ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

****

Cap. 156.

An Aċt for incloſing Lands within the Pariſh of *Eaſt Bradenham*, in the County of *Norfolk*.

[17th *June* 1814.]

WHEREAS there are within the Pariſh of *Eaſt Bradenham*, in the County of *Norfolk* , ſundry Traċts or Parcels of Field or intermixed Land, Commons, and Waſte Grounds: And whereas *Thomas Trueſdale Clarke* Eſquire is Lord of the Manor of *Eaſt Bradenham* and *Huntingfield Hall*; and the Reverend *Arthur Iveſon* Clerk is Reċtor of the Reċtory and Pariſh Church of *Eaſt Bradenham*, and Lord of the Manor of *Eaſt Bradenham* Reċtory; and the ſaid *Thomas Trueſdale Clarke* is or claims to be entitled to the Soil of the ſaid Commons and Waſte Grounds: And whereas the ſaid *Thomas Trueſdale Clarke*, the ſaid *Arthur Iveſon*, and ſeveral other Perſons reſpeċtively are Owners and Proprietors of all the Meſſuages, Lands and Tenements within the ſaid Pariſh of *Eaſt Bradenham*: And whereas an Aċt was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Aċt for conſolidating in one Aċt certain Proviſions uſually inſerted in Aċts of Incloſure, and for facilitating the Mode of proving the ſeveral Faċts uſually required on the paſſing of ſuch Aċts*: And whereas the ſaid Field or intermixed Land, or ſome Parts thereof, are inconveniently ſituated for the ſeveral Owners and Proprietors thereof, and the ſaid Commons and Waſte Grounds, in their preſent State and Condition, yield but little Profit; and it would be advantageous to the ſeveral Perſons intereſted in the Premiſes, and alſo of public Utility, if the ſaid Field or intermixed Land, Commons and Waſte Grounds, were divided,

and ſpecific Parts or Shares thereof allotted to the ſeveral Perſons entitled to and intereſted in the ſame, under the Directions and Limitations in this Act contained; but ſuch Diviſion and Allotments cannot be effectually made and eſtabliſhed, without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *William Blake* of *Swanton Abbott*, in the County of *Norfolk*, and *Samuel Heyhoe Le Neve Gilman* of *Hingham*, in the ſame County, Gentlemen, ſhall be and they are hereby appointed Commiſſioners for dividing and allotting the ſaid Field or intermixed Lands, Commons, and Waſte Grounds, and for carrying this Act into Execution; ſubject to ſuch Powers, Authorities, Directions, Regulations, Reſtrictions and Proviſions, contained in the ſaid recited Act, as are not altered, varied or otherwiſe provided for by this Act.

Commiſſioners appointed.

Appointing new Commiſſioners.

II. And be it further enacted, That if either of the Commiſſioners herein-before named, or to be appointed as herein-after mentioned, ſhall die or refuſe to act, or ſhall become incapable of acting as a Commiſſioner in the Execution of this Act and the ſaid recited Act, before all the Powers, Authorities and Truſts thereby repoſed in the ſaid Commiſſioners ſhall be fully executed and performed, it ſhall and may be lawful for the remaining or ſurviving Commiſſioner, and he is hereby required, within Forty Days next after ſuch Death, Refuſal, or Incapacity to act ſhall be known to him, by Writing under his Hand, to appoint any other Perſon (not being intereſted in the ſaid Premiſes) to be a Commiſſioner for the Purpoſe of this and the ſaid recited Act, in the Place and Stead of ſuch Commiſſioner ſo dying or refuſing to act, or becoming incapable of acting as aforeſaid; and every Perſon ſo to be appointed a Commiſſioner as aforeſaid ſhall take and ſubſcribe the Oath or Affirmation ſet forth in the ſaid recited Act, and ſhall thereupon have ſuch and the like Powers and Authorities, in all Reſpects, for carrying this and the ſaid recited Act into Execution, as if he had been named and appointed a Commiſſioner in and by this Act.

Umpire to be appointed in caſe of Difference.

III. Provided always, and be it further enacted, That whenever the ſaid Commiſſioners ſhall diſagree or differ in Opinion touching or concerning any Matter or Thing to be by them done and performed by virtue of this Act or of the ſaid recited Act, then and in every ſuch Caſe the ſaid Commiſſioners ſhall by Writing under their Hands appoint ſome Perſon (not being intereſted in the Premiſes) to be an Umpire between them, and the Matter upon which ſuch Difference of Opinion ſhall or may ariſe ſhall be ſettled and determined by ſuch Umpire, whoſe Determination being made in Writing, and ſubſcribed by him, ſhall be deemed and taken to be the Determination of the ſaid Commiſſioners; and for the Purpoſe aforeſaid, but not for any other Purpoſe, ſuch Umpire ſhall have and he is hereby inveſted with the ſame Powers and Authorities as by the ſaid recited Act and this Act are given to or veſted in the ſaid Commiſſioners: Provided always, that no Perſon ſhall be capable of acting as Umpire in Execution of the Powers by this or the ſaid recited Act given until he ſhall have taken and ſubſcribed the Oath in the Form or to the Effect following; (that is to ſay),

'I do swear, That I will faithfully, impartially, and honestly, Oath.
'according to the best of my Skill and Ability, execute and perform the
'several Trusts, Powers, and Authorities, vested and reposed in me as an
'Umpire, by virtue of an Act for inclosing Lands within the Parish of
'*East Bradenham* in the County of *Norfolk*, according to Equity and good
'Conscience, and without Favour or Affection, Prejudice or Partiality to
'any Person or Persons whomsoever. So help me GOD.'

Which Oath it shall be lawful for the said Commissioners or either of them to administer; and such Oath so taken and subscribed by such Umpire, together with the Writing appointing such Umpire, and the Determination of such Umpire, shall be annexed to the Award to be made by the said Commissioners in pursuance of the said recited Act.

Appointment of Surveyor.

IV. And be it further enacted, That all such Surveys, and Admeasurements and Plans, as shall be necessary and requisite to be made and taken for the Purpose of carrying the said recited Act and this Act into Execution, shall be made and taken by *Benjamin Leak* of *Holt*, in the said County of *Norfolk*, Land Surveyor, in case he shall in all Things conform to or comply with the Orders and Directions of the said Commissioners, but in case the said *Benjamin Leak* shall die or decline, or be incapable to act in the Premises, or shall neglect or refuse to make such Surveys, Admeasurements, and Plans, or to conform to or comply with the Orders and Directions of the said Commissioners, then the said Surveys, Admeasurements, and Plans shall be made and completed by such Person or Persons (not interested in the Premises) as the said Commissioners shall nominate and appoint for that Purpose; but no Person shall act as a Surveyor in the Execution of this Act until he shall have taken and subscribed the following Oath, which Oath it shall be lawful for the said Commissioners or either of them, and he or they is and are hereby required to administer the same; (that is to say),

'I do swear, That I will faithfully, impartially, and honestly, Oath.
'according to the best of my Skill and Ability, execute and perform
'the several Trusts, Powers, and Authorities, vested and reposed in me
'as a Surveyor by virtue of an Act for inclosing Lands within the Parish
'of *East Bradenham*, in the County of *Norfolk*, according to Equity and
'good Conscience, and without Favour or Affection, Prejudice or Par-
'tiality to any Person or Persons whomsoever. So help me GOD.'

