ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 36.

An Act for encloſing Lands in the Townſhip of *Hockwold-cum-Wilton*, in the County of *Norfolk*.

[4th *May* 1814.]

WHEREAS the Townſhip of *Hockwold-cum-Wilton*, in the County of *Norfolk*, compriſes and is co-extenſive with the ſeveral Pariſhes of *Hockwold* and *Wilton*, in the ſaid County, which Pariſhes are not diſtinguiſhable from each other by any known Line of Boundary between them: And whereas there are within the ſaid Townſhip divers Lands and Grounds, compriſing Incloſures of Arable, Meadow and Paſture Land, and alſo ſeveral Open and Common Fields, Commonable Lands, Commons, Heaths, Warrens, and Waſte Grounds; and alſo compriſing certain Fen Lands herein-after mentioned, ſome of which Lands and Grounds are ſubject to certain Rights of Shackage, and of Sheepwalk or Foldcourſe, and of Common reſpectively: And whereas the Reverend *William Newcome* Clerk, and the Reverend *Thomas Waddington* Doctor of Divinity, are Lords of the Manor of *Hockwold-cum-Wilton*: And whereas the Maſter or Keeper and Fellows of *Gonville* and *Caius* College, in the Univerſity of *Cambridge*, are Lords of the Manor of *Carles* in *Hockwold* aforeſaid, and *Mary White* Widow is their preſent Leſſee thereof for a Term of Years: And whereas the ſaid *William Newcome*, *Thomas Waddington*, and the ſaid Maſter or Keeper and Fellows, and divers other Perſons reſpectively, are Owners of all the ſaid Lands and Grounds, and alſo of all the Meſſuages and Cottages in the ſaid Townſhip: And whereas an Act was paſſed in the Forty-firſt Year of the

41 G. 3. c. 109. Reign of His preſent Majeſty King *George* the Third, intituled *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts:* And whereas it would be advantageous to the Proprietors in general in the ſaid Townſhip if the above-mentioned Rights were extinguiſhed, and if all the Incloſures of Land, and all the Open and Common Fields, Commonable Lands, Commons, Heaths, Warrens, Waſte Grounds, and other Lands and Grounds in the ſaid Townſhip, (except only the Fen Lands herein-after expreſsly excepted,) were divided, and if ſpecific Parts or Shares thereof were allotted to the reſpective Perſons entitled to or intereſted in the ſame, according to their reſpective Eſtates, Rights and Intereſts; but as ſuch Extinguiſhment, Diviſion and Allotment, cannot be effectually made and eſtabliſhed without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Dugmore* of *Swaffham*, in the County of *Norfolk*, *Thomas Pennyſtone Archer* of *Barton Place*, in the County of *Suffolk*, and *William Cuſtance* of the Town of *Cambridge*, in the County of *Cambridge*, Gentlemen, 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, all the Incloſures, Open and Common Fields, Commonable Lands, Commons, Heaths, Warrens, Waſte Grounds, and other Lands and Grounds, within the ſaid Townſhip, (except only the Fen Lands herein-after expreſsly excepted,) purſuant to the Powers, Regulations, and Directions herein-after contained, and for carrying this Act into Execution; ſubject to ſuch of the Powers, Authorities, Directions, Regulations, Reſtrictions and Proviſions, contained in the ſaid recited Act, as are not altered, varied, or otherwiſe provided for by this preſent Act; and that all Acts, Matters, and Things done by any Two of the Commiſſioners named in or to be appointed by virtue of this Act, ſhall be, to all Intents and Purpoſes, as valid and effectual as if the ſame were or had been done and performed by all the ſaid Commiſſioners.

Appointment of Commiſſioners.

This Act not to extend to certain Part of the Townſhip.

II. Provided always, and be it further enacted, That nothing herein contained ſhall extend to authorize the ſaid Commiſſioners to value, divide, allot, or incloſe any Part of a certain Tract of Fen Land, commonly called *The Second* or *Feltwell and Hockwold Diſtrict*, compriſed, bounded, and deſcribed in and by an Act, paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled *An Act for draining and preſerving certain Fen Lands and Low Grounds, lying in the South Level, Part of the Great Level of the Fens commonly called* Bedford Level, *between certain old Rivers or Drains called* Stoke River *and* Brandon River, *and a certain Level or Diſtrict called* Feltwell New Diſtrict, *and the Hard Lands of* Woodhall in Helgay *and* Helgay, *in the Counties of* Norfolk *and* Suffolk; and alſo in and by another Act, paſſed in the Forty-ſecond Year of the Reign of His ſaid Majeſty, intituled *An Act for amending and rendering more effectual ſo much of an Act, paſſed in the Thirteenth Year of the Reign of His preſent Majeſty, intituled 'An Act for draining and preſerving certain Fen Lands and Low Grounds lying in the South Level, Part of the Great Level of the Fens, commonly called* Bedford Level, *between certain*

'*old Rivers or Drains called* Stoke River *and* Brandon River, *and a cer-*
'*tain Level or Diſtrict called* Feltwell New Diſtrict, *and the Hard Lands*
'*of* Woodhall in Helgay *and* Helgay, *in the Counties of* Norfolk *and*
'Suffolk, *as relates to the Fen and Low Grounds lying within the Second*
'*Diſtrict or Diviſion deſcribed in the ſaid Act*;' any further or otherwiſe than as is herein-after contained.

Power to appoint new Commiſſioners.

III. And be it further enacted, That in caſe any One or more of the Commiſſioners herein-before named, or of thoſe to be appointed by virtue of this Act, ſhall die or refuſe to act or become incapable of acting in the Execution of this Act, before all the Truſts, Powers, and Authorities hereby veſted in them ſhall have been fully executed and performed, then and ſo often as the Caſe ſhall happen it ſhall be lawful for the ſurviving or remaining Commiſſioners or Commiſſioner, and they and he are and is hereby required, within Forty Days next after ſuch Death, Refuſal or Incapacity, ſhall be known to them or him, by Writing under their or his Hands or Hand, to appoint another Perſon, not intereſted in the Premiſes, to be a Commiſſioner in the room or ſtead of each Commiſſioner ſo dying or refuſing to act, or becoming incapable of acting; but if ſuch ſurviving or remaining Commiſſioners or Commiſſioner ſhall at any Time neglect or fail to make ſuch Appointment, within the Time herein preſcribed for that Purpoſe, then and in every ſuch Caſe, and ſo often as the ſame ſhall happen, it ſhall be lawful for any One or more of the Proprietors or Perſons intereſted in the Lands and Grounds hereby directed to be divided, allotted and incloſed, to appoint a Meeting of all the Proprietors and Perſons intereſted in the ſaid Lands and Grounds, to be holden on ſome convenient Day, and at ſome convenient Place within the ſaid Townſhip of *Hockwold-cum-Wilton*, or within Eight Miles thereof, for the Purpoſe of appointing a new Commiſſioner in the room or ſtead of the Commiſſioner ſo dying or refuſing to act, or becoming incapable of acting as laſt aforeſaid, whoſe Vacancy ſhall not have been filled up or ſupplied by the remaining Commiſſioners or Commiſſioner as aforeſaid, by advertiſing ſuch Notice or Appointment of Meeting in ſome Newſpaper publiſhed or circulated in the County of *Norfolk*, and alſo by affixing a Copy of ſuch Notice or Appointment of Meeting on the principal outer Doors of the Pariſh Churches of *Hockwold* and *Wilton* aforeſaid, at leaſt Fourteen Days before the Day appointed for ſuch Meeting; and thereupon it ſhall be lawful for the major Part in Value (to be aſcertained by the Land Tax Aſſeſſment of the ſaid Townſhip for the then current Year) of the ſaid Proprietors and Perſons intereſted as aforeſaid, who ſhall be perſonally preſent at ſuch Meeting, or for their known Agents or Attornies reſpectively, who ſhall be ſo preſent at ſuch Meeting, by and with the Conſent nevertheleſs of the Lords of the ſaid Manors of *Hockwold-cum-Wilton* and *Carles* in *Hockwold*, to be ſignified in Writing under the Hands or the Hand of their reſpective known Agents or Attornies preſent at ſuch Meeting, to appoint by Writing under Hand another Perſon, not intereſted in the ſaid Diviſion or Incloſure, to be a Commiſſioner for the Purpoſes of this and the firſt-recited Act, in the room or ſtead of the Commiſſioner ſo dying or refuſing to act, or becoming incapable of acting; and that every Commiſſioner to be appointed under the Proviſion of this Act ſhall, after taking and ſubſcribing the Oath or Affirmation preſcribed in that Behalf, have the like Powers and Authorities for carrying

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ing this Act and the first-recited Act into Execution, in all Respects, as if he had been named a Commissioner in this Act.

Commissioners to appoint a Clerk.

IV. And be it further enacted, That the said Commissioners may appoint, and they are hereby authorized and empowered, from Time to Time, to appoint One or more Clerk or Clerks, to assist them in the Execution of the Powers of this and the first-recited Act.

Mode of giving Notice of Commissioners Meetings.

V. And be it further enacted, That the said Commissioners shall cause, and they are hereby required to cause, Notice in Writing of the Time and Place of the First and of every subsequent Meeting for the Execution of this Act, to be inserted in some Newspaper published or circulated in the said County of *Norfolk*, Eight Days at least previously to every such Meeting (Meetings by Adjournment excepted); and that if only One of the said Commissioners shall be present at the Time and Place to be appointed for any such Meeting, then and so often as the Case shall happen it shall be lawful for such Commissioner to adjourn the said Meeting, to a Time and Place which he shall deem convenient, giving Notice of the Adjournment to the absent Commissioners; and that if no Commissioner shall attend at such Meeting, it shall be lawful for the Clerk to the said Commissioners to adjourn such Meeting to any Time not exceeding Ten Days, and to the Place last appointed: Provided always, that all Meetings for carrying this and the first-recited Act into Execution shall be holden either within the said Township of *Hockwold-cum-Wilton*, or within Eight Miles thereof.

Mode of giving other Notices.

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

Power to use Old Surveys of the Township.

VII. And be it further enacted, That if any Map, Plan, Survey or Admeasurement, of the said Township, or of any Part thereof, shall be produced to the said Commissioners, and the same shall be, in their Judgment and to their Satisfaction, a just and true Map, Plan, Survey or Admeasurement, and proper for the Purpose of carrying the first-recited Act and this Act into Execution, it shall be lawful for the said Commissioners to contract for and purchase the same, at or for such Sum of Money as they shall think reasonable; and the Purchase Money shall be considered as Part of the Costs, Charges, and Expences of executing the first-recited Act and this Act, and shall be raised, levied, and paid accordingly; and after such Contract and Purchase, the said Commissioners, and the Surveyor to be appointed by them, are hereby authorized and required to use any such Map, Plan, Survey or Admeasurement, for the Purpose of carrying the first-recited Act and this Act into Execution,

Execution, without cauſing any new Map, Plan, Survey or Admeaſurement, to be made of the Lands or Tenements compriſed in ſuch Map, Plan, Survey or Admeaſurement.

Direction as to the Delivery of Objections to the Parties whoſe Claims are objected to.

VIII. 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 firſt-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 Account or Claim ſhall be objected to, or to his, her, or their Agent, or left at the laſt or uſual Place of Abode of ſuch Attorney or Agent, at ſuch Time or Times as the ſaid Commiſſioners ſhall appoint for that Purpoſe; and no Objection to any of the ſaid Accounts or Claims ſhall be afterwards received by the ſaid Commiſſioners, unleſs for ſome legal Diſability or ſpecial Cauſe to be allowed by them.

Commiſſioners to ſettle Differences.

