ANNO SEXTO

GULIELMI IV. REGIS.

Cap. 4.

An Act for inclosing Lands in the Parish of *North Runcton* in the County of *Norfolk*.

[19th *May* 1836.]

WHEREAS there are within the Parish of *North Runcton* in the County of *Norfolk*, and in the Hamlets of *Hardwick* and *Setch* otherwise *Setchey* in the same Parish, divers Open Fields or Half-year Lands, Commons, Commonable Lands, and Waste Grounds: And whereas *Stephen Gee* Esquire is or claims to be Lord of the Manor of *North Runcton*, *Hardwicke*, and *Setchey*: And whereas the said *Stephen Gee* and also the Most Noble *George Horatio* Marquess of *Cholmondeley*, *Daniel Gurney* Esquire, *John Henry Barker* Esquire, and *Marianne Hudson* Widow, and divers other Persons, are the Owners and Proprietors of or interested in the said Open Fields or Half-year Lands, Commons, Commonable Lands, and Waste Grounds in the Parish of *North Runcton*, and the Hamlets of *Hardwick* and *Setch* otherwise *Setchey* aforesaid: And whereas the said *Stephen Gee* and *Marianne Hudson* respectively are Owners of certain Rights of Sheepwalk in, over, and upon the said Commons and Waste Lands in the Parish of *North Runcton* and Hamlet of *Hardwick* aforesaid, or some Parts thereof: And whereas an Act was passed in the Forty-first Year of the Reign of His late 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 41 G. 3. c. 109.

1 & 2 G. 4. c. 23.

whereas another Act was passed in the First and Second Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in* England: And whereas it would be advantageous to the Persons entitled to the said Open Fields or Half-year Lands, Commons, Commonable Lands, and Waste Grounds, if the same were divided and allotted unto and among them according to their respective Rights and Interests therein, and inclosed and held in Severalty, or if certain Regulations were made with respect to the stocking or stinting of some Part thereof; but as the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Lewis Weston Jarvis* of *King's Lynn* in the said County of *Norfolk*, Gentleman, *John Platten* of *King's Lynn* aforesaid, Gentleman, and *John Houchen* of *Wereham* in the said County, Gentleman, and their Successors to be appointed as herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Open Fields or Half-year Lands, Commons, Commonable Lands, and Waste Grounds, and for carrying this Act into execution, in the Manner and subject to the Rules, Orders, and Regulations herein contained, and also subject to the Powers and Provisions of the said recited Acts, except where the same are hereby varied or altered.

Commissioners appointed.

Commissioners to make a Declaration.

II. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act until he shall have made and subscribed the Declaration following; that is to say,

Form of Declaration.

'I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.'

And such Declaration shall be in lieu of and as a Substitution for the Oath or Affirmation required by the said recited Act of the Forty-first Year of the Reign of King *George* the Third to be taken and subscribed by Persons acting as Commissioners in the Execution of any Act for dividing, allotting, or inclosing any Lands or Grounds; and such Declaration, when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath or Affirmation in lieu whereof it shall have been so made and subscribed.

For Appointment of new Commissioners.

III. And be it further enacted, That in case the said *John Platten*, or any Person hereafter to be appointed in his Stead, shall, before the finishing of the said Division, Allotment, and Inclosure, die, or neglect or refuse or become incapable to act as a Commissioner in the Execution of this Act, then and in every such Case it shall be lawful for the said *John Henry Barker*, within Fourteen Days after such Death, Refusal or Incapacity to act shall be made known to him, to nominate and appoint

a proper Person, not interested in the said Division and Inclosure, to be a Commissioner in the Room and Stead of the said *John Platten*, or of such other Person appointed in his Stead, so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case the said *John Houchen*, or any Person hereafter to be appointed in his Stead, shall, before the finishing of the said Division, Allotment, and Inclosure, die, or neglect or refuse or become incapable to act as a Commissioner in the Execution of this Act, then and in every such Case it shall be lawful for the said *Marianne Hudson*, within Fourteen Days after such Death, Refusal, or Incapacity to act shall be made known to her, to nominate and appoint a proper Person, not interested in the said Division and Inclosure, to be a Commissioner in the Room and Stead of the said *John Houchen*, or of such other Person appointed in his Stead, so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case the said *Lewis Weston Jarvis*, or any Person hereafter to be appointed in his Stead, shall, before the finishing of the said Division, Allotment, and Inclosure, die, or neglect, refuse, or become incapable to act as aforesaid then and in every such Case the surviving or remaining Commissioners or Commissioner, as the Case may be, within One Calendar Month next after such last-mentioned Death, Neglect, Refusal, or Incapacity shall have been made known to them or him, shall, by Advertisement in the Newspapers called the *Norfolk Chronicle* and the *Norwich Mercury* respectively, or One of them, or some other Newspaper then printed or circulated in the said County of *Norfolk*, and by Writing under their or his Hands or Hand, to be affixed on the Door of the Parish Church of *North Runcton* aforesaid, upon a *Sunday* immediately before Divine Service, give Notice of a Meeting to be held within the Parish of *North Runcton* aforesaid, or within Eight Miles thereof, at least Fourteen Days before such Meeting, for the Purpose of appointing some Person to be a Commissioner in the Place and Stead of the said *Lewis Weston Jarvis*, or of the Person who shall have been appointed in his Stead, as the Case may be, at which Meeting it shall be lawful for the Majority in Value, to be ascertained by the Poor's Rate Assessment, of the Proprietors or Persons interested in the Lands and Grounds by this Act directed to be divided and inclosed, (other than the said *John Henry Barker* and *Marianne Hudson*,) or the known Agents or Attornies of any of them, who shall be present at such Meeting, by Writing under their Hands to nominate and appoint some proper Person, not interested in the said Division and Inclosure, to be a Commissioner in the Room and Stead of the said *Lewis Weston Jarvis*, or of such Person appointed in his Stead, so dying, neglecting, refusing, or becoming incapable to act as last aforesaid: Provided always, that if it shall happen that any Person or Persons herein-before respectively authorized and empowered to appoint such new Commissioner shall not make any such Appointment within the respective Times herein-before for that Purpose limited, then and so often as it shall so happen the surviving or remaining Commissioners or Commissioner from Time to Time shall, within Three Weeks next after the Expiration of such Time allowed for appointing such new or succeeding Commissioner as aforesaid, by Writing under their or his Hands or Hand, nominate and appoint some other fit and proper Person to be a Commissioner in the Place and Stead of every such Commissioner so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and every new Commissioner so nominated and appointed under either of the Powers herein-before given shall, from and immediately

immediately after his Appointment, and making the Declaration prescribed in that Behalf, have such and the like Powers and Authorities for carrying this Act and the said recited Acts into execution to all Intents and Purposes as if he had been named and appointed a Commissioner in and by this Act.

What shall be a Refusal to act.

IV. And be it further enacted, That if any Commissioner shall neglect to attend at One of the First Two Meetings appointed to be held for putting this Act into execution, and to qualify himself by making the Declaration in that Behalf prescribed, (Notice being given to him of such intended Meetings under the Hands or Hand of the other Commissioners or Commissioner,) or if any Commissioner shall at any Time after having qualified himself as aforesaid absent himself from any Two successive Meetings appointed to be held as aforesaid, he having first known of such Meetings by his Presence at the Appointment thereof, or having Notice thereof in Writing given to him or left at his Place of Abode under the Hand of the Clerk of the said Commissioners, and such Commissioner not being prevented by Sickness or other reasonable Cause, or if any Commissioner to be nominated and appointed as aforesaid shall not attend and qualify himself at One of the First Two Meetings after his becoming a Commissioner, or shall, after having qualified himself as aforesaid, wilfully absent himself from any Two successive Meetings (having first known thereof, or after such Notice and without such Cause as last aforesaid,) every such Absence or Nonattendance shall be deemed and taken to be a Refusal to act.

Appointment of Surveyor.

V. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think fit, by Writing under their Hands to appoint One or more fit and proper Person or Persons not interested in the Premises to be a Surveyor or Surveyors for the Purposes of this Act during the Will and Pleasure of the said Commissioners, and on every future Vacancy in like Manner to appoint some other Surveyor or Surveyors as often as there shall be Occasion; and it shall also be lawful for the said Commissioners to allow the Surveyor or Surveyors for the Time being acting under this Act for his and their Time and Trouble any Sum not exceeding One Shilling and Sixpence *per* Acre for surveying, measuring, and mapping or planning the said Lands, and also any Sum not exceeding Two Pounds and Two Shillings for each and every Day he or they shall be actually and wholly employed in the Business of the said dividing, allotting, and inclosing, exclusive of the Survey aforesaid; which said several Allowances shall be in full Satisfaction for his or their Time and Trouble, and for all travelling and other Expences of every Description to be incurred by such Surveyor or Surveyors in or about the Execution of this Act.

Surveyor to make a Declaration.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting in the Execution of this Act as a Surveyor until he shall have made and subscribed a Declaration in the Form or to the Effect following; (that is to say,)

Form of Declaration.

'I do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Duties incumbent on

'on me as a Surveyor by virtue of an Act passed in the Sixth Year of 'the Reign of King *William* the Fourth, intituled [*here set forth the Title* '*of this Act*], according to Equity and good Conscience, and without 'Partiality, Favour, or Affection, Prejudice or Malice, to any Person or 'Persons whomsoever.'

