ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

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Cap. 80.

An Act for incloſing Lands in the Pariſhes of *Bawdeſwell* and *Ling*, in the County of *Norfolk*.

[27th *May* 1808.]

WHEREAS there are within the Pariſhes of *Bawdeſwell* and *Ling*, in the County of *Norfolk*, divers Open Fields, Half-year or Shack Lands, Commons, Commonable Lands and Waſte Grounds: And whereas Sir *John Lombe*, Baronet, is Lord of the ſeveral Manors of *Bawdeſwell* late *Beales*, and *Foxley* with *Bawdeſwell* and *Ling*, and in reſpect of his ſaid Manors is or claims to be entitled to the Soil of the Commons and Waſte Grounds in the ſaid Pariſhes of *Bawdeſwell* and *Ling*: And whereas the ſaid Sir *John Lombe* is alſo ſeiſed of, or entitled to the perpetual Advowſon, Right of Patronage, and Preſentation of, in, and to the Rectory and Pariſh Church of *Bawdeſwell* aforeſaid, and the Reverend *John Corbould*, Clerk, is the preſent Incumbent on the ſaid Rectory: And whereas the ſaid Sir *John Lombe* is ſeiſed of or entitled to the perpetual Advowſon, Right of Patronage, and Preſentation of, in, and to the Rectory and Pariſh Church of *Ling* aforeſaid, and the Reverend *Charles Anſon*, Clerk, is the preſent Incumbent on the ſaid Rectory, and in ſuch Capacity Lord of the Manor of *Ling* Rectory, and as Lord of ſuch Manor claims to be entitled to the Soil of the Commons and Waſte Grounds in

the ſaid Pariſh of *Ling*: And whereas the ſaid Sir *John Lombe*, *Thomas William Coke* Eſquire, *John Margarſon*, *Henry Carrington* Clerk, *Thomas Smith*, and ſeveral other Perſons reſpectively, are Owners and Proprietors of all the Meſſuages, Cottages, Lands, Grounds, and Tenements within the ſaid Pariſhes of *Bawdeſwell* and *Ling*: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the ſaid Open Fields and Half-year or Shack Lands, lie intermixed and diſperſed in ſmall Parcels, and are inconveniently ſituated for the ſeveral Owners and Proprietors thereof, and the ſaid Open Fields and Half-year or Shack Lands, Commons, Commonable Lands and Waſte Grounds, or ſome Part thereof, are ſubject to certain Rights of Sheepwalk, Shackage and Common, or other Rights and Intereſts, and in their preſent State and Condition yield but little Profit, and it would be advantageous to the ſeveral Perſons intereſted in the Premiſes if the ſaid Rights of Sheepwalk, Shackage and Common, and other Rights and Intereſts were extinguiſhed, and if the ſaid Lands and Grounds were divided, and ſpecific Parts or Shares thereof allotted to the ſeveral Perſons entitled to and intereſted therein, according to their reſpective Eſtates, Rights, and Intereſts; but as ſuch Extinguiſhment and Allotment cannot be effected 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

Commiſſioners appointed.

Parliament aſſembled, and by the Authority of the ſame, That *William Unthank*, of *Heigham* in the County of the City of *Norwich*, *John Dugmore* of *Swaffham* in the County of *Norfolk*, and *Anthony Atthill*, of *Eaſt Dereham* in the ſaid County of *Norfolk*, Gentlemen, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be, and they are hereby appointed Commiſſioners for dividing and allotting the ſaid Open Fields, Half-year or Shack Lands, Commons, Commonable Lands and Waſte Grounds, and for carrying this Act into Execution, ſubject to ſuch Powers, Authorities, Directions, Regulations, Reſtrictions and Proviſions contained in the ſaid recited Act, as are not altered, varied, or otherwiſe provided for by this Act; 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-before named or to be appointed as hereinafter mentioned.

For appointing new Commiſſioners.

II. And be it further enacted, That if any of the Commiſſioners herein-before named or to be appointed as herein-after mentioned, ſhall die or refuſe to act, or ſhall become incapable of acting as a Commiſſioner or Commiſſioners in the Execution of this Act and the ſaid recited Act, before all the Powers, Authorities, and Truſts thereby veſted in them ſhall be fully executed and performed, it ſhall and may be lawful for the remaining or ſurviving Commiſſioners or Commiſſioner, and they or he are and is hereby required, within Thirty Days next after their or his Knowledge of ſuch Death, Refuſal, or Incapacity to act, by Writing under their or his Hands or Hand, to appoint any other Perſon or Perſons (not being intereſted

reſted in the Premiſes) to be a Commiſſioner or Commiſſioners for the Purpoſes of this and the ſaid recited Act, in the Place and Stead of ſuch Commiſſioner or Commiſſioners ſo dying or refuſing to act, or becoming incapable of acting as aforeſaid; and every Perſon ſo to be appointed a Commiſſioner as aforeſaid, ſhall take and ſubſcribe the Oath or Affirmation preſcribed in the ſaid recited Act, and ſhall thereupon have ſuch and the like Powers and Authorities in all reſpects for putting this and the ſaid recited Act into Execution, as if he had been named and appointed a Commiſſioner in and by this Act.

Notice of Commiſſioners Meetings.

III. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to cauſe Notice 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 *Norfolk Chronicle* or *Norwich Mercury*, or in ſome other Newſpaper printed or circulated within the ſaid County of *Norfolk*, Eight Days at leaſt before every ſuch Meeting (Meetings by Adjournment only excepted); and if only one of the ſaid Commiſſioners ſhall be preſent at the Time and Place appointed for any ſuch Meeting, then and in ſuch Caſe and ſo often as the ſame ſhall happen, it ſhall be lawful for ſuch Commiſſioner to adjourn ſuch Meeting to ſuch Time and Place within the ſaid Pariſhes of *Bawdeſwell* and *Ling*, or either of them, or within Eight Miles thereof, as he ſhall think moſt convenient, giving Notice of ſuch Adjournment to the abſent Commiſſioners: Provided always, that all Meetings of the ſaid Commiſſioners in the Execution of this and the ſaid recited Act, ſhall be held within Eight Miles of the ſaid Pariſhes of *Bawdeſwell* and *Ling*.

Other Notices how to be given.

IV. Provided always, and be it further enacted, That all other Notices neceſſary or requiſite to be given by the ſaid Commiſſioners in purſuance of the ſaid recited Act or of this Act, ſhall be ſo given by Advertiſement to be inſerted in the ſaid *Norfolk Chronicle* or *Norwich Mercury*, or in ſome other Newſpaper printed or circulated in the ſaid County of *Norfolk*.

For ſhortening Boundary Fences.

V. 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 of the Manor or Manors, and of the Hands of the major Part in Value of the Land Owners in any Pariſh or Pariſhes adjoining to the ſaid reſpective Pariſhes of *Bawdeſwell* and *Ling*, (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 to be made between the Lands hereby directed to be divided and allotted, and the Lands lying in ſuch adjoining Pariſh or Pariſhes as they ſhall judge proper for the Purpoſes aforeſaid; and after ſuch Boundary ſhall be ſo ſet out, aſcertained and determined, the ſame ſhall be incloſed and fenced by ſuch Perſon or Perſons, in ſuch Manner and at ſuch Time

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 reſpective Pariſhes of *Bawdeſwell* and *Ling*, and ſuch adjoining Pariſh or Pariſhes; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Limitation of Rights of Common.

VI. And be it further enacted, That all Owners and Proprietors of Meſſuages, Cottages or Dwelling Houſes within the ſaid Pariſhes of *Bawdeſwell* and *Ling*, 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 and 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.

Encroachments.

VII. And be it further enacted, That all Encroachments which at any Time within Twenty Years now laſt paſt have been made upon the ſaid Commons and Waſte Grounds (ſave and except ſuch Parts thereof as have been incloſed by virtue of any Licence in Writing, or Conſent or Grant from the Lords of the aforeſaid Manors, and duly inrolled in the Court Books of the ſaid reſpective Manors) ſhall be deemed Part thereof, and ſhall be divided and allotted accordingly; and in caſe any Diſpute or Difference ſhall ariſe touching any ſuch Encroachments or the Extent thereof, ſuch Diſpute or Difference ſhall be determined by the ſaid Commiſſioners.

Commiſſioners to ſettle Diſputes,

VIII. 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 and Allotments, touching or concerning the reſpective Rights and Intereſts which they, or any of them ſhall claim to have in or upon the Lands and Grounds hereby directed to be divided and allotted, or concerning any Timber, Wood, Underwood, Buſhes, Thorns, Whins or Furze growing thereon, or concerning any Allowances claimed or to be claimed for ploughing, ſowing Turnips or Corn, laying down with Graſs Seeds, manuring or improving the ſaid Lands and Grounds or any Part thereof, or touching or concerning any Matter or Thing relating to the ſaid Diviſion and Allotments, it ſhall be lawful for the ſaid Commiſſioners, and they are 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.

but not to determine Titles.

IX. And

Commissioners may assess Costs.

IX. 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 this or the said recited Act, see Cause to award any Costs, it shall be lawful to and for the said Commissioners, and they are hereby authorized and 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 any Determination of the said Commissioners 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 determined as aforesaid; and in case the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then, and in such Case it shall be lawful 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.

Parties may try their Rights at Law.

X. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said intended Division and Allotment, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of or for any Rights of Sheepwalk or Common, or other Commonable Rights or Interests in, over, upon or out of the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, or concerning any Objection or Objections made to such Claim or Claims, then and in every such Case it shall be lawful to and for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate so dissatisfied, to have the Matter of any such Claim or Objection tried at Law, at the next or at the Second Assizes to be holden for the said County of *Norfolk*; and for that Purpose the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with such Determination of the said Commissioners, shall cause an Action or Actions to be brought against the Person or Persons in whose Favour such Determination shall have been made, in one of His Majesty's Courts of Record at *Westminster*, within Three Calendar Months next after such Determination shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is, and are hereby required forthwith to name an Attorney or Attornies, and to appear or file Common Bail, and accept one or more Declaration or Declarations, and plead or proceed to Issue thereon, whereby such Claim or Claims, Objection or Objections, and the Rights or Interests thereby insisted upon may be tried and determined at the First or Second Assizes to be held for the said County of *Norfolk*, next after the making of such Determination (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 and Perſons, Body or Bodies Politic, Corporate or 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 as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims, Objection or Objections thereby determined, according to the Event of ſuch Trial or Trials.