IX. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotment, touching or concerning any Right or Intereſt which they, or any of them, ſhall or may claim to have of or in any of the Lands or Grounds by this Act directed to be divided and allotted, or touching or concerning their reſpective Shares or Proportions of or in the ſame reſpectively, or concerning any Timber, Wood, Underwood, Buſhes, Thorns, Whins, or Furze growing thereon, or concerning any Allowance claimed or to be made for ploughing, ſowing, laying down with Graſs Seeds, manuring or improving any of the ſaid Lands or Grounds, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion or Allotment, then and in every of the ſaid Caſes it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, as well by the Examination, Information, or Teſtimony of Witneſſes upon Oath, as by any other proper and ſufficient Inquiry or Evidence, to examine into and to hear and determine the ſame: Provided neverthelefs, that nothing in this Act contained ſhall extend or be conſtrued to extend to empower the ſaid Commiſſioners to determine the Title to any Manors, Meſſuages, Cottages, Lands, Tenements or Hereditaments whatſoever.

Commiſſioners not to determine Titles.

Commiſſioners to aſſeſs Coſts.

X. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Determination of any Claim or Claims, Objection or Objections, to be delivered to them in purſuance of this or the firſt-recited Act, ſee cauſe to award any Coſts, it ſhall be lawful for them the ſaid Commiſſioners, and they are hereby empowered and required, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable, to be paid to the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, 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 have been over-ruled or diſallowed, or againſt whom the ſaid Commiſſioners ſhall have determined

as aforesaid; and that in case the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, it shall be lawful for the said Commissioners, or any One of them, and they and he are and is hereby authorized and empowered, by Warrant under their or his Hands and Seals or Hand and Seal, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, so neglecting or refusing to pay the said Costs and Charges, rendering the Overplus (if any) upon Demand to the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Goods and Chattels shall have been distrained and sold, but first deducting the Expence attending such Distress and Sale.

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

XI. Provided always, and be it further enacted, That in case any Person or Persons, or any Body or Bodies Politic, Corporate or Collegiate, who shall have delivered to the said Commissioners any Claim in Writing of any Right or Interest in, upon, or over any Part of the Lands or Grounds by this Act directed to be divided and allotted as aforesaid, or who shall have delivered to the said Commissioners any Objection in Writing to any Claim of any other Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, shall be dissatisfied with the Determination of the said Commissioners, touching or concerning any such Claim or Objection, or shall be desirous of having the Matter of such Claim or Objection decided by the Verdict of a Jury, and shall within One Calendar Month next after such Determination cause Notice in Writing of his, her, or their Desire in that Behalf, to be delivered to or left at the last or most usual Place of Abode of the said Commissioners respectively, it shall be lawful for such Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, to proceed to a Trial at Law, of the Matter so determined by the said Commissioners, at the then next or at the following Assizes to be holden for the said County of *Norfolk*; and that for that Purpose the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, having given such Notice as aforesaid, shall, within Three Calendar Months next after the Determination of the said Commissioners, cause an Action to be commenced in one of His Majesty's Courts of Record at *Westminster*, upon a feigned Issue, against the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in whose Favour such Determination shall have been made; and that the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or shall file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights, Interest or Interests thereby insisted upon, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties shall differ about the same); and that all Proceedings in such Action or Actions shall be subject to the Rules and and Orders of the Court in which the same shall be brought; and that the Verdict or Verdicts which shall be given upon the Trial of such Action or Actions shall be final, binding, and conclusive upon all and every Persons and Person, and Bodies and Body Politic, Corporate or Collegiate, unless the Court wherein the Action or Actions shall have been brought

ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein (which it ſhall be lawful for the ſaid Court to do, if they ſhall think proper); and that after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide as aforeſaid, the ſaid Commiſſioners ſhall act, and they are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials: Provided always, that if no ſuch Notice as aforeſaid ſhall be given, or if after any ſuch Notice ſhall have been given, an Action at Law ſhall not be commenced as aforeſaid, or if any ſuch Action ſhall be commenced, and the Plaintiff or Plaintiffs therein ſhall not proceed to Trial within the Time herein-before limited for that Purpoſe, then and in every ſuch Caſe or Event the Determination of the ſaid Commiſſioners ſhall be final, binding, and concluſive to all Intents and Purpoſes whatſoever: Provided alſo, that if any of the Parties in any Action to be brought or commenced as aforeſaid ſhall die before the Determination thereof, ſuch Action ſhall not abate by reaſon of that Circumſtance, but ſhall be proceeded in as if no ſuch Death had happened.

If no Notice given, &c. the Determination of the Commiſſioners to be final.

Actions not to abate by Deaths of Parties.

XII. Provided always, and be it further enacted, That no ſuch Difference, Suit, or Proceeding as aforeſaid, nor any Difference, Suit, or Proceeding whatever, reſpecting the Title to any Manors, Meſſuages, Lands, Tenements or Hereditaments, to be divided or allotted by virtue of this Act, ſhall impede or delay the Proceedings of the ſaid Commiſſioners in the Execution of this Act; but that the Diviſion, Allotment, and Incloſure by this Act directed to be made, ſhall be proceeded in, notwithſtanding any ſuch Difference, Suit or Proceeding; and that the Allotment or Allotments to which any ſuch Difference, Suit, or Proceeding reſpectively ſhall relate, ſhall be taken by the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, who, by the Determination of ſuch Difference, Suit, or Proceeding reſpectively, ſhall become entitled to the ſame.

Trials not to delay the Execution of the Act.

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

Proviſion in caſe of the Death of Parties before Actions brought.

XIV. Provided

Perſons in Poſſeſſion not to be moleſted but by due Courſe of Law.

XIV. Provided always, 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 either of ſuch Parties (except in Caſes of Encroachment made within the Period of Twenty Years as herein-after is mentioned); but that 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.

Power to extinguiſh, &c. Rights of Common, before the Execution of the Award.

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

Perſons not to cut Turf, after the paſſing of this Act,

XVI. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons, from and after the paſſing of this Act, to cut, dig, pare, grave, flay, or carry away any Turf, Flags, Sedge, Whins or Furze, in, upon, or from any Part of the ſaid Commonable Lands, Commons, Heaths, Warrens or Waſte Grounds, without or contrary to the Licence in Writing of the ſaid Commiſſioners firſt had and obtained for that Purpoſe (which Licence they the ſaid Commiſſioners are hereby empowered to grant, under ſuch Rules, Orders, Regulations or Reſtrictions, as to them ſhall ſeem expedient); and that if any Perſon ſhall, after the paſſing of this Act, and before the Execution of the Award of the ſaid Commiſſioners, cut, dig, pare, grave, flay, or carry away any Turf, Flags, Sedge, Whins or Furze, in, upon, or from any Part of the ſaid Commonable Lands, Commons, Heaths, Warrens or Waſte Grounds, without or contrary to ſuch Licence as aforeſaid, he or ſhe ſhall for every ſuch Offence, upon due Proof thereof made before the ſaid Commiſſioners, or any Juſtice of the Peace for the ſaid County of *Norfolk*, upon Oath, (which Oath any One of the ſaid Commiſſioners, or any ſuch Juſtice is hereby empowered to adminiſter,) forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied by Diſtreſs and Sale of his or her Goods and Chattels, by Warrant under the Hands and Seals or Hand and Seal of the ſaid Commiſſioners or Juſtice, directed to any Perſon or Perſons whomſoever, 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

ing ſuch Diſtreſs and Sale; and that the Money ſo to be levied by way of Penalty as aforeſaid ſhall be applied towards defraying the Coſts and Charges of obtaining and executing this Act.

Commiſſioners to aſcertain the Boundaries of the Townſhip.

XVII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall ſee Occaſion to aſcertain the Boundaries of the ſaid Townſhip, or of the ſaid reſpective Pariſhes of *Hockwold* and *Wilton*, or any Part thereof, they the ſaid Commiſſioners ſhall cauſe Eight Days Notice at leaſt to be given of their Intention to perambulate the ſaid Townſhip, or the ſaid reſpective Pariſhes, or any Part thereof reſpectively, and to aſcertain the Boundaries of the ſame Townſhip or Pariſhes, or any Part thereof reſpectively, and at the Expiration of the Time to be ſpecified in ſuch Notice ſhall perambulate the ſaid Townſhip or Pariſhes, or any Part thereof accordingly, and enquire into, ſet out, aſcertain, fix, and determine the Boundaries of the ſame reſpectively, or of any Part thereof; and that within Forty Days next after the Determination of the ſaid Commiſſioners reſpecting ſuch Boundaries, they the ſaid Commiſſioners ſhall cauſe a Deſcription thereof to be inſerted in ſome Newſpaper then publiſhed or circulated within the ſaid County of *Norfolk*, and ſhall afterwards inſert a ſimilar Deſcription of ſuch Boundaries, in the Award to be made by them, in purſuance of this and of the firſt recited Act.

Commiſſioners to ſettle Diſputes reſpecting Boundaries.

Perſons may appeal againſt Determination of Commiſſioners reſpecting Boundaries.

XVIII. And be it further enacted, That in caſe any Diſpute or Doubt ſhall ariſe, concerning the Boundaries between the ſaid Townſhip of *Hockwold-cum-Wilton*, or any Part thereof, and any adjoining Townſhip, Pariſh, Hamlet or Diſtrict, or concerning the Boundaries between the reſpective Pariſhes compriſed in the ſaid Townſhip of *Hockwold-cum-Wilton*, it ſhall be lawful for the ſaid Commiſſioners, after having enquired into ſuch Diſpute or Doubt, purſuant to the Directions of the firſt-recited Act, (if the Evidence on each Side ſhall in their Opinion be equal as to the Lines of Boundary claimed reſpectively,) to aſcertain, ſet out, and fix ſuch intermediate Line or Boundary between the claimed Lines, as they ſhall think proper: Provided always, that if any Perſon or Perſons intereſted in the Determination of the ſaid Commiſſioners, reſpecting the ſaid Boundaries as herein-before is mentioned, ſhall be diſſatisfied with ſuch Determination, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace acting in and for the ſaid County of *Norfolk*, at any General Quarter Seſſions of the Peace to be holden for the ſaid County, within Four Calendar Months next after the Publication of ſuch Boundaries, or intermediate Line or Boundary as aforeſaid, the Party or Parties ſo appealing having firſt given to the ſaid Commiſſioners, or to their Clerk, Twenty-one Days Notice in Writing of the intended Appeal, and of the ſubject Matter of the ſame; and that the Deciſion of the ſaid Juſtices therein ſhall be final and concluſive between and upon all Parties whomſoever.

Commiſſioners to ſhorten Boundary Fences.

XIX. And be it further enacted, That if the ſaid Commiſſioners ſhall deem it expedient or proper to ſhorten the Boundary Fences between the Lands and Grounds by this Act intended to be divided, allotted, and incloſed, and the adjoining Pariſh or Pariſhes reſpectively, or to make the ſame Boundary Fences regular, it ſhall be lawful for the ſaid Commiſſioners, with the Conſent in Writing of the Lord or Lords, Lady or Ladies, of the Manor or Manors in which the Land is ſituate, and of the Owner or Owners of the Land upon which any Fence or Fences ſhall or

may be intended to be made, to ſet out the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, and the Lands and Grounds lying in any adjoining Pariſh or Pariſhes, in ſuch Manner as they ſhall judge proper; and that after ſuch Boundary Fences ſhall be ſo ſet out, the ſame ſhall be made and maintained by ſuch Perſon or Perſons reſpectively, and in ſuch Manner and at ſuch Time or Times, as the ſaid Commiſſioners ſhall direct, and ſhall for ever thereafter be deemed and taken to be the Boundaries between the ſaid Townſhip and ſuch adjoining Pariſh or Pariſhes reſpectively; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Compenſation to be made for ancient Toſts.

