ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 157.

An Act for incloſing Lands within the Pariſh of *Foxley*, in the County of *Norfolk*. [17th *June* 1814.]

WHEREAS there are within the Pariſh of *Foxley*, in the County of *Norfolk*, divers Incloſures and Open Fields of Arable Land, Meadows and Paſture Grounds, and other Lands, Commons and Waſte Grounds: And whereas Sir *John Lombe* Baronet is Lord of the Manor of *Foxley* with *Bawdeſwell*, in the ſaid County of *Norfolk*, and is or claims to be entitled to the Soil of the Commons and Waſte Grounds within the ſaid Pariſh of *Foxley*: And whereas the ſaid Sir *John Lombe*, *Thomas William Coke* Eſquire, and ſeveral other Perſons reſpectively, are Owners and Proprietors of all the Meſſuages, Cottages, Lands, Grounds and Tenements, in the ſaid Pariſh of *Foxley*: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the ſaid Arable Lands, Meadows, Paſtures and other Lands, lie intermixed, and are inconveniently ſituated for the ſeveral Owners and Proprietors thereof; and ſeveral Parts of the ſaid Arable Lands are ſubject to certain Rights of Sheep-walk; and the ſaid Open Fields, Commons and Waſte Grounds, in their preſent State and Condition, yield but little Profit, and it would be advantageous to the ſeveral Perſons intereſted in the Premiſes, and alſo of Public Utility, if the ſeveral Rights to which the ſame are ſubject, were extinguiſhed, and if the ſaid Arable Land, Meadows, Paſture Grounds

and other Lands, Commons and Waſte Grounds, were divided, and ſpecific Parts or Shares thereof allotted to the ſeveral Perſons entitled to and intereſted therein, according to their reſpective Eſtates, Rights and Intereſts, under the Directions and Limitations in this Act contained: But 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*, in the ſaid County of *Norfolk*, *William Unthank* of *Heigham*, in the County of the City of *Norwich*, and *William Withers* the Younger of *Holt*, in the ſaid County, Gentlemen, ſhall be and they are hereby appointed Commiſſioners for dividing and allotting the Arable Lands, Meadows and other Lands, Commons and Waſte Grounds, in the ſaid Pariſh of *Foxley*, and for carrying this Act into Execution; ſubject to ſuch Powers, Authorities, Directions, Regulations, Reſtrictions and Proviſions, contained in the ſaid recited Act, as are not altered, varied, or otherwiſe provided for by this Act; and all Acts, Matters, and Things authorized and neceſſary to be done and executed by the ſaid Commiſſioners in purſuance of the ſaid recited Act and of this Act, may be done and executed by any Two of them, and the ſame ſhall be as good, valid and effectual, and ſhall have the ſame Force and Effect as if ſuch Acts, Matters, and Things had been done by all the Commiſſioners herein named or to be appointed in Manner herein-after mentioned.

Commiſſioners appointed.

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

For appointing new Commiſſioners.

III. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to cauſe Notice of the Time and Place of their Firſt and every other Meeting for the Execution of this and the ſaid recited Act, to be inſerted in *The Norfolk Chronicle or Norwich Mercury*, or in ſome other Newſpaper printed or circulated within the ſaid County of *Norfolk*, Eight Days at leaſt before every ſuch Meeting (Meetings by Adjournment only excepted); and if only One of the ſaid Commiſſioners ſhall be preſent

Notice of Commiſſioners Meeting.

preſent at the Time and Place appointed for any ſuch Meeting, then and in ſuch Caſe and ſo often as the ſame ſhall happen, it ſhall be lawful for ſuch Commiſſioner to adjourn ſuch Meeting to ſuch Place within the ſaid Pariſh of *Foxley*, or within Eight Miles thereof, as he ſhall think moſt convenient, giving Notice of ſuch Adjournment to the abſent Commiſſioners; and that all Meetings of the ſaid Commiſſioners in the Execution of this Act and the ſaid recited Act, ſhall be held within the ſaid Pariſh of *Foxley*, or within Eight Miles thereof.

Other Notices how to be given.

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

Commiſſioners to ſettle Differences.

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

Commiſſioners not to determine Titles.

Commiſſioners to ſummon Witneſſes.

VI. And be it further enacted, That if any Perſon having been ſummoned according to the Directions of the ſaid recited Act, to teſtify the Truth upon Oath, touching any Matter in Difference between any of the Parties intereſted in the Premiſes, or otherwiſe relating to the Execution of the Powers given by the ſaid recited Act and this Act, and having been paid or tendered a ſufficient Sum of Money, to be aſcertained by the ſaid Commiſſioners, to defray the Charges of his or her Attendance, ſhall not appear before the ſaid Commiſſioners purſuant to ſuch Summons, without aſſigning ſome reaſonable Excuſe for not appearing, or appearing ſhall refuſe to be ſworn or to be examined and give Evidence touching the Premiſes, the ſaid Commiſſioners, upon due Proof thereof, made before them upon Oath (which Oath One of the ſaid Commiſſioners is hereby empowered to adminiſter) ſhall and they are hereby authorized by Warrant under their Hands and Seals, directed to any Perſon or Perſons whomſoever,

to cauſe any Sum of Money not exceeding Ten Pounds, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo neglecting or refuſing to appear and give Evidence; rendering the Overplus (if any) upon Demand, to the Perſon whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale; and the Money ſo to be levied as aforeſaid ſhall be applied towards defraying the Coſts and Expences of obtaining this Act, and carrying the ſaid recited Act and this Act into Execution: Provided always, that no Witneſs ſummoned to attend the ſaid Commiſſioners ſhall be obliged to travel above Eight Miles from the Boundary of the ſaid Pariſh of *Foxley*.

Commiſſioners may aſſeſs Coſts.

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

Power to try Rights by an Iſſue at Law.

