ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 160.

An Act for incloſing Lands in the Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft*, in the County of *Norfolk*. [9th *June* 1812.]

WHEREAS there are within the Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft*, in the County of *Norfolk*, divers Field Lands, Commons and Waſte Grounds, and in the Pariſh of *Wyſingset* otherwiſe *Whiſſonſett* aforeſaid, a ſmall Parcel of Half-year or Shack Land: And whereas the Reverend *Lancelot Robert Brown* Clerk and *Henry Bence Bence* Eſquire claim to be Lords of the Manor of *Wyſingset* otherwiſe *Whiſſonſett*, and to be entitled to the Soil of all the Commons and Waſte Grounds in *Wyſingset* otherwiſe *Whiſſonſett* aforeſaid; Sir *John Berney* Baronet claims to be Lord of the Manor of *Horningtoft*, and to be entitled to the Soil of all the Commons and Waſte Grounds in *Horningtoft* aforeſaid; *Thomas William Coke* Eſquire claims to be Lord of the ſeveral Manors of *Greinſtone Hall*, *Caleys* and *Nortons*, *Godwick Hall*, *Peak Hall*, *New Hall*, and *Cokesford*, in *Tittleſhall* and *Wyſingset* otherwiſe *Whiſſonſett*, and to be entitled to the Soil of all the Commons and Waſte Lands in *Wyſingset* otherwiſe *Whiſſonſett* aforeſaid, or ſome Part thereof; the Reverend *John Crofts* Clerk claims to be Lord of the Rectory Manor of *Whiſſonſett*, and to be entitled to the Soil of all the Commons and Waſte Grounds in *Wyſingset* otherwiſe *Whiſſonſett* aforeſaid; *Richard Milles* Eſquire claims to be Lord of the Manor of *Curzons* in *Stanfield*, and to be entitled to the Soil of all the Commons and Waſte Grounds in *Stanfield* aforeſaid; and *John Hill* Eſquire claims to be Lord of the Manor of *Greſſenhall North Soken*, and to be entitled to the Soil of all the Commons and Waſte Grounds in *Stanfield* aforeſaid: And whereas the ſaid Sir *John Berney*, *Thomas William Coke* Eſquire,

Ralph Caldwell Eſquire, *John Davy* Eſquire, *William Goodwyn*, *Henry Goggs*, the Reverend *Robert Hankinſon* Clerk, *Benjamin Branford*, and divers other Perſons reſpectively, are Owners and Proprietors of all the Meſſuages, Cottages, Lands, Grounds and Hereditaments, within the ſaid Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft*: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas it would be advantageous to the ſeveral Perſons entitled to and intereſted in the Premiſes, if the Rights of Common and other Rights to which the ſaid Field Lands, Half-year or Shack Lands, Commons and Waſte Grounds, are now ſubject, were extinguiſhed, and if the ſaid Field Lands, Half-year or Shack Lands, Commons and Waſte Grounds, were divided, and ſpecific Parts or Shares thereof allotted to the reſpective Perſons entitled to or intereſted in the ſame, according to their reſpective Eſtates, Rights and Intereſts; but inaſmuch as ſuch Extinguiſhment, Diviſion and Allotment, cannot be effectually made and eſtabliſhed without the Aid and 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 *Joſeph Sewell* of the City of *Norwich*, Gentleman, *John Dugmore* of *Swaffham*, in the County of *Norfolk*, Gentleman, and *Edmund Cooper* of *Eaſt Dereham*, in the ſame County, Gentleman, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing and allotting the ſaid Field Lands, Half-year or Shack Lands, Commons and Waſte Grounds, in the ſaid Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft*, and for carrying this Act into Execution, and ſuch of the Powers, Directions, Regulations and Proviſions expreſſed and contained in the ſaid recited Act as are not expreſsly altered, varied, or otherwiſe provided for and enacted in and by this Act; and that all Acts, Matters and Things authorized or directed, or which ſhall be neceſſary to be done or executed by the Commiſſioners hereby appointed, or their Succeſſors, in purſuance of this and of the ſaid recited Act, may be done and executed by any Two of them, and ſhall be as good, valid and effectual, and have the ſame Force and Effect, as if ſuch Acts, Matters and Things, had been done or executed by all the Commiſſioners herein named or to be appointed by virtue of this Act.

Commiſſioners.

For appointing new Commiſſioners.

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

carrying the ſaid recited Act and this Act into Execution, in all Reſpects, as if he had been named and appointed a Commiſſioner in and by this Act.

Notice of Commiſſioners Meetings.

III. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, to cauſe Notice in Writing of the Time and Place of their firſt and of every ſubſequent Meeting for the Execution of this Act, to be inſerted in the *Norfolk Chronicle* or *Norwich Mercury*, or in ſome other Newſpaper publiſhed or circulated in the ſaid County of *Norfolk*, Eight Days at leaſt previouſly to every ſuch Meeting, (Meetings by Adjournment excepted); and that if one only of the ſaid Commiſſioners ſhall be preſent at the Time and Place to be appointed for any ſuch Meeting, then and in ſuch Caſe, and as often as the Caſe ſhall happen, it ſhall be lawful for ſuch Commiſſioner to adjourn ſuch Meeting from Time to Time to ſome Place which he ſhall deem convenient, giving Notice of ſuch Adjournment to the abſent Commiſſioners: Provided always, that all Meetings as well by Adjournment as otherwiſe, for carrying this Act into Execution, ſhall be holden either in the ſaid Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, or *Horningtoft*, or within Eight Miles thereof.

Other Notices how to be given.

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

Proprietors and Agents to pay their own Expences.

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

Power for Commiſſioners to ſettle Diſputes.

VI. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotment, touching or concerning any Right or Intereſt which they or any of them ſhall or may claim or have of or in any of the Lands or Grounds by this Act directed to be divided and allotted as aforeſaid, or touching or concerning their reſpective Shares or Proportions of or in the ſame reſpectively, or concerning any Allowance claimed or to be made for ploughing Land, ſowing Turnips or Corn, laying down with Graſs Seeds, manuring or improving the ſaid Lands or Grounds, or any of them, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Allotment, then and in any of the ſaid Caſes and ſo often as the ſame ſhall happen, it ſhall be lawful for the ſaid Commiſſioners and they are hereby required, as well by the Examination, Information or Teſtimony of Witneſſes upon Oath, as by any other proper and ſufficient Enquiry or Evidence, to examine into, hear and determine

Commissioners not to determine Titles.

the same: Provided nevertheless, that nothing in this Act contained shall extend or be construed to extend to empower the said Commissioners to determine the Title to any Manors, Messuages, Lands, Tenements, or Hereditaments whatsoever.

