ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 84.

An Act for incloſing Lands in the Pariſh of *Bodham*, in the County of *Norfolk*. [27th *May* 1808.]

WHEREAS there are within the Pariſh of *Bodham*, in the County of *Norfolk*, divers Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, Commons, and Waſte Grounds: And whereas *John Thruſton Mott* Eſquire is Lord of the Manor of *Bodham*, and is or claims to be entitled to the Soil of the ſaid Commons and Waſte Grounds: And whereas the ſaid *John Thruſton Mott* is ſeiſed in Fee of the Perpetual Advowſon, Right of Patronage and Preſentation, of, in, and to the Rectory and Pariſh Church of *Bodham* aforeſaid, of which *Theophilus Girdleſtone*, Clerk, is the preſent Incumbent, and as ſuch is entitled to all the Glebe Lands, and to the Great and Small Tithes, and all the Rights and Privileges belonging to the ſaid Rectory: 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 Half Year or Shack Lands, Doles, Commonable Lands, Commons, and Waſte Grounds, are ſubject to certain Rights of Sheepwalk, Shackage, and Common, and great Part of the ſaid Whole Year Lands and Half Year or Shack Lands lie intermixed and diſperſed in ſmall Parcels, and are inconveniently ſituated for the ſeveral Owners and Occupiers thereof; and the ſaid Doles, Commonable Lands, and Waſte Grounds 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 the ſaid Lands and Grounds were divided and incloſed, 41 G 3.

incloſed, and ſpecific Shares thereof aſſigned and allotted unto and amongſt the ſeveral Perſons intereſted therein in Severalty, in lieu of ſuch their reſpective Rights and Intereſts: But as ſuch Extinguiſhment, Diviſion, Allotment, and Incloſure cannot be accompliſhed and effectually eſtabliſhed 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 the ſaid Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, and Waſte Grounds ſhall be ſet out, divided, allotted, and incloſed in Manner herein-after mentioned, and that *Daniel Jones* of *Fakenham* in the County of *Norfolk* Eſquire, *Thomas Glover Ewen* of the City of *Norwich* Gentleman, and *John Dugmore* of *Swaffham* in the ſaid County of *Norfolk* Gentleman, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, and Waſte Grounds, and for putting this Act into Execution, in the Manner and ſubject to the Rules, Orders, and Directions herein contained, and alſo ſubject to the Powers and Proviſions contained in the ſaid recited Act, except where the ſame are hereby varied and altered; and that all Acts, Matters, and Things authorized and neceſſary to be done and executed by the ſaid Commiſſioners in purſuance of this or 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 like Force and Effect, as if all ſuch Acts, Matters, and Things had been done and executed by all the Commiſſioners herein named or to be appointed in Manner herein mentioned.

Commiſſioners appointed.

II. And be it further enacted, That if any of the ſaid Commiſſioners ſhall refuſe or become incapable to act in the Execution of the Powers hereby or by the ſaid recited Act veſted in him or them, or ſhall die before all the Powers and Authorities repoſed in the ſaid Commiſſioners ſhall have been fully executed and performed, it ſhall be lawful for the remaining or ſurviving Commiſſioners or Commiſſioner, and they and he are and is hereby required by Writing under their Hands and Seals, or his Hand and Seal, from Time to Time within the Space of Thirty Days next after the Refuſal, Incapacity, or Death of any ſuch Commiſſioner or Commiſſioners ſhall be known to them or him, to appoint another Perſon (not intereſted in the ſaid intended Diviſion, Allotment, and Incloſure) to be a Commiſſioner in the room of every ſuch Commiſſioner ſo refuſing or becoming incapable to act, or dying; and every ſuch Commiſſioner ſo to be appointed ſhall have the like Power and Authority to execute this Act and the ſaid recited Act as the Commiſſioner whom he ſhall ſucceed was veſted with.

For appointing new Commiſſioners.

III. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to give, or cauſe to be given, public Notice by Advertiſement to be inſerted in the *Norwich Mercury*, or ſome other public Newſpaper to be circulated in the ſaid County of *Norfolk*, of the Time and Place of their Firſt and every other Meeting for executing the Powers hereby veſted in them, Ten Days at the leaſt before every ſuch Meeting (Meetings by Adjournment only excepted); and that it ſhall be lawful for the

For giving Notice of Meeting.

the

the ſaid Commiſſioners, at any of their Meetings to be holden in purſuance of this Act, from Time to Time as they ſhall find it convenient, to continue ſuch Meeting by Adjournment, provided that if at any Meeting appointed to be holden as aforeſaid, it ſhall happen that only One of the ſaid Commiſſioners ſhall attend, ſuch Commiſſioner may adjourn ſuch Meeting to any future Day he ſhall ſee moſt convenient, giving due Notice thereof to the other Commiſſioners, and ſo on from Time to Time as often as there ſhall be Occaſion.