VIII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotments, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners touching or concerning any Claim or Objection which ſhall be delivered to the ſaid Commiſſioners, in purſuance of the ſaid recited Act or this Act, or touching or concerning any Property, Right, or Intereſt, intended to be affected by ſuch Determination, and ſhall within One Calendar Month next after ſuch Determination, cauſe Notice in Writing of ſuch Diſſatisfaction, to be delivered to or left at the uſual Place of Abode of the ſaid Commiſſioners, and of the Party or Parties in whoſe favour ſuch Determination ſhall have been made, or his, her, or their Agent, whoſe Name ſhall be ſubſcribed to ſuch Claim or Objection; then and in every ſuch Caſe, it ſhall be lawful for ſuch Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, giving ſuch Notice as aforeſaid, to proceed to a Trial at Law of the Matter ſo determined by the

ſaid

ſaid Commiſſioners at the then next Aſſizes to be holden for the ſaid County of *Norfolk*, unleſs ſuch Aſſizes ſhall happen within Three Calendar Months next after the Determination of the ſaid Commiſſioners; and in that Caſe, at the Second Aſſizes to be held for the ſaid County next after ſuch Determination; and for that Purpoſe the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, giving ſuch Notice as aforeſaid, ſhall within Two Calendar Months next after ſuch Determination, cauſe an Action to be brought in One of His Majeſty's Courts at *Weſtminſter*, upon a feigned Iſſue, againſt the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, in whoſe Favour ſuch Determination ſhall have been made; and the Defendant or Defendants in ſuch Action ſhall, and he, ſhe, or they is 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, and the Property, Right or Intereſt thereby inſiſted on, may be tried and determined; ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action ſhall be commenced, in caſe the Parties ſhall differ about the ſame; and the Verdict which ſhall be given upon the Trial of ſuch Action, ſhall be binding, final, and concluſive, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict, and order a new Trial to be had therein, which it ſhall be lawful for the ſaid Court to do, if the ſaid Court ſhall think proper; and that after ſuch Verdict ſhall be obtained and not ſet aſide, the ſaid Commiſſioners ſhall, and they are hereby required to act in conformity thereto, and to allow or diſallow the Claim, Property, Right, or Intereſt thereby determined, according to the Event of ſuch Trial: Provided always, that if no ſuch Notice ſhall be given, or if any ſuch Notice ſhall be given, and ſuch Action at Law ſhall not be commenced as aforeſaid, or if any ſuch Action ſhall be commenced, and the Plaintiff or Plaintiffs therein ſhall not proceed to Trial within the Time herein-before limited for that Purpoſe, then the Determination of the ſaid Commiſſioners ſhall be binding, final, and concluſive to all Intents and Purpoſes whatſoever: Provided alſo, that if any of the Parties in any ſuch Action to be brought as aforeſaid ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Death had happened.

If no Action, the Commiſſioners Determination to be final.

Death of Parties not to ſtop Proceedings at Law.

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

Trial not to ſuſpend the Execution of the Act.

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

If Parties die before Actions brought.

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

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

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

For extinguiſhing or ſuſpending Rights of Common before the Award.

XII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners at any Time before the Execution of their Award, by any Writing under their Hands, to be affixed to the Door of the Pariſh Church of *Foxley* aforeſaid, to order and direct all and every or any Rights or Right whatever, in, over, or upon the ſaid Commons and Waſte Grounds, or any Part thereof, to be extinguiſhed, or the Exerciſe thereof to be ſuſpended for and during ſuch Time as ſhall be expreſſed in ſuch Writing; and that all and every ſuch Rights and Right, as the ſaid Commiſſioners ſhall ſo order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall from the Time of affixing ſuch Writing on the ſaid Church Door, or any other Time to be appointed by the ſaid Commiſſioners in or by ſuch Writing, ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof ſhall be ſuſpended accordingly; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

To prevent cutting Turves, &c.

XIII. And be it further enacted, That if any Perſon or Perſons ſhall, after the paſſing of this Act, cut, dig, pare, grave, flay, take or carry away any Turves, Flags, Whins or Furze, in, upon, or from the ſaid Commons and Waſte Grounds, without or contrary to the Licence of the ſaid Commiſſioners firſt obtained in Writing for that Purpoſe (which Licence the ſaid Commiſſioners are hereby empowered to grant, under ſuch Regulations and Reſtrictions as they ſhall think proper to inſert therein) then and in every ſuch Caſe, the ſaid Commiſſioners, upon Proof thereof made before them upon Oath of one credible Witneſs (which Oath one of the ſaid Commiſſioners is hereby empowered to adminiſter) ſhall and they are hereby required, by Warrant under their Hands and Seals, directed to any Perſon or Perſons whomſoever, to cauſe any Sum of Money not exceeding Five Pounds, to be levied by Diſtreſs and Sale of

the Goods and Chattels of the Perſon or Perſons ſo offending, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale; and the Money ſo to be levied as aforeſaid, ſhall be applied towards defraying the Coſts and Charges of obtaining this Act, and carrying the ſaid recited Act and this Act into Execution.

