ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 142.

An Act for incloſing Lands in the Townſhip of *Feltwell*, in the County of *Norfolk*.

[3d *June* 1813.]

WHEREAS the Townſhip of *Feltwell*, in the County of *Norfolk*, comprizes and is co-extenſive with the ſeveral Pariſhes of *Feltwell Saint Mary*, and *Feltwell Saint Nicholas*, in the ſaid County, which Pariſhes are not diſtinguiſhable from each other by any known Line of Boundary between them: And whereas there are within the ſaid Townſhip divers Incloſures of Arable, Meadow, and Paſture Land, and alſo divers Heaths, Open and Common Fields, Commonable Lands, Commons, and Waſte Grounds: And whereas *Pleaſance Clough* Spinſter, is Lady of the chief or capital Manor of *Feltwell*; and alſo Lady of the Manor of *South Hall* in *Feltwell*, and claims to be entitled to the Soil of the Commons and Waſte Grounds within the ſaid Townſhip, or to ſome Part thereof: And whereas *James Denton* Eſquire, is Lord of the Manor of *Wendlings Spinvills* and *Duntons* in *Feltwell*, and alſo claims to be intitled to the Soil of the Commons and Waſte Grounds within the ſaid Townſhip, or to ſome Part thereof: And whereas the Maſter or Keeper, and Fellows and Scholars of *Chriſt* College, in the Univerſity of *Cambridge*, are Lords of the Manor of *Eaſt Hall* in *Feltwell*, and likewiſe claim to be entitled to the Soil of the Commons and Waſte Grounds within the ſaid Townſhip, or to ſome Part thereof; and *Randall Wabe* is their preſent

Leſſee, for a Term of Years: And whereas the ſaid *Pleaſance Clough*, *James Denton*, and the ſaid Maſter or Keeper, and Fellows and Scholars, and ſeveral other Perſons reſpectively, are Owners of all the Meſſuages, Cottages, Lands and Tenements within the ſaid Townſhip: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty King *George* the Third, intituled, *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas it would be advantageous to the ſeveral Parties entitled to or intereſted in ſuch of the ſaid Incloſures of Land, Heaths, Open and Common Fields, Commonable Lands, Commons and Waſte Grounds, as are ſubject to Rights of Shackage, or of Sheepwalk or Foldcourſe, or of Common, if thoſe Rights were extinguiſhed, except ſo far as regards the Tract of Land called or known by the Name of The *Weſt Common*, hereafter mentioned; and if the ſaid Incloſures, Heaths, Open and Common Fields, Commonable Lands, Commons and Waſte Grounds (except as before excepted) were divided, and ſpecific Parts or Shares thereof allotted to the reſpective Perſons entitled to, or intereſted in the ſame, according to their reſpective Eſtates, Rights and Intereſts; but, as ſuch Extinguiſhment, Diviſion, and Allotment, cannot be effectually made and eſtabliſhed without the 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*, and *John Houchen* of *Wereham*, both in the County of *Norfolk*, Gentlemen, and their Succeſſors to be elected in the Manner hereinafter mentioned, ſhall be and they are hereby appointed Commiſſioners for valuing, dividing, allotting, and incloſing all the ſaid Incloſures, Heaths, Open and Common Fields, Commonable Lands, Commons and Waſte Grounds, within the ſaid Townſhip, purſuant to the Powers, Regulations and Directions hereinafter contained, 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 preſent Act: Provided, however, that the ſaid Valuation, Diviſion, Allotment and Incloſure, ſhall not extend to, or be made to comprize any Part of a certain Diſtrict, commonly called *Feltwell New Fen Diſtrict*, drained and preſerved under an Act paſſed in the Forty-ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for more effectually draining and preſerving certain Fen Lands lying in the* South Level, *Part of the Great Level of the Fens called* Bedford Level, *between* Brandon River *and* Sams Cut Drain *in the County of* Norfolk, Part of which ſaid Diſtrict, called The *Feltwell New Fen Diſtrict*, lies within the Bounds and Limits of the ſaid Townſhip of *Feltwell*, and contains, by the Commiſſioners Survey of ſuch Diſtrict, Three thouſand nine hundred and ninety-five Acres, Three Roods and Two Perches; nor extend to, or be made to comprize any Part of a certain other Diſtrict, commonly called The Second or *Feltwell* and *Hockwold Diſtrict*, drained and preſerved under an Act paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled, *An Act for draining and preſerving certain Fen Lands and Low Grounds, lying in the* South Level, *Part of the Great Level of the Fens, commonly called* Bedford

Appointment of Commiſſioners.

Bedford Level, *between certain old Rivers or Drains, called* Stoke River *and* Brandon River, *and a certain Level or District, called* Feltwell New District, *and the Hard Lands of* Woodhall *in* Helgay, *and* Helgay, *in the Counties of* Norfolk *and* Suffolk; and also under another Act passed in the Forty-second Year of the Reign of His said Majesty, for amending and rendering more effectual so much of the last-mentioned Act as relates to the Fens and Low Grounds lying within the Second District or Division described in the said Act, Part of which said District, called The Second or *Feltwell* and *Hockwold District*, lies within the Bounds and Limits of the said Township of *Feltwell*, and contains, by the Commissioners Survey thereof, Two thousand five hundred and ninety-four Acres, and Fourteen Perches, nor extend to, or be made to comprise any Part of a certain other District, commonly called the First or *Methwold District*, drained and preserved under the said Act, passed in the Thirteenth Year of the Reign of His present Majesty, which said District, called the First or *Methwold District*, lies within the Bounds and Limits of the said Township, and contains, by the Commissioners Survey of such last-mentioned District, Three hundred and forty-six Acres and Thirty Perches; nor extend to, or be made to comprize the said Tract of Land, called or known by the Name of The *West Common*, hereinbefore and hereinafter mentioned, any further or otherwise than is hereinafter expressly provided.

Appointment of a new Commissioner.

II. And be it further enacted, That in case either of the Commissioners hereinbefore named, or of those to be appointed, as hereinafter expressed, shall die, or refuse to act, or become incapable of acting as a Commissioner in the Execution of this and the first-recited Act, before all the Trusts, Powers, and Authorities, by this Act reposed in the said Commissioners, shall have been fully executed and performed, then, and in such case, and so often as the same shall happen, if the Commissioners so dying, or refusing to act, or becoming incapable of acting, as aforesaid, shall be the said *John Dugmore*, or any Commissioner to be appointed in his Stead or Place, as hereinafter is mentioned, it shall be lawful for the said *Pleasance Clough*, her Heirs or Assigns, Owner or Owners for the Time being of the said chief or capital Manor of *Feltwell*, at any Time or Times within Thirty Days next after her or their Knowledge of such Death, Refusal, or Incapacity, as aforesaid, to appoint by Writing under her or their Hand or Hands, another Person (not being interested in the intended Division and Inclosure) to be a Commissioner jointly with the surviving or continuing Commissioner, for the Purposes of this and the first-recited Act, in the Stead or Place of the said *John Dugmore*, or other Commissioner so dying, or refusing to act, or becoming incapable of acting, as last aforesaid; and if the Commissioner so dying, or refusing to act, or becoming incapable of acting, as first hereinbefore is mentioned, shall be the said *John Houthen*, or any Commissioner to be appointed in his Stead or Place, as next hereinafter is mentioned, it shall be lawful for the major Part in Value (such Value to be ascertained by the Poors Rate or Assessment of the then current Year or Quarter) of the Land Owners of the said Township of *Feltwell* (except the said *Pleasance Clough*, her Heirs or Assigns) at any Time or Times within Thirty Days next after such Death, Refusal, or Incapacity, as last aforesaid, shall be published, or

or made known by the ſurviving or continuing Commiſſioner, in the Manner by this Act preſcribed, for giving or publiſhing Notices, to appoint by Writing under their Hands another Perſon (not being intereſted in the intended Diviſion and Incloſure) to be a Commiſſioner jointly with the ſurviving or continuing Commiſſioner, for the Purpoſes of this and the firſt recited Act, in the Stead or Place of the ſaid *John Houchen*, or other Commiſſioner, ſo dying, or refuſing to act, or becoming incapable of acting, as laſt aforeſaid; but that if the ſaid *Pleaſance Clough*, her Heirs or Aſſigns, Owner or Owners for the Time being, of the ſaid chief or capital Manor of *Feltwell*, on her or their Part, or the Land Owners of the ſaid Townſhip of *Feltwell*, on their Part, or the major Part in Value of them, as aforeſaid, ſhall, from Time to Time, when, or as the Caſe ſhall happen, neglect to make ſuch Appointment reſpectively, as aforeſaid, within the Time hereby for that Purpoſe limited, or ſhall neglect to tranſmit ſuch Appointment reſpectively to the ſurviving or continuing Commiſſioner, within Six Days after the Appointment reſpectively ſhall have been made, then, and in that Caſe, and ſo often as the ſame ſhall happen, the ſurviving or continuing Commiſſioner for the Time being, ſhall forthwith, by Writing under his Hand, from Time to Time appoint another Perſon, not intereſted in the intended Diviſion and Incloſure, to be a Commiſſioner in the Room or Stead of each Commiſſioner ſo dying, or refuſing, or becoming incapable to act; and that every Commiſſioner ſo to be reſpectively 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 firſt-recited Act and this Act into Execution, in all reſpects as if he had been named a Commiſſioner in this Act.

Umpire to be appointed in caſe of Difference.

