ANNO QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. 19.

An Act for incloſing Lands in the Pariſh of *Irſtead* in the County of *Norfolk*. [9th *April* 1807.]

Lords of Manors.

Patron and Rector.

Proprietors.

Act 41 G. 3. reſpecting Incloſures.

Advantage to incloſe.

WHEREAS there are within the Pariſh of *Irſtead*, in the County of *Norfolk*, certain Commons, Fens, and Waſte Grounds: And whereas the Right Reverend *Henry* Lord Biſhop of *Norwich* is Lord of the Manor of *Neatiſhead with Irſtead*, and *Leonard Horner* Gentleman, is Lord of the Manor of *Irſtead*; and the ſaid Lord Biſhop of *Norwich* and *Leonard Horner* are or claim, or one of them is or claimeth to be entitled to the Soil of the ſaid Commons, Fens, and Waſte Grounds: And whereas the ſaid Lord Biſhop of *Norwich* is Patron of the Vicarage of *Barton Turfe* with the Rectory of *Irſtead* annexed; of which the Reverend *William Gunn* Clerk, is the preſent Vicar and Rector: And whereas the ſaid *Leonard Horner*, *John Joy* Gentleman, and other Perſons, are the Owners of all the Meſſuages, Cottages, Lands, and Tenements, within the ſaid Pariſh of *Irſtead*: And whereas an Act was made in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the ſaid Commons, Fens, and Waſte Grounds, in their preſent State and Condition, yield very little Profit, and it would be greatly

greatly advantageous to the ſeveral Perſons intereſted, if the Rights of Common in, over, and upon the ſaid Commons, Fens, and Waſte Grounds, were extinguiſhed, and if the ſaid Commons, Fens, and Waſte Grounds, were divided, and ſpecific Parts or Shares thereof allotted to the ſeveral Perſons intereſted therein, according to their reſpective Rights and Intereſts in, over, or upon the ſame; but as theſe Objects cannot be obtained 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 aſ-

Commiſſioners appointed.

ſembled, and by the Authority of the ſame, That *William Unthank*, of the Hamlet of *Heigham*, in the County of the City of *Norwich*, *Joſeph Scwell*, of *Catton*, in the County of *Norfolk*, and *John Futter*, of *Ketteringham*, in the ſaid County of *Norfolk*, Gentlemen, and their Succeſſors to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Commons, Fens, and Waſte Grounds, and for carrying this Act into Execution; and they are hereby authorized and directed to aſſign, ſet out, and allot the ſaid Commons, Fens, and Waſte Grounds, and to carry this Act and the ſaid recited Act into Execution (ſave and except ſuch Parts of the ſaid recited Act as are hereby altered or varied); and all Acts, Matters, and Things, authorized or neceſſary to be done and executed by the ſaid Commiſſioners in purſuance of the ſaid recited Act and of this Act, may be done and executed by any Two of them, and the ſame ſhall be as good, valid, and effectual, and ſhall have the ſame force and effect as if ſuch Acts, Matters, and Things, had been done and executed by all the Commiſſioners herein named, or to be appointed in Manner herein-after mentioned.

For appointing new Commiſſioners.

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

Notice of Commiſſioners Meetings.

III. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to cauſe Notice of the Time and Place of their Firſt and every other Meeting for the Execution of this Act to be inſerted in ſome Newſpaper publiſhed in the City of *Norwich*, Eight Days at leaſt before every ſuch Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the ſaid Commiſſioners, it ſhall happen that no more than One of the ſaid Commiſſioners ſhall attend

tend, such Commissioner may adjourn such Meeting to such Time and Place within the said Parish of *Irstead*, or within Eight Miles thereof, as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioners. One Commissioner may adjourn.

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners in pursuance of the said recited Act or of this Act, shall be so made and given by Advertisement in some Newspaper published in the said City of *Norwich*. Other Notices how to be given.

V. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past, have been made upon the Commons, Fens, and Waste Grounds, to be divided, allotted, and inclosed, by virtue of this Act, shall be and be deemed to be Part of the said Commons, Fens, and Waste Grounds, and shall be divided and allotted accordingly by the said Commissioners; and in case any Dispute shall arise touching any such Encroachments, or the Extent thereof, every such Dispute shall be determined by the said Commissioners. Encroachments made within Twenty Years, to be deemed Part of the Lands to be inclosed.

VI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested in the said intended Division, Allotments, and Inclosure, touching or concerning the Right to the Soil of the said Commons, Fens, and Waste Grounds, or any Part or Parts thereof, or touching or concerning any other Rights, Interests, Shares, and Proportions, which they or any of them shall have, or claim to have, of and in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever. Commissioners to settle Differences. Commissioners not to determine Titles.

VII. And be it further enacted, That in case the said Commissioners shall, upon the Hearing or Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said recited Act or of this Act, or upon the Hearing or Determination of any Dispute or Difference as aforesaid, see Cause to award any Costs, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour such Determination of the said Commissioners shall be made, by the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled, or against whom the said Commissioners shall have made any Determination as aforesaid; and in case any Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed Commissioners to assess Costs.

to

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 Politick, Corporate, or Collegiate, ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons, or Body or Bodies Politick, Corporate, or Collegiate, whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Objections to Claims to be delivered to Perſons whoſe Claims ſhall be objected to.

VIII. Provided always, and be it further enacted, That the Objections to the Accounts or Claims by the ſaid recited Act directed to be delivered to the ſaid Commiſſioners, as therein mentioned, ſhall alſo be delivered to ſuch Perſon or Perſons whoſe Account or Accounts, Claim or Claims, ſhall be ſo objected to, in ſuch Manner, and at ſuch Time or Times as the ſaid Commiſſioners ſhall direct or appoint for that Purpoſe.

Power allowing Parties to try their Rights by an Iſſue at Law.

IX. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, or Body or Bodies Politick, Corporate, or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotments, and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners touching or concerning the Right to the Soil of the Commons, Fens, and Waſte Grounds, hereby directed to be divided and allotted, or any Part thereof, or touching or concerning any Claim or Claims of any Right of Common, or of any other Right or Intereſt in, over, or upon the ſaid Commons, Fens, and Waſte Grounds, or any Part thereof, it ſhall and may be lawful to and for ſuch Perſon or Perſons, or Body or Bodies Politick, Corporate, or Collegiate, ſo diſſatisfied, to proceed to a Trial at Law of the Matters ſo determined by the ſaid Commiſſioners at the then next or at the following Aſſizes to be holden for the ſaid County of *Norfolk*, and for that Purpoſe the Perſon or Perſons, or Body or Bodies Politick, Corporate, or Collegiate, who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners, ſhall cauſe an Action to be brought upon a feigned Iſſue, againſt the Perſon or Perſons, or Body or Bodies Politick, Corporate, or Collegiate, in whoſe Favour ſuch Determination ſhall have been made, within Two Calendar Months after ſuch Determination of the ſaid Commiſſioners; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, and they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, or file common Bail, and accept one or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on, may be tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced in caſe the Parties ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given upon the Trial of ſuch Action or Actions ſhall be binding, final, and concluſive upon all and every Perſon and Perſons, and Body and Bodies Politick, Corporate, or Collegiate, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do in caſe the ſaid Court ſhall think proper; and it ſhall alſo be lawful for the Court, upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Iſſue, as is uſual in other Caſes; and that after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the ſaid Court, the ſaid Commiſſioners ſhall, and they are hereby required, to act in Conformity thereto,

thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching such Claim or Claims of Right to the Soil of the said Commons, Fens, and Waste Grounds, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or of any Part thereof, which shall not be objected to within the Time aforesaid, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in within the Time and in Manner aforesaid, shall be final and conclusive upon all Parties.