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

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

Power for Commissioners to assess Costs.

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

Power to try Rights by an Issue at Law.

IX. Provided always, and be it further enacted, That in case any Person or Persons, or any Body or Bodies Politic, Corporate or Collegiate, who shall have delivered to the said Commissioners any Claim in Writing of any Right or Interest in, upon, or over the Lands or Grounds by this Act directed to be divided and allotted as aforesaid, or in, upon, or over any Part thereof, or who shall have delivered to the said Commissioners any Objection in Writing to any such Claim of any other Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any such Claim or Objection, or shall be desirous of having the Matter of such Claim or Objection decided by the Verdict of a Jury, and shall within

within One Calendar Month next after such Determination, cause Notice in Writing of his, her, or their Desire in this Behalf, to be delivered to or left at the last or most usual Place of Abode of the said Commissioners respectively, it shall be lawful for such Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the ensuing Assizes, or at the following Assizes to be held for the said County of *Norfolk*; and that for that Purpose the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, having given such Notice as aforesaid, shall within Two Calendar Months next after the Determination of the said Commissioners, cause an Action to be commenced in one of His Majesty's Courts of Record at *Westminster*, upon a feigned Issue, against the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made; and that the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights, Interest or Interests, thereby insisted upon, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties shall differ about the same); and that all Proceedings in such Action or Actions shall be subject to the Rules or Orders of the Court in which the same shall be brought; and that the Verdict or Verdicts which shall be given upon the Trial of such Action or Actions, shall be final, binding, and conclusive upon all and every Person and Persons, and Bodies or Body Politic, Corporate, or Collegiate, unless the Court wherein the Action or Actions shall have been brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the said Court to do, if the Court shall think proper; and that after such Verdict or Verdicts shall be obtained, and not set aside as aforesaid, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that if no such Notice shall be given, or if any such shall be given, and an Action at Law shall not be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then and in every such Case and in that Event, the Determination of the said Commissioners shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Death of Parties not to stop Proceedings at Law.

X. Provided also, and be it further enacted, That if any of the Parties in any Action to be brought or commenced in pursuance of this Act, shall die before the Determination thereof, such Action shall not abate by Reason thereof, but shall be proceeded in as if such Death had not happened.

Trials not to suspend the Execution of this Act.

XI. 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 that the Diviſion, Allotment, and Incloſure by this Act directed to be made, ſhall be proceeded in notwithſtanding any ſuch Difference, Suit, or Proceeding, and that the Allotment or Allotments to which any ſuch Difference, Suit, or Proceeding reſpectively, ſhall relate, ſhall be taken by the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, who, by the Determination of ſuch Difference, Suit, or Proceeding reſpectively, ſhall become entitled to the ſame.

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

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

Death of Parties not to ſuſpend the Execution of the Act.

XIII. And be it further enacted, That if any of the Parties intereſted in the ſaid intended Diviſion or Incloſure 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 that the ſaid Commiſſioners ſhall proceed in the Execution of the Powers given to them by this Act or the ſaid recited Act, in ſuch Manner as they might have done in caſe ſuch Parties had not died; and that the Share or Shares of the Perſon or Perſons ſo dying, ſhall be allotted to ſuch Perſon or Perſons who by Law ſhall become entitled to the ſame, and ſhall be accepted and fenced by him, her, or them, according to the Directions of this or the ſaid recited Act; and he, ſhe, or they ſhall be liable to the Charges and Expences and other Conditions of this and the ſaid recited Act.

For extinguiſhing or ſuſpending Rights of Common before the Award.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at any Time or Times before the Execution of their Award, to order and direct, by Notice in Writing under their Hands, to be for that Purpoſe affixed upon the principal outer Doors of the reſpective Pariſh Churches of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft* aforeſaid, all and every or any Rights or Right of Shackage or Common in, over, or upon the ſaid Half Year or Shack Lands, Commons and Waſte Grounds, or any of them, to be extinguiſhed, either wholly or in part, or the Exerciſe thereof to be ſuſpended, for and during ſuch Time or Times as ſhall be expreſſed in ſuch Notice; and that all and every the Rights and Right which

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

Turves, &c. not to be cut after Act paſſed.

XV. And be it further enacted, That it ſhall not be lawful for any Perſon whomſoever, from and after the paſſing of this Act, to cut, dig, pare, grave, flay, or carry away any Turf, Flags, Whins, or Furze, in, upon, or from the ſaid Commons and Waſte Grounds, or any Part thereof, without or contrary to the Licence in Writing of the ſaid Commiſſioners firſt had and obtained for that Purpoſe (which Licence they the ſaid Commiſſioners are hereby empowered to grant, under ſuch Rules, Orders, Regulations, or Reſtrictions, as to them ſhall ſeem expedient); and that if any Perſon ſhall, after the paſſing of this Act, cut, dig, pare, grave, flay, or carry away any Turf, Flags, Whins, or Furze, in, upon, or from the ſaid Commons and Waſte Grounds, or any Part thereof, without or contrary to ſuch Licence as aforeſaid, the ſaid Commiſſioners, or any Juſtice of the Peace for the ſaid County of *Norfolk*, upon due Proof thereof made before them or him reſpectively upon Oath, (which Oath any one of the ſaid Commiſſioners, or any ſuch Juſtice is hereby empowered to adminiſter), ſhall and they and he are and is hereby required, by Warrant under their or his Hands and Seals or Hand and Seal, directed to any Perſon or Perſons whomſoever, to cauſe any Sum of Money not exceeding Five Pounds to be levied by Diſtreſs and Sale of the Goods and Chattels of any Perſon offending in the Premiſes, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale, and that the Money ſo to be levied by Way of Penalty as aforeſaid, ſhall be applied towards defraying the Coſts and Charges of obtaining and executing this Act.

Power enabling Commiſſioners to ſhorten Boundary Fences.