III. And be it further enacted, That if any Difference ſhall ariſe between the ſaid Commiſſioners, touching or concerning any Matter or Thing to be done by them by virtue or in Execution of this or the firſt-recited Act, whereupon the ſaid Commiſſioners ſhall be equally divided in Opinion, they, the ſaid Commiſſioners, from Time to Time, or when and as often as the Caſe ſhall happen, ſhall, by Writing under their Hands, appoint ſome fit and proper Perſon, not being intereſted in the ſaid Diviſion, Allotment and Incloſure, nor being the Attorney or Agent of any Perſon ſo intereſted, to be an Umpire between them the ſaid Commiſſioners; and the Matter or Thing upon which ſuch Difference of Opinion ſhall have ariſen, ſhall be committed to Writing, and be referred to, and ſhall be ſettled and determined by ſuch Umpire, who is hereby required to make his Determination in Writing; and the Deciſion of the ſaid Commiſſioners, touching the Matter in Queſtion, ſhall be made conformably to the Opinion of that Commiſſioner with whom the Determination of ſuch Umpire ſhall correſpond or agree: Provided always, that every Perſon who ſhall be appointed as an Umpire as aforeſaid, ſhall, previouſly to his acting in that Character, take and ſubſcribe an Oath [*or* Affirmation] in the Form or to the Effect following; (that is to ſay),

Umpire to be ſworn.

'I do ſwear [*or*, being one of the People called Quakers, 'do ſolemnly affirm] that I will faithfully, impartially and honeſtly, 'according to the beſt of my Skill and Judgment, execute and perform 'the ſeveral Powers and Authorities veſted and repoſed in me as an

'Umpire, by virtue of an Act passed in the Fifty-third Year of the 'Reign of King *George* the Third, intituled, *An Act for inclosing Lands 'in the Township of* Feltwell, *in the County of* Norfolk, according to 'Equity and good Conscience, and without Favour or Affection, Pre-'judice or Partiality, to any Person or Persons whomsoever.

'So help me GOD.'

Which Oath or Affirmation the said Commissioners, or one of them, are and is hereby empowered to administer; and every such Oath or Affirmation, and also the Writing appointing every such Umpire, shall be annexed to and enrolled with the Award of the said Commissioners, and a Copy of the Enrolment of such Oath or Affirmation shall be admitted as legal Evidence.

Notice of Meetings.

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

Other Notices, how to be given.

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

For settling Differences;

VI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotment, touching or concerning any Right of Manor, Soil, Shackage, Sheepwalk, Foldcourse, or Common, or any other Right or Interest which they, or any of them, shall or may claim to have of or in any of the Lands or Grounds by this Act directed to be divided and allotted, or touching or concerning their respective Shares or Proportions of or in the same respectively, or concerning any Timber, Wood, Underwood, Bushes, Thorns, Whins, or Furze growing thereon, or concerning any Allowance claimed or to be

made for ploughing Land, ſowing Turnips or Corn, laying down with Graſs Seeds, manuring or improving the ſaid Lands or Grounds, or any of them, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion or Allotment, then and in any of the ſaid Caſes, and ſo often as the ſame ſhall happen, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, as well by the Examination, Information, or Teſtimony of Witneſſes upon Oath, as by any other proper and ſufficient Inquiry or Evidence, to examine into and hear and determine the ſame: Provided nevertheleſs, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to empower the ſaid Commiſſioners or Umpire to determine the Title to any Manors, Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever.

but not to determine Title.

For awarding Coſts.

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

Allowing Perſons diſſatisfied with the Determination of the Commiſſioners to try their Rights at Law.

VIII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, or any Body or Bodies Politic, Corporate, or Collegiate, who ſhall have delivered to the ſaid Commiſſioners any Claim in Writing, of any Right or Intereſt in, upon, or over the Lands or Grounds, by this Act directed to be divided and allotted as aforeſaid, or in, upon, or over any Part thereof, or who ſhall have delivered to the ſaid Commiſſioners any Objection in Writing to any ſuch Claim of any other Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners or Umpire, touching or concerning any ſuch Claim or Objection, or ſhall be deſirous of having the Matter of ſuch Claim or Objection decided by the Verdict of a Jury, and ſhall within One Calendar Month next after ſuch Determination, cauſe Notice in Writing of his, her,

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

If Action not proceeded in, the Determinations of the Commissioners to be final.

Actions not to abate by Deaths of Parties.

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

Differences not to delay the Execution of the Act.

and that the Allotment or Allotments to which any such Difference, Suit, or Proceeding respectively shall relate, shall be taken by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who by the Determination of such Difference, Suit, or Proceeding respectively, shall become entitled to the same.

In case of Death of Parties before Actions brought, the same to be carried on and defended in their Names.

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

Right of Possession not to be determined by the Commissioners.

XI. 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 either of such Parties (except in Cases of Encroachment made within the Period of Twenty Years, as hereinafter mentioned); but that 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 Rights of Common.

XII. And be it further enacted, That it shall be lawful for the said Commissioners at any Time before the Execution of their Award, to order and direct by Notice in Writing under their Hands, to be for that Purpose affixed upon the principal Outer Doors of the Parish Churches within the said Township, all and every or any Right or Rights of Sheepwalk or Foldcourse, and of Shackage or Common, in, over, or upon the said Open and Common Fields, Commonable Lands, Heaths, Commons, and Waste Grounds, by this Act directed to be divided, allotted, and inclosed, and discharged from such Rights respectively, or any Part thereof, to be extinguished either wholly or in Part, or the Exercise thereof to be suspended, for and during such Time or Times as shall be expressed in such Notice; and that all and every the Rights and Right which the said Commissioners shall so order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall, from the Time of affixing such Notice on the said

Church Doors as aforeſaid, accordingly ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof be ſuſpended accordingly, as the Caſe may be; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

To prevent cutting Turf.

XIII. And be it further enacted, That it ſhall not be lawful for any Perſon whoſoever, from and after the paſſing of this Act, to cut, dig, pare, grave, flay, or carry away any Turf, Flags, Sedge, Whins, or Furze, in, upon, or from the ſaid Commonable Lands and Waſte Grounds (including within this Deſcription the aforeſaid Tract of Land called or known by the Name of the *Weſt Common*), or any Part thereof, without or contrary to the Licence in Writing of the ſaid Commiſſioners firſt had and obtained for that Purpoſe (which Licence they the ſaid Commiſſioners are hereby empowered to grant, under ſuch Rules, Orders, Regulations, or Reſtrictions, as to them ſhall ſeem expedient); and that if any Perſon ſhall, after the paſſing of this Act, cut, dig, pare, grave, flay, or carry away any Turf, Flags, Sedge, Whins, or Furze, in, upon, or from the ſaid Commonable Lands and Waſte Grounds, or any Part thereof, without or contrary to ſuch Licence as aforeſaid, the ſaid Commiſſioners, or any Juſtice of the Peace for the ſaid County of *Norfolk*, upon due Proof thereof made before them or him reſpectively upon Oath (which Oath any one of the ſaid Commiſſioners or any ſuch Juſtice is hereby empowered to adminiſter) ſhall, and they and he are and is hereby required, by Warrant under Hand and Seal, directed to any Perſon or Perſons whomſoever, to cauſe any Sum of Money, not exceeding Five Pounds, to be levied by Diſtreſs and Sale of the Goods and Chattels of any Perſon offending in the Premiſes, rendering the Overplus (if any) upon Demand, to the Perſon whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale; and that the Money ſo to be levied by Way of Penalty as aforeſaid, ſhall be applied towards defraying the Coſts and Charges of obtaining and executing this Act.

For aſcertaining Boundaries.

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

For ſettling Diſputes reſpecting Boundaries.

XV. And be it further enacted, That in caſe any Diſpute or Doubt ſhall ariſe concerning the Boundaries of the ſaid Townſhip, and any adjoining Townſhip, Pariſh, Hamlet, or Diſtrict, it ſhall be lawful for the ſaid Commiſſioners, after having inquired into ſuch Diſpute or Doubt,

Doubt, pursuant to the Directions of the first recited Act, if the Evidence on each Side shall, in the Opinion of the said Commissioners, be equal as to the Lines of Boundary claimed respectively, to ascertain, set out, and fix such intermediate Line or Boundary between the claimed Lines as the said Commissioners shall think proper: Provided always, that if any Person or Persons interested in the Determination of the said Commissioners or Umpire, respecting the Boundaries of the said Township as hereinbefore is mentioned, shall be dissatisfied with such Determination, the same Person or Persons may appeal to the Justices of the Peace acting in and for the said County of *Norfolk*, at any Quarter Sessions of the Peace, or any Adjournment thereof, to be held within Four Calendar Months next after the Publication of the said Boundaries in such Newspaper as aforesaid, the Party or Parties so appealing having first given to the said Commissioners, or to their Solicitor or Clerk Fourteen Days Notice in Writing of the intended Appeal, and of the Subject Matter of the same; and that the Decision of the said Justices therein shall be final and conclusive between and upon all Parties whomsoever.

Power to appeal against Commissioners' Determination respecting Boundaries.

For shortening Boundary Fences.

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

Respecting Encroachments within Twenty Years.

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

Allotments of certain Encroachments to be made to Persons in Possession.

XVIII. Provided always, and be it further enacted, That the Lands or Grounds comprized in any Encroachment which shall have been made within Twenty Years last past, shall (without regard to the Value of any Improvements since made thereon) be allotted to the Person or Persons in Possession thereof, so far as he, she, or they shall be entitled to any Allotment of sufficient Value, by virtue of this Act; and in that Case the Value of such Encroachment shall, as Circumstances may require, be deducted from or deemed a Compensation for the Allotment or Allotments to which such Person or Persons shall be entitled under this Act; but that if the Person or Persons in Possession of any such Encroachment shall not be entitled to any Allotment by virtue of this Act, or shall not be entitled to any Allotment equivalent to the Value of such Encroachment, then and in either of those Cases, the whole or the surplus Quantity (as the Case may be) of the Land comprized within or forming such Encroachment, 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 towards Payment of the Costs, Charges, and Expences of obtaining this Act, and of carrying the same into Execution: Provided always, that if there shall be any Overplus of such Money, the same shall be paid to the Person or Persons entitled thereto, or applied and disposed of by the said Commissioners in Manner directed by the first recited Act with respect to the Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money is required to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Certain Inclosure not to be deemed Encroachments.

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

Carriage Roads to be first set out.