Determination of Commissioners to be final if not objected to, or no Action brought.

X. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by Reason thereof, but shall be proceeded in as if no such Event had happened.

If any of the Parties die, Proceedings not to abate.

XI. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, to any Messuages, Lands, or Tenements, in the said Parish of *Irstead*, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by the said recited Act and this Act, but the said Division and Allotments shall be proceeded in notwithstanding such Suit or Suits; and the Allotment or Allotments to which such Suit or Suits shall relate, may be had and taken by the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, who, upon the Determination of such Suit or Suits, shall become entitled to the same.

Disputes about Titles not to impede the Proceedings or the Execution of this Act.

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

No Reed, Turf, Flags, &c. to be cut without Leave of the Commissioners.

For extinguiſhing or ſuſpending Rights of Common before the Award.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered, at any Time or Times before the Execution of their Award, by Notice in Writing under their Hands to be affixed upon the Principal Door of the Pariſh Church of *Irſtead* aforeſaid, to order and direct all or any Rights of Common, or other Commonable Rights whatſoever, in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to be extinguiſhed, or the Exerciſe thereof to be ſuſpended, for and during ſuch Time or Times as ſhall be expreſſed in ſuch Notice; and that all ſuch Rights as the ſaid Commiſſioners ſhall by ſuch Notice order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall from the Time of affixing ſuch Notice on the ſaid Church Door, ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof ſhall be ſuſpended accordingly; any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

Commiſſioners may ſtop up old Roads.

XIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered (with the Concurrence and Order of Two Juſtices of the Peace for the ſaid County of *Norfolk*, acting in and for the Diviſion in which the Road or Roads, Footpath or Footpaths herein-after mentioned, ſhall be ſituate, and not intereſted in the Repair of ſuch Road or Roads, Footpath or Footpaths) to ſtop up, and to direct to be diſcontinued, any publick Road or Roads, Footpath or Footpaths, through any Part or Parts of the Lands and Grounds in the ſaid Pariſh of *Irſtead*, which to the ſaid Commiſſioners ſhall appear uſeleſs or unneceſſary: Provided always, that ſuch Order ſo to be made ſhall be ſubject to an Appeal to the Quarter Seſſions, in the like Manner, and under the ſame Forms and Reſtrictions, as if the ſame had been originally made by ſuch Juſtices as aforeſaid: Provided alſo, that none of the preſent Roads or publick Highways within the ſaid Pariſh of *Irſtead* ſhall be ſhut up or diſcontinued until the ſeveral Roads intended to be and remain publick Highways within the ſame Pariſh ſhall be ſet out, according to the Directions of the ſaid recited Act, and until the ſame ſhall be properly formed, and made ſafe and convenient for Horſes, Cattle, and Carriages.

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

Allotment for Right of Soil.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall (after they have ſet out and appointed the publick Carriage Roads and Highways through, over, and upon the Commons, Fens, and Waſte Grounds, within the ſaid Pariſh of *Irſtead*) aſſign, ſet out, and allot unto and for the Lord or Lords of the ſaid Manors herein-before mentioned, or either of them, or any other Perſon or Perſons, being Owner or Owners of or entitled to the Soil of the ſaid Commons, Fens, and Waſte Grounds, ſo much and ſuch Part or Parts of the ſaid Commons, Fens, and Waſte Grounds, hereby directed to be divided and allotted, as in the Judgement of the ſaid Commiſſioners ſhall be equal in Value to One Sixteenth Part of the ſaid Commons, Fens, and Waſte Grounds; and ſuch Allotment or Allotments ſhall be a full Recompence and Compenſation for the Right of ſuch Lord or Lords, or of ſuch other Perſon or Perſons reſpectively, in and to the Soil of the ſaid Commons, Fens, and Waſte Grounds.

