ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 129.

An Act for incloſing Lands in the Pariſh of *Attleburgh*, in the County of *Norfolk*. [20th *May* 1812.]

WHEREAS there are within the Pariſh of *Attleburgh* in the County of *Norfolk*, ſeveral Open Fields, Half-year Lands, Shack Lands, Fens, Commons and Waſte Grounds: And whereas Sir *William Smyth*, Baronet, is, or claims to be, Lord of the ſeveral Manors of *Attleburgh Mortimers*, with the Members on the Part of *Mortimers*; *Attleburgh Mortimers*, with the Members on the Part of *Crowſhall*; *Attleburgh Mortimers*, with the Members on the Part of the College; *Attleburgh Mortimers*, with the Members on the Part of *Milſhawes*; *Attleburgh Mortimers*, with the Members on the Part of *Poynants*: And whereas Sir *Thomas Beevor*, Baronet, is, or claims to be, Lord of the Manor of *Attleburgh Chantecleers*: And whereas *Fairfax Francklin*, Clerk, as Rector of the Rectory of *Attleburgh*, is, or claims to be, Lord of the Manors of *Attleburgh* Rectory, of the Two Parts, and of *Attleburgh* Rectory of the Third Part: And whereas the ſaid Sir *William Smyth*, Sir *Thomas Beevor*, and *Fairfax Francklin*, Clerk, are, or claim to be, entitled to the Soil of the ſaid Commons and Waſte Grounds in the ſaid Pariſh of *Attleburgh*: And whereas the ſaid Sir *William Smyth* is Patron of the Rectory and Pariſh Church of *Attleburgh* Major Part, with

Attleburgh Minor Part annexed, and the ſaid *Fairfax Francklin* is Rector of the ſaid Rectory: And whereas the ſaid Sir *William Smyth*, *William Cockell* Eſquire, and other Perſons, are the Owners of the Meſſuages, Cottages, Lands and Tenements, within the ſaid Pariſh of *Attleburgh*: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating ſome Acts of certain Proviſions uſually inſerted in Acts of Incloſure, and for eſtabliſhing the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*. And whereas the ſaid Commons and Waſte Grounds, in their preſent State and Condition, yield very little Profit to the ſeveral Perſons intereſted therein, and the ſaid Open Fields, Half-year Lands, Shack Lands and Fens, are inconveniently ſituated for the reſpective Owners and Proprietors thereof, and it would be greatly advantageous to the ſeveral Perſons intereſted in the Premiſes, if the Rights of Sheep-walk and Common, in, over, and upon the ſaid Half-year Lands, Shack Lands, Fens, Commons and Waſte Grounds were extinguiſhed, and the ſaid Open Fields, Half-year Lands, Shack Lands, Fens, Commons and Waſte Grounds, were divided, and ſpecific Parts or Shares thereof allotted to the ſeveral Perſons intereſted therein, according to their reſpective Shares, Eſtates, Rights and Intereſts in, over, or upon the ſame: But as theſe Objects cannot be attained without the Authority of Parliament; May it therefore pleaſe Your Majeſty, That it may be enacted, and be it enacted, by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Thomas Chapman*, of *Richmond*, in the County of *Surry*, *John Dugmore*, of *Swaffham*, in the County of *Norfolk*, and *William Simpſon*, of the City of *Norwich*, Gentlemen, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be, and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Open Fields, Half-year or Shack Lands, Fens, Commons and Waſte Grounds, within the ſaid Pariſh of *Attleburgh*, and for carrying this Act, and the ſaid recited Act into Execution (ſave and except ſuch Parts of the ſaid recited Act as are hereby varied or altered); and that all Acts, Matters and Things, authorized or neceſſary to be done and executed by the ſaid Commiſſioners in purſuance of this Act, and the ſaid recited Act, may be done and executed by any Two of them, and the ſame ſhall be as valid and effectual, and ſhall have the ſame Force and Effect as if ſuch Acts, Matters and Things had been done and executed by all the Commiſſioners herein named or to be appointed in Manner hereinafter mentioned.

Act of 41 G. 3. reſpecting Incloſures.

Appointment of Commiſſioners.

II. And be it further enacted, That if any of the Commiſſioners herein named, or to be appointed by virtue of this Act, ſhall, before the Execution of all the Powers and Authorities hereby veſted in them, die, refuſe to act, or become incapable of acting in the Execution of this Act, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſurviving or remaining Commiſſioners or Commiſſioner, and they and he are and is hereby required, at any Time within Forty Days next after ſuch Death, Refuſal or Incapacity ſhall be known to them or him, by Writing, under their or his Hands or Hand, to appoint any other Perſon or Perſons, (not being intereſted in the Premiſes), to be a Commiſſioner or Commiſſioners, in the Room or Stead of ſuch Commiſſioner or Commiſſioners

Appointment of new Commiſſioners.

missioners so dying or refusing, or becoming incapable to act; and every Commissioner so to be appointed shall, after taking the Oath prescribed in that Behalf, have the like Powers and Authorities for carrying this and the said recited Act into Execution, in all Respects as if he had been originally named and appointed a Commissioner in and by this Act.

Allowance to Commissioners.

III. And be it further enacted, That each of the said Commissioners who shall act in the Execution of the Powers and Authorities hereby and by the said recited Act vested in them, shall be paid the Sum of Four Pounds Four Shillings for each Day he shall be employed therein, including the necessary Days in travelling to and from the said Meetings, and which said Sum is to be in full Satisfaction for all the Trouble and Expences which every such Commissioner shall be put unto in going to, attending at, and returning from every such Meeting, for the Purpose of executing this and the said recited Act.

Notice of Meetings.

IV. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice in Writing of the Time and Place of their first and every other Meeting for the Execution of this and the said recited Act, to be inserted in the *Norwich Mercury* and *Norfolk Chronicle*, or in some other Newspaper published in the City of *Norwich*, Eight Days at least before every such Meeting, (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners, it shall happen that no more than One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time and Place within the said Parish of *Attleburgh*, or within Eight Miles thereof, as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioners; and that all Meetings of the said Commissioners in the Execution of this Act, or the said recited Act, shall be held within the said Parish of *Attleburgh*, or within Eight Miles thereof.

Other Notices.

V. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, in pursuance of this Act, or the said recited Act, for any Purposes whatever, (except such Notices as are in and by this Act particularly directed to be given in any other Manner,) shall be so made and given by Advertisement in the *Norwich Mercury* and *Norfolk Chronicle*, or in some other Newspaper published in the said City of *Norwich*, and by Writing to be affixed upon the principal Door of the Parish Church of *Attleburgh*, and all such Notices so given shall be deemed to be well and sufficiently published and given, and full and sufficient Notice to all Persons concerned, respecting all the Matters and Things to which such Notices shall relate.

For settling Differences.

VI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested in, the said intended Division, Allotment and Inclosure, touching or concerning the respective Rights and Interests, which they or any of them shall claim to have, of, and in the Lands and Grounds hereby directed to be divided, allotted and inclosed, or touching or concerning any other Matter or Thing relating to the said Division, Allotment and Inclosure, it shall and may be lawful to and for the said Commissioners, and they are hereby

hereby authorized and required to examine into, hear, and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Lands, Tenements or Hereditaments whatſoever.

Awarding Coſts.

VII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in purſuance of the ſaid recited Act, or in purſuance of this Act, or upon the Hearing and Determination of any Difference or Diſpute as aforeſaid, ſee cauſe to award any Coſts, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs and award ſuch Coſts and Charges as they ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour ſuch Determination ſhall be made by the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, whoſe Claim or Claims, Objection or Objections ſhall be thereby diſallowed or over-ruled, or againſt whom the ſaid Commiſſioners ſhall have made any Determination as aforeſaid; and in caſe any Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, who ſhall be liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale: Provided always, that the Objections to the Accounts or Claims by the ſaid recited Act directed to be delivered to the ſaid Commiſſioners as therein mentioned ſhall alſo be delivered to ſuch Perſon or Perſons whoſe Account or Accounts, Claim or Claims, ſhall be ſo objected to, or to his, her, or their Agent, or left at his, her, or their laſt or uſual Place of Abode, in ſuch Manner, and at ſuch Time or Times, as the ſaid Commiſſioners ſhall direct or appoint for that Purpoſe.

For allowing a Trial at Law.