XX. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, in the first place, before

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 and Highways in, through, and over the Lands and Grounds by this Act directed to be divided and allotted, and to divert, turn, or ſtop up any of the preſent Roads or Highways, or any of the public Tracks, Ways, or Footpaths, 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 Doors of the Pariſh Churches within the ſaid Townſhip, 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 *Feltwell* aforeſaid, or within Eight Miles thereof, and not ſooner than Fourteen Days from the 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 Townſhip 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, many 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 to 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, Tracks, Ways, Footpaths, and other Paths whatſoever, in, through, and over the Lands and Grounds by this Act directed to be divided and incloſed, 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 always, that none of the preſent Roads within the ſaid Townſhip 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.

Allotment for Right of Soil.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall, after having ſet out the public Roads and Highways, aſſign, ſet out, and allot unto the Lady or Lord for the Time being of the hereinbefore

fore mentioned chief or capital Manor of *Feltwell*, and unto the Lady or Lord for the Time being of the hereinbefore mentioned Manor of *South Hall* in *Feltwell*; and unto the Lord for the Time being of the hereinbefore mentioned Manor of *Wendlings Spinvills* and *Duntons* in *Feltwell*; and unto the Lords or Lord for the Time being of the hereinbefore mentioned Manor of *East Hall* in *Feltwell*, proportionably to their several and respective Shares, Rights, and Interests, so much and such Part or Parts of the Lands and Grounds by this Act directed to be divided and allotted, except the hereinbefore mentioned Tract of Land called or known by the Name of the *West Common*, as shall, in the Judgment of the said Commissioners, be equal in Value to One-eighteenth Part of the said Commons and Waste Grounds (except as aforesaid) by way of Compensation, and in full Satisfaction for the Right of such Lady and Lords or Lord respectively, of, in, and to the Soil of the same Commons and Waste Grounds (except as aforesaid).

Allotment for Right of Sheep-walk.

XXII. And be it further enacted, That the said Commissioners shall also assign, set out, and allot, unto all and every Persons and Person, and Bodies and Body Politic, Corporate, or Collegiate, having any Right or Rights of Sheepwalk or Foldcourse in, upon, or over all or any Part or Parts of the said Open and Common Fields, Heaths, Commonable Lands, Commons, and Waste Grounds, within the said Township of *Feltwell*, such Parts and Parcels of the same Open and Common Fields, Commonable Lands, Commons, and Waste Grounds, as shall in the Judgment of the said Commissioners be an adequate Compensation for, and fully equal in Value to, such his, her, or their several and respective Right or Rights of Sheepwalk or Foldcourse as aforesaid.

Allotment for Watering Places and Gravel Pits.

XXIII. And be it further enacted, That the said Commissioners shall, if they shall think fit, assign, set out, and allot unto the Surveyors for the Time being of the Highways within the said Township of *Feltwell*, and to their Successors for ever, such Part and Parcel or Parts and Parcels of the Lands and Grounds by this Act directed to be divided and allotted, as the said Commissioners shall think necessary and most convenient for public Watering Places for Cattle, and for Gravel, Chalk, and Stone Pits; and that the said Allotment or Allotments shall be fenced in such Manner as the said Commissioners shall direct, and when set out, shall for ever thereafter be used by the Surveyors for the Time being of the Highways, and by the respective Proprietors of Estates within the said Township of *Feltwell*, and their respective Tenants for the Time being, in such Manner, and under such Rules and Regulations, as the Churchwardens and Overseers of the Poor, and the Surveyors of the Highways for the Time being within the said Township, or the major Part of them, shall order, direct, and appoint, and not otherwise.

Allotment of the Residue.

XXIV. And be it further enacted, That the said Commissioners shall then assign, set out, and allot all the Residue and Remainder of the Inclosures, Heaths, Open and Common Fields, Commonable Lands, and other Lands and Grounds by this Act directed to be divided and allotted (except the Tracts of Land hereinbefore and hereinafter excepted)

cepted) unto and amongſt the ſeveral Owners and Proprietors thereof, and unto and amongſt the ſeveral other Perſons and Body and Bodies Politic, Corporate and Collegiate, having any Right or Intereſt in, to, upon, or over the ſame Lands and Grounds reſpectively, or any Part thereof, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall adjudge and determine to be proportionate to the Value of and a full Compenſation and Satisfaction to ſuch Owners and Proprietors, and Body and Bodies reſpectively, for his, her, and their reſpective Parts and Shares of ſuch Lands and Grounds, and for his, her, and their reſpective Rights and Intereſts in, to, upon, or over the ſame reſpectively.

Commiſſioners to appoint a Time for receiving Objections to Allotments.

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

In caſe of Sale of Lands or Common Rights, Allotments to be made to the Purchaſers.

XXVI. And be it further enacted, That if any Owner or Owners hath or have ſold, or ſhall at any Time within Three Calendar Months before the Execution of the Award of the ſaid Commiſſioners, ſell to any other Perſon or Perſons whomſoever, ſuch Owner or Owners Right, Intereſt, and Property, in or to the Lands or Grounds by this Act directed to be divided and allotted, or in or to any Part thereof, or in or to any Allotment or Allotments which ſhall be ſet out or intended to be made by the ſaid Commiſſioners, either in full or in part Satisfaction of any ſuch Right, Intereſt, or Property as aforeſaid, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to make an Allotment of Land unto the reſpective Vendee or Purchaſer mentioned in ſuch reſpective Sale, or to his, her, or their Heirs or Aſſigns, for and in reſpect of the Right, Intereſt, and Property which ſhall have been ſo ſold as aforeſaid, and not to the Vendor or Vendors of the ſame; and that every ſuch Vendee or Purchaſer reſpectively, and his and her reſpective Heirs and Aſſigns, ſhall, and may, from and after the Execution of the ſaid Award, hold and enjoy the Land ſo to be allotted to him, her, or them reſpectively as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor in ſuch Sale might, could, or

ought to have held and enjoyed the ſame in caſe ſuch Sale had not been made, or ſuch Right, Intereſt, or Property had remained in ſuch Vendor at the Time of making ſuch Allotment as aforeſaid: provided, that every Inſtrument of Sale, if the ſame ſhall relate to any Right, Intereſt, or Property appurtenant to or claimed in reſpect of any Houſe or Land holden by Copy of Court Roll of the Lady or Lords of any of the aforeſaid Manors, or to any Allotment ſet out, or intended to be ſet out in reſpect of any ſuch Copyhold Houſe or Land, ſhall (to give it complete Effect as aforeſaid) be enrolled or entered either at large, or by way of Memorial, in the Court Books, or on the Rolls of ſuch Manor; and when ſo enrolled or entered, or delivered to the Steward for Enrolment or Entry, ſhall have the Effect of a Surrender to the Uſe of ſuch reſpective Vendee or Purchaſer as aforeſaid, and his or her reſpective Heirs and Aſſigns, according to the Cuſtom of the Manor entitling him, her, or them to be admitted Tenant or Tenants of the Land therein comprized, at the Time which is hereinafter preſcribed for the Admiſſions to Copyhold Lands, after the Execution of the ſaid Commiſſioners.

Satisfaction to be made for unequal Fencing.

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

Allotments to remain of the ſame Tenure as the Lands for which they are made.

XXVIII. And be it further enacted, That all the Lands and Grounds which ſhall be allotted by virtue of the firſt recited Act or of this Act, to any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, for or in lieu or in reſpect of any Meſſuages, Houſes, Lands, or Tenements, holden of the Lady or Lord or Lords of any of the aforeſaid reſpective Manor or Manors, by Copy of Court Roll, or for or in lieu or in reſpect of any Leaſehold Lands or Tenements, or for or in reſpect of any Right of Shackage or Sheepwalk, or Foldcourſe, or of Common, or other Right or Intereſt appendant or appurtenant to any ſuch Copyhold or Leaſehold Premiſes ſhall, from and for ever after the Execution of the ſaid Commiſſioners' Award, be deemed and taken to be Copyhold or Leaſehold reſpectively, according to the Tenure of the Meſſuages, Houſes, Lands, or Tenements, for or in reſpect of which the ſame ſhall be allotted, and ſhall be held accordingly, by and under the ſame Tenure, Rents, Payments, Fines, Cuſtoms, and Services, as the Copyhold or Leaſehold Meſſuages, Houſes, Lands,

or

or Tenements respectively, for or in lieu or in respect whereof such Allotments shall be made, are now held by, and are subject to; and that all Persons to whom any Copyhold Lands or Grounds shall be allotted as aforesaid, shall within Six Calendar Months next after the Execution of the said Award, or at the first General Court to be held for the said Manor or Manors respectively next after the Expiration of such Six Calendar Months, be admitted Tenant or Tenants to the same, without paying any Fine to the Lady or Lord or Lords, or any other Charge to the Steward or Stewards of the said Manor or Manors respectively, than for the Stamp Duties and Parchment requisite to be used for the Copies of Admissions, and such reasonable Fees to the respective Stewards of the said Manors as the said Commissioners shall by their said Award order and direct; but that in case the Person or Persons to whom such Lands or Grounds shall be allotted, shall not have been admitted to the Messuages, Houses, Lands, or Tenements, in respect whereof such Allotment or Allotments shall have been made, or shall die without having been admitted to the Lands allotted in respect of such Copyhold Messuages, Houses, Lands, or Tenements respectively, or shall claim as a Vendee or Purchaser under any such Sale as hereinbefore is mentioned, then and in every such Case the customary Fines, Fees, and other Payments, shall be due and payable on the Admission or Admissions of the Person or Persons then entitled to such allotted Lands and Premises; and that after every such first Admission, the Copyhold Lands and Premises which shall have been so allotted as aforesaid, shall be held under and subject to the same Tenure, Fines, Rents, and other Payments and Services respectively, as the Copyhold Messuages, Houses, Lands, and Tenements, in respect whereof such new Allotments shall be made, are now respectively held under and are subject to; and the said Commissioners are hereby required and directed to determine, and describe, and abut, in and by their said Award, and in and by the Map or Plan to be thereto annexed, all the Messuages, Houses, Buildings, Lands, and Tenements in the said Township of *Feltwell*, which are to remain or become Copyhold or Leasehold, and all other Messuages, Houses, Buildings, Lands, and Tenements, in the said Township of *Feltwell* (except such as shall be so ascertained by the said Commissioners to be Copyhold or Leasehold) shall thenceforth be deemed, taken, and enjoyed as Freehold Messuages, Houses, Buildings, Lands, and Tenements respectively, subject nevertheless to such Free Rents, Services, and Payments, as are now payable out of or for the respective Messuages, Houses, Buildings, Lands, and Tenements, in respect whereof such new Allotments shall be made.

