ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 10.

An Act for incloſing Lands in the Pariſh of *Deopham*, in the County of *Norfolk*. [5th *March* 1812.]

WHEREAS there are within the Pariſh of *Deopham*, in the County of *Norfolk*, divers Incloſures and Fields of Arable Land, Meadows, and Paſture Grounds, and other Lands, Commons and Waſte Grounds: And whereas the Right Honourable *John* Lord *Wodehouſe* is Lord of the Manor of *Deopham Hall*, and claims to be entitled to the Soil of the Commons and Waſte Grounds within the ſaid Pariſh of *Deopham*, or to ſome Part thereof: And whereas the Reverend the Dean and Chapter of the Cathedral and Metropolitical Church of *Chriſt*, *Canterbury*, are Lords of the Manor of *Deopham*, of the Dean and Chapter of *Canterbury*, and claim to be entitled to the Soil of the Commons and Waſte Grounds within the ſaid Pariſh of *Deopham*, or to ſome Part thereof, and the Reverend *Bence Bence* is their preſent Leſſee of the ſame Manor for a Term of Years: And whereas the ſaid Dean and Chapter of *Canterbury* are the Rectors of the Appropriate Rectory of *Deopham*, and the Reverend *Bence Bence* is their preſent Leſſee thereof for a Term of Years: And whereas the ſaid *John* Lord *Wodehouſe*, the ſaid Dean and Chapter, the Right Honourable *Thomas* Lord *Walſingham*, and divers other Perſons reſpectively, are the Owners and Proprietors of all the Meſſuages, Cottages, Lands and Tenements, ſituate, lying, and being within the ſaid Pariſh of *Deopham*: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled "An Act for conſolidating in one Act certain Proviſions uſually inſerted "in Acts of Incloſure, and for facilitating the Mode of proving the

" ſeveral Facts uſually required on the paſſing of ſuch Acts:" And whereas the ſaid Arable Lands, Meadows, Paſtures, and other Lands lie intermixed and diſperſed in ſmall Parcels, and are therefore inconvenient to the ſeveral Occupiers, and of leſs Value to the reſpective Proprietors thereof; and the ſaid Commons and Waſte Grounds in their preſent State yield but little Profit, and are incapable of much Improvement; and it would be beneficial to the ſeveral Perſons intereſted, if the ſeveral Rights to which the ſame are now ſubject were extinguiſhed, and if the ſaid Commons and Waſte Grounds, together with all ſuch Arable Lands, Meadows, Paſtures and other Lands, were divided, and ſpecific Parts and Shares thereof allotted unto and incloſed by the ſeveral Perſons intereſted therein, according to their ſeveral and reſpective Eſtates, Rights and Intereſts; but as ſuch Extinguiſhment, Diviſion and Allotment cannot be effected without the Authority of Parliament; May it therefore pleaſe Your Majeſty, That it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Dugmore*, of *Swaffham* in the County of *Norfolk*, Gentleman, *William Unthank*, of *Heigham* in the County of the City of *Norwich*, Gentleman, and *John Mitchell*, of *Wymondham* in the County of *Norfolk*, Gentleman, and their Succeſſors, to be elected in manner hereinafter mentioned, ſhall be, and they are hereby appointed Commiſſioners for valuing, dividing, allotting, and incloſing the ſaid Arable Lands, Meadows, Paſtures, and other Lands, Commons, and Waſte Grounds in *Deopham* aforeſaid, and for carrying this Act into Execution, ſubject to ſuch of the Powers, Authorities, Directions, Regulations, Reſtrictions, and Proviſions contained in the ſaid recited Act, as are not altered, varied or otherwiſe provided for by this Act; and all Acts, Matters and Things authoriſed or neceſſary to be done and executed by the ſaid Commiſſioners in purſuance of this Act and the ſaid recited Act may be done and executed by any Two of them, and the ſame ſhall be as good, valid and effectual, and ſhall have the ſame Force and Effect as if ſuch Acts, Matters and Things had been done and executed by all the Commiſſioners hereinbefore named, or to be appointed as hereafter mentioned.

Commiſſioners appointed.

Two Commiſſioners may act.

II. And be it further enacted, That if any of the Commiſſioners herein named, or to be appointed by virtue of this Act, ſhall, before the Execution of all the Powers and Authorities veſted in them, die, or refuſe, or become incapable to act in the Execution of this Act, then and in every ſuch Caſe it ſhall be lawful for the ſurviving or remaining Commiſſioner or Commiſſioners, and he or they is and are hereby required, at any Time within Forty Days next after ſuch Death, Refuſal, or Incapacity ſhall be known to him or them, by Writing under his or their Hand or Hands, to appoint another Perſon not intereſted in the Premiſes to be a Commiſſioner in the Room or Stead of ſuch Commiſſioner ſo dying, or refuſing, or becoming incapable to act; and every Commiſſioner ſo to be appointed as aforeſaid ſhall, after taking and ſubſcribing the Oath or Affirmation preſcribed in that Behalf, 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 Act.

Election of new Commiſſioners.

III. And

Notice of Commissioners Meetings.

III. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice of the Time and Place of their first and every other Meeting for the Execution of this Act, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other public Newspaper then published or circulated in the County of *Norfolk*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners, no more than One Commissioner shall attend, then and in every such Case, it shall be lawful for the Commissioner so attending to adjourn any and every such Meeting, from Time to Time, and to such Time and Place as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioners: Provided always, that all Meetings for carrying this Act into Execution, shall be holden either in the said Parish of *Deopham*, or within Eight Miles thereof.

Other Notices, how to be given.

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

Commissioners to settle Differences.

V. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotments, touching or concerning the respective Rights, Interests and Shares which they or any of them shall claim to have in, to or over the Lands and Grounds hereby directed to be divided and allotted, or concerning any Timber, Wood, Underwood, Bushes, Thorns, Whins or Furze growing thereon, or concerning any Allowance which shall be claimed for ploughing, sowing Turnips or Corn, laying down with Grass Seeds, manuring or improving the said Arable Lands, Meadows or Pasture Grounds or any Part thereof, or concerning any other Matter or Thing relating to the said Division and Allotments, it shall be lawful for the said Commissioners and they are hereby authorized and required to examine into, hear and determine the same: Provided always, that nothing herein contained shall extend or be construed to extend, so as to enable the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever.

Commissioners not to determine Titles.

Commissioners may assess Costs.

VI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act, or the said recited Act, or upon the Hearing and Determination of any Dispute or Difference as aforesaid, see Cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Appli-

Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made, by the Perſon or Perſons, or Bodies Politic, Corporate or Collegiate, whoſe Claim or Claims, Objection or Objections ſhall be thereby diſallowed or over-ruled, or againſt whom the ſaid Commiſſioners ſhall have determined as aforeſaid; and in caſe the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, who ſhall be liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Perſon whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſo neglecting or refuſing to pay the ſame (rendering the Overplus, if any) upon Demand, to the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Power to try Rights by an Iſſue at Law at the Aſſizes.

