ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 32.

An Act for incloſing Lands in *Congham*, in the County of *Norfolk*. [20th *March* 1812.]

WHEREAS there are within the Pariſh of *Congham*, in the County of *Norfolk*, ſeveral Lands and Grounds called Open Field, Half-year or Shack Lands, Commonable Lands, Heaths, Commons and Waſte Grounds: And whereas *Anthony Hamond* Eſquire, is or claims to be Lord or Owner of the Manor or reſpective Manors of *Congham*, *Ruſtens*, and *Reedhalls*, and, as ſuch, claims to be entitled to or intereſted in the Soil of all the Commons and Waſte Grounds within the ſaid Pariſh, except any Part or Parts thereof which may have been ſevered from the ſaid Manor or reſpective Manors: And whereas *John Palmer* Gentleman, is or claims to be Lord or Owner of the Manor or reputed Manor of *Coldham Hall* in *Congham*, and, as ſuch, claims to be entitled to or intereſted in the Soil of the Commons and Waſte Grounds within the ſaid Pariſh of *Congham*, or of ſome Part thereof: And whereas Sir *Martin Browne Folkes* Baronet, is or claims to be entitled to certain Sand Pits, and to a Right of digging, grounding, and carrying away Sand and Stone in, upon, and out of a certain Tract or Parcel of Land, containing by Eſtimation One hundred Acres, Part of the ſaid Commons and Waſte Grounds: And whereas *Richard Howard* Eſquire, is or claims to be Owner of a Right of Chace and Free Warren upon and over the ſaid Commons and Waſte Grounds, or ſome Parts of the ſame; and to be entitled to a Right of digging and carrying away Sand upon and from the ſaid Commons and Waſte Grounds, or ſome Parts thereof: And whereas the ſaid *Anthony Hamond*, *Richard Howard*, *John Palmer*, and ſeveral other Perſons reſpect-

ively, are Owners of all the Meſſuages, Cottages, Tofts, Lands, and Tenements within the ſaid Pariſh of *Congham*: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty King *George* the Third, 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 it would be advantageous to the ſeveral Parties entitled to or intereſted in the ſaid Open Field, Half-year or Shack Lands, Commonable Lands, Heaths, Commons and Waſte Grounds, if the Rights of Shackage, and of Sheepwalk or Fold-courſe, and of Common, to which the ſame are now ſubject, were extinguiſhed, and if the ſaid Lands, Heaths, Commons, and Waſte Grounds were divided, and ſpecific Parts or Shares thereof allotted to the reſpective Perſons entitled to or intereſted in the ſame, according to their reſpective Eſtates, Rights, and Intereſts: but as ſuch Extinguiſhment, Diviſion, and Allotment cannot be effectually made and eſtabliſhed, without the Aid and 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 *Robert Whincop*, of *King's Lynn*, in the County of *Norfolk*, Gentleman, *Daniel Jones*, of *Fakenham*, in the ſaid County, Eſquire, and *John Dugmore*, of *Swaffham*, in the ſame County, Gentleman, and their Succeſſors, to be elected in the Manner hereinafter mentioned, ſhall be, and they are hereby appointed Commiſſioners for dividing and allotting the Open Field, Half-year or Shack Lands, Commonable Lands, Heaths, Commons, and Waſte Grounds within the ſaid Pariſh of *Congham*, and for carrying into Execution this Act, and ſuch of the Powers, Directions, Regulations, and Proviſions expreſſed and contained in the ſaid recited Act as are not expreſsly altered, varied, or otherwiſe provided for and enacted in and by this preſent Act; and that all Acts, Matters, and Things authorized or directed, or which ſhall be neceſſary to be done or executed, by the Commiſſioners hereby appointed, or their Succeſſors, in purſuance of this and of the ſaid recited Act reſpectively, may be done and executed by any Two of them, and ſhall be as good, valid, and effectual, and have the ſame Force and Effect, as if ſuch Acts, Matters, and Things had been done and executed by the total Number of ſuch Commiſſioners for the Time being.

Appointment of Commiſſioners.

Power to appoint new Commiſſioners.

II. And be it further enacted, That in caſe any one or more of the Commiſſioners hereinbefore named, or of thoſe to be appointed as hereinafter expreſſed, ſhall die, or refuſe to act, or become incapable of acting as a Commiſſioner or Commiſſioners in the Execution of this and the ſaid recited Act, before all the Truſts, Powers, and Authorities by this Act repoſed in the ſaid Commiſſioners ſhall have been fully executed and performed, then and in ſuch Caſe, and ſo often as the ſame ſhall happen, if the Commiſſioner ſo dying, or refuſing to act, or becoming incapable of acting as aforeſaid ſhall be the ſaid *Robert Whincop*, or any Commiſſioner to be appointed in his Stead or Place as hereinafter is mentioned, it ſhall be lawful for the ſaid *Anthony Hamond*, his Heirs or Aſſigns, Owner or Owners for the Time being of the ſaid Manor or Manors of *Congham*, *Ruſtens*, and *Reedhalls*, at any Time or Times within Thirty Days next after his or their Knowledge of ſuch Death, Refuſal, or Incapacity as aforeſaid, to appoint, by Writing under his or their Hand or Hands, another Perſon

Perſon (not being intereſted in the Premiſes, nor being the Agent ordinarily intruſted with the Care, Superintendance, or Management of the Eſtate of any Perſon ſo intereſted) to be a Commiſſioner, jointly with the ſurviving or continuing Commiſſioners or Commiſſioner, for the Purpoſes of this and the ſaid recited Act, in the Stead or Place of the ſaid *Robert Whincop*, or other Commiſſioner ſo dying, or refuſing to act, or becoming incapable of acting as laſt aforeſaid; and if the Commiſſioner ſo dying, or refuſing to act, or becoming incapable of acting as firſt hereinbefore is mentioned, ſhall be the ſaid *Daniel Jones*, or any Commiſſioner to be appointed in his Stead or Place as next hereinafter mentioned, it ſhall be lawful for the ſaid *John Palmer*, his Heirs or Aſſigns, Owner or Owners for the Time being of the ſaid Manor or reputed Manor of *Coldham Hall*, at any Time or Times within Thirty Days next after his or their Knowledge of ſuch Death, Refuſal, or Incapacity as aforeſaid, to appoint, by Writing under his or their Hand or Hands, another Perſon (not being intereſted in the Premiſes, nor being the Agent ordinarily intruſted with the Care, Superintendance, or Management of the Eſtate of any Perſon ſo intereſted) to be a Commiſſioner, jointly with the ſurviving or continuing Commiſſioners or Commiſſioner for the Purpoſes of this and the ſaid recited Act, in the Stead or Place of the ſaid *Daniel Jones*, or other Commiſſioner ſo dying, or refuſing to act, or becoming incapable of acting as laſt aforeſaid; and if the Commiſſioner ſo dying, or refuſing to act, or becoming incapable of acting as firſt hereinbefore is mentioned, ſhall be the ſaid *John Dugmore*, or any Commiſſioner to be appointed in his Stead or Place, as next hereinafter is mentioned, it ſhall be lawful for the major Part in Value (ſuch Value to be aſcertained by the Poor's Rate or Aſſeſſment of the then current Year or Quarter) of the Land Owners of the ſaid Pariſh of *Congham* (except the ſaid *Anthony Hamond* and *John Palmer*, and their reſpective Heirs and Aſſigns), at any Time or Times within Thirty Days next after ſuch Death, Refuſal, or Incapacity as laſt aforeſaid, ſhall be publiſhed or made known by the ſurviving or continuing Commiſſioners or Commiſſioner, in the Manner by this Act preſcribed for giving or publiſhing Notices, to appoint, by Writing under their Hands, another Perſon (not being intereſted in the Premiſes, nor being the Agent ordinarily intruſted with the Care, Superintendance, or Management of the Eſtate of any Perſon ſo intereſted) to be a Commiſſioner, jointly with the ſurviving or continuing Commiſſioners or Commiſſioner, for the Purpoſes of this and the ſaid recited Act, in the Stead or Place of the ſaid *John Dugmore*, or other Commiſſioner ſo dying, or refuſing to act, or becoming incapable of acting as laſt aforeſaid: but that if the ſaid *Anthony Hamond*, his Heirs or Aſſigns, Owner or Owners for the Time being of the ſaid Manor or Manors of *Congham*, *Ruſtens*, and *Reedhalls*, on his or their Part, or the ſaid *John Palmer*, his Heirs or Aſſigns, Owner or Owners for the Time being of the ſaid Manor or reputed Manor of *Coldham Hall*, on his or their Part, or the Landholders of the ſaid Pariſh of *Congham* on their Part, or the major Part in Value of them as aforeſaid, ſhall from Time to Time, when or as the Caſe ſhall happen, neglect to make any ſuch Appointment or Appointments as aforeſaid within the Time hereby for that Purpoſe limited, or ſhall neglect to tranſmit ſuch Appointment or Appointments reſpectively to the ſurviving or continuing Commiſſioners or Commiſſioner, within Six Days after the Appointment or Appointments reſpectively ſhall have been ſo made; then and in any or either of the ſaid Caſes, and ſo often as the ſame ſhall happen, the ſurviving or continuing Commiſſioners or Commiſſioner for

for the Time being shall forthwith, by Writing under their or his Hands or Hand, from Time to Time appoint another Person (not being interested in the Premises, nor being the Agent ordinarily intrusted with the Care, Superintendance, or Management of the Estate of any Person so interested) to be a Commissioner in the Stead or Place of the Commissioner so dying, or refusing to act, or becoming incapable of acting as hereinbefore is mentioned; and that each and every Commissioner so to be appointed as aforesaid, shall, after taking and subscribing the Oath or Affirmation prescribed in that Behalf by the said recited Act, have the like Powers and Authorities for carrying the said recited Act and this Act into Execution, in all respects as if he had been named a Commissioner in this present Act.

Allowance to Commissioners.

III. And be it further enacted, That each respective Commissioner who shall act in the Execution of this Act shall be paid and allowed the Sum of Four Pounds and Four Shillings, and no more, for every Day on which he shall attend in the Execution of this or the said recited Act, or shall be engaged in going to or returning from any Meeting under the same; which Sum of Four Pounds and Four Shillings per Diem shall include and be in satisfaction of and for all Charges and Expences whatsoever, incurred by each respective Commissioner in going to, attending at, and returning from, such Meeting or Meetings respectively.

Notice of Commissioners' Meetings.

IV. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice in Writing of the Time and Place of their First and of every subsequent Meeting, for the Execution of this Act, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper published or circulated in the said County of *Norfolk*, Eight Days at least previously to every such Meeting (Meetings by Adjournment excepted); and that if only One of the said Commissioners shall be present at the Time and Place to be appointed for any such Meeting, then and in that case, and as often as the same shall happen, it shall be lawful for such Commissioner to adjourn the said Meeting from Time to Time to some Place which he shall deem convenient, giving Notice of such Adjournment to the absent Commissioners: Provided always, that all Meetings for carrying this and the said recited Act into Execution, shall be holden either in the said Parish of *Congham* or within Eight Miles thereof.

Direction as to the Mode of giving other Notices.

V. And be it further enacted, That all other Notices necessary to be given by the said Commissioners, in pursuance of this or of the said recited Act for any Purpose whatever (except Notices which are in or by this Act particularly directed to be given in any other Manner), shall be published and given by Advertisement in the *Norfolk Chronicle* or the *Norwich Mercury*, or in some other public Newspaper then published or circulated in the said County of *Norfolk*, and by Writing, to be affixed upon the principal Outer-door of the Parish Church of *Congham* aforesaid; and all such Notices so given shall be deemed to be well and sufficiently published and given, and to be full and sufficient Notice to all Persons concerned, of or respecting all the Matters and Things to which such Notice shall relate.

Power for Commissioners to settle Disputes.

VI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotment, touching or concerning any Right

Right of Manor, Soil, Shackage, Sheep-walk, Fold-courſe, or Common, or any other Right or Intereſt which they or any of them ſhall or may claim to have, of or in any of the Lands or Grounds by this Act directed to be divided and allotted as aforeſaid, or touching or concerning their reſpective Shares or Proportions of or in the ſame reſpectively, or concerning any Allowance claimed or to be made for ploughing Land, ſowing Turnips or Corn, laying down with Graſs Seeds, manuring or improving the ſaid Lands or Grounds, or any of them, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion or Allotment, then and in any of the ſaid Caſes, and ſo often as the ſame ſhall happen, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, as well by the Examination, Information, or Teſtimony of Witneſſes upon Oath, as by any other proper and ſufficient Inquiry or Evidence, to examine into, and hear and determine the ſame: Provided nevertheleſs, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to empower the ſaid Commiſſioners to determine the Title to any Manors, Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever.