Directions where Allotments are held under different Tenures.

XXIX. And be it further enacted, That in case the Proprietor or Proprietors of any Messuages, Lands, or other Hereditaments, by this Act or the first recited Act authorized to be divided or allotted, shall hold his, her, or their respective Messuages, Lands, or Hereditaments, by different Tenures, or for different Estates, or under different Titles, the said Commissioners shall, upon the Request of such Proprietor or Proprietors in Writing under his, her, or their Hand or Hands, ascertain and distinguish the Messuages, Lands, or other Hereditaments, held by each of such Tenures, for each of such Estates, and under each of such Titles respectively, and shall accordingly in their said Award discriminate and set out distinct and separate Allotments for

for such respective Messuages, Lands, or other Hereditaments; and that where, from the Want of the necessary Information before the said Commissioners, or from any other Cause they shall have omitted in their said Award to ascertain and distinguish, or shall have erroneously described such different Tenures, different Estates, or different Titles, as hereinbefore is required, and Request shall be made within Twelve Calendar Months next after the Execution of the said Award, to the said Commissioners by any Person or Persons interested, by Writing under his, her, or their Hand or Hands, to have such Omission supplied, or Error corrected, by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do every Thing necessary for supplying such Omission, or correcting such Error, and so far as those Purposes respectively shall require, to examine Witnesses, and in every other respect to proceed and act as if their Award had not been made; and that when they shall have obtained what they shall think sufficient Information, they the said Commissioners are hereby also authorized, by Deed or Instrument in Writing under their Hands and Seals, by way or in the nature of a Supplemental Award, to ascertain and discriminate or distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make distinct and separate Allotments, in such Manner as is hereinbefore required for making the Distinction or Discrimination in the original Award; or to correct any such Error as aforesaid, and that a Copy, signed and attested by the said Commissioners, of every such Deed or Instrument, shall be deposited with the Clerk of the Peace for the Time being for the said County of *Norfolk*, with a Copy of the original Award; and that every such separate Deed or Instrument shall, from and immediately after the Execution thereof by the said Commissioners, have the same Effect to all Intents and Purposes, as if the Contents thereof had been contained in the original Award; and that the same Deed or Instrument shall, when executed, be delivered to the Person or Persons at whose Request any such Omission shall have been supplied or Error corrected, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question shall, in the Opinion of the said Commissioners, most properly belong; and that all the Expences which shall have been reasonably incurred in or about such separate Deed or Instrument and Copy respectively, shall be payable and paid by the Person or Persons who shall have so requested the said Commissioners to supply such Omission, or correct such Error as aforesaid, his, her, or their Heirs, Executors, or Administrators, or Successors in Title; and that the said Deed or Instrument, and Copy, or any Copy thereof respectively, attested by the said Commissioners, or by the Clerk of the Peace or his Deputy, shall be Evidence in all Courts whatsoever, in the same Manner as is by this Act provided with regard to the original Award, and the Copies thereof respectively.

Empowering the Commissioners to make Partitions of joint Property.

XXX. And whereas some of the Proprietors of Messuages, Cottages, Lands, Tenements, or Hereditaments, within the said Township of *Feltwell*, may be seised of or entitled to the same as Joint Tenants, as Tenants in Coparcenary, or as Tenants in Common, and may not, by reason of Coverture, Infancy, or other Incapacity, or of Settlement, or of Absence beyond the Seas, be able to make an effectual Division

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

For scouring out Drains and Watercourses.

XXXI. And be it further enacted, That the said Commissioners shall and may scour out, deepen, and widen, or cause to be scoured out, deepened, and widened respectively, all or any and such of the ancient or present Rivulets, Brooks, Streams, Ditches, Drains, and Watercourses, Tunnels, and Bridges, within those Parts of the said Township of *Feltwell*, which are by this Act directed to be divided and allotted, in such Manner as they shall think proper; and also set out, appoint, and make such new Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges, through and over the Lands and Grounds within the said Township by this Act directed to be divided and allotted, (making such Satisfaction, either in Money or in Land, to the Proprietors of any ancient Inclosures which may be damaged thereby, as they the said Commissioners shall think reasonable,) and of such Depth and Width, and in such Directions as they the said Commissioners shall also think proper; and that the said Commissioners shall and may, and they are hereby authorized and required, in and by their Award, to order and direct by whom and at whose Expence, and at what Time, and in what Manner any such new Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges respectively shall be made, and afterwards be cleansed, scoured, repaired, and maintained: Provided always, that no Brook

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or Stream of Water shall be diverted or turned, without the Consent in Writing of the Owner or Proprietor, Owners or Proprietors of the Lands and Grounds from which any such Brook or Stream shall be diverted, and of the Owner or Proprietor, or Owners or Proprietors of the Lands and Grounds into which any such Brook or Stream shall be proposed to be turned.

Allowing Exchanges to be made.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Messuages, Houses, Lands, Tenements, or Hereditaments, within the said Township of *Feltwell*, in Lieu of and in Exchange for any other Messuages, Houses, Lands, Tenements, or Hereditaments, within the said Township, or within any adjoining Parish, Township or Place; provided every Exchange made by virtue of this Act be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the previous Consent of the Person or Persons claiming before the said Commissioners to be Owner or Owners, Proprietor or Proprietors of the Messuages, Lands, Tenements, or Hereditaments which shall be so exchanged, or shall be proposed to be exchanged, whether the Person or Persons so claiming to be such Owner or Owners, Proprietor or Proprietors, shall be seised or possessed in his, her, or their natural Capacity or Capacities as Tenant or Tenants in Fee Simple, in Fee Tail General or Special, or for Life, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or be a Body or Bodies Politic, Corporate or Collegiate, or a Corporation Aggregate or Sole, or else with the previous Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for the Person or Persons so claiming to be such Owner or Owners, or Proprietor or Proprietors as aforesaid, who at the Time of making or proposing such Exchange or Exchanges respectively shall be either Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, herself, or themselves respectively, such Consent to be testified by Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other Parties respectively; and all and every such Exchange and Exchanges shall be deemed and considered good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided always, that no Exchange shall be made under this or the first recited Act, of any Messuages, Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent in Writing of the Bishop of the Diocese in which the Messuages, Lands, Tenements, or Hereditaments proposed to be exchanged, shall lie, and be situate, and of the Patron for the Time being of such Church, Chapel, or other Ecclesiastical Benefice respectively.

Expence of Exchanges to be paid by the Parties.

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

XXXIV. And

For vacating Leaſes at Rack Rent.

XXXIV. And be it further enacted, That all Leaſes and other Agreements at Rack or extended Rent, and originally granted and entered into for any Term or Terms not exceeding Twenty-one Years, now in Force, of or for any Meſſuages, Buildings, Lands, Tenements, or Hereditaments, ſituate within the ſaid Townſhip of *Feltwell*, either alone or together with any other Meſſuages, Buildings, Lands, Tenements, or Hereditaments, in any adjoining Pariſh or Pariſhes, ſhall, ſo far only as ſuch Leaſes or Agreements relate to or affect any of the Lands or Grounds in the Townſhip of *Feltwell* aforeſaid, ceaſe, determine, and be void, immediately after the Execution of the ſaid Commiſſioners' Award, or at ſuch other Time, either before or after the Execution of the ſaid Award, as the ſaid Commiſſioners ſhall direct, and that the reſpective Leſſees or Tenants of the Premiſes comprized in ſuch Leaſes or Agreements reſpectively, ſhall receive from the reſpective Owners and Proprietors, Leſſor or Leſſors of ſuch Premiſes, ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall, by Writing under their Hands, determine to be a reaſonable Compenſation and Satisfaction for the Loſs or Loſſes which ſuch Leſſees or Tenants reſpectively ſhall ſuſtain on account of the Determination of the ſame Leaſes or Agreements reſpectively; and that, if the Amount of the Money to be determined as aforeſaid, ſhall not be paid to the Perſon or Perſons entitled to receive the ſame, within Ten Days after Demand made thereof, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, to levy and raiſe the ſame for the Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed and levied: Provided always, that where the Lands comprized in any ſuch Leaſe or Agreement as aforeſaid, ſhall lie Part in the Townſhip of *Feltwell* aforeſaid, and Part in any adjoining Pariſh, every ſuch Leaſe or Agreement may be vacated in Manner aforeſaid; but where any Land which ſhall have been taken in Exchange ſhall lie or be ſituate wholly in an adjoining Pariſh, the Leaſe or Agreement of or for ſuch laſt-mentioned Land ſhall not be vacated.