To be administered by a Commissioner or a Justice, and annexed to the Award.

Which Declaration it shall be lawful for any One of the said Commissioners, or for any Justice of the Peace for the said County of *Norfolk*, to administer or receive; and such Declaration so made and subscribed shall be enrolled with, annexed to, and deposited with the Award of the said Commissioners, and an Office Copy of the Enrolment thereof shall be admitted as legal Evidence.

Penalty on making false Declaration.

VII. And be it further enacted, That any Person making and subscribing a Declaration under the Authority of this Act, and who shall wilfully and corruptly make and subscribe such Declaration, shall be subject to the like Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are or may be subject or liable.

Appointment of Clerk.

VIII. And be it further enacted, That the said Commissioners shall have Power and they are hereby authorized to appoint some fit and proper Person to be a Clerk to assist them in carrying this Act and the said recited Acts into execution, and from Time to Time to remove such Clerk and appoint another in his Stead as to such Commissioners shall seem meet; and such Clerk so to be appointed shall be paid or allowed, out of the Money to be raised for putting this Act into execution, such Sum or Sums of Money as herein-after mentioned for his Time, Trouble, and Expences in the Assistance to be given by him as aforesaid.

Allowance to Commissioners and Clerk.

IX. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the said Commissioners and the Clerk to be appointed by them as herein-before directed shall respectively be paid for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act or the said recited Acts, during the first Three Years next after the passing of this Act, the Sum of Three Pounds and Three Shillings each, and no more, and after the Expiration of the said Three Years, until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings, and no more, for each and every Day they may be respectively employed as aforesaid, in full Satisfaction for their Time and Trouble, and for the several Expences which they shall be put unto during their several Journies and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Rooms in which the Meetings shall be holden for carrying this Act and the said recited Acts into execution, and the Costs and Expences of drawing, copying, ingrossing, and enrolling the Award of the said Commissioners, and of preparing and copying the Notices and Advertisements and the Proceedings of the said Commissioners.

Regulating the Duration of Meetings.

X. And for regulating the Duration of all Meetings to be holden for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-

fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and any Meeting to be holden for the Purposes of this Act of a less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged only as Half a Day, and the said Commissioners and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioners or their Clerk in which shall be entered the several Days on which the said Commissioners shall hold the Meetings, and at what Hours the said Commissioners were respectively present thereat, and at what Hour they severally left or adjourned the same; and such Book shall be signed by the said Commissioners at the Termination of each Meeting, and shall be open to the Inspection of all Persons interested in the said Inclosure, their Agents or Attornies, during the several Meetings to be held in pursuance of this Act, and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided always, that it shall not be lawful for the said Commissioners to retain or pay themselves or such Clerk, out of any Monies to be received by them or over which they may have any Control in the Execution of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioners and Clerk respectively, beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award to be made in pursuance of this Act, or in case the Accounts of the said Commissioners shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioners or either of them, or of the said Clerk, previous to the Execution of the said Award, the Commissioners for the Time being shall, after the Expiration of the Time allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or Commissioners, or of such deceased Clerk, such Sum of Money as shall appear by the said Accounts to be due thereon.

Notice of Commissioners Sittings.

XI. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice in Writing of the Time and Place of their First and of every other Sitting for the Execution of this Act and the said recited Acts to be inserted in the *Norfolk Chronicle* or the *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County of *Norfolk*, Eight Days at least before every such Sitting, Sittings by Adjournment excepted.

Other Notices how to be given.

XII. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners in pursuance of the said recited Acts or this Act shall be so given by Advertisement in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed or circulated within the said County of *Norfolk*; and all the Sittings of the said Commissioners for the Execution of the said recited Acts and this Act shall be held within the Distance of Eight Miles from *North Runcton* aforesaid.

Proprietors to pay their own Ex-

XIII. Provided also, and be it further enacted, That all Proprietors and Persons interested in the said Inclosure, their Attornies and Agents, shall

pay

pay their own Expences when they or any of them shall attend at any of the Meetings to be held in pursuance of this Act. Expences at Meetings.

XIV. And be it further enacted, That if any of the Parties interested in the Premises shall have any Objection to any of the Accounts or Claims which shall be delivered to the said Commissioners by virtue of the said recited Acts or this Act, such Objection shall, within such Time as the said Commissioners shall appoint by Notice to be inserted in any such Newspaper as aforesaid, be reduced into Writing, and Two Parts thereof shall be signed by the Party or Parties making the same, or by some Agent or Person on his, her, or their Behalf; and one Part thereof shall be delivered to the said Commissioners, or left at the Office of the Clerk to the said Commissioners, and the other Part thereof shall be delivered to the Party or Parties whose Claim or Account shall be objected to, or to his, her, or their Agent, or left at his, her, or their last or usual Place of Abode, at such Time 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 special Cause to be allowed by them. Objections to be delivered to the Parties whose Claims are objected to.

XV. 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 the respective Rights or Interests which they or any of them shall have or claim to have in, to, upon, or out of the Lands hereby directed or intended to be divided and allotted, or concerning any Allowance claimed or to be made for ploughing, sowing Turnips or Corn, laying down with Grass Seeds, manuring or improving the said Lands, or touching or concerning any other Matter or Thing whatsoever, it shall be lawful for the said Commissioners and they are hereby authorized and required to examine into, hear, and determine the same. Commissioners to settle Differences.

XVI. And be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any such Parties (except in the Case of Encroachments made within the Period of Twenty Years); but in case the said Commissioners shall be of opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law. Persons in Possession not to be molested without due Course of Law.

XVII. And be it further enacted, That if any Person having been summoned according to the Directions of the first-recited Act to testify the Truth upon Oath touching any Matter in difference between any of the Parties interested in the Premises, or otherwise relating to the Execution of the Powers given by the said recited Acts and this Act, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the said Commissioners, to defray the Charges of his or her Attendance, shall not appear before the said Commissioners, pursuant to such Summons, without assigning some reasonable Excuse for not appearing, or appearing shall refuse to be sworn, or to be examined and give Evidence touching the Persons summoned by Commissioners and refusing to give Evidence to be punished.

the Premises, the said Commissioners, upon Proof thereof made before them upon Oath, (which Oath the said Commissioners or any One of them are or is hereby empowered to administer,) shall and they are hereby authorized, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Ten Pounds to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to appear and to be sworn and give Evidence, rendering the Overplus (if any), upon Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards defraying the Costs and Expences of obtaining this Act, and carrying the said recited Acts and this Act into execution: Provided always, that no Person summoned to attend the said Commissioners as a Witness shall be obliged to go to any Place above the Distance of Five Miles from the Parish of *North Runcton* aforesaid.

Commissioners to assess Costs.

XVIII. And be it further enacted, That in case the said Commissioners shall, upon the hearing or determining of any Claim or Objection to be delivered to them in pursuance of the said recited Acts or this Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Objection shall be thereby disallowed or over-ruled, or against whom the said Commissioners shall have determined as aforesaid; and in case the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs, shall neglect or refuse to pay the same upon Demand, it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause such Costs to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any), upon Demand, to the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and if there shall not be any Goods or Chattels whereon to levy the same, or in case the Party ordered to pay such Costs be a Body Politic, Corporate, or Collegiate, then and in either of the said Cases it shall be lawful for the Party or Parties in whose Favour such Costs shall be awarded to recover the same by Action or Actions of Debt or on the Case, in which Action or Actions it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioners, and in consequence of such Order, without setting forth any other Proceedings under this Act.

Power to try Rights by Issue at Law.

XIX. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division and Allotment,

Allotment, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Objection which shall be delivered to the said Commissioners in pursuance of the said recited Acts or this Act, or touching or concerning any Property, Right, or Interest intended to be affected by such Determination, it shall be lawful for the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to cause an Action to be brought 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 any such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioners shall have been notified in Writing to the Party or Parties against whom such Determination shall have been so made, or his, her, or their known Agent or Attorney, and thereupon the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, shall proceed to a Trial at Law of the Matter so determined by the said Commissioners at the then next Assizes to be held for the said County of *Norfolk* after such Action or Actions shall have been commenced, unless such Assizes shall happen within Three Calendar Months next after such Action or Actions shall have been so commenced, and in that Case at the Second Assizes to be held for the said County next after such Action or Actions shall have been so commenced; and the Defendant or Defendants in such Action shall and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim, and the Property, Right, or Interest thereby insisted upon, may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action shall be commenced in case the Parties shall differ about the same; and the Verdict which shall be given upon the Trial of such Action shall be binding, final, and conclusive, unless the Court wherein such Action shall be brought shall set aside such Verdict and order a new Trial to be had therein, which it shall and may be lawful for the said Court to do in case the said Court shall think proper; and after such Verdict shall be obtained, and not set aside, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim thereby determined according to the Event of such Trial: Provided always, that if no such Notice shall be given, or if any such Notice shall be given and such Action at Law shall not be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial, within the Time herein-before limited for that Purpose, then the Determination of the said Commissioners shall be final, binding, and conclusive to all Intents and Purposes whatsoever: Provided also, that if any of the Parties in any such Action to be commenced as aforesaid shall die before the Determination thereof, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

If no Action brought the Determination of the Commissioners to be final.