Declaration that Commiſſioners ſhall not determine Titles.

VII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the 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 for them the ſaid Commiſſioners, and they are hereby empowered and required, upon Application to be 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 or have been over-ruled or diſallowed, or againſt whom the ſaid Commiſſioners ſhall have determined as aforeſaid; and that in caſe the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, 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 ſaid Coſts and Charges, 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 diſtrained and ſold; but firſt deducting the Expences attending the Diſtreſs and Sale.

Power for Commiſſioners to aſſeſs Coſts.

VIII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, or any Body or Bodies Politic, Corporate or Collegiate, who ſhall have delivered to the ſaid Commiſſioners any Claim in Writing of any Right or Intereſt in, upon, or over the Lands or Grounds by this Act directed to be divided and allotted as aforeſaid, or in, upon, or over any Part thereof, or who ſhall have delivered to the ſaid Commiſſioners any Objection in Writing to any ſuch Claim of any other Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, touching or concerning any ſuch Claim or Objection, or ſhall be deſirous of having the

Power to try Rights by an Iſſue at Law.

Matter of ſuch Claim or Objection decided by the Verdict of a Jury, and ſhall, within One Calendar Month next after ſuch Determination, cauſe Notice in Writing of his, her, or their Deſire in this Behalf, to be delivered to or left at the laſt or moſt uſual Place of Abode of the ſaid Commiſſioners reſpectively, it ſhall be lawful for ſuch Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners, at the then next or at the following Aſſizes, to be held for the ſaid County of *Norfolk*; and that for that Purpoſe the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, having given ſuch Notice as aforeſaid, ſhall, within Three Calendar Months next after the Determination of the ſaid Commiſſioners, cauſe an Action to be commenced in one of His Majeſty's Courts of Record at *Weſtminſter*, upon a feigned Iſſue, againſt the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, in whoſe Favour ſuch Determination ſhall have been made; and that the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, and they is and are hereby required to name an Attorney or Attorneys, who ſhall appear thereto or file Common Bail, and accept one or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights, Intereſt or Intereſts thereby inſiſted upon, may be tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which ſuch Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame); and that all Proceedings in ſuch Action or Actions ſhall be ſubject to the Rules or Orders of the Court in which the ſame ſhall be brought; and that the Verdict or Verdicts which ſhall be given upon the Trial of ſuch Action or Actions ſhall be final, binding, and concluſive upon all and every Perſons and Perſon, and Bodies or Body Politic, Corporate or Collegiate, unleſs the Court wherein the Action or Actions ſhall have been brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the ſaid Court to do, if they ſhall think proper; and that after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide as aforeſaid, 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: Provided always, that if no ſuch Notice ſhall be given, or if any ſuch ſhall be given, and an Action at Law ſhall not be commenced as aforeſaid, or if any ſuch Action ſhall be commenced, and the Plaintiff or Plaintiffs therein ſhall not proceed to Trial within the Time hereinbefore limited for that Purpoſe, then and in every ſuch Caſe, and in that Event, the Determination of the ſaid Commiſſioners ſhall be final, binding, and concluſive to all Intents and Purpoſes whatſoever: Provided alſo, that if any of the Parties, in any Action to be brought or commenced as aforeſaid, ſhall die before the Determination thereof, the ſame ſhall not abate by reaſon of this Circumſtance, but ſhall be proceeded in as if no ſuch Death had happened.

If no Notice be given, the Commiſſioners' Determination to be final.

Death of Parties not to ſtop Proceedings at Law.

Trial not to ſuſpend the Execution of the Act.

IX. Provided always, and be it further enacted; That no ſuch Difference, Suit, or Proceeding as aforeſaid, nor any Difference, Suit, or Proceeding reſpecting the Title to any Lands, Tenements, or Hereditaments, ſhall impede or delay the Proceedings of the ſaid Commiſſioners in the Execution of this Act, but that the Diviſion, Allotment, and Incloſure by this Act directed to be made, ſhall be proceeded in, notwithſtanding any ſuch Difference, Suit, or Proceeding; and that the Allotment or Allotments to which any ſuch Difference, Suit, or Proceeding reſpectively ſhall relate, ſhall be

be taken by the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, who, by the Determination of ſuch Difference, Suit, or Proceeding reſpectively, ſhall become entitled to the ſame.

Proviſion in caſe of the Death of Parties before Action brought.

X. Provided always, and be it further enacted, That if any Perſon or Perſons, in whoſe Favour any ſuch Determination ſhall have been made as aforeſaid, 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 by this Act limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time by this Act limited as aforeſaid, againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk to 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 that 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 but by due Courſe of Law.

XI. 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 either of ſuch Parties, except in Caſes of Encroachments made within the Period of Twenty Years, as hereinafter is mentioned; but that 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.

Power to extinguiſh Right of Common before the Execution of the Award.

XII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Time or Times before the Execution of their Award, to order and direct, by Notice in Writing under their Hands, to be for that Purpoſe affixed upon the principal Outer Door of the Pariſh Church of *Congham* aforeſaid, all and every or any Rights or Right of Sheep-walk or Fold-courſe, and of Shackage or Common in, over, or upon the ſaid Open Field, Half-year or Shack Lands, Commonable Lands, Heaths, Commons, and Waſte Grounds, or any of them, to be extinguiſhed, either wholly or in part, or the Exerciſe thereof to be ſuſpended for and during ſuch Time or Times as ſhall be expreſſed in ſuch Notice; and that all and every the Rights and Right which the ſaid Commiſſioners ſhall ſo order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall, from the Time of affixing ſuch Notice on the ſaid Church Door as aforeſaid, accordingly ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof be ſuſpended accordingly, as the Caſe may be; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

No Turf, &c. to be cut, without

XIII. And be it further enacted, That it ſhall not be lawful for any Perſon whomſoever, from and after the paſſing of this Act, to cut, dig, pare,

Licence of the Commissioners.

pare, grave, flay, or carry away any Turf, Flags, Whins, or Furze in, upon, or from the said Heaths, Commons, and Waste Grounds, or any Part thereof, without or contrary to the Licence in Writing of the said Commissioners first had and obtained for that Purpose (which Licence they the said Commissioners are hereby empowered to grant, under such Rules, Orders, Regulations, or Restrictions as to them shall seem expedient); and that if any Person shall, after the passing of this Act, cut, dig, pare, grave, flay, or carry away any Turf, Flags, Whins, or Furze in, upon, or from the said Heaths, Commons, and Waste Grounds, or any Part thereof, without or contrary to such Licence as aforesaid, the said Commissioners, or any Justice of the Peace for the said County of *Norfolk*, upon due Proof thereof made before them or him respectively, upon Oath (which Oath any one of the said Commissioners, or any such Justice, is hereby empowered to administer) shall, and they and he are and is hereby required, by Warrant under their Hands and Seals, or his Hand and Seal, 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 any Person offending in the Premises, rendering the Overplus, if any, upon Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and that the Money so to be levied by way of Penalty as aforesaid shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

For ascertaining the Boundaries of the Parish.

XIV. And be it further enacted, That the said Commissioners shall, with all convenient Speed after the passing of this Act, cause Eight Days' Notice at least of their Intention to perambulate the said Parish of *Congham*, and to ascertain the Boundaries thereof; and at the Expiration of the Time to be specified in the said Notice shall perambulate the said Parish accordingly, and enquire into, set out, ascertain, fix, and determine the Boundaries of the same; and that, within Forty Days next after the Determination of the said Commissioners respecting the said Boundaries, they the said Commissioners shall cause a Description of such Boundaries to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed or circulated within the said County of *Norfolk*, and shall afterwards insert a similar Description of the same Boundaries in the Award to be made by the said Commissioners in pursuance of this and the said recited Act.

Power for Commissioners to fix Boundaries.

XV. And be it further enacted, That in case any Dispute or Doubt shall arise concerning the Boundaries of the said Parish of *Congham* and any adjoining Parish, Hamlet, or District, it shall be lawful for the said Commissioners, after having enquired into such Dispute or Doubt, pursuant to the Directions of the said recited Act, if the Evidence on each Side shall, in the Opinion of the said Commissioners, be equal as to the Lines of Boundary claimed respectively, to ascertain, set out, and fix such intermediary Line or Boundary between the claimed Lines, as the said Commissioners shall think proper.

Power to appeal against the Commissioners' Determination respecting the Boundaries.

XVI. Provided always, That if any Person or Persons interested in the Determination of the said Commissioners, respecting the Boundaries of the said Parish of *Congham*, as hereinbefore is mentioned, shall be dissatisfied therewith, the same Person or Persons may appeal to the Justices of the Peace acting in and for the said County of *Norfolk*, at any Quarter Session of

of the Peace, or any Adjournment thereof, to be held within Four Calendar Months next after the Publication of the ſaid Boundaries in ſuch Newſpaper as aforeſaid, the Party or Parties ſo appealing having firſt given to the ſaid Commiſſioners, or to their Solicitor or Clerk, Fourteen Days' Notice in Writing of the intended Appeal, and of the Subject-matter of the ſame; and that the Deciſion of the ſaid Juſtices therein ſhall be final and concluſive upon all Parties whomſoever.

Power enabling Commiſſioners to ſhorten Boundary Fences.

XVII. And be it further enacted, That if the ſaid Commiſſioners ſhall deem it expedient or proper to ſhorten the Boundary Fences between the Lands and Grounds by this Act intended to be divided, allotted, and incloſed, and the adjoining Pariſh or Pariſhes reſpectively, or to make the ſame Boundary Fences regular, it ſhall be lawful for the ſaid Commiſſioners, with the Conſent in Writing of the Lord or Lords, Lady or Ladies of the Manor or Manors in which the Land is ſituate, and of the Owner or Owners of the Land upon which any Fence or Fences ſhall or may be intended to be made, to ſet out the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, and the Lands lying in any adjoining Pariſh or Pariſhes, in ſuch Manner as the ſaid Commiſſioners ſhall judge proper for the Purpoſes aforeſaid; and that, after ſuch Boundary Fences ſhall be ſo ſet out, the ſame ſhall be fenced by ſuch Perſon or Perſons reſpectively, and in ſuch Manner and at ſuch Time or Times as the ſaid Commiſſioners ſhall direct, and ſhall for ever thereafter be deemed and taken to be the Boundaries between the ſaid Pariſh of *Congham* and ſuch adjoining Pariſh or Pariſhes reſpectively as aforeſaid; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Declaration that Encroachments within Twenty Years ſhall be allotable; beyond Twenty Years, confirmed.

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

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

XIX. Provided always, and be it further enacted, That the Lands or Grounds comprized in any Encroachment which ſhall have been made within Twenty Years laſt paſt, ſhall (without Regard to the Value of any Improvements ſince made thereon) be allotted to the Perſon or Perſons in Poſſeſſion thereof, ſo far as he, ſhe, or they ſhall be entitled to any Allotment of ſufficient Value by virtue of this Act, and in that Caſe the Value of ſuch Encroachment ſhall, as Circumſtances ſhall require, be deducted from or deemed a Compenſation for the Allotment or Allotments to which ſuch Perſon or Perſons ſhall be entitled under this Act; but that if the Perſon or Perſons in Poſſeſſion of any ſuch Encroachment ſhall not be entitled to any Allotment by virtue of this Act, or ſhall not be entitled to an Allotment equivalent to the Value of ſuch Encroachment, then and in either of thoſe Caſes the whole of the ſurplus Quantity (as the Caſe may be) of the Land comprized within or forming ſuch Encroachment, ſhall be ſold by the ſaid Com-

Commiſſioners, and conveyed by them in Fee-ſimple to any Perſon or Perſons who ſhall become the Purchaſer or Purchaſers thereof; and the Money ariſing from ſuch Sale or Sales ſhall be applied in the ſame Manner as is hereinafter directed, concerning the other Lands or Grounds by this Act directed to be ſold.