For aſcertaining Boundaries.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall, if the Boundary of the ſaid Pariſh of *Foxley* be not already ſufficiently aſcertained and determined, with all convenient Speed after the paſſing of this Act, cauſe Notice of their Intention to perambulate the Boundaries of the ſaid Pariſh of *Foxley*, to be inſerted in the ſaid *Norfolk Chronicle or Norwich Mercury*, or in ſome other Newſpaper printed and circulated within the ſaid County of *Norfolk*, Eight Days at leaſt before the Time of ſuch Perambulation; and after the Expiration of the Time to be ſpecified in ſuch Notice, they the ſaid Commiſſioners are hereby authorized and required to perambulate, inquire into, ſet out, aſcertain, fix and determine the Boundaries of the ſaid Pariſh of *Foxley*, and a Deſcription of the ſaid Boundaries ſhall within Forty Days after the ſame ſhall be ſo ſet out, aſcertained, fixed and determined, be publiſhed in the ſaid *Norfolk Chronicle or Norwich Mercury*, or in ſome other Newſpaper printed or circulated within the ſaid County of *Norfolk*: Provided always, that if any of the Proprietors of Eſtates, or Inhabitants of the ſaid Pariſh of *Foxley*, or of any Pariſh or Pariſhes adjoining thereto, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, reſpecting the ſaid Boundaries, ſuch Proprietors or Inhabitants, or any of them, may appeal to the Juſtices of the Peace acting in and for the County of *Norfolk*, at any General Quarter Seſſions of the Peace to be held within Four Calendar Months next after the Deſcription of the ſaid Boundaries ſhall have been ſo publiſhed as aforeſaid, on giving to the ſaid Commiſſioners Fourteen Days Notice in Writing of ſuch Appeal, and of the Matter thereof; and the Deciſion of the ſaid Juſtices therein ſhall be final and concluſive.

For ſhortening Boundary Fences againſt adjoining Pariſhes.

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

XVI. And

Encroachments within 20 Years to be allotable, &c.

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

Licenſed Encroachments not prejudiced.

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

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

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

Carriage Roads to be ſet out, &c.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, in the Firſt Place, before they ſhall proceed to make any of the Diviſions and Allotments directed by this Act, to ſet out and appoint all and every the public Carriage Roads and Highways in, through, and over the ſaid Lands and Grounds hereby directed

directed to be divided and allotted; so as the said 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 hereby 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 said County of *Norfolk*, and also in and by Writing to be affixed upon the principal Door, or other conspicuous Part of the Parish Church of *Foxley* aforesaid, of their having so set out such Roads and deposited such Map 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 the said Parish of *Foxley*, or within Eight Miles thereof, and not sooner than Fourteen Days from the Date and Publication of such Notice; at which Meeting, if any Person, who may be injured or aggrieved by the setting out of such Roads, shall attend and object to the setting out of the same, then such Commissioners, together with any Justice or Justices of the Peace acting in and for the Division in which the said Parish of *Foxley* is situate, and not being interested in the said Division and Allotment, who may attend such Meeting, shall hear and determine such Objection, and the Objection of any other Person, to any Alteration that the said Commissioners, together with such Justice or Justices, may in consequence propose to make; and the said Commissioners, together with such Justice or Justices as aforesaid, shall and they are hereby required, according to the best of their Judgment upon the whole, to order and finally direct how such Carriage Roads shall be set out, and either to confirm the said Map or make such Alterations therein as the Case may require; and all Roads, Ways and Paths, in, through, and over the said Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, which shall not be set out or finally ordered and directed as aforesaid, shall be for ever stopped up and extinguished, and shall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and shall be divided and allotted accordingly: Provided also, that none of the present Roads within the said Parish of *Foxley* 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.

Commissioners to make Drains, &c.

XX. And be it further enacted, That it shall be lawful for the said Commissioners to cause any Ditches, Fences, Drains, Brooks or Watercourses, within the said Parish of *Foxley*, to be cleansed, opened, scoured, widened, deepened, or enlarged, and to stop up and discontinue any Ditches, Fences, Drains, Brooks or Watercourses, which may appear to the said Commissioners to be unnecessary; and also to cause any new Ditches, Fences, Bridges, Banks, Sluices, Tunnels, Drains, Brooks or Watercourses to be made within the same Parish; and to make such Orders for maintaining such Ditches, Fences, Bridges, Drains, Brooks, or Watercourses in Repair, as they shall think proper; provided, that no such Works shall be made upon any inclosed Land, without the previous Consent in Writing of the Owner or Owners thereof, and that no Rivulet,

Brook or Watercourſe, ſhall be diverted or turned from its preſent Courſe, in, through, from or over any incloſed Land, without the Conſent in Writing of the Owner or Owners of the Land from which and into which any ſuch Rivulet, Brook, or Watercourſe, ſhall be diverted or turned, and carried or conveyed.

Allotment for public Gravel Pits, &c.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out and allot unto the Surveyors of the Highways, within the ſaid Pariſh of *Foxley*, ſuch Parts of the Lands and Grounds hereby directed to be divided and allotted, as the ſaid Commiſſioners ſhall think neceſſary and moſt convenient for public Watering Places for Cattle, and for public Sand, Gravel, Stone, Clay, Chalk and Marle Pits; and the ſame Allotment or Allotments when ſo ſet out ſhall for ever thereafter be uſed by the Surveyors of the Highways, and by the Proprietors of Lands and Eſtates within the ſaid Pariſh of *Foxley*, and their Tenants for the Time being, in ſuch Manner, and under ſuch Rules and Regulations as the ſaid Commiſſioners ſhall by their Award direct or appoint, and not otherwiſe, and ſhall be freed and exonerated from the Payment of all Tithes, and all parochial Charges whatever.