Deaths of Parties not to abate Proceedings.

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

In case of Deaths of Parties before Actions brought, the same to be carried on

and defended in their Names.

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

Trials not to suspend the Execution of the Act.

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

Deaths of Parties not to delay the Execution of this Act.

XXII. And be it further enacted, That if any of the Parties interested in the said Division and Allotment shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not be thereby determined or suspended, but the said Commissioners shall proceed in the Execution of the Powers given to them by this Act and the said recited Acts in such Manner as they might have done in case such Party or Parties were still living; and the Share or Shares of the Person or Persons so dying shall be allotted to the Person or Persons who shall by Law become entitled to the same, and shall be accepted and taken by him, her, or them, according to the Directions of this Act and the said recited Acts, and he, she, or they shall be liable to the Charges and Expences, and the several Provisions of this Act and the said recited Acts.

For shortening the Boundary Fences.

XXIII. And be it further enacted, That for the Purpose of shortening or rendering straight the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted, and the old inclosed Lands in the said Parish of *North Runcton* and Hamlets of *Hardwick* and *Setch* otherwise *Setchey* aforesaid respectively, or between such Allotments and inclosed Lands, or any of them, and the Lands and Grounds in any adjoining Manor, Parish, or Place, it shall be lawful for the said Commissioners, with the Consent of the Lord or Lords, Lady or Ladies of the Manor or Manors in which the Lands are respectively situate, and the Owners of the Lands adjoining to such Boundary Fences, testified by Writing under their respective Hands or under the Common Seal of any of them being a Corporation Aggregate, to alter and straighten or shorten

the same Boundary Fences or any of them, or any Part or Parts thereof, and to set out, ascertain, and determine such Boundaries, as the said Commissioners shall think proper, for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined, the same shall be made, fenced, ditched, or mounded by such Person or Persons, in such Manner, and at such Time or Times as the said Commissioners shall order and direct; and such Boundaries shall for ever thereafter be deemed and taken to be the Boundaries between the said Allotments and inclosed Lands respectively, or, as the Case may be, between the said Parish of *North Runcton* and the Hamlets of *Hardwick* and *Setch* otherwise *Setchey* aforesaid respectively, and any adjoining Manor, Parish, or Place; any Law, Usage, or Custom to the contrary notwithstanding.

Power to stop up Roads.

XXIV. And be it further enacted, That in setting out and appointing the several public Carriage Roads, Highways, Bridle Roads, and Footways, in pursuance of this Act or the said first-recited Act, the said Commissioners shall and they are hereby authorized and empowered, if they shall think it necessary or proper, to continue or discontinue, stop up, divert, turn, or alter, any of the Carriage Roads, Highways, Bridle Roads, or Footways passing or leading through or over any of the Lands or Grounds intended to be divided or allotted by virtue of this Act, or passing or leading through or over any of the Lands or Grounds within the said Parish of *North Runcton* and Hamlets of *Hardwick* and *Setch* otherwise *Setchey* respectively, or any of them; and the Soil of the Roads and Ways so to be discontinued and stopped up shall be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act: Provided always, that nothing herein contained shall authorize the diverting or altering of any Turnpike Road leading through the said Parish of *North Runcton* and Hamlets of *Hardwick* and *Setch* otherwise *Setchey* respectively, unless the Consent of the Majority of Three Trustees of such Turnpike Road, assembled at a public Meeting called for that Purpose on Ten Days Notice, be first had and obtained.

Proceedings previously to diverting and stopping up Highways.

XXV. Provided always, and be it further enacted, That before any public Carriage Road, Highway, Bridle Road, or Footway shall be discontinued, stopped up, diverted, or altered by the said Commissioners, the said Commissioners shall cause to be affixed at each End of the said Highway so proposed to be discontinued, stopped up, diverted, or altered, a Notice to the Effect that such public Carriage Road, Highway, Bridle Road, or Footway is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, by the Commissioners acting under or by virtue of this Act, and the said Commissioners shall also cause the same Notice to be inserted in One Newspaper published or generally circulated in the said County of *Norfolk* for Four successive Weeks, and shall also cause a like Notice to be affixed on the Door of the Church of the said Parish of *North Runcton* on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so affixed and published as aforesaid the said public Carriage Road, Highway, Bridle Road, or Footway shall be and shall be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject however to such Appeal to the Court of General Quarter Sessions for the County of *Norfolk* as is herein-after mentioned.

XXVI. Pro-

Persons who may think themselves aggrieved if such Highway should be stopped up or diverted may appeal.

XXVI. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footway should be discontinued, stopped up, diverted, or altered, to make his Complaint thereof by Appeal to the Justices of the Peace at the said Quarter Sessions, upon giving to the said Commissioners or their Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Sessions to determine whether old Highway should be discontinued.

XXVII. And be it further enacted, That in case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining whether the public Highway so intended to be discontinued, stopped up, diverted, or altered, or whether the said Party appealing would be injured or aggrieved, impannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that the public Highway so discontinued, stopped up, diverted, or altered is wholly unnecessary, or may beneficially to the Public be discontinued, altered, or diverted, and that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal, and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said Commissioners, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said recited Act passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third; but if the said Jury shall return a Verdict that the Highway so discontinued or stopped up is not unnecessary, or that the Highway so diverted or altered could not, beneficially to the Public, be so diverted or altered, or that the Party appealing would be injured or aggrieved by the said Highway being discontinued, stopped up, diverted, or altered, as the Case may be, the said Court of Quarter Sessions shall allow such Appeal, and shall make an Order for restoring the said Highway so discontinued, stopped up, diverted, or altered by the Order of the said Commissioners to its original State, and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party or Parties giving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting such Appeal, and such Costs and Expences shall be paid by the said Commissioners, and shall be raised by the said Commissioners in such and the same Manner as they are hereby directed or empowered to raise the Money necessary for discharging the Costs, Charges, and Expences of this Act.

Power to widen Roads, making Compensation to Landowners.

XXVIII. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to widen any of the public Roads or Highways where they shall see it necessary within the said Parish of *North Runcton* and Hamlets of *Hardwick* and *Setch* otherwise *Setchey* respectively, and for that Purpose to take a sufficient Quantity of the ancient inclosed Lands and Grounds adjoining to such Roads,

Roads, (the same not being a Yard, Gardén, Orchard, Park, Paddock, Plantation, or Avenue to any House,) and to make a full Compensation for the Value of the Land or Ground so to be taken for the widening of such public Roads or Highways by allotting and awarding unto the Person or Persons from whom any such inclosed Land or Ground shall be so taken an adequate Part or Parts of the said Lands and Grounds hereby directed to be divided and allotted, and also to make good and substantial Fences on each Side of all such widened public Roads and Highways for and in lieu of the Fences which shall be injured or destroyed by means of such widening.

Expences of discontinuing or widening Roads.

XXIX. And be it further enacted, That the Charges and Expences attending the stopping up or discontinuing, diverting or widening of such Roads, and the making of such Fences as aforesaid, shall be raised and paid in such Manner, by such Persons, and in such Proportions as the said Commissioners shall direct.

Justices may certify Roads in part.

XXX. And be it further enacted, That when and so soon as any of the public Roads to be set out by virtue of the said first-recited Act and this Act shall be made and completed, it shall be lawful for any Two or more of His Majesty's Justices of the Peace for the said County of *Norfolk*, if they shall think fit, from Time to Time to certify and declare under their Hands and Seals any of such public Carriage Roads so to be set out to be fully and sufficiently formed, repaired, and completed, and such Road or Roads, or so much thereof as shall in any such Certificate be described or certified, shall thenceforth be supported and kept in repair by such Persons and in like Manner as the public Roads within the said Parish of *North Runcton* and Hamlets of *Hardwick* and *Setch* otherwise *Setchey* are respectively or ought to be by Law amended and kept in repair; and every such Certificate shall, at the General Quarter Sessions of the Peace to be holden for the County of *Norfolk* next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County.

For extinguishing or suspending Rights of Common before Award.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized, at any Time before the Execution of the Award to be made by them in pursuance of the said recited Acts and this Act, by any Writing under their Hands to be affixed on the Door of the Church of *North Runcton* aforesaid, and upon the most conspicuous Places in the Hamlets of *Hardwick* and *Setch* otherwise *Setchey* aforesaid respectively, to order and direct all or any Rights of Sheepwalk, Shackage, or Common in, over, and upon the Lands 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 and under such Regulations as shall be expressed in such Writing; and all such Rights as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall, from the Time of affixing such Writing on the said Church Door and other conspicuous Places respectively, or any other Time to be appointed by the said Commissioners in or by such Writing, cease, determine, and be extinguished, or the Exercise thereof suspended accordingly; any Law, Usage, or Custom to the contrary notwithstanding.

Encroachments to be deemed Part of the Lands to be divided.

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

Encroachments to be allotted to Persons in possession.