VII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotments, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners, touching or concerning any Claim or Claims of any Right or Intereſt in, over or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, then and in every ſuch Caſe it ſhall be lawful for ſuch Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, ſo diſſatisfied, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners, at the then next or at the following Aſſizes to be holden for the ſaid County of *Norfolk*; and for that Purpoſe the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, ſhall, within One Month next after ſuch Determination ſhall be made and declared, cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, in whoſe Favour ſuch Determination ſhall have been made; and 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 Attornies, who ſhall appear thereto or file Common Bail, and accept one or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on may be tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be binding, final, and concluſive upon all Perſons whomſoever, Body and Bodies Politic, Corporate and Collegiate, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do, if the ſaid Court ſhall think proper; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall, and they are hereby required to act in Conformity thereto,

thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Claim or Claims of the Rights or Interests in, to, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof which shall not be objected to, or, being objected to, the Party or Parties objecting shall not cause such Action at Law to be brought and proceeded in as aforesaid, shall be binding, final, and conclusive upon all Parties: Provided also, That if any of the Parties in any such Action to be brought as aforesaid shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Death had happened.

If no Action the Commissioners' Determination to be final.

Death of Parties not to stop Proceedings at Law.

VIII. Provided always, and be it enacted, That no such Difference Suit or Proceeding as aforesaid, nor any Difference, Suit or Proceeding, touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioners in the Execution of this Act; but the Division and Allotments hereby directed to be made, shall be proceeded in notwithstanding any such Difference, Suit or Proceeding; and the Allotment or Allotments, to which any such Difference, Suit or Proceeding shall relate, shall be taken by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who, upon the Determination of such Difference, Suit or Proceeding, shall become entitled to the same.

Trial not to suspend the Execution of the Act.

The Allotment contested to be taken by the Party entitled.

IX. Provided always, and be it further enacted, That if any Person or Persons, in whose Favor any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons, as if actually living, and to serve the Clerk of the said Commissioners with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs or other Person or Persons, who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead; and Proceedings shall be had thereon 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.

If Parties die before Actions brought.

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

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

XI. 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

For extinguishing or suspending

Rights of Common.

order and direct, by Notice under their Hands to be for that Purpose given and affixed to the principal Door of the Parish Church of *Deopham* aforesaid, all and every or any Rights or Right whatever in, over or upon the said Commons and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time and Times as shall be expressed in such Notice, and all and every such 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, cease, determine and be extinguished, or the Exercise thereof shall be suspended accordingly, any Law, Usage or Custom to the contrary notwithstanding.

Turfs not to be cut.

XII. And be it further enacted, That if any Person or Persons shall, after the passing of this Act, cut, dig, pare, grave, flay, take or carry away any Turves, Flags, Whins or Furze in, upon or from the said Commons and Waste Grounds without or contrary to the Licence of the said Commissioners, first obtained in Writing for that Purpose, (which Licence the said Commissioners are hereby empowered to grant under such Regulations and Restrictions as they shall think proper to insert therein,) then and in every such Case the said Commissioners, upon Proof thereof made before them upon Oath of one credible Witness, shall, and they are hereby required by Warrant under their Hands and Seals directed to any Person or Persons whomsoever to cause any Sum of Money not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus, if any, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale, and the Money so to be levied as aforesaid shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

Application of Penalty.

For shortening Boundaries.

XIII. And be it further enacted, That in order to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted, and the Lands in any adjoining Parishes, it shall be lawful for the said Commissioners, with the Consent in Writing under the Hands of the Lords of the Manors, and of the Majority in Value (to be ascertained by the Assessments to the Poor Rates) of the Land Owners interested in any Commons or Waste Grounds adjoining to the said Parish of *Deopham*, and under the Hand of any Owner of any Land upon which such Fence shall be intended to be made, to set out, ascertain and determine the Boundary Fences to be made between the Lands and Grounds hereby directed to be divided and allotted, and the Lands lying in such adjoining Parish or Parishes, as he shall judge proper for the Purposes aforesaid; and after such Boundary Fences shall be so set out, ascertained and determined, the same shall be fenced by such Persons, in such Manner, and at such Times as the said Commissioners shall direct, and shall for ever thereafter be deemed and be taken to be the Boundary between the said Parish of *Deopham* and such adjoining Parish or Parishes, any Law, Usage or Custom to the contrary thereof notwithstanding.

Encroachments within Thirty Years to be allotable.

XIV. And be it further enacted, That all Encroachments which shall have been made within Thirty Years last past upon the Commons and Waste Grounds by this Act directed to be divided and allotted, shall be deemed

deemed Part of the ſaid Commons and Waſte Grounds to be ſo divided and allotted, and that no ſuch Encroachments which ſhall have been made more than Thirty Years ſhall be liable to the Claim of any other Perſon againſt the preſent Poſſeſſor on the Ground of ſuch Encroachments having heretofore been Part of the ſaid Commons and Waſte Grounds; and in caſe any Diſputes ſhall ariſe touching any ſuch Encroachments, or the Extent thereof, ſuch Diſputes ſhall be determined by the ſaid Commiſſioners.

Beyond Thirty Years confirmed.

XV. Provided always, and be it further enacted, That the Lands and Grounds comprized in any Encroachments which ſhall have been made within Thirty 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 Encroachments ſhall, as Circumſtances require, be deducted from or deemed a Compenſation for the Allotments to which ſuch Perſon or Perſons ſhall be entitled under this Act; but if the Perſon or Perſons in Poſſeſſion of ſuch Encroachments ſhall not be entitled to any Allotment by virtue of this Act, or ſhall not be entitled to an Allotment equivalent to the Value of ſuch Encroachments, then and in either of thoſe Caſes, the whole or the ſurplus Quantity (as the Caſe may be) of ſuch Encroachments ſhall be ſold by the ſaid Commiſſioners, and conveyed by them in Fee-Simple to any Perſon or Perſons who ſhall become the Purchaſer or Purchaſers thereof, and the Money ariſing from ſuch Sale or Sales ſhall be applied in the ſame Manner as is hereinafter directed concerning the other Lands by this Act directed to be ſold.

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

XVI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to prejudice or diminiſh the Right of any Perſon or Perſons whomſoever, to any Encroachments upon the ſaid Commons and Waſte Lands, which ſhall have been made within Thirty Years now laſt paſt, by virtue of any Licence, Conſent or Grant from the Lord or Lords of either of the Manors before-mentioned, and which Licence, Conſent or Grant, ſhall, before the paſſing of this Act have been entered or enrolled in the Court Books of one of the aforeſaid Manors; and that no Perſon or Perſons who at the paſſing of this Act ſhall be in the Poſſeſſion of any Encroachment heretofore made, by virtue of any ſuch Licence, Conſent or Grant as aforeſaid, ſhall at any Time hereafter be liable to the lawful Suit, Claim or Interruption of any Perſon or Perſons whomſoever, on the Ground of ſuch Encroachment having heretofore been Part of the Commons and Waſte Grounds: Provided always, That no Perſon or Perſons poſſeſſing any Encroachment whatever, ſhall, in reſpect thereof, be entitled to any Allotment or Allotments out of the Commons or 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.

Licenced Encroachments not prejudiced.

Poſſeſſion confirmed.

But Right of Common diſallowed.

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, in the firſt Place, before they ſhall proceed to make any of the Diviſions and Allotments directed by this Act, to ſet out and appoint all and every the public

Carriage Roads to be ſet out.