Wills and Settlements not to be affected.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend to revoke, make void, alter or annul any Will (whether only ambulatory or in actual Operation by the Death of the Teſtator or Deviſor) or any Deed, Settlement or Surrender, or any Leaſe originally granted for any Term of Years, exceeding Twenty-one Years, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance, in, out of, upon, or affecting any of the Meſſuages, Houſes, Buildings, Lands or Grounds to be divided or allotted, or to be exchanged by virtue of the firſt recited or this Act, or any Part or Parts thereof reſpectively (except by a Leaſe or Leaſes, Agreement or Agreements at Rack Rent, originally granted or entered into for a Term not exceeding Twenty-one Years as aforeſaid); but that each and every Proprietor ſhall, as to the ſeveral Lands and Grounds to be allotted by way of Reinveſtment or Confirmation, or by way of Subſtitution or in Exchange, by virtue of this and the firſt recited Act, or either of them, as the Caſe may be, ſtand and be ſeiſed thereof to ſuch and the ſame Uſes and for ſuch and the ſame Eſtates, and ſubject to ſuch and the

ſame Wills, Jointures, Rents, Charges and Incumbrances (if any) as the ſame Meſſuages, Houſes, Buildings, Lands, and Tenements, whereof ſuch Proprietor was ſeiſed or poſſeſſed at or immediately before the Execution of the ſaid Commiſſioners' Award, and for or in lieu of which ſuch Allotments or Exchanges ſhall be made, would have been ſubject to, charged with, or affected by, in caſe this Act had not been made; and as to the ſeveral Lands and Grounds to be allotted by way of Addition to ſuch Proprietor, or to his or her Vendee or Purchaſer, by virtue of the Power hereinbefore contained, ſuch Proprietor, or his or her Vendee or Purchaſer (as the Caſe may be) ſhall ſtand and be ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges and Incumbrances, and no other, as the ſeveral Meſſuages, Houſes, Lands, and Tenements, in reſpect of which ſuch laſt-mentioned Allotments reſpectively by way of Addition ſhall be made, ſhall be ſubject to, and charged with, or affected by, at, or immediately before the Execution of the ſaid Award, or in caſe of a Vendee or Purchaſer, at or immediately before the Execution of the Agreement or Contract of Sale.

Courſe of Huſbandry.

XXXVI. And be it further enacted, That from and after the paſſing of this Act, until the Execution of the Award of the ſaid Commiſſioners, no Part of the Meadow or Paſture Land, by this Act directed to be divided and allotted, ſhall be ploughed up or converted into Tillage, without the Conſent in Writing of the ſaid Commiſſioners firſt had and obtained for that Purpoſe; and that all the Lands by this Act directed to be divided and allotted, ſhall, during the ſaid Period, be uſed and managed in ſuch Manner, and ſhall be ſubject and liable to ſuch Directions and Regulations as the ſaid Commiſſioners ſhall, from Time to Time, by Writing under their Hands, to be affixed upon the principal Outer Doors of the Churches of the ſaid Townſhip of *Feltwell*, preſcribe and direct, as well with regard to the ſtocking, as to the draining, ploughing, folding, tilling, manuring, ſowing, and laying down the ſame, and alſo as to the cutting of Thorns and Buſhes thereon; and that it ſhall be lawful for the ſaid Commiſſioners, by any Writing under their Hands, to order and direct ſuch Sum and Sums of Money, not exceeding Five Pounds *per* Acre, to be paid in reſpect thereof, or in reſpect of any Neglect of Obedience to or Conformity with any of the ſaid Directions and Regulations, by any Perſon intereſted in the ſaid Lands, or any Part thereof, or by his or her Tenant, to any other Perſon alſo intereſted therein, or to his or her Tenant, as they the ſaid Commiſſioners ſhall think reaſonable; and that in caſe any Perſon who ſhall be directed to pay any Sum of Money on any of the Accounts aforeſaid, ſhall neglect or refuſe to pay the ſame 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 or Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as any of the Coſts, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed or levied.

Gaps to be left.

XXXVII. Provided always, and be it further enacted, That convenient Gaps or Openings ſhall be left in the Fences and Incloſures to be made in purſuance of this or the firſt recited Act, for the Space of Six Calendar Months next after the Execution of the ſaid Award, for the

Paſſage of Cattle, Carts, and Carriages, into and through the ſame, unleſs the ſeveral Perſons intereſted therein ſhall agree that the ſame may be ſooner ſtopped up and incloſed.

To prevent the depaſturing of Sheep in the new Allotments.

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 Commiſſioners' Award, unleſs the Perſon or Perſons keeping any Sheep or Lambs, ſhall, previouſly thereto, at his, her, or their own Expence, make and afterwards maintain a ſufficient Fence to guard and protect the young Fences belonging to ſuch Allotments reſpectively from being hurt or damaged by ſuch Sheep or Lambs (whether ſuch young Fences be made or ſet by the Owner or Occupier of ſuch Allotment 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 or 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 Lands 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.

Allotment of Part of Weſt Common to be ſet out for the Benefit of the Poor.

XXXIX. And be it further enacted, That the ſaid Commiſſioners ſhall, in the firſt Place, aſſign, ſet out, and allot unto the Lady or Lord of the chief or capital Manor of *Feltwell*, the Lady or Lord of the Manor of *Southall* in *Feltwell*, the Lord or Lady of the Manor of *Wendlings Spinvills* and *Duntons*, the Lords of the Manor of *Eaſt Hall* in *Feltwell*, the Rectors or Rector of *Feltwell Saint Mary* and *Feltwell Saint Nicholas* aforeſaid, and the Churchwardens and Overſeers of the Poor in the ſaid Townſhip of *Feltwell* for the Time being, and to their Succeſſors for ever, as Truſtees for the poor Inhabitants of the ſaid Townſhip, legally ſettled therein, ſuch Part or Parts of the aforeſaid Tract of Land, called or known by the Name of the *Weſt Common*, as the ſaid Commiſſioners ſhall think moſt proper, and judge reaſonable and ſufficient for the Purpoſes hereinafter mentioned; and that ſuch Allotment or Allotments ſhall, upon the Execution of the Award to be made by the ſaid Commiſſioners, be veſted in the reſpective Ladies and Lords of the ſaid reſpective Manors, the Rectors or Rector of the ſaid Rectories, and the Churchwardens and Overſeers of the Poor in the ſaid Townſhip for the Time being, for ever, as Truſtees for the poor Inhabitants of the ſaid Townſhip legally ſettled therein, to the Intent that the ſaid Truſtees for the Time being do and ſhall permit and ſuffer ſuch of the poor Inhabitants in the ſaid Townſhip, legally ſettled therein, as ſhall not occupy Lands or Tenements of more than the yearly Value of Ten Pounds, to cut, take, and carry away for Uſe, in their reſpective Dwellings, and not for Sale, Reed, Sedge, Turf, Flags, Peat and Fuel, and alſo Whins and Furze (if any there be) on ſuch Part or Parts of the ſaid Allotment or Allotments, in ſuch Quantities, and at ſuch Time or Times in every Year, and under ſuch Regulations and Reſtrictions, as the ſaid Truſtees for the Time being, or the major Part of them, ſhall, from Time to Time, direct or appoint, and not otherwiſe; and the ſaid Truſtees for the Time being, or the major Part of them, are

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alſo hereby empowered, from Time to Time, by Writing under their Hands and Seals, to leaſe or demiſe the Whole or any Part or Parts of the ſaid Allotment or Allotments, which ſhall not produce Reed, Sedge, Turf, Flags, Peat or Fuel, or which ſhall not be appropriated by the ſaid Truſtees for that Purpoſe, or the Graſs, Feed, or Herbage, to grow, renew, and ariſe from ſuch Allotment or Allotments, as the ſaid Truſtees for the Time being, or the major Part of them, ſhall, from Time to Time, think proper, to any Perſon or Perſons whomſoever, for any Term of Years, not exceeding Fourteen Years, to commence in Poſſeſſion, and not in Reverſion, ſo that in every ſuch Leaſe there be reſerved, and made payable to the ſaid Truſtees for the Time being by Quarterly or Half-yearly Payments in every Year, the beſt or moſt improved yearly Rent or Rents that can be obtained for the ſame, without taking any Fine, Premium or Foregift, or Conſideration for granting ſuch Leaſe or Leaſes; and that in every ſuch Leaſe there be contained proper and fair Covenants on the Part of the Leſſee for the Uſage and Management of the Land thereby demiſed, and for leaving the ſame in a proper State and Condition at the Expiration of ſuch Leaſe, and all ſuch other Covenants and Stipulations and ſuch Security for the Performance of the ſame, as the ſaid Truſtees, or the major Part of them, ſhall think moſt proper to be inſerted therein; and that the Rents and Profits ariſing from the ſaid Allotment or Allotments, ſo let or demiſed, ſhall, from Time to Time, be laid out in the Purchaſe of Fuel, and ſuch Fuel ſhall be diſtributed among ſuch poor Inhabitants as aforeſaid in the Townſhip of *Feltwell* aforeſaid, as ſhall be legally ſettled therein, and delivered at their reſpective Dwelling Houſes there, in ſuch Proportions and Quantities, in ſuch Manner and at ſuch Times in every Year, and according to ſuch Rules and Orders as the ſaid Truſtees for the Time being, or the major Part of them, ſhall appoint and preſcribe for that Purpoſe, and not otherwiſe, and that the Remainder (if any) of the Allotment or Allotments which ſhall not be appropriated for taking Reed, Sedge, Turf, Flags, Peat or Fuel as aforeſaid, nor ſhall be ſo let or demiſed as aforeſaid, ſhall be uſed and enjoyed ſolely and excluſively by ſuch poor Inhabitants in the Townſhip of *Feltwell* aforeſaid, as ſhall be legally ſettled therein, and ſhall not occupy Lands or Tenements of more than the yearly Value of Ten Pounds, as a Common of Paſture, for all Geeſe, Stock and Cattle, which ſhall be really and *bonâ fide* the Property of ſuch poor Inhabitants, in ſuch Manner and at ſuch Time or Times, and according to ſuch Rules and Regulations as the Truſtees for the Time being, or the major Part of them, ſhall appoint and preſcribe for that Purpoſe, and not otherwiſe: Provided always, that in caſe the Rents and Profits of ſuch Allotment or Allotments ſhall, at any Time or Times, be more than ſufficient to anſwer the Purpoſes for which the ſame is or are hereby directed to be ſet out, then, and in every ſuch Caſe, the Truſtees for the Time being, or the major Part or them, ſhall, and they are hereby required to apply and diſpoſe of ſuch Rents and Profits for the Relief of the Poor, for whoſe Benefit ſuch Allotment or Allotments ſhall be ſet out in ſuch Manner as the ſame Truſtees, or the major Part of them, ſhall think proper; provided, that the Expence of Carriage of any Fuel which may be purchaſed for the Relief or Benefit of the poor Inhabitants aforeſaid, ſhall be borne and paid out of the general Poor's Rate of the ſaid Townſhip of *Feltwell*: Provided alſo, that it ſhall be lawful

lawful for the Lady or Lord of the ſaid chief or capital Manor of *Feltwell*, the Lady or Lord of the ſaid Manor of *South Hall* in *Feltwell*, the Lord or Lady of the ſaid Manor of *Wendlings*, *Spinvills*, and *Duntons*, and the Lords of the ſaid Manor of *Eaſt Hall* in *Feltwell*, and the Rector or Rectors of the ſaid Rectory or Rectories for the Time being reſpectively, to act in the Execution of the Truſts by this Act repoſed in them as aforeſaid, by their reſpective Agents or Proxies, ſuch Agents or Proxies reſpectively being or having been appointed by Writing under the Hand of ſuch Lords or Ladies and Rectors reſpectively, and producing their reſpective Appointments at the Time of acting by virtue thereof, if required ſo to do; but that no Perſon ſhall act as Agent or Proxy for more than one Truſtee at the ſame Time.