Allotment for Right of Soil.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out and allot unto the ſaid Sir *John Lombe*, or the Lord or Lords, Lady or Ladies of the ſaid Manor of *Foxley* with *Bawdeſwell* for the Time being, and to the Lord or Lords of any other Manor or Manors, or to ſuch of them as ſhall, in the Judgment of the ſaid Commiſſioners, be entitled to the Soil of the ſaid Commons and Waſte Grounds in *Foxley* aforeſaid, ſo much and ſuch Part or Parts of the ſaid Commons and Waſte Grounds as ſhall, in the Judgment of the ſaid Commiſſioners, be equal in Value to One Eighteenth Part thereof; and the ſaid Allotment or Allotments ſhall be a full Compenſation and Recompence to ſuch Lord or Lords, Lady or Ladies, for his, her, or their Right in the Soil of the ſaid Commons and Waſte Grounds; and the Allotment or Allotments for ſuch Right of Soil ſhall be made over and beſides and ſhall not exclude the ſaid Sir *John Lombe*, or the Lord or Lords, Lady or Ladies of the ſaid Manor of *Foxley* with *Bawdeſwell*, or of any other Manor or Manors, for the Time being, from any Allotment or Allotments which would otherwiſe by virtue of this Act be made to him, her or them, in Satisfaction of or for any Right of Common of Paſture, or other Commonable Right or Intereſt in, upon, or over the ſaid Commons and Waſte Grounds, or any Part or Parts thereof, to which he, ſhe, or they would be entitled as Owner or Owners, and in reſpect of his, her, or their Meſſuages, Cottages, Lands or Tenements in *Foxley* aforeſaid, or otherwiſe, if he, ſhe, or they was not or were not Owner or Owners of or entitled to the Soil of the ſaid Commons and Waſte Grounds, or any Part thereof, or if his, her or their Meſſuages, Cottages, Lands or Tenements in *Foxley* aforeſaid, had never been or were not the Property of any Perſon or Perſons, being Lord or Lords, or Lady or Ladies of any Manor or Manors in *Foxley* aforeſaid, or Owner or Owners of or entitled to the Soil of the ſaid Commons and Waſte Grounds, or any Part thereof.

Allotment of Reſidue according to Rights.

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out and allot all the Reſidue and Remainder of the Lands and Grounds by this Act directed to be divided and allotted, unto and amongſt the ſeveral Owners

Owners and Proprietors thereof, and all and every Perſon and Perſons, and Body or Bodies Politic, Corporate or Collegiate, having any Rights or Intereſts in, to, over, or upon the ſaid Lands and Grounds, 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 him, her, or them reſpectively, for his, her or their reſpective Parts and Shares of ſuch Lands and Grounds, and his, her or their reſpective Rights and Intereſts in, to, over or upon the ſame (ſave and except as to ſuch Rights and Intereſts in the Soil of the ſaid Commons and Waſte Grounds, for which an Allotment or Allotments ſhall have been made by virtue of the Directions and Authority herein-before contained); provided that the Owner or reſpective Owners of each and every Meſſuage or Cottage which hath been erected for Thirty Years laſt paſt, or which hath been erected within Thirty Years laſt paſt, upon the Scite of any ancient and dilapidated Meſſuage or Cottage, and the Owner or reſpective Owners of Arable Meadow and Paſture Lands in *Foxley* aforeſaid, ſhall, on delivering their reſpective Claims to the ſaid Commiſſioners, in purſuance of the ſaid recited Act, be admitted, deemed and conſidered to have a Right or Rights of Common of Turbary in reſpect of each and every ſuch Meſſuage or Cottage, and Common of Paſture for Commonable Cattle, in reſpect of the ſaid Arable, Meadow and Paſture Lands reſpectively, in, over and upon the ſaid Commons and Waſte Grounds; and the ſaid Commiſſioners ſhall make the ſaid Diviſion and Allotments accordingly.

For fencing Allotments.

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

For leaving Gaps.

Allotment to Rector and Surveyors of the Highways, to be ring-fenced by the Commiſſioners.

XXV. And be it further enacted, That the Lands and Grounds which ſhall be ſet out and allotted unto and for the Rector of *Foxley* for the Time being, in Right of his Rectory, and to the Surveyors of the Highways as aforeſaid, ſhall be incloſed and fenced on the Outward Boundaries thereof reſpectively as the ſaid Commiſſioners ſhall direct, at the Expence of the other Proprietors entitled to Allotments by virtue of this Act; and the ſaid Fences ſhall be thereafter maintained and ſupported by ſuch Perſons,

and

and in such Manner as the said Commissioners shall in and by their Award, or by any other Writing under their Hands, order and direct.

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

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

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

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

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

XXVIII. And be it further enacted, That in case any Proprietor or Proprietors of any Messuages, Lands or Tenements, within the Parish of *Foxley* aforesaid, shall hold the same by different Tenures, or for different Estates, or in different Rights, or under different Titles, the said Commissioners shall upon the Request of any such Proprietor or Proprietors, ascertain and distinguish the Messuages, Lands and Tenements, held by each of such Tenures for each of such Estates, and under each of such Rights or Titles respectively, and shall accordingly in their said Award assign, set out and allot distinct and several Allotments, by distinct and several Descriptions, for or in respect of such respective Messuages, Lands or Tenements, and shall declare in Right of what Estate or Estates such Allotments respectively shall have been made; and in case the said Commissioners, from want of necessary Information, or from any other Cause, shall not

not diſcriminate and diſtinguiſh ſuch different Rights or Titles, different Eſtates and different Tenures, in their Award, it ſhall be lawful for them at any Time within Twelve Calendar Months after the Execution of the ſaid Award, upon the Requeſt in Writing of any Perſon or Perſons intereſted, to do and cauſe to be done, all proper and neceſſary Acts for the Purpoſe of enabling them to make ſuch Diſcrimination and Diſtinction as aforeſaid, in the ſame Manner as they might or could have done by their ſaid Award; and when and ſo ſoon as the ſaid Commiſſioners ſhall have obtained ſufficient Information for the Purpoſe, by any Deed or Inſtrument in Writing under their Hands and Seals, to aſcertain and diſtinguiſh the Difference of ſuch Tenures, Eſtates, Rights and Titles reſpectively, and ſhall make diſtinct and ſeveral Allotments, in the ſame Manner as they are hereby authorized to do by their ſaid Award; and every ſuch Deed or Inſtrument ſhall have the ſame Force and Effect, as if the ſame was contained in the ſaid Award, and ſhall be delivered to the Perſon or Perſons upon whoſe Requeſt the ſame ſhall have been executed, or to the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings, concerning the Title to the Premiſes in Queſtion ſhall in the Opinion of the ſaid Commiſſioners properly belong for the Time being; and the Coſts, Charges and Expences, which ſhall be occaſioned by the Proceedings of the ſaid Commiſſioners in making ſuch Diſcrimination, Diſtinction and Allotment or Allotments, and of preparing and executing any ſuch Deed or Inſtrument, or in anywiſe relating thereto, ſhall be aſcertained and ſettled by the ſaid Commiſſioners, and ſhall be paid by the Perſon or Perſons who ſhall make ſuch Requeſt as aforeſaid, or by his, her, or their Heirs, Executors or Adminiſtrators, to ſuch Perſons, and at ſuch Time and Place as the ſaid Commiſſioners ſhall by Writing under their Hands appoint; and in caſe ſuch Coſts, Charges and Expences, ſhall not be ſo paid, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to raiſe and levy the ſame by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining this Act, and executing the ſaid recited Act and this Act, can or may be raiſed and levied.