Carriage

Carriage Roads and Highways in, through and over the ſaid Lands and Grounds hereby directed to be divided and allotted, as the ſaid Commiſſioners ſhall judge neceſſary, ſo as the Roads and Highways to be ſet out and appointed by the ſaid Commiſſioners ſhall be and remain Thirty Feet Wide at the leaſt, and be ſet out in ſuch Directions as ſhall upon the whole, appear to them moſt commodious to the Public; and the ſaid Commiſſioners are further required to aſcertain the ſame by Marks and Bounds, and to prepare and ſign a Map, in which ſuch intended Roads ſhall be accurately laid down and deſcribed, and to cauſe the ſame, when ſo ſigned, to be depoſited with their Clerk, for the Inſpection of all Perſons concerned; and as ſoon as may be afterwards, the ſaid Commiſſioners ſhall give Notice in one of the Public Newſpapers then publiſhed or circulated in the County of *Norfolk*, and alſo in and by Writing to be affixed upon the Principal Door of the Pariſh Church of *Deopham* aforeſaid, of their having ſo ſet out ſuch Roads, and depoſited ſuch Maps as aforeſaid, and alſo of the general Lines of ſuch intended Carriage Roads; and ſhall alſo appoint, in and by the ſame Notice, a Meeting to be held by the ſaid Commiſſioners, at ſome convenient Place in *Deopham* aforeſaid, or within Eight Miles thereof, and not ſooner than Fourteen Days from the Date and Publication of ſuch Notice; and if any Perſon who may be injured or aggrieved by the ſetting out of ſuch Roads ſhall attend at ſuch Meeting, and object to the ſetting out of the ſame, then ſuch Commiſſioners, together with any Juſtice or Juſtices of the Peace acting in and for the Diviſion in which the ſaid Pariſh of *Deopham* is ſituate, and not being intereſted in the ſaid Diviſion and Allotment, ſhall hear and determine ſuch Objection, and the Objections of any other ſuch Perſon to any Alteration that the ſaid Commiſſioners, with any ſuch Juſtice or Juſtices, may in conſequence propoſe to make; and the ſaid Commiſſioners, together with ſuch Juſtice or Juſtices as aforeſaid, ſhall and they are hereby required, according to the beſt of their Judgment upon the whole, to order and finally direct how ſuch Carriage Roads ſhall be ſet out, and either to confirm the ſaid Map, or make ſuch Alteration therein as the Caſe may require; and all Roads, Ways and Paths in, through, and over the ſaid Pariſh of *Deopham*, or any Part thereof, which ſhall not be ſet out or finally ordered and directed as aforeſaid, ſhall be for ever ſtopped up and extinguiſhed, and ſhall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and ſhall be divided and allotted accordingly: Provided alſo, That none of the preſent Roads within the ſaid Pariſh of *Deopham* ſhall be ſhut up and diſcontinued until the Roads which ſhall be intended to remain or be the Public Roads in future, ſhall be ſet out in the Manner by this Act directed, and until the ſame ſhall be properly formed and made ſafe and convenient for Horſes, Carts and Carriages.

All Roads not ſet out ſhall be allotted.

Preſent Roads not to be ſtopt until new Roads made.

Allotments to Truſtees for poor Inhabitants legally ſettled.

XVIII. And be it further enacted, That the ſaid Commiſſioners ſhall after ſetting out the ſeveral public Roads and Ways, aſſign, ſet out, and allot unto the Lord of the Manor of *Deopham Hall*, and to the Vicar of the Vicarage of *Deopham*, and to the Churchwardens and Overſeers of the Poor of the Pariſh of *Deopham* for the Time being, and to their Succeſſors for ever, as Truſtees for the Poor Inhabitants of the ſaid Pariſh of *Deopham* legally ſettled therein, ſuch Part or Parts of the ſaid Commons and Waſte Grounds as the ſaid Commiſſioners ſhall think moſt proper and judge reaſonable

reaſonable for the Purpoſes hereinafter mentioned; and ſuch Allotment or Allotments ſhall, on the Execution of the Award of the ſaid Commiſſioners, be veſted in the Lord of the ſaid Manor, and the Vicar of the ſaid Vicarage, and the Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Deopham* for the Time being, for ever, as Truſtees of the ſaid Poor Inhabitants of the ſaid Pariſh of *Deopham* legally ſettled therein; to the Intent that the ſaid Truſtees for the Time being ſhall permit and ſuffer the Poor Inhabitants of the ſaid Pariſh of *Deopham*, who ſhall be legally ſettled therein, to cut, take, and uſe Turf, 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 each and every Year, and under ſuch Regulations and Reſtrictions as the ſaid Truſtees for the Time being, or the major Part of them, ſhall 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 ſuch Part or Parts of the ſaid Allotment or Allotments which ſhall not produce Turf, Peat, or Fuel, as they from Time to Time ſhall think proper, to any Perſon or Perſons whomſoever, for any Term of Years not exceeding Twenty-one 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, or the major Part of them, by two equal Half-yearly Payments in every Year, the beſt and moſt improved yearly Rent or Rents that can be obtained for the ſame, without taking any Income, Fine, Premium, or Foregift, in conſideration of granting any ſuch Leaſe, and ſo as in every ſuch Leaſe there be contained 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 every ſuch Leaſe, and ſo as in every ſuch Leaſe there be contained a Power of Re-entry for Non-performance of the Covenants therein contained, and for the Non-payment of the Rent thereby reſerved, within a reaſonable Time to be therein limited, after the ſame ſhall happen to become due, together with all other uſual Covenants, Stipulations and Proviſions between Leſſors and Leſſees, 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 the Rents and Profits ariſing from the ſaid Allotment or Allotments ſo let and demiſed, ſhall from Time to Time be laid out in the Purchaſe of Fuel, and ſuch Fuel ſhall be diſtributed amongſt ſuch poor Inhabitants as aforeſaid of the ſaid Pariſh of *Deopham* who ſhall be legally ſettled therein, in ſuch Proportions and Quantities, in ſuch Manner 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 the Remainder of ſuch Allotment which ſhall not be ſo appropriated for taking Turf, Peat and Fuel as aforeſaid, nor ſhall be ſo let and demiſed as aforeſaid, ſhall be uſed and enjoyed ſolely and excluſively by ſuch poor Inhabitants of the ſaid Pariſh of *Deopham* who ſhall be legally ſettled therein, as a Common of Paſture for all Geeſe, Stock and Cattle, which ſhall really and *bonâ fide* be 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 Purpoſe

Power to cut Turf and Fuel.

Power to leaſe.

Rents to be laid out in Purchaſe of Fuel.

Reſidue of Allotment (if any) for Common.

Application of Overplus Rents of Poors' Allotments.

poſe 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 the Overplus of ſuch Rents and Profits for the Relief of the Poor, for whoſe Benefit ſuch Allotment or Allotments ſhall be ſo ſet out, in ſuch Manner as the ſaid reſpective Truſtees or the major Part of them ſhall think proper: Provided alſo, that it ſhall be lawful for the Lord of the ſaid Manor before mentioned, and the Vicar of the ſaid Vicarage 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 to be appointed by Writing under the Hands of the ſaid Lord and Vicar reſpectively, and producing their reſpective Appointments, at the Time of their acting by virtue thereof, if required ſo to do, but no Perſon ſhall act as Agent or Proxy for more than One Truſtee at the ſame Time.

Certain Truſtees for Poor may act by Proxy.

Allotments for Public Gravel Pits.