Allotment of the Reſidue of Weſt Common to Owners of Common Rights, for cutting Turves, Flags, Sedge, &c.

XL. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have made ſuch Allotment or Allotments as aforeſaid to the ſaid Truſtees for the Purpoſes hereinbefore expreſſed, they the ſaid Commiſſioners ſhall aſſign, ſet out, and allot all the Reſidue and Remainder of the ſaid Tract of Land called or known by the Name of *The Weſt Common* to the Lady or Lord of the ſaid chief or capital Manor of *Feltwell*, the Lady or Lord of the ſaid Manor of *South Hall* in *Feltwell*, the Lord or Lady of the ſaid Manor of *Wendlings*, *Spinvills*, and *Duntons*, the Lords of the ſaid Manor of *Eaſt Hall* in *Feltwell*, the Rectors or Rector of the ſaid Rectories of *Feltwell Saint Mary* and *Feltwell Saint Nicholas*, and the Churchwardens and Overſeers of the Poor in the ſaid Townſhip of *Feltwell* for the Time being, and to their Succeſſors, to be held by them the ſaid Truſtees upon and for the Truſts, Intents, and Purpoſes hereinafter expreſſed and contained of and concerning the ſame (that is to ſay) upon Truſt to permit the Occupier or reſpective Occupiers of each and every Commonable or Common Right Meſſuage or Cottage, within the ſaid Townſhip of *Feltwell*, to dig and take yearly and every Year, for ever, at the proper Seaſons of the Year, any Quantity of Turves or Flags of the uſual and accuſtomed Dimenſions, not exceeding in the Whole Twelve thouſand *per Annum* for each ſuch Meſſuage or Cottage, and alſo ſuch a Quantity of Sedge or Reed as the ſaid Truſtees, or the major Part of them, ſhall from Time to Time in that Behalf direct and appoint, the ſaid Turves or Flags and Sedge reſpectively to be ſpent and conſumed within the ſaid Townſhip; and upon further Truſt, to permit the Occupier or reſpective Occupiers of each and every ſuch Commonable or Common Right Meſſuage or Cottage as aforeſaid, and of the Lands thereto reſpectively belonging, appendant or appurtenant, from Time to Time, and at all Times after the Execution of the ſaid Commiſſioners' Award, to uſe, occupy and enjoy ſo much and ſuch Part and Parts of the ſaid Tract of Land called *The Weſt Common*, as ſhall not be otherwiſe expreſsly appropriated as hereinbefore is mentioned, as a Common Paſture, there to feed and depaſture their reſpective Stock, Cattle and Geeſe of every Kind in ſuch Manner as the ſaid Truſtees, or the major Part of them, ſhall from Time to Time in that Behalf direct or appoint.

Truſtees to make Regulations for the Uſe of ſuch Allotment.

XLI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or the major Part of them, from Time to Time, and at all Times when Occaſion ſhall require, to make and publiſh ſuch Rules, Orders and Regulations, for the digging and taking ſuch Turves or Flags, and Sedge and Reed as aforeſaid, and for the feeding

feeding and depaſturing the ſaid Stock, Cattle and Geeſe, or any of them, and alſo for limiting the Number or Quantity of ſuch Stock, Cattle and Geeſe, or any of them reſpectively, and for fixing the Periods, if there ſhall be a Neceſſity ſo to do, at which the ſaid Common Paſture ſhall not be ſo fed off and depaſtured; and alſo the Periods or Times at which the ſame Common Paſture ſhall from Time to Time be opened, and the Occupiers of ſuch Commonable or Common Right Meſſuages or Cottages and Lands reſpectively, be again at Liberty to feed and depaſture their ſaid Stock, Cattle and Geeſe, or any of them reſpectively, in Manner aforeſaid, as to them the ſaid Truſtees, or the major Part of them, ſhall ſeem expedient.

Empowering Truſtees to alter their Regulations from Time to Time.

XLII. Provided always, and be it enacted, That it ſhall be lawful for the ſaid Truſtees for the Time being, or the major Part of them, if and when thereunto requeſted by the Owners or Occupiers of the Commonable or Common Right Meſſuages and Cottages, within the ſaid Townſhip, preſent at a Meeting to be for that expreſs Purpoſe called by the ſaid Truſtees, or the major Part of them, and of which Meeting at leaſt Ten Days' previous Notice ſhall have been given by Writing affixed to the outer Door of each of the Churches within the ſaid Townſhip, to increaſe or diminiſh, as Circumſtances may from Time to Time require, the Quantity of Turves or Flags, or Sedge or Reed by this Act authorized to be cut and taken by the Occupier or reſpective Occupiers of each Commonable or Common Right Meſſuage and Cottage as aforeſaid; and ſuch Alteration, either by way of Increaſe or Diminution, as the Fact may be, ſhall be binding and concluſive upon all Parties, until otherwiſe directed by the ſaid Truſtees, or the major Part of them, in compliance with the Requeſt of ſuch Owners or Occupiers aſſembled at another Meeting to be called as aforeſaid; any Thing hereinbefore contained to the contrary notwithſtanding.

Declaring what ſhall be deemed Common Right Meſſuages or Cottages.

XLIII. Provided always, and be it further enacted, That for the Purpoſes of this Act, each and every Meſſuage or Cottage now ſtanding in the ſaid Townſhip of *Feltwell*, which has been erected and uſed as a Meſſuage or Cottage for the Space of Forty Years now laſt paſt, and alſo each and every Meſſuage or Cottage now ſtanding in the ſaid Townſhip, which has been erected within the Space of Forty Years now laſt paſt upon the Scite or in lieu of ſome other Meſſuage or Cottage which had been ſtanding anterior to the ſaid Period of Forty Years, ſhall be deemed and conſidered as a Commonable or Common Right Meſſuage or Cottage reſpectively, and the Owners or Occupiers thereof ſhall have and be entitled to uſe, exerciſe and enjoy a Right of Turbary and of Common of Paſture, by virtue of this Act, upon or over the laſt-mentioned Allotment of the ſaid Tract of Land called *The Weſt Common*, in reſpect of the ſame; but that no Meſſuage or Cottage now ſtanding within the ſaid Townſhip, which ſhall have been erected at any Time within the Period of Forty Years laſt paſt, unleſs erected upon the Scite or in lieu of ſome Meſſuage or Cottage which had been ſtanding anterior to the ſaid Period of Forty Years laſt paſt, ſhall be deemed or conſidered as a Commonable or Common Right Meſſuage or Cottage; and that each and every ſuch Meſſuage or Cottage as ſhall, in the Manner required by the firſt recited Act for the Delivery and Proof of Claims, be claimed and proved before the ſaid Commiſſioners to have been erected

and ſtanding for the Space of Forty Years now laſt paſt, and each and every ſuch Meſſuage or Cottage now ſtanding in the ſaid Townſhip of *Feltwell*, as ſhall in like Manner be proved to have been erected or built within the Space of Forty Years now laſt paſt upon the Scite or in lieu of ſome other Meſſuage or Cottage which had been ſtanding anterior to the ſaid Period of Forty Years as hereinbefore is mentioned, ſhall have an equal Right of Turbary and of Common of Paſture upon and over the laſt-mentioned Allotment of the ſaid Tract of Land, called *The Weſt Common*, without regard to the Quantity, more or leſs of Land appendant, appurtenant, or belonging to each ſuch Meſſuage or Cottage reſpectively, and without regard to the Right or Intereſt which may exiſt in the Owners of any ſuch Meſſuage or Cottage reſpectively to or in the Soil or Freehold of the ſaid *Weſt Common*: Provided alſo, that the ſaid Commiſſioners ſhall and they are hereby required to annex to their Award, a Schedule of all and ſingular the Commonable or Common Right Meſſuages and Cottages which ſhall be proved before them to have been erected, or to have been originally ſtanding as hereinbefore is mentioned, with ſuch deſcriptive Particulars as to them the ſaid Commiſſioners ſhall ſeem neceſſary and proper; and the ſaid Schedule ſhall for ever afterwards be admitted as Evidence in all Queſtions concerning the Exerciſe of Rights of Turbary and Common of Paſture in, over, or upon the laſt-mentioned Allotment of the ſaid Tract of Land called *The Weſt Common*: Provided alſo, that in all Caſes where any ſuch Commonable or Common Right Meſſuage or Cottage as aforeſaid ſhall be divided into diſtinct Tenements or Dwellings, the reſpective Occupiers thereof ſhall be conſidered as entitled to one Right of Turbary only, and to one Right of Common of Paſture only, and no more, in reſpect of ſuch Meſſuage or Cottage; and the Privileges attached to the Enjoyment of ſuch Rights reſpectively, ſhall be apportioned between the ſaid Occupiers in ſuch Manner as ſhall be determined upon by themſelves, or in caſe of their Diſagreement, by the ſaid Truſtees, or the major Part of them.