Determination of the Commiſſioners to be final, if no Action brought.

XI. Provided always, and be it further enacted, That all ſuch Determinations of the ſaid Commiſſioners as ſhall have been ſo made as aforeſaid with reſpect to ſuch Claims or Objections, and concerning which no ſuch Action at Law ſhall be brought or commenced and proceeded in within the Time aforeſaid, ſhall be final, binding and concluſive upon all Perſons whomſoever; any Thing in the ſaid recited Act or this Act contained to the contrary notwithſtanding.

If Parties die, Proceedings not abate.

XII. Provided alſo, and be it further enacted, That if any of the Parties in any ſuch Action to be commenced by virtue or 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.

Proviſion in Caſes of Death of Parties before Actions brought.

XIII. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, 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 Names of the Perſon or Perſons ſo dead, and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living; and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Perſons in Poſſeſſion not to be moleſted without due Courſe of Law.

XIV. 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 of ſuch Parties, except in Caſes of Encroachments made within the Period of Twenty Years, as herein-before mentioned; but in caſe the ſaid Commiſſioners ſhall be of Opinion againſt the Right of the Perſon or Perſons

ſo

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

Commiſſioners may ſtop up old Roads and Footpaths.

XV. 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, with the Concurrence and Order of Two Juſtices of the Peace for the ſaid County of *Norfolk*, acting in and for the Diviſion in which the Road or Roads, Foorpath or Footpaths herein-after mentioned ſhall be ſituated, and not intereſted in the Repair of ſuch Road or Roads, Footpath or Footpaths, to ſtop up and to direct to be diſcontinued any public Road or Roads, Footpath or Footpaths, through any Part or Parts of the Lands and Grounds in the ſaid reſpective Pariſhes of *Bawdeſwell* and *Ling*, which to the ſaid Commiſſioners ſhall appear uſeleſs or unneceſſary: Provided always, that ſuch Order ſo to be made ſhall be ſubject to an Appeal to the Quarter Seſſions, in the like Manner and under the ſame Forms and Reſtrictions as if the ſame had been originally made by ſuch Juſtices as aforeſaid: Provided alſo, that none of the preſent Roads or public Highways within the ſaid reſpective Pariſhes of *Bawdeſwell* and *Ling* ſhall be ſhut up or diſcontinued, until the ſeveral Roads intended to be and remain public Highways within the ſame Pariſhes reſpectively 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.

None of the preſent Ruads to be ſtopp d until new Roads are made.

Allotments for Watering Places and Sand and Gravel Pits.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall aſſign, ſet out, and allot unto the Surveyors of the Highways within the ſaid Pariſhes of *Bawdeſwell* and *Ling* reſpectively, and to their reſpective Succeſſors for ever, ſuch Parts and Parcels of the Lands and Grounds hereby directed to be divided and allotted, not exceeding Three Acres in either of the ſaid Pariſhes, as ſhall in the Judgement of the ſaid Commiſſioners be proper and ſufficient as and for public Watering Places for Cattle, and for public Sand, Gravel, Stone, Clay and Chalk Pits, and the ſame ſhall be incloſed and fenced in ſuch Manner as the ſaid Commiſſioners ſhall direct; and ſuch Allotment and Allotments when ſet out ſhall for ever thereafter be uſed by the Surveyors of the Highways, and by the Proprietors of Lands and Eſtates within the ſaid Pariſhes reſpectively, and their Tenants for the Time being, in ſuch Manner and under ſuch Rules and Regulations as the Lords or Ladies of the ſaid Manors herein-before mentioned, and the Churchwardens and Overſeers of the Poor, and Surveyors of the Highways of and within the ſaid Pariſhes reſpectively for the Time being, or the major Part of them, ſhall order, direct, and appoint, and not otherwiſe.

Allotments to Lords of Manors for Right of Soil.

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required in the next Place to ſet out and allot unto the Lords of the ſeveral Manors herein-before mentioned, and to the Lords or Ladies of any other Manor or Manors, or to ſuch of them as ſhall in the Judgment of the ſaid Commiſſioners be entitled to the Soil of the Commons and Waſte Grounds within the ſaid Pariſhes of *Bawdeſwell* and *Ling* reſpectively, ſo much and ſuch Parts of the Lands and Grounds hereby directed to be divided and allotted, not exceeding in Value, in the Judgement of the ſaid Commiſſioners, One-ſixteenth Part nor leſs than One-twentieth Part of the ſaid Commons and

Waſte Grounds in the ſaid reſpective Pariſhes, as the ſaid Commiſſioners ſhall determine and declare to be a Compenſation and full Satisfaction of and for the Right of ſuch Lord or Lords, Lady or Ladies reſpectively, of, in, and to the Soil of the ſaid Commons and Waſte Grounds, according and in Proportion to his, her, or their ſeveral Parts, Shares, Rights, and Intereſts therein.

Allotments for Right of Sheepwalk.