VIII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, intereſted, or claiming to be intereſted, in the ſaid intended Allotment, Diviſion and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners, touching or concerning any Claim or Claims of any Right of Common, or of any other Right or Intereſt in, over, or upon the Lands and Grounds hereby directed to be divided, allotted and incloſed, or any Part thereof, it ſhall and may be lawful to and for ſuch Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſo diſſatisfied, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners, at the then next, or at the following Aſſizes, to be holden for the ſaid County of *Norfolk*, and for that Purpoſe the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, who ſhall be diſſatified with the Determination of the ſaid Commiſſioners, ſhall cauſe

cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, in whoſe Favour ſuch Determination ſhall have been made, within One Calendar Month after ſuch Determination of the ſaid Commiſſioners ſhall be made and declared; and the Defendant or Defendants in ſuch Action or Actions ſhall name, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, or file Common Bail, and accept One or more Iſſue or Iſſues whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on may be tried and determined, (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame,) and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive upon all and every Perſon or Perſons whomſoever, Body and Bodies Politic, Corporate and Collegiate, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do in caſe the ſaid Court ſhall think proper, and that after ſuch Verdict or Verdicts ſhall be obtained, (the ſame not being ſet aſide by the Court,) the ſaid Commiſſioners ſhall act in conformity thereto, and allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials: Provided always, That the Determination of the ſaid Commiſſioners touching ſuch Claim or Claims of the Rights or Intereſts in, to, over, or upon, the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof which ſhall not be objected to, or being objected to, the Party or Parties objecting ſhall not cauſe ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be binding, final, and concluſive upon all Parties.

Actions not to abate by Deaths of Parties.

IX. And be it further enacted, That if any of the Parties, Plaintiffs or Defendants, 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.

Suits not to delay Proceedings.

X. Provided always, and be it further enacted, That no ſuch Difference, Suit, or Proceeding as aforeſaid, nor any Difference or Diſpute, or Proceeding, touching the Title to any Lands, Tenements or Hereditaments, ſhall impede or delay the ſaid Commiſſioners in the Execution of this Act; but the Diviſion and Incloſure hereby directed to be made ſhall be proceeded in notwithſtanding any ſuch Difference, Suit, or Proceeding.

Proviſion in caſes of Death before Actions brought.

XI. Provided always, and be it further enacted, That if any Perſon or Perſons, in whoſe Favour ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought, if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Body or 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 Commiſſioners with Proceſs for commencing ſuch Action or Actions in the ſame Manner as the Party or Parties might have been ſerved therewith

if living; and it ſhall thereupon be incumbent on the Heir or Heirs, or other Perſon or Perſons, who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Name of the Perſon or Perſons ſo dead; and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living, and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Right of Poſſeſſion not to be determined by the Commiſſioners.

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

For extinguiſhing Right of Common.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered, at any Time or Times before the Execution of the ſaid Award, by Notice in Writing under their Hands, to be affixed on the principal Door of the Pariſh Church of *Attleburgh* aforeſaid, to order and direct all or any Part of the Rights of Common, or any other Rights whatſoever, in, over and upon the ſaid Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to be extinguiſhed, or the Exerciſe thereof to be ſuſpended, for, and during ſuch Time or Times as ſhall be expreſſed in ſuch Notice; and that all ſuch Rights of Common, and all ſuch other Rights as the ſaid Commiſſioners ſhall, by ſuch Notice, order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall, from the Time of affixing ſuch Notice, ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof ſuſpended accordingly, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

To prevent cutting Turf, &c.

XIV. And be it further enacted, That if any Perſon or Perſons ſhall, after the paſſing of this Act, cut, dig, pare, grave, flay, or carry away, any Soil, Turf, Flags, Whins, or Furze, in, upon, or from the ſaid Commons and Waſte Grounds, or any Part thereof, without or contrary to the Licence of the ſaid Commiſſioners firſt had and obtained in Writing for that Purpoſe (which Licence the ſaid Commiſſioners are hereby empowered to grant, under ſuch Rules, Orders, Regulations and Reſtrictions as they ſhall think proper to infert therein,) then, and in every ſuch Caſe, the ſaid Commiſſioners, upon Proof thereof made before them, upon the Oath of one credible Witneſs, ſhall, and they are hereby required, by Warrant, under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe any Sum of Money not exceeding Five Pounds for the Firſt Offence, and any greater Sum they may think proper, not exceeding Ten Pounds for any ſubſequent Offence, after Notification of the former, to be levied by Diſtreſs and Sale of the Goods and Chattels of every Perſon ſo offending in the Premiſes, rendering the Overplus, (if any), upon demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and

Sale, and the Money, so to be levied as aforesaid, shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

For ascertaining Boundaries.

XV. And be it further enacted, That the said Commissioners shall, with all convenient Speed, after the passing of this Act, cause Notice of their Intention to perambulate the Boundaries of the said Parish of *Attleburgh*, to be inserted in the said *Norfolk Chronicle* and *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County of *Norfolk*, Eight Days at least before the Time of such Perambulation, and after the Expiration of the Time to be specified in such Notice, they the said Commissioners are hereby authorized and required to perambulate, inquire into, set out, ascertain, fix and determine the Boundaries of the said Parish of *Attleburgh*; and a Description of the said Boundaries shall, within forty Days after the same shall be so set out, ascertained, fixed and determined, be published in the said *Norfolk Chronicle* and *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County of *Norfolk*; and in case any Dispute or Doubt shall arise concerning the Boundaries of the said Parish of *Attleburgh*, and any adjoining Parish, Hamlet or District, it shall be lawful for the said Commissioners, after having inquired into such Dispute or Doubt, pursuant to the Directions of the said recited Act, if the Evidence on each Side shall, in the Opinion of the said Commissioners, be equal as to the Lines of Boundary claimed respectively, to ascertain, set out, and fix such intermediate Line of Boundary between the claimed Lines as the said Commissioners shall think proper; provided always, that if any of the Proprietors of Estates, or Inhabitants of the said Parish of *Attleburgh*, or of any Parish or Parishes adjoining to the Parish of *Attleburgh* aforesaid, shall be dissatisfied with the Determination of the said Commissioners respecting the said Boundaries, such Proprietors or Inhabitants, or any of them, may appeal to the Justices of the Peace acting in and for the said County of *Norfolk*, at any General Quarter Sessions of the Peace, to be held within Four Calendar Months next after the Description of the said Boundaries shall have been so published as aforesaid, on giving to the said Commissioners Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Decision of the said Justices therein shall be final and conclusive.

For shortening Boundary Fences.

XVI. And whereas, it may shorten the Boundary Fences between the Lands hereby directed to be divided and inclosed, and the Lands in any adjoining Parish or Parishes, if the said Commissioners were empowered to cause such Fences to be raised in such Direction as they shall deem most proper and convenient for shortening and making the same regular: Be it therefore further enacted, That it shall and may be lawful for the said Commissioners, with the Consent, in Writing, under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors, and under the Hands of the major Part in value of the Land Owners interested in any Commons and Waste Grounds in any Parish or Parishes adjoining to the said Parish of *Attleburgh*, (such Value to be ascertained by the Rates or Assessments made for the Relief of the Poor of such Parish or Parishes respectively), or under the Hand or Hands of the Owner or Owners of the Lands upon which such Fence or Fences shall or may be intended to be made, to set out, ascertain, and determine the Boundary

Fences

Fences to be made between the Lands hereby directed to be divided and allotted, and the Lands lying in such adjoining Parish or Parishes respectively, as they shall judge proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained and determined, the same shall be enclosed and fenced by such Person or Persons, in such Manner, and at such Time or Times as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the said Parish of *Attleburgh* and such adjoining Parish or Parishes respectively, any Law, Usage, or Custom to the contrary notwithstanding.

Encroachments within Twenty Years to be allotable; beyond Twenty Years confirmed.

XVII. And be it further enacted, That all Encroachments which shall have been made within Twenty Years last past, upon the Commons and Waste Grounds by this Act directed to be divided and allotted, shall be deemed Part of the said Commons and Waste Grounds to be so divided and allotted; and that no such Encroachments which shall have been made more than Twenty Years shall be liable to the Claim of any other Person against the present Possessor, on the Ground of such Encroachments having heretofore been Part of the said Commons and Waste Grounds; and in case any Dispute shall arise touching any such Encroachments, or the Extent thereof, such Disputes shall be determined by the said Commissioners.

Encroachments to be allotted to Persons in Possession, or to be sold.