How other Notices ſhall be given.

IV. And be it further enacted, That all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioners, and not herein or by the ſaid recited Act otherwiſe directed, ſhall be ſo made and given by Advertiſement in the *Norwich Mercury*, or in ſome other public Newſpaper to be circulated in the ſaid County of *Norfolk*.

Meetings to be held at Holt, and Proprietors to pay their own Expences.

V. And be it further enacted, That all Meetings of the ſaid Commiſſioners for putting this and the ſaid recited Act into execution, ſhall be held at *Holt* aforeſaid; and that the Proprietors intereſted in the ſaid Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, and Waſte Grounds, and all Perſons claiming to be intereſted therein ſhall pay their own Expences, and the Charges and Expences of their Agents and Attornies, when they ſhall attend the ſaid Commiſſioners at any of their ſaid Meetings.

Survey already made may be uſed for the Purpoſe of the Act.

VI. And be it further enacted, That if any Plan or Survey which has been already made of all or any of the Lands or Grounds within the ſaid Pariſh of *Bodham*, ſhall upon Inſpection and Inquiry be deemed by the ſaid Commiſſioners to be correct and ſufficient for the Purpoſes hereby or by the ſaid recited Act intended; it ſhall and may be lawful for the ſaid Commiſſioners to contract for and purchaſe the ſame, and to cauſe the ſame to be made Uſe of by the Surveyor or Surveyors to be by them appointed by virtue of the ſaid recited Act, and ſuch Plan or Survey ſhall, if the ſaid Commiſſioners ſhall think proper, be verified on the Oath of the Perſon or Perſons who prepared and made the ſame.

To prevent cutting Turf before the Execution of the Award.

VII. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons whomſoever, from and after the paſſing of this Act until the Execution of the Award of the ſaid Commiſſioners, to cut, dig, pare, grave, break up, flay, or carry away the Turf, Flags, or Soil upon or from the ſaid Doles, Commonable Lands, and Waſte Grounds, or any Part thereof, or to fell, lop, top or cut down, take, or carry away any Shrubs, Buſhes, Thorns, Ling, Furze, or Whins growing thereon, without the Licence or Conſent of the ſaid Commiſſioners in Writing under their Hands firſt had and obtained (which Licence or Conſent the ſaid Commiſſioners are hereby empowered to grant under ſuch Rules, Orders, Regulations, and Reſtrictions as they ſhall think proper to inſert therein); and if any Perſon or Perſons ſhall after the paſſing of this Act, and before the Execution of the ſaid Award, cut, dig, pare, break up, flay, or carry away any Turf, Flags, or Soil from any Part of the ſaid Doles, Commonable Lands, and Waſte Grounds, or fell, lop, top, cut down, take, or carry away any Shrubs, Buſhes, Thorns, Ling, Furze, or Whins growing or being in or upon the ſame without ſuch Licence or Conſent as aforeſaid, or having obtained ſuch Licence or Conſent ſhall act in any Manner

contrary thereto, or to the Rules, Orders, Regulations, and Reſtrictions therein contained, every ſuch Perſon being convicted thereof, either by his, her, or their own Confeſſion, or upon the Oath of One or more credible Witneſs or Witneſſes before any Juſtice of the Peace for the ſaid County of *Norfolk*, not being intereſted in the ſaid Doles, Commonable Lands, and Waſte Grounds (which Oath ſuch Juſtice is hereby authorized to adminiſter, and to ſummon the Party or Parties complained of, and examine ſuch Witneſs or Witneſſes relating to the ſaid Complaint) ſhall for every ſuch Offence forfeit and pay ſuch Sum of Money as the ſaid Juſtice ſhall direct, not exceeding Five Pounds; and it ſhall be lawful for ſuch Juſtice, by Warrant under his Hand and Seal directed to any Perſon or Perſons whomſoever, to cauſe the ſaid Penalty to be raiſed and levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons offending (Demand having been firſt made thereof) rendering the Overplus (if any) after deducting the Charges of ſuch Diſtreſs and Sale to the Owner of ſuch Goods and Chattels; and ſuch Penalty when paid or levied ſhall be applied by the ſaid Commiſſioners to the Purpoſes of this Act.

For determining Claims.