XXXIII. Provided always, and be it further enacted, That the Lands comprised in any Encroachments 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 (save and except the Encroachment made by the Turnpike Trustees in the Hamlet of *Hardwick* aforesaid, on which the old Toll House now stands); and the said Commissioners shall and they are hereby authorized to assess and award such Sum or Sums of Money to be paid for the same as they shall consider equivalent to the Value of such Encroachment or Encroachments, to be recovered in such and the like Manner as the Monies to be raised and paid for answering the Costs, Charges, and Expences of obtaining and executing this Act and the said recited Acts: Provided also, that the Encroachment made by the said Trustees of the Turnpike Road within the Hamlet of *Hardwick* aforesaid on which the old Toll House now stands shall be allotted, and the said Commissioners are hereby authorized and required to allot such Encroachment to the Person to whom the adjoining Land may be allotted or belong, and to award or order such Sum of Money to be paid by such Person in satisfaction for the same as in their Judgment shall be equal to the full Value thereof; and the Monies to arise from such Allotment or Allotments, or the Sale or Sales of the Whole or any Part of the Encroachment or Encroachments as aforesaid (as the Case may be), shall be applied towards defraying the Costs and Charges of obtaining and passing this Act, and of carrying the same and the said recited Acts into execution; and in case any Surplus shall remain after defraying all such Costs and Charges, such Surplus shall be apportioned, divided, and paid amongst and unto the several Persons and Parties entitled thereto in case they shall be seised in Fee Simple of their respective Estates in right whereof they shall be so entitled; or otherwise such Surplus Money shall be applied and disposed of in manner directed by this Act in Cases where Money to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, is hereby directed to be paid into the Bank of *England*, to be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Satisfaction to be made for growing Crops.

XXXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized by Writing under their Hands to ascertain, order, and appoint what Recompence or Satisfaction in Money shall be made to the Owner or Owners of any Crops growing, according to the customary Mode of Cultivation, within the said Parish of *North Runcton* and Hamlets of *Hardwick* and *Setch* otherwise *Setchey* respectively, upon the Lands or Grounds hereby directed to be divided, allotted, and inclosed, at the Time such Division and Allotment shall be made, for the said Crops, by the Person or Persons to whom the Lands and Grounds on which

such Crops are growing shall be allotted, unless such Owner or Owners shall, within the Time to be appointed 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 Nonpayment of such Recompence and Satisfaction for such Crops at the Time and in manner to be directed by the said Commissioners, or in case of such Election to cut, reap, and take away the same, then it shall be lawful for such Owner or Owners, and his, her, or their Servants and Workmen, with Horses, Carts, and Carriages, to enter into and upon the Lands and Grounds whereon such Crops shall be growing, and reap, cut, and carry away the same for his, her, or their own Use; and the said Commissioners shall also and they are hereby empowered, by any Writing or Writings 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 Crops, by the Owner or Owners electing 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 any Land, as well for ploughing, tilling, manuring, or folding any of the Lands and Grounds which shall be divided and allotted by virtue of this Act, 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 their following or way-going Crops upon the Lands or Grounds by this Act directed to be divided and allotted; and if in any of the said Cases the Money to be paid for such Recompence and Satisfaction shall not be paid at the Time and in the Manner to be appointed as aforesaid by the said Commissioners, 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 are herein directed to be raised, levied, and recovered.

Compensation in lieu of Right of Soil.

XXXV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next place, to order, ascertain, and appoint what Recompence or Satisfaction in Money shall be made to the Lord or Lords, Lady or Ladies of the said Manors of *North Runcton*, *Hardwicke*, and *Setch* otherwise *Setchey*, for and in lieu of his, her, and their Right and Interest in the Soil of such Part of *Hardwick Green* as shall be allotted to the said *Marianne Hudson* in lieu of her Right of Sheepwalk, and also for Encroachments so made as aforesaid within Twenty Years last past on the said Commons and Waste Grounds, and also such Part of the Commons and Waste Grounds hereby directed to be divided and allotted as shall be sold under and by virtue of the Provisions of this Act and the said recited Acts; provided that such Recompence and Satisfaction shall be raised and paid out of the Money to be raised for the general Purposes and under and subject to the Provisions of this Act.

Allotment of Common Right to Stephen Gee, Esq. in lieu of Right of Sheepwalk.

XXXVI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the next place, to set out, allot, and award unto the said *Stephen Gee*, for and in lieu or in respect of his Right of Sheepwalk in, over, and upon the Commons and Waste Grounds in *North Runcton* and *Hardwick* aforesaid, or One of

of them, a Right of Common or Feed for Cattle in, over, and upon the Whole or such Part of the said Common Land of *North Runcton*, *Hardwick*, and *Setch* otherwise *Setchey* aforesaid, in common with the Owners of Common Rights over such Lands, as the said Commissioners shall consider a full Compensation and Satisfaction for such Right of Sheepwalk; but if the said Commissioners shall be of opinion that such Right of Common will be of greater Value than the Right of Sheepwalk exercised by the said *Stephen Gee*, then they shall order and direct such Sum or Sums of Money to be paid by the said *Stephen Gee* as they shall deem equivalent to such Excess of Value, and the same shall be received by the said Commissioners, and applied by them towards the general Expences of the said Inclosure, Division, and Allotment.

Allotment to Mrs. Hudson of Part of Hardwick Green.

XXXVII. And be it further enacted, That the said Commissioners shall set out, allot, and award unto the said *Marianne Hudson*, in respect of her Right of Sheepwalk over the Half-year and other Lands by this Act directed to be inclosed, all those Three several Pieces or Parcels of Land, Part of the Commons and Waste Lands lying in the Hamlet of *Hardwick* aforesaid, respectively containing One Acre One Rood and Thirty-two Perches, Two Roods and Twenty-nine Perches, and One Acre and Two Perches, and lying next or near adjoining to the old Toll House on each Side of the Road leading from *King's Lynn* to *Middleton*, and also all that other Piece or Parcel of Land, Part of *Hardwick Green*, lying on the North or North-east Side of the said Road, and containing One Acre Three Roods and Thirty-two Perches: Provided always, that in case such Allotments shall in the Judgment of the said Commissioners be of less Value than the Allotment which ought to be made to the Owner of the said Right of Sheepwalk, then the said Commissioners shall allot unto the said *Marianne Hudson*, or the Owner for the Time being of the said Right of Sheepwalk, such further Part of the said Lands and Grounds as will be sufficient to make up such Deficiency; but in case such Allotments shall in the Judgment of the said Commissioners be of greater Value than the Allotment which ought to be made to the Owner of the said Right of Sheepwalk, then the said *Marianne Hudson*, or the Person or Persons to whom the said Allotment shall be made in respect of such Right, shall pay to the said Commissioners such Sum or Sums of Money as they shall adjudge to be fair and reasonable for such Difference in Value, and the same shall be received by the said Commissioners, and applied by them towards the general Expences of the said Inclosure, Division, and Allotment; and thenceforth such Right of Sheepwalk shall cease and be extinguished.

Power to Commissioners to sell Lands for Payment of Expences.

XXXVIII. And for the Purpose of defraying and discharging the Costs, Charges, and Expences preparatory or incident to or attending the obtaining and passing of this Act, or which have been or shall be incurred in consequence thereof or with reference thereto, and the Costs and Charges of surveying, admeasuring, planning, valuing, inclosing, dividing, and allotting the said Open Fields and Half-year Lands, Commons, Commonable Lands, and Waste Grounds, pursuant to the Directions of this Act, and of preparing and enrolling the Award of the said Commissioners by virtue hereof, and of forming, completing, repairing, stopping, diverting, or altering any Roads or Ways, and of making, enlarging, widening, scouring, cleansing, removing, altering, and rebuilding any Ponds, Pits, Watering Places, Ditches,

Ditches, Watercourses, Tunnels, Sluices, Banks, or Bridges, and of inclosing, hedging, ditching, or fencing any Allotment or Allotments, under the Powers and Authorities of the said recited Acts and this Act or any of them, and the Costs and Charges to be incurred by the said Commissioners relating to any Encroachment or Inclosure which before the passing of this Act shall have been made or taken upon or from the said Commons, Commonable Lands, and Waste Grounds, or any Part or Parts thereof, and the Compensation in Money to be made to the Lord of the said Manor for his Right of Soil, or in or relating to any Appeal, Action at Law, or other Proceeding by or against the said Commissioners or their Clerk, or any of their Officers or Servants, touching or concerning any Determination of the said Commissioners, or any thing done or omitted to be done by them or under their Direction in the Execution of the Powers of the said recited Acts and this Act or any of them, and the Costs and Charges of any Sale or Sales to be made by the said Commissioners under the Authority of this Act, and the Costs and Charges to be incurred for the Time, Trouble, Journies, Attendances, and Expences of the said Commissioners and Surveyor, and of the Clerk, Assistants, Officers, and Servants to be employed by the said Commissioners in or about the Execution of the said recited Acts or this Act, and all other the Costs and Charges to be incurred by the said Commissioners in the Execution of the said recited Acts and this Act; be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, as soon as conveniently may be after the passing of this Act, and from Time to Time as they shall find it expedient, to sell and dispose of, either by public Auction or private Contract, all that Piece of Land, Part of the Commons and Waste Lands by this Act directed to be divided and allotted, bounded on the North-east by the said Turnpike Road leading to *Middleton*, and on the South-west by the Turnpike Road leading to *Downham Market* in the said County, containing altogether by Measure Six Acres One Rood and Twenty Perches, for the Purpose of raising Money for or towards defraying and discharging the several Costs, Charges, and Expences aforesaid, and every or any of them; and the Purchase Monies to arise by such Sale or Sales shall be paid into the Hands of the said Commissioners, and shall be by them applied in or towards defraying and discharging the said several Costs, Charges, and Expences, and every or any of them; and the several Receipts of the said Commissioners for such respective Purchase Monies shall be sufficient Discharges to the respective Purchasers for the same; and upon Receipt of the whole Purchase Money for any of the Premises which shall be so sold as aforesaid the said Commissioners shall and they are hereby authorized to grant and convey the said Premises and the Fee Simple and Inheritance thereof in Possession, by One or more Deed or Deeds under their Hands and Seals, unto and to the Use of or in Trust for the Purchaser or Purchasers thereof, and his, her, or their Heirs and Assigns, or unto, upon, and for such Uses, Trusts, and Purposes as such Purchaser or Purchasers shall direct, and immediately upon and after the Execution of such Deed or Deeds by the said Commissioners the Premises therein described, and thereby granted and conveyed, with their Appurtenances, shall become vested as Freehold of Inheritance in such Purchaser or Purchasers, and his, her, or their Heirs and Assigns, or in such other Person or Persons, and unto, upon, and for such Uses, Trusts, and Purposes, as in and by such Deed or Deeds shall be mentioned, expressed, and declared; and every or any