XVIII. Provided always, and be it further enacted, That the Lands and Grounds comprized in any Encroachments which shall have been made within Twenty Years last past, shall, (without regard to the Value of any Improvements since made thereon,) be allotted to the Person or Persons in possession thereof, so far as he, she, or they shall be intitled to any Allotment of sufficient Value by virtue of this Act, and in that Case the Value of such Encroachments shall, as Circumstances require, be deducted from, or deemed a Compensation for the Allotments to which such Person or Persons shall be entitled under this Act; but if the Person or Persons in possession of such Encroachments shall not be entitled to any Allotment by virtue of this Act, or shall not be entitled to an Allotment equivalent to the Value of such Encroachments, then, and in either of those Cases, the whole or the surplus Quantity (as the Case may be) of such Encroachments shall be sold by the said Commissioners, and conveyed by them, in Fee-simple, to any Person or Persons who shall become the Purchaser or Purchasers thereof; and the Money arising from such Sale or Sales shall be applied in the same Manner as is hereinafter directed concerning the other Lands by this Act directed to be sold.

Licenced Encroachments not prejudiced.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice or diminish the Right of any Person or Persons whomsoever to any Encroachments upon the said Commons and Waste Lands, which shall have been made within Twenty Years now last past by virtue of any Licence, Consent or Grant from the Lord or Lords of any or either of the Manors before mentioned; and

Possession confirmed.

which Licence, Consent or Grant shall, before the passing of this Act, have been entered or inrolled in the Court Books of one of the aforesaid Manors, and that no Person or Persons who, at the passing of this Act, shall be in the Possession of any Encroachments heretofore made by virtue of any such Licence, Consent, or Grant as aforesaid, shall at any Time hereafter

hereafter be liable to the lawful Suit, Claim, or Interruption of any other Perſon or Perſons whomſoever, on the Ground of ſuch Encroachment having heretofore been Part of the Commons and Waſte Grounds: Provided always that no Perſon or Perſons poſſeſſing any Encroachments whatever ſhall in reſpect thereof be intitled to any Allotment or Allotments out of the Commons and Waſte Grounds to be divided and allotted by virtue of this Act, if ſuch Encroachment ſhall, at any Time within Sixty Years now laſt paſt, have been Part or Parcel of the ſaid Commons and Waſte Grounds.

But Right of Common diſallowed.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to ſtop up and diſcontinue, or divert and turn, and to ſet out and appoint any Public Roads, Tracks, Ways, or Foot-paths in the Pariſh of *Attleburgh* aforeſaid, and to make ſuch Order or Orders as to them ſhall ſeem proper for that Purpoſe, ſubject nevertheleſs to the Proviſions and Directions of the ſaid recited Act with reſpect to the ſtopping up of any old or accuſtomed Road or Roads, and ſubject to an Appeal to the Quarter Seſſions, as mentioned in the ſaid recited Act; and every ſuch Road, Track, Way or Foot-path which ſhall be ſo ſtopped up or diſcontinued as aforeſaid ſhall be deemed to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and ſhall be divided and allotted accordingly: Provided always that no Public Highway or Road ſhall be ſhut up or diſcontinued until the Roads intended to be and remain Public Highways, ſhall be ſet out according to the Directions of the ſaid recited Act, and until the ſame ſhall be properly formed and made ſafe and convenient for Horſes, Cattle and Carriages: Provided alſo, that all private Roads, Ways and Foot-paths which ſhall be ſet out and appointed by the ſaid Commiſſioners ſhall be made and for ever maintained and kept in repair by ſuch Perſons, and in ſuch Manner as the ſaid Commiſſioners ſhall, by their Award, or any other Writing under their Hands order, direct or appoint.

Commiſſioners may ſtop up old Roads and Footpaths.

None of the preſent Roads to be ſtopped until new Roads are made.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to cauſe any Ditches, Fences, Drains, or Watercourſes within the Pariſh of *Attleburgh* aforeſaid, to be cleanſed, opened, ſcoured, widened, deepened or enlarged, and to ſtop up and diſcontinue any Ditches, Fences, Drains, or Watercourſes which may appear to the ſaid Commiſſioners to be unneceſſary, and alſo to cauſe any new Ditches, Fences, Bridges, Banks, Sluices, Tunnels, Drains or Watercourſes to be made within the ſame Pariſh, and to make ſuch Orders for maintaining ſuch Ditches, Fences, Bridges, Drains or Watercourſes in repair as they ſhall think proper: Provided that in caſe any ſuch Works ſhall be made upon any incloſed Land, then the ſaid Commiſſioners ſhall, and they are hereby required to make ſuch Compenſation as they may deem reaſonable to the Owner or Owners of ſuch incloſed Lands upon which ſuch Works ſhall be made for the Loſs which he, ſhe, or they may ſuſtain thereby: And that no ſuch Works ſhall be made upon any incloſed Land without the previous Conſent in Writing of the Owner or Owners thereof, and that no Drain or Watercourſe ſhall be diverted or turned from its preſent Courſe in, through, from, or over any incloſed Land without the Conſent in Writing, of the Owner or Owners of the Land from which and into which any ſuch Drain or Watercourſe ſhall be diverted or turned, and carried or conveyed.

Commiſſioners to make Drains, &c.

Lands to be sold for Payment of Expences.

XXII. And be it further enacted, That the said Commissioners shall mark and set out such convenient Part or Parts of the said Commons and Waste Grounds, as will, in their Judgment, by the Sale thereof, produce a Sum of Money sufficient to defray and discharge the Costs, Charges, and Expences incident to, and attending the obtaining and passing of this Act, and of carrying the same and the said recited Act into execution, and also the Expences of raising and making all such boundary Drains and Fences as the said Commissioners may deem necessary to be raised and made between the said Parish of *Attleburgh* and any adjoining Parish or Parishes, and also all Fences to be raised and made by Direction of the said Commissioners, adjoining Public Roads within the said Parish of *Attleburgh*, and also of inclosing, on the outside thereof, all such Allotments as shall be made to the Rector of the said Parish of *Attleburgh* in respect of his said Rectory, and the Allotments hereby directed to be made to the Trustees of the Poor, and the Surveyors of the Highways within the said Parish of *Attleburgh*; and the said Commissioners shall, and they are hereby required to sell the Lands and Grounds so marked and set out in such Allotment or Allotments, as to them shall seem right and proper, to any Person or Persons, for the best Price or Prices that can be gotten for the same, by private Contract, or by public Auction or Auctions, to be holden for that Purpose, of which Auction (if any) three Weeks previous Notice shall be given; and the Person or Persons so purchasing the same, shall immediately pay (by way of Deposit) into the Hands of the said Commissioners, or such Person or Persons as they shall direct or appoint, one Tenth Part of his, her, or their Purchase Money, and shall pay the Remainder thereof within Three Calendar Months next after, or at such other Time as the said Commissioners shall appoint, and in default thereof, the Money so deposited shall be forfeited, and shall be applied in carrying this and the said recited Act into Execution; and the Allotment or Allotments for which the Whole of such purchase Money shall not have been so paid, or for which there shall be no Bidding at such Auction, may be again put up to sale by Public Auction, and sold in Manner aforesaid, for the best Price or Prices that can be gotten for the same, or may be sold by the said Commissioners by private Contract, for any Sum or Sums, not less than the remaining Nine-tenths of the Price or respective Prices for which the same was or were respectively before sold; and upon the Receipt of the whole Purchase Money for any Allotment or Allotments which shall be so sold as aforesaid, the said Commissioners shall, and they are hereby authorised and required, to grant and convey by Indenture of Grant or Bargain and Sale, or by some other Instrument in Writing under their Hands and Seals, all the Fee-simple and Inheritance of such Allotment or Allotments, to such Person or Persons, and for such Use and Uses, as the respective Purchaser or Purchasers thereof shall appoint; and immediately after the Execution of such Indenture of Grant, or of Bargain and Sale, or of such other Instrument in Writing as aforesaid, all and every Allotment and Allotments therein described to be thereby granted and conveyed, shall be absolutely discharged of and from all other Rights thereon or therein, and be thenceforth held in severalty by and vested in Fee-simple, in the Purchaser or Purchasers thereof respectively, as his, her, or their private or absolute Property, and shall be allotted accordingly by the said Commissioners in their Award to be made under the Authority of this Act, and of the said recited Act; and the Receipt and Receipts

of

of the ſaid Commiſſioners ſhall be a full and ſufficient Diſcharge for all and every Sum and Sums of Money ſo to be paid to the ſaid Commiſſioners as aforeſaid; and ſuch Purchaſe Money, when ſo received by the ſaid Commiſſioners, ſhall be by them applied in defraying ſuch Coſts, Charges and Expences as aforeſaid, and the Overplus of ſuch Purchaſe Money (if any) after defraying ſuch Coſts, Charges, and Expences, ſhall be equally diſtributed amongſt the ſeveral Perſons intereſted in the ſaid Lands and Grounds, by this Act directed to be divided and allotted, in proportion to their ſeveral and reſpective Rights and Intereſts therein, and ſhall be paid and diſpoſed of in Manner following; (that is to ſay), where any Perſon or Perſons ſhall be ſeiſed of or entitled in Fee-ſimple, to his, her, or their ſeveral Allotments, then he, ſhe, or they ſhall be entitled to, and ſhall be forthwith paid, his, her, or their proportionate Share of the aforeſaid Overplus Monies, but in caſe any ſuch Perſon or Perſons ſhall not be ſeiſed of or entitled in Fee-ſimple, to his, her, or their reſpective Allotments, then his, her, or their proportionate Share or Shares of the aforeſaid Overplus Monies ſhall be applied and diſpoſed of by the ſaid Commiſſioners in like Manner (according to the Amount of ſuch Shares reſpectively) as is directed by the ſaid recited Act, whenever any Sum of Money is to be paid for the Purchaſe or Exchange of any Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money, when paid, ought to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes: Provided always, that the Purchaſer of ſuch Lot or Lots to be ſold as aforeſaid, ſhall be ſubject to the Performance of all Orders, Regulations and Directions, which ſhall be made by the ſaid Commiſſioners, and inſerted in their Award for incloſing, fencing, and draining ſuch Lands, and for maintaining and keeping the Drains and Fences thereto belonging in good Repair.