Notice of Commissioners Meetings.

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

missioners in the Execution of this Act or the said recited Act shall be held within the said Parish of *East Bradenham*, or within Eight Miles thereof.

Other Notices how to be given.

VI. 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 Newspaper then published or circulated in the County of *Norfolk*.

Commissioner to settle Differences.

VII. 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 any Allowances which shall be claimed for ploughing, sowing Turnips or Corn, laying down with Grass Seeds, manuring or improving the said Field or intermixed Lands, or any Part thereof, or concerning any other Matter or Thing whatsoever, 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 or Umpire to determine the Title to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever.

Commissioners not to determine Titles.

Commissioners to summon Witnesses.

VIII. And be it further enacted, That if any Person having been summoned according to the Directions of the said recited Act, to testify the Truth upon Oath, touching any Matter in Difference between any of the Parties interested in the Premises, or otherwise relating to the Execution of the Powers given by the said recited Act and this Act, and having been paid or tendered a sufficient Sum of Money (to be ascertained by the said Commissioners) to defray the Charges of his or her Attendance, shall not appear before the said Commissioners pursuant to such Summons, without assigning some reasonable Excuse for not appearing, or appearing shall refuse to be sworn, or to be examined and give Evidence touching the Premises, the said Commissioners, upon due Proof thereof made before them upon Oath (which Oath One of the said Commissioners is hereby empowered to administer), shall and they are hereby authorized by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Ten Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to appear and give Evidence, 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 the Money so to be levied as aforesaid shall be applied towards defraying the Costs and Expences of obtaining this Act, and carrying the said recited Act and this Act into Execution: Provided always, that no Witness summoned to attend the said Commissioners shall be obliged to travel above Eight Miles from the Boundary of the said Parish of *East Bradenham*.

Commissioners may assess Costs.

IX. And be it further enacted, That if in case the said Commissioners shall upon the Hearing and Determination of any Claim or Objection, to

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 Application made to them for that Purpoſe, to ſettle, aſſeſs and award ſuch Coſts as they ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners or Umpire ſhall be made, by the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled, or againſt whom the ſaid Commiſſioners or Umpire 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, ſhall neglect or refuſe to pay the ſame on Demand, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts 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.

X. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotments, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire, touching or concerning any Claim or Objection which ſhall be delivered to the ſaid Commiſſioners in purſuance of the ſaid recited Act or this Act, or touching or concerning any Property, Right or Intereſt, intended to be affected by ſuch Determination, and ſhall within One Calendar Month next after ſuch Determination, cauſe Notice in Writing of ſuch Diſſatisfaction to be delivered to or left at the uſual Place of Abode of the ſaid Commiſſioners, and of the Party or Parties in whoſe Favour ſuch Determination ſhall have been made, or his, her, or their Agent, whoſe Name ſhall be ſubſcribed to ſuch Claim or Objection, then and in every ſuch Caſe it ſhall be lawful for ſuch Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, giving ſuch Notice as aforeſaid, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners or Umpire, at the then next Aſſizes to be holden in the ſaid County of *Norfolk*, unleſs ſuch Aſſizes ſhall happen within Three Calendar Months next after the Determination of the ſaid Commiſſioners or Umpire, and in that Caſe, at the Second Aſſizes to be held for the ſaid County next after ſuch Determination; and for that Purpoſe the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, giving ſuch Notice as aforeſaid, ſhall within Two Calendar Months next after ſuch Determination cauſe an Action to be brought in One of His Majeſty's Courts 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 the Defendant or Defendants in ſuch Action ſhall, and he, ſhe, or they is or 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, and the Property, Right or Intereſt 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 ſhall be commenced, in caſe the Parties ſhall differ about the ſame; and the Verdict which ſhall be given upon the Trial of ſuch Action ſhall be binding, final and concluſive, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict, and order a new Trial to be had therein, which it ſhall be lawful for the ſaid Court to do, if the ſaid Court ſhall think proper; and that after ſuch Verdict ſhall be obtained, and not ſet aſide, the ſaid Commiſſioners ſhall and they are hereby required to act in Conformity thereto, and to allow or diſallow the Claim, Property, Right or Intereſt thereby determined, according to the Event of ſuch Trial: Provided always, that if no ſuch Notice ſhall be given, or if any ſuch Notice ſhall be given, and ſuch 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 herein-before limited for that Purpoſe, then the Determination of the ſaid Commiſſioners or Umpire ſhall be binding, final and concluſive to all Intents and Purpoſes whatſoever: 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.

Trial not to ſuſpend the Execution of the Act;

and the Allotment conteſted to be taken by the Party entitled.

XI. Provided always, and be it further 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, Body or Bodies Politic, Corporate or Collegiate, who upon the Determination of ſuch Difference, Suit or Proceeding, ſhall become entitled to the ſame.

If Parties die before Actions brought.

XII. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, 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 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 to 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

had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

XIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners or Umpire to determine any Right between any Parties contrary to the Possession of any of such Parties (except in Cases of Encroachments within Twenty Years as herein-after mentioned), but in case the said Commissioners or Umpire 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.

For extinguishing or suspending Rights of Common before the Award.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time before the Execution of their Award, by any Writing under their Hands to be affixed to the Door of the Parish Church of *East Bradenham* aforesaid, to order and direct 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 as shall be expressed in such Writing; and that all and every such Rights and Right as 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 Writing on the said Church Door, or any other Time to be appointed by the said Commissioners in or by such Writing, cease, determine, and be extinguished, or the Exercise thereof shall be suspended accordingly; any Law, Usage, or Custom to the contrary notwithstanding.

To prevent cutting Turves, &c.

XV. 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 (which Oath One of the said Commissioners is hereby empowered to administer), 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 this Act, and carrying the said recited Act and this Act into Execution.

Application of Penalty.

For ascertaining Boundaries.

XVI. And be it further enacted, That the said Commissioners shall with all convenient Speed after the passing of this Act cause Notice of their Intention to perambulate the Boundaries of the said Parish of *East Bradenham* to be inserted in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some

ſome other Newſpaper printed and circulated within the ſaid County of *Norfolk*, Eight Days at leaſt before the Time of ſuch Perambulation; and after the Expiration of the Time to be ſpecified in ſuch Notice, they the ſaid Commiſſioners are hereby authorized and required to perambulate, inquire into, ſet out, aſcertain, fix and determine the Boundaries of the ſaid Pariſh of *Eaſt Bradenham*; and a Deſcription of the ſaid Boundaries ſhall within Forty Days after the ſame ſhall be ſo ſet out, aſcertained, fixed and determined, be publiſhed in the ſaid *Norfolk Chronicle* or *Norwich Mercury*, or in ſome other Newſpaper printed or circulated within the ſaid County of *Norfolk*: Provided always, that if any of the Proprietors of Eſtates, or Inhabitants of any Pariſh or Pariſhes adjoining to the Pariſh of *Eaſt Bradenham* aforeſaid, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners reſpecting the ſaid Boundaries, ſuch Proprietors or Inhabitants, or any of them, may appeal to the Juſtices of the Peace acting in and for the County of *Norfolk*, at any General Quarter Seſſions of the Peace to be held within Four Calendar Months next after the aforeſaid Deſcription of the ſaid Boundaries ſhall have been ſo publiſhed as aforeſaid, on giving to the ſaid Commiſſioners Fourteen Days Notice in Writing of ſuch Appeal, and of the Matter thereof; and the Deciſion of the ſaid Juſtices therein ſhall be final and concluſive.