XVI. And be it further enacted, That in order to ſhorten the Boundary Fences between the Lands and Grounds by this Act intended to be divided, allotted, and incloſed, and the adjoining Pariſh or Pariſhes reſpectively, it ſhall be lawful for the ſaid Commiſſioners, with the Conſent in Writing of the major Part in Value (ſuch Value to be aſcertained by the Poors Rates or Aſſeſſment for the Time being) of the Land Owners of ſuch adjoining Pariſh or Pariſhes reſpectively, or of ſuch and ſo many of them as ſhall attend at a Meeting to be for that Purpoſe called, and alſo under the Hand or Hands of the Lord or Lords, Lady or Ladies, of the Manor or Manors in ſuch adjoining Pariſh or Pariſhes reſpectively, and of the Owner or Owners of the Land upon which ſuch Boundary Fences ſhall or may be intended to be made, as hereafter is mentioned, to ſet out, aſcertain, and determine the Boundary Fences to be made between the Lands and Grounds by this Act intended to be divided, allotted, and incloſed, and the Lands lying in ſuch adjoining Pariſh or Pariſhes, as the ſaid Commiſſioners ſhall judge proper for the Purpoſes aforeſaid; and that after ſuch Boundary Fences ſhall be ſo ſet out, aſcertained, and determined (if fencing be deemed proper by the ſaid Commiſſioners),

missioners), the same shall be made and continued, and the Boundary Marks preserved by such Person or Persons respectively, and in such Manner, and at such Time or Times, as the said Commissioners shall by their Award direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the Lands and Grounds hereby directed to be divided and allotted, and such adjoining Parish or Parishes respectively as aforesaid; any Law, Usage, or Custom to the contrary notwithstanding.

Encroachments within Twenty Years to be allottable. Beyond Twenty Years confirmed.

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

Encroachments to be allotted to Persons in Possession if, &c. or to be sold.

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

Licensed Encroachments. Possession confirmed.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to any Encroachment or Inclosure upon, or of any Part or Parts of the said Commons or Waste Grounds, which shall have been made within Twenty Years now last past, with the Licence or Consent of, or by Grant from the Lords or Ladies of any of the Manors before mentioned, and which Licence, Consent, or Grant, shall before the passing of this Act have been entered or enrolled in the Court Books, or upon the Rolls of the same Manor; and that no Person or Persons who at the Time of the passing of this Act, shall be in Possession of any Encroachment or Inclosure heretofore made with such Licence or Consent, or by any such Grant as aforesaid, shall at any Time hereafter be

be liable to the Suit, Claim, or Interruption, of any other Perſon or Perſons whomſoever, on the Ground of ſuch Encroachment or Incloſure having heretofore been Part of the ſaid Commons and Waſte Grounds: Provided always, that no Perſon or Perſons poſſeſſing or enjoying any Encroachment whatever, ſhall in reſpect thereof be entitled to any Allotment out of any of the Commons and Waſte Grounds to be divided and allotted by virtue of this Act, if ſuch Encroachment ſhall at any Time within Sixty Years now laſt paſt, have been Part or Parcel of the ſaid Commons and Waſte Grounds.

As to Roads and Footpaths.

XX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and empowered to ſtop up and diſcontinue, or divert and turn any public Road, Track, Way or Path, and to ſet out and appoint any public or private Roads, Tracks, Ways or Paths, in the Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft* aforeſaid, or any of them, and to make ſuch Order or Orders as to them ſhall ſeem proper for that Purpoſe, ſubject nevertheleſs to the Proviſions and Directions of the ſaid recited Act, with reſpect to the ſtopping up of any old or accuſtomed Road or Roads, and ſubject to an Appeal to the Quarter Seſſions as mentioned in the ſaid recited Act; and in caſe any Road, Track, Way or Path, ſo to be ſtopped up and diſcontinued as aforeſaid, ſhall paſs through any incloſed Land in the ſaid Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft* aforeſaid, reſpectively, then the ſaid Commiſſioners ſhall offer to ſell the Ground and Soil thereof to the Owner or Owners of ſuch incloſed Land reſpectively, for ſuch Sum or Sums of Money, and upon ſuch Terms as the ſaid Commiſſioners ſhall think reaſonable; and in caſe any ſuch Road, Track, Way or Path, ſhall paſs on the Side of any ſuch incloſed Land, then the ſaid Commiſſioners ſhall offer to ſell the Ground and Soil thereof in like Manner, to the Owner or Owners of the incloſed Land lying contiguous thereto; and in caſe any ſuch Offer ſhall be accepted, the ſaid Commiſſioners ſhall, upon Payment of the Purchaſe Money for the Road, Track, Path, or Way, ſo offered to be ſold as aforeſaid, deliver to the Purchaſer or reſpective Purchaſers thereof, a Certificate under their Hands of ſuch Offer, Sale and Payment, and ſhall afterwards by their Award allot the Ground and Soil of every ſuch Road, Track, Way or Path, ſo ſold as aforeſaid, to the reſpective Purchaſers thereof, and ſhall apply the Monies ariſing from any ſuch Sale or Sales towards defraying the Coſts and Expences of obtaining this Act, and executing the ſaid recited Act and this Act; but in caſe no ſuch Sale ſhall be made as aforeſaid, then every ſuch Road, Track, Way or Path, ſo to be ſtopped up or diſcontinued as aforeſaid, ſhall be deemed to be Part of the Commons and Waſte Grounds, and ſhall be divided and allotted accordingly by virtue of and under the ſaid recited Act and this Act: Provided always, that no public Highway or Road ſhall be ſhut up or diſcontinued until the Roads intended to be and remain public Highways ſhall be ſet out and appointed as aforeſaid, and until the ſame ſhall be properly formed, and made ſafe and convenient for Horſes, Cattle and Carriages: Provided alſo, that all private Roads, Ways, and Footpaths, which ſhall be ſet out and appointed as aforeſaid, ſhall be for ever maintained and kept in Repair by ſuch Perſons, in ſuch Manner, and at ſuch Time or Times, as the ſaid Commiſſioners ſhall by their Award, or any other Writing under their Hands, order, direct, or appoint.

Power for the Commissioners to improve Drains, &c.

