ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 59.

An Act for incloſing Lands in the Pariſh of *Harding-ham*, in the County of *Norfolk*. [15th *April* 1813.]

WHEREAS there are within the Pariſh of *Hardingham*, in the County of *Norfolk*, divers Incloſures and Fields of Arable Land, Meadows, and Paſture Grounds, and other Lands, Commons, and Waſte Grounds: And whereas the Right Honourable *John* Lord *Wodehouſe* is Lord of the ſeveral Manors of *Hardingham Flock-thorpe*, and *Swathings*, otherwiſe *Gurneys*, in *Hardingham*, and claims to be entitled to the Soil of all the Commons and Waſte Grounds within the ſaid Pariſh of *Hardingham*: And whereas the ſaid *John* Lord *Wode-houſe*, the Reverend *Walter Whiter*, *Hamond Alpe* Eſquire, *John Turner Hales* Eſquire, *John Micklethwaite* Eſquire, and divers others Perſons reſpectively, are the Owners and Proprietors of all the Meſſuages, Cottages, Lands, and Tenements, ſituate, lying, and being within the ſaid Pariſh of *Hardingham*: 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, and Paſtures, and other Lands, lie intermixed and diſperſed in ſmall Parcels, and are there-fore inconvenient to the ſeveral Occupiers, and of leſs Value to the re-ſpective Proprietors thereof, and the ſaid Commons and Waſte Grounds in their preſent State yield but little Profit, and are incapable of much

Improvement, and it would be beneficial to the ſeveral Perſons intereſted, if the ſeveral Rights to which the ſame are now ſubject were extinguiſhed, and if the ſaid Commons and Waſte Grounds, together with all ſuch Arable Lands, Meadows, Paſtures and other Lands, were divided, and ſpecific Parts and Shares thereof allotted unto and incloſed by the ſeveral Perſons intereſted therein, according to their ſeveral and reſpective Eſtates, Rights, and Intereſts; but as ſuch Extinguiſhment, Diviſion, and Allotment cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Dugmore* of *Swaffham*, in the County of *Norfolk*, Gentleman, *William Unthank* of *Heigham*, in the County of the City of *Norwich*, Gentleman, and *James Hales* of the ſaid City of *Norwich*, Gentleman, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby appointed Commiſſioners for valuing, dividing, allotting, and incloſing the ſaid Arable Lands, Meadows, Paſtures, and other Lands, Commons, and Waſte Grounds, in *Hardingham* aforeſaid, and for carrying this Act into Execution, ſubject to ſuch of the Powers, Authorities, Directions, Regulations, Reſtrictions, and Proviſions contained in the ſaid recited Act, as are not altered, varied, or otherwiſe provided for by this Act, and all Acts, Matters, and Things authorized or neceſſary to be done and executed by the ſaid Commiſſioners in purſuance of this Act and the ſaid recited Act, may be done and executed by any Two of them, and the ſame ſhall be as good, valid, and effectual, and ſhall have the ſame Force and Effect as if ſuch Acts, Matters, and Things had been done and executed by all the Commiſſioners herein-before named, or to be appointed as hereafter mentioned.

Commiſſioners appointed.

Two Commiſſioners may act.

Election of new Commiſſioners.

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

Notice of Commiſſioners' Meetings.

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

excepted); and if at any Meeting appointed to be holden by the ſaid Commiſſioners, no more than One Commiſſioner ſhall attend, then and in every ſuch Caſe it ſhall be lawful for the Commiſſioner ſo attending to adjourn any and every ſuch Meeting from Time to Time, and to ſuch Time and Place as he ſhall think moſt convenient, giving Notice of ſuch Adjournment to the abſent Commiſſioners: Provided always, that all Meetings for carrying this Act into Execution ſhall be holden either in the ſaid Pariſh of *Hardingham*, or within Eight Miles thereof.

Other Notices how to be given.

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

Commiſſioners to ſettle Differences.

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

Commiſſioners not to determine Titles.

Commiſſioners may aſſeſs Coſts.

VI. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in purſuance of this Act or the ſaid recited Act, or upon the Hearing and Determination of any Diſpute or Difference as aforeſaid, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award, ſuch Coſts and Charges as they ſhall think reaſonable to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made, by the Perſon or Perſons, or Bodies Politic, Corporate, or Collegiate, whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled, or againſt whom the ſaid Commiſſioners

ſioners ſhall have determined as aforeſaid; and in caſe the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, who ſhall be liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Perſon whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any), upon Demand, to the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

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

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

If no Objection, or no Action, the Commiſſioners Determination to be final.