VIII. And be it further enacted, That if any Claim of the Right to the Soil, or of any Right of Sheepwalk or Shackage, Common or other Right or Intereſt in or to the ſaid Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, Commons, and Waſte Grounds intended to be divided, allotted, and incloſed by virtue of this Act, ſhall, by Writing to be delivered to the ſaid Commiſſioners at ſuch Time as ſhall be by them appointed for that Purpoſe, in purſuance of the ſaid herein-before recited Act, be objected to by any Perſon or Perſons claiming to be intereſted in the ſaid Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, Commons, and Waſte Grounds, and the Party or Parties making ſuch Claim ſhall perſiſt therein, then the ſaid Commiſſioners ſhall and they are hereby required at a Meeting to be by them held for that Purpoſe, for which they ſhall give Public Notice at leaſt Twenty-one Days before the Time of holding the ſame, to hear and determine the Matter of every ſuch Claim ſo made and objected to and perſiſted in as aforeſaid.

For determining Differences.

IX. 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, Intereſts, Shares, and Proportions 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 any Timber, Wood, Underwood, Buſhes, Thorns, Whins, or Furze growing thereon, or concerning any Allowance claimed or to be made 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 other 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.

X. And

For aſſeſſing Coſts.

X. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby empowered and required to aſſeſs ſuch Coſts and Charges as they ſhall think reaſonable to be paid to the Party or Parties in whoſe Favour any ſuch Determination ſhall be made, by the Party or Parties againſt whom the ſame ſhall be made, and the ſame ſhall be paid within ſuch Time as the ſaid Commiſſioners ſhall appoint; and if any Perſon or Perſons ſhall neglect or refuſe to pay ſuch Coſts and Charges within Three Days next after Demand thereof made, the ſame ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing, by Warrant under the Hands and Seals of the ſaid Commiſſioners, which Warrant the ſaid Commiſſioners are hereby empowered and required to grant upon Proof on Oath of ſuch Neglect or Refuſal and of ſuch Demand as aforeſaid; and the Overplus (if any) after the Charges of levying the ſame ſhall have been deducted, ſhall be returned on Demand to the Owners of ſuch Goods and Chattels.

For allowing Parties to try their Rights by an Iſſue at Law.

XI. Provided always and be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners, touching or concerning any Claim or Claims of the Right to the Soil, or of any Right of Sheepwalk or Shackage, Common or other Rights or Intereſts, in, to, over, or upon the ſaid Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, and Waſte Grounds, hereby directed to be divided, allotted, and incloſed, or any Part thereof, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion, Allotment, or Incloſure, then and in every ſuch Caſe it ſhall and may be lawful to and for ſuch Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate ſo diſſatisfied, to try all ſuch Claims, Matters, and Things at Law at the next Aſſizes to be holden for the ſaid County of *Norfolk*, upon a feigned Iſſue, provided ſuch Determination be made before ſuch Aſſizes, but if ſuch Determination be made within Three Calendar Months next before ſuch Aſſizes, then at the next following Aſſizes for the ſaid County; and for that Purpoſe the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, ſhall cauſe an Action to be brought againſt the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, in whoſe Favour ſuch Determination ſhall have been made, within Sixty Days after ſuch Determination of the ſaid Commiſſioners; and the Defendant or Defendants in ſuch Action is and are hereby required forthwith to appear to ſuch Action, accept a Declaration, and plead to Iſſue (ſuch Iſſue to be ſettled by the proper Officer of the Court in which the ſaid Action 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 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 as is uſual in other Caſes; and that 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 thereby determined according to the Event of such Trial or Trials.

Actions not to abate by Death of Parties.

XII. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

In case Actions are not brought, Determinations to be final.

XIII. Provided always, and be it further enacted, That such Orders and Determinations of the said Commissioners as shall have been made as aforesaid, with respect to such Claims, touching 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 this or the said recited Act contained to the contrary notwithstanding.

Provision in case of Death of Parties before Actions brought.

XIV. 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 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 of Persons not to be determined by Commissioners.

XV. 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 Thirty 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 thereupon, until the Possession shall have been given up, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Encroachments within Thirty Years to be deemed Part of the Lands to be inclosed.

XVI. And be it further enacted, That all Encroachments which shall have been made upon the said Commonable Lands and Waste Grounds hereby intended to be divided and inclosed, at any Time within Thirty Years now last past, shall be deemed Part of the Lands to be divided and allotted by virtue of this Act; and in case any Dispute or Disputes shall arise, touching any such Encroachment or Encroachments, or Inclosure or Inclosures, or the Extent or Duration thereof respectively, such Dis-

pute or Diſputes ſhall be ſettled and determined by the ſaid Commiſſioners.