XXI. And be it further enacted, That the said Commissioners shall and may scour out, deepen and widen, or cause to be scoured out, deepened and widened respectively, all or any and such of the ancient or present Rivulets, Brooks, Streams, Ditches, Drains and Watercourses, Tunnels, and Bridges, within the said Parishes of *Wysingset* otherwise *Whissonsett*, *Stanfield*, and *Horningtoft*, any or either of them, as they shall think proper; and also set out, appoint and make such new Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges, as well through and over the said Lands and Grounds hereby directed to be divided and allotted, as in, over, and through any ancient Inclosures within the said Parishes, (making such Satisfaction to the Proprietors of the said ancient Inclosures for the Damage to be done thereby, as they the said Commissioners shall think reasonable), and of such Depth and Width, and in such Directions as they the said Commissioners shall also think proper; and that the said Commissioners shall and they are hereby required, in or by their Award, to order and direct by whom and at whose Expence, and at what Time and in what Manner, any such new Ditches, Drains, Watercourses, Tunnels, Gates, Banks and Bridges respectively, shall be made, and afterwards be cleansed, scoured, repaired and maintained: Provided always, that no Brook or Stream of Water shall be diverted or turned, without the Consent in Writing of the Owner or Proprietor, or Owners or Proprietors of the Lands and Grounds, from which any such Brook or Stream shall be diverted, and of the Owner or Proprietor, or Owners or Proprietors, of the Lands and Grounds into which any such Brook or Stream shall be proposed to be turned.

Allotments for Public Watering Places.

XXII. And be it further enacted, That the said Commissioners shall in the first Place if they shall think proper or necessary, assign, set out and allot unto the Surveyors of the Highways for the Time being, in the respective Parishes of *Wysingset* otherwise *Whissonsett*, *Stanfield*, and *Horningtoft* aforesaid, so much and such Part or Parts of the Lands and Grounds hereby directed to be divided and allotted, as they the said Commissioners shall think necessary, as and for public Watering Places for Cattle, and as and for public Sand and Gravel Pits, and the same shall be fenced round, and such Fences maintained by such Person and Persons, and in such Manner as the said Commissioners shall in and by their Award direct or appoint; and the same Allotments, when set out, shall for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands and Estates within the said Parishes of *Wysingset* otherwise *Whissonsett*, *Stanfield*, and *Horningtoft* respectively, and their Tenants, in such Manner, and under such Rules and Regulations, as the Surveyors of the Highways within the said Parishes respectively for the Time being, shall order, direct and appoint, and not otherwise; and the Feed and Herbage arising upon the last-mentioned Allotments, shall be taken and disposed of by such Surveyor or Surveyors, within the said respective Parishes for the Time being, for the Benefit of the respective Poor thereof.

Allotments for Right of Soil.

XXIII. And be it further enacted, That the said Commissioners shall then assign and set out, unto the Lord or Lords, Lady or Ladies for the Time being of any Manor or Manors, who is, are, or shall be, in the Judgment of the said Commissioners, entitled to the Soil of the Commons and Waste Grounds hereby directed to be divided and allotted, such Part or Parts of the said Field Lands, Commons and Waste Grounds, as shall

ſhall in the Judgment of the ſaid Commiſſioners be equal in Value to One-eighteenth Part of the whole of the ſaid Commons and Waſte Grounds, and when aſſigned and ſet out, ſhall by the ſaid Commiſſioners be allotted to or divided between the ſaid Lords and Ladies, in Proportion to their ſeveral and reſpective Rights and Intereſts in the ſame, in ſuch Manner as the ſaid Commiſſioners ſhall adjudge reaſonable and proper, and ſuch Allotment or Allotments ſhall be a full a Compenſation and Recompence to ſuch Lords and Ladies, for his, her, and their Right in and to the Soil of the ſaid Commons and Waſte Grounds, the Allotment or Allotments, in this Behalf to be made, to be over and beſides, and not to exclude any Allotment or Allotments, which would otherwiſe be made to ſuch Lord or Lords, Lady or Ladies, in Satisfaction of or for any Common of Paſture or Right of Paſturage, upon or over any Parts of the Lands and Grounds by this Act directed to be divided and allotted, in reſpect of any Meſſuages, Cottages, Lands or Tenements, belonging to ſuch Lord or Lords, Lady or Ladies, and in Right whereof any ſuch Common of Paſture, or Right of Paſturage hath been heretofore uſed and enjoyed.

Allotments for Firing for the Occupiers of Meſſuages, &c. not exceeding the value of 5 l. per Annum in Stanfield.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall, in the next Place, aſſign, ſet out and allot, unto the Lords and Ladies of the aforeſaid Manors in *Stanfield*, the Rector of the Rectory of *Stanfield* aforeſaid, the Churchwardens and Overſeers of the ſaid Pariſh of *Stanfield* for the Time being, and to their Succeſſors for ever in Truſt, (either together or in Two or more ſeparate Allotments), Eight Acres, Part of the ſaid Commons and Waſte Grounds hereby directed to be divided and allotted, lying in *Stanfield* aforeſaid, and proper for cutting Turf or other Fuel for the Uſe and Conſumption of the Inhabitants or Occupiers for the Time being, of each and every Meſſuage or Cottage within the ſaid Pariſh of *Stanfield*, not occupying Lands or Tenements of more than the yearly Value of Five Pounds *per Annum* reſpectively, and who are to cut and take the ſame in ſuch Quantities, of ſuch Dimenſions, and from ſuch Parts of the ſaid Allotments as ſhall from Time to Time be directed, ſet out and appointed by the ſaid Truſtees, or the major Part of them, and not otherwiſe or elſewhere, on any Pretence whatſoever; and that it ſhall be lawful for the Lords or Ladies of the above mentioned Manors, the Rector of the the ſaid Rectory, and the Church-wardens and Overſeers of the Poor of the ſaid Pariſh of *Stanfield* for the Time being for ever, or the major Part of them, and they are hereby empowered and required from Time to Time, by Writing under their Hands and Seals, duly executed in the Preſence of and to be atteſted by Two or more credible Witneſſes, to leaſe or demiſe the Graſs, Feed and Herbage to grow, renew and ariſe upon the above-mentioned Allotment or Allotments, to any Perſon or Perſons whomſoever, for any Term or Number of Years, not exceeding Twenty-one Years, to commence in Poſſeſſion and not in Reverſion, ſo that in every ſuch Leaſe there be reſerved and made payable to the ſaid Lords and Ladies, Rector, Churchwardens and Overſeers of *Stanfield* for the Time being, or the major Part of them, by Four equal Payments in every Year, the beſt and moſt approved yearly Rent or Rents that can be had or obtained for the ſame, without taking any Fine, Premium or Foregift, in Conſideration of granting ſuch Leaſe or Leaſes; and ſo that in all ſuch Leaſes there ſhall be contained the uſual Covenants and Stipulations between the Leſſors and Leſſees, and ſuch other Covenants and Stipulations as may be thought proper, and that ſuch Security be given for the Performance of the ſame as the ſaid Truſtees or the major Part of