ſhall be binding, final, and concluſive upon all Parties: Provided alſo, that if any of the Parties in any ſuch Action, to be brought as aforeſaid, ſhall die pending the ſame, ſuch Action ſhall not abate by Reaſon thereof, but ſhall be proceeded in as if no ſuch Death had happened.

Trial not to ſuſpend the Execution of the Act.

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

If Parties die before Actions brought.

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

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

X. Provided alſo, and be it further enacted, That nothing in this Act contained, ſhall extend to enable the ſaid Commiſſioners to determine any Right between any Parties contrary to the Poſſeſſion of any ſuch Parties, except in Caſes of Encroachments 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 by, or recovered from ſuch Perſon or Perſons, by Ejectment or other due Courſe of Law.

For extinguiſhing or ſuſpending Rights of Common.

XI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Time or Times before the Execution of their Award, to order and direct, by Notice under their Hands, to be for that Purpoſe given, and affixed to the principal Door of the Pariſh Church of *Hardingham* aforeſaid, all and every, or any Rights or Right whatever, in, over, or upon the ſaid Commons and Waſte Grounds, or any Part thereof, to be extinguiſhed, or the Exerciſe thereof to be ſuſpended for and during ſuch Time and Times as ſhall be expreſſed in ſuch Notice; and

all and every ſuch Rights and Right which the ſaid Commiſſioners ſhall ſo order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall, from the Time of affixing ſuch Notice on the ſaid Church Door, ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof ſhall be ſuſpended accordingly; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Turfs not to be cut.

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

Application of Penalty.

For ſhortening Boundaries.

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

Encroachments within Thirty Years to be allottable.

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

Extent thereof, ſuch Diſputes ſhall be determined by the ſaid Commiſſioners.

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

XV. Provided always, and be it further enacted, That the Lands and Grounds compriſed in any Encroachments which ſhall have been made within Thirty Years laſt paſt, ſhall (without Regard to the Value of any Improvements ſince made thereon) be allotted to the Perſon or Perſons in Poſſeſſion thereof, ſo far as he, ſhe, or they ſhall be entitled to any Allotment, of ſufficient Value, by virtue of this Act; and in that Caſe the Value of ſuch Encroachments ſhall, as Circumſtances require, be deducted from or deemed a Compenſation for the Allotments to which ſuch Perſon or Perſons ſhall be entitled under this Act; but if the Perſon or Perſons in Poſſeſſion of ſuch Encroachments ſhall not be entitled to any Allotment by virtue of this Act, or ſhall not be entitled to an Allotment equivalent to the Value of ſuch Encroachments, then, and in either of thoſe Caſes, the whole or the Surplus Quantity (as the Caſe may be) of ſuch Encroachments ſhall be ſold by the ſaid Commiſſioners, and allotted by them in Fee Simple to any Perſon or Perſons who ſhall become the Purchaſer or Purchaſers thereof, and the Money ariſing from ſuch Sale or Sales ſhall be applied in the ſame Manner as is herein-after directed concerning the other Lands by this Act directed to be ſold.

Licenced Encroachments not prejudiced.

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

Carriage Roads to be ſet out, &c.

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, in the Firſt Place, before they ſhall proceed to make any of the Diviſions and Allotments directed by this Act, to ſet out and appoint all and every the public Carriage Roads and Highways, in, through, and over the ſaid Lands and Grounds hereby directed to be divided and allotted as the ſaid Commiſſioners ſhall judge neceſſary, ſo as the Roads and Highways to be ſet out and appointed by the ſaid Commiſſioners ſhall be and remain Thirty Feet wide at the leaſt, and be ſet out in ſuch Directions as ſhall upon the whole appear to them moſt commodious to the Public; and the ſaid Commiſſioners are further required to aſcertain the ſame by Marks and Bounds, and to pre-

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pare 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 Writing to be affixed upon the principal Door of the Pariſh Church of *Hardingham* aforeſaid, of their having ſo ſet out ſuch Roads, and depoſited ſuch Maps as aforeſaid, and alſo of the general Lines of ſuch intended Carriage Roads, and ſhall alſo appoint in and by the ſame Notice a Meeting to be held by the ſaid Commiſſioners at ſome convenient Place in *Hardingham* aforeſaid, or within Eight Miles thereof, and not ſooner than Fourteen Days from the Date and Publication of ſuch Notice; and if any Perſon who may be injured or aggrieved by the ſetting out of ſuch Roads ſhall attend at ſuch Meeting, and object to the ſetting out of the ſame, then ſuch Commiſſioners, together with any Juſtice or Juſtices of the Peace, acting in and for the Diviſion in which the ſaid Pariſh of *Hardingham* 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 Objections of any other ſuch Perſon to any Alteration that the ſaid Commiſſioners, with any ſuch Juſtice or Juſtices, may in conſequence propoſe to make; and the ſaid Commiſſioners, together with ſuch Juſtice or Juſtices as aforeſaid, ſhall, and they are hereby required, according to the beſt of their Judgment upon the whole, to order and finally direct how ſuch Carriage Roads ſhall be ſet out, and either to confirm the ſaid Map, or make ſuch Alteration therein as the Caſe may require; and all Roads, Ways, and Paths, in, through, and over the ſaid Pariſh of *Hardingham*, 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 *Hardingham*, 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.