For ſhortening the Boundary Fences againſt adjoining Pariſhes.

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 hereby directed to be divided, allotted and incloſed, and any Pariſh or Pariſhes adjoining thereto, or to make the ſame Boundary Fences reſpectively regular, it ſhall be lawful for the ſaid Commiſſioners (with the Conſent in Writing under the Hand or Hands of the Lord or Lady 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 between the Lands hereby directed to be divided and allotted, and any adjoining Pariſh or Pariſhes, in ſuch Manner as they ſhall judge proper for the Purpoſe aforeſaid; and after ſuch Boundaries ſhall be ſo ſet out as aforeſaid the ſame ſhall be fenced by ſuch Perſon or Perſons, in ſuch Manner, and at ſuch Time or Times, as the ſaid Commiſſioners ſhall direct, and ſhall for ever thereafter be deemed and taken to be the Boundaries between the Pariſh of *Eaſt Bradenham* aforeſaid and ſuch adjoining Pariſh or Pariſhes reſpectively; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

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

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

XIX. And

Objections to be delivered to the Parties whose Claims are objected to.

XIX. And be it further enacted, That if any of the Parties interested in the Premises shall have any Objection or Objections to any of the Accounts or Claims which shall be delivered to the said Commissioners by virtue of the said recited Act or this Act, such Objection or Objections shall be reduced into Writing, and Two Parts thereof shall be signed by the Party or Parties making the same, or by some Person or Persons on his, her or their Behalf, and one Part thereof shall be delivered to the said Commissioners, and the other Part thereof shall be delivered to the Party or Parties whose Claim or Account shall be objected to, or to his, her or their Agent, whose Name shall be subscribed to such Claim or Account, or left at his, her or their last or usual Place of Abode, at such Time or Times as the said Commissioners shall appoint for that Purpose; and no Objection to any of the said Accounts or Claims shall be afterwards received by the said Commissioners, unless for some legal Disability or special Cause to be allowed by them.

Commissioners may stop up old Roads and Foot-paths.

XX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered to stop up and discontinue, or divert and turn, and to set out and appoint, any public Roads, Tracks, Ways or Paths in the Parish of *East Bradenham* aforesaid, and to make such Order or Orders as to them shall seem proper for that Purpose; subject nevertheless to the Provisions and Directions of the said recited Act, with respect to the stopping up of any old or accustomed Road or Roads, and subject to an Appeal to the Quarter Sessions as mentioned in the said recited Act; and in case any Road, Track, Way, or Path, so to be stopped up and discontinued as aforesaid, shall pass through any inclosed Land, then the said Commissioners shall offer to sell 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 the said Commissioners shall think reasonable; and in case any such Road, Track, Way or Path, shall pass on the Side of any such inclosed Land, then the said Commissioners shall offer to sell the Ground and Soil thereof in like Manner to the Owner or respective Owners of the inclosed Land lying contiguous thereto; and in case any such Offer shall be accepted, the said Commissioners shall, upon Payment of the Purchase Money for the Road, Track, Way or Path so offered to be sold 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 any such Road, Track, Way or Path so sold as aforesaid, to the Purchaser or respective Purchasers thereof, and shall apply the Monies arising from any such Sale or Sales towards defraying the Costs and Expences of obtaining this Act, and executing the said recited Act and this Act; but in case no such Sale shall be made as aforesaid, then every such Road, Track, Way or Path so to be stopped up or discontinued as aforesaid, shall be deemed to be Part of the said Commons and Waste Grounds, and shall be divided and allotted accordingly, by virtue of and under the said recited Act and this Act: Provided always, that no public Highway or Road shall be shut up or discontinued until the Roads intended to be and remain public Highways shall be set out according to the Directions of the said recited Act, and until the same shall be properly formed and made safe and convenient for Horses, Cattle and Carriages: Provided also, that all private Roads, Ways and Footpaths, which shall be set out and appointed by the said Commissioners, shall be made and

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

for ever maintained and kept in Repair by such Persons, in such Manner and at such Time or Times, as the said Commissioners shall by their Award, or any other Writing under their Hands, order, direct or appoint.

Commissioners to make Drains, &c.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners to cause any Ditches, Fences, Drains, Brooks, or Watercourses within the Parish of *East Bradenham* aforesaid, to be cleansed, opened, scoured, widened, deepened, or enlarged, and to stop up and discontinue any Ditches, Fences, Drains, Brooks, or Watercourses which may appear to the said Commissioners to be unnecessary; and also to cause any new Ditches, Fences, Bridges, Banks, Sluices, Tunnels, Drains, Brooks, or Watercourses to be made within the same Parish, and to make such Orders for maintaining such Ditches, Fences, Bridges, Drains, Brooks, or Watercourses in Repair, as they shall think proper; provided that no such Works shall be made upon any inclosed Land without the previous Consent of the Owner or Owners thereof in Writing; and that no Rivulet, Brook or Watercourse shall be diverted or turned from its present Course in, through, from or over any inclosed Land, without the Consent in Writing of the Owner or Owners of the Land from which and into which any such Rivulet, Brook or Watercourse shall be diverted or turned, and carried or conveyed.

Allotment of a Piece of Land for the Use of the Inhabitants of East Bradenham.

XXII. And be it further enacted, That the said Commissioners shall set out and allot unto the Lord of the said Manor of *East Bradenham* and *Huntingfield Hall*, and to the Rector, Churchwardens and Overseers of the Poor of the said Parish of *East Bradenham*, and their Successors for the Time being, Five Acres, Part of the Low Common, being Parcel of the Lands and Grounds hereby directed to be divided and allotted, as the said Commissioners shall think proper, in Trust, and to the Intent that the same may remain and continue open and unincloſed for the Use of the Inhabitants of the same Parish, for ever, for such Purposes, and subject to such Common of Pasture, and under and subject to such Regulations, Directions, Limitations and Restrictions, as the said Commissioners shall in and by their said Award appoint.

Allotment for public Gravel Pits, &c.

XXIII. And be it further enacted, That the said Commissioners shall set out and allot unto the Surveyors of the Highways within the said Parish of *East Bradenham*, 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 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 of *East Bradenham*, and their Tenants for the Time being, in such Manner, and under such Rules and Regulations as the said Commissioners shall by their Award direct or appoint, and not otherwise, and shall be freed and exonerated from the Payment of all Tithes, and all Parochial Charges whatever.