Allotment for the Poor.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall in the next Place aſſign, ſet out, and allot unto the Lords of the ſaid Manors, herein-

herein-before mentioned, the Rector of the said Rectory of *Irstead*, and the Churchwardens and Overseers of the Poor of the said Parish of *Irstead* for the Time being, One Twentieth Part of the Average Value of the said Commons, Fens, and Waste Grounds, to be set out on that Part of the said Waste Grounds called *The Holmes*, and the same Allotment or Allotments shall, on the Execution of the Award of the said Commissioners, be vested in the Lords or Ladies of the said Manors herein-before mentioned, the Rector of the said Rectory of *Irstead*, and the Churchwardens and Overseers of the Poor of the said Parish of *Irstead* for the Time being, for ever, as Trustees for the Poor of the said Parish; and such Allotment or Allotments shall be held, used, and appropriated by the said Trustees for the Purposes of cutting Fuel and Fodder, which Fuel and Fodder shall be distributed amongst the poor Inhabitants of the said Parish of *Irstead* who shall not occupy Lands or Tenements of more than the Yearly Value of Ten Pounds, in such Shares and Proportions, at such Times in every Year, and according to such Rules and Directions, as shall from Time to Time be made and prescribed by the said Trustees for the Time being, or the major Part of them, for that Purpose, and not otherwise: Provided always, that it shall and may be lawful to and for the Lord or Lords, Lady or Ladies of the said Manors, and the Rector of the said Rectory for the Time being respectively, to act in the Execution of the Trusts hereby reposed in them by their respective Agents or Proxies, such respective Agents or Proxies being Inhabitants of the said Parish of *Irstead*, and appointed by Writing under the respective Hands of such Lord or Lords, Lady or Ladies of the said Manors, and the said Rector for the Time being, and producing their respective Appointments at the Time of their respectively acting by virtue thereof.

Lords of the Manors, and Rector, to act by Proxy.

XVII. And be it further enacted, That the said Commissioners shall then assign, set out, and allot the Residue and Remainder of the said Commons, Fens, and Waste Grounds, hereby directed to be divided, allotted, and inclosed, unto and amongst all and every Person and Persons, Body and Bodies Politick, Corporate or Collegiate, having any Right or Rights of Common, or other Rights or Interests in, over, or upon the same, or any Part or Parts thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionate to the Value of, and a full Satisfaction and Compensation to him, her, or them respectively, for his, her, and their respective Rights of Common, or other Rights or Interests in, over, or upon the said Commons, Fens, and Waste Grounds, or any Part or Parts thereof.

Allotment of the Residue.

XVIII. Provided always, and be it further enacted, That if any Person or Persons (save and except the said Rector and his Successors, in respect of the said Rectory) hath or have sold, or contracted or agreed to sell, or shall at any Time before the Execution of the Award of the said Commissioners directed to be made by the said recited Act sell, or contract or agree to sell his, her, or their Right, Interest, and Property in, over, or upon the said Commons, Fens, and Waste Grounds, to any other Person or Persons, then and in every such Case it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, Contract or Agreement, or to his or her Heirs or Assigns, for or in respect of such Right, Interest, and Property so sold, or contracted or agreed to be sold

In case any Person (except the Rector) shall sell his Common Right, the Allotment to be made to the Purchaser.

ſold as aforeſaid; and every ſuch Vendee or Purchaſer, or his or her Heirs or Aſſigns, ſhall and may, from and after the Execution of the ſaid Award, hold and enjoy the Lands ſo to be allotted to him, her, or them as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor in every ſuch Sale, Contract, or Agreement might, could, or ought to have held and enjoyed the ſame, in caſe ſuch Sale, Contract, or Agreement, had not been made, or ſuch Right, Intereſt, or Property, had been veſted in ſuch Vendor at the Time of making ſuch Allotment as aforeſaid.

For fencing Allotments.

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

For leaving Gaps.

For allowing Exchanges to be made.