XX. And be it further enacted, That all Toſts, Foundations, or Scites of ancient Commonable Meſſuages or Cottages ſhall, upon Proof being made thereof to the Satisfaction of the ſaid Commiſſioners, be conſidered as and deemed to be Commonable Meſſuages or Cottages, and that the reſpective Owners thereof ſhall be entitled to the ſame Compenſation for the reſpective Common Rights originally belonging thereto, as if ſuch Meſſuages or Cottages were actually ſtanding.

Encroachments within 20 Years ſhall be allottable.

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

Encroachments within 20 Years ſhall be allotted to Perſons in Poſſeſſion, or ſold.

XXII. Provided always, and be it further enacted, That the Lands or Grounds compriſed in any Encroachment which ſhall have been made within Twenty Years laſt paſt, ſhall (without regard to the Value of any Improvements ſince made thereon) be allotted to the Perſon or Perſons in Poſſeſſion thereof, in caſe he, ſhe, or they ſhall be entitled to any Allotment of ſufficient Value by virtue of this Act; and in that Caſe the Value of ſuch Encroachment ſhall be deducted from and deemed a Compenſation for the Allotment or Allotments to which ſuch Perſon or Perſons ſhall be entitled under this Act; but that if the Perſon or Perſons in Poſſeſſion of any ſuch Encroachment ſhall not be entitled to any Allotment by virtue of this Act, or ſhall not be entitled to any Allotment equivalent to the Value of ſuch Encroachment, then and in either of the ſaid Caſes the Whole, or the Surplus Quantity (as the Caſe may be) of the Land compriſed within or forming ſuch Encroachment, ſhall be ſold by the ſaid Commiſſioners, and conveyed by them in Fee Simple to the Perſon or Perſons who ſhall become the Purchaſer or Purchaſers thereof; and the Money ariſing from ſuch Sale or Sales ſhall be applied towards Payment of the Coſts, Charges, and Expences of obtaining this Act, and of carrying the ſame into Execution: Provided always, that if any Surplus Money ſhall remain, ſuch Surplus ſhall be divided and apportioned between the ſeveral

ſeveral Proprietors and Perſons intereſted in the ſaid Commons and Waſte Grounds, in ſuch Shares as ſhall be in Proportion to their reſpective Property and Intereſt therein; and the Shares of ſuch of them as ſhall be Tenants in Fee Simple ſhall be paid to them reſpectively; and the Shares of ſuch other Proprietors and Perſons of and in ſuch Surplus Money ſhall be applied and diſpoſed of in Manner directed by the firſt-recited Act, in thoſe Caſes wherein any 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 Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes.

Encroachments within 20 Years ſhall not be prejudiced, &c.

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

Commiſſioners to ſet out Carriage Roads, &c.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out and appoint, 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 Lands and Grounds by this Act directed to be divided and allotted, according to the Directions of the firſt-recited Act; and with the Concurrence, and by the Order of Two Juſtices of the Peace for the ſaid County of *Norfolk*, (not intereſted in the Premiſes) to divert, turn, or ſtop up any of the Public Tracks, Ways or Footpaths, in, through, or over the old incloſed Lands and Grounds, as they ſhall judge neceſſary; provided that the Order of the ſaid Juſtices ſhall be made in Manner, and ſubject to Appeal to the Quarter Seſſions of the Peace, in Manner directed by the firſt-recited Act; and that 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 hereby alſo required to ſet out and diſtinguiſh, or aſcertain the ſame, by Marks and Bounds, and to prepare and ſign a Map, in which ſuch in-

tended Roads ſhall be accurately laid down and deſcribed, and to cauſe the ſaid Map 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 Doors of both the Pariſh Churches within the ſaid Townſhip of *Hockwold-cum-Wilton*, 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 the ſaid Commiſſioners ſhall alſo, in and by the ſame Notice, appoint a Meeting to be held by them at ſome convenient Place in *Hockwold* aforeſaid, or within Eight Miles thereof, and not ſooner than Fourteen Days from the Publication of ſuch Notice, for the Purpoſe of hearing Objections to the ſetting out of ſuch Roads; 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 the ſaid Commiſſioners, together with any Juſtice or Juſtices of the Peace acting in and for the Diviſion in which the ſaid Townſhip is ſituate, and not being intereſted in the ſaid Diviſion and Allotment, ſhall hear and determine ſuch Objection, and alſo the Objections which any other Perſon intereſted in the ſame may make to any Alteration that the ſaid Commiſſioners, with any ſuch Juſtice or Juſtices, may propoſe; and the ſaid Commiſſioners, together with ſuch Juſtice or Juſtices as aforeſaid, ſhall, according to the beſt of their Judgment upon the Whole, order and finally direct how ſuch Carriage Roads ſhall be ſet out, and either confirm the ſame as delineated on the ſaid Map, or make ſuch Alterations therein as the Caſe may require; and all Roads, Tracks, Ways, Footpaths, and other Paths whatſoever, in, through, and over the ſaid Townſhip of *Hockwold-cum-Wilton*, or any Part thereof, (except only thoſe in, through, or over the Fen Lands herein-before excepted,) and which ſhall not be ſet out, or be finally ordered and directed to be ſet out as aforeſaid, ſhall be for ever ſtopped up and extinguiſhed, and ſhall be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and ſhall be divided and allotted accordingly: Provided always, that none of the preſent Roads within the ſaid Townſhip ſhall be ſhut up or diſcontinued until the Roads, which ſhall be intended to remain or to be the Public Roads in future, ſhall be ſet out in Manner by this Act directed, and until the ſame ſhall be properly formed, and made ſafe and convenient for Horſes, Carts, and Carriages.

Roads not to be ſtopped up until others are ſet out.

Commiſſioners may order Drains and Watercourſes to be ſcoured.

XXV. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſcour out, deepen and widen, or cauſe to be ſcoured out, deepened and widened, all or any of the ancient or preſent Rivulets, Brooks, Streams, Ditches, Drains and Watercourſes, Tunnels and Bridges, through and over the Lands and Grounds by this Act directed to be divided and allotted, in ſuch Manner as they ſhall think proper; and alſo ſet out, appoint, and make ſuch new Ditches, Drains, Watercourſes, Tunnels, Gates, Banks and Bridges, through and over the ſaid Lands and Grounds, (making ſuch Satisfaction, either in Money or in Land to the Proprietors of any ancient Incloſures which may be damaged thereby, as they the ſaid Commiſſioners ſhall think reaſonable,) and of ſuch Depth and Width, and in ſuch Directions, as they the ſaid Commiſſioners ſhall alſo think proper; and that the ſaid Commiſſioners ſhall and may order

and

and direct, and they are hereby authorized and required in and by their Award to order and direct, by whom and at whose Expence, and at what Time and in what Manner, any such new Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges respectively, shall be made, and afterwards be cleansed, scoured, repaired, and maintained: Provided always, that no Brook or Stream of Water shall be diverted or turned without the Consent in Writing of the Owner or Proprietor, Owners or Proprietors, of the Lands and Grounds from which any such Brook or Stream shall be diverted, and of the Owner or Proprietor, or Owners or Proprietors, of the Lands and Grounds into and through which any such Brook or Stream shall be proposed to be turned.

Allotment for Right of Soil.

XXVI. And be it further enacted, That the said Commissioners shall, after having set out the aforesaid Public Roads and Highways, assign, set out and allot, unto and between the Lord or Lords for the Time being of the herein-before mentioned Manor of *Hockwold-cum-Wilton*, and unto the Lord or Lords for the Time being of the herein-before mentioned Manor of *Carles in Hockwold*, proportionably to their several and respective Shares, Rights, and Interests in the Premises, or unto such of the said Lords respectively as shall, in the Judgment of the said Commissioners, be entitled to the Soil of the Commons and Waste Grounds within the said Township, so much and such Part or Parts of the Lands and Grounds by this Act 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 Commons and Waste Grounds by this Act directed to be divided and allotted, by way of Compensation, and in full Satisfaction for the Right of such Lords respectively, of, in, and to the Soil of the same Commons and Waste Grounds, and over and besides such other Allotment or Allotments, as the Owner or Owners of such Soil will be entitled to, in Satisfaction of, or by way of Compensation for, any Right or Rights of Pasturage upon or over the said Commons and Waste Grounds, in proportion to the annual Value which the Messuages, Cottages, Lands and Tenements, belonging to such Owner or Owners of the said Soil, shall bear to the annual Value of the Messuages, Cottages, Lands, and Tenements of other Owners, who shall have any Right of Common of Pasture upon or over the same Commons and Waste Grounds.

Allotment for Right of Sheepwalk.

XXVII. And be it further enacted, That the said Commissioners shall also assign, set out and allot, unto all and every Persons and Person, and Bodies and Body Politic, Corporate or Collegiate, having any Right or Rights of Sheepwalk or Foldcourse, in, upon, or over all or any Part or Parts of the Lands or Grounds by this Act directed to be allotted and inclosed, such Parts and Parcels of the same Lands and Grounds as shall, in the Judgment of the said Commissioners, be an adequate Compensation for, and be fully equal in Value to, such his, her, or their several and respective Right or Rights of Sheepwalk or Foldcourse as aforesaid.

Allotment for Watering-Places and Gravel Pits.

XXVIII. And be it further enacted, That the said Commissioners shall, if they shall think fit, assign, set out and allot, unto the Surveyors for the Time being of the Highways within the said Township of *Hockwold-cum-Wilton*, and to their Successors for ever, such Part and Parcel or Parts and Parcels of the Lands and Grounds by this Act directed to be divided and allotted, as the said Commissioners shall think necessary and most con-

venient for Public Watering Places for Cattle, and for Gravel, Chalk, and Stone Pits; and that such Allotment or Allotments shall, when set out, be fenced in such Manner as the said Commissioners shall direct, and shall for ever thereafter be used by the Surveyors for the Time being of the Highways, and by the respective Proprietors of Estates within the said Townships, and their respective Tenants for the Time being, in such Manner, and under such Rules and Regulations, as the Churchwardens and Overseers of the Poor, and the Surveyors of the Highways for the Time being, within the said Township, or the major Part of them, shall order, direct or appoint, and not otherwise.

Allotment of the Residue, according to Rights.

XXIX. And be it further enacted, That the said Commissioners shall then 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 the several Owners and Proprietors thereof, and unto and amongst the several other Persons, and Body and Bodies Politic, Corporate and Collegiate, having any Right or Interest in, to, upon, or over the same Lands and Grounds respectively, or any Part thereof, in such Shares and Proportions, as the said Commissioners shall adjudge and determine to be a full Compensation and Satisfaction to such Owners and Proprietors, and Body and Bodies respectively, for and to be equal in Value to his, her, and their respective Lands, Grounds, Rights of Common, and other Rights and Interests in, to, upon, or over the same respectively: Provided always, that the Right or Interest which any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, may claim to have, to or in any Allotment or Allotments of the aforesaid Commons and Wastes, for or in respect of his, her, or their Messuages, Cottages, Houses, or Lands in the said Township, shall not be deemed to be extinguished, nor be in any Manner prejudiced or affected by reason or on the Ground of such Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, being entitled to the Soil of all or any Part of the aforesaid Commons and Wastes, or by reason or on the Ground of such Messuages, Cottages, Houses or Lands, or any them respectively, now being or having been at any Time heretofore the Property of the Owner or Owners of the Soil of all or any Part of such Commons and Wastes; but that all such Right or Interest so claimed as aforesaid shall be deemed and considered as existing in full Force, and to such and the same Extent, and as effectually to every Intent, as if there were not, nor ever had been, any Unity of Right, Possession or Property, in Manner or by any of the Means herein-before mentioned.

Commissioners to appoint a Time for receiving Objections to Allotments.