XVIII. And be it further enacted, That the ſaid Commiſſioners ſhall aſſign, ſet out, and allot unto all and every Perſon or Perſons entitled to any Right or Rights of Sheepwalk, Foldcourſe, Shackage and Feed for Sheep in, over, and upon the Lands and Grounds hereby directed to be divided and allotted, or any Part or Parts thereof, ſo much and ſuch Parcels of the ſaid Lands and Grounds in the ſaid reſpective Pariſhes, as ſhall in the Judgement of the ſaid Commiſſioners be equal in Value to and contain a full Recompence and Satisfaction for his, her, or their ſeveral and reſpective Right or Rights of Sheepwalk, Foldcourſe, Shackage and Feed for Sheep in, over, and upon the ſaid Lands and Grounds hereby directed to be divided and allotted or any Part or Parts thereof.

Allotment for Fuel for the Poor of Bawdeſwell.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to aſſign, ſet out and allot unto the Lord or Lady, Lords or Ladies for the Time being of the ſaid ſeveral Manors of *Bawdeſwell* late *Beales*, and *Foxley* with *Bawdeſwell*, and to the Rector, Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Bawdeſwell* for the Time being, as Truſtees for the poor Inhabitants of the ſame Pariſh for ever, ſuch Part or Parts of the Commons and Waſte Grounds in the ſaid Pariſh of *Bawdeſwell*, for ſupplying Flags, Turves or Turf, and Whins or Furze for Fuel, as in the Judgment of the ſaid Commiſſioners ſhall be reaſonable and proper for that Purpoſe, and ſuch Allotment or Allotments when ſo ſet out ſhall be veſted in the Lord or Lady, Lords or Ladies of the ſaid laſt-mentioned Manors, and the Rector, Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Bawdeſwell* for the Time being for ever, upon the Truſts and for the Purpoſes herein-after mentioned; and ſuch Allotment or Allotments or any Part or Parts thereof ſhall be incloſed, ditched and fenced in ſuch Manner, and ploughed and ſown with Whin or Furze Seeds, at ſuch Time or Times as the ſaid Commiſſioners ſhall by Writing under their Hands or in and by their Award order and direct; and the Flags, Turves or Turf, Whins or Furze coming, growing and ariſing upon and from ſuch Part of the ſaid Lands as ſhall be ſo allotted for Fuel as aforeſaid, ſhall be cut, taken, and uſed by ſuch poor Inhabitants legally ſettled in the ſaid Pariſh of *Bawdeſwell*, in ſuch Quantities, in ſuch Manner, and at ſuch Time or Times in each and every Year, and under and ſubject to ſuch Orders, Rules, and Regulations, as the ſaid Truſtees for the Time being, or the major Part of them, ſhall from Time to Time direct and appoint and not otherwiſe.

Allotment for Fuel for the Poor of Ling.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to aſſign, ſet out, and allot unto the Lords or Ladies for the Time being of the ſaid reſpective Manors of *Ling* and *Ling* Rectory, and to the Rector, Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Ling* for the Time being, as Truſtees for the Poor

poor Inhabitants of the ſame Pariſh for ever, ſuch Part or Parts of the Commons and Waſte Grounds in the ſaid Pariſh of *Ling*, for ſupplying Flags, Turves or Turf, and Whins or Furze for Fuel, as in the Judgment of the ſaid Commiſſioners ſhall be reaſonable and proper for that Purpoſe; and ſuch Allotment or Allotments when ſo ſet out ſhall be veſted in the Lords or Ladies of the ſaid laſt-mentioned Manors, and the Rector, Churchwardens, and Overſeers of the Poor of the ſaid Pariſh of *Ling* for the Time being for ever, upon the Truſts and for the Purpoſes hereinafter mentioned; and ſuch Allotment or Allotments or any Part or Parts thereof ſhall be incloſed, ditched and fenced in ſuch Manner, and ploughed and ſown with Whin or Furze Seeds, at ſuch Time or Times as the ſaid Commiſſioners ſhall by Writing under their Hands or in and by their Award order and direct; and the Flags, Turves or Turf, Whins or Furze coming, growing, and ariſing upon and from ſuch Part of the ſaid Lands as ſhall be ſo allotted for Fuel as aforeſaid, ſhall be cut, taken, and uſed by ſuch poor Inhabitants legally ſettled in the ſaid Pariſh of *Ling*, in ſuch Quantities, in ſuch Manner, and at ſuch Time or Times in each and every Year, and under and ſubject to ſuch Orders, Rules, and Regulations as the ſaid Truſtees for the Time being, or the major Part of them ſhall from Time to Time direct and appoint, and not otherwiſe: Provided always, that it ſhall be lawful for the Lords or Ladies of the ſaid ſeveral Manors, and the Rectors of the Rectories of *Bawdeſwell* and *Ling* aforeſaid for the Time being reſpectively, to act in the Execution of the Truſt hereby repoſed in them as aforeſaid, by his, her, or their Agents or Proxies reſpectively, ſuch Agents or Proxies being appointed by Writing under the reſpective Hands of the Lords or Ladies of the ſaid Manors, and the Rectors of the ſaid Pariſhes reſpectively, and producing their Appointment or Appointments at the Time of their acting by virtue thereof.

Lords of Manors and Rectors may act by Agent or Proxy.