Allotments to Truſtees for poor Inhabitants legally ſettled.

XVIII. And be it further enacted, That the ſaid Commiſſioners, ſhall, after ſetting out the ſeveral public Roads and Ways, aſſign, ſet out, and allot unto the Lord of the Manor of *Hardingham Flockthorpe*, and to the Rector of the Rectory of *Hardingham*, and to the Churchwardens and Overſeers of the Poor of the Pariſh of *Hardingham*, for the Time being, and to their Succeſſors for ever, as Truſtees for the poor Inhabitants of the ſaid Pariſh of *Hardingham*, legally ſettled therein, ſuch Part or Parts of the ſaid Commons and Waſte Grounds as the ſaid Commiſſioners ſhall think moſt proper, and judge reaſonable for the Purpoſes herein-after mentioned; and ſuch Allotment or Allotments ſhall, on the Execution of the Award of the ſaid Commiſſioners, be veſted in the Lord of the ſaid Manor, and the Rector of the ſaid Rectory, and the Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Hardingham* for the Time being, for ever, as Truſtees of the ſaid poor Inhabitants of the ſaid Pariſh of *Hardingham*, legally ſettled therein, to the Intent that the ſaid Truſtees for the Time being, ſhall permit and ſuffer the poor Inhabitants of the ſaid Pariſh of *Hardingham*,

Hardingham, who ſhall be legally ſettled therein, to cut, take, and uſe Turf, Peat, and Fuel, (if any there be) on ſuch Part or Parts of the ſaid Allotment or Allotments, in ſuch Quantities, and at ſuch Time or Times in each and every Year, and under ſuch Regulations and Reſtrictions, as the ſaid Truſtees for the Time being, or the major Part of them ſhall direct or appoint, and not otherwiſe; and the ſaid Truſtees for the Time being, or the major Part of them, are alſo hereby empowered, from Time to Time, by Writing under their Hands and Seals, to leaſe or demiſe the whole, or ſuch Part or Parts of the ſaid Allotment or Allotments which ſhall not produce Turf, Peat, or Fuel, as they from Time to Time ſhall think proper, to any Perſon or Perſons whomſoever, for any Term of Years not exceeding Twenty-one Years, to commence in Poſſeſſion and not in Reverſion, ſo that in every ſuch Leaſe there be reſerved and made payable to the ſaid Truſtees for the Time being, or the major Part of them, by Two equal Half-yearly Payments in every Year, the beſt and moſt improved yearly Rent or Rents that can be obtained for the ſame, without taking any Income, Fine, Premium, or Foregift, in Conſideration of granting any ſuch Leaſe, and ſo as in every ſuch Leaſe there be contained fair Covenants, on the Part of the Leſſee, for the Uſage and Management of the Land thereby demiſed, and for leaving the ſame in a proper State and Condition at the Expiration of every ſuch Leaſe, and ſo as in every ſuch Leaſe there be contained a Power of Re-entry for Non-performance of the Covenants therein contained, and for the Non-payment of the Rent thereby reſerved, within a reaſonable Time, to be therein limited, after the ſame ſhall happen to become due, together with all other uſual Covenants, Stipulations, and Proviſions, between Leſſors and Leſſees, and ſuch Security for the Performance of the ſame as the ſaid Truſtees, or the major Part of them, ſhall think moſt proper to be inſerted therein; and the Rents and Profits ariſing from the ſaid Allotment or Allotments ſo let and demiſed, ſhall, from Time to Time, be laid out in the Purchaſe of Fuel; and ſuch Fuel ſhall be diſtributed amongſt ſuch poor Inhabitants as aforeſaid, of the ſaid Pariſh of *Hardingham*, who ſhall be legally ſettled therein, in ſuch Proportions and Quantities, in ſuch Manner, at ſuch Times in every Year, and according to ſuch Rules and Orders, as the ſaid Truſtees for the Time being, or the major Part of them, ſhall appoint and preſcribe for that Purpoſe, and not otherwiſe; and the Remainder of ſuch Allotments which ſhall not be ſo appropriated for taking Turf, Peat, and Fuel, as aforeſaid, nor ſhall be ſo let or demiſed as aforeſaid, ſhall be uſed and enjoyed ſolely and excluſively by ſuch poor Inhabitants of the ſaid Pariſh of *Hardingham*, who ſhall be legally ſettled therein, as a Common of Paſture for all Geeſe, Stock, and Cattle, which ſhall really and *bonâ fide* be the Property of ſuch poor Inhabitants, in ſuch Manner, and at ſuch Time or Times, and according to ſuch Rules and Regulations, as the ſaid Truſtees for the Time being, or the major Part of them, ſhall appoint and preſcribe for that Purpoſe, and not otherwiſe: Provided always, that in caſe the Rents and Profits of ſuch Allotment or Allotments, ſhall at any Time or Times be more than ſufficient to anſwer the Purpoſes for which the ſame is or are hereby directed to be ſet out, then and in every ſuch Caſe the ſaid Truſtees for the Time being, or the major Part of them, ſhall and they are hereby required to apply and diſpoſe of the Overplus of ſuch Rents and Profits for the Relief of the Poor for whoſe Benefit ſuch Allotment or Allotments ſhall be ſo ſet out, in ſuch Manner as the ſaid reſpective Truſtees, or the major Part of them,