them ſhall think proper to be inſerted therein; and the Rents and Profits ariſing therefrom ſhall from Time to Time be laid out in purchaſing Fuel for Firing for the Poor of the ſaid Pariſh of *Stanfield*, and ſuch Fuel ſhall be diſtributed amongſt the poor Inhabitants of the ſaid Pariſh, who ſhall be legally ſettled therein, and who ſhall not occupy Lands or Tenements of more than the yearly Value of Five Pounds, in ſuch Proportions and Quantities, and at ſuch Times in the Year, as the ſaid Truſtees or the major Part of them ſhall think moſt proper; and in caſe there ſhall be more Money than ſhall be neceſſary to be expended for the Purpoſe aforeſaid, then ſuch Surplus Money or Rent ſhall be applied for the Relief and Benefit of the Poor belonging to the ſaid Pariſh of *Stanfield*, in ſuch Manner as the ſaid Truſtees or the major Part of them ſhall think proper; and the aforeſaid Allotment or Allotments when ſet out ſhall be veſted in the Lords and Ladies of the aforeſaid Manors, the Rector, Churchwardens, and Overſeers of the Poor of the ſaid Pariſh of *Stanfield* for the Time being for ever, in Truſt and for the Purpoſes aforeſaid.

Churchwardens (after the Execution of the Award) to ſuperintend the Direction of Works on the Allotment for Firing. Lords of Manors, &c. to act by Proxy.

XXV. And be it further enacted, That from and after the Execution of the ſaid Award, the Direction and Execution of all ſuch Works as ſhall become neceſſary to be done on ſuch Parts of the ſaid Commons and Waſte Grounds as ſhall be ſo allotted for Firing as aforeſaid, and the enforcing of ſuch Regulations or Orders as ſhall be made reſpecting the ſame by the ſaid Truſtees, ſhall belong to and become Part of the Duty and Office of the Churchwardens and Overſeers of the ſaid Pariſh of *Stanfield* for the Time being: Provided always, that it ſhall be lawful to and for the Lords or Ladies of the aforeſaid Manors in *Stanfield*, and the Rector of the ſaid Rectory for the Time being, to act in the Execution of the Truſt hereby repoſed in them as aforeſaid, by his, her, or their Agents or Proxies reſpectively, ſuch Agents or Proxies reſpectively being appointed by Writing or Writings under the Hands of the Lords and Ladies of the ſaid Manors in *Stanfield*, and the Rector of the ſaid Rectory reſpectively, and producing their Appointment or Appointments at the Time of their acting by virtue thereof.

Allotment to the Value of One Rood to the Owner of each Commonable Meſſuage.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall in the next Place aſſign, ſet out, and allot unto the ſeveral Owners of Meſſuages or Cottages having in reſpect thereof Right of Common upon the aforeſaid Commons and Waſte Lands or any Part thereof, ſuch Parts and Parcels of the Lands and Grounds hereby directed to be divided and allotted, as the ſaid Commiſſioners ſhall deem and conſider to be equal in Value *per Annum* to the annual average Value of One Rood of the Whole of the Commons and Waſte Lands lying within the Pariſh in which ſuch Meſſuage or Cottage ſhall be ſituated, for each and every ſuch Meſſuage or Cottage reſpectively, over and above the Allotment or Allotments to which the Owners of ſuch Meſſuages or Cottages reſpectively ſhall be entitled by virtue of this Act.

Allotment of Reſidue.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall then aſſign, ſet out, and allot the Reſidue and Remainder of the Lands and Grounds by this Act directed to be divided and allotted, unto and among the ſeveral Owners and Proprietors thereof, and unto and among the ſeveral other Perſons, and Body and Bodies Politic, Corporate, and Collegiate, having any Right or Intereſt in, to, upon, or over the ſame

Lands

Lands and Grounds respectively, or any Part thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionate to the Value of, and a full Satisfaction and Compensation to such Owners and Proprietors, and Body and Bodies Politic, Corporate, and Collegiate respectively, for his, her, and their respective Parts and Shares of such Lands and Grounds, and for his, her, or their respective Rights and Interests in, to, upon, or over the same respectively.

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

XXVIII. And be it further enacted, That when and as soon as the said Commissioners shall have ascertained the respective Rights and Interests of the respective Proprietors, in the Lands and Grounds to be divided and allotted by virtue of this Act, and also the respective Shares and Proportions by them the said Commissioners proposed to be allotted to the same Proprietors respectively in lieu thereof, or for or in respect of such Rights and Interests, they the said Commissioners shall give Notice in Manner aforesaid, of some convenient Time and Place when and where the said Proprietors may be informed of such proposed Allotments, and may see the Scheme thereof set out and delineated upon a Map or Plan of the same, to be produced to the said Proprietors for their Inspection; and as some of the said Proprietors may, upon Inspection of the said Map or Plan, be dissatisfied with the proposed Allotments, the said Commissioners shall at the Time and Place last aforesaid, or at some other Time and Place to be appointed for that Purpose, receive Statements in Writing of the Objections against such proposed Allotments, and shall forthwith or as soon thereafter as conveniently may be, determine the same; and that the Determination of the said Commissioners in this Behalf shall be final and conclusive.

Common Rights sold, the Allotments to be made to the Purchaser.

XXIX. And be it further enacted, That if any Owner or Owners hath or have, or shall at any Time within Three Calendar Months before the Execution of the Award of the said Commissioners, sell to any Person or Persons whomsoever, such Owner or Owners Right, Interest, and Property in or to the Lands or Grounds by this Act directed to be divided and allotted, or in or to any Part thereof, or in or to any Allotment or Allotments which shall be set out or intended to be made by the said Commissioners, either in full or in part Satisfaction of any such Right, Interest, or Property as aforesaid, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the respective Vendee or Purchaser mentioned in such Sale, or to his, her, or their Heirs or Assigns, for and in respect of the Right, Interest, and Property which shall have been so sold as aforesaid, and not to the Vendor or Vendors of the same; and that every such Vendee or Purchaser respectively, and his and her respective Heirs and Assigns, shall and may from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them respectively as aforesaid, in the same Manner to all Intents and Purposes, as the Vendor in such Sale, might, could, or ought to have held and enjoyed the same, in case such Sale had not been made, or such Right, Interest, or Property had remained in such Vendor, at the Time of making such Allotment as aforesaid; provided that every such Deed of Sale if the same shall relate to any Right, Interest, or Property appurtenant to or claimed in respect of any Messuage, Cottage, or Land holden by Copy of Court Roll of the Lord of any Manor, or to any Allotment