To prevent Cattle grazing on public Roads.

XVII. And be it further enacted, That no Perſon or Perſons ſhall graze or keep any Sort of Cattle whatſoever in or upon any of the public Roads or Ways which the ſaid Commiſſioners ſhall order and direct to be ſet out and fenced on both Sides for the Space of Ten Years next after the Execution of their Award, under a Penalty not exceeding Ten Shillings for every Horſe, Aſs, Bullock, Cow, Sheep, Lamb or other Beaſt which ſhall be found therein, to be paid to the Perſon or Perſons who ſhall take and impound the ſame; and every Proprietor or Occupier of Lands and Tenements within the ſaid Pariſh, and his or her Servants and Labourers is and are hereby empowered to take and impound every ſuch Horſe, Aſs, Bullock, Cow, Sheep, Lamb, or other Beaſt which ſhall be ſo found grazing as aforeſaid, at any Time or Times after any Quickſets ſhall be planted next the ſaid Roads or Ways ſo fenced off as aforeſaid, before the Expiration of the ſaid Term of Ten Years.

Allotment for Soil.

XVIII. And be it further enacted, That the ſaid Commiſſioners ſhall aſſign, ſet out and allot unto the Lord or Lords, Lady or Ladies of the aforementioned Manor, or unto ſuch other Perſon or Perſons, being Lord or Lords, Lady or Ladies of any other Manor or Manors within the ſaid Pariſh, and as ſuch is entitled to the Soil of the ſaid Commons and Waſte Grounds, or any Part or Parts thereof, ſo much and ſuch Part or Parts of the ſaid Commons and Waſte Grounds hereby directed to be allotted and incloſed, as in the Judgement of the ſaid Commiſſioners ſhall be equal in Value to One-eighteenth Part thereof.

Allotment for Watering Places and Gravel Pits.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall and may and they are hereby authorized and required to ſet out and allot ſuch Parts or Parcels of the Lands and Grounds within the ſaid Pariſh of *Bodham*, hereby intended to be divided and incloſed, as they ſhall think proper as and for public Watering Places for Cattle, and as and for public Gravel, Stone, Clay, Marl, Chalk and Sand Pits, with convenient Roads to and from the ſame, to be uſed by the Proprietors of Lands and Eſtates in the ſaid Pariſh of *Bodham* and their reſpective Tenants, as well for their own neceſſary Uſes within the ſaid Pariſh only, in ſuch Manner and under ſuch Rules and Regulations as the ſaid Commiſſioners ſhall by their Award direct or appoint, as in common for the Repairs of the public and private Roads within the ſaid Pariſh, and that ſuch Allotments ſhall be veſted in the Surveyors of the Highways of the ſaid Pariſh, in Truſt for the Purpoſes aforeſaid; and ſhall and may be by them the ſaid Surveyors from Time to Time let (ſubject to ſuch Right of taking Gravel, Stone, Clay, Marl, Chalk and Sand therefrom) for the beſt Rents that can be gotten for the ſame, to be applied towards the Repairs of the public Roads and Ways within the ſaid Pariſh.

Allotments for Right of Sheepwalk.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, aſſign, ſet out and allot unto all and every Perſon or Perſons having any Right or Rights of Sheepwalk, in, over or upon the ſaid Half Year or Shack Lands, Doles, Commonable Lands and Waſte Grounds within the ſaid Pariſh of *Bodham*, or any Part or Parts thereof, ſo much and ſuch Part or Parts of the ſaid Lands and Grounds hereby directed to be

be divided and allotted as in the Judgment of the said Commissioners shall be a Compensation for and equal in Value to his, her, or their several and respective Rights of Sheepwalk, in, over and upon the said Half Year or Shack Lands, Doles, Commonable Lands and Waste Grounds, or any Part thereof.

Allotment for the Poor of Bodham for Firing.