XXX. And be it further enacted, That when and as soon as the said Commissioners shall have ascertained the several Rights and Interests of the several Proprietors in the Lands and Grounds to be divided and allotted by virtue of this Act, and also the respective Shares and Proportions by them the said Commissioners proposed to be allotted to the same Proprietors respectively, in lieu thereof, or for or in respect of such Rights and Interests, they the said Commissioners shall give Notice in Manner aforesaid of some convenient Time and Place when and where the said Proprietors may be informed of the proposed Allotments, and may see a Scheme thereof set out and delineated upon a Map or Plan of the same, to be produced to the said Proprietors for their Inspection; and as some of the same Proprietors may, upon Inspection of the said Map or Plan, be dissatisfied with

with the propoſed Allotments, the ſaid Commiſſioners ſhall, at the Time and Place laſt aforeſaid, or at ſome other Time and Place to be appointed for that Purpoſe, receive Statements in Writing of the Objections againſt ſuch propoſed Allotments, and ſhall forthwith, or as ſoon thereafter as conveniently may be, determine the ſame; and that the Determination of the ſaid Commiſſioners with reſpect to ſuch Allotment ſhall be final and concluſive.

Allotments may be made to the Purchaſers, in Caſes where Common Rights have been ſold.

XXXI. And be it further enacted, That if any Owner of any Lands or Grounds directed by this Act to be divided and allotted hath ſold, or ſhall at any Time, within Three Calendar Months before the Execution of the Award of the ſaid Commiſſioners, ſell to any other Perſon whomſoever his or her Right, Intereſt or Property, in or to any Part of ſuch Lands and Grounds, or in or to any Allotment or Allotments then made, or which ſhall be then intended to be made by the ſaid Commiſſioners, in reſpect of any ſuch Right, Intereſt or Property, 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 Vendees reſpectively mentioned in the Inſtrument or reſpective Inſtruments of Sale, or to his, her, or their Heirs or Aſſigns, for and in reſpect of the Right, Intereſt and Property, which ſhall have been ſo ſold as aforeſaid, and not to the Vendor or Vendors of the ſame; and that every ſuch Vendee reſpectively, and his and her reſpective Heirs and Aſſigns, ſhall and may, from and after the Execution of the ſaid Award, hold and enjoy the Land ſo allotted to him or her reſpectively as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor in ſuch Sale might, could, or ought to have held and enjoyed the ſame, in caſe ſuch Sale had not been made, or in caſe ſuch Right, Intereſt or Property had remained in ſuch Vendor: Provided, that every Inſtrument of Sale, if the ſame ſhall relate to any Right, Intereſt or Property, appurtenant to or claimed in reſpect of any Houſe or Land holden of the Lords of any Manor by Copy of Court Roll, or to any Allotment ſet out or intended to be ſet out in reſpect of any ſuch Copyhold Houſe or Land, ſhall be enrolled or entered, either at Large or by way of Memorial, in the Court Books or on the Court Rolls of ſuch Manor reſpectively; and every ſuch Inſtrument when ſo inrolled or entered, or delivered to the Steward of ſuch Manor for Inrolment or Entry, ſhall have the Effect of a Surrender to the Uſe of ſuch Vendee as aforeſaid, and his or her Heirs or Aſſigns, according to the Cuſtom of ſuch Manor, and ſhall entitle him, her, or them to be admitted Tenant or Tenants to the Land therein compriſed at the Time herein-after preſcribed for Admiſſions to Copyhold Lands, after the Execution of the Award of the ſaid Commiſſioners.

Power to make Satisfaction for unequal Fencing.

XXXII. And be it further enacted, That if from any Circumſtance it ſhall happen, that any of the Proprietors of the Allotments under this Act ſhall not or cannot have a proportionate Share of Boundary or other Fencing allotted to him, her, or them on the ſaid intended Incloſure, it ſhall be lawful for the ſaid Commiſſioners, in every Caſe where they ſhall judge it neceſſary or reaſonable, to award, aſcertain, order and appoint, a Sum or Sums of Money to be paid or contributed by ſuch Proprietor reſpectively, towards making the Fences of the Allotments of any other Proprietor or Proprietors who ſhall or may have a greater Proportion of Fencing allotted to him, her or them, by virtue of this Act; the ſame Sum

Sum to be ſettled by the ſaid Commiſſioners, in ſuch Manner as they ſhall think proper; and that the Money ſo awarded, aſcertained, ordered, and appointed to be paid, ſhall and may be raiſed, levied and recovered, in the ſame Manner as the Expences of this Act are by the firſt-recited Act ordered and directed to be levied and recovered.

Commiſſioners to erect Fences and Gates at the Ends of Public Roads.

XXXIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, if they ſhall judge it expedient, to make and ſet up proper and ſufficient Fences, and Public Carriage Gates in the ſame, at the Ends of the public Roads and Highways to be ſet out and appointed under or in purſuance of the firſt-recited Act or this Act, next or againſt any adjoining Pariſh, Townſhip or Place, or next or againſt any of the Fen Lands excepted as aforeſaid, to prevent Cattle from treſpaſſing, and for preſerving the young Quickſets to be planted in the Fences of the new Inclofures; which ſaid Fences and Gates ſo to be ſet up as aforeſaid ſhall for ever after the making thereof be ſupported, maintained, and kept in Repair by the Surveyors for the Time being of the Highways of the ſaid Townſhip of *Hockwold-cum-Wilton*.

Commiſſioners to award Herbage of Public and Private Roads and Ways.

XXXIV. And be it further enacted, That the ſaid Commiſſioners ſhall in and by their Award order and appoint the Graſs and Herbage growing and renewing on and upon all and every the public and private Roads, to be ſet out and aſcertained by them by virtue of the firſt-recited Act or this Act, and in and upon the Sides of any Turnpike Road in the ſaid Townſhip, to be and for ever thereafter remain to and for the Uſe and Benefit of ſuch Perſon or Perſons, as they the ſaid Commiſſioners ſhall judge and determine to be beſt entitled to the ſame.

Allotments ſhall follow the Tenure of the original Eſtate.

XXXV. And be it further enacted, That all the Lands and Grounds which ſhall be allotted by virtue of the firſt-recited Act or of this Act to any Perſon or Perſons, or to or in Truſt for any Body or Bodies Politic, Corporate or Collegiate, for or in lieu or in reſpect of any Meſſuages, Houſes, Lands or Tenements, holden of the Lord or Lords of any Manor or Manors, by Copy of Court Roll, or for or in reſpect of any Leaſehold Lands or Tenements, or for or in reſpect of any Right of Shackage, Sheepwalk, Foldcourſe, Common, or other Right or Intereſt appendant or appurtenant to any ſuch Copyhold or Leaſehold Premiſes, ſhall, from and for ever after the Execution of the Award of the ſaid Commiſſioners, be deemed and taken to be Copyhold or Leaſehold reſpectively, according to the Tenure of the Meſſuages, Houſes, Lands or Tenements, for or in reſpect of which the ſame ſhall be allotted, and ſhall be held accordingly, by and under the ſame Tenure, Rents, Payments, Fines, Cuſtoms and Services, as the Copyhold or Leaſehold Meſſuages, Houſes, Lands or Tenements reſpectively, for or in lieu or in reſpect whereof ſuch Allotments ſhall be made, are now held by and are ſubject to; and that all Perſons, to whom any Copyhold Lands or Grounds ſhall be allotted as aforeſaid, ſhall, within Six Calendar Months next after the Execution of the ſaid Award, or at the Firſt General Court to be holden for the Manor or Manors reſpectively, next after the Expiration of ſuch Six Calendar Months, be admitted Tenant or Tenants to the ſame, without paying any Fine to the Lord or Lords, or any other Charge to the Steward or Stewards of the ſaid Manor or Manors reſpectively, than for the Stamp Duties and Parchments requiſite to be uſed for the Copies of ſuch Admiſſion of Perſons having Allotments of Copyhold Lands.

miſſions reſpectively, and ſuch reaſonable Fees to the reſpective Stewards of the ſaid Manors as the ſaid Commiſſioners ſhall by their ſaid Award order and direct; but that in caſe the Perſon or Perſons to whom any ſuch Lands or Grounds ſhall be allotted ſhall not have been admitted to the Meſſuages, Houſes, Lands or Tenements, in reſpect whereof ſuch Allotment or Allotments ſhall have been made, or ſhall die without having been admitted to the Lands allotted in reſpect of ſuch Copyhold Meſſuages, Houſes, Lands, or Tenements reſpectively, or ſhall claim as a Vendee under any ſuch Sale as herein-before is mentioned, then and in every ſuch Caſe the Cuſtomary Fines, Fees, and other Payments, ſhall be due and payable on the Admiſſion or Admiſſions of the Perſon or Perſons then entitled to ſuch allotted Lands and Premiſes; and that after every ſuch firſt Admiſſion, the Copyhold Lands and Premiſes, which ſhall have been ſo allotted as aforeſaid, ſhall be held under and ſubject to the ſame Tenure, Fines, Rents, and other Payments and Services reſpectively, as the Copyhold Meſſuages, Houſes, Lands and Tenements, in reſpect whereof ſuch new Allotments ſhall have been made, are now reſpectively held under, and are ſubject to; and the ſaid Commiſſioners are hereby required and directed to determine and deſcribe, and alſo to abut, in and by their ſaid Award, and in and by the Map or Plan to be thereto annexed, or in or by ſuch Map or Plan, all the Meſſuages, Houſes, Buildings, Lands and Tenements, to be allotted under the Powers of this Act, in the ſaid Townſhip of *Hockwold-cum-Wilton*, which are to remain or become Copyhold or Leaſehold; and that all the Meſſuages, Houſes, Buildings, Lands and Tenements, to be allotted as aforeſaid in the ſame Townſhip, which ſhall not be ſo aſcertained by the ſaid Commiſſioners in their Award to be Copyhold or Leaſehold, ſhall thenceforth be deemed, taken, and enjoyed as and ſhall be Freehold Meſſuages, Houſes, Buildings, Lands and Tenements reſpectively; and if allotted for or in lieu of any Meſſuages, Houſes, Buildings, Lands or Tenements, which are now ſubject to any Free Rent or Free Rents, Services and Payments, ſhall be ſubject to the ſame Rents, Services and Payments reſpectively, as thoſe Meſſuages, Houſes, Buildings, Lands or Tenements reſpectively, are now ſubject to.

Commiſſioners may make Allotments for Lands holden by different Tenures, &c.