Licenſed Encroachments not prejudiced.

Poſſeſſion confirmed.

XX. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to any Encroachment or Incloſure upon, or of any Part or Parts of the ſaid Commons or Waſte Grounds which ſhall have been made within Twenty Years now laſt paſt, with the Licence or Conſent of, or by Grant from, the Lord of any of the Manors before-mentioned, and which Licence, Conſent, or Grant ſhall, before the paſſing of this Act, have been entered or inrolled in the Court Books, or upon the Rolls of the ſame Manor; and that no Perſon or Perſons who, at the Time of the paſſing of this Act, ſhall be in the Poſſeſſion of any Encroachment or Incloſure heretofore made with ſuch Licence or Conſent, or by any ſuch Grant as aforeſaid, ſhall at any Time hereafter be liable to the Suit, Claim, or Interruption of any other Perſon or Perſons whomſoever, on the Ground of ſuch Encroachment or Incloſure having heretofore been Part of the ſaid Commons and Waſte Grounds: Provided always, that no Perſon or Perſons poſſeſſing or enjoying any Encroachment whatever, ſhall in reſpect thereof be entitled to any Allotment out of any of the Commons and Waſte Grounds to be divided and allotted by virtue of this Act, if ſuch Encroachment ſhall at any Time within Sixty Years now laſt paſt have been Part or Parcel of the ſaid Commons and Waſte Grounds.

But Right of Common diſallowed.

Power for Commiſſioners to ſtop up uſeleſs Roads and Foot-paths.

XXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered, with the Concurrence and by the Order of Two Juſtices of the Peace for the ſaid County of *Norfolk*, acting in and for the Diviſion in which the ſaid Pariſh of *Congham* is ſituate, and who ſhall not be intereſted in the Incloſure intended to be made by virtue of this Act, to ſtop up, and direct to be diſcontinued, any public Road or Roads, Foot-path or Foot-paths within the ſaid Pariſh of *Congham*, or through or over any Part or Parts of the Lands or Grounds, incloſed or unincloſed, within the ſame Pariſh, which to the ſaid Commiſſioners ſhall appear uſeleſs or unneceſſary; and alſo to divert or turn any public Road, not being a Turnpike Road, or any public Tract, Way, or Path, within the ſaid Pariſh, provided that the Order of the ſaid Juſtices in this Behalf ſhall be made in Manner, and ſubject to Appeal to the Quarter Seſſion of the Peace, as expreſſed and provided in and by the ſaid recited Act; and that, in caſe any ſuch Road, Foot-path, Tract or Way, ſhall paſs through any incloſed Land in *Congham* aforeſaid, the ſaid Commiſſioners ſhall offer the Ground and Soil thereof, to the Owner or reſpective Owners of ſuch incloſed Land, for ſuch Sum or Sums of Money, and upon ſuch Terms, as they the ſaid Commiſſioners ſhall judge reaſonable; and that in caſe any ſuch Road, Foot-path, Tract or Way, ſhall paſs on the Side of any incloſed Land in *Congham* aforeſaid, they the ſaid Commiſſioners ſhall offer the Ground and Soil thereof for Sale, in like Manner, to the Owner or reſpective Owners of the incloſed Land lying contiguous thereto; and the Offer in the reſpective Caſes aforeſaid being accepted, the ſaid Commiſſioners ſhall, upon Payment of the Purchaſe Money for the Road, Foot-path, Tract or

Way

Way ſo offered for Sale as aforeſaid, deliver to the Purchaſer or reſpective Purchaſers thereof, a Certificate under their Hands of ſuch Offer, Sale, and Payment, and ſhall afterwards, by their Award, allot the Ground and Soil of each ſuch Road, Foot-path, Tract or Way ſo ſold as aforeſaid, to the Purchaſer or reſpective Purchaſers of the ſame; but that in caſe ſuch Owner or reſpective Owners as aforeſaid ſhall not purchaſe ſuch Road, Foot-path, Tract or Way, ſo to be ſtopped up or diſcontinued, or diverted or turned as aforeſaid, the ſame ſhould be conſidered as Part of the Commons and Waſte Grounds, to be either ſold to any other Perſon or Perſons than to ſuch Owner or Owners as aforeſaid, or elſe divided and allotted according to the Directions and Proviſions of this and the ſaid recited Act: Provided alſo, that none of the preſent public Roads or Highways within the ſaid Pariſh of *Congham*, ſhall be ſtopped up or diſcontinued until the ſeveral Roads intended to be or remain the public Roads or Highways within the ſame Pariſh, ſhall be ſet out according to the Directions of the ſaid recited Act, and ſhall be properly formed and made ſafe and convenient for Horſes, Cattle, and Carriages: Provided further, that it ſhall not be lawful for the Surveyor or Surveyors of Roads to be appointed by the ſaid Commiſſioners, under the Power contained in the ſaid recited Act, to repair with or out of any Money which ſhall be raiſed by virtue of this Act, any old or preſent public Roads or Highways within the ſaid Pariſh of *Congham*, or any public Roads or Highways there, made previouſly to the paſſing of this Act, which ſhall be ſet out or appointed by the ſaid Commiſſioners to remain or be, thereafter, public Roads or Highways, within the ſaid Pariſh, or any Part or Parts, which ſhall be ſo ſet out or appointed, of ſuch public Roads or Highways; but that all ſuch old or preſent public Roads or Highways, or public Roads or Highways made previouſly to the paſſing of this Act, as ſhall be ſo ſet out and appointed, and every Part which ſhall be ſo ſet out or appointed of the ſame public Roads or Highways, ſhall be firſt put into Repair by ſuch Perſons, and in like Manner as ſuch Roads and Highways are or ought, by Law, to be afterwards ſupported and kept in Repair.

None of the preſent Roads to be ſtopped up until others ſhall have been ſet out.

Surveyors not to repair any of the old Roads out of the Monies raiſed under this Act.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall in the firſt Place aſſign, ſet out, and allot unto the Lord for the time being of the herein-before mentioned Manor or Manors of *Congham*, *Ruſtens*, and *Reedhalls*, and unto the Lord for the time being of the herein-before mentioned Manor or reputed Manor of *Coldham Hall*, proportionably to their ſeveral and reſpective Shares, Rights and Intereſts, or unto either of the ſaid Lords, (ſolely and in Excluſion of the other of them), who who ſhall in the Judgment of the ſaid Commiſſioners, be ſolely and excluſively entitled to the Soil of the Commons and Waſte Grounds within the ſaid Pariſh, or any Part of the ſame, ſo much and ſuch Part or Parts of the Lands and Grounds, by this Act directed to be divided and allotted, as ſhall, in the Judgment of the ſaid Commiſſioners, be equal in Value to One-eighteenth Part of the ſaid Commons and Waſte Grounds, by way of Compenſation and in full Satisfaction for the Right of ſuch Lords or Lord reſpectively, of, in, and to the Soil of the ſame Commons and Waſte Grounds; and that the Allotment or Allotments in this Behalf ſhall be made over and beſides, and not to exclude, any Allotment or Allotments which would or might otherwiſe be made to ſuch Lords or Lord, in ſatisfaction of or for any Common Right, or

Allotment for Right of Soil.

Right

Right of Paſturage, or other Right upon or over any Part of the Lands and Grounds by this Act directed to be divided and allotted, in reſpect of, or as appendant or appurtenant to any Meſſuages, Cottages, Tofts, Lands or Tenements belonging to ſuch Lords or Lord reſpectively, or in any other Reſpect, or upon any other Account whatever, and in Right whereof any ſuch Common Right or Right of Paſturage or other Right, hath been heretofore uſed and enjoyed, or can be eſtabliſhed.

Allotment to Sir Martin Browne Folkes for his Right of Sand Pits.

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall, as ſoon as conveniently may be, ſet out by Stakes, Land Marks or other deſcriptive Bounds, the Tract or Parcel of Land containing by Eſtimation, One hundred Acres, in or over which the aforeſaid Right of the ſaid Sir *Martin Browne Folkes*, of digging, grounding and carrying away Sand and Stone, doth or may extend, in caſe the Limits thereof ſhall be ſufficiently known or aſcertainable; but if not, then the ſaid Commiſſioners ſhall, in like Manner, ſet and ſtake out One hundred Acres by Eſtimation, or ſuch other Part of the ſaid Commons or Waſte Grounds, as ſhall be equal in Value to the Quantity of Land the ſaid Sir *Martin Browne Folkes* may appear to be ſo entitled to as aforeſaid (including therein the ſaid Sand Pits of him the ſaid Sir *Martin Browne Folkes*, and ſo much of the Land over which the ſaid Right is or ſhall be known to extend), and cauſe an accurate Survey or Admeaſurement to be made of the ſame, and ſhall receive, conſider and determine upon the Claims of the ſeveral Perſons claiming Rights of Common, Sheep-walk or Fold-courſe, and digging and carrying away Sand, or other Rights in, over or upon the ſaid Part or Tract to be ſo ſet out, and as ſoon afterwards as conveniently may be, ſhall eſtimate and aſcertain the Sum or Sums of Money which ought, in the Judgment of the ſaid Commiſſioners, to be paid as or for the Value of, or as a Compenſation or Satisfaction for or in lieu of ſuch Rights, as ſhall have been allowed by them the ſaid Commiſſioners, or for the Exoneration or Diſcharge of the ſame Part or Tract, from ſuch Rights; and thereupon, by Notice in Writing under the Hands of them the ſaid Commiſſioners, to award and direct the ſaid Sir *Martin Browne Folkes*, his Heirs or Aſſigns, to pay the ſaid Sum or Sums of Money unto them the ſaid Commiſſioners, or unto the Perſon or Perſons whom they ſhall appoint to receive the ſame, at or within a Time, in or by ſuch Notice in Writing to be limited and expreſſed, which Sum or Sums of Money ſo to be awarded and directed to be paid, ſhall be paid accordingly by the ſaid Sir *Martin Browne Folkes*, his Heirs or Aſſigns; and that upon or immediately after Payment thereof, all and every ſuch Rights of Common, Sheep-walk or Fold-courſe, and digging and carrying away Sand, and all and every other ſuch Rights in, over or upon the ſaid Part or Tract, in reſpect of which Payment ſhall have been ſo made, ſhall ceaſe, determine, and be for ever extinguiſhed; and the ſaid Part or Tract to be ſo ſet out ſhall thenceforth be held and enjoyed by the ſaid Sir *Martin Browne Folkes*, his Heirs or Aſſigns, freed or diſcharged from all Rights of Common, Sheep-walk or Fold-courſe, and other Rights whatſoever, except the hereinbefore mentioned Right of Chace and Free Warren belonging to the ſaid *Richard Howard* as aforeſaid; and that in caſe the ſaid Sir *Martin Browne Folkes*, his Heirs or Aſſigns, ſhall refuſe, or ſhall for the Space of Two Calendar Months, neglect to pay the Sum or Sums of Money ſo to be awarded and directed to be paid as aforeſaid, according to ſuch Award and Direction of the ſaid Commiſſioners as aforeſaid, the

ſaid

ſaid Part or Tract of Common or Waſte Ground, in, over or upon which ſuch Sand Pits and Right of digging, grounding and carrying away Sand and Stone, do or may extend, ſhall be conſidered as Part of the Commons and Waſte Grounds, either to be appropriated for Sale, or to be divided and allotted according to the other Directions and Proviſions of this and the ſaid recited Act, ſubject nevertheleſs to the aforeſaid Right of the ſaid Sir *Martin Browne Folkes*, his Heirs or Aſſigns, of digging, grounding, and carrying away Sand and Stone.

Allotment for Right of Sheepwalk and Right of Warren.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall alſo aſſign, ſet out, and allot unto all and every Perſons and Perſon, and Bodies and Body Politic, Corporate or Collegiate, having any Right or Rights of Sheep-walk or Fold-courſe, in, upon or over all or any Part or Parts of the ſaid Open Field, Half-year or Shack Lands, Commonable Lands, Heaths, Commons and Waſte Grounds, within the ſaid Pariſh of *Congham*, ſuch Parts and Parcels of the ſame Open Field, Half-year or Shack Lands, Commonable Lands, Heaths, Commons or Waſte Grounds, as ſhall, in the Judgment of the ſaid Commiſſioners, be an adequate Compenſation for, and fully equal in Value to, ſuch his, her or their ſeveral and reſpective Right or Rights of Sheep-walk or Fold-courſe as aforeſaid.