XXI. And be it further enacted, That after the ſaid ſeveral Allotments ſhall have been made and ſet out in Manner herein-before directed, the ſaid Commiſſioners ſhall divide, ſet out, and allot all the Reſidue and Remainder of the Open Fields, Half-year or Shack Lands, Commons, Commonable Lands and Waſte Grounds within the ſaid Pariſhes of *Bawdeſwell* and *Ling* reſpectively, unto and amongſt the ſeveral Owners and Proprietors thereof, and unto and amongſt all and every Perſon and Perſons, Body and Bodies Politic, Corporate or Collegiate, having any Right or Intereſt in, to, over, or upon the ſame or any Part thereof, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall adjudge and determine to be equal to the Value of, and a full Compenſation and Satisfaction to him, her, or them reſpectively, for his, her, or their reſpective Parts and Shares of the ſaid Lands and Grounds, and his, her, or their reſpective Rights and Intereſts therein, ſave and except as to ſuch Rights and Intereſts for which Compenſation is herein-before provided and directed to be made.

Allotment of the Reſidue.

XXII. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons from and after the paſſing of this Act, to cut, dig, pare, grave, flay, or carry away any Turves, Turf, Flags, Whins, or Furze in, upon, or from the ſaid Commons and Waſte Grounds hereby directed to be divided and allotted, or from any Part thereof, without the Licence and Conſent of the ſaid Commiſſioners firſt had and obtained

To prevent Turves, &c. being cut without Leave of the Commiſſioners.

tained for that Purpoſe (which Licence the ſaid Commiſſioners are hereby empowered to grant, under ſuch Regulations and Reſtrictions as they ſhall think proper to inſert therein); and if any Perſon or Perſons ſhall after the paſſing of this Act cut, dig, pare, grave, flay or carry away any Turves, Turf, Flags, Whins or Furze upon or from the ſaid Commons and Waſte Grounds or any Part thereof, without ſuch Licence as aforeſaid, or having obtained ſuch Licence, ſhall act contrary thereto, the ſaid Commiſſioners, upon due Proof thereof made before them upon Oath, ſhall and they are hereby authorized and 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, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending in the Premiſes, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall be 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 Payment of the Coſts and Charges of obtaining and executing this Act.

Forextinguiſhing or ſuſpending Rights of Sheepwalk and Common before the Award.

XXIII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authorized, at any Time or Times before the Execution of their Award, by Notice in Writing under their Hands to be affixed upon the Doors of the reſpective Pariſh Churches of *Bawdeſwell* and *Ling* aforeſaid, to order and direct all or any Rights of Sheepwalk, Shackage or Common, or other Commonable Rights whatſoever in, over, and upon the 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 ſuch Rights ſhall be extinguiſhed or the Exerciſe thereof ſhall be ſuſpended accordingly; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Courſe of Huſbandry.

XXIV. And be it further enacted, That from and after the paſſing of this Act until the Execution of the ſaid Award, all the Open Fields, Half-year Lands, and Shack Lands hereby directed to be divided and allotted, ſhall, during that Time, be ſubject and liable to ſuch Directions and Regulations as the ſaid Commiſſioners ſhall from Time to Time, by Writing under their Hands to be affixed upon the Doors of the Churches of *Bawdeſwell* and *Ling* reſpectively, appoint, as well with regard to the ſtocking as to the ploughing, folding, tilling, ſowing and laying down the ſame with Graſs Seeds, and alſo as to the cutting Thorns and Buſhes thereon; and that it ſhall and may 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 Lands and Grounds or any Part thereof, or by his, her, or their Tenants, to any other Perſon or Perſons in like Manner intereſted therein, or his, her, or their Tenants, as they the ſaid Commiſſioners ſhall think reaſonable; and in caſe any Perſon or Perſons who ſhall be directed to pay any ſuch Sum or Sums of Money, ſhall neglect or refuſe to pay the ſame on Demand, then, and in ſuch Caſe it ſhall and may be lawful 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 Coſts, Charges, and Expences of obtaining and executing this Act and the ſaid recited Act can or may be raiſed and levied.

XXV. Provided

Fences to be made where Sheep are kept in the new Inclosures.

XXV. 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, whereon any new Fence shall be raised, during the Space of Seven Years next after the Execution of the said Award, unless the Person or Persons so keeping the same shall first at his, her, or their own Expence, make and maintain a Fence sufficient to guard the young Fences belonging to such Allotments from being hurt or damaged by such Sheep or Lambs (whether such young Fences be made, planted, or set by the Owners or Occupiers of such Allotments as aforesaid, or by the Owners or Occupiers of the Allotment or Allotments adjoining thereto); and in case any Person or Persons shall turn or keep any Sheep or Lambs in any such Allotment or Allotments, without raising up and keeping such Fences as aforesaid, it shall be lawful for the Owner or Occupier of any adjoining Allotment or Allotments, when, where, and so often as such Sheep or Lambs shall be so turned in or kept, and from Time to Time to take, drive away and impound the same.

Allotments to be of the same Tenure as the Lands in lieu whereof they are allotted.