ſhall think proper: Provided alſo, that it ſhall be lawful for the Lord of the ſaid Manor before mentioned, and the Rector of the ſaid Rectory for the Time being reſpectively, to act in the Execution of the Truſts hereby repoſed in them as aforeſaid, by their reſpective Agents or Proxies, ſuch Agents or Proxies reſpectively to be appointed by Writing under the Hands of the ſaid Lord and Rector reſpectively, and producing their reſpective Appointments at the Time of their acting by virtue thereof if required ſo to do; but no Perſon ſhall act as ſuch Agent or Proxy for more than One Truſtee at the ſame Time.

Allotment for public Gravel Pits.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, aſſign, ſet out, and allot unto the Surveyors of the Highways within the ſaid Pariſh of *Hardingham*, ſuch Parts of the Lands and Grounds hereby directed to be divided and allotted as the ſaid Commiſſioners ſhall think neceſſary and moſt convenient for the public Watering Places for Cattle and for public Sand, Gravel, Stone, Clay, Chalk, and Marl 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 Eſtates within the ſaid Pariſh, and their Tenants for the Time being, in ſuch Manner and under ſuch Rules and Regulations as the ſaid Commiſſioners ſhall by their ſaid Award direct or appoint, and not otherwiſe.

Allotments for Right of Soil.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, aſſign, ſet out, and allot unto the Owner or Owners of the Soil of the ſaid Commons and Waſte Grounds in *Hardingham* aforeſaid, ſo much and ſuch Part or Parts of the Lands and Grounds hereby directed to be divided and allotted as ſhall in the Judgment of the ſaid Commiſſioners be equal in Value to One-eighteenth Part of the ſaid Commons and Waſte Grounds, as a Compenſation and full Satisfaction of and for the Right or Rights of ſuch Owner or Owners reſpectively, of, in, and to the Soil of the ſame Commons and Waſte Grounds, according to the Sole Right of any ſuch Owner, or in Proportion to the ſeveral Parts, Shares, Rights, and Intereſts of the ſaid Owners reſpectively therein, and over and beſides all ſuch other Allotment or Allotments to which the Owner or Owners of ſuch Soil will be entitled, in Satisfaction of and for any Right or Rights of Paſturage (according to the Rights of Paſturage herein-after declared and limited) over or upon the ſaid Commons and Waſte Grounds, in Proportion to the annual Value which the Meſſuages, Lands, and Tenements in *Hardingham* aforeſaid, belonging to ſuch Owner or Owners of the ſaid Soil, ſhall bear to the annual Value of the Meſſuages, Lands, and Tenements of other Owners who ſhall have any Right of Common of Paſture over or upon the ſame Commons and Waſte Grounds.