XXI. And be it further enacted, That the said Commissioners shall, in the next Place, assign, set out and allot unto the Lord or Lords, Lady or Ladies of the aforesaid Manor or Manors, and to the Rector, Churchwardens and Overseers of the Poor of the said Parish of *Bodham* for the Time being, as Trustees of the Poor of the said Parish for ever, such Part of the said Commons and Waste Lands as shall be equal in Value to the Average Value of Fifteen Acres of the Whole of the said Commons and Waste Lands; and the said Allotment or Allotments shall be and is and are hereby vested in the Lord or Lords, Lady or Ladies of the said Manor or Manors, and the Rector, Churchwardens and Overseers of the Poor of the said Parish of *Bodham* for the Time being for ever as Trustees for the Poor of the same Parish, and such Allotment or Allotments shall be held, used, ploughed, tilled, managed, cultivated, demised, let or otherwise disposed of in such Manner as the said Trustees for the Time being, or the major Part of them, shall from Time to Time deem most beneficial for the said poor Inhabitants who shall belong to the said Parish of *Bodham*: Provided always, that it shall be lawful for the Lord or Lords, Lady or Ladies of the said Manor, and the Rector of the said Rectory for the Time being, to act in the Execution of the Trusts hereby reposed in them as aforesaid by his, her, or their Agents or Proxies respectively, such Agents or Proxies respectively being appointed by Writing or Writings under the Hands of the Lord or Lords, Lady or Ladies of the said Manors, and the said Rector respectively, and producing their Appointment or Appointments at the Time of their acting by virtue thereof.

Lords of Manors and Rector to act by Proxy.

Allotment of Residue.

XXII. And be it further enacted, That the said Commissioners shall then set out and allot the Residue and Remainder of the Lands and Grounds within the said Parish of *Bodham*, hereby directed to be divided and allotted unto and amongst the several Owners and Proprietors thereof, and unto and amongst all and every Person or Persons having any Right or Rights of Shackage, or Common or Commonable and other Rights and Interests, in, to, over and upon the same or any Part or Parts thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be the Value of and a full Satisfaction and Compensation to him, her, or them respectively, for his, her, or their respective Parts and Shares of the Lands and Grounds within the said Parish of *Bodham* hereby directed to be divided and allotted, and for his, her, or their respective Rights and Interests, in, to, over and upon the same.

Allotments to be marked upon the Plan and shewn to the Proprietors.

XXIII. And be it further enacted, That the said Commissioners, when and so soon as they shall have ascertained the Rights and Interests of the several Parties entitled to and interested in the Lands hereby directed to be divided and allotted, shall cause the several Allotments proposed to be made by them to be distinctly laid down and delineated upon a Map or Plan; and the said Commissioners shall, at a Meeting to be held by them for that Purpose, cause the said Map or Plan to be produced for the Inspection and Examination of the several Parties interested in the said Allotments; and in

case any Objection or Objections shall be made to the proposed Allotments, the Party or Parties making the same shall sign and deliver a Statement thereof in Writing to the said Commissioners, who shall immediately, or within a convenient Time afterwards, take the same into their Consideration and determine the Matter thereof.

Exchanges may be made.

XXIV. 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 Parish of *Bodham*, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parish, 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 Incapacity, 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 Parties consenting 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: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church 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 Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate: Provided always, that the Costs, Charges, and Expences attending the making and completing any Exchanges or Partitions under the Powers and Authorities in this Act and the said recited Act or either of them contained, shall be paid and borne by the several Persons, Bodies Politic, Corporate, or Collegiate, making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Expences of Exchanges how to be paid.

That Wills and Settlements shall not be affected.

XXV. 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 or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt or Incumbrance, out of, upon, or affecting any of the Lands or Grounds to be divided, allotted and inclosed, 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 Allotment or Allotments to be assigned and made to him, her, or them as aforesaid, or which shall be given and taken in Exchange, or of which Partition shall or may be made in pursuance of the said recited Act, to such and the same Uses and for such and

the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Limitations, Truſts, Charges, and Incumbrances, and no other, as the ſame Meſſuages, Lands, Tenements, and Hereditaments, for or in reſpect whereof ſuch Allotments, Exchanges or Partitions ſhall be made, would have been ſubject or liable to be charged with or affected by in caſe the ſame had remained unincloſed, unexchanged, or no Partition had been made as aforeſaid.

For fencing the Allotments.

