

Whereas by a decree lately heretofore, that is to say upon the time of the twentieth day of June last past before the date hereof made in the Court of our Sovereign Lady the Queen of her Majesties duchy of Lancaster at Westminster in a cause there depending betwene Adam Bagshaw, Ralph Nicollson and George Kyrke of Bowden Midleale James Cheetham of Mellor Esq. Ralph Bocking of Hope Adam Bagshaw the Younger of Wormhill Rowland Swan William Fearn Joseph Fearn John Dakin and Nicholas Hill of Fairefield Edmund Warington and Henry Longden of Fearnilee and Arnold Kyrke of Bowdon Chappell, as well on the part of themselves As of others the freeholders Coppingholders and other tenants of the aforesaid severall Towns and Hamblets being within the maner or Lordship of High Peack plaintifes: Sir Edward Northy Knt. her said Majesties Aturney Generall of the Duchy Thomas Eyre Esq. and John Birds Gent. therein named defendants. Reciteing as therein is recited, it is amongst other things decreed That the said plaintifes and all other the said tenants freeholders and Coppingholders of the said severall Towns or Townships Vills and Hamblets of Hope Middlecalle Wormhill Bowdon Chappell and Mellor Castleton Bradwell Aston Thornhill Fairefield Fernilee and Shallcross in the said decree named and mentioned their heires and Assignes and all claiming by from or under them or any of them shall and will from henceforth forever hereafter peaceably and quietly have hould and enjoy the Tenants Moieties (a moiety = an exact half) of the said comons and wast grounds within the said or Chase of High Peack aforesaid therein mentioned and the soyle thereof according to the agreement made with his said Late Majesty King Charles the first on the deforesting Thereof therein also mentioned And the severall Surveys Divisions and Allotments thereof made and returned into the said Duchy Court According to their severall estates and Interests (interests) therein against the said Queens majesty her heires and successours and the said other defendants their heires and Assignes severally As the same have been divided and seperated from the other Moieties thereof decreed and established with the said defendant Thomas Eyre, for him to enjoy for and as the late Kings moiety or half part thereof according to The severall decrees in the said decree metioned and recited and freed allso and absolutely discharged from all further and other improovments to be made thereof or of any part of parcell thereof by her said majesty her heires or successors or any of them or any person or persons claimeing or to claime by or under them or any of them or other claime or demand whatsoever unto upon or out of the same by her said majesty her heires or successors or the said Thomas Eyre his heires or his or their Trustees in any wise howsoever and that the said defendants and all claimeing by from and under them are thereby also ordered and decreed to permitt and suffer the said plaintiffs and all other the said Tenants freeholders and Coppingholders their heires and Assigns to have hould occupy and enjoy the said moiety or half part accordingly as by the said decree may appear. Now wee the freeholders and coppingholders within the Vill and Township of Bowdon Chappell aforesaid do for ourselves severally our severall heirs and Assignes mutually and reciprocally Covenant promis and agree each with other, that the said moiety of the Commons or wast Grounds within the Vill or Township of Bowdon Chappell aforesaid for as is before mentioned and decreed to be enjoyed by us the said freeholders and Coppingholders of Bowdon Chapell aforesaid with all the convenient speed may be shall be

surveyed and admeasured by two surveyers to be named skillful and experienced surveyers of land and afterwards as soon as conveniently may be shall be subdivided and every of our due shares and proportions belonging to us repectively in right of our freehold or Coppyhould estates shall with the assistance of the surveyers be laid out and allotted to every of us respectively in proportion according to the payment of our Taxes and Assessments at and after a peny a lay by.

of and

to be by us respectively and severally heires and Assignes enjoyed in severally respect being had in the said divisions to quantity and quality, for allways that where it shall happen that any one of our respective shares or proportions shall happen to fall out and be allotted to and upon a worse sort of land then anothers share shall bee, there shall be allowance made in the quantity in such maner as to make the proportions as equall may be. And that for the better establishing of such Division and Allottment as aforesaid the said survayers shall Mapp or plott each persons part or proportion in a plann or record as is usuall and as is proper in such cases To which said Division and allotment for to be made as aforesaid We doe severally agree for ourselves and our heires mutually and reciprocally each with other to stand and abide and to Confirme and perpetuater and establish the same by such conveyance or Conveyances or decree in the said Duchy Court or in such maner as Counsell shall advise and that each of us shall quietly enjoy his share and proportion acording to the said division and that the said surveyers may be paid, and all charges aboute the premises may be defrayed and discharged. Wee further agree each with other for ourselves respectively and our severall heires, to bear pay and discharge each of our severall proportions thereof ratably and proportionably as we pay all our assessments to the Queen and poore And we doe further mutually and reciprocally agree That untill such Division and allotment shall be made as aforesaid, That our said moiety of the said Comons shall be stinted and enjoyed acording to each and every mans severall proportion as aforesaid and every one to putt sheep and cattle there upon accordingly and noe one to put on more then his due proportion. In witness whereof we have hereunto put our hands as a present Evidence of our agreement to the premises hereby agreeing to execute the like or such other formal Instrument upon stamp paper or parchment as soon as the same can be provided, this one and twentieth day of february Anno. Dom. 1711.

The Instrument for the Division
of the Comons.