Allotment for Watering Places, Gravel Pits, &c.

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall aſſign, ſet out, and allot unto the Surveyors of the Highways within the ſaid Pariſh of *Attleburgh*, ſuch Parts of the Lands and Grounds hereby directed to be divided and allotted as the ſaid Commiſſioners ſhall think neceſſary as and for Public Watering Places for Cattle, and as and for Public Sand, Gravel, Stone, Clay, Chalk and Marl-Pits; and the ſame Allotment or Allotments, when ſo ſet out, ſhall for ever thereafter be uſed by the Surveyors of the Highways, and by the Proprietors for the Time being of Meſſuages and Lands within the ſaid Pariſh, and their Tenants for the Time being, in ſuch Manner, and under ſuch Rules, Regulations, and Reſtrictions, as the ſaid Commiſſioners ſhall by their Award direct or appoint, and not otherwiſe.

Allotment for Right of Soil.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall in the next Place aſſign, ſet out, and allot unto and for the Lord or Lords, Lady or Ladies, of the Manors herein-before mentioned, or any or either of them, or of any other Manor or Manors, or unto any other Perſon or Perſons, who ſhall in the Judgment of the ſaid Commiſſioners be intitled to the Soil of the ſaid Commons and Waſte Grounds, ſuch Part of the ſame as in the Judgment of the ſaid Commiſſioners ſhall be equal in value to One Eighteenth Part of the Value of the ſaid Commons and Waſte Grounds, which ſhall remain after the foregoing Allotments ſhall have been made, and after deducting the Value of the Allotment or Allotments herein-

herein-after directed to be made to the Lord or Lords, Lady or Ladies, of the ſeveral Manors herein-before mentioned, the Rector of the ſaid Rectory of *Attleburgh*, and the Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Attleburgh* as Truſtees for the Poor Inhabitants of the ſaid Pariſh of *Attleburgh*; which Allotment or Allotments ſhall be a full Recompence and Compenſation to ſuch Lord or Lords, Lady or Ladies, or ſuch other Perſon or Perſons for his, her, or their Right or Rights, in and to the Soil of the ſaid Commons and Waſte Grounds, according to the ſole Right of any ſuch Lord or Lady, or other Perſon, or in proportion to the ſeveral Parts, Shares, Rights and Intereſts of the ſaid Lords and Ladies, and other Perſon reſpectively, therein and over, and beſides any Allotment or Allotments, which might otherwiſe be made to ſuch Lord or Lords, Lady or Ladies, in Satisfaction of, and for any Common of Paſture, or other Right of Paſturage upon the ſaid Lands and Grounds hereby directed to be divided and alloted, in reſpect of any Meſſuages, Lands and Tenements, belonging to ſuch Lord or Lady reſpectively, in right whereof any ſuch Common of Paſture, or other Right of Paſturage, hath been heretofore uſed and enjoyed.

Limitation of Rights of Common.

XXV. And be it further enacted, That all Owners and Proprietors of Meſſuages, Cottages, or Dwelling Houſes, within the ſaid Pariſh of *Attleburgh*, which have been erected Thirty Years, in reſpect of which a Right of Common upon the ſaid Commons and Waſte Grounds has been exerciſed during that Time without any lawful Interruption, ſhall, on their preferring their reſpective Claims in the Manner preſcribed in that Behalf, have, and be deemed to have a Right or Rights of Common over or upon the ſame in reſpect of ſuch Meſſuages, Cottages, or Dwelling Houſes; provided, that all ſuch Meſſuages, Cottages, or Dwelling Houſes which ſhall have been erected and built on the Scite or in lieu of any ancient Meſſuages, Cottages, or Dwelling Houſes, which may have been dilapidated or pulled down, although ſuch new erected Meſſuages, Cottages, or Dwelling Houſes ſhall have been erected and built within Thirty Years laſt paſt, ſhall be deemed to have ſuch Right or Rights of Common over or upon the ſaid Commons and Waſte Grounds as ſuch Meſſuages, Cottages, or Dwelling Houſes, in lieu of which ſuch new erected Meſſuages Cottages, or Dwelling Houſes ſhall have been erected and built, would have been entitled to if they had been ſtill ſtanding.

Allotment of the Poor Inhabitants.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall then aſſign, ſet out, and allot unto the Lord or Lords, Lady or Ladies of the ſeveral Manors herein-before mentioned, the Rector of the Rectory of *Attleburgh* aforeſaid, and the Churchwardens and Overſeers of the Poor of the Pariſh of *Attleburgh* for the Time being, and to their Succeſſors for ever, as Truſtees for the Poor Inhabitants of the ſaid Pariſh of *Attleburgh* legally ſettled therein, ſuch Part or Parts of the Fens hereby directed to be divided and allotted (not being leſs than Fifty Acres thereof); and alſo ſuch other Part or Parts of the Lands and Grounds hereby directed to be divided and allotted within the ſaid Pariſh as the ſaid Commiſſioners ſhall think moſt proper and judge reaſonable for the Purpoſes herein-after mentioned; and that ſuch Allotment or Allotments ſhall, upon the Execution of the Award to be made by the ſaid Commiſſioners, be veſted in the Lord or Lords, Lady or Ladies of the ſaid Manors, the Rector of the ſaid Rectory, and the Churchwardens and Overſeers of the Poor of the ſaid

Pariſh of *Attleburgh* for the Time being, for ever, as Truſtees for the Poor Inhabitants of the ſaid Pariſh legally ſettled therein, to the Intent that the ſaid Truſtees for the Time being ſhall and do permit and ſuffer ſuch of the Poor Inhabitants of the ſame Pariſh legally ſettled therein as ſhall not occupy Lands or Tenements of more than the yearly Value of Ten Pounds, to cut, take, and uſe, Turf, Flags, Peat, and Fuel, on ſuch Part or Parts of the ſaid Allotment or Allotments, in ſuch Quantities, and at ſuch Time or Times in every Year, and under ſuch Regulations and Reſtrictions as the ſaid Truſtees for the Time being, or the major Part of them, ſhall from time to time direct or appoint, and not otherwiſe: Provided alſo, that it ſhall be lawful for the Lord or Lords, Lady or Ladies of the ſaid ſeveral Manors, and the Rector of the ſaid Rectory for the Time being reſpectively, to act in the Execution of the Truſts hereby repoſed in them as aforeſaid, by their reſpective Agents or Proxies, ſuch Agents or Proxies reſpectively being or having been appointed by Writing under the Hand or Hands of ſuch Lord or Lords, Lady or Ladies, and Rector reſpectively, and producing their reſpective Appointments at the Time of acting by virtue thereof, if required ſo to do; but that no Perſon ſhall act as Agent or Proxy for more than One Truſtee at the ſame Time.

Allotment for Right of Sheep-Walk.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out and allot unto the ſaid Sir *William Smyth*, or the Owner or Owners for the Time being, of the Farm in the ſaid Pariſh of *Attleburgh* now occupied by *James Chapman*, as Tenant to the ſaid Sir *William Smyth*, ſuch Part and Portions of the ſaid Commons and Waſte Grounds, hereby directed to be divided and allotted, as in their Judgment ſhall be a fair and full Equivalent for the Right of Sheep Walk, belonging to the ſaid Farm, over certain Parts of the Lands and Grounds hereby directed to be divided and allotted, and alſo for all other Rights of Common belonging to the ſaid Farm over the Whole of the ſaid Commons and Waſte Grounds.