Allotments to be of the ſame Tenure as original Eſtates.

XXIX. And be it further enacted, That all Lands and Grounds which ſhall be allotted to any Perſon or Perſons whatſoever, Body or Bodies Politic, Corporate or Collegiate, by virtue of this Act and of the ſaid recited Act, for or in reſpect of any Houſes, Buildings, Lands or Grounds in *Foxley* aforeſaid, which are Copyhold or Leaſehold, or for or in reſpect of any Right of Common, or any other Right or Intereſt appurtenant or appendant to or upon ſuch Copyhold or Leaſehold Premiſes, ſhall from and for ever after the Execution of the Award by the ſaid recited Act directed to be made by the ſaid Commiſſioners, be deemed and taken to be Copyhold or Leaſehold reſpectively, according to the Tenure of the Lands for or in reſpect of which they were allotted, and ſhall be held accordingly, by and under the ſame Tenure, Rents, Payments, Fines, Cuſtoms and Services, as the Copyhold or Leaſehold Houſes, Buildings, Lands or Grounds reſpectively, for or in reſpect whereof ſuch Allotments ſhall be made are now holden; and the Perſon or Perſons to whom any ſuch Copyhold Lands or Grounds ſhall be allotted as aforeſaid, ſhall within Six Calendar Months next after the Execution of the ſaid Award be admitted Tenant or Tenants to the ſame, without paying any Fine or other Charge to the Lord or Lady, or to the Steward of the ſaid Manor or Manors reſpectively (ſave and except for the Stamp Duties and Parchment requiſite to be uſed for the Copies of ſuch Admiſſions reſpectively, and ſuch reaſonable Fees to the reſpective Stewards of the ſaid Manors, as the ſaid Com-

missioners in and by their said Award shall think proper to order and direct); but in case any Person or Persons, to whom any such Copyhold Lands and Grounds shall be allotted as aforesaid, shall not have been before admitted to the same, or to the ancient Copyhold Lands and Tenements in respect whereof such Allotment or Allotments shall be made, then the Customary Fines, Fees and other Payments shall be due and payable on the Admission of the Person or Persons who shall have become entitled to such last-mentioned Copyhold Allotments; and at all Times after every such First Admission, the Copyhold Lands and Grounds last-mentioned shall be held under and subject to the same Tenure, Fines, Rents, and other Payments and Services respectively, as the present Copyhold Houses, Buildings, Lands and Grounds, in respect whereof such new Allotments shall be made, are now respectively holden and are subject to; and the said Commissioners shall and they are hereby required to determine, describe and abut, in and by their said Award, and in and by the Map or Plan to be thereto annexed, all the Messuages, Buildings, Lands and Tenements in the said Parish of *Foxley*, which are to remain or become Copyhold or Leasehold, and all other Messuages, Lands and Tenements in the said Parish of *Foxley* (except such as shall be so ascertained by the said Commissioners in their said Award to be Copyhold or Leasehold as aforesaid), shall from and after the Execution of the said Award be deemed, taken and enjoyed as Freehold Messuages, Buildings, Lands and Tenements respectively; subject nevertheless to such Free Rents and Services, and other Payments as are now payable out of or for the said respective Freehold Messuages, Buildings, Lands and Tenements, situate in *Foxley* aforesaid.

For allowing Exchanges to be made.

XXX. And be it further enacted, That it shall and may be lawful for the said Commissioners to set out, allot and award any Lands, Tenements or Hereditaments, within the said Parish of *Foxley*, in lieu of and in exchange for any other Lands, Tenements or Hereditaments within the said Parish, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified and declared in the Award of the said Commissioners; and be made with the Consent of the Person or Persons claiming before the said Commissioners, to be the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments which shall be so exchanged, whether such Person or Persons claiming to be such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, with the Consent of the Lessor or Lessors, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees or Attornies of or acting for any such Person or Persons, claiming before the said Commissioners to be such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges, shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself; such Consent to be testified in Writing, under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so made, shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel

or

or other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid, of the Patron thereof, and of the Biſhop of the Dioceſe in which ſuch Lands, Tenements or Hereditaments ſo to be exchanged, ſhall lie or be ſituate.

Leaſes at Rack Rent may be determined.