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

Allotment for Right of Soil.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall in the next place, aſſign, ſet out and allot unto the reſpective Lords of the ſeveral Manors herein-before mentioned, or to either of them, in Excluſion of the other, and to the Lords or Ladies of any other Manor or Manors, or to ſuch of them, as ſhall, in the Judgment of the ſaid Commiſſioners, be entitled to the Soil of the ſaid Commons and Waſte Grounds in *Deopham* aforeſaid, ſo much and ſuch Part or Parts of the ſaid Commons and Waſte Grounds, as ſhall, in the Judgment of the ſaid Commiſſioners, be equal in Value to One-eighteenth Part thereof, as a Compenſation and full Satisfaction of and for the Right or Rights of ſuch Lord or Lords, Lady or Ladies, reſpectively of, in and to the Soil of the ſame Commons and Waſte Grounds, according to the ſole Right of any ſuch Lord or Lady, or in proportion to the ſeveral Parts, Shares, Rights, and Intereſts of the ſaid Lords and Ladies reſpectively therein, and over and beſides any Allotment or Allotments which might otherwiſe be made to ſuch Lord or Lady in Satisfaction of and for any Right of Paſturage or other Right upon the ſaid Lands and Grounds hereby directed to be divided and allotted, in reſpect of any Meſſuages, Lands and Tenements belonging to ſuch Lord or Lady reſpectively, or upon any other Account whatever in Right whereof any ſuch Right of Paſturage or other Right hath been heretofore uſed and enjoyed, or can be eſtabliſhed.

Land to be ſold for Payment of Expences.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall in the next place, mark and ſet out ſuch convenient Part or Parts of the ſaid Commons and Waſte Grounds as will, in their Judgment, by the Sale thereof,

thereof, produce a Sum of Money sufficient to defray and discharge the Costs, Charges and Expences incident to and attending the obtaining and passing of this Act, and of carrying the same into Execution; and the said Commissioners shall and they are hereby required to sell the Lands and Grounds so marked and set out in such Allotment or Allotments as to them shall seem right and proper, to any Person or Persons for the best Price or Prices that can be gotten for the same by private Contract or by public Auction or Auctions to be holden for that Purpose, of which Auction (if any) Three Weeks previous Notice shall be given; and the Person or Persons so purchasing the same shall immediately pay (by way of Deposit) into the Hands of the said Commissioners, or such Person or Persons as they shall direct and appoint, One-tenth Part of his, her, or their Purchase Money, and shall pay the Remainder thereof within Three Calendar Months next after, or at such other Time as the said Commissioners shall appoint; and in Default thereof the Money so deposited shall be forfeited, and shall be applied in carrying this Act into Execution; and the Allotment or Allotments for which the whole of such Purchase Money shall not have been so paid, or for which there shall be no Bidding at such Auction, may be again put up to Sale by public Auction, and sold in Manner aforesaid for the best Price or Prices that can be gotten for the same, or may be sold by the said Commissioners by private Contract for any Sum or Sums not less than the remaining Nine-tenths of the Price or respective Prices for which the same was or were respectively before sold; and upon the Receipt of the whole Purchase Money for any Allotment or Allotments which shall be so sold as aforesaid, the said Commissioners shall and they are hereby authorised and required to grant and convey by Indenture of Grant or of Bargain and Sale, or by some other Instrument in Writing under their Hands and Seals, all the Fee Simple and Inheritance of such Allotment or Allotments to such Person or Persons, and for such Use and Uses as the respective Purchaser or Purchasers thereof shall appoint; and immediately after the Execution of such Indenture of Grant or of Bargain and Sale, or of such other Instrument in Writing as aforesaid, all and every Allotment or Allotments therein described to be thereby granted and conveyed shall be absolutely discharged of and from all other Rights thereon or therein, and be thenceforth held in Severalty by, and vested in Fee-Simple in the Purchaser or Purchasers thereof respectively as his, her, or their private or absolute Property, and shall be allotted accordingly by the said Commissioners in their Award, to be made under the Authority of this Act and of the said recited Act; and the Receipt and Receipts of the said Commissioners shall be a full and sufficient Discharge for all and every Sum and Sums of Money so to be paid to the said Commissioners as aforesaid; and such Purchase-Money, when so received by the said Commissioners, shall be by them applied in defraying such Costs, Charges, and Expences as aforesaid; and the Overplus of such Purchase-money (if any), after defraying such Costs, Charges, and Expences, shall be equally distributed amongst the several Persons interested in the said Lands and Grounds by this Act directed to be divided and allotted, in Proportion to their several and respective Rights and Interests therein, and shall be paid and disposed of in Manner following; *videlicet*, Where any Person or Persons shall be seised of or entitled in Fee-Simple to his, her, or their several Allotments, then he, she, or they shall be entitled to, and shall be forthwith paid, his, her, or their proportionate Share of the

afore-

aforesaid Overplus Monies; but in case any such Person or Persons shall not be seised or entitled in Fee Simple to his, her, or their respective Allotments, then his, her, or their proportionate Share or Shares of the aforesaid Overplus Monies shall be applied and disposed of by the said Commissioners in like Manner (according to the Amount of such Shares respectively) as are directed by the said recited Act whenever any Sum of Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon; and which Sum of Money, when paid, ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses: Provided always, that the Purchaser of such Lot or Lots to be sold as aforesaid shall be subject to the Performance of all Orders, Regulations and Directions which shall be made by the said Commissioners, and inserted in their Award for inclosing, fencing and draining such Lands, and for maintaining and keeping the Drains and Fences thereto belonging in good Repair: Provided always, that the Commissioners shall and they are hereby required to make reasonable Compensation to the Lords of the several Manors interested therein (either by Increase of any Allotment to be made to them under the Authority of this Act, or by Deduction from their respective Proportions of Expence, in the Execution of this Act, or in such other Manner as the said Commissioners shall judge expedient,) for the several Losses which such Lords respectively may and shall sustain in the Fruits of Tenure, on account of the Land so sold being all sold and conveyed as aforesaid, when a Part thereof, if left to the general Division and Allotment under the other Provisions contained in this Act, would be allotted in respect of Copyhold Estates, and in consequence thereof be declared of Copyhold Tenure and liable to Fines, Suits and Services accordingly.

Compensation to Lords for Fruits of Tenure from the Land sold.

Allotments to Houses.

XXII. And be it further enacted, That the said Commissioners shall assign, set out and allot unto the Owners and Proprietors of the several Messuages and Cottages now standing in the said Parish of *Deopham*, which have been erected and used as a Messuage or Cottage for the Space of Forty Years (except Messuages or Cottages built upon the Commons and Waste Grounds within Sixty Years now last past); and also unto the Owners and Proprietors of the several Messuages and Cottages now standing in the said Parish, which have been erected within the Space of Forty Years upon the Scite or Scites, or in lieu of some other Messuage or Messuages, Cottage or Cottages which had been before that Time standing, such Part and Parts of the Lands and Grounds hereby directed to be divided and allotted as the said Commissioners shall adjudge to be equal in Value to the average Value of One Acre of the said Commons and Waste Lands over and above the Allotments which the Owners of such Messuages and Cottages respectively may in respect thereof become entitled to have in the Division and Allotment of the Residue of such Lands and Grounds under the Directions next hereinafter contained.

Allotment of Residue according to Rights.

XXIII. And be it further enacted, That after the aforesaid several Allotments shall have been made and set out according to the Directions hereinbefore contained, the said Commissioners shall then divide, assign, set out and allot all the Residue and Remainder of the Lands and Grounds by

this Act directed to be divided and allotted unto and amongst all and every Person and Persons, Body and Bodies Politic, Corporate or Collegiate, having any Rights or Interests in, to, over or upon the said Lands and Grounds (except the Owner or Owners of the Soil of the said Commons and Waste Grounds, in respect thereof only), 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 for him, her or them respectively, for his, her or their respective Rights and Interests in, to, over or upon the same Lands and Grounds.

Rights of Common, in respect of Houses and Lands in Deopham, declared and limited.