Allotment of the Reſidue.

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall then aſſign, ſet out, and allot the Reſidue and Remainder of the Lands and Grounds hereby directed to be divided and allotted, unto and amongſt all and every Perſon and Perſons, Body or Bodies Politic, Corporate, or Collegiate, being the Owner or Owners of, or having any Rights of Common, or other Rights or Intereſts in, over, or upon the ſame, or any Part or Parts thereof, in ſuch Parts and Shares as the ſaid Commiſſioners ſhall adjudge and determine to be proportionate to the Value of, and a full Compenſation and Satisfaction to him, her, and them reſpectively, for his, her, and their reſpective Shares, Rights of Common, or other Rights or Intereſts, in, over, or upon the ſaid Lands and Grounds, or any Part or Parts thereof.

For fencing Allotments.

XXIX. And be it further enacted, That the Lands and Grounds hereby directed to be divided and allotted ſhall be incloſed, hedged, ditched and fenced, by ſuch Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, (ſave and except the Rector of the Rectory of *Attleburgh* for the Time being), in reſpect of any Allotment to be made to him in right of the ſaid Rectory, the Truſtees for the Poor, and the Surveyors of the Highways in *Attleburgh* aforeſaid, for and in reſpect of the ſeveral Allotments hereby directed to be made to them reſpectively as aforeſaid, within

ſuch Time, and in ſuch Manner, and under and ſubject to ſuch Regulations and Reſtrictions as the ſaid Commiſſioners ſhall, by Writing under their Hands, or in and by their ſaid Award, order, direct, and appoint; and the Hedges, Ditches, and Fences, which ſhall be made purſuant thereto, ſhall at all Times thereafter be maintained and kept in repair and cleanſed by ſuch Perſons and Body or Bodies Politic, Corporate, or Collegiate, as the ſaid Commiſſioners ſhall, in and by ſuch Writing under their Hands, or by their ſaid Award direct.

If Common Rights are ſold, Allotments to be made to the Purchaſers.

XXX. Provided always, and be it further enacted, That if any Perſon or Perſons (ſave and except the Rector of the ſaid Rectory) hath, or have ſold, or ſhall at any Time or Times before the Execution of the Award of the ſaid Commiſſioners, directed to be made by the ſaid recited Act, ſell his, her, or their Right, Intereſt, and Property in the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to any other Perſon or Perſons, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaſer, mentioned in every ſuch Sale, or to his or her Heirs, Executors, Adminiſtrators, or Aſſigns, for, and in reſpect of ſuch Rights, Intereſts, and Property ſo ſold as aforeſaid, and that it ſhall be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments, under or by virtue of this Act, to give, grant, bargain, ſell, ſurrender, demiſe, mortgage, limit, convey, and aſſure the ſame, for all or any Part of his, her, or their Eſtate or Intereſt therein, or Right thereto, at any Time before the Execution of the Award of the ſaid Commiſſioners; and every ſuch Gift, Grant, Bargain, Sale, Surrender, Demiſe, Mortgage, Limitation, Conveyance, and Aſſurance, ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award; and alſo it ſhall be lawful for any of the Owners of any Common Rights upon the Lands and Grounds hereby directed to be divided and allotted, to ſell and diſpoſe of the ſame, or of the Allotment or Allotments to be made and ſet out in reſpect thereof, by virtue of this Act, ſeparate and diſtinct from the Eſtate, in right of which they, he, or ſhe, are or is entitled thereto, in the ſame Manner as they, he, or ſhe might have done at any Time after the Execution of the ſaid Award.

Separate Allotments to be made for Lands held by different Titles;

XXXI. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments, which ſhall be allotted or exchanged by virtue of this Act, ſhall hold their ſaid reſpective Lands or Hereditaments by different Tenures, or for different Eſtates, or under different Titles, the ſaid Commiſſioners ſhall, upon the Requeſt of ſuch reſpective Proprietors, in Writing, under their Hands, aſcertain and diſtinguiſh the Lands or other Hereditaments held by each of ſuch Tenures, for each of ſuch Eſtates, and under each of ſuch Titles reſpectively, and ſhall accordingly in their ſaid Award, ſet out and diſtinguiſh diſtinct and ſeparate Allotments for ſuch reſpective Lands or other Hereditaments; and where from the Want of the neceſſary Information before the ſaid Commiſſioners, or from any other Cauſe, their Award ſhall omit to diſcriminate, or ſhall erroneouſly deſcribe ſuch different Titles, different Eſtates, and different Tenures, and Requeſt ſhall be made to the ſaid Commiſſioners, within Twelve Calendar Months after the making of the ſaid Award, by any Perſon or Perſons intereſted, by Writing, under his, her,

her, or their Hand or Hands, to have such Omission supplied, or such Error corrected by a separate Instrument; then, and in every such Case, the said Commissioners are hereby authorized to do any Thing necessary for supplying such Omission, or correcting such Error, and, so far as that Purpose shall require, to examine Witnesses, and in every other Respect to proceed and act as if the said Award had not been made; and when, and as soon as the said Commissioners shall have obtained what they shall think sufficient Information, they are hereby authorized by any Deed under their Hands and Seals to ascertain and distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make or correct any distinct and separate Allotments, in the same Manner as if such Discrimination or correct Description had been contained in the said Award; and every such separate Instrument shall have the same Effect as if it was contained in the said Award, and the same supplemental Instrument shall be delivered to the Person or Persons upon whose Request the said Omission shall have been supplied, or Error corrected, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question shall, in the Opinion of the said Commissioners, most properly belong for the Time being; and all Expences which shall be reasonably incurred in or about any such supplemental Instrument as aforesaid shall be payable by the Person or Persons who shall have so requested the said Commissioners to supply such Omission, or correct such Error as aforesaid, his, her, or their Heirs, Executors, or Administrators.

and if omitted may be supplied after Award executed.

XXXII. And be it further enacted, That all Lands and Grounds which shall be allotted to any Person or Persons whatever, Body or Bodies Politic, Corporate or Collegiate, by virtue of this Act, or of the said recited Act, for or in respect of any Houses, Buildings, Lands, or Grounds in *Attleburgh* aforesaid, which are Copyhold or Leasehold, or for or in respect of any Right of Common, or any other Right or Interest appurtenant, or appendant to or upon such Copyhold or Leasehold Premises, shall from and for ever after the Execution of the Award by the said recited Act, directed to be made by the said Commissioners, be deemed and taken to be Copyhold or Leasehold respectively, according to the Tenure of the Lands for or in respect of which they were allotted, and shall be held accordingly, by and under the same Tenure, Rents, Payments, Fines, Customs and Services, as the Copyhold or Leasehold Houses, Buildings, Lands or Grounds respectively, for or in respect whereof such Allotments shall be made, are now holden; and the Person or Persons to whom any such Copyhold Lands or Grounds shall be allotted as aforesaid, shall within Six Calendar Months next after the Execution of the said Award, be admitted Tenant or Tenants to the same, without paying any Fine or other Charge to the Lord or Lady, or to the Steward of the said Manor or Manors respectively, (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the respective Stewards of the said Manors as the said Commissioners in and by their said Award shall think proper to order and direct); but in case any Person or Persons to whom any such Copyhold Lands and Grounds shall be allotted as aforesaid shall not have been before admitted to the same, or to the ancient Copyhold Lands and Tenements, in respect whereof such Allotments shall be made, then the customary Fines, Fees, and other Payments shall be due and payable on the Admission of the Person or

Allotments to be of the same Tenure as original Estates.

Admissions to Copyholds.

Persons

Perſons who ſhall have become intitled to ſuch laſt mentioned Copyhold Allotments; and at all Times after every ſuch firſt Admiſſion, the Copyhold Lands and Grounds laſt mentioned ſhall be held under and ſubject to the ſame Tenure, Fines, Rents, and other Payments and Services reſpectively, as the preſent Copyhold Houſes, Buildings, Lands and Grounds in reſpect whereof ſuch new Allotments ſhall be made, are now reſpectively holden and are ſubject to; and the ſaid Commiſſioners ſhall, and they are hereby required to determine, deſcribe, and abut in and by their ſaid Award, and in and by the Map or Plan to be thereto annexed, all the Meſſuages, Lands and Tenements in the ſaid Pariſh of *Attleburgh*, which are to remain or become Copyhold or Leaſehold; and all other Meſſuages, Lands and Tenements in the ſaid Pariſh of *Attleburgh*, (except ſuch as ſhall be aſcertained by the ſaid Commiſſioners in their ſaid Award to be Copyhold or Leaſehold aforeſaid,) ſhall from and after the Execution of the ſaid Award be deemed, taken, and enjoyed as Freehold Meſſuages, Buildings, Lands and Tenements reſpectively, ſubject nevertheleſs to ſuch free Rents and Services, and other Payments as are now payable out of, or for the reſpective Freehold Meſſuages, Buildings, Lands and Tenements, ſituate in the ſaid Pariſh of *Attleburgh*.