such Conveyance may be in the following Form, or to the like Effect; that is to say,

Form of Conveyance.

'WE, the Commissioners acting in execution of an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled [*here insert the Title of this Act*], by virtue of the Power and Authority to us given by the said Act, and in consideration of the Sum of paid into our Hands by which said Sum is the whole Purchase Money agreed to be paid by him to us for the Purchase of the Land and Hereditaments herein-after described, being Part and Parcel of the Lands by the said Act authorized to be sold and disposed of by us, and which said Sum is to be by us applied and disposed of in the Manner directed by the said Act, and the Receipt of which said Sum we do hereby acknowledge, do by this Deed under our Hands and Seals, by the Direction of the said testified by his Execution of these Presents, grant and convey unto his Heirs and Assigns, all that [*here describe the Premises*], together with the Appurtenances to the said Premises belonging, and the Fee Simple and Inheritance thereof in Possession, to have and to hold the same unto the said his Heirs and Assigns [*here state the Uses, Trusts, or Purposes of the Conveyance, as the Case may require*]. Dated this Day of in the Year of our Lord .'

And all such Purchase Monies as shall be from Time to Time raised or received by the said Commissioners by such respective Sales as aforesaid shall, after Payment of the Charges and Expences attending such respective Sales, be paid and applied by the said Commissioners for and towards defraying and discharging the several Costs, Charges, and Expences herein-before mentioned and referred to, and the respective Purchasers or other Persons paying the same shall not in any Manner be liable to see to the Application or be answerable for any Misapplication thereof.

Offers by private Contract to be made to certain Persons.

XXXIX. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required, before they shall proceed to a Sale of the said Land by public Auction or private Contract, pursuant to the Power herein-before lastly contained, to make an Offer in Writing to the said *Marianne Hudson*, or her authorized Agent, of such Land for Sale by private Contract, at such Price in Money as shall appear to them to be a full Price or Consideration for the same; and if such Land shall not be accepted or purchased by the said *Marianne Hudson* within Ten Days after such Offer shall have been made, then the said Commissioners shall and they are hereby authorized to make an Offer in Writing of the said Land, at such Price or Consideration as aforesaid, to the said *Stephen Gee* or to his authorized Agent; and if such Land shall not be accepted or purchased by the said *Stephen Gee* within Ten Days after such last-mentioned Offer shall have been made, then the said Commissioners shall and they are hereby authorized to make an Offer in Writing of the same Land, at such Price or Consideration as aforesaid, to the said *Daniel Gurney* or to his authorized Agent; and if such Land shall not be accepted or purchased by the said *Daniel Gurney* within Ten Days next after such last-mentioned Offer shall have been made, then the said Commissioners shall and they are hereby authorized to make an Offer in Writing of the same Land, at such Price or Consideration as

aforesaid, to the said *George Horatio* Marquess of *Cholmondeley* or to his authorized Agent; and if such Land shall not be accepted or purchased by the said *George Horatio* Marquess of *Cholmondeley* within Ten Days after such last-mentioned Offer shall have been made, then the said Commissioners shall and they are hereby authorized and empowered to sell and dispose of the said Land so neglected or refused to be taken or purchased as last aforesaid, by public Auction or private Contract, to any other Person or Persons willing to become the Purchaser or Purchasers thereof, or of any Part or Parts thereof, in such Manner as they shall think proper, pursuant to the Authority for that Purpose herein-before contained.

Purchasers to be subject to the Orders of the Commissioners.

XL. And be it further enacted, That the several Persons who shall become the Purchasers of the said Lands so authorized and directed to be sold and disposed of by the said Commissioners as aforesaid, and their respective Heirs and Assigns, shall be subject and liable to the making and keeping in repair of such and so much of the several Fences thereof as shall be directed by the said Commissioners, and also to the Observance and Performance of all such Orders, Regulations, and Directions as shall be made, laid down, directed, or appointed by the said Commissioners in and by their Award or any other Writing under their Hands, in like Manner as if such Premises respectively had been allotted to such respective Purchasers for or in respect of any Right or Interest in, over, or upon the said Open Fields or Half-year Lands, except only that such respective Purchasers shall not, after the Payment of his, her, or their Purchase Money, be liable to the Payment of any of the Charges or Expences of obtaining this Act, or of carrying the same or the said recited Acts into execution, other than the Charges of making and keeping in repair such Fences as aforesaid.

Allotment of Commons to the Owners of Common Rights.

XLI. And be it further enacted, That the said Commissioners shall ascertain and determine the several Commonable Messuages and Tofts which at the Time of the passing of this Act shall have or be entitled to have Right of Common in, upon, or over the said Commons and Waste Lands in *North Runcton*, *Hardwick*, and *Setch* otherwise *Setchey* aforesaid respectively, and the several Owners or reputed Owners of such Commonable Messuages and Tofts respectively, and also the relative Interests of such Owners or reputed Owners of and in the said Commons and Waste Lands respectively, as between the Owners of Commonable Messuages and Tofts in the Parish of *North Runcton* and Hamlet of *Hardwick* aforesaid and the Owners of Commonable Messuages and Tofts in the Hamlet of *Setch* otherwise *Setchey* aforesaid; and after setting out the several Roads, Ways, and Allotments, and making such Sale or Sales as herein-before directed, the said Commissioners shall and they are hereby required to set out and allot unto and for the several Owners of Rights of Common in, upon, or over the said Commons and Waste Grounds, in respect of the said several Commonable Messuages and Tofts which shall have been determined by the said Commissioners, or by a Verdict or Judgment in any Action of Law, to have or be entitled to Right of Common thereon, including the Right of Common to be allotted to the said *Stephen Gee* in lieu of his Right of Sheepwalk as aforesaid, and according to their respective Rights and Interests therein, all the Residue and Remainder of the said Commons and Waste Grounds in *North Runcton*, *Hardwick*, and *Setch* otherwise *Setchey* aforesaid respectively; and the said Commons shall

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at all Times be held by the said several Owners of Common Rights unto or for whom the same shall be so set out and allotted as aforesaid, and their several Heirs, Successors, and Assigns, or their respective Tenants, not in Severalty but in Common, and according to the Number of Rights of Common respectively belonging to the said several Owners for the Time being, in the Proportion to be determined by the Award of the said Commissioners, and subject to such Rules, Orders, Restrictions, and Conditions for stocking, stinting, depasturing, managing, letting, or disposing of the said Commons, or any Part or Parts thereof, as the said Commissioners shall by their said Award direct: Provided always, that all the Rights of Common in *North Runcton* and *Hardwick* shall be equal in Extent one to the other, including the Right of Common so to be allotted to the said *Stephen Gee*, and the same Rule shall prevail with regard to those in *Setch* otherwise *Setchey*: Provided also, that nothing herein contained shall extend to prejudice the Lord or Lords, Lady or Ladies, for the Time being of the said Manor of *North Runcton*, *Hardwicke*, and *Setch* otherwise *Setchey* aforesaid, as to his, her, or their Right in or to the Soil of the said Commons and Waste Grounds, or any Part thereof, except so much thereof in respect of which he, she, or they shall receive Satisfaction under or by virtue of this Act.

Allotment of Residue.