XXIV. And be it also enacted, That all Owners of Messuages or Cottages now standing in *Deopham*, which have been erected and used as a Messuage or Cottage for the Space of Forty Years (except Messuages or Cottages built upon the Commons and Waste Grounds within Sixty Years now last past), and also all Owners of Messuages or Cottages now standing in the said Parish, which have been erected within the Space of Forty Years upon the Scite or in lieu of some other Messuage or Cottage which had been before that Time standing, and also all Owners of Arable Lands, Meadows and Pasture Grounds in the said Parish of *Deopham*, which have not within Sixty Years last past been Part or Parcel of the said Commons and Waste Grounds, shall, on their preferring their respective claims in the Manner prescribed by the said recited Act in that Behalf, have and be allowed a Right or Rights of Common over or upon all the Commons and Waste Grounds within the said Parish of *Deopham*, in proportion to the Annual Value of such Messuages, Cottages, Arable Lands, Meadows and Pasture Grounds respectively.

For fencing Allotments.

XXV. And be it further enacted, That the Lands and Grounds hereby directed to be divided and allotted shall be inclosed, hedged, ditched and fenced by such Person or Persons, Body or Bodies Politic, Corporate or Collegiate, (save and except the Rectors of the said Rectory for the Time being, and the Vicar of the said Vicarage for the Time being, in respect of any Allotment to be made to either of them in Right of the said Rectory and Vicarage, and the Trustees for the Poor, and also the Surveyors of the Highways in *Deopham* aforesaid, for and in respect of the several Allotments hereby directed to be made to them respectively as aforesaid) within such Time and in such Manner, and under and subject to such Regulations and Restrictions as the said Commissioners shall, by Writing under their Hands, or in and by their said Award order, direct and appoint; and the Hedges, Ditches, and Fences which shall be made pursuant thereto, shall at all Times thereafter be maintained and kept in Repair and cleansed by such Persons, and Body or Bodies Politic, Corporate or Collegiate, as the said Commissioners shall in and by such Writing under their Hands, or by their said Award direct: Provided always, that convenient Gaps and Openings shall be left in the Fences and Inclosures to be made in pursuance of this Act, for the Space of Twelve Calendar Months next after the Execution of the said Award for the Passage of Cattle, Carts and Carriages into and through the same, unless the several Parties interested shall agree that the same shall be sooner fenced in, made up and inclosed.

For leaving Gaps.

Allotments to Rector, Vicar and Trustees for Poor, &c. to

XXVI. And be it further enacted, That the several Lands and Grounds which shall be set out and allotted unto and for the Impropriate Rectors and Vicar of *Deopham* respectively for the Time being, in respect of their several

be ringfenced by the Commissioners.

several Glebes, and to the several Persons herein-before mentioned as Trustees for the Poor, and to the Surveyors of the Highways as aforesaid, shall be inclosed and ring-fenced on the outward Boundaries thereof respectively as the said Commissioners shall direct, at the Expence of all the other Proprietors entitled to Allotments by virtue of this Act; and the said Fences shall be thereafter maintained and supported by such Persons, and in such Manner as the said Commissioners shall in and by their said Award order and direct.

Common Rights sold may be allotted to Purchasers.

XXVII. And be it further enacted, That if any Owner or Owners of any Lands or Grounds in the said Parish of *Deopham* hath or have sold, or shall at any Time before the Execution of the Award of the said Commissioners sell to any other Person or Persons whomsoever all or any Part of such Owner or Owner's Right, Interest and Property in, over or upon the said Lands and Grounds hereby directed to be divided and allotted; or in or to any Allotment which shall be set out or intended to be made by the said Commissioners, in full or in part Satisfaction of any such Right, Interest and Property as aforesaid, and shall within Two Calendar Months before the Execution of the Award (or at any subsequent Time, before the Execution of the said Award if the said Commissioners shall think proper to receive the same) deposit with the said Commissioners, or their Clerk, a Writing, stating such Sale, and signed by the respective Parties thereto, or an attested Copy thereof, 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 Vendee or Purchaser, or his or her Heirs or Assigns, for or in respect of such Right, Interest and Property so sold as aforesaid; and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her or them as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor in every such Sale might, could or ought to have held and enjoyed the same, in case any 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 further, that every such Sale of or relating to any Messuage, Cottage or Land, or to any Right, Interest or Property appurtenant to or claimed in respect of any Messuage, Cottage or Land holden by Copy of Court-Roll of any Manor, shall, to give it compleat Effect as aforesaid, be first enrolled or entered in the Court Books, or on the Rolls of such Manor; and when so enrolled or entered, or delivered to the Steward for Enrolment or Entry, shall have the Effect of a Surrender to the Use of such Vendee or Purchaser, and his or her Heirs and Assigns, according to the Custom of the Manor; but nothing herein contained shall extend to prejudice, defeat or diminish the Right of the Lord of the Manor to such Fines and customary Payments as might be otherwise due or payable to him upon any Change of the Tenant.

Lords Fines, &c. not to be prejudiced.

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

XXVIII. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which shall be allotted or exchanged by virtue of this Act, shall hold their said respective Lands or Hereditaments by different Tenures, or for different Estates or under different Titles, the said Commissioners shall, upon the Request of such respective Proprietors, in Writing, under their Hands, ascertain and

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

Omissions may be supplied and Errors corrected after Award executed.

XXIX. And be it further enacted, That all Lands and Grounds which shall be allotted to any Person or Persons whatever, Body or Bodies Politic, Corporate or Collegiate, by virtue of this Act, and of the said recited Act, for or in respect of any Houses, Buildings, Lands or Grounds in *Deopham* aforesaid, which are Copyhold or Leasehold, or for or in respect of any Right of Common, or any other Right or Interest appurtenant or appendant to or upon any such Copyhold or Leasehold Premises, shall from and for ever after the Execution of the Award, by the said recited Act directed to be made by the said Commissioners, be deemed and taken to be Copyhold or Leasehold respectively, according to the Tenure of the Lands, for or in respect of which they were allotted, and shall be held accordingly by and under the same Tenure, Rents, Payments, Fines, Customs and Services as the Copyhold and Leasehold Houses, Buildings, Lands or Grounds respectively for or in respect whereof such Allotments shall be made, are now holden; and the Person or Persons to whom any such Copyhold Lands or Grounds shall be allotted as aforesaid, shall within Six Calendar Months next after the Execution

Allotments to be of the same Tenure as original Estate.

Admissions to Copyholds.