ſet out or intended to be ſet out in reſpect of any ſuch Copyhold Meſſuage, Cottage, or Land ſhall, to give it complete Effect as aforeſaid, be inrolled or entered, either at large or by Way of Memorial, in the Court Books, or on the Rolls of ſuch Manor, and when ſo inrolled or entered, or delivered to the Steward for Inrolment or Entry, ſhall have the Effect of a Surrender to the Uſe of ſuch reſpective Vendee or Purchaſer as aforeſaid, and his or her reſpective Heirs and Aſſigns, according to the Cuſtom of the Manor entitling him, her, or them to be admitted Tenant or Tenants of the Land therein comprized, at the Time which is herein-after preſcribed for the Admiſſion to Copyhold Lands, after the Execution of the Award of the ſaid Commiſſioners.

Allotments to be of the ſame Tenure as the Hereditaments for which they are allotted.

XXX. And be it further enacted, That all the Lands and Grounds which ſhall be allotted by virtue of the ſaid recited Act or of this Act reſpectively, to any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, for or in lieu or in reſpect of any Meſſuages, Cottages, or Lands holden of the Lord or Lords, Lady or Ladies of any Manor or Manors, by Copy of Court Roll, or for or in lieu or in reſpect of any Leaſehold Lands or Tenements, or for or in reſpect of any Right of Shackage or of Common, or other Right or Intereſt appendant or appurtenant to any ſuch Copyhold or Leaſehold Premiſes, ſhall from and for ever after the Execution of the ſaid Commiſſioners Award, be deemed and taken to be Copyhold or Leaſehold reſpectively, according to the Tenure of the Meſſuages, Cottages, Lands, or Tenements, for or in reſpect of which the ſame ſhall be allotted, and ſhall be held accordingly, by and under the ſame Tenure, Rents, Payments, Fines, Cuſtoms, and Services as the Copyhold or Leaſehold Meſſuages, Cottages, Lands, or Tenements reſpectively, for or in lieu or in reſpect whereof ſuch Allotments ſhall be made, are now held by and are ſubject to; and that all and every Perſon and Perſons to whom any Copyhold Lands or Grounds ſhall be allotted as aforeſaid, ſhall within Six Calendar Months next after the Execution of the ſaid Award, be admitted Tenants or Tenant to the ſame, without paying any Fine to the Lord or Lords, Lady or Ladies, or any other Charge to the Steward or Stewards of the ſaid Manor or Manors reſpectively, other than for the Stamp Duties and Parchment requiſite to be uſed for the Copies of Admiſſions, and ſuch reaſonable Fees to the reſpective Stewards of the ſaid Manors, as the ſaid Commiſſioners ſhall by their ſaid Award order and direct; but that in caſe the Perſon or Perſons to whom ſuch Lands or Grounds ſhall be allotted, ſhall not have been admitted to the Meſſuages, Cottages, Lands, or Tenements, in reſpect whereof ſuch Allotment or Allotments ſhall have been made, or ſhall die without having been admitted to the Lands allotted in reſpect of ſuch Copyhold Meſſuages, Cottages, Lands, or Tenements reſpectively, or ſhall claim as a Vendee or Purchaſer under any Contract or Agreement, as herein-before is mentioned, then and in every ſuch Caſe the cuſtomary Fines, Fees, and other Payments, ſhall be due and payable, on the Admiſſion or Admiſſions of the Perſon or Perſons then entitled to ſuch allotted Lands and Premiſes; and that after every ſuch firſt Admiſſion, the Copyhold Lands and Premiſes which ſhall have been ſo allotted as aforeſaid, ſhall be held under and ſubject to the ſame Tenure, Fines, Rents, and other Payments, and Services reſpectively, as the Copyhold Meſſuages, Cottages, Lands, and Grounds, in reſpect whereof ſuch new Allotments ſhall be made, are now reſpectively held

held under and are ſubject to; and the ſaid Commiſſioners are hereby required and directed to determine and deſcribe and abutt, in and by their ſaid Award, or in and by the Map or Plan to be thereto annexed, all the Meſſuages, Cottages, Buildings, Lands or Grounds, in the ſaid reſpective Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft*, which are to remain or become Copyhold or Leaſehold; and all other Meſſuages, Houſes, Buildings, Lands and Grounds, in the ſaid reſpective Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft*, (except ſuch as ſhall be aſcertained by the ſaid Commiſſioners to be Copyhold or Leaſehold), ſhall thenceforth be deemed, taken, and enjoyed as Freehold, and if allotted for or in lieu of any Meſſuages, Cottages, Buildings, Lands or Grounds, which are now ſubject to any Free Rent or Rents, Services or Payments, ſhall be ſubject to the ſame Rents, Services, and Payments reſpectively, as thoſe Meſſuages, Cottages, Buildings, Lands or Grounds reſpectively, are now ſubject to.

Power for Commiſſioners to make Allotments in Severalty to joint Tenants, &c.