Allotment to Richard Howard, Eſquire, for Right of digging Sand.

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall alſo aſſign, ſet out and allot unto the ſaid *Richard Howard*, his Heirs and Aſſigns, in reſpect of the aforeſaid Right of digging and carrying away Sand, claimed by him the ſaid *Richard Howard*, as hereinbefore is mentioned, ſuch Part or Parts of the ſaid Commons and Waſte Grounds as they the ſaid Commiſſioners ſhall deem to be fully adequate in value to the Rights and Intereſts which the ſaid *Richard Howard*, his Heirs or Aſſigns, ſhall appear to have in the ſaid Commons and Waſte Grounds, by reaſon of his or their Right of digging and carrying away Sand as aforeſaid; and the Allotment or Allotments to be ſo made by the ſaid Commiſſioners to the ſaid *Richard Howard*, his Heirs or Aſſigns, for and in reſpect of ſuch Rights, ſhall be deemed and taken as a full Compenſation and Satisfaction to him and them for the ſame.

Direction to ſell Part of the Commons for raiſing Money to pay Expences to a certain Extent.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall alſo mark and ſet out by Stakes, Landmarks, or other deſcriptive Bounds, ſuch convenient Part or Parcel, or Parts or Parcels of the Heaths, Commons and Waſte Grounds within the ſaid Pariſh of *Congham*, as will, in the Judgment of the ſaid Commiſſioners, produce by Sale thereof a Sum of Money, which with the Money to be received (if any ſhall be received) by the ſaid Commiſſioners from the ſaid Sir *Martin Browne Folkes*, his Heirs or Aſſigns, for the Exoneration or Diſcharge of the above-mentioned Tract or Parcel of Common or Waſte Ground, uſed for Sand Pits, from Rights as aforeſaid, will be ſufficient to defray and diſcharge that Part or Proportion of the Coſts, Charges and Expences, incident to and attending the obtaining and paſſing of this Act, and of carrying the ſame into execution, which the ſaid Commiſſioners ſhall fix and aſcertain to be the Part or Proportion of the aforeſaid Coſts, Charges and Expences, which ought to be borne and paid by thoſe reſpective Owners or Proprietors who ſhall receive Allotments reſpectively under this Act, for or in reſpect of their reſpective Rights or Intereſts in, upon or over the aforeſaid

Heaths, Commons and Waſte Grounds, or in, upon or over any Part or Parts of the ſame reſpectively.

Allotment for the poor Inhabitants.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall then aſſign, ſet out, and allot unto the Lord or Lady of the Manor or Manors of *Congham*, *Ruſtens*, and *Reedhalls*, the Lord or Lady of the ſaid Manor or reputed Manor of *Coldham Hall*, the Rector of the Rectory of *Congham* aforeſaid, and the Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Congham* for the Time being, and to their Succeſſors for ever, as Truſtees for the Poor Inhabitants of the ſaid Pariſh of *Congham* legally ſettled therein, ſuch Part or Parts of the Heaths, Commons and Waſte Grounds within the ſaid Pariſh, as the ſaid Commiſſioners ſhall think moſt proper, and judge reaſonable for the Purpoſes hereinafter mentioned; and that ſuch Allotment or Allotments ſhall, upon the Execution of the Award to be made by the ſaid Commiſſioners, be veſted in the Lord or Lady of the ſaid Manor or Manors of *Congham*, *Ruſtens*, and *Reedhalls*, the Lord or Lady of the ſaid Manor or reputed Manor of *Coldham Hall*, the Rector of the ſaid Rectory, and the Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Congham* for the Time being, for ever, as Truſtees for the Poor Inhabitants of the ſaid Pariſh legally ſettled therein, to the Intent that the ſaid Truſtees for the Time being ſhall and do permit and ſuffer ſuch of the Poor Inhabitants of the ſame Pariſh, legally ſettled therein, as ſhall not occupy Lands or Tenements of more than the yearly Value of Ten Pounds, to cut, take and uſe Whins, Furze, Turf, Flags, Peat and Fuel (if any there be) on ſuch Part or Parts of the ſaid Allotment or Allotments, in ſuch Quantities, and at ſuch Time or Times in every Year, and under ſuch Regulations and Reſtrictions, as the ſaid Truſtees for the Time being, or the major Part of them, ſhall from time to time direct or appoint, and not otherwiſe; and the ſaid Truſtees for the Time being, or the major Part of them, are alſo hereby empowered from time to time, by Writing under their Hands and Seals, to leaſe or demiſe the Whole or any Part or Parts of the ſaid Allotment or Allotments, which ſhall not produce Whins, Furze, Turf, Flags, Peat or Fuel, or which ſhall not be appropriated by the ſaid Truſtees for that Purpoſe, or the Graſs, Feed and Herbage to grow, renew, and ariſe from ſuch Allotment or Allotments reſpectively, as the ſaid Truſtees for the Time being, or the major Part of them, ſhall from time to time think proper, to any Perſon or Perſons whomſoever, for any Term of Years not exceeding Fourteen Years, to commence in Poſſeſſion and not in Reverſion; ſo that in every ſuch Leaſe there be reſerved and made payable to the ſaid Truſtees for the Time being, by quarterly or half-yearly Payments in every Year, the beſt or moſt improved yearly Rent or Rents that can be obtained for the ſame, without taking any Fine, Premium or Foregift, in conſideration of granting ſuch Leaſe or Leaſes; and that in every ſuch Leaſe, there be contained proper and fair Covenants, on the Part of the Leſſee, for the Uſage and Management of the Land thereby demiſed, and for leaving the ſame in a proper State and Condition, at the Expiration of ſuch Leaſe; and alſo ſuch other Covenants and Stipulations, and ſuch Security for the Performance of the ſame, as the ſaid Truſtees, or the major Part of them ſhall think moſt proper to be inſerted therein; and that the Rents and Profits ariſing from the ſaid Allotment or Allotments ſo let or demiſed, ſhall from time

time to time be laid out in the Purchaſe of Fuel, and ſuch Fuel ſhall be diſtributed among ſuch Poor Inhabitants as aforeſaid, of the ſaid Pariſh of *Congham* as ſhall be legally ſettled therein, and delivered at their reſpective Dwelling-houſes there, in ſuch Proportions and Quantities, in ſuch Manner, and at ſuch Times, in every Year, and according to ſuch Rules and Orders, as the ſaid Truſtees, for the Time being, or the major Part of them, ſhall appoint and preſcribe for that Purpoſe, and not otherwiſe; and that the Remainder, if any, of the Allotment or Allotments which ſhall not be appropriated for taking Whins, Furze, Turf, Flags, Peat, or Fuel as aforeſaid, nor ſhall be ſo let or demiſed as aforeſaid, ſhall be uſed and enjoyed, ſolely and excluſively, by ſuch Poor Inhabitants of the ſaid Pariſh of *Congham*, as ſhall be legally ſettled therein, and ſhall not occupy Lands or Tenements of more than the yearly Value of Ten Pounds, as a Common of Paſture for all Geeſe, Stock, and Cattle, which ſhall be really and *bonâ fide* the Property of ſuch Poor Inhabitants, in ſuch Manner, and at ſuch Time or Times, and according to ſuch Rules and Regulations as the ſaid Truſtees for the Time being, or the major Part of them, ſhall appoint and preſcribe for that Purpoſe, and not otherwiſe: Provided always, that in caſe the Rents and Profits of ſuch Allotment or Allotments, ſhall at any Time or Times, be more than ſufficient to anſwer the Purpoſes for which the ſame is or are hereby directed to be ſet out, then, and in every ſuch Caſe, the ſaid Truſtees for the Time being, or the major Part of them, ſhall, and they are hereby required, to apply and diſpoſe of ſuch Rents and Profits for the Relief of the Poor, for whoſe Benefit ſuch Allotment or Allotments ſhall be ſet out, in ſuch Manner as the ſame Truſtees, or the major Part of them ſhall think proper; provided, that the Expence of Carriage of any Fuel which may be purchaſed for the Relief or Benefit of the Poor Inhabitants aforeſaid, ſhall be borne and paid out of the general Poor's Rate of the ſaid Pariſh of *Congham*; provided alſo, that it ſhall be lawful for the Lord or Lady of the ſaid Manor or Manors of *Congham*, *Ruſtens*, and *Reedhalls*, the Lord or Lady of the ſaid Manor or reputed Manor of *Coldham Hall*, and the Rector of the ſaid Rectory for the Time being reſpectively, to act in the Execution of the Truſts hereby repoſed in them as aforeſaid, by their reſpective Agents or Proxies, ſuch Agents or Proxies reſpectively being, or having been, appointed by Writing under the Hand of ſuch Lords or Ladies, and Rector reſpectively, and producing their reſpective Appointments at the Time of acting by virtue thereof, if required ſo to do; but that no Perſon ſhall act as Agent or Proxy for more than one Truſtee at the ſame Time.

Allotment for Gravel Pits, and Watering Places for Cattle.

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall, if they ſhall think fit, aſſign, ſet out, and allot unto the Surveyors, for the time being, of the Highways within the ſaid Pariſh of *Congham*, and to their Succeſſors for ever, ſuch Part and Parcel, or Parts and Parcels of the Commons and Waſte Grounds, by this Act directed to be divided and allotted, as the ſaid Commiſſioners ſhall think neceſſary and moſt convenient, for public Watering Places for Cattle, and for public Gravel Pits; and that the ſaid Allotment or Allotments ſhall be fenced in ſuch Manner as the ſaid Commiſſioners ſhall direct, and when ſet out ſhall for ever thereafter be uſed by the Surveyors for the Time being of the Highways, and by the reſpective Proprietors of Eſtates within the ſaid Pariſh of *Congham*, and their reſpective Tenants for the Time being, in

ſuch

such Manner, and under such Rules and Regulations as the Churchwardens and Overseers of the Poor, and the Surveyors of the Highways for the Time being, within the said Parish of *Congham*, or the major Part of them, shall order, direct, and appoint, and not otherwise.

Direction to allot the Value of three Acres to each Common Right House and Toft.

XXIX. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the several Owners of Houses and Tofts in *Congham* aforesaid, having in respect thereof Right of Common, upon or over the Heaths, Commons, and Waste Grounds, or any Part of the same, such Part or Portion, Parts or Portions of the Lands by this Act directed to be divided and allotted, as the said Commissioners shall adjudge to be equal in Value *per annum*, to the annual average Value of three Acres of the said Heaths, Commons and Waste Grounds, for each and every such House, and for each and every such Toft, over and above the Allotment or Allotments to which the Owner or Owners of each such House and Toft respectively, may, in respect or in right thereof, and of the Lands to such House belonging or appurtenant, be or become entitled to have, in the Division and Allotment of the Residue of the Heaths, Commons, and Waste Grounds, under the Directions next hereinafter contained.

Allotment of the Residue.

XXX. And be it further enacted, That the said Commissioners shall then assign, set out, and allot the Residue and Remainder of the Lands and Grounds by this Act directed to be divided and allotted, unto and among the several Owners and Proprietors thereof, and unto and among the several other Persons, and Body and Bodies Politic, Corporate and Collegiate, having any Right or Interest in, to, upon, or over the same Lands and Grounds respectively, or any Part thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionate to the Value of, and a full Compensation and Satisfaction to, such Owners and Proprietors, and Body and Bodies respectively, for his, her, and their respective Parts and Shares of such Lands and Grounds, and for his, her, and their respective Rights and Interests in, to, upon, or over the same respectively.

Scheme of Allotments to be shown to the Proprietors.

XXXI. And be it further enacted, That when and as soon as the said Commissioners shall have ascertained the several Rights and Interests of the several Proprietors, in the Lands and Grounds to be divided and allotted by virtue of this Act, and also the respective Shares and Proportions, by them the said Commissioners proposed to be allotted to the same Proprietors respectively in lieu thereof, or for or in respect of such Rights and Interests, they, the said Commissioners, shall give Notice, in manner aforesaid, of some convenient Time and Place, when and where the said Proprietors may be informed of such proposed Allotments, and may see the Scheme thereof set out and delineated upon a Map or Plan of the same, to be produced to the said Proprietors for their Inspection; and as some of the said Proprietors may, upon Inspection of the said Map or Plan, be dissatisfied with the proposed Allotments, the said Commissioners shall, at the Time and Place last aforesaid, or at some other Time and Place to be appointed for that Purpose, receive Statements in Writing of the Objections against such proposed Allotments, and shall forthwith, or as soon thereafter as conveniently may be, determine the same; and

that

that the Determination of the ſaid Commiſſioners in this Behalf, ſhall be final and concluſive.