XXXVI. And be it further enacted, That in caſe the Proprietor or Proprietors of any of the Meſſuages, Lands, or other Hereditaments, by this Act authorized to be divided or allotted, ſhall hold his, her, or their reſpective Meſſuages, Lands or Hereditaments, by different Tenures, or for different Eſtates or under different Titles, the ſaid Commiſſioners ſhall, upon the Requeſt of ſuch Proprietor or Proprietors in Writing under his, her, or their Hand or Hands, aſcertain and diſtinguiſh the Meſſuages, Lands, or other Hereditaments, held by each of ſuch Tenures for each of ſuch Eſtates, and under each of ſuch Titles reſpectively, and ſhall accordingly in their ſaid Award diſcriminate and ſet out diſtinct and ſeparate Allotments for ſuch reſpective Meſſuages, Lands, or other Hereditaments; and that where from the Want of neceſſary Information, or from any other Cauſe, the ſaid Commiſſioners ſhall have been unable, or ſhall have omitted in their ſaid Award, to aſcertain and diſtinguiſh, or ſhall have erroneouſly deſcribed ſuch Tenures, Eſtates or Titles, as herein-before is required, it ſhall be lawful for the ſaid Commiſſioners, at any Time within Twelve Calendar Months next after the Execution of their ſaid Award, upon Requeſt made to them for that Purpoſe by the Perſon or Perſons intereſted, in Writing under his, her, or their Hand or Hands, to do every Thing neceſſary for ſupplying ſuch Omiſſion or correcting

ſuch Error, and for that Purpoſe to examine Witneſſes, and to proceed and act in every other reſpect as if their Award had not been made; and by a ſeparate Deed or Inſtrument in Writing under their Hands and Seals, by way or in the Nature of a Supplemental Award, to aſcertain, diſtinguiſh, and deſcribe ſuch different Tenures, Eſtates, and Titles reſpectively, and accordingly to make diſtinct and ſeparate Allotments in reſpect thereof, in ſuch Manner as is herein-before directed to be done in their original Award, or to correct any ſuch Error as aforeſaid; and that a Copy, ſigned and atteſted by the ſaid Commiſſioners, of every ſuch Deed or Inſtrument ſhall be depoſited with the Clerk of the Peace for the Time being for the ſaid County of *Norfolk*, with a Copy of the original Award; and that every ſuch ſeparate Deed or Inſtrument ſhall, from and immediately after the Execution thereof by the ſaid Commiſſioners, have the ſame Effect, to all Intents and Purpoſes, as if the Contents thereof had been contained in the original Award; and that the ſame Deed or Inſtrument ſhall, when executed, be delivered to the Perſon or Perſons at whoſe Requeſt any ſuch Omiſſion ſhall have been ſupplied or Error corrected, or to the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings, concerning the Title to the Premiſes in Queſtion, ſhall in the Opinion of the ſaid Commiſſioners moſt properly belong; and that all the Expences which ſhall have been reaſonably incurred in or about ſuch ſeparate Deed or Inſtrument and Copy reſpectively, ſhall be paid by the Perſon or Perſons who ſhall have requeſted the ſaid Commiſſioners to ſupply ſuch Omiſſion or to correct ſuch Error as aforeſaid, his, her, or their Heirs, Executors, Adminiſtrators or Succeſſors, in Title; and that the ſaid Deed or Inſtrument and Copy, or any Copy thereof, atteſted by the ſaid Commiſſioners, or by the Clerk of the Peace or his Deputy, ſhall be Evidence in all Courts whatſoever, in like Manner as is by this Act provided with regard to the original Award of the ſaid Commiſſioners and Copies thereof reſpectively.

Commiſſioners to make Partition of joint Property, &c.

XXXVII. And whereas ſome of the Proprietors of Meſſuages, Houſes, Cottages, Lands or Tenements, within the ſaid Townſhip of *Hockwold-cum-Wilton*, may be ſeiſed of or entitled to the ſame as Joint Tenants, as Tenants in Coparcenary, or as Tenants in Common, and may not, by reaſon of Coverture, Infancy, or other Incapacity, or of Settlement, or of Abſence beyond the Seas, be able to make an effectual Diviſion or Partition thereof, be it therefore enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, upon Requeſt in Writing, of any or either of ſuch Joint Tenants, Tenants in Coparcenary, or Tenants in Common, or of the Huſband, Guardian, Truſtee, Committee or Attorney, of any one of ſuch Joint Tenants, Coparceners or Tenants in Common, as may be under Coverture, or a Minor or a Lunatic, or under any other Incapacity, or be abſent beyond the Seas, to make Partition or Diviſion of all or any of the Manors, Meſſuages, Houſes, Lands, Tenements, and Hereditaments whatſoever, within the ſaid Townſhip, ſo held in Joint Tenancy, in Coparcenary or in Common, between ſuch Joint Tenants, Tenants in Coparcenary, or Tenants in Common as aforeſaid, and to allot the ſame accordingly to ſuch Proprietors in Severalty; and that from and immediately after ſuch Partitions or Diviſions ſhall have been reſpectively made and declared, and ſpecific Allotments in Severalty ſhall have been ſet out by the ſaid Commiſſioners, all ſuch Allotments ſhall be held and enjoyed in Severalty by the Perſon or Perſons to whom the ſame ſhall be or have been made, in the

ſame Manner, and ſubject to the ſame Uſes, as the undivided Parts or Shares of ſuch Manors, Meſſuages, Houſes, Cottages, Lands, Tenements or Hereditaments, would have been held by, or would have been ſubject to, in caſe ſuch Partitions or Diviſions and Allotments in Severalty had not been made; yet ſo as that where any entire Rents, Charges, or Incumbrances ſhall affect or be ſubſiſting upon the Hereditaments hereby made partible as aforeſaid, the ſame Rents, Charges and Incumbrances, ſhall be apportioned by the ſaid Commiſſioners on ſuch Allotments in Severalty reſpectively, and ſhall for ever afterwards be a Lien and Incumbrance upon each reſpective Allotment according to ſuch Apportionment; and neither of ſuch Allotments ſhall afterwards be charged or chargeable with any other or greater Proportion of ſuch Rents, Charges or Incumbrances, than ſhall be charged thereon by the ſaid Commiſſioners: Provided always, that ſuch Apportionment ſhall not bind, prejudice, or in any Manner affect the Right, Power or Intereſt, of any Mortgagee of any Part of ſuch laſt-mentioned Manors, Meſſuages, Houſes, Cottages, Lands, Tenements or Hereditaments, in or over the ſame; or to hinder or preclude ſuch Mortgagee from exerciſing all ſuch Right and Power over all or any Part of ſuch laſt-mentioned Manors, Meſſuages, Houſes, Cottages, Lands, Tenements and Hereditaments, as fully and effectually, as if ſuch Partition, Diviſion, and Apportionment had not been made.

Power to make Exchanges.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot and award, any Meſſuages, Houſes, Cottages, Lands, Tenements or Hereditaments, within the ſaid Townſhip of *Hockwold-cum-Wilton*, in lieu of and in Exchange for any other Meſſuages, Houſes, Cottages, Lands, Tenements or Hereditaments, within the ſaid Townſhip, or within any adjoining Pariſh, Townſhip or Place: Provided, that every Exchange made by virtue of this Act be aſcertained, ſpecified and declared, in and by the Award of the ſaid Commiſſioners, and be made with the previous Conſent of the Perſon or Perſons claiming before the ſaid Commiſſioners to be Owner or Owners, Proprietor or Proprietors, of the Meſſuages, Houſes, Cottages, Lands, Tenements or Hereditaments, which ſhall be ſo exchanged or ſhall be propoſed to be exchanged, whether the Perſon or Perſons ſo claiming to be ſuch Owner or Owners, Proprietor or Proprietors, ſhall be ſeiſed or poſſeſſed in his, her, or their natural Capacity or Capacities, as Tenant or Tenants in Fee Simple, or in Fee Tail General or Special, or for Life, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or be a Body or Bodies Politic, Corporate or Collegiate, or a Corporation Aggregate or Sole; or with the previous Conſent of the Guardians, Truſtees, Feoffees for Charitable or other Uſes, Huſbands, Committees or Attornies of, or acting for the Perſon or Perſons ſo claiming to be ſuch Owner or Owners, or Proprietor or Proprietors as aforeſaid, who, at the Time of making or propoſing ſuch Exchange or Exchanges reſpectively, ſhall be either Infants, Femes Covert or Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for himſelf, herſelf, or themſelves reſpectively, (ſuch Conſent to be teſtified by Writing under the Hands of the reſpective Parties whoſe Conſent is hereby required, or in the Caſe of a Body or Bodies Politic, Corporate or Collegiate, or of a Corporation Aggregate, by Writing under the Common Seal of ſuch Body or Bodies, or of ſuch Corporation reſpectively); and that every ſuch Conſent or Agreement for Exchange, when aſcertained, ſpecified

and

and declared, in and by the Award of the ſaid Commiſſioners, ſhall be deemed and taken to be a good, valid, and effectual Exchange in the Law, to all Intents and Purpoſes whatſoever: Provided always, that no Exchange ſhall be made under this or the firſt-recited Act, of any Meſſuages, Houſes, Cottages, Lands, Tenements or Hereditaments, held in right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent in Writing of the Biſhop of the Dioceſe in which the Meſſuages, Houſes, Cottages, Lands, Tenements or Hereditaments, propoſed to be exchanged, ſhall lie and be ſituate, and of the Patron for the Time being of ſuch Church, Chapel, or other Eccleſiaſtical Benefice reſpectively.

Direction as to the Payment of the Expences of Partitions and Exchanges.

XXXIX. Provided always, and be it further enacted, That all the Coſts, Charges, and Expences attending the making of any Partitions or Exchanges under the Powers herein-before contained, ſhall be paid, borne, and defrayed by the ſeveral Perſons making ſuch Partitions or Exchanges reſpectively, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall, by any Writing under their Hands, or in or by their ſaid Award, order and direct.

Vacating Leaſes at Rack Rent.

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

XLI. Provided

Beneficial Leaſes ſhall not be vacated.

XLI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to ſet aſide or make void any beneficial Leaſe or Leaſes from any Body or Bodies Politic, or Corporate or Collegiate, of any Manors, Meſſuages, Houſes, Cottages, Lands, Tenements, Tythes, or other Hereditaments in the ſaid Townſhip of *Hockwold-cum-Wilton*, to any Perſon or Perſons whomſoever; but that the Perſon or Perſons entitled to ſuch beneficial Leaſe or Leaſes ſhall and may hold and enjoy his, her, and their ſeveral and reſpective Allotment and Allotments to be made for or in reſpect of the Manors, Meſſuages, Houſes, Cottages, Lands, Tenements, Tythes, or other Hereditaments, demiſed by or compriſed in any ſuch Leaſe or Leaſes reſpectively, for his, her, or their ſeveral and reſpective Term and Terms, and under the ſame Rents and Covenants as is or are ſpecified in his, her, or their reſpective Leaſe or Leaſes from the ſaid Body or Bodies Politic, or Corporate or Collegiate, to him, her, or them reſpectively.

Bodies Politic and Corporate, &c. to pay a certain Proportion of the Expences.

XLII. And be it further enacted, That the ſaid Body or Bodies Politic, Corporate or Collegiate, and their ſeveral and reſpective Tenant or Tenants, ſhall reſpectively pay ſuch Proportion of the Expences of obtaining this Act, and of carrying the ſame, and the firſt-recited Act, into Execution; and of ditching, embanking, or otherwiſe fencing the Allotment or Allotments to be awarded to the ſaid Tenant or Tenants in lieu of the Eſtate or Eſtates ſo holden by him, her or them, of ſuch Body or Bodies Politic, or Corporate or Collegiate reſpectively, as the ſaid Commiſſioners ſhall in their Judgment deem to be fair and reaſonable, according to the reſpective Intereſts of the ſaid Parties as Owners and Tenants; except in Caſes where the ſaid Parties already have otherwiſe agreed, or ſhall hereafter otherwiſe agree reſpecting the ſame.

Wills and Settlements, &c. ſhall not be affected, &c.