Allotment for Right of Soil.

XXIV. And be it further enacted, That the said Commissioners shall set out and allot unto the said *Thomas Truesdale Clarke*, or the Lord or Lords, Lady or Ladies, of the said Manor of *East Bradenham* and *Huntingfield Hall* for the Time being, and to the Lord or Lords of any other Manor

Manor or Manors in *East Bradenham* aforesaid, 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 *East Bradenham* 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 of the Whole of the said Commons and Waste Grounds; and the said Allotment or Allotments shall be a full Compensation and Recompence to such Lord or Lords, Lady or Ladies, for his, her, or their Right in and to the Soil of the said Commons and Waste Grounds; and the Allotment or Allotments for such Right of Soil shall be made over and besides and shall not exclude the said *Thomas Truesdale Clarke*, or the Lord or Lords, Lady or Ladies, of the said Manor of *East Bradenham* and *Huntingfield Hall*, or of any other Manor or Manors in *East Bradenham* aforesaid for the Time being, from any Allotment or Allotments which would otherwise be made to him, her or them by virtue of this Act, in Satisfaction of or for any Right of Common of Pasture, or other Commonable Right or Interest in, upon, or over the said Commons and Waste Grounds, or any Part or Parts thereof, to which he, she, or they would be entitled as Owner or Owners, and in respect of his, her or their Messuages, Cottages, Lands, or Tenements in *East Bradenham* aforesaid, or otherwise, if he, she, or they was not or were not Lord or Lords, Lady or Ladies, of any Manor or Manors in *East Bradenham* aforesaid, or Owner or Owners of or entitled to the Soil of the said Commons and Waste Grounds, or any Part thereof, or if his, her, or their Messuages, Cottages, Lands, or Tenements in *East Bradenham* aforesaid, had never been or were not the Property of any Person or Persons being Lord or Lords, or Lady or Ladies, of any Manor or Manors in *East Bradenham* aforesaid, or Owner or Owners of or entitled to the Soil of the said Commons and Waste Grounds, or any Part thereof.

Allotment of the Residue.

XXV. And be it further enacted, That the said Commissioners shall then set out and allot the Residue and Remainder of the Lands hereby directed to be divided and allotted, unto and among the several Owners and Proprietors thereof, and all and every Person or Persons, and Body or Bodies Politic, Corporate or Collegiate, having any Right or Interest in, to, over or upon the same, or any Part thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionate to the Value of and a full Satisfaction and Compensation to him, her, or them respectively, for his, her or their respective Parts and Shares of such Lands, and his, her, or their respective Rights and Interests in the same, save and except as to the Right in and to the Soil of the said Commons and Waste Grounds for which an Allotment or Allotments shall have been made by virtue of the Directions and Authority herein-before contained.

Lands belonging to the Rector and Trustees, for public Purposes, to be distinguished.

XXVI. And be it further enacted, That the said Commissioners shall and they are hereby directed to ascertain and set out by Marks and Boundaries (from the best Information that can be obtained) the Glebe Lands belonging to the said Rectory of *East Bradenham*, and also all Lands in the said Parish of *East Bradenham* belonging to or vested in any Person or Persons whomsoever, as Trustee or Trustees, Feoffee or Feoffees for any Charitable or public Purposes; and by the Award to be made by the said Commissioners to describe and abut the same Premises; and further, that all old Inclosures of Land within the said Parish of *East Bradenham* in which there are Lands belonging to different Proprietors, shall be deemed to be

Field

Field or intermixed Land, and ſhall be divided and allotted by the ſaid Commiſſioners, by virtue of or under the Powers and Authority veſted in them by this Act.

For fencing Allotments.

XXVII. And be it further enacted, That the Lands and Grounds hereby directed to be divided and allotted ſhall be incloſed, hedged, ditched, and fenced by ſuch Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate (ſave and except the Rector of the Rectory of *Eaſt Bradenham* for the Time being, in reſpect of any Allotment to be made to him in Right of the ſaid Rectory; and alſo the Surveyors of the Highways in *Eaſt Bradenham* 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 hereafter 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 the Rector and Surveyors of Highways to be ring-fenced by the Commiſſioners.

XXVIII. And be it further enacted, That the Lands which ſhall be ſet out and allotted unto and for the Rector of *Eaſt Bradenham* for the Time being, in Right of his Rectory, and to the Surveyors of the Highways in *Eaſt Bradenham* aforeſaid, ſhall be incloſed and fenced on the outward Boundaries thereof reſpectively, as the ſaid Commiſſioners ſhall direct, at the Expence of 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 Award, or by any other Writing under their Hands, order and direct.

Allotments to be marked on the Plan, and ſhewn to the Proprietors.

XXIX. And be it further enacted, That the ſaid Commiſſioners, when and as ſoon as they ſhall have aſcertained the Rights and Intereſts of the ſeveral Parties entitled to and intereſted in the Lands hereby directed to be divided and allotted, ſhall cauſe the ſeveral Allotments propoſed to be made by them to be diſtinctly laid down and delineated upon a Map or Plan, which ſhall be produced at a convenient Time and Place to be appointed by the ſaid Commiſſioners, and publiſhed in the ſaid Newſpapers, or one of them, for the Inſpection and Examination of the ſeveral Parties intereſted in the ſaid Allotments; and in caſe any Objection or Objections ſhall be made to the propoſed Allotments, the Party or Parties making the ſame ſhall ſign and deliver a Statement thereof in Writing to the ſaid Commiſſioners, at ſuch Time and Place as they ſhall appoint, and the ſaid Commiſſioners ſhall immediately, or within a convenient Time afterwards, take the ſame into their Conſideration, and determine the Matter thereof; and the Determination of the ſaid Commiſſioners, with reſpect to ſuch Allotments, ſhall be final, binding, and concluſive.

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

XXX. Provided always, and be it further enacted, That if any Perſon (ſave and except the Rector of the ſaid Rectory) hath ſold, or ſhall at any Time before the Execution of the ſaid Award, ſell his, her, or their Right, Intereſt, and Property in, to, over, or upon the ſaid Commons and Waſte Grounds, or any Part thereof, to any other Perſon, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, upon receiving Notice of any ſuch Sale, to make an Allotment of Land unto the Vendee or Purchaſer in every ſuch Sale, or to his or her Heirs, Executors, Adminiſtrators, or Aſſigns, for and in reſpect of ſuch Rights, Intereſts and Property ſo ſold as aforeſaid; and that it ſhall be lawful for any Perſon who ſhall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, ſell, ſurrender, demiſe, mortgage, limit, appoint, convey, and aſſure the ſame Allotment or Allotments for all or any Part of his, her, or their Eſtate or Intereſt therein, or Right thereto, at any Time before the Execution of the ſaid Award; and every ſuch Gift, Grant, Bargain, Sale, Surrender, Demiſe, Mortgage, Limitation, Appointment, Conveyance and Aſſurance ſhall be of the ſame Force and Validity as if the ſame had been made after the Execution of the ſaid Award.