Allotments to be made to Purchaſers in Caſes where Common Rights have been ſold.

XXXII. And be it further enacted, That if any Owner or Owners hath or have ſold, or ſhall at any Time within Three Calendar Months before the Execution of the Award of the ſaid Commiſſioners, ſell to any other Perſon or Perſons whomſoever, ſuch Owner or Owners' Right, Intereſt, and Property, in or to the Lands and Grounds by this Act directed to be divided and allotted, or in or to any Part thereof, or in or to any Allotment or Allotments which ſhall be ſet out, or intended to be made, by the ſaid Commiſſioners, either in full or in part Satisfaction of any ſuch Right, Intereſt, or Property as aforeſaid, then, and in every ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to make an Allotment of Land unto the reſpective Vendee or Purchaſer mentioned in ſuch reſpective Sale, or to his, her, or their Heirs or Aſſigns, for and in reſpect of the Right, Intereſt, and Property which ſhall have been ſo ſold as aforeſaid, and not to the Vendor or Vendors of the ſame; and that every ſuch Vendee or Purchaſer reſpectively, and his and her reſpective Heirs and Aſſigns, ſhall and may, from and after the Execution of the ſaid Award, hold and enjoy the Land ſo to be allotted to him, her, or them reſpectively, as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor in ſuch Sale might, could, or ought to have held and enjoyed the ſame, in caſe ſuch Sale had not been made, or ſuch Right, Intereſt, or Property had remained in ſuch Vendor, at the Time of making ſuch Allotment as aforeſaid; provided that every Inſtrument of Sale, if the ſame ſhall relate to any Right, Intereſt, or Property appurtenant to, or claimed in reſpect of any Houſe, Toft, or Land, holden by Copy of Court Roll of the Lord of any Manor, or to any Allotment ſet out, or intended to be ſet out, in reſpect of any ſuch Copyhold Houſe, Toft, or Land, ſhall, to give it complete Effect as aforeſaid, be enrolled or entered, either at large or by way of Memorial, in the Court Books, or on the Rolls of ſuch Manor, and when ſo inrolled, or entered, or delivered to the Steward for Inrolment or Entry, ſhall have the Effect of a Surrender to the Uſe of ſuch reſpective Vendee or Purchaſer as aforeſaid, and his or her reſpective Heirs and Aſſigns, according to the Cuſtom of the Manor, entitling him, her, or them to be admitted Tenant or Tenants of the Land therein compriſed at the Time which is hereafter preſcribed for the Admiſſions to Copyhold Lands, after the Execution of the Award of the ſaid Commiſſioners.

Satisfaction to be made for unequal Fencing.

XXXIII. And be it further enacted, That if, from the Nature or Neceſſity of Situation, or from any other Circumſtance, it ſhall happen that One or more of the Proprietors of Allotments under this Act, ſhall not have a fair or proportionate Share of Boundary, or other Fencing allotted to him, her, or them, on the ſaid intended Incloſure, it ſhall be lawful for the ſaid Commiſſioners, in every Caſe where they ſhall judge it neceſſary and reaſonable, to award, aſcertain, order, and appoint a Sum or Sums of Money to be paid or contributed by ſuch Proprietor or Proprietors reſpectively, towards making the ſaid Fences of the Allotments of any other Proprietor or Proprietors who ſhall or may have a greater Proportion of Fencing allotted to him, her, or them, by virtue of this Act, the ſame Sum to be ſettled by the ſaid Commiſſioners in ſuch Manner

Manner as they ſhall think proper; and that the Money ſo ordered, directed, and appointed to be paid, ſhall be raiſed, levied, and recovered, in ſuch and the ſame Manner as the Expences of this Act (not payable out of Money received by Sale of any Lands), are by the ſaid recited Act ordered and directed to be levied and recovered.

Declaration that Allotments ſhall follow the Tenure of the original Eſtate.

XXXIV. And be it further enacted, That all the Lands and Grounds which ſhall be allotted by virtue of the ſaid recited Act, or of this Act reſpectively, to any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, for, or in lieu, or in reſpect of any Houſes, Tofts or Lands holden of the Lord or Lords, Lady or Ladies of any Manor or Manors, by Copy of Court Roll, or for, or in lieu, or in reſpect of any Leaſehold Lands or Tenements, or for or in reſpect of any Right of Shackage, or Sheep-walk, or Fold-courſe, or of Common, or other Right or Intereſt appendant or appurtenant to any ſuch Copyhold or Leaſehold Premiſes, ſhall, from and for ever after the Execution of the ſaid Commiſſioners' Award, be deemed and taken to be Copyhold or Leaſehold reſpectively, according to the Tenure of the Houſes, Tofts, Lands, or Tenements, for or in reſpect of which the ſame ſhall be allotted, and ſhall be held accordingly, by and under the ſame Tenure, Rents, Payments, Fines, Cuſtoms, and Services, as the Copyhold or Leaſehold Houſes, Tofts, Lands or Tenements reſpectively, for or in lieu, or in reſpect whereof ſuch Allotments ſhall be made, are now held by, and are ſubject to; and that all Perſons to whom any Copyhold Lands or Grounds ſhall be allotted as aforeſaid, ſhall, within Six Calendar Months next after the Execution of the ſaid Award, or at the Firſt General Court to be held for the ſaid Manor or Manors reſpectively, next after the Expiration of ſuch Six Calendar Months, be admitted Tenants or Tenant to the ſame, without paying any Fine to the Lord or Lords, Lady or Ladies, or any other Charge to the Steward or Stewards of the ſaid Manor or Manors reſpectively, than for the Stamp-duties and Parchment requiſite to be uſed for the Copies of Admiſſions, and ſuch reaſonable Fees to the reſpective Stewards of the ſaid Manors, as the ſaid Commiſſioners ſhall, by their ſaid Award, order and direct; but that in caſe the Perſon or Perſons to whom ſuch Lands or Grounds ſhall be allotted, ſhall not have been admitted to the Houſes, Tofts, Lands, or Tenements, in reſpect whereof ſuch Allotment or Allotments ſhall have been made, or ſhall die without having been admitted to the Lands allotted in reſpect of ſuch Copyhold Houſes, Tofts, Lands, or Tenements reſpectively, or ſhall claim, as a Vendee or Purchaſer, under any ſuch Sale as hereinbefore is mentioned, then, and in every ſuch Caſe, the cuſtomary Fines, Fees, and other Payments, ſhall be due and payable on the Admiſſion or Admiſſions of the Perſon or Perſons then entitled to ſuch allotted Lands and Premiſes; and that after every ſuch firſt Admiſſion, the Copyhold Lands and Premiſes which ſhall have been ſo allotted as aforeſaid, ſhall be held under and ſubject to the ſame Tenure, Fines, Rents, and other Payments and Services reſpectively, as the Copyhold Houſes, Tofts, Lands, and Grounds, in reſpect whereof ſuch new Allotments ſhall be made, are now reſpectively held under, and are ſubject to; and the ſaid Commiſſioners are hereby required and directed to determine and deſcribe, and abut, in and by their ſaid Award, or in and by the Map or Plan to be thereto annexed, all the Meſſuages, Houſes, Buildings, Tofts, Lands and Grounds in the ſaid Pariſh of *Congham*, which are to remain or become Copyhold or Leaſehold;

Direction for the Admiſſion of Perſons having Allotments of Copyhold Land.

Leaſehold; and all other Meſſuages, Houſes, Buildings, Tofts, Lands, and Grounds in the ſaid Pariſh of *Congham* (except ſuch as ſhall be ſo aſcertained by the ſaid Commiſſioners to be Copyhold or Leaſehold), ſhall thenceforth be deemed, taken, and enjoyed as Freehold, and if allotted for or in lieu of any Meſſuages, Houſes, Buildings, Tofts, Lands, or Grounds, which are now ſubject to any free Rent or Rents, Services or Payments, ſhall be ſubject to the ſame Rents, Services, and Payments reſpectively, as thoſe Meſſuages, Houſes, Buildings, Tofts, Lands or Grounds reſpectively, are now ſubject to.

Allotments to be made for Lands holden by different Tenures.

XXXV. And be it further enacted, That in caſe the Proprietor or Proprietors of any Meſſuages, Lands, or other Hereditaments, by this or the ſaid recited Act authorized to be divided or allotted, or to be exchanged, ſhall hold his, her, or their reſpective Meſſuages, Lands or Hereditaments, by different Tenures, or for different Eſtates, or under different Titles, the ſaid Commiſſioners ſhall, upon the Requeſt of ſuch Proprietor or Proprietors, in Writing under his, her, or their Hand or Hands, aſcertain and diſtinguiſh the Meſſuages, Lands, or other Hereditaments, held by each of ſuch Tenures, for each of ſuch Eſtates, and under each of ſuch Titles reſpectively, and ſhall accordingly, in their ſaid Award, diſcriminate and ſet out, diſtinct and ſeparate Allotments, for ſuch reſpective Meſſuages, Lands, or other Hereditaments; and that where, from the want of the neceſſary Information before the ſaid Commiſſioners, or from any other Cauſe, they ſhall have omitted in their ſaid Award to aſcertain and diſtinguiſh, or ſhall have erroneouſly deſcribed ſuch different Tenures, different Eſtates, or different Titles, as hereinbefore is required; and within Twelve Calendar Months after the Execution of the ſaid Award, Requeſt ſhall be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted, by Writing under his, her, or their Hand or Hands, to have ſuch Omiſſion ſupplied, or Error corrected by a ſeparate Inſtrument, then, and in every ſuch Caſe, the ſaid Commiſſioners are hereby authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion, or correcting ſuch Error, and ſo far as thoſe Purpoſes reſpectively ſhall require, to examine Witneſſes, and in every other Reſpect to proceed and act as if their Award had not been made; and that when they ſhall have obtained what they ſhall think ſufficient Information, they the ſaid Commiſſioners are hereby alſo authorized, by Deed or Inſtrument in Writing under their Hands and Seals, by way or in the Nature of a ſupplemental Award, to aſcertain and diſcriminate, or diſtinguiſh, the Difference of Tenures, Eſtates, and Titles reſpectively, and accordingly to make or correct diſtinct and ſeveral Allotments, in ſuch Manner as is hereinbefore required for making the Diſtinction or Diſcrimination in the original Award; and that a Copy, ſigned and atteſted by the ſaid Commiſſioners, of every ſuch Deed or Inſtrument, ſhall be depoſited with the Clerk of the Peace, for the time being, for the ſaid County of *Norfolk*, with a Copy of the original Award; and that every ſuch ſeparate Deed or Inſtrument ſhall, from and immediately after the Execution thereof by the ſaid Commiſſioners, have the ſame Effect, to all Intents and Purpoſes, as if the Contents thereof had been contained in the original Award; and that the ſame Deed or Inſtrument ſhall, when executed, be delivered to the Perſon or Perſons at whoſe Requeſt any ſuch Omiſſion ſhall have been ſupplied, or Error corrected, or to the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings concerning the Title to the Premiſes in queſtion, ſhall, in the Opinion

Opinion of the ſaid Commiſſioners, moſt properly belong; and that all the Expences which ſhall have been reaſonably incurred in or about ſuch ſeparate Deed or Inſtrument, and Copy reſpectively, ſhall be payable and paid, by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioners to ſupply ſuch Omiſſion or correct ſuch Error as aforeſaid, his, her, or their Heirs, Executors, or Adminiſtrators, or Succeſſors in Title; and that the ſaid Deed or Inſtrument and Copy, or any Copy thereof reſpectively atteſted by the ſaid Commiſſioners, or by the Clerk of the Peace or his Deputy, ſhall be Evidence in all Courts whatſoever, in the ſame Manner, as is by this Act provided with regard to the original Award, and the Copies thereof reſpectively.

Power for Commiſſioners to make Allotments in ſeveralty to Joint Tenants, &c.