Execution of the ſaid Award, be admitted Tenant or Tenants to the ſame, without paying any Fine or other Charge to the Lord or Lady, or to the Steward of the ſaid Manor or Manors reſpectively (ſave and except for the Stamp Duties and Parchment requiſite to be uſed for the Copies of ſuch Admiſſions reſpectively, and ſuch reaſonable Fees to the reſpective Stewards of the ſaid Manors as the ſaid Commiſſioners, in and by their ſaid Award ſhall think proper to order and direct); but in caſe any Perſon or Perſons to whom any ſuch Copyhold Lands and Grounds ſhall be allotted as aforeſaid, ſhall not have been before admitted to the ſame or to the ancient Copyhold Lands and Tenements, in reſpect whereof ſuch Allotments ſhall be made, then the cuſtomary Fines, Fees, and other Payments ſhall be due and payable on the Admiſſion of the Perſon or Perſons who ſhall have become entitled to ſuch laſt-mentioned Copyhold Allotments, and at all Times after every ſuch firſt Admiſſion, the Copyhold Lands and Grounds laſt mentioned ſhall be held under and ſubject to the ſame Tenures, Fines, Rents and other Payments and Services reſpectively, as the preſent Copyhold Houſes, Buildings, Lands and Grounds in reſpect whereof ſuch new Allotments ſhall be made, are now reſpectively holden and are ſubject to; and the ſaid Commiſſioners ſhall and they are hereby required to determine, deſcribe and abut in and by their ſaid Award, and in and by the Map or Plan to be thereto annexed, all the Meſſuages, Buildings, Lands and Tenementsin the ſaid Pariſh of *Deopham*, which are to remain or become Copyhold or Leaſehold, and all other Lands and Tenements in the ſaid Pariſh of *Deopham*, (except ſuch as ſhall be ſo aſcertained by the ſaid Commiſſioners in their Award, to be Copyhold or Leaſehold as aforeſaid) ſhall from thenceforth be deemed, taken and enjoyed as Freehold Meſſuages, Buildings, Lands and Tenements reſpectively, ſubject nevertheleſs to ſuch Free Rents and Services, and other Payments as are now payable out of or for the ſaid reſpective Meſſuages, Buildings, Lands and Tenements, in reſpect whereof the ſame ſhall be ſo allotted.

Copyholds and Leaſeholds to be deſcribed in the Award and Map. Remainder to be Freehold.

For allowing Exchanges to be made.

XXX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to ſet out, allot and award any Buildings, Lands, Tenements or Hereditaments whatſoever within the ſaid Pariſh of *Deopham*, in lieu of and in exchange for any other Buildings, Lands, Tenements or Hereditaments whatſoever, within the ſaid Pariſh of *Deopham*, or within any adjoining Pariſh, Hamlet or Townſhip, provided that all ſuch Exchanges be aſcertained, ſpecified and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent of the Perſon or Perſons claiming before the ſaid Commiſſioners to be the Owner or Owners, Proprietor or Proprietors of the Buildings, Lands, Tenements or Hereditaments which ſhall be ſo exchanged, whether ſuch Perſon or Perſons ſo claiming to be ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for Charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Perſons ſo claiming to be ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunatics or under any other legal Diſability, or who ſhall be beyond the Seas or otherwiſe

wife disabled to act for themselves, himself or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively, and to be deposited with the said Commissioners, or their Clerk, Two Calendar Months before the Execution of the said Award, or at any subsequent Time previous to the Execution of the said Award, if the said Commissioners shall think proper to receive the same; and all and every such Exchange or Exchanges so to be made, shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Buildings, Lands, Tenements or Hereditaments held in Right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments so to be exchanged shall lie or be situate: Provided also, that all Costs, Charges and Expences attending the making of any Exchanges and Partitions shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall by their said Award order and direct.

Leases void as to Allotments or Exchanges.

XXXI. And be it further enacted, That all and every Lease and Leases, Agreement or Agreements at Rack or extended Rent now subsisting of any Messuages, Lands, Tenements or Hereditaments, situate within the said Parish of *Deopham*, or of any Messuages, Lands, Tenements or Hereditaments held therewith, or which shall be exchanged by virtue hereof, shall at such Time and in such Cases as the said Commissioners shall direct, be and the same is and are hereby declared to be null and void; and the respective Lessees or Tenants of the Premises comprised in such Leases or Agreements respectively shall be entitled to, and 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, declare 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; and if any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, shall refuse or neglect to make such Compensation to the Person or Persons entitled thereto on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto by such Ways and Means as the Surplus, Costs, Charges and Expences of obtaining and executing this Act or any Part thereof, can or may be raised and levied in case the Lands and Grounds by this Act directed to be sold, for the raising of Money to defray such Costs, Charges and Expences shall not upon the Sale thereof have raised Money sufficient for that Purpose: Provided always, that if there shall be any Lease at Rack Rent of any Lands or Tenements, Part of which shall lie and be situated in the said Parish of *Deopham*, and Part in any adjoining Parish, all and every such Lease and Leases at Rack Rent, may be vacated in Manner aforesaid, but where any Land shall have been taken in Exchange, which Land shall be under Lease, and wholly situate in an adjoining Parish, the Lease of such last mentioned Land shall not be vacated.

Except Leaſe to the Reverend Bence Bence.

XXXII. Provided always, That nothing herein contained ſhall vacate, annul or determine, or be conſtrued to vacate, annul or determine the preſent ſubſiſting Indenture of Leaſe, bearing Date the Ninth Day of *December* One thouſand eight hundred and ſeven, made between the ſaid Dean and Chapter, of the one Part, and the ſaid Reverend *Bence Bence*, of the other Part, of the Manor, Rectory, or Parſonage of *Deopham* aforeſaid; but that the ſaid Indenture of Leaſe ſhall be, remain and continue in full Force, and the ſaid *Bence Bence*, his Executors, Adminiſtrators and Aſſigns ſhall hold and enjoy the Lands and Grounds which, by virtue of this Act, ſhall be allotted to the ſaid Dean and Chapter, or to the ſaid *Bence Bence* as their Leſſee, for, or in lieu or in reſpect of the Lands and Hereditaments, with their reſpective Rights comprized in the ſaid Indenture of Leaſe for the ſame Term of Years, under the ſame Rents, and in the ſame Manner as he or they might or could have held and enjoyed the ſaid Lands and Hereditaments, with the ſeveral and reſpective Rights comprized in the ſaid Indenture of Leaſe, in caſe this Act had not been made.

Wills and Settlements not to be affected.

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

Commiſſioners to direct the Courſe of of Huſbandry.

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

Benefit

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

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

XXXV. And be it further enacted, That no Sheep or Lambs ſhall be kept in any of the Incloſures to be made in purſuance of this Act, during the Space of Seven Years from the Execution of the ſaid Award, unleſs the Perſons reſpectively keeping the ſame ſhall, at their own Expence, effectually guard their Neighbour's Quickſets adjoining to ſuch Incloſures reſpectively from any Damages or Injury to be done to ſuch Quickſets by any ſuch Sheep or Lambs.

For limiting the Commiſſioners' Pay, and for defraying the ſurplus Expences of the Act.

XXXVI. And be it further enacted, That each of the ſaid Commiſſioners ſhall be paid the Sum of Four Guineas by the Day, in Satisfaction of the Expence and Trouble which he ſhall incur on each Day on which he ſhall be employed in the Execution of the Powers by this Act given to him; and that all the Coſts, Charges and Expences of incloſing the ſeveral Lands and Grounds which ſhall be allotted by virtue of this Act to the ſaid Rectors in reſpect of the ſaid Rectory, to the ſaid Vicar in reſpect of the ſaid Vicarage, to the ſaid Truſtees for the Poor of the ſaid Pariſh of *Deopham*, and to the Surveyors of the Highways within the ſaid Pariſh of *Deopham*, and the Coſts, Charges and Expences incident to and attending the obtaining of this Act, and all Expences whatſoever of carrying this Act into Execution (ſo far as the Money to ariſe by the Sale of the Lands hereby directed to be ſold ſhall not be ſufficient to defray the ſame,) ſhall be paid and borne by the ſeveral Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act (ſave and except the Purchaſer and Purchaſers of the Land hereby directed to be ſold as aforeſaid; and ſave and except the ſaid Impropriate Rector and the ſaid Vicar for the Time being, in reſpect of any Allotment which ſhall be made to either of them in reſpect of the ſaid Rectory or Vicarage, and alſo ſave and except the ſaid Truſtees for the Poor and the Surveyors of the Highways within the ſaid Pariſh of *Deopham* for the Time being, for and in reſpect of the Allotments hereby directed to be made to the ſaid Truſtees and Surveyors as aforeſaid,) which ſaid Coſts, Charges and Expences, together with the Proportions thereof to be paid by the ſeveral Perſons hereby made liable to the Payment thereof, ſhall be ſettled and adjuſted by the ſaid Commiſſioners, and ſhall be paid at ſuch Time and Place, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, either before or after the Execution of the ſaid Award.