XLII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required to apportion, divide, set out, and allot the Residue and Remainder of the said Lands and Grounds by this Act directed to be allotted and inclosed unto and amongst the several Persons, and Bodies Politic, Corporate, or Collegiate, who at the Time of making such Allotments shall be entitled to any Estate, Right, or Interest therein, in such Quantities, Shares, Proportions, and Situations as by the said Commissioners shall be adjudged and determined to be a just and equitable Compensation and Satisfaction for their several and respective Lands, Grounds, Rights of Common, and Interests therein: Provided always, that it shall be lawful for the said Commissioners, if they shall see fit, to call upon and require all or any of the Owners or Proprietors of the Half-year Lands by this Act authorized to be inclosed to redeem or purchase, at a Price to be named by the said Commissioners, all or any Part of the said Half-year Lands which would otherwise be taken from them respectively by the said Commissioners in the Execution of the Powers by this Act vested in them, and in such Case the said Commissioners shall and they are hereby authorized to allot the same accordingly; and the said Allotments shall be fenced in, and the several and respective Mounds and Fences for dividing and inclosing the same shall be made, and for ever thereafter maintained and supported, in such Manner as the said Commissioners shall in and by their Award order and direct: Provided also, that the Compensation to be made in pursuance of this Act to the Owners of Common Rights over the Half-year Lands, which, at the Option of such Owners, shall be either in Land or Money, to be signified in Writing under their Hands, and delivered to the said Commissioners or their Clerk, shall not in any Case, if made in Land, be less for such Common Right than One Acre, and if in Money shall not be less than the Sum of Fifty Pounds.

Allotment of old Inclosures, with

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners, by and with the Consent in Writing and at the Request of

of the several Owners or Proprietors of any Homesteads, Gardens, Orchards, and old inclosed Lands within the said Parish of *North Runcton* and Hamlets of *Hardwick* and *Setch* otherwise *Setchey* respectively, whether such Owners or Proprietors shall be Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Curtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors of any such Homesteads, Gardens, Orchards, and old inclosed Lands or Grounds holden for Years determinable as aforesaid, and not otherwise, or witht he Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid who shall be Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, (such Consent to be respectively testified by Writing under the Common Seal of such Bodies Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively,) to order and direct such Homesteads, Gardens, Orchards, and old inclosed Lands to be considered as allottable Lands, and Part and Parcel of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed; and such Allowance shall be made to the respective Owners or Proprietors of such Homesteads, Gardens, Orchards, and old inclosed Lands and Grounds, on account of the Situation and other beneficial Circumstances thereof, as the said Commissioners shall adjudge to be just and reasonable; and the said Commissioners shall and they are hereby required to set out, allot, and award unto and for the respective Owners and Proprietors of such Homesteads, Gardens, Orchards, and old inclosed Lands and Grounds, in lieu thereof, so much and such Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed as they shall think reasonable and just, subject to the Rules, Orders, and Directions in this Act and the said first-recited Act mentioned.

Consent of Proprietors.

XLIV. And be it further enacted, That if the Monies to be produced by the Sale or Sales herein-before directed to be made shall not be sufficient to pay all the Costs, Charges, and Expences incident to and attending the passing of this Act, and the several Sums of Money and Allowances hereby directed or authorized to be paid and allowed to the said Commissioners, Clerk, and Surveyor, for Expences, Time, and Trouble, and the Costs and Charges that the said Commissioners shall be put unto in respect of any Appeal against their Decision, or of any Suit or Suits at Law or in Equity that may be instituted by or against such Commissioners in the Execution of this Act, either before or after the Execution of their Award, and all other Costs, Charges, and Expences necessarily incurred in and about the carrying of this Act and the said recited Acts into execution, then the Deficiency shall be borne and defrayed by the several Owners and Proprietors of and Persons interested in the said Lands and Grounds to be allotted, divided, and inclosed, (other than and except such Person or Persons as shall not be possessed of Ten Acres of the Open Fields or Half-year Lands hereby directed to be divided, allotted, and inclosed,) in such Shares and Proportions, and at such Time or Times, and to such Person or Persons as the said Commissioners shall, by Writ-

If Land sold is not sufficient to defray Expences, the Deficiency may be raised by a Rate.

ing or Writings under their Hands to be affixed upon the Church Door of the said Parish of *North Runcton*, or delivered to such Person or Persons at least Twenty-one Days before the Time of Payment, order and direct; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion of such Costs, Charges, and Expences as aforesaid within the Time and to such Person or Persons as the said Commissioners shall appoint, then and in such Case the said Commissioners shall and may, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, cause the same, together with lawful Interest to be computed from the Day on which the same ought to have been paid as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; or it shall and may be lawful to and for the said Commissioners, or any Person or Persons authorized by them, immediately after such Neglect or Refusal, to enter into and upon the Premises so to be allotted to such Person or Persons, and demise the same, and receive and take the Rents, Issues, and Profits thereof, until thereby or therewith or otherwise such Share or Proportion, Shares or Proportions, with lawful Interest for the same to be computed from the Time such Sum of Money shall be ordered to be paid, and also all the Costs, Charges, and Expences occasioned by or attending such Entry upon and Receipt of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

Subsequent Deficiency to be made good by further Rates.

XLV. Provided always, and be it further enacted, That if at any Time after the Allotments shall have been staked out it shall appear to the said Commissioners, either before or after the Execution of their Award, that the Money to arise by any Sale or Sales hereby directed to be made, and by any previous Rate or Rates, shall not be sufficient to defray the Costs, Charges, and Expences aforesaid, then the Deficiency shall be made up and raised from Time to Time by a Rate or Rates to be made and levied upon the several Persons interested in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, (other than such Person or Persons not possessed of Ten Acres of the Open Fields or Half-year Lands as aforesaid,) in such Shares and Proportions, within such Time or Times, and to be paid to such Person or Persons as the said Commissioners shall from Time to Time direct, nominate, and appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid shall neglect or refuse to pay his or her Share or Proportion of any such Rate or Rates within the Time or Times to be respectively appointed as aforesaid, or at any Time after upon Demand, the same shall and may be levied and recovered in the Manner directed by this Act with respect to the previous Rate.

Money may be recovered after Execution of the Award.

XLVI. Provided also, and be it further enacted, That if at the Time of the Execution of the said Award there shall remain due from any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, any Sum or Sums of Money which shall have been adjudged, ordered, or directed to be paid by virtue of this Act, it shall be lawful for the said Commissioners,

Commissioners, and they are hereby authorized and required, to levy and raise the same in like Manner as they might or could have done before the Execution of their Award.

Commissioners may borrow Money, and the Parties lending the same shall be repaid with Interest.

XLVII. And be it further enacted, That it shall and may be lawful for the said Commissioners, from Time to Time as they in their Discretion shall think fit, to borrow of any Person or Persons willing to lend the same such Sum or Sums of Money as may be deemed necessary for paying the Expences of applying for and obtaining and executing this Act; and the Person or Persons who shall lend or advance any such Sum or Sums of Money shall be repaid the same out of the Monies which shall be raised or collected in pursuance of this Act, with Interest for the same from the Time of lending or advancing each such Sum respectively as aforesaid.

Commissioners to appoint Time for receiving Applications for Situations of Allotments.

XLVIII. And be it further enacted, That the said Commissioners shall and they are hereby required to give Ten Days Notice of a Meeting for receiving Applications from the Owners and Proprietors of the Lands and Grounds hereby directed to be divided and allotted, touching the Situation in which they would respectively choose to have their Allotments set out and allotted.

Meetings for objecting to Allotments.

XLIX. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Rights and Interests of the said 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 proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioners shall hold a Meeting at some convenient Time and Place, when and where the Proprietors may be informed of such Allotments, and see the same set out and delineated upon a Map or Plan to be produced for their Inspection, and the said Commissioners shall adjourn such Meeting for the Space of Two Days, to be held at the same Place, for the Purpose of enabling the said Proprietors in the meantime to view their respective Allotments; and if any of the said Proprietors at such adjourned Meeting so to be held shall be dissatisfied with the proposed Allotments, the said Commissioners shall then, or at some other Time and Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections of any Proprietor or Proprietors against any such Allotment or Allotments, and shall forthwith, or as soon after as conveniently may be, determine the same, and such Determination shall be binding and conclusive on all Parties interested in such Allotment or Allotments.

Directions for fencing Allotments.

L. And be it further enacted, That the several and respective Allotments to be made of the Lands hereby directed to be divided, allotted, and inclosed within the said Parish of *North Runcton* and Hamlets of *Hardwick* and *Setch* otherwise *Setchey* respectively, after the Division thereof, shall, within Six Calendar Months, to be computed from the signing and sealing of the Award of the said Commissioners, or within any shorter Space of Time to be appointed by the said Commissioners, be inclosed, and the Fences thereof composed of and planted with young Quicksets; and such Fences, where the same shall adjoin upon any public

Road

Road or Way, and in such other Place or Places as the said Commissioners shall think fit, shall be guarded with good and substantial Posts and Rails or otherwise, and with such Ditches on either or each Side thereof as the said Commissioners shall direct and appoint; all which said Fences shall be so planted and guarded as aforesaid by and at the proper Costs and Charges of the respective Persons to whom the same shall be respectively allotted, in such Manner, Shares, and Proportions as the said Commissioners shall in and by their said Award order and direct.

Cattle not to be depastured on the Highways for Seven Years.