XXVI. And be it further enacted, That all the Lands and Grounds which shall be allotted by virtue of this or the said recited Act, to any Person or Persons for, or in respect of any Messuages, Cottages, Lands, or Grounds holden by Verge or Copy of Court Roll of any Manor or Manors, or for or in respect of any Leasehold Messuages, Lands, or Tenements, or for or in respect of any Rights of Sheepwalk, Common or Shackage, or other Rights or Interests appurtenant or appendant to any such Copyhold or Leasehold Premises, shall, from and after the Execution of the said Award, be deemed and taken to be Copyhold or Leasehold, and shall be held as such, by and under the same Tenure, and under such Rent, Fines, Payments, Customs and Services as the Copyhold or Leasehold Messuages, Tenements, or Lands respectively, for, or in respect whereof such Allotments shall be made are now held; and that all and every Person or Persons to whom such Copyhold Lands and Premises shall be allotted, shall, within the Space of 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 Lords, Lady or Ladies, or to the Steward or Stewards of such Manor or Manors (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 said respective Stewards of the said Manors as the said Commissioners shall in and by their Award order and direct to be paid on such Admissions respectively); but in case the Person or Persons to whom any such Copyhold Lands and Premises shall be allotted as aforesaid, shall not have been admitted to the Copyhold Lands and Tenements, in respect whereof such Allotment or Allotments shall be made, within the said Six Calendar Months, or shall happen to die before such Time as he, she, or they shall have been duly admitted to the Premises allotted, then the customary Fines and other Payments shall be due and payable upon the Admission of the Person or Persons entitled to such Lands so allotted as last aforesaid; and after every such first Admission the Copyhold Premises so to be allotted as last aforesaid, shall at all Times afterwards be held under and subject to the same Tenure, Fines, Payments and Services as the Copyhold Lands or Tenements in respect whereof such Lands and Premises shall be allotted are now held under and subject to; and the said Commissioners shall by their said Award determine, describe, and abut the Lands and Grounds

respectively

respectively which are to be and remain Copyhold or Leasehold; and all other Lands and Grounds to be allotted by virtue of this or the said recited Act (except what shall be so ascertained by the said Commissioners to be Copyhold or Leasehold) shall be from thenceforth deemed, taken and enjoyed as Freehold Lands and Grounds, subject nevertheless to such Free Rents, Payments and Services as are now payable out of, or for the respective Messuages, Buildings, Lands, Tenements or Hereditaments for, or in respect whereof the same shall or may be allotted as aforesaid.

In case any Person shall sell his Common Right, the Allotment to be made to the Purchaser.

XXVII. Provided always, and be it further enacted, That if any Person or Persons (save and except the said respective Rectors and their respective Successors in respect of the said respective Rectories) hath or have sold, or contracted or agreed to sell, or shall at any Time before the Execution of the said Award sell, or contract or agree to sell his, her, or their Right, Interest, and Property in, over or upon the said Commons and Waste Grounds, to any other Person or Persons, then, and in every such Case it shall and may be lawful for the said Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, Contract or Agreement, or to his, or her Heirs or Assigns, for or in respect of such Right, Interest, and Property so sold, or contracted, or agreed to be sold as aforesaid; and every such Vendee or Purchaser, or his, or her Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to him or her as aforesaid, in the same Manner to all Intents and Purposes as the Vendor in every such Sale, Contract, or Agreement might, could, or ought to have held and enjoyed the same, in case such Sale, Contract, or Agreement had not been made, or such Right, Interest, or Property had not been vested in such Vendee at the Time of making such Allotment as aforesaid.

For fencing Allotments.

XXVIII. 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 Persons, Body or Bodies Politic, Corporate or Collegiate (save and except the Lords of the said Manors, and the said Rectors, Churchwardens and Overseers respectively, in respect of the Allotments to be made to them in Trust for the Poor as aforesaid, and also save and except the Rectors of the said Parishes of *Bawdeswell* and *Ling* respectively, for, or in respect of any Allotment or Allotments which shall be made to them in Right of their said Rectories respectively, and also save and except the Surveyors of the Highways, for, or in respect of the 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 by such Writing under their Hands or by their said Award order and direct,

For leaving Gaps.

XXIX. Provided always, That convenient Gaps and Openings shall be left in the Fences and Inclosures to be made in pursuance of this Act, for the Space of Twelve Calendar Months next after the Execution of the said

Award for the Paſſage of Cattle, Carts, and Carriages in and through the ſame, unleſs the ſeveral Parties intereſted ſhall agree that the ſame ſhall be ſooner fenced in, made up, and incloſed.

For allowing Exchanges to be made.

XXX. 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 Lands, Tenements or Hereditaments whatſoever within the ſaid Pariſhes of *Bawdeſwell* and *Ling*, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatſoever within the ſaid Pariſhes 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 be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether 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 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 be 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 or Exchanges ſo made, ſhall be good, valid and effectual in the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements or Hereditaments held in right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid, of the Lord Biſhop of the Dioceſe and the Patron of the Living in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged ſhall lie or be ſituate: Provided alſo, that all Coſts, Charges, and Expences attending the making of any Exchanges and Partitions ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall by their ſaid Award order and direct.

Tenants to give up exchanged Lands, having Satisfaction therefor.

XXXI. 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, Half-year or Shack Lands which ſhall be allotted by virtue of this Act, or of any old incloſed Lands 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

fuſtain 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 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 Pariſhes of *Bawdeſwell* and *Ling*, 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 Lands ſhall be taken in exchange, which Lands ſhall be under Leaſe and wholly ſituate in an adjoining Manor or Pariſh, the Leaſe of ſuch laſt-mentioned Lands ſhall not be vacated.