The Expences of the Dean and Chapter to be defrayed by their Leſſee.

XXXVII. Provided always, That nothing herein contained ſhall extend to ſubject or charge the ſaid Dean and Chapter of *Canterbury* with any Part of the Charges and Expences of obtaining and paſſing this Act, or of carrying the ſame into Execution, for or in reſpect of any Meſſuages, Lands or other Hereditaments or Eſtates held under them by the ſaid *Bence Bence* by virtue of his preſent ſubſiſting Leaſe, or of any Allotment or Allotments which ſhall be made to the ſaid Dean and Chapter, or to their ſaid Leſſee, in lieu or in reſpect of the ſaid Meſſuages, Lands and Hereditaments, or of any Lands which may be allotted to the ſaid Dean and Chapter for any Right of Soil as Lords of the ſaid Manor of *Deopham*, of the Dean and

Chapter

Chapter of *Canterbury*, but that the whole of such Charges and Expences shall be paid and borne by the said *Bence Bence*, his Executors, Administrators or Assigns.

Renewal of Lease by the Dean and Chapter directed.

XXXVIII. Provided nevertheless, That the said Dean and Chapter shall and do within Seven Years from the Day of the Date of the aforesaid Lease, if thereunto requested by the said *Bence Bence*, his Executors, Administrators or Assigns, grant unto the said *Bence Bence*, his Executors, Administrators or Assigns, a new Lease of the said Manor, Rectory or Parsonage, with their Rights and Appurtenances, and of the Lands to be allotted in lieu or in respect thereof, for a Term of Twenty-one Years, such new Lease to commence at the Expiration of Seven Years from the Feast Day of *Saint Luke the Evangelist* next preceding the Day of the Date of the present subsisting Lease; and also that the said Dean and Chapter shall and do, upon the Renewal to be made as aforesaid, take no greater Sum for a Fine upon such Renewal than shall be equal to One full Year and One half of another Year's annual Value of the said Manor, Rectory and Parsonage, with their Rights, Members and Appurtenances, deducting the present reserved Rent, and estimating such annual Value of the said Manor, Rectory and Parsonage, with their Rights, Members and Appurtenances, without regard to any additional Allotment of Land, or to any additional Income or Emoluments whatsoever, which shall be derived to the said Dean and Chapter, or to the said *Bence Bence* as their Lessee as aforesaid, in respect of the said Manor, Rectory and Parsonage, by, from, under or in consequence of the present Act.

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

XXXIX. And be it further enacted, That in case the Money which shall be raised by the Sale of Land as aforesaid, shall not be sufficient to defray the Costs, Charges, and Expences of obtaining and carrying this Act into Execution, that then it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or Attornies, of any of the Owners or Proprietors of any of the Lands and Grounds which shall be allotted by virtue of the said recited Act, and this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, and for any of the said Owners, or Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on any Life or Lives, or on any other Contingency, or Tenants by the Courtesy of *England*, or otherwise interested in such Lands and Grounds, to charge such Lands and Grounds with such Sum or Sums of Money as the said Commissioners shall by their said Award, or by Writing under their Hands, either before or after the Execution of such Award, adjudge necessary to pay and defray his, her, or their Share of the 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 respective Allotments, and of being re-admitted to the Copyhold Parts thereof, so that the Sum or Sums of Money so to be charged, shall not exceed the Sum of Five Pounds for every Acre of the Lands and Grounds which shall be so allotted or exchanged, and to grant, mortgage, surrender, lease, or demise, or otherwise subject the Lands, Tenements, and Hereditaments, so to be charged to such Person or Persons, who shall advance and lend the same respectively, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, or in case any Person in Possession, who shall or may be liable to and charged with a Share of the Expences as aforesaid, or enabled by this Act to charge such Lands and

Grounds

Grounds with the ſame, ſhall chooſe to advance, pay, and diſcharge ſuch Sum or Sums of Money, then it ſhall be lawful for the ſaid Commiſſioners, by any Deed or Writing under their Hands and Seals, to be atteſted by Two or more credible Witneſſes, in like Manner to grant, mortgage, ſurrender, leaſe, or demiſe, or otherwiſe ſubject ſuch Lands and Grounds to ſuch Perſon or Perſons reſpectively, paying and diſcharging ſuch Sum or Sums of Money, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years, to and for the Payment of ſuch Sum or Sums of Money, ſo advanced, paid, and diſcharged by him, her, or them, with lawful Intereſt for the ſame, to commence on the Termination of his, her, or their Right in the Premiſes, ſo that every ſuch Grant, Mortgage, Surrender, Leaſe, or Demiſe, be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered or re-aſſigned when ſuch Sum or Sums of Money to be thereby ſecured, ſhall be fully paid and ſatisfied, and alſo with a Covenant to pay and keep down the Intereſt, ſo that no Perſon or Perſons afterwards becoming poſſeſſed of or entitled to any ſuch Lands and Grounds, ſhall be liable to pay any further or larger Arrear of Intereſt than for Twelve Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhould have commenced, and that every ſuch Charge, Grant, Mortgage, Surrender, Leaſe, or Demiſe, ſhall be good, valid, and effectual in the Law, for the Purpoſe thereby intended.

Incumbents of other Eccleſiaſtical Livings may (with Certificate of Commiſſioners) mortgage for Expences incurred.

XL. And whereas the Rector, Vicar or other Incumbent of ſome other Eccleſiaſtical Living beſides the ſaid Vicarage of *Deopham* may be entitled, in right of ſuch Eccleſiaſtical Living, to certain Meſſuages or Lands ſituate and lying within the ſaid Pariſh of *Deopham*, and it is neceſſary or expedient to enable ſuch Rector, Vicar or other Incumbent to defray the Coſts, Charges and Expences which he ſhall incur or be put unto under or in conſequence of the Proviſions of this Act; be it therefore further enacted, That every Rector, Vicar or other Incumbent of any Eccleſiaſtical Living for the Time being, (except the ſaid Vicar of *Deopham*,) who ſhall be entitled in right of ſuch Eccleſiaſtical Living to any Meſſuages or Land within the ſaid Pariſh of *Deopham*, ſhall, and he is hereby authoriſed and empowered to borrow and take up at Intereſt, in the Manner hereinafter mentioned, ſuch Sum or Sums of Money (to be aſcertained and declared in and by a Certificate thereof in Writing under the Hands of the ſaid Commiſſioners, and not to exceed in the whole the Sum of Five Pounds *per* Acre for every Acre of Land which ſhall be allotted to ſuch Rector, Vicar or other Incumbent for the Time being, in right of ſuch Eccleſiaſtical Living, by virtue of this Act,) as ſuch Rector, Vicar or other Incumbent ſhall ſuſtain, expend or be put unto, under or in conſequence of the Proviſions of this Act; and, as a Security for the Money ſo to be borrowed, to mortgage ſuch of the Lands belonging to ſuch Eccleſiaſtical Living as are lying within the ſaid Pariſh of *Deopham*, to ſuch Perſon or Perſons who ſhall advance the ſame Money, and by one or more Deed or Deeds to demiſe the ſame Lands to ſuch Perſon or Perſons, his Executors, Adminiſtrators and Aſſigns, for the Term of Twenty five Years, or until the Money ſo to be borrowed, with all Intereſt for the ſame, and ſuch Coſts, Charges and Expences as may attend the Recovery thereof, ſhall be fully paid and ſatisfied: Provided always, That every Rector, Vicar or other Incumbent of ſuch Eccleſiaſtical Living for the Time being ſhall, and he and they is and are hereby required to pay the Intereſt ariſing upon every ſuch Mort-

Directions for Payment of Principal and Intereſt.

gage yearly as the ſame ſhall become due, or within One Calendar Month afterwards, and alſo Five Pounds *per Centum* of the Principal Money ſo to be borrowed by yearly Payments, ſuch Payments to be reſpectively made at the ſame Time ſuch Intereſt ſhall be paid, until the whole Principal Money and Intereſt ſhall be fully paid and diſcharged.