LI. And be it further enacted, That no Person or Persons whosoever shall graze or keep any Sort of Beast or Cattle whatsoever in or upon any of the Roads or Ways which the said Commissioners shall order and direct to be set out, and which shall be fenced on both Sides, for the Space of Seven Years next after the making and executing of the Award; and all Owners of Lands or Grounds within the said Parish of *North Runcton* and Hamlets of *Hardwick* and *Setch* otherwise *Setchey* respectively, their and every of their Servants and Labourers, and also all the Peace Officers and Parish Officers of the same Parish and Hamlets respectively for the Time being, are hereby empowered to take and impound any such Beast or Cattle which shall be found so grazing as aforesaid as Cattle Damage feasant: Provided always, that nothing herein contained shall prevent or prohibit the Proprietors of the Lands and Grounds which shall next adjoin the said Roads and Ways from depasturing their Cattle so far as the Frontage of their respective Lands and Grounds may extend.

Commissioners may make Partitions.

LII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to make Partition of any Lands, Tenements, or Hereditaments within the said Parish of *North Runcton* and Hamlets of *Hardwick* and *Setch* otherwise *Setchey* respectively, held by any Persons as Coparceners, Joint Tenants, or Tenants in Common, so as every such Partition be made upon Application from and with the Consent and Approbation of any One or more of the several Proprietors thereof signified in Writing under his or their Hand or Hands, or under the Hands respectively of the Husbands, Guardians, Trustees, Committees, or Attornies duly authorized of any of the said several Proprietors who may be under Coverture, Minors, Lunatics, or beyond the Seas, or under any other legal Disability or Incapacity to act, and so as every such Partition be specified in the Award of the said Commissioners, or some other Instrument under their Hands and Seals; and every such Partition shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Power of Exchange.

LIII. 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, and Hereditaments within the said Parish of *North Runcton* and Hamlets of *Hardwick* and *Setch* otherwise *Setchey* respectively in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the same Parish and Hamlets respectively, or any adjoining Parish, Hamlet, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made at the Request in Writing of the Owner or Owners of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners shall be a Body or Bodies Politic, Corporate, or Collegiate,

giate, or a Tenant or Tenants in Fee Simple, or in Fee Tail, General or Special, or for Life, or by the Curtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor or Lessors thereof, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchanges and Exchange so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; and all Leases or Agreements, so far as the same affect such exchanged Lands, shall thenceforth be void; and the said Commissioners are hereby authorized and required in and by their said Award to determine the Compensation to be made to the Tenant or Tenants from whom such exchanged Lands shall be taken: Provided nevertheless, that no Exchanges shall be made of any Lands, Tenements, or Hereditaments held in right of any Church or Chapel or other Ecclesiastical Benefice without the Consent, testified as aforesaid, of the Patron thereof and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall be situate: Provided always, that all the Costs, Charges, and Expences attending the making of any Exchanges shall be paid, borne, and defrayed by the several Persons making such Exchanges, in such Shares and Proportions, and at such Time, and to such Person or Persons, as the said Commissioners shall by any Writing under their Hands direct or appoint.

Exchanges and Partitions of Copyholds to be perfected by Admittance.

LIV. And be it further enacted, That every Person to whom any Copyhold Lands or Tenements shall be allotted in Exchange or upon Partition as aforesaid shall, as soon as conveniently may be, and at all events before the Expiration of Twelve Calendar Months after the Execution of the Award of the said Commissioners, or at the then next General Court Baron to be held for the Manor whereof such Copyhold Hereditaments shall be respectively held, be admitted Tenant of the Copyhold Lands or Tenements so allotted; but on no such Admission shall any Fine, Rent, Heriot, Fees, or other Payments be made to the Lord or Lords, Lady or Ladies of the said Manors respectively, or to his, her, or their Steward or Stewards, save only the Sum of Two Pounds Twelve Shillings and Sixpence to such Steward or Stewards for the Fees of each Admission, over and besides the Stamp Duty payable by Law upon each such Admission.

Tenures of Allotments.

LV. And be it further enacted, That the several Lands, Grounds, and Hereditaments to be allotted and awarded upon the said Division, Allotment, and Inclosure to the several Persons, Body or Bodies Politic, Corporate, or Collegiate, interested therein, shall, immediately after the same shall have been so allotted and awarded, be holden by the said several Persons, Body or Bodies Politic, Corporate, or Collegiate respectively, by and under the same Tenures, (whether Freehold, Copyhold, or Leasehold,) and subject to the same Rents, Payments, Heriots, Fines, Customs, and

and Services by, under, and subject to which the several Lands, Tenements, and Hereditaments in lieu or in respect of which the same Lands, Grounds, and Hereditaments shall be so allotted and awarded were respectively held immediately before the passing of this Act; and all such Allotments shall thereupon become Freehold, Copyhold, or Leasehold (as the Case may be), and shall be so distinguished in the Award to be made by the said Commissioners, any Law or Custom to the contrary notwithstanding.

Persons may sell or mortgage before the Execution of Award.

LVI. And be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time before the Execution of the Award of the said Commissioners sell, his, her, or their Right, Interest, and Property in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, upon such Sale being made, to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns, for or in respect of such Right, Interest, and Property so sold as aforesaid, and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him or her as aforesaid in the same Manner to all Intents and Purposes as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotments as aforesaid; and it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act to give, grant, bargain, sell, surrender, demise, mortgage, limit, appoint, convey, and assure the same Allotment or Allotments, or all or any Part of his, her, or their Estate or Interest therein or Right thereto, at any Time before the Execution of the said Award, and every such Gift, Grant, Bargain, Sale, Surrender, Demise, Mortgage, Limitation, Appointment, Conveyance, and Assurance shall be of the same Force and Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person or Persons entitled to any Allotment to sell, dispose of, and convey the Estate in right of which he, she, or they may be entitled to any such Allotment separate and apart from, and retaining to himself, herself, and themselves, such Allotment, Common Right, and Interest; and the said Commissioners are hereby required to award such Allotment or Allotments accordingly.

Persons having limited Interests may raise Money by Mortgage for Expences.

LVII. And be it further enacted, That it shall be lawful for all Husbands, Guardians, Trustees, or Committees of any of the Owners or Proprietors of any of the Lands and Grounds to be by virtue of this Act divided and allotted, being under Coverture, Infants, Idiots, Lunatics, or Persons beyond the Seas, or otherwise incapacitated, Tenants in Tail or for Life only, or Feoffees for charitable or other Uses, or any of them, by and with the Consent of the said Commissioners testified in Writing under their Hands and Seals, from Time to Time to charge the Lands and Grounds which shall be so set out and allotted to them respectively by virtue of this Act with any Sum or Sums of Money which the said Commissioners shall in their Discretion judge necessary for the Purpose of inclosing, fencing, and dividing his or their respective Allotments, and for

defraying the Expences of carrying this Act into execution, not exceeding Five Pounds for every Acre of such Lands and Grounds respectively, and for securing the Rapayment of such Sum and Sums of Money, with Interest, to grant, mortgage, lease, or demise, or otherwise subject the Lands and Grounds so to be set out and allotted as aforesaid, or any Part thereof, to such Person or Persons as shall advance or lend the same respectively, his or their respective Executors, Administrators, and Assigns, for any Term or Number of Years, so as such Grant, Demise, Lease, or Mortgage be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with Interest thereon, shall be fully paid and satisfied, and so as in every such Grant, Demise, Lease, or Mortgage which shall be made by or on behalf of any Person or Persons interested in or entitled to any such mortgaged Premises for the Term of his, her, or their natural Life or Lives, there be contained a Covenant to pay and keep down the Interest of the said Money to be secured during his, her, or their respective Life or Lives, in such Manner as that no Person or Persons afterwards becoming possessed of such Lands and Grounds shall be subject or liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title of such Possession shall accrue or commence; and every such Grant, Mortgage, Lease, or Demise so to be made in pursuance of this Act shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Mortgages may be assigned.

LVIII. And be it further enacted, That all and every Persons and Person to whom any Grant, Mortgage, Lease, or Demise shall be made by virtue of this Act as a Security for any Sum or Sums of Money by them, him, or her lent and advanced on the Credit of and for the Purposes mentioned in this Act, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Deed or Deeds, Surrender or Surrenders, Writing or Writings, under their, his, or her Hands and Seals or Hand and Seal, to be executed in the Presence of and attested by One or more credible Witness or Witnesses, stsign and transfer the same Security or Securities, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all their, his, or her Estate, Right, Title, or Interest, and Term of Years then to come and unexpired of, in, and to the same, unto any Person or Persons whomsoever, who may again in like Manner assign the same, and so *toties quoties;* and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors or Administrators, and all Persons claiming under them or any of them, shall and may use, take, and pursue all such lawful Methods, Causes, and Expedients in Law or in Equity for recovering or obtaining Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid, in case of Nonpayment of the Principal Money and Interest to be thereby secured, or any Part thereof respectively, as is or are taken, used, and pursued in Cases of the like Nature.

Leases at Rack Rent to be void as to Half-year Land and Right of Common.