XXVI. And be it further enacted, That the ſeveral Allotments of the ſaid Commonable Lands and Waſte Grounds hereinbefore directed to be made to the ſaid Surveyors of the Highways, and for the Benefit of the poor Inhabitants of *Bodham* aforeſaid, ſhall be incloſed and fenced in with ſuch Ditches, Mounds, or other Fences as the ſaid Commiſſioners ſhall think proper, and the ſeveral Expences thereof ſhall be raiſed and paid in like Manner as the Expences of obtaining this Act, and of carrying the ſame into Execution, are hereinafter directed to be raiſed and paid; and that all ſuch Hedges, Ditches, Mounds, and Fences when made ſhall for ever thereafter be maintained and ſupported with and out of the Profits and Produce of the ſaid reſpective Allotments which may be made to the ſaid Surveyors and the Truſtees of the Poor of the ſaid Pariſh; and that all other Allotments of the ſaid Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, Commons and Waſte Grounds hereby intended to be divided and allotted, ſhall be incloſed and fenced with proper Ditches, Hedges, Mounds, and other Fences to be made, and at all Times thereafter repaired by and at the Expence of the ſeveral Perſons to or for whom the ſame ſhall be reſpectively allotted (except the Rector of the ſaid Pariſh of *Bodham*, in reſpect of any Allotment to be made to him in right of the ſaid Rectory,) within ſuch Time and in ſuch Manner as the ſaid Commiſſioners ſhall in and by their Award or by any Writing under their Hands previous thereto direct or appoint.

Empowering the Commiſſioners to extinguiſh or ſuſpend Rights of Sheepwalk and Common.

XXVII. 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 the ſaid Award, by Writing under their Hands to be affixed upon the Door of the Church of *Bodham* aforeſaid, to order and direct all or any Part of the ſaid Rights of Sheepwalk, Shackage, or Common, or any other Commonable Rights whatſoever, in, over and upon the ſaid Half Year or Shack Lands, Doles, Commonable Lands and Waſte Grounds, or any Part thereof, to be extinguiſhed, or the Exerciſe thereof to be ſuſpended for and during ſuch Time and Times as ſhall be expreſſed in ſuch Writing; and that all ſuch Rights of Sheepwalk, Shackage and Common and other Commonable Rights as the ſaid Commiſſioners ſhall by ſuch Writing order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall from the Time of affixing ſuch Writing on the ſaid Church Door, or from any other Time to be appointed by ſuch Writing, ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof ſhall be ſuſpended accordingly; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Commiſſioners to direct the Courſe of Huſbandry.

XXVIII. And be it further enacted, That from and after the Firſt Day of *September*, which will be in the Year of our Lord One thouſand eight hundred and eight, and until the Execution of the ſaid Award, all the Arable Lands hereby directed to be divided, allotted and incloſed, ſhall be ſubject

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 alſo as to cutting of Buſhes and Thorns thereon; and it ſhall and may be lawful to and 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, or any of them, their or any or either of their Tenants, to any 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 Sum or Sums of Money, on any of the Accounts aforeſaid, 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 can or may be raiſed and levied.

For fencing Allotments to Rectors.

XXIX. And be it further enacted, That every Allotment which ſhall be made to the Rector of the ſaid Pariſh of *Bodham*, in purſuance of this Act, for or in reſpect of any Meſſuages or Glebe Lands belonging to the Church of the ſaid Pariſh of *Bodham*, ſhall be incloſed and fenced in with ſuch Hedges, Ditches, Mounds, or other Fences as the ſaid Commiſſioners ſhall think proper, and the Expences thereof raiſed and paid in like Manner as the Expences of obtaining this Act and of carrying the ſame into Execution are herein directed to be raiſed and paid, and ſuch Hedges, Ditches, Mounds, and Fences when made, ſhall for ever thereafter be maintained and ſupported by and at the Expence of the Rector of the ſaid Pariſh of *Bodham* for the Time being in reſpect to his Allotment.

Directing that Lands ſhall remain of the ſame Tenure;

XXX. And be it further enacted, That all ſuch Parts of the ſaid Doles, Commonable Lands and Waſte Grounds as ſhall be aſſigned or allotted to any Perſon or Perſons by virtue of this Act, for or in reſpect of any Meſſuages, Cottages or Tofts, Lands, Tenements and Hereditaments, which are holden by Copy of Court Roll of the Manor aforeſaid, or of any other Manor or Manors, ſhall be ſtated and deſcribed in the ſaid Award as Copyhold, and ſhall be deemed and taken to be Copyhold of the ſaid Manor or Manors reſpectively; and the ſeveral Perſons to whom ſuch Copyhold Allotments ſhall be made as aforeſaid, ſhall, within the Space of Six Calendar Months next after the Execution of the Award of the ſaid Commiſſioners, or at the Firſt General Court Baron for the Admiſſion of Copyholders to be holden for the ſaid Manors next after the Expiration thereof, be admitted Tenants to the ſame Allotments reſpectively, without paying any Fine or other Charges to the Lord or Lords, Lady or Ladies, or to the Stewards of any of the ſaid Manors (ſave and except the Stamp Duties and Parchment requiſite to be uſed for the Copies of ſuch Admiſſions reſpectively, and ſuch reaſonable Fees to the Stewards of the ſaid Manors, as the Commiſſioners ſhall in and by their ſaid Award order and direct); but in caſe any Perſon or Perſons, his, her, or their Heirs or Aſſigns, to whom any ſuch Copyhold Allotment or Allotments ſhall be made, ſhall neglect or refuſe to be admitted Tenant or Tenants thereto within the ſaid Six Calendar Months, or at the Firſt General Court Baron for the Admiſſion of Copyholders, to be holden for the ſaid Manor or Manors next after the Expiration thereof, then

and that Proprietors of Copyhold Allotments ſhall apply to be admitted.