Copyholds and Leaſeholds to be deſcribed in the Award and Map. Remainder to be freehold and ſubject to former Payments.

For allowing Exchanges to be made.

XXXIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to ſet out, allot, and award any Meſſuages, Buildings, Lands, Tenements or Hereditaments within the ſaid Pariſh of *Attleburgh*, in lieu of and in exchange for any other Meſſuages, Buildings, Lands, Tenements or Hereditaments within the ſaid Pariſh of *Attleburgh*, or within any adjoining Pariſh, Hamlet, Townſhip or Place, provided that all ſuch Exchanges be aſcertained, ſpecified and declared in the Award of the ſaid Commiſſioners, and made with the Conſent of the Perſon or Perſons claiming before the ſaid Commiſſioners to be the Owner or Owners, Proprietor or Proprietors of the Meſſuages, Lands, Tenements or Hereditaments, which ſhall be ſo exchanged, whether ſuch Perſon or Perſons claiming to be ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate or Collegiate, Corporation aggregate or ſole, or a Tenant or Tenants in Fee-Simple or for Life, or in Fee-tail general or ſpecial, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees or Attornies of, or acting for any ſuch Perſon or Perſons claiming before the ſaid Commiſſioners to be ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes-Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively, and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever; and it is hereby declared, that the ſame Award ſhall, as to the Premiſes intended to be exchanged reſpectively, veſt the ſame in the Perſon or Perſons, or Body or Bodies Corporate or Collegiate reſpectively, to whom the ſame ſhall be reſpectively awarded, as fully and effectually as the ſame could be, or could have been done by any Conveyance

veyance practiſed in the Law for the Conveyance or Aſſurance of Lands; and the Meſſuages, Buildings, Lands and Hereditaments, received in exchange ſhall be of the ſame Tenure, and held under the ſame Title, and be ſubject to the ſame Charges, Payments and Incumbrances, and no other, as the Meſſuages, Buildings and Lands given up; and where Copyhold Meſſuages, Lands or Hereditaments are exchanged for Freehold, the Party receiving ſuch Freehold Meſſuages, Lands or Hereditaments in lieu of Copyhold, ſhall be admitted to the ſame as Copyhold, within Six Calendar Months after the ſigning of the Award, on paying the Stewards' Fees and King's Duty, and the former Copyhold ſhall be diſcharged from all Quit-Rents, Fines, Dues, and Services, and for ever after be held as Freehold under the ſame Title as the Lands given up; Provided nevertheleſs, that no Exchange ſhall be made of any Meſſuages, Buildings, Lands, Tenements or Hereditaments, held in right of any Church, Chapel or other eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Meſſuages, Buildings, Lands, Tenements or Hereditaments ſo to be exchanged ſhall lie or be ſituate; Provided alſo, that all Coſts, Charges and Expences attending the making any Exchanges and Partitions ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Manner, and in ſuch Proportion, as the ſaid Commiſſioners ſhall by their Award order and direct.

Tenants to give up exchanged Lands, having Satisfaction therefore.

XXXIV. And be it further enacted, That every Tenant and Occupier under any Leaſe or Agreement for any Term of Years at Rack or Extended Rent now ſubſiſting, of any Open Fields which ſhall be allotted by vitue of this Act, or of any old incloſed Land which ſhall be exchanged by virtue of this Act, ſhall, immediately after the ſigning of the Award of the ſaid Commiſſioners, or within ſuch further Time, not exceeding One Year from the ſigning of the ſaid Award as the ſaid Commiſſioners ſhall appoint, and whereof Notice in Writing ſhall be given for that Purpoſe, deliver up the full and peaceable Poſſeſſion of ſuch allotted or exchanged Lands to the Perſon or Perſons to or with whom the ſame ſhall be reſpectively allotted or exchanged; but the Tenants or Occupiers of ſuch allotted or exchanged Lands ſhall receive from the reſpective Owners and Proprietors thereof ſuch Satisfaction as the ſaid Commiſſioners ſhall aſcertain, order, direct, or appoint to be paid to ſuch Tenants reſpectively as an Equivalent for the Loſs or Loſſes they ſhall reſpectively ſuſtain thereby; and if the Money ſo to be aſcertained as aforeſaid ſhall not be paid to the Perſon or Perſons entitled to receive the ſame within Ten Days after Demand made thereof, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby required to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Surplus, Coſts, Charges and Expences of obtaining and executing this Act can or may be raiſed and levied: Provided always, that if there ſhall be any Leaſe of Lands, Part of which ſhall lie in the ſaid Pariſh of *Attleburgh*, and Part in any adjoining Manor or Pariſh, all and every ſuch Leaſe or Leaſes upon Rack Rent now ſubſiſting may be vacated; but where any Land ſhall be taken in Exchange, which Lands ſhall be under Leaſe, compriſing no other Land, and wholly ſituated in an adjoining Manor or Pariſh, the Leaſe of ſuch laſt-mentioned Lands ſhall not be vacated.

Leaſes void as to Allotments of Common.

XXXV. And be it further enacted, That all and every Leaſe and Leaſes at Rack or Extended Rent now ſubſiſting, of any Meſſuages, Lands, or Tenements, within the ſaid Pariſh of *Attleburgh*, ſo far as ſuch Leaſe or Leaſes affect or concern any Allotment or Allotments to be made of any Part of the ſaid Commons and Waſte Grounds in reſpect of any ſuch Meſſuages, Lands or Tenements, comprized in ſuch Leaſe or Leaſes, be, and the ſame is and are hereby declared to be null and void as to ſuch Allotment or Allotments; and ſuch Allotment and Allotments ſhall be made and aſſigned unto the Landlord or Landlords, and not to the Tenant or Tenants, Leſſee or Leſſees; and ſuch Allotment and Allotments ſhall be freed and diſcharged from all Right and Intereſt which may or otherwiſe might be claimed in or to the ſame by virtue of ſuch Leaſe or Leaſes; and the Perſon or Perſons to whom the Meſſuages, Lands or Tenements comprized in ſuch Leaſe or Leaſes ſhall belong as Landlord or Landlords, ſhall make ſuch Compenſation to the Perſon or Perſons entitled to the ſame under ſuch Leaſe or Leaſes as the ſaid Commiſſioners ſhall by Writing under their Hands direct, for the Right of Common, or any other Rights or Intereſts in, over, or upon the ſaid Commons and Waſte Grounds, or any Part thereof, appendant or appurtenant to ſuch Meſſuages, Lands, or Tenements, and which ſhall be extinguiſhed by this Act; and if any Perſon or Perſons ſhall refuſe or neglect to make any ſuch Compenſation to the Perſon or Perſons entitled thereto, within Ten Days after Demand made thereof, then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required to raiſe and levy the ſame, for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the ſurplus Coſts, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed and levied.

Wills and Settlements not to be affected.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to revoke, make void, alter, or annul any Will, whether ambulatory or in actual Operation by the Death of the Party, or any Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent or Incumbrance, out of, upon, or affecting any of the Meſſuages, Buildings, Lands, Grounds or Hereditaments to be divided and allotted; or which ſhall be exchanged by virtue of this Act, or any Part or Parts thereof reſpectively; but that each and every Proprietor ſhall ſtand and be ſeiſed of the ſeveral Meſſuages, Buildings, Lands, and Grounds to be allotted to or exchanged with him or her as aforeſaid, to ſuch and the ſame Uſes, for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents and Charges, and no other, as the Meſſuages, Buildings Lands and Grounds, whereof ſuch Proprietor ſhall be ſeiſed or poſſeſſed, at or immediately before the Execution of the ſaid Award, or for which, or in reſpect whereof, ſuch Allotments or Exchanges ſhall be made, would have been ſubject to, charged with, or affected by, in caſe this Act had not been made.

Lands belonging to the Rector and Truſtees for public Purpoſes to

XXXVII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby directed to aſcertain and ſet out by Marks and Boundaries (from the beſt Information that can be obtained) the Glebe Lands belonging to the ſaid Rectory of *Attleburgh*, and alſo all Lands in the ſaid Pariſh of *Attleburgh* belonging to or veſted in any Perſon or Per-

ſons whomſoever as Truſtee or Truſtees, Feoffee or Feoffees, for any charitable or public Purpoſes, and in and by the Award to be made by the ſaid Commiſſioners to deſcribe and abut the ſame; and where any Difficulty or Doubt exiſts with regard to the exact Situation of any Part of ſuch Lands, then, and in every ſuch Caſe, the ſaid Commiſſioners may, and they are hereby directed to allot a Portion of Land in ſuch Situation as they may think proper for the Value thereof; and further that all old Incloſures of Land within the ſaid Pariſh of *Attleburgh*, in which there are Lands belonging to different Proprietors, ſhall be deemed to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act. be diſtinguiſhed.