Land to be ſold for Payment of Expences.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, mark and ſet out ſuch convenient Part or Parts of the ſaid Commons and Waſte Grounds as will, in their Judgment, by the Sale thereof produce a Sum of Money ſufficient to pay and diſcharge the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act and of carrying the ſame into Execution; and the ſaid Commiſſioners ſhall, and they are hereby required to ſell the Lands and Grounds ſo marked and ſet out in ſuch Allotment or Allotments as to them ſhall ſeem right and proper,

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

aforeſaid Overplus Monies ſhall be applied and diſpoſed of by the ſaid Commiſſioners in like Manner (according to the Amount of ſuch Shares reſpectively) as are directed by the ſaid recited Act, whenever any Sum of Money is to be paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money, when paid, ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes: Provided always, that the Purchaſer of ſuch Lot or Lots to be ſold as aforeſaid, ſhall be ſubject to the Performance of all Orders, Regulations, and Directions which ſhall be made by the ſaid Commiſſioners, and inſerted in their Award for incloſing, fencing, and draining ſuch Lands, and for maintaining and keeping the Drains and Fences thereto belonging in good Repair: Provided always, that the Commiſſioners ſhall, and they are hereby required to make reaſonable Compenſation to the Lords of the ſeveral Manors intereſted therein, (either by Increaſe of any Allotment to be made to them under the Authority of this Act, or by Deduction from their reſpective Proportions of Expence in the Execution of this Act, or in ſuch other Manner as the ſaid Commiſſioners ſhall judge expedient), for the ſeveral Loſſes which ſuch Lords reſpectively may and ſhall ſuſtain in the Fruits of Tenure on Account of the Land ſo ſold being all ſold and conveyed as aforeſaid, when a Part thereof, if left to the general Diviſion and Allotment under the other Proviſions contained in this Act, would be allotted in reſpect of Copyhold Eſtates, and in conſequence thereof be declared of Copyhold Tenure, and liable to Fines, Suits, and Services accordingly: Provided always, that the Allotments to be made to the ſaid Rector, after the ſaid Land ſhall have been ſold as aforeſaid, for defraying the Expences of this Act, ſhall be of the ſame Value and Extent as they would have been had no Land been ſold for the above-mentioned Purpoſes.

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

XXII. And be it further enacted, That after the aforeſaid ſeveral Allotments ſhall have been made and ſet out, according to the Directions herein-before contained, the ſaid Commiſſioners ſhall then divide, aſſign, ſet out, and allot, all the Reſidue and Remainder of the Lands and Grounds by this Act directed to be divided and allotted unto and amongſt all and every Perſon and Perſons, Body and Bodies Politic, Corporate, or Collegiate, having any Rights or Intereſts in, to, over or upon the ſaid Lands and Grounds, (except unto the Owner or Owners of the Soil of the ſaid Commons and Waſte Grounds to the Extent only of any Rights for which a ſpecific Allotment hath herein-before been directed to be made to him or them reſpectively), in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall judge 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 Rights and Intereſts in, to, over, or upon the ſame Lands and Grounds.

Allotment of Reſidue according to Rights.

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required, in making the Allotment or Allotments which ſhall be to be made to the Rector of the ſaid Rectory of *Hardingham*, in lieu or in reſpect of the Glebe Lands belonging to the ſame Rectory, to ſet out the whole of ſuch Allotment or Allotments adjoining or contiguous to the Parſonage Houſe of the ſaid Rectory, and the preſent Homeſtall

Part of Allotment for Glebe to be ſet out in a particular Spot.

Homeſtall thereof, except only to the Extent of at leaſt Two Acres, and not exceeding Five Acres, which excepted Quantity of at leaſt Two Acres, and not exceeding Five Acres of Land, the ſaid Commiſſioners are hereby required to ſet out in a certain Parcel of Land which is bounded by a public Road, leading from the Parſonage of *Hardingham* to the City of *Norwich*, towards the North; by a public Road, leading from the High Common of *Hardingham* to *Eaſt Dereham*, towards the Weſt; and by the public Road, leading from the ſaid High Common to *Danemoor Green*, towards the South Eaſt: Provided alſo, that ſuch laſt mentioned Allotment ſhall be ſet out in ſuch Part of the above deſcribed Parcel of Land as ſhall be moſt convenient to the ſaid Rectory, ſo far as the ſame can be done conſiſtently with a due Regard to the Rights and Intereſts of the other Proprietors of Eſtates in the ſaid Pariſh of *Hardingham*, but ſo that the ſaid laſt mentioned Allotment ſhall abut upon the ſaid public Road leading from the ſaid High Common to *Eaſt Dereham*.

Rights of Paſturage in reſpect of Houſes and Lands declared and limited.