XX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to ſet out, allot, and award any Lands, Tenements, or Hereditaments whatſoever, within the ſaid Pariſh of *Irſtead*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments whatſoever, within the ſaid Pariſh, or within any adjoining Pariſh, Hamlet, Townſhip, or Place, provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments, which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges, ſhall be reſpectively Infants, Femes Covert, Lunaticks, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf (ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politick, Corporate, or Collegiate, and under the Hands of the other conſenting Parties reſpectively); and all and every ſuch Exchange and Exchanges ſo made ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever:

whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid, of the Lord Biſhop of the Dioceſe, and the Patron of the Living in which ſuch Lands, Tenements, or Hereditaments, ſo to be exchanged, ſhall lie or be ſituate: Provided alſo, that all Coſts, Charges, and Expences, attending the making of any Exchanges and Partitions, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Manner, and in ſuch Proportion, as the ſaid Commiſſioners ſhall by their ſaid Award order and direct.

Tenants to give up exchanged Lands, on having Satisfaction.

XXI. And be it further enacted, That every Tenant and Occupier under any Leaſe or Agreement for any Term of Years at Rack or extended Rent, now ſubſiſting, of any old Incloſures, which ſhall be exchanged by virtue of this Act, ſhall, immediately after the ſigning of the Award of the ſaid Commiſſioners, or within ſuch further Time as the ſaid Commiſſioners ſhall appoint, and whereof Notice in Writing ſhall be given for that Purpoſe, deliver up the full and peaceable Poſſeſſion of ſuch exchanged Lands to the Perſon or Perſons to or with whom the ſame ſhall be reſpectively exchanged; but the Tenants or Occupiers of ſuch exchanged Lands ſhall receive from the reſpective Owners and Proprietors thereof ſuch Satisfaction as the ſaid Commiſſioners ſhall aſcertain, order, direct, or appoint to be paid to ſuch Tenants reſpectively, as an Equivalent for the Loſs or Loſſes they ſhall reſpectively ſuſtain thereby; and if the Money, ſo to be aſcertained 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 and may be lawful to and for the ſaid Commiſſioners, and they are hereby required, to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act can or may be raiſed and levied.

Leaſes void as to Allotments of Common.

XXII. And be it further enacted, That all Leaſes and Agreements for Leaſes at Rack or extended Rent, now ſubſiſting, of any Meſſuages, Lands, or Tenements, within the ſaid Pariſh of *Irſtead*, ſhall, as far as ſuch Leaſes or Agreements affect or concern any Allotment or Allotments to be made of any Part of the ſaid Commons, Fens, and Waſte Grounds, in reſpect of any ſuch Meſſuages, Lands, or Tenements, comprized in ſuch Leaſes or Agreements, be and the ſame is and are hereby declared to be null and void as to ſuch Allotment and Allotments, and ſuch Allotment or Allotments ſhall be made and aſſigned unto the Landlord or Landlords, and not to the Tenant or Tenants, Leſſee or Leſſees, and ſuch Allotment and Allotments ſhall be freed and diſcharged from all Right and Intereſt which may or otherwiſe might be claimed in or to the ſame by virtue of ſuch Leaſes or Agreements; and the Perſon or Perſons to whom the Meſſuages, Lands, or Tenements, comprized in ſuch Leaſes or Agreements ſhall belong, as Landlord or Landlords, ſhall make ſuch Compenſation to the Perſon or Perſons entitled to the ſame under ſuch Leaſes or Agreements, as the ſaid Commiſſioners ſhall, by Writing under their Hands direct, for the Right of Common, or any other Rights or Intereſts in, over, or upon the ſaid Commons, Fens, or Waſte Grounds, or any Part thereof, appendant or appurtenant to ſuch Meſſuages, Lands, or Tenements, and which ſhall be extinguiſhed by this Act; and if any

Perſon or Perſons ſhall refuſe or neglect, to make any ſuch Compenſation to the Perſon or Perſons entitled thereto on Demand, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required, to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed and levied.