Leaſes void as to Allotments of Common.

XXXII. 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 Pariſhes of *Bawdeſwell* and *Ling* or either of them, ſhall, as far as ſuch Leaſe or Leaſes affect or concern any Allotment or Allotments to be made of any Part of the ſaid Commons or 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 and 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 or Waſte Lands, 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 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.

XXXIII. 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, Settlement or Surrender, or to prejudice any Perſon or Perſons having any Eſtate, Right, or Claim of Dower, Jointure, Portion, Debt, Rent or Incumbrance out of, upon or affecting any of the Meſſuages, Lands or Tenements to be divided, allotted or exchanged by virtue of this or the ſaid recited Act, or any Part or Parts thereof reſpectively (other than ſuch Leaſes or Agreements at Rack or extended Rents as are herein-before mentioned and declared to be void);

void); but that each and every Owner or Proprietor shall stand and be seised of the Lands and Tenements to be allotted or given in exchange to him, her, or them as aforesaid, to, for, and upon such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Deeds, Surrenders, Limitations, Remainders, Powers and Provisoes, Charges, Debts and Incumbrances, and no other, as the Lands or Tenements whereof such Owners and Proprietors were respectively seised or possessed at or immediately before the Execution of the said Award, or for which, or for 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.

For inrolling and depositing the Award.

XXXIV. And be it further enacted, That within the Time which is by the said recited Act limited for the Inrolment of the Award thereby directed to be made by the said Commissioners, a true Copy of the said Award, written upon Parchment, and signed and attested by the said Commissioners to be a true Copy thereof, shall be delivered to the Clerk of the Peace for the said County of *Norfolk*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Two Guineas shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and the said Award shall, from and after the Delivery of such Copy thereof, so signed and attested as aforesaid, to the said Clerk of the Peace, be deemed and taken to be inrolled according to the Directions and within the Meaning of the said recited Act; and the said Award, and the said Copy thereof, or any other Copy thereof, or of any Part thereof, attested by the said Commissioners, or by the said Clerk of the Peace or his Deputy (for which Copy no more shall be paid than Four-pence *per* Sheet, each Sheet containing Seventy-two Words) shall from Time to Time and at all Times be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever; and the original Award, with a Map or Plan or Maps or Plans of the said respective Parishes of *Bawdeswell* and *Ling* thereto annexed, shall be delivered to the said Sir *John Lombe*, or the Lord or Lady for the Time being of the said Manors of *Bawdeswell* late *Beales*, and *Foxley* with *Bawdeswell* and *Ling*.

For defraying the Expences of obtaining and executing this Act.

XXXV. And be it further enacted, That all Costs and Charges incident to and attending the obtaining and passing this Act, and of surveying, measuring, planning, and valuing the Messuages, Lands, and Tenements within the said Parishes of *Bawdeswell* and *Ling* respectively, and of dividing and allotting the Lands and Grounds hereby or by the said recited Act authorized or directed to be divided and allotted, and of inclosing and fencing the said Allotments herein-before directed or authorized to be made to the Lords of the said several Manors, and to the said Rectors, Churchwardens and Overseers of the Poor of the said respective Parishes of *Bawdeswell* and *Ling*, in Trust for the Poor of the same Parishes respectively, and of inclosing and fencing the Allotments herein-before directed to be set out as public Watering Places, and for Sand, Gravel, Stone, Clay, and Chalk Pits, and of forming and making the public Roads and Ways which shall be set out and appointed to be first formed and made in pursuance of the said recited Act, and of inclos-

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ing and fencing on the Outside thereof the Allotments to be made to the Rectors of the said respective Parishes, for and in respect of their said several Rectories, and of preparing and inrolling the Award of the said Commissioners; and the Copy thereof, and all the Charges and Expences of the said Commissioners, and their Assistants and Servants, and all other necessary Charges and Expences of the several Persons employed by them in and about the Premises either before or after the Execution of the said Award, and all other Expences of carrying this and the said recited Act into Execution, shall be borne and paid by the several Person and Persons, and Body or Bodies Politic, Corporate and Collegiate, to whom any Allotment or Allotments shall be made by virtue of the said recited Act and this Act, in such Shares and Proportions, and at such Time or Times either before or after the Execution of the said Award, and at such Place, and to such Person or Persons as the said Commissioners shall in and by their Award order, direct and appoint (save and except the Lords of the said Manors, and the said Rectors, Churchwardens and Overseers respectively, in respect of the Allotments to be made to them in Trust for the Poor as aforesaid; and also save and except the said Rectors of the said Parishes of *Bawdeswell* and *Ling* respectively, for or in respect of any Allotment or Allotments which shall be made to them in right of their said Rectories respectively; and also save and except the Surveyors of the Highways within the said Parishes of *Bawdeswell* and *Ling* respectively for the Time being, for or in respect of the Allotment or Allotments hereby directed to be made to them as aforesaid; and also save and except such Person or Persons whose real Property shall not in the Judgements of the said Commissioners exceed the Annual Value of Five Pounds, or whose personal Property shall not in the Judgement of the said Commissioners exceed the Sum of One hundred Pounds at the Time of making and executing the said Award); and in case any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, shall refuse or neglect to pay his, her, or their Proportion of such Costs, Charges, and Expences as aforesaid, within the Time and at the Place, and to such Person or Persons as the said Commissioners shall in Manner aforesaid direct or appoint, then and in such Case the said Commissioners shall cause the same to be levied and recovered in the Manner directed by the said recited Act: Provided always, that the said Proprietors, their Attornies and Agents, shall pay their own Expences, when they or any of them shall attend the said Commissioners at any of their Meetings to be held for the Execution of the said recited Act or of this Act.