XXXVIII. Provided always, and be it further enacted, that nothing in this Act or the ſaid recited Act contained, ſhall extend or be conſtrued or be deemed to extend to vacate a certain Indenture of Leaſe, comprizing the Pariſh Workhouſe of *Attleburgh* aforeſaid, and certain Lands held therewith, bearing date the Twenty-ſeventh Day of *October* One thouſand ſeven hundred and eighty-three, and made between *William Windham*, of *Earſham* in the County of *Norfolk*, Eſquire, of the one Part, and *William Cockell*, Eſquire, *Francis Parke*, and *Richard Chapman*, Church-wardens and principal Inhabitants of the Town and Pariſh of *Attleburgh* in the ſaid County of *Norfolk*, the Reverend *John Fairfax Francklin*, Rector of the ſaid Pariſh, and one of the Overſeers of the Poor, *William Thorold*, *Richard Cowles* and *James Roſe*, alſo Overſeers of the Poor and principal Inhabitants of the ſaid Town and Pariſh, and *Francis Barlow*, Eſquire, *Edmund Lock*, Gentleman, and *John Littleproud*, Three other of the principal Inhabitants of the ſame Town and Pariſh, of the other Part, nor in any other Manner to affect the Meſſuage, Lands, and Hereditaments, demiſed in and by ſuch Indenture of Leaſe, nor the Allotment or Allotments to be ſet out in reſpect of the Rights of Common appendant or appurtenant thereto: but all ſuch Allotment or Allotments ſhall be made and ſet out to, and be veſted in the ſurviving Leſſees therein contained, during the Reſidue of the Term granted by ſuch Indenture of Leaſe. Leaſe of the Workhouſe in Attleburgh not to be vacated, and the Allotment made to ſurviving Leſſees during the Remainder of the Term.

XXXIX. And be it further enacted, That from and after the paſſing of this Act until the Execution of the ſaid Award, all the Arable Lands hereby directed to be divided and allotted ſhall be ſubject and liable to ſuch Directions and Regulations as the ſaid Commiſſioners ſhall from time to time, by Writing under their Hands appoint, as well with regard to the ſtocking as to the ploughing, folding, tilling, ſowing, and laying down the ſame; and it ſhall be lawful for the ſaid Commiſſioners to order and direct ſuch Sum or Sums of Money in reſpect thereof, to be paid by any Perſon or Perſons intereſted in the ſaid Arable Lands, or any Part thereof, or his, her, or their Tenant or Tenants, to any other Perſon or Perſons in the like Manner intereſted therein, or his, her, or their Tenant or Tenants, as they the ſaid Commiſſioners ſhall think reaſonable, not exceding Five Pounds per Acre; and in caſe any Perſon or Perſons who ſhall be directed to pay any Sum or Sums of Money on any of the Accounts aforeſaid ſhall neglect or refuſe to pay the ſame on Demand, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required to raiſe and levy the ſame for the Uſe and Benefit of the Perſon Directing the Courſe of Huſbandry.

or

or Perſons entitled thereto, by ſuch Ways and Means as the Surplus Coſts, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed and levied in caſe the Land directed by this Act to be ſold for raiſing of the Money to defray ſuch Coſts, Charges and Expenſes ſhall not, upon the Sale thereof, have raiſed Money ſufficient for that Purpoſe.

Sheep not to be kept in the new Inclosures for Seven Years except under certain Reſtrictions.

XL. Provided always, and be it further enacted, That no Sheep or Lambs ſhall be kept in any of the Allotments to be made by virtue of this Act (whereupon any new Fence ſhall have been raiſed) during the Space of Seven Years next after the Execution of the ſaid Award, unleſs the Perſon or Perſons, keeping any Sheep or Lambs, ſhall, previouſly thereto, at his, her, or their own Expence, make and afterwards maintain a ſufficient Fence to guard and protect the young Fences belonging to ſuch Allotments reſpectively, from being hurt or damaged by ſuch Sheep or Lambs (whether ſuch young Fences be made or ſet by the Owner or Occupiers of ſuch Allotments as aforeſaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto); and that in caſe any Perſon ſhall turn in, or keep any Sheep or Lambs in any ſuch Allotment or Allotments, without raiſing and keeping up ſuch protecting Fences as aforeſaid, it ſhall be lawful for the Owner or Owners of any adjoining Allotment or Allotments, from time to time, to enter into the Allotment or Allotments where any Sheep or Lambs ſhall be ſo turned in or kept as aforeſaid, and from time to time to take, drive away, and impound the ſame as Cattle damage feaſant.

For defraying the ſurplus Expences of the Act.

XLI. And be it further enacted, That all the Coſts, Charges and Expences of raiſing and making all ſuch Boundary Drains and Fences as the ſaid Commiſſioners may deem neceſſary to be raiſed and made between the ſaid Pariſh of *Attleburgh* and any adjoining Pariſh or Pariſhes, and alſo all Fences to be raiſed by Direction of the ſaid Commiſſioners adjoining Public Roads, within the ſaid Pariſh of *Attleburgh*, and alſo of incloſing the ſeveral Lands and Grounds which ſhall be allotted, by virtue of this Act, to the ſaid Rector in reſpect of the ſaid Rectory, and to the Truſtees of the Poor of the ſaid Pariſh of *Attleburgh*, and the Surveyors of the Highways within the ſaid Pariſh of *Attleburgh*, and the Coſts, Charges, and Expences, incident to and attending the obtaining of this Act, and all other Expences of carrying this and the ſaid recited Act into Execution (ſo far as the Money to ariſe by ſale of the Lands hereby directed to be ſold ſhall not be ſufficient to defray the ſame), ſhall be paid and borne by the ſeveral Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act (ſave and except the Purchaſer and Purchaſers of the Lands hereby directed to be ſold as aforeſaid, and ſave and except the Rector of the ſaid Rectory for the Time being, in reſpect of any Allotment which ſhall be made to him in reſpect of the ſaid Rectory, the ſaid Truſtees for the Poor of the ſaid Pariſh of *Attleburgh*, and the Surveyors of the Highways within the ſaid Pariſh of *Attleburgh* for the Time being, for and in reſpect of the Allotments hereby directed to be made to the ſaid Rector, Truſtees, and Surveyors as aforeſaid), which ſaid Coſts, Charges, and Expences, together with the Proportions thereof to be paid by the ſeveral Perſons hereby made liable to the Payment thereof, ſhall be ſettled and adjuſted by the ſaid Commiſſioners, and ſhall be paid at ſuch Time and Place, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, either before or after the Execution of their ſaid Award.

XLII. An

XLII. And be it further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or Attornies, of any of the Owners or Proprietors of any of the Lands and Grounds which shall be allotted by virtue of the said recited Act, and this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, and for any of the said Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or for Years, determinable on any Life or Lives, or on any other Contingency, or Tenants by the Courtesy of *England*, or otherwise interested in such Lands and Grounds, with the Consent of the said Commissioners, to charge such Lands and Grounds with such Sum or Sums of Money, as the said Commissioners shall, by their said Award, or by Writing under their Hands, either before or after the Execution of such Award, adjudge necessary, to pay and defray his, her or their Share of the surplus Costs, Charges, and Expences of obtaining this Act, and of carrying the same and the said recited Act into execution, and of ditching, draining, and fencing his, her or their respective Allotments, and of being re-admitted to the copyhold Parts thereof, so that the Sum or Sums of Money so to be charged shall not exceed the Sum of Five Pounds for every Acre of the Lands and Grounds which shall be so allotted, and to grant, mortgage, surrender, lease or demise, or otherwise subject the Lands, Tenements and Hereditaments so to be charged, to such Person or Persons who shall advance and lend the same respectively, his, her or their Executors, Administrators and Assigns, for any Term or Number of Years; or in case any Person in Possession, who shall or may be liable to, and charged with a Share of the Expences as aforesaid, or enabled by this Act to charge such Lands and Grounds with the same, shall choose to advance, pay, and discharge such Sum or Sums of Money, then it shall be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals, to be attested by Two or more credible Witnesses, in like manner to grant, mortgage, surrender, lease or demise, or otherwise subject such Lands and Grounds to such Person or Persons respectively, paying and discharging such Sum or Sums of Money, his, her or their Executors, Administrators and Assigns, for any Term or Number of Years, to and for the Payment of such Sum or Sums of Money so advanced, paid, and discharged by him, her or them, with lawful Interest for the same, to commence on the Termination of his, her or their Right in the Premises, so that every such Grant, Mortgage, Surrender, Lease or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when such Sum or Sums of Money thereby to be secured, shall be fully paid and satisfied, and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed of, or entitled to any such Lands and Grounds shall be liable to pay any further or larger Arrear of Interest than for Twelve Calendar Months preceding the Time when the Title to such Possession shall have commenced; and that every such Charge, Grant, Mortgage, Surrender, Lease or Demise, shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Tenants for Life, &c. may charge Estate with Expences.