XXXVI. And whereas ſome of the Proprietors of Meſſuages, Cottages, Lands, Tenements, or Hereditaments within the ſaid Pariſh of *Congham*, may be ſeiſed of, or entitled to, the ſame, as Joint Tenants, as Tenants in Coparcenary, or as Tenants in Common, and may not, by reaſon of Coverture, Infancy, or other Incapacity, or of Settlement, or of Abſence beyond the Seas, be able to make an effectual Diviſion or Partition thereof; be it therefore enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required (upon the Requeſt in Writing of any one or either of ſuch Joint Tenants, Tenants in Coparcenary, or Tenants in Common, or of the Huſband, Guardian, Truſtee, Committee, or Attorney of any one or either of ſuch Joint Tenants, Coparceners, or Tenants in Common, who may be under Coverture, a Minor, or a Lunatic, or under any Incapacity as aforeſaid, or be abſent beyond the Seas), to make Partition or Diviſion of all or any of the Meſſuages, Houſes, Tofts, Lands, Tenements, or Hereditaments whatſoever, in the ſaid Pariſh of *Congham*, ſo held in Joint Tenancy, in Coparcenary or in Common, between ſuch Owners or Proprietors ſo entitled as Joint Tenants, as Tenants in Coparcenary, or as Tenants in Common as aforeſaid, and to allot the ſame accordingly, to ſuch Owners and Proprietors in ſeveralty; and that from and immediately after ſuch Partitions or Diviſions and Allotments in ſeveralty ſhall be reſpectively made and declared, the ſame ſhall be held and enjoyed in ſeveralty, by the Perſon or Perſons to whom the ſame ſhall be ſo allotted, in the ſame Manner, and ſubject to ſuch and the ſame Uſes as the undivided Parts or Shares of ſuch Meſſuages, Houſes, Tofts, Lands, Tenements, Hereditaments, and Allotments of Heath, Common or Waſte Ground, would have been held by, or would have been ſubject to, in caſe ſuch Partitions or Diviſions, and Allotments in ſeveralty, had not been made: yet ſo that where any Rents, Charges, or Incumbrances, ſhall affect, or be ſubſiſting upon the Hereditaments hereby made partible as aforeſaid, the ſame Rents, Charges, and Incumbrances, ſhall not affect or be charged upon the ſeveral Allotments of one Party, to the Exoneration of the Allotment of the other Party, but each reſpective Allotment ſhall be charged with an equal Portion thereof, unleſs the ſaid Commiſſioners ſhall otherwiſe direct, with a view to equalize the ſeparate Allotments, in caſe one Allotment ſhall have been made, in Quantity or Quality of Land inferior in Value, to the other or others.

Commiſſioners to improve Drains.

XXXVII. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſcour out, deepen, and widen, or cauſe to be ſcoured out, deepened, and widened reſpectively, all or any and ſuch of the ancient or preſent Rivulets, Brooks, Streams, Ditches, Drains, and Watercourſes,

courſes, Tunnels, and Bridges, within the ſaid Pariſh of *Congham*, as they ſhall think proper; and alſo ſet out, appoint, and make ſuch new Ditches, Drains, Water-courſes, Tunnels, Gates, Banks, and Bridges, as well through and over the ſaid Heaths, Commons and Waſte Grounds, as in, over, and through any ancient Incloſures within the ſaid Pariſh, (making ſuch Satisfaction to the Proprietors of the ſaid ancient Incloſures for the Damage to be done thereby, as they the ſaid Commiſſioners ſhall think reaſonable,) and of ſuch Depth and Width, and in ſuch Directions, as they the ſaid Commiſſioners ſhall alſo think proper; and that the ſaid Commiſſioners ſhall and may, and they are hereby authorized and required, in and by their Award, to order and direct by whom, and at whoſe Expence, and at what Time, and in what Manner, any ſuch new Ditches, Drains, Water-courſes, Tunnels, Gates, Banks, and Bridges reſpectively ſhall be made, and afterwards be cleanſed, ſcoured, repaired, and maintained: Provided always, that no Brook or Stream of Water ſhall be diverted or turned, without the Conſent, in Writing, of the Owner or Proprietor, or Owners or Proprietors, of the Lands and Grounds, from which any ſuch Brook or Stream ſhall be diverted, and of the Owner or Proprietor, or Owners or Proprietors, of the Lands and Grounds, into which any ſuch Brook or Stream ſhall be propoſed to be turned: Provided alſo, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Commiſſioners to divert or turn any Rivulet, Brook or Stream of Water, or do or cauſe to be done any other Act, ſo as to affect, injure or prejudice the Mill belonging to *Samuel Hadley* the Younger, Eſquire, or ſo as to affect, injure or prejudice the Mills belonging to the ſaid *Richard Howard*, called the *Riſing Mills*, or either of them.

Power to make Exchanges.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot, and award any Meſſuages, Houſes, Tofts, Lands, Tenements, or Hereditaments whatſoever within the ſaid Pariſh of *Congham*, in lieu of and in exchange for any other Meſſuages, Houſes, Tofts, Lands, Tenements or Hereditaments whatſoever within the ſaid Pariſh, or within any adjoining Pariſh, Townſhip, or Place; provided every Exchange made by virtue of this Act be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and be made with the previous Conſent of the Perſon or Perſons claiming before the ſaid Commiſſioners, to be Owner or Owners, Proprietor or Proprietors of the Meſſuages, Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, or ſhall be propoſed to be exchanged, whether the Perſon or Perſons ſo claiming to be ſuch Owner or Owners, Proprietor or Proprietors, ſhall be ſeiſed or poſſeſſed in his, her, or their natural Cacity or Capacities, as Tenant or Tenants in Fee-ſimple, in Fee-tail general or ſpecial, or for Life, or by the Courteſy of England, or for Years determinable on any Life or Lives, or be a Body or Bodies Politic, Corporate or Collegiate, or a Corporation aggregate or ſole, or elſe with the previous Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for the Perſon or Perſons ſo claiming to be ſuch Owner or Owners, or Proprietor or Proprietors as aforeſaid, who at the Time of making or propoſing ſuch Exchange or Exchanges reſpectively, ſhall be either Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for himſelf, herſelf, or

themſelves reſpectively, ſuch Conſent to be teſtified, by writing under the Hands of the Parties whoſe Conſent is hereby required; and that every ſuch Conſent or Agreement for Exchange, when aſcertained, ſpecified, and declared in and by the Award of the ſaid Commiſſioners, ſhall be deemed and conſidered as a good, valid, and effectual Exchange in the Law to all Intents and Purpoſes whatſoever; and it is hereby declared, that the ſame Award ſhall, as to the Premiſes intended to be exchanged reſpectively, veſt the ſame in the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate reſpectively, to whom the ſame ſhall be reſpectively awarded, as fully and effectually as the ſame could be or could have been done by any Conveyance practiſed in the Law for the Conveyance or Aſſurance of Lands, and that freed and diſcharged of and from all Uſes, Truſts, Charges, and Incumbrances in any Manner affecting the ſame, at the Date of the ſaid Award, other than and except Ways, Watercourſes, Eaſements, Quit Rents, and other Seignioral Rents, Dues, and Services, and Profits of Tenure to which the Premiſes ſhall reſpectively remain ſubject as before the Date of ſuch Award, unleſs where otherwiſe directed by this Act: Provided always, that no Exchange ſhall be made under this or the ſaid recited Act, of any Meſſuages, Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent in Writing of the Lord Biſhop of the Dioceſe, in which the Meſſuages, Lands, Tenements, or Hereditaments propoſed to be exchanged ſhall lie and be ſituate, and of the Patron for the Time being of ſuch Church, Chapel, or other Eccleſiaſtical Benefice reſpectively.

Expence of Exchanges how to be paid.

XXXIX. And be it further enacted, That all the Coſts, Charges, and Expences attending the making of any Exchanges and Partitions ſhall be paid, borne, and defrayed by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall by their Award order or direct.

Direction for making void Leaſes and Agreements.

XL. And be it further enacted, That all Leaſes, and other Agreements at Rack or extended Rent, and originally granted or entered into for any Term or Terms not exceeding Twenty-one Years, now in force, of or for any Meſſuages, Buildings, Lands, Tenements, or Hereditaments ſituate within the ſaid Pariſh of *Congham*, either alone or together with any other Meſſuages, Buildings, Lands, Tenements, or Hereditaments, in any adjoining Pariſh or Pariſhes, ſhall, ſo far only as ſuch Leaſes or Agreements relate to or affect any of the Lands or Grounds to be divided or allotted, or to be exchanged, under this and the ſaid recited Act, ceaſe, determine, and be void immediately after the Execution of the ſaid Commiſſioners' Award, or at ſuch other Time, either before or after the Execution of the ſaid Award, as the ſaid Commiſſioners ſhall direct; and that the reſpective Leſſees or Tenants of the Premiſes comprized in ſuch Leaſes or Agreements reſpectively, ſhall receive from the reſpective Owners and Proprietors, Leſſor or Leſſors of ſuch Premiſes ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall, by Writing under their Hands, determine to be a reaſonable Compenſation and Satisfaction for the Loſs or Loſſes which ſuch Leſſees or Tenants reſpectively ſhall ſuſtain on account of the Determination of the ſame Leaſes or Agreements reſpectively; and that if the Amount of the Money, to be determined as aforeſaid, ſhall not be paid to the Perſon or Perſons entitled to receive the ſame within Ten Days after

Demand

Demand made thereof, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to raiſe and levy the ſame, for the Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as any of the Coſts, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed and levied: Provided always, that where the Lands comprized in any ſuch Leaſe or Agreement as aforeſaid ſhall lie Part in *Congham* aforeſaid, and Part in any adjoining Pariſh, every ſuch Leaſe or Agreement may be vacated in Manner aforeſaid; but where any Land which ſhall have been taken in Exchange, ſhall be under Leaſe or Agreement comprizing no other Land, and ſuch Land ſhall lie or be ſituate wholly in any adjoining Pariſh, the Leaſe or Agreement of or for ſuch laſt-mentioned Land ſhall not be vacated.

Wills and Settlements not to be affected.

XLI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to revoke, make void, alter, or annul any Will (whether only ambulatory or in actual Operation by the Death of the Teſtator or Deviſor), or any Deed, Settlement, or Surrender, or any Leaſe originally granted for any Term of Years exceeding Twenty-one Years, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance in, out of, upon, or affecting any of the Lands or Grounds to be divided or allotted, or to be exchanged by virtue of the ſaid recited or this Act, or any Part or Parts thereof reſpectively (except by a Leaſe or Leaſes, Agreement or Agreements at Rack Rent, originally granted or entered into for a Term not exceeding Twenty-one Years as aforeſaid); but that each and every Proprietor ſhall, as to the ſeveral Lands and Grounds to be allotted, by way of Re-inveſtment or Confirmation, or by way of Subſtitution, or in Exchange, by virtue of this and the ſaid recited Act, or either of them, as the Caſe may be, ſtand and be ſeiſed thereof, to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges, and Incumbrances (if any), as the ſeveral Meſſuages, Houſes, Buildings, Tofts, and Lands whereof ſuch Proprietor was ſeiſed or poſſeſſed at or immediately before the Execution of the ſaid Commiſſioners' Award, and for or in lieu of which 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; and as to the ſeveral Lands or Grounds to be allotted, by way of Addition, to ſuch Proprietor, or to his or her Vendee or Purchaſer, by virtue of the Power hereinbefore contained, ſuch Proprietor, or his or her Vendee or Purchaſer, as the Caſe may be, ſhall ſtand and be ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the ſeveral Houſes, Tofts, and Lands in reſpect of which ſuch laſt-mentioned Allotments reſpectively, by way of Addition, ſhall be made, ſhall be ſubject to, charged with, or affected by, at or immediately before the Execution of the ſaid Award, or, in caſe of a Vendee or Purchaſer, at or immediately before the Execution of the Agreement or Contract for Sale.

Commiſſioners to direct the Courſe of Huſbandry.