Proprietors and Agents to pay their own Expenees.

Directions for charging Copyhold Lands with Expences.

XXXVI. Provided always, and be it further enacted, That when and so often as it shall be necessary to charge any Lands or Tenements which shall be allotted by virtue of this Act or of the said recited Act, and which shall be or become Copyhold, with any Sum or Sums of Money by way of Mortgage, for defraying any Share or Shares of the Costs, Charges, and Expences of obtaining and passing this Act, and of executing this and the said recited Act, then and in such Case the said Copyhold Lands and Tenements shall be surrendered to the Use of the Person or Persons who shall advance and lend such Sum or Sums of Money, and his, her, or their Heirs or Assigns, according to the Custom of the Manor or Manors whereof the same shall be holden, by way of Mortgage for securing such Sum or Sums of Money and Interest for the same,

ſame, inſtead of being mortgaged and demiſed to ſuch Perſon or Perſons, and his, her, or their Executors, Adminiſtrators and Aſſigns, for a Term of Years as mentioned and preſcribed in and by the ſaid recited Act.

Lands not to be ſubject to Tythes for Three Years.

XXXVII. Provided always, and be it further enacted, That the ſaid Commons and Waſte Grounds hereby intended to be divided and allotted, or any Part thereof, ſhall not be ſubject or liable to the Payment of Tythes of any Kind whatſoever, either Great or Small, or any Compoſition or Satisfaction in lieu of Tythes, to the ſaid Rectors or either of them, or their or either of their Succeſſors or Succeſſor for the Time being, for and during the Term of Three Years next after ſuch Allotment ſhall have been made and aſſigned by the ſaid Commiſſioners for or in reſpect of ſuch Allotment or Allotments.

Commiſſioners to lay their Accounts before a Juſtice once a Year.

XXXVIII. And be it further enacted, That once at leaſt in every Year, during the Execution of this Act (ſuch Year to be computed from the Day of the paſſing thereof) the ſaid Commiſſioners ſhall, and they are hereby required to make a true and juſt Account or Statement of all Sums of Money by them received and expended, or due to them for their Trouble and Expences in the Execution of the ſaid recited Act and this Act; and ſuch Account or Statement when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before any One or more of His Majeſty's Juſtices of the Peace acting in and for the ſaid County of *Norfolk*, to be by him or them examined and balanced, and ſuch Balance ſhall be by ſuch Juſtice or Juſtices ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners; and no Charge or Item in ſuch Account or Statement ſhall be binding upon the Parties concerned or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice or Juſtices.

Money advanced by Proprietors to be repaid with Intereſt.

XXXIX And be it further enacted, That if any of the Proprietors or Perſons intereſted in the Lands and 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 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.

Perſons aggrieved may appeal to the Quarter Seſſions.

XL. 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 or omitted to be done by the ſaid Commiſſioners in purſuance of this Act or the ſaid recited Act, or by any Rule, Order or Determination made by the ſaid Commiſſioners previous to the Execution of the ſaid Award (other than and except as to ſuch Claims, Matters, and Things which are herein-before directed or authorized to be aſcertained, ſettled, tried, or determined by the Verdict of a Jury, or where, by any of the Proviſions or Clauſes of the ſaid recited Act or of this Act, the Determinations, Orders, Acts or Proceedings of the ſaid Commiſſioners are declared and directed to be final and concluſive) then and in every ſuch Caſe he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *Norfolk*, within Four Calendar Months next after

the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners and to the Party or Parties concerned Fourteen Days Notice in Writing of ſuch Appeal, and of the Cauſe and Matter thereof; and the Juſtices (not intereſted in the Premiſes) in their ſaid General Quarter Seſſions are hereby authorized and required to examine into, hear, and determine the Matter of every ſuch Appeal, and to make ſuch Order and award ſuchCoſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Damages, Coſts, and Charges 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) upon Demand, to the Owner or Owners of ſuchGoods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs and Sale; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without ſufficient Foundation, then the ſaid Juſtices may award ſuch Coſts to be paid by the Appellant or Appellants as to the ſaid Juſtices in their Diſcretion ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

General Saving.

XLI. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon and Perſons, Body and Bodies Politic Corporate and Collegiate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Eſtate, Right, Title, and Intereſt (other than and except ſuch as are meant and intended to be barred, deſtroyed or extinguiſhed by virtue of this Act) as they and every of them could or ought to have had and enjoyed in caſe this Act had not been made.

Act to be printed by the King's printer.

XLII. And be it further enacted, That this Act ſhall be printed by the Printer to the King's Moſt Excellent Majeſty, and a Copy thereof ſo printed 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. 1808.