XLIII. And be it further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of any of the Lands and Grounds which shall be alloted by virtue of the said recited Act, and this Act, being under Coverture, Minors, Lunatics, beyond the Sea, or under any other

Impowering Tenants for Life to sell Part of their Allotments for defraying Expense, &c.

other Disability, and for any of the said Owners or Proprietors being Tenants in Tail, or for Life or Lives, or Years determinable on a Life or Lives, or on any other Contingency, or otherwise interested in such Lands and Grounds, to sell and dispose of any Part or Parts of the Allotment or Allotments which shall be made by virtue of this Act, to such incapacitated Persons, for the Purpose of raising such Sum or Sums of Money as the said Commissioners shall, by their said Award, or by Writing under their Hands, either before or after the Execution of such Award, adjudge necessary to pay and defray his, her, or their Share of the surplus Costs, Charges, and Expences of obtaining this Act, and of carrying the same, and the said recited Act, into execution, and of ditching, draining, and fencing his, her or their respective Allotments, and of being readmitted to the copyhold Parts thereof, and of making and completing such Sale or Sales, so that the Sum or Sums of Money so to be charged shall not excced the Sum of Five Pounds for every Acre of the Lands and Grounds which shall be so allotted to such Person or Persons, Part of whose Allotment shall be so sold, and such Sale or Sales shall be made by the said Commissioners, in the same Manner, and subject to the same Rules and Regulations as are hereinbefore mentioned and prescribed, with respect to the Sale of the Lands directed to be sold, for paying the Expence of obtaining and carrying this Act and the said recited Act into execution; and each and every Allotment, for which the full Purchase Money shall be paid to the said Commissioners, shall be conveyed by such Commissioners, by Lease and Release, or Bargain and Sale, or both, or either of the said Assurances, as the Case may require, at the Expence of the said Purchaser or Purchasers, unto, and to the Use of, or in trust for him, her, or them, and his, her, or their Heirs and Assigns respectively, or as he, she, or they shall appoint; and shall be inclosed and held by such Purchaser or Purchasers respectively in Fee-simple, in severalty, and discharged of all commonable and other Rights thereon; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to such Purchaser or Purchasers for the Money therein expressed to be received by them, and the said Purchase Money shall be applied by the said Commissioners in or towards defraying such last mentioned Cost, Charges, and Expences, and such Purchaser or Purchasers shall not be liable to see to the Application, or be answerable for any Misapplication or Nonapplication thereof; and if any Surplus of the said Purchase Money shall remain, after answering the Purposes aforesaid, the same shall be applied and disposed of by the said Commissioners, in like Manner as is provided and directed by the said recited Act, with respect to the Surplus of any Sum of Money paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses: Provided always, that in all Cases where any Lands shall be sold for Payment of Expences as last aforesaid, it shall not be lawful for the Proprietor or Person whose Lands shall be so sold, to charge the same by virtue of the said recited Act, or this Act, with any Money towards Payment of such Expences.

For charging Copyholds with Expences,

XLIV. Provided always, and be it further enacted, That when and so often as it it may be necessary to charge any Allotment or Allotments, or exchanged Messuages, Cottages, Lands, or Tenements, with any Sum or

or Sums of Money, by way of Mortgage for paying and defraying any Share or Shares of ſuch Coſts, Charges, and Expences as laſt aforeſaid, and ſuch Allotment or Allotments, Meſſuages, Cottages, Lands, or Tenements, or any Part thereof, ſhall be Copyhold, then, and in ſuch Caſe, the Copyhold Lands and Premiſes ſhall be ſurrendered for the due Payment thereof, with Intereſt, to the Uſe of ſuch Perſon or Perſons who ſhall advance and lend ſuch Sum or Sums of Money, by way of Mortgage, his, her, or their Heirs and Aſſigns, according to the Cuſtom or Cuſtoms of the Manor or Manors, whereof the ſame ſhall be holden, inſtead of being mortgaged and ſurrendered to ſuch Perſon or Perſons, his, her, or their Executors, Adminiſtrators, or Aſſigns, for a Term of Years, as mentioned in the ſaid recited Act.

Proprietors to pay their own Expences at Meetings.

XLV. And be it further enacted, That the ſaid Proprietors, their Attornies or Agents, ſhall pay their own Expences when they, or any of them ſhall attend the ſaid Commiſſioners, at any of their Meetings, to be holden in purſuance of this Act.

Money advanced to be repaid with Intereſt.

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

Commiſſioners' Accounts to be ſettled by a Juſtice.

XLVII. And be it further enacted, That the ſeveral Commiſſioners acting from time to time in the Execution of this and the ſaid recited Act, and each of them ſhall make out an Account containing a true Statement of all Sum and Sums of Money by him or them received or expended, or due to him or them, for his or their own Trouble or Expences, and that ſuch Accounts ſhall at leaſt, once in every Year, from the Date of paſſing this Act until ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined by *William Unthank* of *Heigham*, in the County of the City of *Norwich*, Gentleman, or in caſe of his Death or Incapacity, by any Juſtice of the Peace acting for the ſaid County of *Norfolk*; and the Amount or Balance thereof ſhall be, by the ſaid *William Unthank*, or by ſuch Juſtice (as the Caſe may be), ſtated in the Book of Accounts by the ſaid recited Act required to be kept in the Office of the Clerk of ſuch Commiſſioners as therein mentioned, and that no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall be duly allowed by the ſaid *William Unthank*, or in caſe of his Death or Incapacity, by ſuch Juſtice as aforeſaid.

For depoſiting the Award.

XLVIII. And be it further enacted, That the Award to be made by the ſaid Commiſſioners, together with ſuch Map or Plan of the ſaid Pariſh of *Attleburgh* annexed thereto, ſhall, after the Inrolment thereof, as directed by the ſaid recited Act, be depoſited and kept in the Pariſh Church of *Attleburgh* aforeſaid, and any Copy of the ſaid Award, or of any Part thereof, ſigned by the ſaid Clerk of the Peace, or by the ſaid Commiſſioners, and by him or them atteſted to be a true Copy, ſhall at all Times be admitted and allowed in all Courts whatever as legal Evidence.

XLIX. And

Allowing an Appeal to the Quarter Sessions.

XLIX. And be it further enacted, That if any Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, or of the ſaid recited Act (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are hereinbefore, and as are therein declared to be final or concluſive, and except in ſuch Caſes where an Iſſue at Law ſhall be tried as hereinbefore mentioned), then, and in every ſuch Caſe, he, ſhe, or they may appeal to the Juſtices at the General Quarter Seſſions of the Peace, which ſhall be holden for the ſaid County of *Norfolk*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners Fourteen Days Notice in Writing of ſuch Appeal, and of the Matter thereof; and the Juſtices (not intereſted in the Premiſes), at their ſaid General Quarter Seſſions, are hereby required to hear and determine the Matter of every 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 liable to pay the ſame, rendering the Overplus (if any) on demand to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; and the Determination of ſuch Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the 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.

General Saving.

L. Saving always to the King's moſt Excellent Majeſty, his Heirs and Succeſſors, and to all and every other Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, his, her and their Heirs, Succeſſors, Executors and Adminiſtrators, all ſuch Right, Title and Intereſt (other than and except ſuch as is and are hereby meant and intended to be barred, deſtroyed, and extinguiſhed) as they, every, or any of them, could or ought to have had and enjoyed, of, in, to or out of the ſaid Lands and Grounds hereby directed to be divided, allotted, and incloſed, in caſe this Act had not been made.

Act to be printed by the King's Printers.

LI. And be it further enacted, That this Act ſhall be printed by the ſeveral Printers to the King's moſt Excellent Majeſty, duly authoriſed to print the Statutes of the United Kingdom; and a Copy thereof, ſo printed by any of them, ſhall be admitted as Evidence thereof by all Judges, Juſtices and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1812.