XXIV. And be it alſo enacted, That all Owners of Meſſuages or Cottages, now ſtanding in *Hardingham*, which have been erected and uſed as a Meſſuage or Cottage for the Space of Forty Years, (except Meſſuages or Cottages built upon the Commons and Waſte Grounds within Sixty Years now laſt paſt); and alſo all Owners of Meſſuages or Cottages now ſtanding in the ſaid Pariſh, which have been erected within the Space of Forty Years upon the Site, or in lieu of ſome other Meſſuage or Cottage which had been before that Time ſtanding; and alſo all Owners of Arable Lands, Meadows, and Paſture Grounds, in the ſaid Pariſh of *Hardingham*, (including all ſuch Parts thereof as now are, or at any Time heretofore have been united with the Soil of the ſaid Commons and Waſte Grounds in the Hands of the Owner of ſuch Soil), which have not, within Sixty Years laſt paſt been Part or Parcel of the ſaid Commons and Waſte Grounds, ſhall on their preferring their reſpective Claims in the Manner preſcribed by the ſaid recited Act in that Behalf, have and be allowed a Right or Rights of Common of Paſture over or upon all the Commons and Waſte Grounds within the ſaid Pariſh of *Hardingham*, in Proportion to the annual Value of ſuch Meſſuages, Cottages, Arable Lands, Meadows, and Paſture Grounds reſpectively.

For fencing Allotments.

XXV. And be it further enacted, That the Lands and Grounds hereby directed to be divided and allotted ſhall be incloſed, hedged, ditched and fenced, by ſuch Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, (ſave and except the Rector of the ſaid Rectory for the Time being, in reſpect of any Allotment to be made to him in right of the ſaid Rectory, and the Truſtees for the Poor, and alſo the Surveyors of the Highways in *Hardingham* 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.

Allotments to Rector and Truſtees for Poor, &c. to be Ring-fenced by the Commiſſioners.

XXVI. And be it further enacted, That the ſeveral Lands and Grounds which ſhall be ſet out and allotted unto and for the Rector of *Hardingham* for the Time being, in reſpect of his Glebe Lands and Common Rights, and to the ſeveral Perſons herein-before mentioned as Truſtees for the Poor, and to the Surveyors of the Highways as aforeſaid, ſhall be incloſed and Ring-fenced on the outward Boundaries thereof reſpectively, and proper Gates placed in ſuch Fences as the ſaid Commiſſioners ſhall direct, at the Expence of all the other Proprietors entitled to Allotments by virtue of this Act, and the ſaid Fences ſhall be thereafter maintained and ſupported by ſuch Perſons, and in ſuch Manner as the ſaid Commiſſioners ſhall, in and by their ſaid Award, order and direct.

Common Rights ſold may be allotted to Purchaſers.

XXVII. And be it further enacted, That if any Owner or Owners of any Lands or Grounds in the ſaid Pariſh of *Hardingham* hath or have ſold, or ſhall at any Time before the Execution of the Award of the ſaid Commiſſioners ſell to any other Perſon or Perſons whomſoever, all or any Part of ſuch Owner or Owner's Right, Intereſt, and Property, in, over, or upon the ſaid Lands and Grounds hereby directed to be divided and allotted, or in or to any Allotment, which ſhall be ſet out or intended to be made by the ſaid Commiſſioners in full or in Part Satisfaction of any ſuch Right, Intereſt, and Property as aforeſaid, and ſhall within Two Calendar Months before the Execution of the Award, (or at any ſubſequent Time before the Execution of the ſaid Award, if the ſaid Commiſſioners ſhall think proper to receive the ſame), depoſit with the ſaid Commiſſioners or their Clerk a Writing, ſtating ſuch Sale, and ſigned by the reſpective Parties thereto, or an atteſted Copy thereof, then, and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaſer, or his or her Heirs or Aſſigns, for or in reſpect of ſuch Right, Intereſt, and Property ſo ſold as aforeſaid, and every ſuch Vendee or Purchaſer, or his or her Heirs or Aſſigns, ſhall and may, from and after the Execution of the ſaid Award, hold and enjoy the Land ſo to be allotted to him, her, or them as aforeſaid, in the ſame Manner, to all Intents and Purpoſes as the Vendor in every ſuch Sale might, could, or ought to have held and enjoyed the ſame, in caſe any ſuch Sale had not been made, or ſuch Right, Intereſt, or Property had remained in ſuch Vendor at the Time of making ſuch Allotment as aforeſaid: Provided always, that every ſuch Sale of or relating to any Meſſuage, Cottage, or Land, or to any Right, Intereſt, or Property, appurtenant to or claimed in reſpect of any Meſſuage, Cottage, or Land holden by Copy of Court Roll of any Manor ſhall, to give it complete Effect as aforeſaid, be firſt enrolled or entered, in the Court Books, or on the Rolls of ſuch Manor; and when ſo enrolled or entered, or delivered to the Steward for Enrolment or Entry, ſhall have the Effect of a Surrender to the Uſe of ſuch Vendee or Purchaſer, and his or her Heirs and Aſſigns, according to the Cuſtom of the Manor, but nothing herein contained ſhall extend to prejudice, defeat, or diminiſh the Right of the Lord of the Manor to ſuch Fines and cuſtomary Payments as might be otherwiſe due or payable to him upon any Change of the Tenant.