For paying the Expences of the Act,

XLIV. And be it further enacted, That all the Coſts, Charges and Expences incident to and attending the obtaining and paſſing of this Act, and of ſurveying, meaſuring, planning, valuing, dividing and allotting all the Lands and Grounds to be divided and allotted by virtue of this Act, and of incloſing in a Ring Fence on the outward Boundaries, the Lands which ſhall by virtue of this Act be allotted to the reſpective Rectors of *Feltwell* aforeſaid, in Right of their reſpective Rectories there, to the ſaid Truſtees for the Poor of the ſaid Townſhip of *Feltwell*, and to the Surveyors of the Highways of the ſaid Townſhip; and all the Coſts, Charges and Expences of preparing and ingroſſing the ſaid Award, and the Copies of the ſame; and all the Charges and Expences which the ſaid Commiſſioners ſhall or may be put to in reſpect of any Appeal or Appeals againſt any of their Determinations, or of any Suit or Suits at Law or in Equity which may be inſtituted againſt them as Commiſſioners in the Execution of this and the firſt recited Act; and all the Charges and Expences of the ſaid Commiſſioners, their Clerks, Aſſiſtants and Servants, and all other neceſſary Expences of the ſeveral Perſons to be employed by the ſaid Commiſſioners in and about the Premiſes, either before or after the Execution of the ſaid Award; and all the Expences of forming, completing and repairing ſuch new public Car-

riage Roads and Highways as ſhall be ſet out and appointed by the ſaid Commiſſioners, within the ſaid Townſhip of *Feltwell*; and all other Expences of carrying this and the firſt recited Act into Execution, ſhall be borne, defrayed and paid by the ſeveral Perſons, and Body and Bodies Politic, Corporate or Collegiate, to whom Allotments ſhall reſpectively be made by virtue of this Act, 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 adjudged by the ſaid Commiſſioners, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time (before or after the Execution of the ſaid Award) and Place as the ſaid Commiſſioners ſhall by Writing under their Hands appoint; and that in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her or their Share or Shares of the ſaid Coſts, Charges and Expences, or any Part thereof, at the Time or Place, or to the Perſon or Perſons whom they the ſaid Commiſſioners ſhall appoint to receive the ſame reſpectively, then the ſame reſpectively ſhall be levied and recovered in ſuch Manner, and with ſuch Intereſt, and alſo Coſts, Charges and Expences, as is directed and provided by the firſt recited Act for the Recovery of the Expences of obtaining Incloſure Acts, and carrying the ſame into Execution, in Caſes where ſuch Expences are made payable by the Proprietors of Lands or Grounds to whom Allotments are made by or under ſuch Acts.

For Sale of Land allotted to the Maſter and Fellows of Chriſt College to pay Expences.

XLV. And whereas it may not be convenient for the ſaid Maſter or Keeper and Fellows and Scholars of *Chriſt* College aforeſaid, to advance from the Common Stock of their ſaid College ſo much Money as will defray their Share or Proportion of the Coſts and Charges of obtaining and executing this Act, and of making Subdiviſion Fences; be it therefore enacted, That the ſaid Commiſſioners ſhall, and they are hereby directed, upon Requiſition to them made by the ſaid Maſter or Keeper and Fellows and Scholars under their Common Seal, to mark and ſet out ſuch Part or Parts of the Land to be allotted by virtue of this Act, to the ſaid Maſter or Keeper and Fellows and Scholars, ſituate in the ſaid Townſhip of *Feltwell*, as will in the Opinion of the ſaid Commiſſioners raiſe, by Sale thereof, Money ſufficient to enable the ſaid Maſter or Keeper and Fellows and Scholars to defray their Share or Proportion of ſuch Coſts and Charges, and to make ſuch Subdiviſion Fences; and the ſaid Commiſſioners are hereby authorized and required to proceed in the Sale of ſuch Land ſo to be ſet out, in the Manner directed by the ſaid Act of the Forty-firſt Year of the Reign of His preſent Majeſty, in Caſes of Sales of Land for Payment of Expences attending the Execution of Acts of Incloſure; and the Lands and Hereditaments ſo directed to be ſold, and for which the full Purchaſe Money ſhall be paid, ſhall immediately thereupon be conveyed and aſſured by the ſaid Commiſſioners to the Purchaſer or Purchaſers thereof, their or his Heirs and Aſſigns, and the Hereditaments ſo conveyed ſhall accordingly become veſted in the Purchaſer or Purchaſers thereof in Fee Simple; and ſuch Purchaſe Money ſhall from Time to Time be applied by the ſaid Commiſſioners in Payment of the Share or Proportion of the ſaid Maſter or Keeper and Fellows and Scholars, of the Coſts and Charges of obtaining and executing this Act, and of making ſuch Subdiviſion Fences as aforeſaid: Provided nevertheleſs, that if there ſhall be any Surplus of the Money ariſing from the Sale of the ſaid Lands, the

ſame

ſame ſhall be applied according to the Directions of the laſt-mentioned Act, in Caſes where Money is to be paid for the Purchaſe or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereupon, and is required to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes: Provided always, that in all Caſes where Land ſhall be deducted towards Payment of Expences as aforeſaid, it ſhall not be lawful for the Proprietors or Perſons from whoſe Allotment Land ſhall be deducted as aforeſaid, to charge his, her, or their Lands, Tenements, or Hereditaments, by virtue of the firſt recited Act or this Act, with any Money towards Payment of ſuch Expences: Provided alſo, that the Quantity of Land ſo to be deducted from any ſuch Allotment ſhall not exceed in Value the Money authorized by the firſt recited Act or this Act, to be charged upon the Lands, Tenements, or Hereditaments of ſuch Proprietors or Perſons.

Not to vacate the preſent College Leaſe.

XLVI. Provided always, that nothing contained in this Act ſhall vacate, annul or determine, or be conſtrued to vacate, annul or determine the preſent ſubſiſting Indenture of Leaſe between the ſaid Maſter or Keeper and Fellows and Scholars of *Chriſt* College in the Univerſity of *Cambridge* of the one Part, and the ſaid *Randall Wabe* of the other Part, of the ſaid Manor of *Eaſt Hall* in *Feltwell* aforeſaid, but that the ſaid Indenture of Leaſe ſhall remain and continue in full Force; and the ſaid *Randall Wabe*, 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 Maſter or Keeper and Fellows and Scholars, or to the ſaid *Randall Wabe* as their Leſſee, for or in lieu or in reſpect of the 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 Hereditaments, with the ſeveral and reſpective Rights comprized in the ſaid Indenture of Leaſe, in caſe this Act had not been made.

Empowering Tenants for Life to borrow Money for Payment of Expences.

XLVII. And be it further enacted, That it ſhall be lawful for the Huſbands, Guardians, Truſtees, Committees or Attornies, of any of the Owners or Proprietors of any of the Lands or Grounds which ſhall be allotted by virtue of the firſt recited Act and this Act, being under Coverture, Minors, Lunatics beyond the Seas, or under any other Diſability, and for any of the ſaid Owners or Proprietors being Tenants in Tail, or for Life or Lives, or for Years determinable on any Life or Lives, or on any other Contingency, or Tenants by the Courteſy of *England*, or otherwiſe intereſted in the ſaid Lands or Grounds, to charge ſuch Lands and Grounds with any Sum or Sums of Money, not exceeding Five Pounds for each and every Acre thereof which the ſaid Commiſſioners ſhall by their ſaid Award, or by Writing under their Hands either before or after the Execution of ſuch Award, adjudge to be chargeable on ſuch Owners and Proprietors reſpectively under the Proviſions of this Act, for or towards Payment of any Part of his, her, or their proportionate Share or Shares of any Part of the Coſts, Charges and Expences of obtaining this Act, and of carrying the ſame into Execution, and of ditching, draining, and fencing his, her, or their Allotment or reſpective Allotments, and of being admitted or re-admitted

re-admitted (as the Caſe may be) to the Copyhold Parts of the ſame; and to grant, mortgage, leaſe or demiſe, or otherwiſe ſubject the Lands and Grounds ſo to be charged to the Perſon or Perſons who ſhall advance and lend the ſame reſpectively; his, her, or their Executors, Adminiſtrators or Aſſigns, for any Term or Number of Years; or in caſe any Perſon in Poſſeſſion who ſhall or may be liable to and charged with a Share of the Expences as aforeſaid, or enabled by this Act to charge ſuch Lands and Grounds with the ſame, ſhall chooſe to advance, pay, and diſcharge ſuch Sum or Sums of Money, then it ſhall be lawful for the ſaid Commiſſioners, by any Deed or Writing under their Hands and Seals to be atteſted by Two or more credible Witneſſes, in like Manner to grant, mortgage, leaſe or demiſe, or otherwiſe ſubject ſuch Lands and Grounds to ſuch Perſon or Perſons reſpectively, his, her, or their Executors, Adminiſtrators and Aſſigns, for any Term or Number of Years, to and for the Payment of ſuch Sum or Sums of Money ſo advanced, paid and diſcharged by him, her, or them, with lawful Intereſt for the ſame, to commence on the Termination of his, her, or their Right in the Premiſes, provided that every ſuch Grant, Mortgage, Leaſe or Demiſe be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered or re-aſſigned, when the Sum or Sums of Money thereby to be ſecured ſhall be fully paid and ſatisfied, and alſo with a Covenant to pay and keep down the Intereſt, ſo that no Perſon or Perſons afterwards becoming poſſeſſed of or entitled to any ſuch Lands or Grounds, ſhall be liable to pay any further or larger Arrear of Intereſt than for Six Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhall have commenced; and that every ſuch Charge, Grant, Mortgage, Leaſe or Demiſe ſhall be good, valid, and effectual in the Law for the Purpoſes thereby intended: Provided always, that in all Caſes where any Land ſhall be deducted from the Allotment of any of the ſaid Owners or Proprietors, towards Payment of Expences as aforeſaid, it ſhall not be lawful for the ſaid Owners or Proprietors, from whoſe Allotment Land ſhall be deducted as aforeſaid, to charge their, his, or her Lands, Tenements, or Hereditaments, by virtue of the firſt recited Act or this Act, with any Money towards Payment of ſuch Expences: Provided alſo, that the Quantity of Land ſo to be deducted from any ſuch Allotment, ſhall not exceed in Value the Money authorized by the firſt recited Act, or this Act, to be charged upon the Lands, Tenements, or Hereditaments, of ſuch Owners or Proprietors.