Separate Allotments to be made for Eſtates held under different Titles.

XXXI. And be it further enacted, That in caſe any Proprietor or Proprietors of any Meſſuages, Lands, or Tenements within the Pariſh of *Eaſt Bradenham* aforeſaid, ſhall hold the ſame by different Tenures, or for different Eſtates, or in different Rights, or under different Titles, the ſaid Commiſſioners ſhall upon the Requeſt of any ſuch Proprietor or Proprietors aſcertain and diſtinguiſh the Meſſuages, Lands, and Tenements held by each of ſuch Tenures for each of ſuch Eſtates, and under each of ſuch Rights or Titles reſpectively, and ſhall accordingly in their ſaid Award aſſign, ſet out, and allot diſtinct and ſeveral Allotments by diſtinct and ſeveral Deſcriptions, for or in reſpect of ſuch reſpective Meſſuages, Lands, or Tenements, and ſhall declare in Right of what Eſtate or Eſtates ſuch Allotments reſpectively ſhall have been made; and in caſe the ſaid Commiſſioners, from Want of neceſſary Information, or from any other Cauſe, ſhall not diſcriminate and diſtinguiſh ſuch different Rights or Titles, different Eſtates and different Tenures, in their Award, it ſhall be lawful for them at any Time within Twelve Calendar Months after the Execution of the ſaid Award, upon the Requeſt in Writing of any Perſon or Perſons intereſted, to do and cauſe to be done all proper and neceſſary Acts for the Purpoſe of enabling them to make ſuch Diſcrimination and Diſtinction as aforeſaid, in the ſame Manner as they might or could have done by their ſaid Award; and when and ſo ſoon as the ſaid Commiſſioners ſhall have obtained ſufficient Information for the Purpoſe, by any Deed or Inſtrument in Writing under their Hands and Seals, to aſcertain and diſtinguiſh the Difference of ſuch Tenures, Eſtates, Rights, and Titles reſpectively, and ſhall make diſtinct and ſeveral Allotments in the ſame Manner as they are hereby authorized to do by their ſaid Award; and every ſuch Deed or Inſtrument ſhall have the ſame Force and Effect as if the ſame was contained in the ſaid Award, and ſhall be delivered to the Perſon or Perſons upon whoſe Requeſt the ſame ſhall have been executed, 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 properly belong for the Time being; and the Coſts, Charges, and Expences which ſhall be occaſioned by the Proceedings of the

the ſaid Commiſſioners in making ſuch Diſcrimination, Diſtinction, and Allotment or Allotments, and of preparing and executing any ſuch Deed or Inſtrument, or in anywiſe relating thereto, ſhall be aſcertained and ſettled by the ſaid Commiſſioners, and ſhall be paid by the Perſon or Perſons who ſhall make ſuch Requeſt as aforeſaid, or by his, her, or their Heirs, Executors, or Adminiſtrators, to ſuch Perſon and at ſuch Time and Place as the ſaid Commiſſioners ſhall by Writing under their Hands appoint; and in caſe ſuch Coſts, Charges, and Expences ſhall not be ſo paid, it ſhall be lawful for the ſaid Commiſſioners and they are hereby required to raiſe and levy the ſame by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining this Act and executing the ſaid recited Act and this Act can or may be raiſed and levied.

Allotments to be of the ſame Tenure as the Eſtates for which they are allotted.

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

Admiſſions to Copyholds.

ſuch Allotments ſhall be made, are now holden; and the Perſon or Perſons to whom any ſuch Copyhold Lands or Grounds ſhall be allotted as aforeſaid, ſhall within Six Calendar Months next after the Execution of the ſaid Award be admitted Tenant or Tenants to the ſame, without paying any Fine or other Charge to the Lord or Lady, or to the Steward of the ſaid Manor or Manors reſpectively (ſave and except for the Stamp Duties and Parchment requiſite to be uſed for the Copies of ſuch Admiſſions reſpectively, and ſuch reaſonable Fees to the reſpective Stewards of the ſaid Manors as the ſaid Commiſſioners in and by their ſaid Award ſhall think proper to order and direct); but in caſe any Perſon or Perſons to whom any ſuch Copyhold Lands and Grounds ſhall be allotted as aforeſaid, ſhall not have been before admitted to the ſame, or to the ancient Copyhold Lands and Tenements in reſpect whereof ſuch Allotment or 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 Tenure, Fines, Rents, and other Payments and Services reſpectively, as the preſent Copyhold Houſes, Buildings, Lands, and Grounds, in reſpect whereof ſuch new Allotments ſhall be made are now reſpectively holden and are ſubject

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

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 Lands and Grounds in the ſaid Pariſh of *Eaſt Bradenham*, which are hereby directed to be divided and allotted, and which are to remain or become Copyhold or Leaſehold; and all

all other Lands in the ſaid Pariſh of *Eaſt Bradenham* which are hereby directed to be divided and allotted (except ſuch as ſhall be ſo aſcertained by the ſaid Commiſſioners in their ſaid Award to be Copyhold or Leaſehold as aforeſaid), ſhall from and after the Execution of the ſaid Award be deemed, taken, and enjoyed, as Freehold Lands and Tenements reſpectively, ſubject nevertheleſs to ſuch Free Rents and Services, and other Payments as are now payable out of or for the reſpective Meſſuages, Buildings, Lands, and Tenements in reſpect whereof the ſame ſhall be ſo allotted.

Remainder to be Freehold, and ſubject to former Payments.

XXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot, and award any Meſſuages, Buildings, Lands, Tenements, or Hereditaments within the ſaid Pariſh of *Eaſt Bradenham*, in lieu of and in exchange for any other Meſſuages, Buildings, Lands, Tenements, or Hereditaments within the ſaid Pariſh, or within any adjoining Pariſh, Hamlet, Townſhip, or Place; provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and be made with Conſent of the Perſon or Perſons claiming before the ſaid Commiſſioners to be the Owner or Owners, Proprietor or Proprietors of the Meſſuages, Buildings, Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Perſon or Perſons claiming to be ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, with the Conſent of the Leſſor or Leſſors, but not otherwiſe, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees or Attornies of or acting for any ſuch Perſon or Perſons, claiming before the ſaid Commiſſioners to be ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo 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 Meſſuages, Buildings, Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid, of the Patron thereof, and of the Biſhop of the Dioceſe in which ſuch Meſſuages, Buildings, Lands, Tenements, or Hereditaments ſo to be exchanged, ſhall lie or be ſituate.

For allowing Exchanges to be made.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, if they in their Diſcretion ſhall ſo think fit, to determine all and every or any Leaſe or Leaſes, Agreement or Agreements, at Rack or Extended Rent, now ſubſiſting for any Term of Years, or from Year to Year, of any Meſſuages, Lands, or Tenements within the ſaid Pariſh of *Eaſt Bradenham*, ſo far only as ſuch Leaſe or Leaſes, Agreement or Agreements affect or concern any Part or Parts of the Lands and Grounds hereby directed to be divided and allotted, and of all or any Part of the

Leaſes at Rack Rent may be determined.