XXXI. And whereas ſome of the Proprietors of Meſſuages, Cottages, Lands, Tenements, or Hereditaments within the ſaid Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft*, any or either of them, may be ſeiſed of or entitled to the ſame as Joint Tenants, as Tenants in Coparcenary, or as Tenants in Common, and may not by reaſon of Coverture, Infancy, or other Incapacity, or of Settlement or of Abſence beyond the Seas, be able to make an effectual Diviſion or Partition thereof; be it therefore enacted, That it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, (upon the Requeſt in Writing of any One or either of ſuch Joint Tenants, Tenants in Coparcenary, or Tenants in Common, or of the Huſband, Guardian, Truſtee, Committee or Attorney, or of any One or either of ſuch Joint Tenants, Coparceners or Tenants in Common, who may be under Coverture, or a Minor, or a Lunatic, or any Incapacity as aforeſaid, or be abſent beyond Seas), to make Partition or Diviſion of all or any of the Meſſuages, Cottages, Lands, Tenements, or Hereditaments in the ſaid Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft*, any or either of them, ſo held in Joint Tenancy, in Coparcenary or in Common between ſuch Owners and Proprietors ſo entitled as joint Tenants, as Tenants in Coparcenary, or as Tenants in common as aforeſaid, and to allot the ſame accordingly to ſuch Owners and Proprietors in Severalty, and that from and immediately after ſuch Partitions or Diviſions and Allotments in Severalty, ſhall be reſpectively made and declared, the ſame ſhall be held and enjoyed in Severalty by the Perſon or Perſons to whom the ſame ſhall be ſo allotted, in the ſame Manner and ſubject to ſuch and the ſame Uſes, as the undivided Parts or Shares of ſuch Meſſuages, Cottages, Lands, Tenements, Hereditaments and Allotments of Field Lands, and Half-year or Shack Lands, Commons and Waſte Grounds, would have been held by, or would have been ſubject to, in caſe ſuch Partitions or Diviſions and Allotments in Severalty had not been made, yet ſo that where any Rents, Charges or Incumbrances, ſhall affect or be ſubſiſting upon the Hereditaments hereby made partable as aforeſaid, the ſame Rents, Charges and Incumbrances, ſhall not affect or be charged upon the ſeveral Allotments of one Party, to the Exoneration of the Allotment of the other Party, but each reſpective Allotment ſhall be charged with an equal Part thereof, unleſs the ſaid Commiſſioners ſhall otherwiſe direct, with a View to equalize the ſeparate

Allotments, in caſe One Allotment ſhall have been made in Quantity or Quality of Land inferior in Value to the other or others.

Power to make Exchanges.

XXXII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot and award any Meſſuages, Cottages, Lands, Tenements or Hereditaments, within the ſaid Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft*, any or either of them, in lieu of and in Exchange for any other Meſſuages, Cottages, Lands, Tenements, or Hereditaments within the ſaid Pariſhes, or within any adjoining Pariſh, Townſhip or Place; provided that all Exchanges made by virtue of this Act, ſhall be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and be made with the previous Conſent of the Perſon or Perſons claiming before the ſaid Commiſſioners, to be Owner or Owners, Proprietor or Proprietors of the Meſſuages, Lands, Tenements or Hereditaments, which ſhall be ſo exchanged, or ſhall be propoſed to be exchanged, whether the Perſon or Perſons ſo claiming to be ſuch Owner or Owners, Proprietor or Proprietors, ſhall be ſeiſed or poſſeſſed in his, her, or their natural Capacity or Capacities, as Tenant or Tenants in Fee Simple, in Fee Tail, General or Special, or for Life, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or be a Body or Bodies Politic, Corporate, or Collegiate, or a Corporation Aggregate or Sole, or with the previous Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees or Attornies of, or acting for the Perſon or Perſons ſo claiming to be ſuch Owner or Owners, or Proprietor or Proprietors as aforeſaid, who at the Time of making or propoſing ſuch Exchange or Exchanges reſpectively, ſhall be either Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for himſelf, herſelf, or themſelves reſpectively, ſuch Conſent to be teſtified by Writing under the Hands of the Parties whoſe Conſent is hereby required; and that every ſuch Conſent or Agreement for Exchange, when aſcertained, ſpecified, and declared, in and by the Award of the ſaid Commiſſioners, ſhall be deemed and conſidered as a good, valid, and effectual Exchange in Law, to all Intents and Purpoſes whatſoever; and it is hereby declared, that the ſame Award ſhall, as to the Premiſes intended to be exchanged, reſpectively veſt the ſame in the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate reſpectively, to whom the ſame ſhall be reſpectively awarded, as fully and effectually as the ſame could be or could have been done by any Conveyance practiſed in the Law for the Conveyance or Aſſurance of Lands, and that freed and diſcharged of and from all Uſes, Truſts, Charges, and Incumbrances, in any Manner affecting the ſame, at the Date of the ſaid Award, other than and except Ways, Watercourſes, Eaſements, Quit Rents, and other ſeigniorial Rents, Dues, and Services, and Profits of Tenure, to which the Premiſes ſhall reſpectively remain ſubject as before the Date of the Award, unleſs where otherwiſe directed by this Act; provided alſo, that no Exchange ſhall be made under or by virtue of this or the ſaid recited Act, of any Meſſuages, Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid, of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which the Meſſuages, Lands, Tenements, or Hereditaments propoſed to be exchanged ſhall lie and be ſituate.

XXXIII. And

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

XXXIII. And be it further enacted, That all the Coſts, Charges and Expences attending the making, completing, or recording of any Exchange or Partition as herein-before is mentioned, or of any Agreement relating thereto reſpectively, which ſhall be made under or by virtue of the ſaid recited Act, or of this Act, ſhall be borne and defrayed by the ſeveral Parties making or intereſted in any ſuch Exchange or Partition reſpectively, or between whom the ſame ſhall be made, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioners ſhall think expedient in that Behalf, and order and direct, either by their ſaid Award, or by any Writing under their Hands, made previouſly or ſubſequently to the ſaid Award.

Leaſes and Agreements to be void on making Tenants Satisfaction.

XXXIV. And be it further enacted, That all Leaſes and other Agreements at Rack or extended Rents which are now ſubſiſting, for or in reſpect of all or any Part of the Meſſuages, Buildings and Lands, within the ſaid Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft*, any or either of them, either alone or together with any other Lands, Tenements, or Hereditaments within the ſaid reſpective Pariſhes, ſhall ceaſe, determine, and be void immediately after the Execution of the ſaid Award, or within ſuch further Time as the ſaid Commiſſioners ſhall appoint, the reſpective Tenants or Leſſees of the ſame Premiſes receiving from the reſpective Owners and Proprietors thereof, ſuch Sum of Money as the ſaid Commiſſioners ſhall aſcertain as reaſonable, to be paid to ſuch Tenant or Tenants as an Equivalent for the ſame; and if the Money ſo to be aſcertained as aforeſaid, ſhall not be paid to the Perſon or Perſons entitled to receive the ſame, within Fourteen Days after Demand made thereof, it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby required to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed and levied; but in caſe ſuch Tenant or Tenants ſhall be minded and deſirous of holding ſuch Parts of the Meſſuages, Lands, and Tenements, then in his or her Occupation, which ſhall not be allotted or exchanged by virtue of this or the ſaid recited Act, for any other Lands or Tenements, for the Remainder of the Term of his or her Leaſe or Agreement thereof then ſubſiſting, it ſhall be lawful for ſuch Tenant or Tenants to continue the Uſe or Occupation thereof during the Time or Term aforeſaid under ſuch Leaſe or Agreement, together with the Land and Ground to be ſet out and allotted by the ſaid Commiſſioners, in reſpect of the Rights of Common, or other Rights or Intereſts belonging thereto, and alſo the Land and Ground which ſhall be taken and received by ſuch Landlord or Proprietor in Exchange, ſuch Tenants or Leſſees paying ſuch additional Rent or Rents for the ſame, as the ſaid Commiſſioners ſhall adjudge an Equivalent for the Improvement of ſuch Hereditaments, by virtue of this or the ſaid recited Act, and under ſuch Covenants as to Tillage and Courſe of Huſbandry, as the ſaid Commiſſioners ſhall direct and appoint; and immediately after the Execution of the ſaid Award of the ſaid Commiſſioners, or at ſuch other Time or Times as the ſaid Commiſſioners ſhall think proper to appoint and declare for that Purpoſe, the reſpective Tenants and Occupiers of ſuch Lands and Grounds as ſhall have been ſo allotted to or exchanged with any other Perſon as aforeſaid, ſhall yield up and reſign the full and peaceable Poſſeſſion thereof, to the Perſon or