Allotments ſhall be of the ſame Tenure as Lands for which they are allotted.

XXIII. And be it further enacted, That all the Lands and Grounds which ſhall be allotted by virtue of this Act to any Perſon or Perſons, for or in reſpect of any Meſſuages, Cottages, Lands, or Grounds, holden of any Manor or Manors by Copy of Court Roll, or for or in reſpect of any Leaſehold Meſſuages, Lands, or Tenements, or for or in reſpect of any Right of Common, or any other Right or Intereſt appendant or appurtenant to any ſuch Copyhold or Leaſehold Premiſes, ſhall, from and after the Execution of the ſaid Award, be deemed and taken to be Copyhold or Leaſehold reſpectively, according to the Tenure of the Lands for or in reſpect of which they were allotted, and ſhall be held accordingly by and under the ſame Tenures, Rents, Payments, Fines, Cuſtoms, and Services, as the Copyhold or Leaſehold Meſſuages, Cottages, Lands, or Tenements reſpectively, for or in reſpect whereof any ſuch Allotment ſhall be made are now holden; and that all and every Perſon or Perſons to whom ſuch Copyhold Lands and Premiſes ſhall be allotted as aforeſaid, ſhall, within Six Calendar Months next after the Execution of the ſaid Award, be admitted Tenant or Tenants to the ſame, without paying any Fine or other Charges to the Lord or Lords, Lady or Ladies, or to the Steward or Stewards of the ſaid Manor or Manors (ſave and except for the Stamp Duties, and Parchment requiſite to be uſed for the Copies of ſuch Admiſſions reſpectively, and ſuch reaſonable Fees to the Steward or Stewards of the ſaid Manor or Manors, as the ſaid Commiſſioners ſhall by their ſaid Award order and direct); but in caſe any Perſon or Perſons to or with whom ſuch Lands and Premiſes ſhall be allotted, ſhall die without Admiſſion within the ſaid Six Calendar Months, then the Cuſtomary Fine or Fines, and other Payments ſhall be due and payable on the Admittance of the Perſon or Perſons entitled to ſuch Lands and Premiſes; and after every ſuch firſt Admittance, the Copyhold Lands and Premiſes ſo to be allotted as aforeſaid, ſhall at all Times thereafter be held under and ſubject to the ſame Tenure, Fines, and other Payments, as the preſent Copyhold Meſſuages, Cottages, Lands, or Tenements, in reſpect whereof ſuch Lands and Premiſes ſhall be allotted are now held under and ſubject to; and the ſaid Commiſſioners ſhall by their ſaid Award determine, deſcribe, and abut the Lands and Grounds reſpectively which are to be and remain Copyhold or Leaſehold, and all other Lands and Grounds to be allotted by virtue of this Act (ſave and except ſuch as ſhall be ſo aſcertained by the ſaid Commiſſioners to be Copyhold or Leaſehold) ſhall thenceforth be deemed, taken, and enjoyed as Freehold Lands and Grounds, ſubject nevertheleſs to ſuch Free Rents and Services as are now payable out of the reſpective Lands, Tenements, or Hereditaments, for or in reſpect whereof the ſame ſhall or may be allotted.

Lands free from Tythes for a certain Time.

XXIV. And be it further enacted, That all the Lands and Grounds hereby directed to be divided and allotted, ſhall be exempt and diſcharged from

from the Payment of all Manner of Tythes, or of any Compoſition for the ſame, for the Term of Three Years, to be computed from the Time of paſſing this Act.

Wills and Settlements not to be affected.