XLII. And be it further enacted, That from and after the paſſing of this Act, until the Execution of the Award of the ſaid Commiſſioners, no Part of the Meadow or Paſture Land (if any) by this Act directed to be divided and allotted, ſhall be ploughed up or converted into Tillage, without the Conſent in Writing of the ſaid Commiſſioners firſt had and obtained

tained for that Purpoſe; and that all the Lands by this Act directed to be divided and allotted, ſhall during the ſaid Period be uſed and managed in ſuch Manner, and ſhall 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 principal Outer Door of the Church of *Congham* aforeſaid, preſcribe and appoint, as well with regard to the ſtocking, as to the draining, ploughing, folding, tilling, manuring, ſowing, and laying down the ſame, and alſo as to the cutting of Thorns and Buſhes thereon; and that it ſhall be lawful for the ſaid Commiſſioners, by any Writing under their Hands, to order and direct ſuch Sum and Sums of Money, not exceeding Five Pounds per Acre, to be paid in reſpect thereof, or in reſpect of any Neglect of Obedience to, or of Conformity with, any of the ſaid Directions and Regulations by any Perſon intereſted in the ſaid Lands, or any Part thereof, or by his or her Tenant, to any other Perſon alſo intereſted therein, or to his or her Tenant, as they the ſaid Commiſſioners ſhall think reaſonable; and that in caſe any Perſon who ſhall be directed to pay any Sum of Money on any of the Accounts aforeſaid ſhall neglect or refuſe to pay the ſame upon Demand, then and in ſuch Caſe it ſhall 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 any of the Coſts, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed and levied.

Direction for leaving Gaps.

XLIII. Provided always, and be it further enacted, That convenient Gaps or Openings ſhall be left in the Fences and Incloſures to be made in purſuance of this or the ſaid recited Act, for the Space of Six Calendar Months next after the Execution of the ſaid Award, for the Paſſage of Cattle, Carts, and Carriages into and through the ſame, unleſs the ſeveral Perſons intereſted therein ſhall agree that the ſame may be ſooner ſtopped up and incloſed.

Sheep not to be kept in the new Incloſures for Seven Years.

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

Lands to be ſold for raiſing certain Expences.

XLV. And be it further enacted, That the ſaid Commiſſioners ſhall, with all convenient Speed after the paſſing of this Act, appoint a Time and Place

Place for the Sale of the Land which ſhall have been by them marked and ſet out for Sale, as hereinbefore is provided, of which Time and Place Three Weeks' previous Notice ſhall be inſerted in the *Norfolk Chronicle* or *Norwich Mercury*, or in ſome other Newſpaper publiſhed or circulated in the ſaid County of *Norfolk*; and that ſuch Land ſhall, either together or in ſeparate Lots or Parcels, be offered to Sale by Public Auction before the ſaid Commiſſioners at the Time and Place appointed for that Purpoſe; and that the Perſon or Perſons who ſhall then and there offer the largeſt Sum of Money for ſuch Land, or for any Lot or Parcel thereof, ſhall be the Purchaſer or Purchaſers of the ſame, he, ſhe, or they forthwith paying, by way of Depoſit, One-fifth Part of his, her, or their Purchaſe Money, and paying the Reſidue thereof within Two Calendar Months next afterwards, or at or within ſuch other Time as the ſaid Commiſſioners ſhall appoint, to them the ſaid Commiſſioners, or to one of them, whoſe, or one of whoſe, Receipt ſhall ſufficiently diſcharge the Purchaſer or Purchaſers from any Concern in, or Neceſſity of ſeeing to, the Application of the ſame Money; and that the ſaid Commiſſioners ſhall thereupon, at the Coſts and Charges of the Purchaſer or reſpective Purchaſers at the ſaid Sale, convey the Land which ſhall be ſo ſold, and every Part of the ſame reſpectively, unto him, her, or them, and his, her, or their reſpective Heirs and Aſſigns, or as he, ſhe, or they ſhall direct or appoint; which Conveyance may be either by Indenture of Grant, or of Bargain and Sale, or by ſome other Deed or Inſtrument in Writing, to be ſigned, ſealed, and delivered by them the ſaid Commiſſioners for that Purpoſe; and that ſuch Purchaſer or Purchaſers ſhall, from and immediately after the full Payment of his, her, or their Purchaſe Money, and the Execution of ſuch Indenture of Grant, or of Bargain and Sale, or other Deed or Inſtrument in Writing as aforeſaid, be abſolutely ſeiſed of and entitled to the Land ſo purchaſed by him, her, or them as aforeſaid, and of or to every Part of the ſame, as Freehold Land, for an Eſtate of Inheritance in Fee-ſimple, freed and diſcharged from all Charges and Incumbrances whatſoever; and that the ſaid Commiſſioners ſhall, by their ſaid Award, aſſign and allot the ſame Land accordingly; but that in caſe the Purchaſer or Purchaſers ſhall refuſe or neglect to pay the Reſidue of his, her, or their Purchaſe Money at the Time hereinbefore for that Purpoſe appointed, then the Money, to be paid by way of Depoſit as aforeſaid, ſhall be forfeited as ſtated or liquidated Damages, and be applied in ſuch Manner, and for ſuch Purpoſes, as the whole Purchaſe Money is by this Act made applicable; and that the Land, for the Purchaſe of which ſuch Money had been depoſited, ſhall be again put up to Sale in Manner hereinbefore mentioned, and ſo, *toties quoties*, until the ſame ſhall be finally ſold and conveyed, and the whole Purchaſe Money for the ſame actually paid to the ſaid Commiſſioners, or one of them, in Manner and for the Purpoſes before-mentioned: Provided always, that the ſaid Commiſſioners ſhall, and they are hereby required to make ſuch reaſonable Compenſation to the Lord of the Manor, either by Increaſe of his Allotment for or in reſpect of his Right of Soil, or by Deduction from his Proportion of Expence in the Execution of this Act, or in ſome other Manner, which the ſaid Commiſſioners ſhall think expedient, for and on account of his Loſs in the Fruits of Tenure, by reaſon that the Land ſo directed to be ſold as aforeſaid will have been all ſold and conveyed as Freehold, great Part of which, if left to Diviſion and Allotment among the Owners or Proprietors of the ſame reſpectively, under the other Proviſions contained in this Act, would be of Copyhold Tenure, and liable to Fines, Suits and Services

Compenſation to be made to the Lord of the Manor for Loſs of Tenure.

Purchasers of Land to fence the same.

Services accordingly: Provided also, that the Purchaser or Purchasers of the Land so to be sold and conveyed as aforesaid, shall be subject and liable to the Performance of all Orders, Regulations, and Directions which shall be made and given by the said Commissioners for inclosing, fencing, and draining the same, and for maintaining the Fences and Drains belonging thereto, in good and sufficient Repair; and that such Purchaser or Purchasers respectively, and his, her, or their Heirs or Assigns, shall be entitled to the same Rights and Benefits, in respect of the said Land so to be sold and conveyed as aforesaid, as the several other Persons to whom any Allotment or Allotments shall be made by virtue of this Act, are, shall, or may have, or be entitled to have, or enjoy in respect thereof.

Direction for the Application of Money to be received for the Discharge of Sand Pits from Rights of Common, and from the Sale of Land towards certain Expences.

XLVI. And be it further enacted, That the Money, if any, which shall be received by the said Commissioners for the Exoneration and Discharge of the before-mentioned Part or Tract of Common or Waste Grounds now used for Sand Pits by the said Sir *Martin Browne Folkes* as aforesaid, from Rights as hereinbefore is mentioned, and also the Money which shall arise or be produced by Sale of the Land by this Act directed to be sold as aforesaid, (in the Event that any such Sale as lastly mentioned shall be made,) shall, after Payment of all incidental Expences of the Sale be appropriated and applied by the said Commissioners in or towards the Payment and Discharge of the Costs and Expences attending and incurred by the obtaining and passing this Act, and of inclosing the Land which shall by virtue of this Act be allotted to the said Trustees for the Poor of the said Parish of *Congham*, and to the Surveyors of the Highways in the same Parish, and of the Costs and Expences of surveying, measuring, planning, valuing, dividing and allotting the Heaths, Commons, and Waste Grounds by this Act directed to be divided and allotted, and of preparing and ingrossing the said Commissioners' Award, and the Copies of the same, and the Charges and Expences which the said Commissioners shall or may be put to in respect to any Appeal or Appeals against any of their Determinations, or of any Suit or Suits at Law or in Equity which may be instituted against them as Commissioners in the Execution of this Act, and of the Charges and Expences of the said Commissioners, their Clerks, Assistants, and Servants, and of all other necessary Expences of the several Persons to be employed by the said Commissioners in and about the Premises, and of all the Expences of forming, completing, and repairing such new public Carriage Roads and Highways as shall be set out and appointed by the said Commissioners within the said Parish of *Congham*, and of all other Expences of carrying the said recited Act and this Act into Execution, so far as the said Commissioners shall fix and ascertain to be the Part or Proportion of all the above-mentioned Costs, Charges and Expences which ought to be borne and paid by those respective Owners or Proprietors who shall be interested in the aforesaid Heaths, Commons, and Waste Grounds, or in any Part or Parts of the same respectively, according or to the Extent of such Interest or Interests therein; and that if there shall remain any Surplus of the Money to be produced by such Exoneration, or Discharge and Sale, or either of them, (after Payment and Satisfaction of that Part or Proportion of Costs, Charges, and Expences to which such Money is hereby made applicable as aforesaid,) then such Surplus Money shall be paid by the said Commissioners to the Owners or Proprietors respectively, who shall be so interested as lastly above-mentioned,

tioned, according to, or to the Extent of, such Interest or Interests therein, and in such Shares and Proportions as the said Commissioners shall appoint; (*videlicet*) as to such of those Owners and Proprietors respectively as shall be seised in Fee-simple, into his, her, or their own Hands, or to his, her, or their Order, for his, her, or their own Use and Benefit absolutely; and as to such of the said Owners or Proprietors respectively as shall not be so seised, into the Bank of *England*, according to the Directions of the said recited Act, in Cases where Money is to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereupon, and is required to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Direction for defraying the Expences of the Act in case the Funds before provided are not applicable, or in case of Deficiency.

XLVII. And be it further enacted, That all the Costs, Charges, and Expences of inclosing the Land, which shall by virtue of this Act be allotted to the Rector of *Congham* aforesaid, in respect of his Rectory of *Congham*, to the said Trustees for the Poor of the said Parish of *Congham*, and to the said Surveyors of the Highways in the same Parish, and all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of surveying, measuring, planning, valuing, dividing, and allotting all the Lands and Grounds to be divided and allotted by virtue of this Act, and of preparing and ingrossing the said Award, and the Copies of the same, and all the Charges and Expences which the said Commissioners shall or may be put to in respect of any Appeal or Appeals against any of their Determinations, or of any Suit or Suits at Law, or in Equity, which may be instituted against them as Commissioners in the Execution of this Act, and all the Charges and Expences of the said Commissioners, their Clerks, Assistants, and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioners in and about the Premises, either before or after the Execution of the said Award, and all the Expences of forming, completing, and repairing such new public Carriage Roads and Highways as shall be set out and appointed by the said Commissioners within the said Parish of *Congham*, and all other Expences of carrying this and the said recited Act into Execution, so far as the Money to be received by such Exoneration or Discharge, and Sale respectively, as hereinbefore is mentioned, or either of them, shall not be applicable, or, if applicable, shall be insufficient to defray the same, shall be borne, defrayed, and paid by the several Persons, and Body or Bodies Politic, Corporate or Collegiate, to whom Allotments respectively shall be made by virtue of this Act (save and except the Purchaser and Purchasers of the Land hereinbefore directed to be sold and conveyed as aforesaid, and save and except the Rector for the Time being of *Congham* aforesaid, for or upon account of any Allotment which shall be made to him in respect of his Rectory of *Congham* aforesaid, and also save and except the said Trustees for the Poor, and Surveyors for the Time being of the Highways within the said Parish of *Congham*, for or in respect of the Allotments hereinbefore directed to be made to them respectively as aforesaid), in such Shares and Proportions, at such Time or Times, and to such Person or Persons, as the said Commissioners shall by their said Award ascertain, settle, order, and direct, or as they shall, either before or after the Execution of such their Award, order and direct, by Notice in Writing, to be affixed to the principal Outer Door of the said Parish Church of *Congham*, or published in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed or circulated in the said County, such Notice to be affixed or published Ten

Days

Days at leaſt before the Time therein appointed for Payment; provided, that the ſaid Commiſſioners ſhall not hereby be empowered to make or form any Eſtimate of ſuch Coſts, Charges and Expences, and to raiſe the Amount of any ſuch Eſtimate, before the Allotments ſhall have been ſtaked out and confirmed by them the ſaid Commiſſioners; and that in caſe any of the Perſons aforeſaid ſhall refuſe or neglect to pay his, her, or their Share or Shares of the ſaid Coſts, Charges, and Expences, or any Part thereof, within the Time or at the reſpective Times ſo to be limited as aforeſaid, to the ſaid Commiſſioners, or to the Perſon or Perſons whom they ſhall appoint to receive the ſame reſpectively, then the ſame reſpectively ſhall be levied and recovered in ſuch Manner, and with ſuch Intereſt, and alſo Coſts, Charges, and Expences, as is directed and provided by the ſaid recited Act for the Recovery of the Expences of obtaining Inclo-ſure Acts and carrying the ſame into Execution in Caſes where ſuch Expences are made payable by the Proprietors of Lands or Grounds to whom Allotments are made by or under ſuch Acts.