Lands and Hereditaments which ſhall be exchanged by virtue of this Act, at ſuch Time or Times, either before or after the Execution of the Award of the ſaid Commiſſioners, as the ſaid Commiſſioners ſhall in and by their Award, or by any Writing or Writings under their Hands, direct, order, or appoint; and it ſhall be lawful for the ſaid Commiſſioners and they are hereby required to adjudge and determine what Satisfaction ſhall be made by the reſpective Leſſors or Landlords to the Leſſees or Tenants reſpectively, for the Determination of their Intereſts in ſuch Lands and Hereditaments, either by the Payment of a groſs Sum, or where other Lands and Hereditaments are or ſhall be compriſed in the ſame Demiſe, by a Reduction and Apportionment of Rent to be paid during the Remainder of the Term for the Reſidue of the Premiſes in every ſuch Leaſe or Demiſe compriſed, and every ſuch Leaſe and Demiſe ſhall upon the Compliance of the Leſſor with the Direction and Order of the ſaid Commiſſioners for the Determination thereof, and not otherwiſe, ceaſe and determine accordingly; and in all Caſes where exiſting Leaſes, Agreements, or Tenancies ſhall continue as to any of the Lands and Grounds to be divided and allotted or exchanged by virtue of this Act, it ſhall be lawful for the ſaid Commiſſioners and they are hereby required to aſcertain, order and direct what additional Rent ſhall be paid by the reſpective Leſſees or Tenants for the Improvement in the Value thereof, and under what Terms, Conditions, and Reſtrictions, with reſpect to the Mode of Huſbandry or otherwiſe, the ſaid allotted or exchanged Lands ſhall be held; and the Rent ſo declared ſhall be added to and recoverable in like Manner as the original Rent; and all ſuch Orders and Directions of the ſaid Commiſſioners with regard to the Mode of Huſbandry to be obſerved by the Tenant or Tenants of ſuch laſt-mentioned allotted or exchanged Lands, ſhall be binding upon ſuch Tenant or Tenants in the ſame Manner to all Intents and Purpoſes as if the ſame had been contained in the original Leaſe or Leaſes of the Lands and Hereditaments in reſpect whereof ſuch Allotments or Exchanges ſhall have been made; provided, that nothing in this Act contained ſhall authorize the vacating or determining of any Leaſe or Agreement of any ſuch exchanged Lands or Hereditaments as aforeſaid, which ſhall wholly be ſituate in any Pariſh or Place adjoining to the Pariſh of *Eaſt Bradenham* aforeſaid; and if any Perſon or Perſons ſhall refuſe or neglect to make any ſuch Compenſation (where ſuch Compenſation ſhall be directed to be made by Payment of any groſs Sum of Money) to the Perſon or Perſons entitled thereto, within Ten Days after Demand made thereof, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners and they are hereby authorized and required to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Surplus Coſts, Charges and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed and levied: Provided always, that nothing herein contained ſhall extend or be conſtrued to extend to revoke, make void, or annul any Leaſe at Rack or Extended Rent of any Meſſuages or Lands belonging to the ſaid *Thomas Trueſdale Clarke* in *Eaſt Bradenham* aforeſaid, which have been made with a View to or in Contemplation of this Act; and that it ſhall be lawful for the Leſſees or Tenants in the ſaid Leaſes reſpectively, their Executors or Adminiſtrators, upon or immediately after the Execution of the ſaid Award, to enter upon and take Poſſeſſion of ſuch Lands reſpectively as ſhall by virtue of the ſaid recited Act and this Act be allotted to the ſaid *Thomas Trueſdale Clarke* in lieu of any Field or intermixed Lands compriſed in the

ſaid

ſaid Leaſes reſpectively which ſhall be allotted to any other Perſon or Perſons, and to hold and enjoy ſuch Lands reſpectively during the Remainder of the Term of Years mentioned in the ſaid Leaſes reſpectively, in the ſame Manner as if the ſame Lands had been demiſed, or let by or compriſed therein reſpectively.

Wills and Settlements not to be affected.

XXXV. Provided always, and be it further 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 paſſed.

Former Proprietors may enter upon Allotments, and take away Trees, &c.

XXXVI. And be it further enacted, That in caſe any Lands hereby directed to be divided and allotted, upon which any Underwood, Buſhes, Whins, Furze or Shrubs, Gates, Gate Poſts, Stiles, Poſts, Pales or Rails ſhall be growing or ſtanding, ſhall by virtue of this Act be allotted to any Perſon or Perſons, other than ſuch Perſon or Perſons as was or were the Owner or Owners thereof, at or immediately before the making ſuch Allotments reſpectively, then and in every ſuch Caſe it ſhall and may be lawful for the Owner or Owners of ſuch Underwood, Buſhes, Whins, Furze, or Shrubs, Gates, Gate Poſts, Stiles, Poſts, Pales, or Rails, at all ſeaſonable Times within the Space of Twelve Calendar Months after the Execution of the ſaid Award, or within any ſhorter Space of Time, to be appointed by the ſaid Commiſſioners by Writing under their Hands, to enter into and upon ſuch Lands and Grounds whereon ſuch Underwood, Buſhes, Whins, Furze or Shrubs, Gates, Gate Poſts, Stiles, Poſts, Pales or Rails, ſhall be ſo ſtanding or growing, and to fell, cut down, ſtub up, and with Workmen, Servants, Cattle, and Carriages, or otherwiſe, to take and carry away the ſame, to and for his, her, and their own Uſe and Benefit, under ſuch Regulations and Reſtrictions as the ſaid Commiſſioners ſhall direct and appoint.

Commiſſioners to direct the Courſe of Huſbandry.

XXXVII. And be it further enacted, That from and after the paſſing of this Act until the Execution of the ſaid Award, all the Arable Land hereby directed to be divided and allotted ſhall be uſed 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 Door of the Pariſh Church of *Eaſt Bradenham* aforeſaid, 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 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; and in caſe any Perſon or Perſons who ſhall be directed to pay any ſuch Sum of Money upon any of the Accounts aforeſaid ſhall neglect or refuſe to pay the ſame on Demand, it ſhall be lawful for the ſaid Commiſſioners and they are hereby required to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining this Act, and executing the ſaid recited Act and this Act, or any Part thereof, can or may be raiſed or levied.

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

XXXVIII. Provided always, and be it further enacted, That no Sheep or Lambs ſhall be kept in any of the Allotments to be made by virtue of this Act, (whereupon any new Fence ſhall have been raiſed) during the Space of Seven Years next after the Execution of the ſaid Award, unleſs the Perſon or Perſons keeping any Sheep or Lambs ſhall previouſly thereto, at his, her, or their own Expence, make and afterwards maintain a ſufficient Fence to guard and protect the young Fences belonging to ſuch Allotments reſpectively from being hurt or damaged by ſuch Sheep or Lambs (whether ſuch young Fences be made or ſet by the Owner or 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.

Allowance to Commiſſioners.