XXXI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, if they in their Diſcretion ſhall ſo think fit, to determine all and every or any Leaſe or Leaſes, Agreement or Agreements at Rack or Extended Rent, now ſubſiſting for any Term of Years, or from Year to Year, of any Meſſuages, Lands or Tenements within the ſaid Pariſh of *Foxley*, ſo far only as ſuch Leaſe or Leaſes, Agreement or Agreements affect or concern any Part or Parts of the Lands and Grounds hereby directed to be divided and allotted, and of all or any Part of the Lands and Hereditaments which ſhall be exchanged by virtue of this Act, at ſuch Time or Times either before or after the Execution of the ſaid Award of the ſaid Commiſſioners, as the ſaid Commiſſioners ſhall in and by their Award, or by any Writing or Writings under their Hands, direct, order, or appoint; and that it ſhall be lawful for the ſaid Commiſſioners to determine ſuch Leaſe or Leaſes, Agreement or Agreements, in Manner aforeſaid, as to the Whole or any Part of the Lands and Grounds compriſed therein, being Parcels of the Lands and Grounds hereby directed to be divided and allotted; and as to the Whole or any Part of the Lands and Grounds to be allotted by virtue of this Act, in reſpect of the Rights of Common, appendant, appurtenant or belonging to the ſaid Lands and Grounds, comprized in ſuch Leaſe or Leaſes, Agreement or Agreements, or any Part thereof, in, over and upon the Lands and Grounds to be divided and allotted by virtue of this Act; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to adjudge and determine what Satisfaction ſhall be made by the reſpective Leſſors or Landlords to the Leſſees or Tenants reſpectively, for the Determination of their Intereſts in ſuch Lands and Hereditaments, either by the Payment of a groſs Sum or where other Lands and Hereditaments are or ſhall be comprized in the ſame Demiſe, by a Reduction and Apportionment of the Rent to be paid during the Remainder of the Term, for the Reſidue of the Premiſes in every ſuch Leaſe or Demiſe compriſed; and every ſuch Leaſe and Demiſe ſhall, at the Time mentioned in ſuch Order, ceaſe, and determine accordingly; and in all Caſes, where exiſting Leaſes, Agreements or Tenancies ſhall continue, as to any of the Lands and Grounds to be divided and allotted or exchanged by virtue of this Act, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required to aſcertain, order and direct what additional Rent ſhall be paid by the reſpective Leſſees or Tenants for the Improvement in the Value thereof, and under what Terms, Conditions and Reſtrictions with reſpect to the Mode of Huſbandry, or otherwiſe, the ſaid allotted or exchanged Lands ſhall be held; and the Rent ſo declared ſhall be added to and recoverable in like Manner as the original Rent; and all ſuch Orders and Directions of the ſaid Commiſſioners, with regard to the Mode of Huſbandry to be obſerved by the Tenant or Tenants of ſuch laſt-mentioned allotted or exchanged Lands, ſhall be binding upon ſuch Tenant or Tenants, in the ſame Manner to all Intents and Purpoſes, as if the ſame had been contained in the original Leaſe or Leaſes of the Lands and Hereditaments in reſpect whereof ſuch Allotments or Exchanges ſhall have been made; provided, that nothing in this Act contained ſhall authorize the vacating or determining of any Leaſe or Agreement, of any ſuch exchanged Lands or Hereditaments as aforeſaid, which ſhall wholly be ſituate in any Pariſh or Pariſhes adjoining to the Pariſh of

Foxley

Foxley aforesaid; and if any Person or Persons shall refuse or neglect to make any such Compensation (where such Compensation shall be directed to be made by Payment of any gross Sum of Money) to the Person or Persons entitled thereto, within Ten Days after Demand made thereof, then and in such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Surplus Costs, Charges and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

Wills and Settlements not to be affected.

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

Commissioners to direct the Course of Husbandry.

XXXIII. And be it further enacted, That from and after the passing of this Act, until the Execution of the said Award, all the Arable Lands hereby directed to be divided and allotted, shall be used in such Manner, and shall be subject and liable to such Directions and Regulations as the said Commissioners shall from Time to Time by any Writing under their Hands, to be affixed upon the Door of the Parish Door of *Foxley* aforesaid, appoint with regard to the stocking, ploughing, tilling, sowing, and laying down the same; and it shall be lawful for the said Commissioners to order and direct such Sum or Sums of Money in respect thereof, to be paid by any Person or Persons interested in the said Arable Lands, or any Part thereof, or his, her, or their Tenant or Tenants, to any other Person or Persons in like Manner interested therein, or his, her or their Tenant or Tenants, as the said Commissioners shall think reasonable; and in case any Person or Persons who shall be directed to pay any Sum or Sums of Money upon any of the Accounts aforesaid, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges and Expences of obtaining this Act, and executing this Act and the said recited Act, or any Part thereof, can or may be raised and levied.

Sheep not to be kept in the New Inclo-

XXXIV. 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 Fences shall have been raised) during the Space of Seven Years next after the Execution of the said Award, unless the Person or Persons keeping any Sheep or Lambs shall previously thereto, at his, her or their own Expence, make and afterwards maintain a sufficient Fence, to guard and protect the young Fences belonging to such Allotments respectively, from being hurt or damaged by such Sheep or Lambs (whether such young Fences be made or set by the Owner or Occupier of such Allotment or Allotments as aforesaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto); and that in case any Person shall turn in, or keep any Sheep or Lambs in any such Allotment or Allotments, without raising and keeping up such protecting Fences as aforesaid, it shall be lawful for the Owner or Owners of any adjoining Allotment or Allotments from Time to Time to enter into the Allotment or Allotments, where any Sheep or Lambs shall be so turned in or kept as aforesaid, and from Time to Time to take, drive away, and impound the same, as Cattle damage feasant.

Fences for Seven Years, except under certain Restrictions.

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

Allowance to Commissioners.