Lord's Fines, &c. not to be prejudiced.

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

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

Omiſſions may be ſupplied, and Errors corrected after Award executed.

Allotments to be of the ſame Tenure as original Eſtate.

XXIX. And be it further enacted, That all Lands and Grounds which ſhall be allotted to any Perſon or Perſons whatever, Body or Bodies Politic, Corporate, or Collegiate, by virtue of this Act and of the ſaid recited Act, for or in reſpect of any Houſes, Buildings, Lands, or Grounds in *Hardingham* aforeſaid, which are Copyhold or Leaſehold, or for or in reſpect of any Right of Common or any other Right or Intereſt appurtenant or appendant to or upon any ſuch Copyhold or Leaſehold Premiſes, ſhall, from and for ever after the Execution of the Award by the ſaid recited Act directed to be made by the ſaid Commiſſioners, be deemed and taken to be Copyhold or Leaſehold reſpectively, according to the Tenures 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,

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

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

For allowing Exchanges to be made.

XXX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to ſet out, allot, and award any Buildings, Lands, Tenements, or Hereditaments whatſoever, within the ſaid Pariſh of *Hardingham*, in lieu of and in Exchange for any other Buildings, Lands, Tenements, or Hereditaments whatſoever, within the ſaid Pariſh of *Hardingham*, or within any adjoining Pariſh, Hamlet, or Townſhip, provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent of the Perſon or Perſons claiming before the ſaid Commiſſioners to be the Owner or Owners, Proprietor or Proprietors of the Buildings, Lands, Tenements, or Hereditaments which ſhall be ſo exchanged, whether ſuch Perſon or Perſons ſo claiming to be ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or 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; or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees,

mittees, or Attornies of or acting for any such Persons so claiming to be such Proprietors or Owners as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise 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 or Exchanges so to be made, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Buildings, Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate: Provided also, that all Costs, Charges, and Expences attending the making of any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall, by their said Award, order and direct: Provided also, that every such Consent, to be testified in Writing, respecting any such Exchange as aforesaid, shall be deposited with the said Commissioners before they shall have given Notice of the Time by them appointed for the Execution of their said Award, unless the said Commissioners shall afterwards think proper to receive the same.

Leases void as to Allotments or Exchanges.

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

Land ſhall be under Leaſe, and wholly ſituate in an adjoining Pariſh, the Leaſe of ſuch laſt-mentioned Lands ſhall not be vacated.

Wills and Settlements not to be affected.

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

Commiſſioners to direct the Courſe of 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 ſubject and liable to ſuch Directions and Regulations as the ſaid Commiſſioners ſhall from Time to Time by any Writing under their Hands appoint, with regard to the ſtocking, ploughing, tilling, ſowing, and laying down the ſame; and it ſhall be lawful for the ſaid Commiſſioners to order and direct ſuch Sum or Sums of Money in reſpect thereof to be paid by any Perſon or Perſons intereſted in the ſaid Arable Lands or any Part thereof, or his, her, or their Tenant or Tenants, to any other Perſon or Perſons in like Manner intereſted therein, or his, her, or their Tenant or Tenants, as the ſaid Commiſſioners ſhall think reaſonable, not exceeding Five Pounds *per* Acre; and in caſe any Perſon or Perſons, who ſhall be directed to pay any Sum or Sums of Money upon any of the Accounts aforeſaid, ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authoriſed 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, in caſe the Land directed by this Act to be ſold for the raiſing of Money to defray ſuch Coſts, Charges, and Expences, ſhall not upon the Sale thereof have raiſed Money ſufficient for that Purpoſe.