XXV. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance in, out of, upon or affecting any of the Meſſuages, Buildings, Lands, and Grounds, to be allotted or exchanged by virtue of this Act, or any Part thereof, but that every Proprietor ſhall ſtand and be ſeiſed and poſſeſſed of the ſeveral Meſſuages, Buildings, Lands, and Grounds to be allotted to, or exchanged with him or her as aforeſaid, to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, and Charges, and no other, as the Meſſuages, Buildings, Lands, and Grounds, whereof ſuch Proprietor was ſeiſed or poſſeſſed at or immediately before the Execution of the Award to be made by the ſaid Commiſſioners, or for which, or in reſpect whereof 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.

Directions for defraying the Expences of this Act.

XXVI. And be it further enacted, That all the Coſts, Charges, and Expences, of incloſing and fencing the Lands or Grounds which ſhall by virtue of this Act be allotted to the Rector in reſpect of the ſaid Rectory, and to the Truſtees for the Poor of the ſaid Pariſh of *Irſtead*, and all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, and of ſurveying, admeaſuring, planning, valuing, embanking, dividing, and allotting the Lands and Grounds hereby directed to be divided, allotted, and incloſed, and alſo of opening and cutting any Drain or Drains neceſſary for the preſerving and improving the ſaid Commons, Fens, and Waſte Grounds, and of preparing and enrolling the Award of the ſaid Commiſſioners, and of the Copies thereof, and all the Charges and Expences of the ſaid Commiſſioners, their Aſſiſtants and Servants, and all other neceſſary Charges and 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 the publick Carriage Roads and Highways to be ſet out and appointed by the ſaid Commiſſioners, within the ſaid Pariſh of *Irſtead*, and all other Expences of carrying the ſaid recited Act and this Act into Execution, ſhall be borne, defrayed, and paid by the ſeveral Perſons, and Body or Bodies Politick, Corporate, or Collegiate, to whom any Allotment or Allotments ſhall be made by virtue of this Act (ſave and except the Rector of the ſaid Rectory for the Time being, for or in reſpect of any Allotment or Allotments which ſhall be made to him in Right of the ſaid Rectory; and alſo ſave and except the Truſtees for the Poor of the ſaid Pariſh of *Irſtead*, for or in reſpect of any Allotments which ſhall be made to them as ſuch Truſtees as aforeſaid), in ſuch Shares and Proportions, at ſuch Time or Times, either before or after the Execution of the ſaid Award, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall direct or appoint; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Proportion of ſuch Coſts, Charges, and Expences according to ſuch Direction or Appointment as aforeſaid, then and in ſuch Caſe the ſame ſhall and may be recovered in the Manner directed in and by the ſaid recited Act.

XXVII. Pro-

Directions for charging Copyhold Lands with Expences.

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

Commiſſioners to lay their Accounts before a Juſtice once in every Year.

XXVIII. And be it further enacted, That Once at leaſt in every Year, during the Execution of this Act, (ſuch Year to be computed from the Day of paſſing thereof) the ſaid Commiſſioners ſhall, and they are hereby required to make a juſt and true Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before ſome One or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Norfolk*, to be by him or them examined and balanced, and ſuch Balance ſhall be by ſuch Juſtice or Juſtices ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners; and no Charge or Item in ſuch Statement or Account ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice or Juſtices: Provided always, that the ſaid ſeveral Proprietors, their Attornies and Agents, ſhall pay their own Expences when they or any of them ſhall attend the ſaid Commiſſioners at any of their Meetings to be holden in purſuance of this Act.

Proprietors and Agents to pay their own Expences.

For allowing Intereſt on Money advanced.

XXIX. Provided always, and be it further enacted, That if any of the Perſons intereſted in the Lands and Grounds hereby directed to be divided and allotted, or any other Perſon or Perſons, ſhall advance and pay any Money in diſcharge of the Fees or other Expences of obtaining and executing this Act, and of carrying the ſame and the ſaid recited Act into Execution, every ſuch Perſon ſhall be repaid ſuch Money, together with lawful Intereſt from the Time of advancing the ſame, out of the firſt Money that ſhall be raiſed for the defraying of ſuch Expences under and by virtue of this Act.