XXXVI. And be it further enacted, That the Costs and Expences incident to and attending the passing of this Act, and the Survey, Valuation, Division and Allotments of the Lands hereby directed to be divided and allotted, and the Costs, Charges and Expences of inclosing the Allotment or Allotments, which shall by virtue of this Act be allotted to the said Rector in respect of the said Rectory, and of inclosing the Allotment or Allotments hereby directed to be made to the Surveyors of the Highways in *Foxley* aforesaid; and of forming and making the Roads and Ways which shall be set out and appointed by the said Commissioners to be formed and made in pursuance of the said recited Act; and of preparing the said Award and the Copy thereof, and all the Charges and Expences of the said Commissioners, their Assistants and Servants, and all other Persons employed by the said Commissioners in and about the Premises, and all other Expences of carrying the said recited Act and this Act into Execution, shall be borne, defrayed and paid by the several Persons, and Body or Bodies Politic, Corporate or Collegiate, interested in the Premises, to whom any Allotment or Allotments shall be made by virtue of this Act (save and except the Surveyors of the Highways in *Foxley* aforesaid, for the Time being, for or in respect of the Allotment or Allotments hereby directed to be made to them as aforesaid; and also save and except the Rector of the said Rectory, in respect of any Allotment or Allotments which shall be made to him, in Right of the said Rectory; and also save and except such Person or Persons whose Real Property within the said Parish of *Foxley*, or elsewhere, shall not in the Judgment of the said Commissioners exceed the Yearly Value of Six Pounds at the Time of making the said Allotments, or whose Personal Property shall not in the Judgment of the said Commissioners exceed the Sum of One hundred and twenty

Directions for defraying the Expences of this Act.

Pounds) in such Shares and Proportions, at such Time and Place, and to such Person or Persons as the said Commissioners shall by their said Award or any Writing under their Hands appoint; and if any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, shall refuse or neglect to pay his or her Share or Proportion of the said Costs, Charges and Expences, to the Person or Persons authorized to receive the same at the Time and Place which shall be appointed by the said Commissioners for the Payment thereof, then and in such Case the said Commissioners shall cause the same to be raised, levied and recovered in Manner directed by the said recited Act.

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

XXXVII. Provided always, That all Costs and Expences attending any Exchange or Partition, or any Agreement, Matter or Thing relating thereto, shall be borne and defrayed by the several Parties making or interested in any such Exchange or Partition, or any Agreement relating thereto, in such Manner and in such Proportions, and at such Time and Place as the said Commissioners shall by their said Award, or any other Writing under their Hands, order and direct; and in case such Costs, Charges and Expences shall not be paid according to such Order and Direction, it shall be lawful for the said Commissioners, and they are hereby required to cause the same to be raised and levied by such Ways and Means, and in such Manner as the Costs, Charges and Expences of obtaining this Act, and executing the said recited Act and this Act, can or may be raised and levied.

Directions for charging Copyhold Lands with Expences.

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

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

XXXIX. And be it further enacted, That in order to defray the Costs, Charges and Expences of obtaining and carrying this Act and the said recited Act into Execution, it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees or Attornies, of any of the Owners or Proprietors of any of the Lands and Grounds which shall be allotted by virtue of the said recited Act and this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, and for any of the said Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on any Life or Lives, or on any other Contingency, or Tenants by the Courtesy of *England*, or otherwise interested in such Lands and Grounds, to charge such Lands and Grounds, with such Sum or Sums of Money as the said Commissioners shall by their said Award, or by Writing under their Hands, either before or after the Execution of such Award, adjudge necessary to pay and defray his, her or their

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

Power for certain Perſons to ſell their Allotments.

XL. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, on Application being made to them in Writing by any of the Huſbands, Guardians, Truſtees, Committees or Attornies of or for any of the ſaid Proprietors or Perſons intereſted in the Premiſes, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Diſability or Incapacity, or by the Perſons acting as ſuch Guardians, Truſtees, Committees or Attornies reſpectively, or by any of the Proprietors of Eſtates in *Foxley* aforeſaid, or any Part thereof, who are or ſhall be Tenant or Tenants in Tail, or for Life or Lives, or any other Contingency (ſave and except the ſaid Rector for the Time being) to ſell any Part of the Allotment or Allotments to be made by virtue of this Act, to ſuch incapacitated Proprietor or Proprietors, or other Perſon or Perſons by whom or on whoſe Behalf any ſuch Application ſhall be made as aforeſaid, for the Purpoſe of raiſing a Sum of Money ſufficient to defray the reſpective Shares and Proportions of the Coſts, Charges, and Expences, of obtaining and paſſing this Act, and executing the ſaid recited Act and this Act, which ſhall be charged upon or payable by ſuch incapacitated Proprietors, or other Perſon or Perſons reſpectively, and of fencing, incloſing, and ſubdividing his, her, or their

Allotment

Allotment or Allotments, and of making and completing such Sale; and such Sale shall be made by the said Commissioners in such and the like Manner, and subject to such and the like Rules and Regulations, as are mentioned and prescribed in and by the said recited Act, in respect to the Sale of any Lands authorized to be sold for paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting, and inclosing any Lands and Grounds; and each and every Allotment, for which the full Purchase Money shall be paid, shall be conveyed by the said Commissioners, at the Expence of such Purchaser or Purchasers, unto and to the Use of or in Trust for such Purchaser or Purchasers, and his, her, or their Heirs respectively, or as he, she, or they shall appoint, and shall be inclosed and held by such Purchaser or Purchasers respectively in Severalty, and the Receipt of the said Commissioners shall be a good and sufficient Discharge to such Purchaser or Purchasers, for the said Purchase Money, which shall be applied by the said Commissioners in or towards defraying such last mentioned Costs, Charges, and Expences; and if any Surplus shall remain in the Hands of the said Commissioners, the same shall be applied and disposed of by them, in Manner directed by the said recited Act with respect to Money which is thereby directed to be paid into the Bank of *England*, for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, to be settled to the same Uses, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements, and Hereditaments, as therein mentioned.

Not to deduct and borrow also, unless Land deducted is less than 5*l.* an Acre.

