, 295 etc.
- ⁹November 1640. In DL 17/81.
- ¹⁰J. C. Cox, *Churches of Derbyshire (Churches)* (1877), II, 43, 145. Cf. S. Glover, *History of the County of Derby (Glover)* (1829), II, 217. Already in Lyson's time a farmhouse occupied the site of Bowden Hall, D. Lysons and S. Lysons, *Magna Britannia, Vol. V, Derbyshire (Magna Britannia)* (1817), cxxv and 73. K. Cameron, *The place-names of Derbyshire*, I, under New Mills, suggests Middlecale may mean a middle allotment of land, but this seems hardly tenable. Middlecale appears not to be used as a separate unit, but the name distinguished this township from Bowden Chapel, or Chapel-en-le-Frith.
- ¹¹I owe this information to Miss Sinar, from the assessments in the Derbyshire Record Office (D.R.O.).
- ¹²'High Peak 1640-1692', no. 1. Nickson was the minister of Chapel-en-le-Frith, *Churches*, II, 142. Hopkinson, much involved in these transactions, received £5 a term from the Duchy to act as solicitor in the Duchy Court in connection with the improvements, DL 41/97.
- ¹³'High Peak 1640-1692' no. 11.
- ¹⁴Of Beard Hall, *Magna Britannia*, cliii.
- ¹⁵The original agreement disappeared quite early, but several copies (at least one of them nearly contemporary) survive, e.g. DL 39/5/18. The agreement was cited in the Duchy Court in December 1649 and confirmed by a decree in 1681, DL 5/34 f. 369.
- ¹⁶On information brought by the Attorney General of the Duchy 26 June 1675, 'High Peak 1640-1692' no. 22.
- ¹⁷DL 44/1183 is the original, draft in DL 17/81. On Revell (c. 1602-1656, a J.P. and a commissioner for the lands of bishops, deans and chapters in Derbyshire), see C. J. Williams, *D.A.J.* XCI (1971), 149-150.

- ¹⁸P.R.O. MPC 83 and 'High Peak 1640-1692' no. 2: delivered to the commissioners 20th April 1640. They had dealt with Bowden Middlecale wastes in Buxworth, Beard, White and Thornsett hamlets.
- ¹⁹P.R.O. MR 12, MR 10. In a draft commission of 1st December 1640 (DL 17/81) it was proposed to let the freeholders in Bowden Middlecale vote if they wished to have their and the king's parts divided and enclosed or remain in common and be stinted.
- ²⁰State of Title, 74.
- ²¹DL 17/81, to Francis Revell and others. Although most of the cost of commissions and surveys should have been paid for by the tenants and others under the agreements, the Duchy paid £122 15s 4d in 1641-2 for carrying out the original commission of survey in 1634 and £96 10s 0d on account of the division and improvement, DL 28/12/13.
- ²²*Churches*, IV, 508.
- ²³DL 5/34 f. 369.
- ²⁴DL 41/19/4. The 'worst sort' of land, 2830 a. 2r. 16p., was valued at 2d an acre.
- ²⁵On the Eyres of Hassop, see Rosamund Meredith, *D.A.J.*, XC, (1970).
- ²⁶DL 42/24 f. 167, warrant of 25th February 1675, DL 41/97. Rent of £100 a year after expiry of the lease term.
- ²⁷State of Title, 17-32.
- ²⁸State of Title, 8-13. Maps: Bradwell MPC 92, Chelmorton and Flagg and Wormhill MPC 85, Hope (by J. Eyre) MPC 16.
- ²⁹Lothian family papers, Melbourne Hall.
- ³⁰Bill, Attorney General of the Duchy at the relation of Thomas Eyre, brought in 26th June 1675, 'High Peak 1640-1692' no. 22.
- ³¹Decree in 'High Peak 1640-1692' no. 26.
- ³²In a decree 17th May 1686, Eyre may enclose one third and the tenants and others, two thirds, of the wastes in Chelmorton and Flagg, outside the Forest—cited in commission of 13th July 1694 (State of Title, 49) and the 1711 decree. Similarly one third and two thirds respectively in Taddington and Priestcliffe (outside the Forest) were decreed on 6th June 1689.
- ³³DL 5/40 fs, 215 ff. Costs were awarded against the defendants.
- ³⁴*House of Lords Journals*, (*Journals*) XIV, 18, 26, 46, 55, 81
- ³⁵Commission 14th December 1687, return 16th April 1688, State of Title, 36.
- ³⁶*Journals*, XIV, 142, 201.
- ³⁷*Journals*, XIV, 203, 233. Two maps in D.R.O., D. 267/79A, show the wastes and commons in Hope and Castleton as divided among the freeholders and copyholders according to a writ of partition 6th July 1691.
- ³⁸Sheffield City Libraries, Archives Department (S.C.L.), Oakes Papers, OD 5, 46, 481, 1345, 1347-8.
- ³⁹Manchester Public Libraries, Archives Department M 35/5/1/9. I am obliged to the City of Manchester Cultural Services Department for permission to quote from this document.
- ⁴⁰Agreement, S.C.L. OD 958. Bagshaw's appointment of 8th November 1708 is in D.R.O., Kirke, D. 513.
- ⁴¹Decree in State of Title, 94. Costs of 40s were awarded to the defendants. Eyre died in November 1717.
- ⁴²D.R.O., Kirke, D. 513. The enclosure was made in 1714.
- ⁴³*Glover*, I, 255, gives a list of acts and enclosures, with areas, up to his time.