then it ſhall and may be lawful to and for the Lord or Lords, Lady or Ladies of the ſaid Manor or Manors reſpectively for the Time being, to take and uſe all ſuch Meaſures for compelling ſuch Admiſſion or Admiſſions to the ſaid Allotment or Allotments reſpectively, as the Lord or Lords, Lady or Ladies of the Manor or Manors is or are now by Law, and according to the Cuſtom or Cuſtoms of the ſaid Manor or Manors, empowered to take and uſe for want of a Tenant to any Lands, Tenements, and Hereditaments holden by Copy of Court Roll of the ſaid Manor or Manors, and in ſuch Caſe the ſame Fine, Fees, and other Payments ſhall be due and payable on ſuch Admiſſion or Admiſſions reſpectively, as the Lord or Lords, Lady or Ladies and Stewards of the ſaid Manor or Manors, are now by Law, and the Cuſtom of the ſame Manor or Manors, entitled to take and receive upon Admiſſions to any Lands, Tenements, and Hereditaments, holden by Copy of Court Roll of the ſaid ſeveral Manors reſpectively; and that from and after the firſt Admiſſion all the ſaid Copyhold Allotments, ſhall for ever thereafter be held under and ſubject to the ſame Fines and Services as the ſaid Copyhold Lands and Tenements reſpectively, in reſpect whereof ſuch Allotment ſhall be made, are now ſubject and liable to; and that all other Parts of the ſaid Doles, Commonable Lands and Waſte Grounds, which ſhall be aſſigned or allotted unto any Perſon or Perſons by virtue of this Act, for and in reſpect of any Freehold or Leaſehold Meſſuages, Cottages or Tofts, Lands, Tenements, and Hereditaments, ſhall be deemed and taken to be Freehold and Leaſehold, and ſhall be held and enjoyed as ſuch accordingly, ſubject nevertheleſs to ſuch Rents, Payments, Cuſtoms, and Services, as the reſpective Lands and Tenements, in reſpect whereof the ſame ſhall be aſſigned or allotted, are now ſubject and liable to.

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

XXXI. And be it further enacted, That if any Perſon or Perſons hath or have ſold, or contracted or agreed to ſell, or ſhall before the Execution of the ſaid Award ſell, contract, or agree to ſell, his, her, or their Right, Intereſt and Property in the ſaid Doles, Commonable Lands and Waſte Grounds, or any Part thereof, 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 and in reſpect of ſuch Right, Intereſt, and Property ſo ſold, or contracted for 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, her, or them as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor in every ſuch Sale, Contract or Agreement could, might, 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 been veſted in ſuch Vendee at the Time of making ſuch Allotment as aforeſaid.

For vacating Leaſes at Rack Rent.

XXXII. And be it further enacted, That all Leaſes and other Agreements at Rack or extended Rent, which are now ſubſiſting of all or any Part or Parts of the Farms, Lands, and Grounds hereby directed to be divided, allotted, and incloſed, either alone or together with any other Lands, Tenements, or Hereditaments, ſhall, as to ſo much of the ſaid Lands and Grounds as are hereby directed to be divided and incloſed, ceaſe, determine, and be void, immediately upon ſuch Allotments being made and

ſuch

ſuch Award being executed as herein-before mentioned, or within ſuch further Time as the ſaid Commiſſioners ſhall appoint, the reſpective Tenants or Leſſees of the ſame Farms, Lands, and Premiſſes, receiving from the reſpective Owners and Proprietors thereof ſuch Sum of Money as the ſaid Commiſſioners ſhall aſcertain as reaſonable to be paid to ſuch Tenant or Tenants as an Equivalent for the ſame; 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 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 Pariſh of *Bodham* and Part in any adjoining Pariſh, all and every ſuch Leaſe or Leaſes upon Rack Rent now ſubſiſting may be vacated; but where any Land ſhall have been taken in exchange, which Land ſhall be under Leaſe, and wholly ſituate in an adjoining Pariſh, the Leaſe of ſuch laſt-mentioned Land ſhall not be vacated.