XLIII. 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 only or in actual Operation by the Death of the Teſtator or Deviſor,) or any Deed, Settlement or Surrender, or any Leaſe originally granted for any Term of Years exceeding Twenty-one Years; or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt or Incumbrance, in, out of, upon or affecting any of the Manors, Meſſuages, Houſes, Cottages, Buildings, Lands or Grounds to be divided or allotted, or to be exchanged by virtue of the firſt-recited Act or of this Act, or any Part or Parts thereof reſpectively (except by any Leaſe or Leaſes, Agreement or Agreements at Rack Rent, originally granted or entered into for a Term not exceeding Twenty-one Years as aforeſaid); but that each and every Proprietor ſhall, as to the ſeveral Lands and Grounds to be allotted by way of Re inveſtment or Confirmation, or by way of Subſtitution or in Exchange, by virtue of this and the firſt-recited Act, or either of them (as the Caſe may be), ſtand and be ſeiſed thereof, to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges and Incumbrances (if any), as the ſame Manors, Meſſuages, Houſes, Cottages, Buildings, Lands and Tenements, whereof ſuch Proprietor was ſeiſed or poſſeſſed at or immediately before the Execution of the Award of the ſaid Commiſſioners, and for or in lieu of which ſuch Allotments or Exchanges ſhall be made, would have been ſubject to, charged with, or affected by, in caſe this Act had not been made; and

and as to the ſeveral Lands and Grounds to be allotted by way of Addition to ſuch Proprietor, or to any Vendee from ſuch Proprietor, by virtue of the Power herein-before contained, ſuch Proprietor, or his or her Vendee (as the Caſe may be), ſhall ſtand and be ſeiſed thereof, to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges and Incumbrances, and no other, as the ſeveral Manors, Meſſuages, Houſes, Cottages, Lands and Tenements, in reſpect of which ſuch laſt-mentioned Allotments reſpectively, by way of Addition, ſhall be made, ſhall be ſubject to, and charged with or affected by, at or immediately before the Execution of the ſaid Award, or, in the Caſe of a Vendee or Purchaſer, at or immediately before the Execution of the Inſtrument of Sale.

Commiſſioners to direct the Courſe of Huſbandry.

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

Satisfaction ſhall be made for Growing and Way-going Crops, and for Lands in Tilth or manured, &c.

XLV. And be it further enacted, That the ſaid Commiſſioners ſhall aſcertain, order and appoint, and they are hereby authorized and required, by any Writing or Writings under their Hands, to aſcertain, order and appoint, what Recompence and Satisfaction in Money ſhall be made to the Owner or Owners of any Crop or Crops, growing upon any Part of the Lands and Grounds to be divided and allotted by virtue of this Act, at the Time ſuch Diviſion or Allotment ſhall be made for the ſaid Crop or Crops, by the Perſon or Perſons to whom the Lands and Grounds on which ſuch Crop or Crops ſhall be then growing, ſhall be allotted; unleſs ſuch Owner, or Owners ſhall, within a Time to be appointed

pointed by the ſaid Commiſſioners for that Purpoſe, declare his, her, or their Intention to cut, reap, and carry away the ſame; and in caſe of Non-payment of ſuch Recompence and Satisfaction for ſuch Crop or Crops, at the Time and in the Manner to be directed by the ſaid Commiſſioners, or in caſe of ſuch Election to reap and take away the ſame, then it ſhall be lawful for ſuch Owner or Owners, and his, her, and their Servants, Agents and Workmen, with Horſes, Carts and Carriages, to enter into and upon the Lands and Grounds whereon ſuch Crop or Crops ſhall be growing, and to cut, reap, and carry away the ſame, for his, her, and their own Uſe; and the ſaid Commiſſioners are hereby alſo authorized and required, by Writing under their Hands, to aſcertain, order and appoint, what Recompence and Satisfaction in Money ſhall be paid, and to whom, for the Standage of ſuch Crop or Crops, by the Owner or Owners thereof neglecting to carry away the ſame as aforeſaid; and alſo what Recompence and Satisfaction in Money ſhall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers, of ſuch of the Lands and Grounds as ſhall be divided or allotted by virtue of this Act, and ſhall then be ploughed, tilled or manured, as well for the Benefit and Advantage accruing thereby to the Perſon or Perſons to whom ſuch Lands and Grounds ſhall be allotted, as for any Loſs or Diſadvantage which any ſuch Tenant or Tenants, Occupier or Occupiers, ſhall or may ſuſtain by the Loſs of his, her, or their following or Way-going Crop or Crops upon ſuch Lands or Grounds; and if in any or either of the ſaid Caſes the Money appointed by the ſaid Commiſſioners to be paid for ſuch Recompence and Satisfaction ſhall not be paid at the Time, and in the Manner to be appointed by them as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, to raiſe and levy the ſame for the Uſe of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining this Act, and of carrying the ſame and the firſt-recited Act into Execution, may be raiſed and levied.

Direction to leave Gaps in the Fences.

XLVI. Provided always, and be it further enacted, That convenient Gaps or Openings ſhall be left in the Fences and Incloſures to be made in purſuance of this or the firſt-recited Act, for the Space of Six Calendar Months next after the Execution of the ſaid Award, for the Paſſage of Cattle, Carts and Carriages, into and through the ſame, unleſs the ſeveral Perſons intereſted therein ſhall agree that the ſame may be ſooner ſtopped up and incloſed.

No Sheep to depaſture in the new Allotments.

XLVII. And be it further enacted, That no Sheep or Lambs ſhall be kept in any of the Allotments on which any new Fence ſhall have been raiſed, during the Space of Seven Years next after the Execution of the Award of the ſaid Commiſſioners, unleſs the Perſon or Perſons keeping any Sheep or Lambs ſhall, previouſly thereto, at his, her, or their own Expence, make, and ſhall 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 ſhall have been made or ſet by the Owner or Occupier of ſuch Allotments as aforeſaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto); and that in caſe any Perſon ſhall turn in or keep any Sheep or Lambs in any ſuch Allotment or Allotments, without raiſing or keeping up ſuch protecting Fences as aforeſaid, all ſuch

Sheep

Sheep and Lambs ſhall be conſidered as Damage feaſant to the Owner or Owners of the adjoining Allotment or Allotments; and it ſhall be lawful for any ſuch Owner or Owners, from Time to Time, to enter into the Allotment or Allotments where any ſuch Sheep or Lambs ſhall be ſo turned in or kept as aforeſaid, and from Time to Time to take, drive away, and impound ſuch Sheep and Lambs as Cattle Damage feaſant accordingly.

Direction as to the Payment of the Expences of the Act.

XLVIII. And be it further enacted, That all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, and of ſurveying, meaſuring, planning, valuing, dividing, and allotting all the Lands and Grounds to be ſet out and allotted by virtue of this Act, and of incloſing in a Ring Fence on the outward Boundaries the Allotments which ſhall by virtue of this Act be ſet out to the Incumbent of the Rectory of *Hockwold* and Vicarage of *Wilton* aforeſaid, in right of ſuch Rectory and Vicarage reſpectively, and to the Surveyors of the Highways of the ſaid Townſhip; and all the Coſts, Charges, and Expences of preparing and ingroſſing the Award of the ſaid Commiſſioners, and the Copies of the ſame; and all the Charges and Expences which the ſaid Commiſſioners ſhall or may be put to in reſpect of any Appeal or Appeals againſt any of their Determinations, or of any Suit or Suits at Law or in Equity, which may be inſtituted againſt them as Commiſſioners, in the Execution of this and the firſt-recited Act; and all the Charges and Expences of the ſaid Commiſſioners, their Clerks, Aſſiſtants and Servants, and all other neceſſary Expences of the ſeveral Perſons to be employed by the ſaid Commiſſioners, in and about the Premiſes, either before or after the Execution of the ſaid Award; and all the Expences of forming, completing, and repairing ſuch new Public Carriage Roads and Highways as ſhall be ſet out and appointed by the ſaid Commiſſioners, within the ſaid Townſhip of *Hockwold-cum-Wilton*; and all other Expences of carrying this and the firſt-recited Act into Execution, ſhall be borne, defrayed, and paid by the ſeveral Perſons, and Body and Bodies Politic, Corporate or Collegiate, to whom Allotments ſhall reſpectively be made by virtue of this Act (ſave and except the Incumbent for the Time being of the Rectory and Vicarage aforeſaid, for or on account of any Allotment which ſhall be made to him in reſpect of his Rectory and Vicarage aforeſaid, or either of them; and alſo ſave and except the Surveyors for the Time being of the Highways within the ſaid Townſhip, for or on account of the Allotment herein-before directed to be made to them as aforeſaid); and that the Amount of all ſuch Coſts, Charges and Expences, together with the Shares and Proportions thereof, to be paid by the ſeveral Perſons hereby made liable to the Payment thereof, ſhall be ſettled and adjudged by the ſaid Commiſſioners, and ſhall be paid into the Hands of ſuch Perſon or Perſons, and at ſuch Time or Times and Place or Places, as the ſaid Commiſſioners ſhall by their Award order and direct, or as they ſhall, either before or after the Execution of their Award, order and direct, by Writing under their Hands; and that in caſe any Perſon or Perſons ſhall refuſe or neglect to pay the Whole or any Part of the ſaid Coſts, Charges and Expences, or the Whole or any Part of his, her, or their Share of ſuch Coſts, Charges and Expences, (in caſe the whole Amount thereof ſhall not or cannot have been then aſcertained, and the ſaid Commiſſioners ſhall therefore have required or made a Rate for Payment of Part only of ſuch Coſts, Charges and Expences,)

Expences,) at the Time and Place or Times and Places where the ſaid Commiſſioners ſhall appoint the ſame to be paid reſpectively, and to the Perſon or Perſons whom the ſaid Commiſſioners ſhall appoint to receive the ſame reſpectively; all ſuch Coſts, Charges, and Expences ſo in arrear and unpaid, ſhall be levied and recovered in ſuch Manner, and with ſuch Intereſt, Coſts, Charges and Expences, as is directed and provided by the firſt-recited Act for the Recovery of the Expences of obtaining Incloſure Acts, and carrying the ſame into Execution, in Caſes where ſuch Expences are made payable by the Proprietors of Lands or Grounds to whom Allotments are made by or under ſuch Acts.

Sale of Land allotted to the Maſter and Fellows of Caius College, to pay Expences.

XLIX. And whereas it may not be convenient for the ſaid Maſter or Keeper and Fellows of *Gonville* and *Caius* College aforeſaid to advance, from the Common Stock of their ſaid College, ſo much Money as will be neceſſary to defray their Share or Proportion of the Coſts, Charges, and Expences of obtaining and executing this Act, and of making Subdiviſion Fences on the Allotment or Allotments to be ſet out to them by virtue of this Act, be it therefore enacted, That the ſaid Commiſſioners ſhall, and they are hereby directed, upon Requiſition to them made by the ſaid Maſter or Keeper and Fellows, under their Common Seal, to mark and ſet out ſuch Part or Parts of the Lands to be allotted by virtue of this Act to the ſaid Maſter or Keeper and Fellows, as will, in the Opinion of the ſaid Commiſſioners, raiſe by Sale thereof Money ſufficient to enable the ſaid Maſter or Keeper and Fellows to defray their Share or Proportion of ſuch Coſts, Charges and Expences, and to make ſuch Subdiviſion Fences; and the ſaid Commiſſioners are hereby authorized and required to proceed in the Sale of ſuch Land ſo to be ſet out, in the Manner directed in the firſt-recited Act, in Caſes of Sales of Land for Payment of Expences attending the Execution of Acts of Incloſure; and the Lands and Hereditaments ſo directed to be ſold ſhall immediately, upon Payment of the full Purchaſe Money for the ſame, be conveyed and aſſured by the ſaid Commiſſioners to the Purchaſer or Purchaſers thereof, their or his Heirs and Aſſigns; and the Hereditaments ſo conveyed ſhall accordingly become veſted in the Purchaſer or Purchaſers thereof in Fee Simple; and ſuch Purchaſe Money ſhall from Time to Time be applied by the ſaid Commiſſioners in Payment of the Share or Proportion of the ſaid Maſter or Keeper and Fellows, of the Coſts, Charges, and Expences of obtaining and executing this Act, and of making ſuch Subdiviſion Fences as aforeſaid: Provided nevertheleſs, that if there ſhall be any Surplus of the Money ariſing from the Sale of the ſaid Lands, the ſame ſhall be applied according to the Directions of the laſt-mentioned Act, in Caſes where Money is to be paid for the Purchaſe or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereupon, and is required to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes.