XXXIX. And be it further enacted, That each of the ſaid Commiſſioners who ſhall act in the Execution of the Powers and Authorities hereby and by the ſaid recited Act veſted in them, ſhall be paid the Sum of Four Pounds and Four Shillings, and no more, for each Day he ſhall be employed therein, including the neceſſary Days in travelling to and from the ſaid Meetings, and which ſaid Sum is to be in full Satisfaction for all the Trouble and Expences which ſuch Commiſſioner ſhall be put unto in going to, attending at, and returning from every ſuch Meeting for the Purpoſe of executing this and the ſaid recited Act.

Directions for defraying the Expences of this Act.

XL. And be it further enacted, That the Coſts and Expences incident to and attending the paſſing of this Act, and the Survey, Valuation, Diviſion and Allotments of the Lands hereby directed to be divided and allotted, and the Coſts, Charges and Expences of incloſing the Allotment or Allotments which ſhall by virtue of this Act be allotted to the ſaid Rector in reſpect of the ſaid Rectory, and of incloſing the Allotment or Allotments hereby directed to be made to the Surveyors of the Highways in *Eaſt Bradenham* aforeſaid, and of forming and making the Roads and Ways which ſhall be ſet out and appointed by the ſaid Commiſſioners, to be formed and made in purſuance of the ſaid recited Act, and of prepar-

ing the ſaid Award, and the Copy thereof, and all the Charges and Expences of the ſaid Commiſſioners, their Aſſiſtants and Servants, and all other Perſons employed by the ſaid Commiſſioners in and about the Premiſes, and all other Expences of carrying the ſaid recited Act and this Act into Execution, ſhall be borne, defrayed, and paid by the ſeveral Perſons and Body or Bodies Politic, Corporate, or Collegiate, intereſted in the Premiſes, to whom any Allotment or Allotments ſhall be made by virtue of this Act (ſave and except the Surveyors of the Highways in *Eaſt Bradenham* aforeſaid for the Time being, for or in reſpect of the Allotment or Allotments hereby directed to be made to them as aforeſaid, and alſo ſave and except the Rector of the ſaid Rectory, in reſpect of any Allotment or Allotments which ſhall be made to him in Right of the ſaid Rectory, and alſo ſave and except ſuch Perſon or Perſons whoſe real Property within the ſaid Pariſh of *Eaſt Bradenham*, or elſewhere, ſhall not in the Judgment of the ſaid Commiſſioners exceed the yearly Value of Six Pounds at the Time of making the ſaid Allotments, or whoſe perſonal Property ſhall not in the Judgment of the ſaid Commiſſioners then exceed the Sum of One hundred and twenty Pounds) in ſuch Shares and Proportions, at ſuch Time and Place, and to ſuch Perſon or Perſons, as the ſaid Commiſſioners ſhall by their ſaid Award or any Writing under their Hands appoint; and if any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, ſhall refuſe or neglect to pay his or her Share or Proportion of the ſaid Coſts, Charges, and Expences to the Perſon or Perſons authorized to receive the ſame, at the Time and Place which ſhall be appointed by the ſaid Commiſſioners for the Payment thereof, then and in ſuch Caſe the ſaid Commiſſioners ſhall cauſe the ſame to be raiſed, levied, and recovered in Manner directed by the ſaid recited Act: Provided always, that all Coſts, Charges, and Expences attending any Exchange or Partition, or any Agreement, Matter, or Thing relating thereto, ſhall be borne and defrayed by the ſeveral Parties making or intereſted in any ſuch Exchange or Partition, or any Agreement relating thereto, in ſuch Manner, and in ſuch Proportions, and at ſuch Time and Place, as the ſaid Commiſſioners ſhall by their ſaid Award, or any other Writing under their Hands, order and direct; and in caſe ſuch Coſts, Charges, and Expences ſhall not be paid according to ſuch Order and Direction, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to cauſe the ſame to be raiſed and levied by ſuch Ways and Means, and in ſuch Manner as the Coſts, Charges, and Expences of obtaining this Act, and executing the ſaid recited Act and this Act, can or may be raiſed and levied.

How Expences of Exchanges, &c. are to be paid.

XLI. And be it further enacted, That when and ſo often as it may be neceſſary to charge any Lands or Tenements which ſhall be allotted or exchanged by virtue of this Act, or of the ſaid recited Act, and which ſhall be or become Copyhold, with any Sum or Sums of Money by way of Mortgage, for defraying any Share or Shares of the Coſts, Charges, and Expences of obtaining and paſſing this Act, and executing the ſaid recited Act and this Act, 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 or Aſſigns, according to the 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 for the ſame, inſtead of being mortgaged and ſurrendered

Directions for charging Copyhold Lands with Expences.

to

to such Person or Persons, and his, her, or their Executors, Administrators or Assigns, for a Term of Years as mentioned in the said recited Act.

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

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

XLIII. And

Power for certain Persons to sell their Allotments

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners, on Application being made to them in Writing by any of the Husbands, Guardians, Trustees, Committees or Attornies of or for any of the said Proprietors or Persons interested in the Premises, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies respectively, or by any of the Proprietors of Estates in *East Bradenham* aforesaid, or any Part thereof, who are or shall be Tenant or Tenants in Tail, or for Life or Lives, or on any other Contingency (save and except the said Rector for the Time being) to sell any Part of the Allotment or Allotments to be made by virtue of this Act, to such incapacitated Proprietor or Proprietors, or other Person or Persons, by whom or on whose Behalf any such Application shall be made as aforesaid, for the Purpose of raising a Sum of Money sufficient to defray the respective Shares and Proportions of the Costs, Charges and Expences of obtaining and passing this Act, and executing the said recited Act and this Act, which shall be charged upon or payable by such incapacitated Proprietors, or other Person or Persons respectively, and of fencing, inclosing and subdividing his, her, or their Allotment or Allotments, and of making and completing such Sale; and such Sale shall be made by the said Commissioners in such and the like Manner, and subject to such and the like Rules and Regulations as are mentioned and prescribed in and by the said recited Act, in respect to the Sale of any Lands authorized to be sold for paying the Expences of obtaining and carrying into Execution any Act for dividing, alloting and inclosing any Lands and Grounds; and each and every Allotment for which the full Purchase Money shall be paid, shall be conveyed by the said Commissioners at the Expence of such Purchaser or Purchasers, unto and to the Use of or in Trust for such Purchaser or Purchasers and his, her or their Heirs respectively, or as he, she or they shall appoint, and shall be inclosed and held by such Purchaser or Purchasers respectively in Severalty; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to such Purchaser or Purchasers for the said Purchase Money, which shall be applied by the said Commissioners in or towards defraying such last-mentioned Costs, Charges and Expences, and if any Surplus shall remain in the Hands of the said Commissioners, the same shall be applied and disposed of by them in Manner directed by the said recited Act with respect to Money which is thereby directed to be paid into the Bank of *England* for the Purchase or Exchange of any Lands, Tenements, or Hereditaments to be settled to the same Uses, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements, and Hereditaments as therein mentioned.