For paying the Expences of the Act.

XXXIII. And be it further enacted, That the ſeveral Sums of Money which ſhall be paid to the ſaid Commiſſioners for their Trouble and Attendance in the Execution of this Act, over and beſides their reaſonable and neceſſary Expences, and to the Surveyor or Surveyors to be appointed by them for ſurveying and meaſuring, planning and mapping the ſaid Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, Commons and Waſte Grounds to be divided, allotted and incloſed by virtue of this Act, and the Lands, Tenements, and Hereditaments in reſpect whereof a Right of Common or other Right or Intereſt thereon or therein ſhall be claimed, and alſo the Coſts and Charges in any way occaſioned by, incident to, and attending the obtaining and paſſing this Act, and of valuing, dividing and allotting the ſaid Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, Commons and Waſte Grounds, and of preparing and enrolling the Award of the ſaid Commiſſioners, and all other neceſſary Expences of the Perſons employed by the ſaid Commiſſioners in and about the Premiſes, and of all public Works, and all other Coſts, Charges, and Expences of carrying this and the ſaid recited Act into execution, ſhall be borne and defrayed by the ſeveral Perſons to whom Allotments ſhall be made by virtue of this Act (other than and except the Surveyors of the Highways of the ſaid Pariſh of *Bodham* for and in reſpect of the Allotments to be made to them and the ſeveral Perſons to whom the ſaid Allotment for the Uſe and Benefit of the poor Inhabitants of *Bodham* aforeſaid, and alſo other than and except the Rector of the ſaid Pariſh of *Bodham*, in reſpect of any Allotment to be made to him as aforeſaid in right of the ſaid Rectory, and alſo ſave and except ſuch Perſon and Perſons whoſe Property within the ſaid Pariſh of *Bodham* ſhall not, in the Judgment of the ſaid Commiſſioners, exceed the Yearly Value of Six Pounds at the Time of making the ſaid Allotments) in ſuch Shares and Proportions, to be aſcertained by the ſaid Commiſſioners, and ſhall be paid by them the ſaid Proprietors reſpectively, at ſuch Time or Times as they the ſaid Commiſſioners ſhall in and by their Award direct and appoint for that Purpoſe.

For paying Intereſt on Money advanced for the

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to borrow and take up at Intereſt of any Perſon or Perſons willing to advance and lend the ſame, ſuch Sum or Sums of Money as ſhall from

Purpoſes of this Act.

from Time to Time be neceſſary for defraying the Charges and Expences of paſſing this Act and carrying the ſame into Execution; and that the Monies which ſhall be ſo advanced for the Purpoſe aforeſaid, ſhall be repaid with lawful Intereſt to ſuch Perſon or Perſons out of the firſt Monies which ſhall be raiſed from the ſeveral Proprietors as herein-before mentioned and directed for defraying the Expences of obtaining and executing this Act.

Commiſſioners to lay their Accounts before a Juſtice.

XXXV. And be it further enacted, That once at leaſt in each and 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 juſt and true Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before one or more Juſtice or Juſtices of the Peace 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 Books of Accounts to be kept in the Office of the Clerk of the ſaid Commiſſioners; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice or Juſtices.

Allowing an Appeal to the Quarter Seſſions.

XXXVI. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of the ſaid recited Act or this Act (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are by the ſaid recited Act or this Act directed to be final, binding, and concluſive, and except in ſuch Caſes wherein an Iſſue at Law ſhall be tried as herein-before mentioned) 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*, at the Shire Hall of the City of *Norwich* aforeſaid, within Four Calendar Months next after the ſaid Cauſe of Complaint ſhall have ariſen, on giving the ſaid Commiſſioners, or the Party or Parties intended to be appealed againſt, Fourteen Days Notice of ſuch Appeal and of the Matter thereof; and the Juſtices in their ſaid General Quarter Seſſions are hereby authorized and required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable, and to levy by their Order or Warrant 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) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive on 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 ſaid Juſtices to be frivolous or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them the ſaid Juſtices in their Diſcretion ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

General Saving.

XXXVII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every other Perſon or Perſons, Bodies Politic

Politic and 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 expreſſed to be barred, deſtroyed, and extinguiſhed by this Act) of, in, to, or out of the ſaid Lands and Grounds hereby intended to be divided, allotted, and incloſed, as they, every, or any of them could or ought to have had and enjoyed in caſe this Act had not been paſſed.

Act to be printed by the King's Printer.

XXXVIII. 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.