Truſtees, Guardians, &c. of incapacitated Perſons, Tenants for Life, &c. to borrow Money for Payment of Expences.

L. And be it further enacted, That it ſhall be lawful for the Huſbands, Guardians, Truſtees, Committees or Attornies, of any of the Owners or Proprietors of any of the Lands or Grounds to be allotted by virtue of this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Diſability, and for any of the ſaid Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or for Years determinable on any Life or Lives, or on any other Contingency, or Tenants by the Courteſy of *England*, or otherwiſe intereſted in

in the ſaid Lands or Grounds, to charge ſuch Lands and Grounds with any Sum or Sums of Money, not exceeding Five Pounds, for each and every Acre thereof, which the ſaid Commiſſioners ſhall by their ſaid Award, or by Writing under their Hands, either before or after the Execution of ſuch Award, adjudge to be chargeable on ſuch Owners and Proprietors reſpectively, under the Proviſions of this Act, for or towards Payment of any Part of his, her, or their proportionate Share or Shares of the Coſts, Charges, and Expences of obtaining this Act, and of carrying the ſame into Execution, and of ditching, draining, and fencing his, her, or their Allotment or reſpective Allotments, and of being admitted or re-admitted (as the Caſe may be) to the Copyhold Parts of the ſame; and to grant, mortgage, leaſe or demiſe, or otherwiſe to ſubject the Lands and Grounds ſo to be charged to the Perſon or Perſons who ſhall advance and lend the ſame reſpectively, his, her, or their Executors, Adminiſtrators or Aſſigns, for any Term or Number of Years; or in caſe any Perſon in Poſſeſſion of any Part of ſuch Lands or Grounds, and who ſhall or may in reſpect thereof be liable to and charged with a Share of ſuch Coſts, Charges and Expences, or be enabled by this Act to charge ſuch Lands and Grounds with the ſame, ſhall chooſe to advance, pay or diſcharge, ſuch Sum or Sums of Money, or any Part thereof, 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, to grant, mortgage, leaſe or demiſe, or otherwiſe charge ſuch Lands and Grounds to ſuch Perſon or Perſons reſpectively, his, her, or their Executors, Adminiſtrators and Aſſigns, for any Term or Number of Years, for or with the Payment of any Sum or Sums of Money which ſhall be ſo advanced, paid, or diſcharged by him, her or them, and alſo for or with lawful Intereſt for the ſame Sum or Sums; ſuch Intereſt to commence on the Termination of his, her, or their Right in the Premiſes: Provided, that every ſuch Grant, Mortgage, Leaſe, Demiſe or Charge, be made with a Proviſo or Condition for Ceſſer of ſuch Term, or with an expreſs Truſt for the Surrender or Aſſignment of the ſame, when the Sum or Sums of Money thereby to be ſecured ſhall be fully paid and ſatisfied, and alſo with a Covenant to pay and keep down the Intereſt thereof, ſo that no Perſon or Perſons, afterwards becoming poſſeſſed of or entitled to any ſuch Lands or Grounds, ſhall be liable to pay any further or larger Arrear of Intereſt than for Three Calendar Months next preceding the Time when the Title to ſuch Poſſeſſion ſhall have commenced; and it is hereby declared, that every ſuch Grant, Mortgage, Leaſe, Demiſe or Charge, ſhall be good, valid, and effectual in the Law for the Purpoſes thereby intended.

Commiſſioners to ſell Allotments of incapacitated Perſons to pay Expences, upon certain Conditions.

LI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, on Application made to them in Writing by the Huſbands, Guardians, Truſtees, Committees or Attornies reſpectively, of any of the Owners or Proprietors of any of the Lands or Grounds to be divided and allotted by virtue of this Act, who ſhall be under Coverture, Minors, Lunatics, Perſons beyond the Seas, or under any other Diſability, or by any of the ſaid Owners or Proprietors, being Tenants for Life or Lives, or in Tail, or for any other Contingency reſpectively, to ſell and abſolutely diſpoſe of any Part or Parts of the Allotment or Allotments belonging to any ſuch Owners or Proprietors reſpectively, for the Purpoſe of defraying his, her, or their Share or Shares of the Coſts, Charges, and Expences of

of obtaining this Act, and executing the same and the first-recited Act, and of fencing, inclosing, and subdividing such Allotment or Allotments; and that the Part or Parts of such Allotment or Allotments so to be sold as aforesaid, shall be sold by Public Auction (Twenty-one Days Notice at the least of the Time and Place appointed for such Sale being inserted in some Newspaper published or circulated in the said County of *Norfolk*); and the Purchaser or Purchasers at such Sale shall immediately pay (by way of Deposit) into the Hands of the said Commissioners, or of such Person or Persons as they shall appoint, at least One Fifth Part of his, her, or their Purchase Money, and shall pay the Remainder thereof within Three Calendar Months next after the Day of Sale, or at such other Time as the said Commissioners shall appoint; and in Default thereof, the Money so deposited shall be forfeited as stated or liquidated Damages, and shall be applied for such Purpose as the whole Purchase Money would, if received, have been applicable; and all such Allotment or Allotments for which the Whole of such Purchase Money shall not have been so paid, or for which there shall not have been any Bidding at such Auction, shall be again put up to Sale, and sold in Manner and upon the Conditions aforesaid, for the best Price or Prices that can be had or gotten for the same; or shall and may, at any Time after such Auction, and Forfeiture of such Deposit Money as aforesaid, be sold by the said Commissioners by Private Contract; and the said Commissioners are hereby authorized and empowered to bargain, sell, convey, and assure all such Part or Parts of such Allotment or Allotments so sold as aforesaid in Fee Simple, to any Person or Persons who shall be the highest Bidder or Bidders for the same, to the Purchaser or Purchasers thereof, by Indenture of Bargain and Sale, to be enrolled in the High Court of Chancery, or by some other Deed or Instrument in Writing, under the Hands and Seals of the said Commissioners; and the Money arising from such Sale shall be paid to the said Commissioners to enable them to defray such last-mentioned Costs, Charges, and Expences; and such Purchaser or Purchasers shall not be liable to see to the Application, or be answerable for the Misapplication of such Purchase Money, or of any Part thereof; and the Receipts of the said Commissioners shall be a full and ample Discharge to such Purchaser or Purchasers for the Whole, or for so much of the Purchase Money as in such Receipts respectively shall be acknowledged to be received: Provided always, that it shall not be lawful for the said Commissioners to raise in the Whole, by any such Sale, any further or greater Sum of Money than the Person or Persons (Part of whose Allotment or Allotments shall be sold and disposed of as aforesaid) would have been empowered and authorized to borrow upon, or to charge his, her, or their Estate or Estates with, under or by virtue of this or the first-recited Act.

Deduction of Allotments in lieu of and equivalent to the Expences.

LII. And be it further enacted, That it shall be lawful for the said Commissioners, where they shall deem it expedient, to deduct from any Allotment or Allotments to be set out by virtue of this Act, so much Land as, in the Judgment of the said Commissioners, shall be equivalent to the Part or Proportion of the Expences of obtaining and executing this Act, which ought to be paid in respect of such Allotment or Allotments, and also of the Expences of inclosing, hedging, ditching, and fencing such Allotment or Allotments; and that the Land so deducted shall be allotted to or amongst the Proprietor or Proprietors who shall pay such Expences,

in Proportion to the Sums they ſhall ſo reſpectively pay or contribute thereto: Provided always, that no ſuch Deduction ſhall be made by the ſaid Commiſſioners, without the previous Conſent of the Proprietors or Perſons who ſhall be ſeiſed of or entitled in Poſſeſſion to at leaſt ſome Eſtate of Freehold, for a Life or Lives, or as a Leſſee or Leſſees under ſome beneficial Leaſe or Leaſes for a Term of Years either abſolute or determinable on a Life or Lives, in or to ſuch Allotment or Allotments, and of the Body or Bodies Politic, Corporate or Collegiate, entitled to the Reverſion or Remainder of or in ſuch Allotment or Allotments; ſuch Conſent to be ſignified under the Hands and Seals of ſuch Proprietors or Perſons reſpectively, or of the Huſbands, Guardians, Truſtees, Committees or Attornies, of ſuch of them as ſhall be Femes Covert, Infants, Lunatics, beyond the Seas, or under any other legal Diſability or Incapacity of acting for themſelves, and under the Common Seal of ſuch Body or Bodies Politic, or Corporate or Collegiate, reſpectively: Provided always, that the Deduction to be made from ſuch Allotment or Allotments as aforeſaid ſhall not exceed in Value in the Whole the Sums of Money that the Perſon or Perſons, from whoſe Allotment or Allotments ſuch Deduction ſhall have been made as aforeſaid, would have been empowered or authorized to borrow or charge upon his, her, or their Allotment or Allotments, by virtue of the firſt-recited Act or of this Act.

Reſtriction from deducting and borrowing alſo, unleſs the Land deducted be leſs than 5 l. an Acre.

LIII. 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 firſt-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 firſt-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, 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 firſt-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.

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

LIV. And whereas the Rector, Vicar, or other Incumbent of ſome other Eccleſiaſtical Living beſides the ſaid Rectory and Vicarage of *Hockwold-cum-Wilton*, may be entitled, in right of ſuch Eccleſiaſtical Living to certain Meſſuages or Lands ſituate and lying within the ſaid Townſhip of *Hockwold-cum-Wilton*, and it may be neceſſary or expedient to enable ſuch Rector, Vicar, or other Incumbent, to defray the Coſts, Charges, and Expences which he ſhall incur or be put unto in reſpect of ſuch Meſſuages or Lands, under or in conſequence of the Proviſions of this Act, be it therefore enacted, That it ſhall be lawful for every Rector, Vicar, or other Incumbent for the Time being of any Eccleſiaſtical Living (except the Incumbent of the ſaid Pariſhes of *Hockwold* and *Wilton*) who ſhall be entitled

entitled, in right of ſuch Eccleſiaſtical Living, to any Meſſuages or Land within the ſaid Townſhip of *Hockwold-cum-Wilton*, and he is hereby authorized and empowered, by and with the Conſent of the ſaid Commiſſioners, to be ſignified in Writing under their Hands, to borrow and take up at Intereſt, in the Manner herein-after mentioned, any Sum or Sums of Money not exceeding in the Whole the Sum of Five Pounds *per* Acre, for every Acre of Land which ſhall be allotted to ſuch Rector, Vicar, or other Incumbent, in reſpect of ſuch Eccleſiaſtical Living, by virtue of this Act, for the Purpoſe of defraying ſuch Coſts, Charges, and Expences as aforeſaid; and, as a Security for the Money ſo to be borrowed, to mortgage ſuch of the Lands belonging to ſuch Eccleſiaſtical Living as are lying within the ſaid Townſhip of *Hockwold-cum-Wilton*, or ſo much thereof as may be neceſſary, to the Perſon or Perſons who ſhall advance the ſame Money; and by One or more Deed or Deeds to demiſe the ſame Lands to ſuch Perſon or Perſons, his Executors, Adminiſtrators or Aſſigns, for the Term of Twenty-five Years, or until the Money ſo to be borrowed, with all Intereſt for the ſame, and all the Coſts, Charges, and Expences which may attend the Recovery thereof, ſhall be fully paid and ſatisfied: Provided always, that every Rector, Vicar, or other Incumbent of ſuch Eccleſiaſtical Living for the Time being, ſhall pay and he is hereby required to pay the Intereſt ariſing upon every ſuch Mortgage yearly, as the ſame ſhall become due, or within One Calendar Month afterwards, and alſo Five Pounds *per Centum* of the Principal Money ſo to be borrowed, by yearly Payments; ſuch Payments to be reſpectively made at the ſame Time when ſuch Intereſt ſhall be paid, until the whole Principal Money and the Intereſt thereof ſhall be fully paid and diſcharged.