Power enabling Tenants for Life to charge Eſtates with Expences.

XLVIII. And be it further enacted, That it ſhall be lawful for the Huſbands, Guardians, Truſtees, Committees, or Attornies of any of the Owners or Proprietors of any of the Lands or Grounds which ſhall be allotted by virtue of the ſaid recited Act and this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Diſability, and for any of the ſaid Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or for Years determinable on any Life or Lives, or on any other Contingency, or Tenants by the Courteſy of *England*, or otherwiſe intereſted in the ſaid Lands or Grounds, to charge ſuch Lands and Grounds with any Sum or Sums of Money not exceeding Five Pounds for each and every Acre thereof which the ſaid Commiſſioners ſhall by their ſaid Award, or by Writing under their Hands, either before or after the Execution of ſuch Award, adjudge to be chargeable on ſuch Owners and Proprietors reſpectively, under the Proviſions of this Act, for or towards Payment of any Part, or his, her, or their proportionate Share or Shares of any Part of the Coſts, Charges and Expences of obtaining this Act, and of carrying the ſame into Execution, and of ditching, draining, and fencing his, her, or their Allotment or reſpective Allotments, and of being admitted or re-admitted, as the Caſe may be, to the Copyhold Parts of the ſame, and to grant, mortgage, leaſe, or demiſe, or otherwiſe ſubject the Lands and Grounds ſo to be charged, to the Perſon or Perſons who ſhall advance and lend the ſame reſpectively, his, her, or their Executors, Adminiſtrators, or Aſſigns, for any Term or Number of Years; or in caſe any Perſon in Poſſeſſion who ſhall or may be liable to and charged with a Share of the Expences as aforeſaid, or enabled by this Act to charge ſuch Lands and Grounds with the ſame, ſhall chooſe to advance, pay, and diſcharge ſuch Sum or Sums of Money, then it ſhall be lawful for the ſaid Commiſſioners, by any Deed or Writing under their Hands and Seals, to be atteſted by Two or more credible Witneſſes, in like Manner to grant, mortgage, leaſe, or demiſe, or otherwiſe ſubject ſuch Lands and Grounds to ſuch Perſon or Perſons reſpectively, paying and diſcharging ſuch Sum or Sums of Money, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years to and for the Payment of ſuch Sum or Sums of Money ſo advanced, paid, and diſcharged by him, her, or them, with lawful Intereſt for the ſame, to commence on the Termination of his, her, or their Right in the Premiſes; provided that every ſuch Grant, Mortgage, Leaſe, or Demiſe be made with a Proviſo or Condition

dition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered or re-aſſigned when the Sum or Sums of Money thereby to be ſecured ſhall be fully paid and ſatisfied; and alſo with a Covenant to pay and keep down the Intereſt, ſo that no Perſon or Perſons, afterwards becoming poſſeſſed of or entitled to any ſuch Lands or Grounds, ſhall be liable to pay any further or larger Arrear of Intereſt than for Six Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhall have commenced; and that every ſuch Charge, Grant, Mortgage, Leaſe, or Demiſe ſhall be good, valid, and effectual in the Law for the Purpoſes thereby intended: Provided always, that in all Caſes where any Land ſhall be deducted from the Allotment of any of the ſaid Owners or Proprietors towards Payment of Expences as aforeſaid, it ſhall not be lawful for the ſaid Owners or Proprietors, from whoſe Allotment Land ſhall be deducted as aforeſaid, to charge their, his, or her Lands, Tenements, or Hereditaments, by virtue of the ſaid recited Act or this Act, with any Money towards Payment of ſuch Expences: Provided alſo, that the Quantity of Land ſo to be deducted from any ſuch Allotment ſhall not exceed in Value the Money authorized by the ſaid recited Act or this Act, to be charged upon the Lands, Tenements or Hereditaments of ſuch Owners or Proprietors.

Not to deduct and borrow alſo.

XLIX. Provided always, and be it further enacted, That when and ſo often as it ſhall be neceſſary to charge any Lands or Grounds which ſhall be allotted or exchanged by virtue of the ſaid recited Act, or of this 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 executing this Act, or of any Part of ſuch Coſts, Charges, and Expences, then and in every ſuch Caſe ſuch Copyhold Lands or Grounds 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 and Aſſigns, by way of Mortgage, according to the Cuſtom of the Manor or Manors, whereof the ſame ſhall be holden by Copy of Court Roll, for ſecuring the ſaid Sum or Sums of Money, with Intereſt for the ſame, inſtead of being mortgaged and ſurrendered to ſuch Perſon or Perſons, his, her, or their Executors, Adminiſtrators, or Aſſigns, for a Term of Years, as mentioned in the ſaid recited Act.

Direction for charging Copyhold Lands with Expences.

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

Direction for Money advanced to be repaid with Intereſt.

LI. And be it further enacted, That the ſaid Proprietors, their Attorneys, Solicitors, 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 in purſuance of this Act.

Proprietors to pay their own Expences.

LII. And be it further enacted, That at leaſt once in every Year during the Execution of this Act, and until the Commiſſioners' Accounts hereafter mentioned ſhall be finally allowed (ſuch Year to be computed from the Day of the paſſing of this Act), the ſaid Commiſſioners ſhall, and they are

Commiſſioners' Accounts to be ſettled once in every Year.

are hereby required to make a true and juſt Statement or Account of all Monies by them received and expended or due to them for their own Trouble or Expences in the Execution of this Act, and that ſuch Statement or Account when made ſhall, together with the Vouchers relating to the ſame, be laid before *Harvey Goodwin*, of *King's Lynn* aforeſaid, Gentleman, or, in caſe of his Death or Incapacity, before ſome Juſtice of the Peace for the ſaid County, not intereſted in the ſaid Diviſion and Incloſure, to be by the ſaid *Harvey Goodwin*, or by ſuch Juſtice, as the Caſe may be, examined and balanced, and ſuch Balance ſhall be by the ſaid *Harvey Goodwin*, or by the ſaid Juſtice, as the Caſe may be, ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners; and that 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 the ſaid *Harvey Goodwin*, or, in caſe of his Death or Incapacity, by ſuch Juſtice as aforeſaid.

Directions reſpecting the Award and Copies.

LIII. And be it further enacted, That within Twelve Calendar Months next after the Execution of the Award, by the ſaid recited Act 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 of the ſame, together with a proper Map or Plan thereto annexed, ſhall be delivered to the Clerk of the Peace for the ſaid County of *Norfolk*, and he is hereby required to receive and depoſit the ſame among the Records of the ſaid County, in order that Recourſe may be had thereto by any Perſon or Perſons intereſted in the Premiſes, and that for the Receipt and Depoſit of the ſaid Copy the Fee of Three Pounds and Three Shillings ſhall be paid to the ſaid Clerk of the Peace, and that for each Inſpection and Peruſal thereof by any Perſon the Sum of One Shilling ſhall be paid, and no more; and that the ſaid Award ſhall, after the Delivery of the ſaid Copy of the ſame, to the ſaid Clerk of the Peace, be deemed and taken to be inrolled, according to the Directions, and within the Conſtruction and Meaning, of the ſaid recited Act; and the original Award itſelf ſhall be depoſited in the Pariſh Church of *Congham* aforeſaid, and that the ſaid original Award, and the ſaid Copy of the ſame, and any other Copy of the ſaid original Award, or of any Part thereof, or any Copy of the ſaid depoſited Copy, or of any Part thereof, ſigned by the Clerk of the Peace for the Time being of the ſaid County, or his Deputy, or by the ſaid Commiſſioners, and by him or them atteſted to be a true Copy (for which Copy or Copies no more ſhall be paid than Sixpence *per* Sheet, each Sheet containing Seventy-two Words), ſhall from time to time, and all Times thereafter, be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatſoever; and that the ſeveral Allotments, Exchanges, Partitions, Orders, Directions, Matters, and Things contained in the ſaid Award ſhall be and they are hereby declared to be binding, final, and concluſive upon all and every Perſon and Perſons, Bodies and Body Politic, Corporate and Collegiate, intereſted in the Premiſes; and that all Rights of Common, Shackage, Sheep-walk, or Foldcourſe, and all other Commonable Rights and Intereſts whatſoever in, upon, or over all the Lands or Grounds within the ſaid Pariſh of *Congham*, or in, upon, or over any Part thereof, ſhall, from and immediately after the Execution of the ſaid Award, unleſs ſooner extinguiſhed by previous Order of the ſaid Commiſſioners, as hereinbefore is provided in that behalf, ceaſe, determine, and be utterly and for ever extinguiſhed; and that the ſame

Lands

Lands and Grounds ſhall for ever thereafter be held and enjoyed by the reſpective Owners and Proprietors of the ſame, freed and abſolutely diſcharged from all ſuch Rights of Common, Shackage, Sheep-walk, or Fold-courſe, and other Commonable Rights and Intereſts whatſoever, and alſo from all other Rights and Intereſts whatſoever compenſated or intended to be concluded by virtue of this Act.

Power of Appeal to the Quarter Seſſions.

LIV. And be it further enacted, That if any Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this or of the ſaid recited Act, (other than and except as to ſuch Claims, Matters, and Things as are hereinbefore authoriſed or directed to be aſcertained, tried, ſettled, or determined by the Verdict of a Jury, and other than and except as to ſuch Orders, Determinations, and Proceedings of the ſaid Commiſſioners as are either herein or by the ſaid recited Act declared or directed to be final and concluſive,) then and in every ſuch Caſe, and ſo often as the ſame ſhall happen, ſuch Perſon or Perſons, or Body or Bodies as aforeſaid, may appeal to the Juſtices at the General Quarter Seſſion of the Peace which ſhall be held 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 the intended Appeal, and of the Matter thereof; and the Juſtices in ſuch Seſſion (not being intereſted in the Premiſes) are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order, and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable; and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels which ſhall remain, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale; and that the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but that in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts, to be paid by the Appellant or Appellants, as to them in their Diſcretion ſhall ſeem reaſonable, and ſuch laſt-mentioned Coſts ſhall be levied in like Manner as is hereby laſtly provided for levying Coſts.

Proviſo reſpecting Mr. Howard's Chace.

LV. Provided always, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to take away, leſſen, affect, or prejudice ſuch Right of Chace and Free Warren as the ſaid *Richard Howard* hath or may have, at the Time of paſſing this Act, in, over, or upon any of the ſaid Commons and Waſte Grounds; but that the ſaid Right of Chace and Free Warren ſhall and may be held and enjoyed by the ſaid *Richard Howard*, his Heirs and Aſſigns, in ſuch and the ſame Manner, to all Intents and Purpoſes, as if this Act had not been made.

General Saving.

LVI. Saving always to the King's moſt Excellent Majeſty, his Heirs and Succeſſors, and to all and every Perſons and Perſon, Bodies and Body Politic, Corporate and Collegiate, and their, his, and her Heirs, Executors, Adminiſtrators, and Succeſſors reſpectively, all Royalties, Liberties, Franchiſes,

chiſes, Rights, Titles, and Intereſts, (other than and except ſuch as are meant and intended to be by this Act barred, deſtroyed, and extinguiſhed,) which they, every, or any of them reſpectively could or ought to have had and enjoyed in, to, or in reſpect of the Lands and Grounds hereby directed to be divided, allotted, and incloſed in caſe this Act had not been made.

Act to be printed by the King's Printers.

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

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