Empowering the Incumbents in other Pariſhes, having Intereſt in the Lands to be incloſed, to borrow Money to defray Expences.

XLVIII. And whereas the Rector, Vicar, or other Incumbent of ſome other Eccleſiaſtical Living, beſides the ſaid Rectories of *Feltwell*, may be entitled in Right of ſuch Eccleſiaſtical Living to certain Meſſuages or Lands, ſituate and lying within the ſaid Townſhip of *Feltwell*, and it may be 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 enacted, That every Rector, Vicar or other Incumbent of any Eccleſiaſtical Living for the Time being (except the ſaid Rectors of *Feltwell*) who ſhall be entitled in Right of ſuch Eccleſiaſtical Living to any Meſſuages or Land within the ſaid Townſhip of *Feltwell*, ſhall and he is hereby authorized 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 Townſhip of *Feltwell*, to the 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 Mortgage, 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.

For Recovery of Intereſt on Mortgages, when in Arrear.

XLIX. 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 comprized 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.

Directing how the Principal Money ſhall be paid in certain Caſes.

L. And be it further enacted, That in caſe of any Avoidance of any ſuch Eccleſiaſtical Living, either by Death or otherwiſe, 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.

LI. Pro-

Respecting the Surrender of Copyhold Lands under Mortgage.

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

Allowance to Commissioners.

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

Proprietors to pay their own Expences at Meeting.

LIII. And be it further enacted, That the said Proprietors, their Attornies, Solicitors and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act.

Money advanced to be repaid with Interest.

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

Directing how the Commissioners Accounts shall be settled.

LV. And be it further enacted, That at least once in every Year during the Execution of this Act, and until the Commissioners' Accounts hereinafter mentioned shall be finally allowed (such Year to be computed from the Day of passing this Act) 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 or Expences in the Execution of this Act, and that such Statement or Account, when made, shall, together with the Vouchers relating to the same, be laid before some Justice of the Peace of the said County, not interested in the said Division and Inclosure to be by such Justice examined and balanced; and such Balance shall be by the said Justice stated in the Books of Accounts to be kept in the Office of the Clerk of

the

the ſaid Commiſſioners; and that 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 ſuch Juſtice as aforeſaid.

For depoſiting the Award.

LVI. And be it further enacted, That within Twelve Calendar Months next after the Execution of the Award by the firſt recited Act, directed to be made by the ſaid Commiſſioners, a true Copy of the ſaid Award, written upon Parchment, and ſigned and atteſted by the ſaid Commiſſioners to be a true Copy of the ſame, together with a proper Map or Plan thereto annexed, ſhall be delivered to the Clerk of the Peace for the ſaid County of *Norfolk*, and he is hereby required to receive and depoſit the ſame among the Records of the ſaid County, in order that Recourſe may be had thereto by any Perſon or Perſons intereſted in the Premiſes; and that for the Receipt and Depoſit of the ſaid Copy, the Fee of Three Pounds and Three Shillings ſhall be paid to the ſaid Clerk of the Peace; and that for each Inſpection and Peruſal thereof by any Perſon, the Sum of One Shilling ſhall be paid, and no more; and that the ſaid Award ſhall, after the Delivery of the ſaid Copy of the ſame to the ſaid Clerk of the Peace, be deemed and taken to be enrolled according to the Directions and within the Conſtruction and Meaning of the firſt recited Act; and that the original Award itſelf ſhall be depoſited in one of the Churches in the Townſhip of *Feltwell* aforeſaid, and that the ſaid original Award, and the ſaid Copy of the ſame, and any other Copy of the ſaid original Award or of any Part thereof, or any Copy of the ſaid depoſited Copy, or of any Part thereof, ſigned by the Clerk of the Peace for the Time being of the ſaid County or his Deputy, or by the ſaid Commiſſioners, and by him or them atteſted to be a true Copy (for which Copy or Copies no more ſhall be paid than Sixpence *per* Sheet, each Sheet containing Seventy-two Words,) ſhall from Time to Time, and at all Times thereafter, be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatſoever;

Award to be final:

and that the ſeveral Allotments, Exchanges, Partitions, Orders, Directions, Matters and Things contained in the ſaid Award, ſhall be and they are hereby declared to be binding, final, and concluſive, upon all and every Perſons and Perſon, Bodies and Body Politic, Corporate and Collegiate,

and after the Execution, Rights of Common, &c. to ceaſe.

intereſted in the Premiſes; and that all Rights of Common, Shackage, Sheepwalk or Foldcourſe, and all other Commonable Rights and Intereſts whatſoever in, upon, or over all the Lands or Grounds within the ſaid Townſhip of *Feltwell*, or in, upon, or over any Part thereof (except only in, upon, or over the hereinbefore mentioned Tract of Land, called or known by the Name of *The Weſt Common*,) ſhall, from and immediately after the Execution of the ſaid Award, unleſs ſooner extinguiſhed by previous Order of the ſaid Commiſſioners, as hereinbefore is provided in that Behalf, ceaſe, determine, and be utterly void, and for ever extinguiſhed; and that the ſame Lands and Grounds ſhall for ever thereafter be held and enjoyed by the reſpective Owners and Proprietors of the ſame, freed and abſolutely diſcharged from all ſuch Rights of Common, Shackage, Sheepwalk or Foldcourſe, and other Commonable Rights and Intereſts whatſoever, and alſo from all other Rights and Intereſts whatſoever, compenſated or intended to be concluded by virtue of this Act.

Allowing an Appeal to the

LVII. And be it further enacted, That if any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, ſhall think himſelf,

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

LVIII. Provided always, and be it further enacted, That nothing in this or the firſt recited Act contained, ſhall extend, or be conſtrued to extend, to relieve, exonerate, or diſcharge any Part or Parcel of the Lands and Grounds containing Ninety-five thouſand Acres, called the *Adventurers' Lands*, from the Payment of all or any of the Taxes to which the ſaid Ninety-five thouſand Acres of *Adventurers' Lands*, or any Part or Parcel thereof, are now ſubject or liable, or to which they may hereafter become ſubject or liable, by virtue of an Act of Parliament paſſed in the Fifteenth Year of the Reign of His late Majeſty King *Charles* the Second, intituled, *An Act for ſettling the Draining of the Great Level of the Fens, called* Bedford Level; or of an Act paſſed in the Twentieth Year of the Reign of His ſaid late Majeſty King *Charles* the Second, intituled, *An Act for taxing and aſſeſſing of the Lands of* The Adventurers, *within the Great Level of the Fens*; but that all and every Part and Parcel of the ſaid Ninety-five thouſand Acres of *Adventurers' Lands* ſhall for ever hereafter remain ſubject and liable to all ſuch Taxes, and Powers of taxing, impoſing, charging, and aſſeſſing the ſame, and of levying and recovering of ſuch Taxes, as are now by virtue of the ſaid Two laſt-mentioned Acts, or otherwiſe, veſted in the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens, called *Bedford Level*, or in the Governor, Saving the Rights of the Bedford Level Corporation.

nor, Bailiffs, and Conſervators of the ſaid Corporation; and that nothing in this or the firſt recited Act contained ſhall extend, or be conſtrued to extend, to empower the ſaid Commiſſioners, or any of them, or any other Perſon or Perſons whomſoever, to have, uſe, or exerciſe any Power or Authority over, or to alter, obſtruct, or intermeddle with any of the Sluices, Tunnels, Bridges, or other Works, or with the Rivers, Sewers, Drains, Wear Dikes, or the Banks, or the Front or Back Forelands thereof, that now are or hereafter ſhall be veſted in, poſſeſſed by, belonging to, or under the Care or Authority of the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators of the ſaid Coporation, or to invalidate, leſſen, or diminiſh, alter, or take away any of the Rights, Powers, and Authorities veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators by the ſaid laſt-mentioned Acts of the Fifteenth and Twentieth Years of the Reign of his ſaid late Majeſty King *Charles* the Second, or by virtue of any other Act, Statute, or Charter Law of Sewers, or otherwiſe howſoever; but that all Rights, Powers, and Authorities which are now veſted in the ſaid Governor, Bailiffs, and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators, or in every or any of them, ſhall for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs, and Commonalty, and in the ſaid Governor, Bailiffs, and Conſervators, and every of them, as fully and amply, to all Intents and Purpoſes, as if this Act had not been paſſed.

Saving of Right of Soil in Weſt Common.

LIX. Saving always to the Lady and Lords of the hereinbefore mentioned Manors, and her, his, and their Heirs, Executors, Adminiſtrators, Succeſſors, and Aſſigns reſpectively, all ſuch Right, Title, and Intereſt in or to the Soil of the aforeſaid Tract of Land, called or known by the Name of the *Weſt Common*, as ſhe, he, or they, or any of them reſpectively might, could, or ought to have had or enjoyed therein in caſe this Act had not been paſſed.

General Saving.

LX. Saving always to the King's moſt Excellent Majeſty, his Heirs, and Succeſſors, and to all and every Perſons and Perſon, Bodies and Body Politic, Corporate, and Collegiate, and their, his, and her Heirs, Executors, Adminiſtrators, and Succeſſors reſpectively, all Royalties, Liberties, Franchiſes, Rights, Titles, and Intereſts (other than and except ſuch as are meant and intended to be by this Act barred, deſtroyed and extinguiſhed), which they, every, or any of them reſpectively could or ought to have had and enjoyed in, to, or in reſpect of the Lands and Grounds hereby directed to be divided, allotted, and incloſed, in caſe this Act had not been paſſed.

Act to be printed.

LXI. 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. 1813.