Recovery of Intereſt on the laſt mentioned Mortgages when in arrear.

LV. And be it further enacted, That if any Part of ſuch Principal Monies, or of the Intereſt thereof, ſhall at any Time be in arrear and unpaid for the Space of One Calendar Month after the ſame ſhall have become due, it ſhall be lawful for ſuch Mortgagee, his Executors, Adminiſtrators or Aſſigns, to recover the ſame, together with all the Coſts, Charges, and Expences attending the Recovery thereof, by Diſtreſs and Sale, in ſuch Manner as Rents in arrear may be recovered by Landlords from their Tenants by any Law or Laws in being at the Time ſuch Principal and Intereſt ſhall be in arrear: Provided alſo, that no future Incumbent of any ſuch Eccleſiaſtical Living ſhall be liable to pay any further or larger Arrear of Intereſt or Inſtalment of Principal Money, in reſpect of any ſuch laſt-mentioned Mortgage, than ſhall be due and payable for Thirteen Calendar Months preceding the Time when he ſhall have ſucceeded to ſuch Eccleſiaſtical Living.

Payment of the Principal Money in certain Caſes.

LVI. And be it further enacted, That in caſe of any Avoidance of any ſuch Eccleſiaſtical Living, either by Death or otherwiſe, the Intereſt and Inſtalment of the Principal Money herein-before directed to be paid ſhall, for the Year in which ſuch Death or Avoidance ſhall happen, be borne and paid by and between the Incumbent who ſhall ſucceed to ſuch Living, and the Incumbent avoiding ſuch Living, or his Repreſentatives, in Proportion to the Profits which ſhall be received by them reſpectively of ſuch Living for the Year in which ſuch Death or Avoidance ſhall happen.

Surrender of Copyhold Lands on Mortgage.

LVII. Provided always, and be it further enacted, That when and ſo often as it ſhall become neceſſary to charge any Copyhold Lands or Grounds with or for any Sum or Sums of Money by way of Mortgage under the Power and Authority of this Act, then and in every ſuch Caſe ſuch Copyhold Lands or Grounds ſhall be ſurrendered to the Uſe of the Perſon or Perſons who ſhall advance ſuch Sum or Sums of Money, his, her, or their Heirs, by way of Mortgage, for ſuch Sum or Sums of Money, and of Intereſt for the ſame, inſtead of being demiſed to ſuch Perſon or Perſons, his, her, or their Executors, Adminiſtrators or Aſſigns, for a Term of Years as herein-before is mentioned.

Allowance to Commiſſioners.

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

Proprietors to pay their own Expences at Meetings.

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

Money advanced to be repaid with Intereſt.

LX. And be it further enacted, That if any of the Proprietors or Perſons intereſted in the Lands or Grounds by this Act directed to be divided and allotted, or any other Perſon or Perſons whomſoever, ſhall advance any Money in diſcharge of the Fees or other Expences of obtaining this Act, or of executing the ſame or the firſt-recited Act, the Money which ſhall be ſo advanced, together with lawful Intereſt for the ſame, ſhall be repaid by the ſaid Commiſſioners out of the firſt Monies which ſhall come to their Hands under or by virtue of this Act.

Paſſing of Commiſſioners Accounts.

LXI. And be it further enacted, That once at leaſt in every Year during the Execution of this Act, and until the Commiſſioners Accounts herein-after mentioned ſhall be finally allowed, (ſuch Year to be computed from the paſſing of this Act,) the ſaid Commiſſioners ſhall make, and they are hereby required to make, a true and juſt Statement or Account of all Monies by them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act; and that ſuch Statement or Account when made, together with the Vouchers relating to the ſame, ſhall be laid before *Samuel Heyhoe le Neve Gilman* of *Hingham*, in the ſaid County of *Norfolk*, Gentleman, or in caſe of his Death or Incapacity or Refuſal to act, before ſome Juſtice of the Peace for the ſaid County of *Norfolk*, not intereſted in the ſaid Diviſion and Incloſure, to be by the ſaid *Samuel Heyhoe le Neve Gilman*, or by ſuch Juſtice, (as the Caſe may be,) examined and balanced; and ſuch Balance ſhall be ſtated by the ſaid *Samuel Heyhoe le Neve Gilman*, or by ſuch Juſtice, (as the Caſe may be,) in the Books of Accounts to be kept in the Office of the Clerk of

the ſaid Commiſſioners; and that no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall have been duly allowed by the ſaid *Samuel Heyhoe le Neve Gilman*, or in caſe of his Death, or Incapacity or Refuſal to act, by ſuch Juſtice as aforeſaid.

Copy of Award to be delivered to the Clerk of the Peace.

LXII. And be it further enacted, That within Twelve Calendar Months next after the Execution of the Award of the ſaid Commiſſioners, a true Copy of the ſaid Award, written upon Parchment, and ſigned and atteſted by the ſaid Commiſſioners to be a true Copy of the ſame, together with a proper Map or Plan thereto annexed, ſhall be delivered to the Clerk of the Peace for the ſaid County of *Norfolk*, who is hereby required to receive and depoſit the ſame among the Records of the ſaid County, in order that Recourſe may be had thereto by any Perſon or Perſons intereſted in the Premiſes; and that for the Receipt and Depoſit of the ſaid Copy, the Fee of Five Pounds Five Shillings, and no more, ſhall be paid to the ſaid Clerk of the Peace; and that for each Inſpection and Peruſal thereof by any Perſon, the Sum of Two Shillings and Sixpence ſhall be paid to the ſaid Clerk of the Peace, and no more; and that the ſaid Award ſhall, after the Delivery of the ſaid Copy of the ſame to the ſaid Clerk of the Peace, be deemed and taken to be enrolled according to the Directions and within the Conſtruction and Meaning of the firſt-recited Act; and that the original Award itſelf ſhall be depoſited in one of the Churches in the Townſhip of *Hockwold-cum-Wilton* aforeſaid; and that the ſaid original Award, and the ſaid Copy of the ſame, or any other Copy of the ſaid original Award, or of any Part thereof, or any Copy of the ſaid depoſited Copy, or of any Part thereof, ſigned by the Clerk of the Peace for the Time being for the ſaid County, or his Deputy, or by the ſaid Commiſſioners, and atteſted by him or them to be a true Copy, ſhall from Time to Time, and at all Times thereafter, be received, and be admitted and allowed as legal Evidence of the Matters and Things therein contained, in all Courts whatſoever; and that for each ſuch Copy no more than Sixpence *per* Sheet, each Sheet containing Seventy-two Words, ſhall be paid; and that all Rights of Common, Shackage, Sheepwalk or Foldcourſe, and all other Commonable Rights, and other Rights and Intereſt whatſoever, in, upon, or over the Lands or Grounds by this Act directed to be divided, allotted and incloſed, or any Part thereof, ſhall, from and immediately after the Execution of the ſaid Award, unleſs ſooner extinguiſhed by the previous Order of the ſaid Commiſſioners as herein-before is provided in that Behalf, ceaſe, determine, and be utterly void, and for ever extinguiſhed; and that the ſame Lands and Grounds ſhall for ever thereafter be held and enjoyed by the reſpective Owners and Proprietors of the ſame, freed and abſolutely diſcharged from all Rights of Common, Shackage, Sheepwalk, Foldcourſe, and all other Rights and Intereſts whatſoever, compenſated for or intended to be concluded by virtue of this Act.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXIII. 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 in purſuance of this or the firſt-recited Act, (other than and except as to ſuch Claims, Matters and Things, as are herein-before authorized or directed to be aſcertained, tried,

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

Banks, &c. of the Bedford Level Corporation not to be taken as any Part of the Commons and Waſte Grounds to be incloſed.

LXIV. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to authorize and empower the ſaid Commiſſioners to allot, ſet out or divide, any Part or Parts of the Banks now veſted in, poſſeſſed by, belonging to, or under the Care or Authority of the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens called *Bedford Level*, or of the Governor, Bailiffs, and Conſervators of the ſaid Corporation, or any Part or Parts of the front or back Forelands of ſuch Banks, adjoining or laying open to the ſaid Commons and Waſte Grounds, or any Part or Parts thereof, or to intermeddle with or make any Order relating thereto; but that the ſaid Banks, and the front and back Forelands thereof, ſhall be deemed and taken as not being any Part or Parts of the ſaid Commons and Waſte Grounds, and ſhall remain and continue in the ſaid Governor, Bailiffs and Commonalty, and in the ſaid Governor, Bailiffs and Conſervators, in the ſame Manner, and ſubject to the ſame Rights, as if this Act had not been paſſed.

Saving the Rights of the Bedford Level Corporation.

LXV. Provided always, and be it further enacted, That nothing in this or the ſaid firſt-recited Act contained ſhall extend or be conſtrued to extend to relieve, exonerate, or diſcharge any Part or Parcel of the Lands or Grounds, containing Ninety-five thouſand Acres, called *The Adventurers*

Adventurers Lands, from Payment of all or any of the Taxes to which the ſaid Ninety-five thouſand Acres of Adventurers Land, or any Part or Parcel thereof, are now ſubject or liable, or to which they may hereafter become ſubject or liable, by virtue of an Act of Parliament paſſed in the Fifteenth Year of the Reign of His late Majeſty King *Charles* the Second, intituled *An Act for ſettling the Draining of the Great Level of the Fens called* Bedford Level, or of an Act paſſed in the Twentieth Year of the Reign of His ſaid late Majeſty King *Charles* the Second, intituled *An Act for taxing and aſſeſſing of the Lands of the Adventurers within the Great Level of the Fens;* but that all and every Part and Parcel of the ſaid Ninety-five thouſand Acres of Adventurers Lands ſhall for ever hereafter remain ſubject and liable to all ſuch Taxes, and Powers of taxing, impoſing, charging and aſſeſſing the ſame, and of levying and recovering of ſuch Taxes, as are now by virtue of the ſaid Two laſt-mentioned Acts, or otherwiſe, veſted in the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens called *Bedford Level*, or in the Governor, Bailiffs, and Conſervators of the ſaid Corporation; and that nothing in this or the ſaid firſt-recited Act contained ſhall extend or be conſtrued to extend to empower the ſaid Commiſſioners, or any of them, or any other Perſon or Perſons whomſoever, to have, uſe, or exerciſe any Power or Authority over, or to alter, obſtruct, or intermeddle with any of the Sluices, Tunnels, Bridges, or other Works, or with the Rivers, Sewers, Drains, Wears, Dikes, or the Banks, or the front or back Forelands thereof, that now are or hereafter ſhall be veſted in, poſſeſſed by, belonging to, or under the Care or Authority of the ſaid Governor, Bailiffs and Commonalty, or in the ſaid Governor, Bailiffs, and Conſervators of the ſaid Corporation, or to invalidate, leſſen or diminiſh, alter or take away, any of the Rights, Powers, and Authorities veſted in the ſaid Governor, Bailiffs and Commonalty, or in the ſaid Governor, Bailiffs and Conſervators, by the ſaid laſt-mentioned Acts of the Fifteenth and Twentieth Years of the Reign of His ſaid late Majeſty King *Charles* the Second, or by virtue of any other Act, Statute, or Charter Law of Sewers, or otherwiſe howſoever; but that all Rights, Powers and Authorities, which are now veſted in the ſaid Governor, Bailiffs and Commonalty, or in the ſaid Governor, Bailiffs and Conſervators, or in every or any of them, ſhall for ever hereafter remain, continue, and be in the ſaid Governor, Bailiffs and Commonalty, and in the ſaid Governor, Bailiffs and Conſervators, and every of them, as fully and amply to all Intents and Purpoſes as if this Act had not been paſſed.

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

Act to be printed by the King's Printers.

LXVII. 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 that 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.