LIX. And be it further enacted, That from and immediately after the Allotments herein directed to be made shall be marked and staked out, and the said Commissioners shall have directed the same to be entered upon by the Persons respectively to or for whom the same shall be intended to be allotted, all and every Leases and Lease and other Agreements and Agreement at Rack Rent subsisting of all or any Part or Parts of

of the Lands hereby directed to be allotted, and of any Right of Common thereon, which may be held alone or together with any Messuages or Tenements and Homesteads respectively for any Term or Terms of Years not exceeding Twenty-one Years, (save and except such Leases and Agreements as by the express Terms thereof are not to be void in case of an Allotment in Severalty or Inclosure,) shall cease, determine, and be void as to all such Lands and Rights of Common respectively, whether allotted by way of Exchange or otherwise, but not as to any other Hereditaments comprised therein, such Compensation being paid to or allowed by the respective Landlords whose Leases or Agreements shall be so vacated as the said Commissioners shall by Writing under their Hands order and direct in that Behalf; and it shall be lawful for the said Commissioners and they are hereby authorized by Writing under their Hands to ascertain, direct, and appoint what Rent or Share or Proportion of Rent shall be paid by the several Tenants of the Lands to be allotted or inclosed as aforesaid by virtue of this Act, or the Rights of Common thereof, in their respective Holdings, to their respective Landlords, from the Time of passing this Act, until such Lands shall be marked and staked out and be directed to be entered upon as aforesaid, and also to order and direct what Proportion and Amount of the whole Rent reserved upon such Lease or Leases, Agreement or Agreements, shall be paid by such Tenants from the Time of passing this Act to their respective Landlords for the Messuages, Homesteads, or ancient Inclosures comprised in such Lease or Leases, Agreement or Agreements, until the Expiration thereof, and which are not meant or intended to be made void as to such Messuages, Homesteads, or ancient Inclosures.

Deeds, Wills, &c. not to be affected.

LX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to revoke, annul, make void, alter, vary, or in anywise affect any Grant, Assurance, Limitation of Use or Uses, Declaration of Trust, or any Deed or Will whatsoever, (except such Leases and Agreements as are herein-before mentioned,) or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Rentcharge, Annuity, Debt, Rent, Incumbrance, or other Claim or Demand, out of or upon or affecting any of the Lands or Grounds hereby directed to be divided and allotted, or any of the Messuages, Lands, or Hereditaments which shall be exchanged or parted with in pursuance of this Act, but that as well the Lands allotted and exchanged as the Hereditaments which shall be assigned in Partition or in Compensation for any other Estate or Right by virtue of this Act or the said recited Acts, or either of them, shall, immediately after such Allotment, Exchange, Partition, or Assignment, remain and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange or on Partition as aforesaid shall thenceforth stand and be seised and possessed thereof respectively to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances in all respects, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Exchanges, Partitions, and Assignments shall have been made should or would have stood severally limited, settled, vested, or subject or liable to, or been held by, in case the same had not been allotted, exchanged, parted with, or assigned as aforesaid, and this Act had not been passed, save and except such Leases and

Tenancies

Tenancies at Rack Rent as shall become void by virtue of this Act, and except where any other of the Provisions of this Act are to the contrary, and subject nevertheless to all such Mortgages and Sales as shall be made by Authority hereof or of the said first-recited Act.

Separate Allotments for Lands held under different Titles.

LXI. And be it further enacted, That when the Proprietor or Proprietors of Lands or other Hereditaments which shall be inclosed, allotted, or exchanged by virtue of this Act shall hold their said respective Lands or other Hereditaments under different Titles or for different Estates, the said Commissioners shall, upon the Request of the said respective Proprietors in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held for each of such Estates and under each of such Titles respectively, and shall accordingly in their Award set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments.

Application of Money paid for Purchase or Exchange, if amonnting to 200*l.*

LXII. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said first herein-before recited Act or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall and may be lawful to and for the said Commissioners out of such Sums to defray such Proportion of the Expence of passing this Act, and of carrying the same and the said recited Acts into execution, as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioners be proper to be made and shall be made under their Direction upon any Lands to be by virtue of this Act allotted to such Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the

Method prescribed by an Act passed in the First Year of the Reign of
1 G. 4. c. 35. His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, and shall when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons, Body or Bodies, who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments belonging to such Person or Persons, Body or Bodies, or settled therewith to the same Uses, as the said Court of Exchequer shall authorize to be purchased or redeemed, or paid or discharged, or such Part or Parts thereof as shall be necessary, or in the Expence of any such permanent Improvement as aforesaid, or until the same shall, upon the like Application in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the afore-mentioned Lands, Tenements, or Hereditaments stood limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons, Body or Bodies, who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Where less than 200*l.* and amounting to 20*l.*

LXIII. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons, Body or Bodies, for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased or exchanged, and of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners to be signified in Writing under their Hands, be paid into the Bank of *England* in the Name

and with the Privity of the Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons, Body or Bodies, who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal, as the Case may be, of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money to be paid into the Bank in the Name of the Accountant General of the said Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under 20*l.*

LXIV. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons, Body or Bodies, who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his, her, or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person and Persons respectively entitled thereto.

When Allotments are omitted to be distinguished by the Award, the Defect may be remedied by a separate Instrument.

LXV. And be it further enacted, That if from Want of Information or other Cause the said Commissioners shall have omitted to distinguish in their Award the several Tenures under which any of the said Lands or other Hereditaments are or shall be holden, or the several Rents, Payments, Fines, Heriots, Customs, and Services to which the same are or shall be subject, or the different Estates or Titles for or under which the same are or shall be held, or to set out and award several and distinct Allotments as is hereby required, it shall be lawful for the said Commissioners and they are hereby authorized, at any Time within Twelve Calendar Months after the Date and Execution of their Award, upon Request in Writing to them made by the respective Proprietors of any such Allotments, Lands, or other Hereditaments, or other Persons interested therein, or their Agents, to do all such Acts as shall be necessary for supplying such Omission, and for that Purpose to examine Witnesses, and proceed as if their Award had not been made, and by any Deed or Instrument under their Hands and Seals to distinguish, ascertain, and set out the Allotments, Lands, and Hereditaments held by different Tenures, and the several Rents, Payments, Fines, Heriots, Customs, and Services to which the same respectively are subject, and also the Allotments, Lands, and Hereditaments held by, for, or under different Estates or Titles respectively, in the same Manner as they are hereby authorized to do in their Award; and every such separate Instrument shall be enrolled and deposited with the Award of the said Commissioners, and shall thence-

forth

forth be deemed and taken to be Part thereof to all Intents and Purposes whatsoever; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry or separate Instrument as aforesaid, and the Enrolment thereof, shall be paid by the Person or Persons who shall have requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators.

Award to be made and deposited.

LXVI. And be it further enacted, That as soon as conveniently may be after the said Division and Allotment shall be completed the said Commissioners shall form, draw up, and execute an Award, which, together with a proper Map or Plan thereto annexed, shall within Ten Days after the Execution thereof 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, for the Reception whereof the Fee of Two Pounds and Two Shillings, and no more, shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be enrolled within the true Intent and Meaning of the said first-recited Act; and a Copy of the said Award and of the said Map or Plan, signed by the said Commissioners, shall within the Time aforesaid be deposited within the Parish Church of *North Runcton* aforesaid, and there kept in a proper Box to be provided for that Purpose; and the said Award and the said Copy thereof, and any other Copy of the said Award or of any Part or Parts thereof, attested by the Clerk of the Peace for the Time being of the said County or his Deputy, (for every Sheet of which containing One hundred Words Sixpence, and no more, shall be paid,) shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Accounts to be audited.

LXVII. And be it further enacted, That once at least in every Three Calendar Months during the Execution of this Act (to be computed from the Time of passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement and Account of all the Sums of Money by them received and expended or applied in the Execution of this Act, and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid and disbursed; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before One of His Majesty's Justices of the Peace for the County of *Norfolk*, not interested in the said Inclosure, to be by him examined and balanced, and such Balance shall be stated in the Books of Account to be kept in the Office of the Person acting as Clerk to the said Commissioners; and an Abstract of such Account shall, within Fourteen Days after the same shall have been so examined and balanced, be published in the *Norfolk Chronicle*, or in some other Newspaper printed and circulated in the said County of *Norfolk*; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law unless the same shall have been allowed by such Justice, and until such Account or the Abstract thereof

thereof shall have been so published as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

Power to appeal.

LXVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of the said recited Acts or this Act, (other than and except as to the Allotments, and except such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, settled, tried, or determined by any Issue at Law, or where by any of the Provisions of the said recited Acts or of this Act the Determinations, Acts, or Proceedings of the said Commissioners are directed to be final or conclusive,) he, she, or they may appeal to any General or 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 Ten Days Notice in Writing of such Appeal and the Matter thereof, except with respect to the Accounts of the Commissioners, which, notwithstanding the same shall have been examined and balanced as aforesaid, may be appealed against at any Time within Six Calendar Months after the depositing of the Award with the Clerk of the Peace for the said County of *Norfolk* on giving to the said Commissioners such Notice as last aforesaid; and the Justices (not interested in the Premises) at the said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs 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 after deducting the reasonable Charges of such Warrant of 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 such Appeal shall appear to the said Justices to be frivolous and 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.

General Saving.

LXIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Persons and Person, Bodies Politic, Corporate, and Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest, Claim and Demand, (other than and except such as are expressly barred and compensated for, or intended to be barred and compensated for and extinguished, by this Act,) as they, every or any of them, could or might have had, held, and enjoyed of, in, to, or out of the said Lands authorized to be divided, allotted, and inclosed, or any Part thereof, in case this Act had not been passed.

Act to be printed by the King's Printers.

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

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.