Not to deduct and borrow also, unless Land deducted is less than Five Pounds an Acre.

XLIV. Provided always, and be it further enacted, That it shall not be lawful to raise by such Sale or Sales as aforesaid any further or greater Sum of Money than the Person or Persons (Part of whose Allotment shall be sold as aforesaid,) would have been empowered or authorized to borrow or charge upon his, her, or their Allotment or Allotments, under or by virtue of the said recited Act; nor shall it be lawful for the Person or Persons from whose Allotment Land shall be deducted as aforesaid, to charge his, her or their Allotment or Allotments, by virtue of the said recited Act or this Act, with any Money towards the Payment of such Expences, unless the Money to arise by such Sale shall not amount to the Sum of Five Pounds *per* Acre of such Allotment or Allotments, and then and in such Case it

shall be lawful for such Person or Persons to charge his, her, or their Allotment or Allotments or to raise by Mortgage thereof, or by such other Ways and Means as mentioned in the said recited Act or this Act, the Remainder of such Money for the Payment of the Expences of obtaining and executing this Act, so as that the whole Sum to be raised by virtue of this Act shall not exceed the Sum of Five Pounds *per* Acre, according to the Number of Acres contained in such Allotment or Allotments.

Proprietors and their Agents to pay their own Expences. Money advanced to be repaid with Interest.

XLV. Provided always, and be it further enacted, That the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be held in pursuance of the said recited Act or this Act: Provided also, that if any Person or Persons shall advance any Money in Discharge of the Fees or other Expences of obtaining this Act, or of executing the said recited Act and this Act, the Money so advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same.

Commissioners to lay their Accounts before Auditor once in every Year.

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

Directions as to the Award.

XLVII. And be it further enacted, That a true Copy of the said Award, written on Parchment, and signed and attested by the said Commissioners to be a true Copy thereof, together with a Map or Plan of the Parish of *East Bradenham* aforesaid thereto annexed, shall within Twelve Calendar Months after the Execution of the said Award be delivered to the Clerk of the Peace for the said County of *Norfolk*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Two Pounds and Two Shillings shall be paid; and for the Inspection and Perusal whereof, the Sum of One Shilling and no more, shall be paid; and the said Award shall from and after the Delivery of such Copy thereof, so signed and attested as aforesaid, to the said Clerk of the Peace, be deemed and taken to be inrolled according to the Directions and within the Meaning of the said recited Act; and the original Award, with a Map or Plan of the Parish of *East Bradenham* aforesaid thereto annexed, shall be deposited in the Parish Church of *East Bradenham* aforesaid, in a Box to be provided for that Purpose, and a Copy of the

ſaid Map or Plan, on Parchment or Vellum, and a Book of Particulars, referring thereto, wherein all the Lands in *Eaſt Bradenham* aforeſaid, holden of the ſaid Manor of *Eaſt Bradenham* and *Huntingfield Hall*, by Copy of Court Roll, ſhall be marked and diſtinguiſhed, ſhall be delivered to the ſaid *Thomas Trueſdale Clarke*, his Heirs or Aſſigns; and the ſaid Award and Copy thereof, and any other Copy of the ſaid Award, or of the Copy thereof, delivered to the ſaid Clerk of the Peace as aforeſaid, or any Part or Parts thereof, atteſted by the ſaid Clerk of the Peace or his Deputy, (for every Sheet of which Copy containing Seventy-two Words, Four-pence, and no more, ſhall be paid), and alſo the ſaid Copies of the ſaid Map or Plan, ſhall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatſoever, and the ſeveral Allotments, Partitions, Orders, Directions, Proviſions, Matters and Things contained in the ſaid Award, ſhall be binding and concluſive upon all and every the Parties intereſted in the Premiſes.

Appeal to the Seſſions.

XLVIII. And be it further enacted, That if any Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſhall think himſelf, herſelf or themſelves aggrieved by any Thing done or omitted to be done in purſuance of the ſaid recited Act or this Act (other than and except as to ſuch Claims, Matters, and Things which ſhall be aſcertained, ſettled, tried or determined by the Verdict of a Jury, under the Power and Authority herein-before contained, or where, by any of the Proviſions or Clauſes of the ſaid recited Act or this Act, the Determinations, Orders, Acts or Proceedings of the ſaid Commiſſioners are declared or directed to be final and concluſive), 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 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 ſuch Appeal, and the Matter thereof; and the Juſtices (not intereſted in the Premiſes) in their ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order, and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) upon Demand 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 removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without ſufficient Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants as to the ſaid Juſtices in their Diſcretion ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

Right to Tythes not to be prejudiced.

XLIX. Provided always, and be it further enacted, That nothing in the ſaid recited Act or this Act contained ſhall prejudice, leſſen or defeat the Right, Title or Intereſt of the Rector of the ſaid Rectory for the Time

Time being in or to any Tithes or Titheable Matters, Mortuaries, *Easter* Offerings, and Surplice Fees arising, growing, renewing, or coming out of or from or payable in respect of any Lands or Tenements in *East Bradenham* aforesaid; nor shall any Thing in this Act contained prejudice, lessen or defeat the Right, Title, or Interest of any Person or Persons, of, in, or to the Benefit of any Exemption from the Payment of Tithes in Kind, or any Modus, Payment or Composition due or payable, for or in lieu or in respect of such Tithes or Titheable Matters as aforesaid, but that such Tithes and Titheable Matters shall be paid and payable, and such Modus or Moduses, Payments or Compositions, shall remain and continue at all Times hereafter, in the same Manner as if this Act and the said recited Act had not been passed; and in case any Lands in *East Bradenham* aforesaid are exempted or discharged by Law from the Payment of Tithes in Kind, then such Allotment or Allotments as shall be made for, in lieu or in respect of such Lands, shall be in like Manner freed, exempted, and discharged of and from the Payment of Tithes in Kind, and shall be subject and liable only to the same Modus, Composition or Payment as was or were due or payable from the Lands for or in lieu or in respect whereof such Allotment or Allotments shall be respectively made; and the said Commissioners shall by their said Award set forth and describe the respective Lands which are or shall be claimed to be exempted or discharged by Law from the Payment of Tithes in Kind, and also the Modus, Composition or Payment, claimed or alleged to be due and payable in respect of the same Lands respectively, and shall also ascertain and describe the Lands allotted in respect of the Lands which are or shall be claimed to be exempted or discharged by Law from the Payment of Tithes in Kind as aforesaid.

General Saving.

L. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, and Body or Bodies Politic, Corporate or Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons and Body and Bodies Politic, Corporate or Collegiate to whom any Allotment or Allotments shall be made by virtue and in pursuance of the said recited Act or this Act, for and in respect of such Rights or Interests as are hereby meant and intended to be barred, destroyed and extinguished, and all Persons respectively claiming under them or in Remainder after them), all such Right, Estate, Title and Interest, as they, every, or any of them could or ought to have had and enjoyed of, in, to, or in respect of the Lands hereby directed to be divided and allotted, in case this Act had not been passed.

Act to be printed by the King's Printers.

LI. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty duly 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. 1814.