Mortgagee may diſtrain.

XLI. And be it further enacted, That whenever the Principal and Intereſt directed to be paid to the Mortgagee under the ſeveral Proviſions of this Act, ſhall be in arrear and unpaid for the Space of One Calendar Month after the ſame ſhall have become due, it ſhall and may be lawful for ſuch Mortgagee, his Executors, Adminiſtrators or Aſſigns to recover the ſame, and the Coſts, Charges and Expences attending the Recovery thereof, by Diſtreſs and Sale, in ſuch Manner as Rents may be recovered by Landlords from their Tenants by the Laws in being at the Time ſuch Principal and Intereſt ſhall be in arrear: Provided alſo, That the Lands comprifed in the ſaid Mortgage ſhall not, in the Hands of any future Rector, Vicar or other Incumbent of ſuch Eccleſiaſtical Living, be liable to pay any further or larger Arrear of Intereſt or of the Principal Money than ſhall be due and payable for Thirteen Calendar Months preceding the Time when he ſhall have ſucceeded to ſuch Eccleſiaſtical Living.

Arrears.

Apportionment of annual Payment in caſe of Death or other Avoidance.

XLII. And be it alſo enacted, That in caſe of any Avoidance of any ſuch Eccleſiaſtical Living either by Death or otherwiſe, that then the Payment of the Intereſt and a Part of the Principal Money, as is hereinbefore directed for the Year in which ſuch Death or Avoidance ſhall happen, ſhall be borne and paid by and between the Rector, Vicar or other Incumbent who ſhall ſucceed to ſuch Living, and the Rector, Vicar or other Incumbent avoiding ſuch Living, or his Repreſentatives, in ſuch Proportions as the Profits of ſuch Living ſhall be received by them reſpectively for the Year in which ſuch Death or Avoidance ſhall happen.

How to charge Expences upon Copyholds.

XLIII. Provided always, and be it further enacted, That when and ſo often as it may be neceſſary to charge any Meſſuages, Cottages, Lands or Tenements, which ſhall be allotted by virtue of this Act, or of the ſaid recited Act, and which ſhall be or become Copyhold, with any Sum or Sums of Money, by way of Mortgage, for defraying any Share or Shares of ſuch Coſts, Charges, and Expences as laſt aforeſaid, then and in ſuch Caſe, ſuch Copyhold Premiſes ſhall be ſurrendered to the Uſe of the Perſon or Perſons who ſhall advance and lend ſuch Sum or Sums of Money, his, her or their Heirs and Aſſigns, according to the Cuſtom or Cuſtoms of the Manor or Manors whereof the ſame ſhall be holden, by way of Mortgage, for ſecuring ſuch Sum or Sums of Money, and Intereſt inſtead of being mortgaged and ſurrendered to ſuch Perſon, his, her or their Executors, Adminiſtrators, or Aſſigns, for a Term of Years, as mentioned in this Act, or the ſaid recited Act.

Money advanced to be repaid with Intereſt.

XLIV. And be itfurther enacted, That if any Perſon or Perſons whomſoever ſhall advance and pay any Money in Diſcharge of the Fees, or other Expences of preparing, obtaining, and executing this Act, the Money ſo advanced and paid, ſhall be repaid and ſatisfied tohim, her or them, by the Direction of the ſaid Commiſſioners, together with lawful Intereſt for the ſame; provided always, that the ſaid ſeveral Proprietors their Attornies and Agents, ſhall pay their own Expences, when they or

Proprietors and Agents

any

any of them, shall attend the said Commissioners, at any of the Meetings to be holden in pursuance of this Act.

to pay their own Expences.

XLV. And be it further enacted, that once in every Year, during the Execution of this Act, (such Year to be computed from the Day of the passing thereof) the said Commissioners shall, and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act, which Statement or Account, together with the Vouchers relating to the same, shall at least once in every Year, from the Date of the passing of this Act, until such Accounts shall be finally allowed, be examined by *Robert Whincop*, of *King's Lynn*, 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; and the Balance shall be stated by the said *Robert Whincop*, or by the said Justice, as the case may be, in the Book of Accounts, to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall have been duly allowed by the said *Robert Whincop*, or in case of his Death, or Incapacity, by such Justice as aforesaid.

Commissioners to pass their Accounts once a Year.

XLVI. And be it further enacted, That the Award, by the said recited Act directed to be made by the said Commissioners, and such Map or Plan of the said Parish of *Deopham*, as shall be annexed thereto, shall be deemed and taken to be effectually enrolled according to the directions of the said recited Act, if the said Award ingrossed upon Parchment, and with such Map or Plan annexed thereto, shall within the Time mentioned in the said recited Act for enrolling such Award, be deposited with the Clerk of the Peace of the said County of *Norfolk*, who shall be paid on the Delivery thereof to him the Sum of Three Guineas and no more, and the said Clerk shall, and he is hereby required to deposit and keep the same with the Records of the said County.

Enrolment of Award.

XLVII. And it is hereby also enacted, That a true Copy of the said Award ingrossed upon Parchment, and signed and attested by the said Commissioners to be a true Copy thereof, with such a Map or Plan annexed thereto, shall within Twelve Calendar Months after such Award shall be so signed and sealed, be deposited and kept in the Parish Church of *Deopham* aforesaid; and such Copy of the said Award, or any other Copy, or of any Part thereof, signed by the said Clerk of the Peace, or by the said Commissioners, and by him or them attested to be a true Copy, shall at all Times be admitted and allowed in all Courts whatever as legal Evidence.

Deposit of Copy of Award.

Attested Copy thereof shall be Evidence.

XLVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, or the said recited Act (other than and except such Orders and Determinations of the said Commissioners as are by the said recited Act, or this Act, directed to be final or conclusive, and except in such Cases wherein an Issue at Law shall be tried as hereinbefore mentioned) then and in every such Case he, she, or they may appeal to the Justices at the General Quarter Sessions of the Peace which shall be holden for the said County of *Norfolk*, within Four Calendar Months next after the

Appeal to General Quarter Sessions.

Cause

Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners, and to the Party or Parties concerned, Fourteen Days Notice, in Writing, of ſuch Appeal, and of the Matter thereof, and the Juſtices in ſuch Seſſion (not intereſted in the Premiſes) are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein and award ſuch Coſts and Damages, as to them in their Diſcretion ſhall ſeem reaſonable, and 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 or required to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs and Sale; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari* or any other Writ or Proceſs whatever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices 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 Coſts ſhall be levied in Manner laſt aforeſaid.

General Saving.

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

Public Act.

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

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