XLI. Provided always, and be it further enacted, That it shall not be lawful to raise by such Sale or Sales as aforesaid, any further or greater Sum of Money than the Person or Persons (Part of whose Allotment shall be sold as aforesaid) would have been empowered or authorized to borrow or charge upon his, her, or their Allotment or Allotments under or by virtue of the said recited Act; nor shall it be lawful for the Person or Persons from whose Allotment Land shall be deducted as aforesaid, to charge his, her, or their Allotment or Allotments, by virtue of the said recited Act or this Act, with any Money towards the Payment of such Expences, unless the Money to arise by such Sale shall not amount to the Sum of Five Pounds *per* Acre of such Allotment or Allotments; and then and in such case it shall be lawful for such Person or Persons to charge his, her, or their Allotment or Allotments, or to raise by Mortgage thereof, or by such other Ways and Means as mentioned in the said recited Act or this Act, the Remainder of such Money for the Payment of the Expences of obtaining and executing this Act, so as that the whole Sum to be raised by virtue of this Act shall not exceed the Sum of Five Pounds *per* Acre, according to the Number of Acres contained in such Allotment or Allotments.

Proprietors and their Agents to pay their own Expences, &c.

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

Commiſſioners to lay Accounts before a Juſtice once a Year.

XLIII. And be it further enacted, That once in every Year during the Execution of this Act (ſuch Year to be computed from the Day of the paſſing thereof) the ſaid Commiſſioners ſhall, and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this and the ſaid recited Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before *William Simpſon* of the City of *Norwich*, Gentleman; or in caſe of his Death, Refuſal, or Incapacity to act, then before any One of His Majeſty's Juſtices of the Peace for the ſaid County of *Norfolk* (not intereſted in the ſaid Diviſion and Allotment) to be by the ſaid *William Simpſon*, or by ſuch Juſtice, as the Caſe may be, examined and balanced; and ſuch Balance ſhall be by the ſaid *William Simpſon*, or ſuch Juſtice, as the Caſe may be, ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by the ſaid *William Simpſon*, or in caſe of his Death or Incapacity, by ſuch Juſtice as aforeſaid.

Directions as to the Award.

XLIV. And be it further enacted, That a true Copy of the ſaid Award, written upon Parchment, and ſigned and atteſted by the ſaid Commiſſioners to be a true Copy thereof, together with a Map or Plan of the Pariſh of *Foxley* aforeſaid, thereto annexed, ſhall within Twelve Calendar Months after the Execution of the ſaid Award, be delivered to the Clerk of the Peace for the ſaid County of *Norfolk*, who is hereby required to depoſit and keep the ſame among the Records of the ſaid County, ſo that Recourſe may be had thereto by any Perſon or Perſons intereſted in the Premiſes, for the Reception whereof the Fee of Two Pounds and Two Shillings ſhall be paid; and for the Inſpection and Peruſal whereof the Sum of One Shilling and no more, ſhall be paid; and the ſaid Award ſhall from and after the Delivery of ſuch Copy thereof, ſo ſigned and atteſted as aforeſaid, to the ſaid Clerk of the Peace, be deemed and taken to be inrolled according to the Directions, and within the Meaning of the ſaid recited Act; and the original Award, with a Map or Plan of the Pariſh of *Foxley* aforeſaid, thereto annexed, ſhall be depoſited in the Pariſh Church of *Foxley* aforeſaid, in a Box to be provided for that Purpoſe; and the ſaid Award and Copy thereof, and any other Copy of the ſaid Award, or of the Copy thereof, delivered to the ſaid Clerk of the Peace as aforeſaid, or any Part or Parts thereof, atteſted by the ſaid Clerk of the Peace or his Deputy (for every Sheet of which Copy containing Seventy-two Words, Four-pence and no more ſhall be paid); and alſo the ſaid Copies of the ſaid Map or Plan, ſhall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained, in all Courts whatſoever; and the ſeveral Allotments, Partitions, Orders, Directions, Proviſions, Matters and Things contained in the ſaid Award, ſhall be binding and concluſive, upon all and every the Parties intereſted in the Premiſes.

Appeal to the Seſſions.

XLV. And be it further enacted, That if any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done or omitted to be done in purſuance of the ſaid recited Act or this Act, (other than and except as to ſuch Claims, Matters, and Things, which ſhall be aſcertained, ſettled, tried,

tried, or determined, by the Verdict of a Jury, under the Power and Authority herein-before contained, or where by any of the Provisions or Clauses of the said recited Act or this Act, the Determinations, Orders, Acts or Proceedings of the said Commissioners, are declared or directed to be final and conclusive), then and in every such Case, he, she, or they may appeal to the Justices at the General Quarter Sessions of the Peace, which shall be held for the said County of *Norfolk*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof, and the Justices (not interested in the Premises) in their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable; and by their Order or Warrant, to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant, or Appellants as to the said Justices in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

Right to Tithes not to be prejudiced.

XLVI. Provided always, and be it further enacted, That nothing in the said recited Act or this Act contained shall prejudice, lessen, or defeat, the Right, Title, or Interest of the Rector of the said Rectory for the Time being, in or to any Tithes or titheable Matters, Mortuaries, *Easter* Offerings, and Surplice Fees arising, growing, renewing or coming out of or from or payable in respect of any Lands or Tenements in *Foxley* aforesaid; nor shall any Thing in this Act contained, prejudice, lessen or defeat, the Right, Title, or Interest of any Person or Persons to the Benefit of any Exemption from the Payment of Tithes, or to any Modus, Payment or Composition, due or payable for or in lieu or in respect of such Tithes or titheable Matters as aforesaid; but that such Tithes and titheable Matters shall be paid and payable, and such Modus or Moduses, Payments or Compositions (if any such there are) shall remain and continue at all Times hereafter in the same Manner as if this Act and the said recited Act had not been passed; and in case any Lands in *Foxley* aforesaid are exempted or discharged by Law from the Payment of Tithes, then such Allotment or Allotments as shall be made for or in lieu or in respect of such Lands, shall be in like Manner freed, exempted, and discharged of and from the Payment of Tithes, and shall be subject and liable only to the same Modus, Composition, or Payment, as was or were due and payable from the Lands for or in lieu or in respect whereof such Allotment or Allotments shall be respectively made.

General Saving.

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

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

This Act may be given in Evidence.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1814.