The Award to be depoſited in Iſtead Church, and a Copy thereof be delivered to the Clerk of the Peace.

XXX. And be it further enacted, That within the Time which is by the ſaid recited Act limited for the Inrolment of the Award thereby directed to be made by the ſaid Commiſſioners, a true Copy of the ſaid Award, written upon Parchment, and ſigned and atteſted by the ſaid Commiſſioners to be a true Copy thereof, together with a proper Map or Plan thereto annexed, ſhall be delivered to the Clerk of the Peace for the County of *Norfolk*, who is hereby required to depoſit and keep the ſame among the Records of the ſaid County, ſo that recourſe may be had thereto by any Perſon or Perſons intereſted in the Premiſes, for the Reception whereof the Fee of Two Guineas ſhall be paid, and for the Inſpection and Peruſal whereof the Sum

of

of One Shilling and no more ſhall be paid; and the ſaid Award ſhall, from and after the Delivery of ſuch Copy thereof, ſo ſigned and atteſted as aforeſaid, to the ſaid Clerk of the Peace, be deemed and taken to be enrolled according to the Directions and within the Meaning of the ſaid recited Act; and the ſaid Award and the ſaid Copy thereof, or any other Copy thereof, or of any Part thereof, atteſted by the ſaid Commiſſioners, or by the ſaid Clerk of the Peace or his Deputy (for which Copy no more ſhall be paid than Four-pence *per* Sheet, each Sheet containing Seventy-two Words) ſhall from Time to Time, and at all Times be admitted and allowed as legal Evidence of the Matters and Things therein contained, in all Courts whatſoever; and the original Award ſhall be depoſited and kept in the Pariſh Church of *Irſtead*, or in ſuch other Place as the ſaid Commiſſioners ſhall appoint.

Appeal to Seſſions.

XXXI. And be it further enacted, That if any Perſon or Perſons, or Body or Bodies Politick, Corporate, or Collegiate, ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of the ſaid recited Act or of this Act (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are by the ſaid recited Act or this Act declared to be final and concluſive, and except in ſuch Caſes wherein an Iſſue at Law ſhall be tried as herein-before mentioned) then and in every ſuch Caſe he, ſhe, or they, may appeal to the Juſtices at the General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *Norfolk*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners, and to the Party or Parties concerned (in caſe the Appeal ſhall be made againſt any Act or Determination of the ſaid Commiſſioners) Fourteen Days Notice in Writing of ſuch Appeal, and of the Matter thereof; and the Juſtices not intereſted in the Premiſes, at their ſaid General Quarter Seſſions, or at any future Seſſions to which ſuch Appeal may be adjourned, are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order, and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable; and by their Order or Warrant, to levy the Coſts and Damages which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay for the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe any 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 to be levied in Manner aforeſaid.

Saving the Rights of the Lord of the Manor.

XXXII. Provided always, and be it further enacted, That nothing herein contained ſhall prejudice, leſſen, or defeat, the Right, Title, or Intereſt of the Lords or Ladies of the Manors herein mentioned, or any of them, of, in, or to the Seigniories or Royalties incident and belonging to the ſaid Manors reſpectively, but that ſuch Lords or Ladies of the ſaid Manors for the Time being reſpectively, ſhall and may at all Times hereafter hold and enjoy the ſame; and all Rents,

Courts, Perquiſites, and Profits of Courts, Services, Franchiſes, Privileges, Waifs, Eſtrays, Deodands, Forfeitures, and all other Royalties, Rights, and Appurtenances to ſuch Manors reſpectively incident or belonging (other than thoſe which are intended to be compenſated for, barred, or deſtroyed by this Act) in as full, ample, extenſive, and beneficial a Manner as they reſpectively could or might have held and enjoyed the ſame in caſe this Act had not been paſſed.

General Saving.

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

Declaring the Act publick.

XXXIV. And be it further enacted, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty, and a Copy thereof ſo printed 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. 1807.