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

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

XXXV. And

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

XXXV. And be it further enacted, That each of the said Commissioners shall be paid the Sum of Four Guineas, and no more, by the Day, in Satisfaction of the Expence and Trouble which he shall incur on each Day on which he shall be employed in the Execution of the Powers by this Act given to him; and that all the Costs, Charges, and Expences of inclosing the several Lands and Grounds which shall be allotted by virtue of this Act to the said Rector, in respect of the said Rectory, to the said Trustees for the Poor of the said Parish of *Hardingham*, and to the Surveyors of the Highways within the said Parish of *Hardingham*, and the Costs, Charges and Expences incident to and attending the obtaining of this Act, and all Expences whatsoever of carrying this Act into Execution (so far as the Money to arise by the Sale of the Lands hereby directed to be sold shall not be sufficient to defray the same), shall be paid and borne by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act (save and except the Purchaser and Purchasers of the Land hereby directed to be sold as aforesaid, and save and except the said Rector for the Time being in respect of any Allotment which shall be made to him in respect of the said Rectory, and also save and except the said Trustees for the Poor and the Surveyors of the Highways within the said Parish of *Hardingham* for the Time being, for and in respect of the Allotments hereby directed to be made to the said Trustees and Surveyors as aforesaid); which said Costs, Charges and Expences, together with the Proportions thereof to be paid by the several Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioners, and shall be paid at such Time and Place, and to such Person or Persons as the said Commissioners shall appoint, either before or after the Execution of the said Award

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

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

tors, 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 to be thereby ſecured ſhall be fully paid and ſatisfied; and alſo with a Covenant to pay and keep down the Intereſt, ſo that no Perſon or Perſons afterwards becoming poſſeſſed of or entitled to any ſuch Lands and Grounds, ſhall be liable to pay any further or larger Arrear of Intereſt than for Twelve Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhould have commenced, and that every ſuch Charge, Grant, Mortgage, Surrender, Leaſe, or Demiſe, ſhall be good, valid, and effectual in the Law for the Purpoſe thereby intended.

How to charge Expences upon Copyholds.

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

Money advanced to be repaid with Intereſt.

Proprietors and Agents to pay their own Expences.

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

Commiſſioners to paſs their Accounts once a Year.

XXXIX. And be it further enacted, That once in every Year, during the Execution of this Act, (ſuch Year to be computed from the Day of

the paſſing thereof,) the ſaid Commiſſioners ſhall, and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act, which Statement or Account, together with the Vouchers relating to the ſame, ſhall at leaſt once in every Year, from the Date of the paſſing of this Act, until ſuch Accounts ſhall be finally allowed, be examined by *Robert Whincop*, of *King's Lynn*, or, in caſe of his Death or Incapacity, before ſome Juſtice of the Peace for the ſaid County, not intereſted in the ſaid Diviſion and Incloſure, and the Balance ſhall be ſtated by the ſaid *Robert Whincop*, or by the ſaid Juſtice, as the Caſe may be, in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners, and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall have been duly allowed by the ſaid *Robert Whincop*, or, in caſe of his Death or Incapacity, by ſuch Juſtice as aforeſaid.

Enrolment of Award.

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

Depoſit of Copy of Award.

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

Atteſted Copy thereof ſhall be Evidence.

Appeal to General Quarter Seſſions.

XLII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act or the ſaid recited Act, (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners, as are by the ſaid recited Act or this Act directed to be final or concluſive, and except in ſuch Caſes wherein an Iſſue at Law ſhall be tried as herein-before mentioned,) then and in every ſuch Caſe, he, ſhe, or they may appeal to the Juſtices at the General Quarter Seſſions of the Peace, which ſhall be holden for the ſaid County of *Norfolk*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners, and to the Party or Parties concerned, Fourteen Days Notice in Writing of ſuch Appeal and of the Matter thereof; and the Juſtices in ſuch Seſſion (not intereſted in the Premiſes) are hereby required to hear and determine

the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable or required to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs and Sale; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removable by *Certiorari*, or any other Writ or Proceſs whatever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices frivolous, vexatious, or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them in their Diſcretion ſhall ſeem reaſonable, and ſuch Coſts ſhall be levied in Manner laſt aforeſaid.

Not to affect any Right to Tithes, &c.

XLIII. Provided always, and be it further enacted, That nothing in this Act, or the ſaid recited Act contained, ſhall prejudice, leſſen, defeat, or in any reſpect affect the Right, Title, or Intereſt, of the Rector of the Rectory of *Hardingham* aforeſaid for the Time being, in or to any Tithes, Moduſes, Compoſitions, or other Payments, in lieu of Tithes, Mortuaries, *Eaſter* Offerings, or Surplice Fees, but all ſuch Tithes, Moduſes, Compoſitions, or other Payments, in lieu of Tithes, *Eaſter* Offerings, Mortuaries, and Surplice Fees, ſhall be paid and payable as if this Act had not been made.

General Saving.

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

Public Act.

XLV. 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.