Perſons to or with whom the ſame ſhall have been ſo exchanged or allotted.

Wills and Settlements not to be affected.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to revoke, make void, alter or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt or Incumbrance, out of, upon, or affecting any of the Meſſuages, Cottages, or Lands to be divided, allotted, or exchanged by virtue of the ſaid recited Act or of this Act, or any Part thereof, but that each and every Proprietor ſhall ſtand and be ſeiſed of the ſeveral Meſſuages, Cottages, and Lands to be allotted to or exchanged with him or her as aforeſaid, to ſuch and the ſame Uſes, and ſubject to ſuch and the ſame Wills, Jointures, Rents, and Charges, and no other, as the Meſſuages, Cottages, and Lands whereof ſuch Proprietor was ſeiſed or poſſeſſed at or immediately before the ſigning and ſealing of the ſaid Award, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, would have been ſubject to, charged with, or affected by, in caſe this Act had not paſſed.

Rights to Tithes not to be prejudiced.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained ſhall prejudice, leſſen, or defeat the Right, Title, or Intereſt of the Rectors of the aforeſaid Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft* reſpectively, or any other Perſon whomſoever, in or to any Tithes ariſing or renewing out of or payable in reſpect of any Lands or Tenements lying within the ſaid Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft*, any or either of them.

Courſe of Huſbandry.

XXXVII. And be it further enacted, That from and after the paſſing of this Act, until the Execution of the Award of the ſaid Commiſſioners, no Part of the Meadow or Paſture Land by this Act directed to be divided and allotted, ſhall be ploughed up or converted into Tillage, without the Conſent in Writing of the ſaid Commiſſioners firſt had and obtained for that Purpoſe; and that all the Arable Lands by this Act directed to be divided and allotted, ſhall during the ſaid Period be ſubject and liable to ſuch Directions and Regulations as the ſaid Commiſſioners ſhall from Time to Time by Writing under their Hands preſcribe and appoint, as well with regard to the ſtocking as to the ploughing, folding, tilling, ſowing and laying down the ſame; and that it ſhall be lawful for the ſaid Commiſſioners to order and direct ſuch Sum or Sums of Money to be paid in reſpect thereof, by any Perſon intereſted in the ſaid Arable Lands or any Part thereof, or by his or her Tenant, to any other Perſon alſo intereſted therein, or to his or her Tenant, as they the ſaid Commiſſioners ſhall think reaſonable; and that in caſe any Perſon who ſhall be directed to pay any Sum of Money on any of the Accounts aforeſaid, ſhall neglect or refuſe to pay the ſame upon Demand, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to raiſe and levy the ſame, for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as any of the Coſts, Charges, and Expences, of obtaining and executing this Act, or any Part thereof, can or may be raiſed and levied.

XXXVIII. Provided

XXXVIII. Provided always, and be it further enacted, That no Sheep or Lambs shall be kept in any of the Allotments to be made by virtue of this Act, (whereupon any new Fence shall have been raised), during the Space of Seven Years next after the Execution of the said Commissioners Award, unless the Person or Persons keeping or purposing to keep any Sheep or Lambs, shall previously thereto, at his, her, or their own Expence, make and afterwards maintain a sufficient Fence to guard and protect the young Fences belonging to such Allotments respectively, from being hurt or damaged by such Sheep or Lambs, (whether such young Fences be made or set by the Owner or Occupier of such Allotments as aforesaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto); and that in case any Person shall turn in or keep any Sheep or Lambs in any such Allotment or Allotments, without raising and keeping up such protecting Fences as aforesaid, it shall be lawful for the Owner or Owners of any adjoining Allotment or Allotments, from Time to Time to enter into the Allotment or Allotments where any Sheep or Lambs shall be so turned in or kept as aforesaid, and from Time to Time to take, drive away, and impound the same, as Cattle Damage feasant. Regulating the keeping of Sheep in the Inclosures.

XXXIX. And be it further enacted, That all the Costs and Charges incident to and attending the obtaining and passing this Act, and of surveying, admeasuring, planning, valuing, dividing and allotting, the Lands and Premises hereby directed to be divided and allotted, and of fencing and inclosing, and of preparing the said Award, and of the Copies thereof, and all the Charges and Expences of the said Commissioners, their Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioners in and about the Premises, and all the Expences of forming, completing, and repairing the new public Carriage Roads and Highways to be set out and appointed by the said Commissioners within the said Parishes of *Wysingset* otherwise *Whissonsett*, *Stanfield*, and *Horningtoft*, the Costs, Charges, and Expences of inclosing the Allotment or Allotments which shall by virtue of this Act be made to the Surveyors of the Highways within the respective Parishes of *Wysingset* otherwise *Whissonsett*, *Stanfield*, and *Horningtoft*, and all other Expences of carrying the said recited Act and this Act into Execution, shall be borne, defrayed, and paid by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act, (save and except the Rectors and their Successors, Rectors of *Wysingset* otherwise *Whissonsett*, *Stanfield*, and *Horningtoft* aforesaid, for or in respect of any Allotment or Allotments to be made to them in Right of the said Rectories, and also save and except the Trustees for the Poor, in respect of the Allotment to be set out for Firing for the Poor in *Stanfield* aforesaid, and also save and except the Surveyors of the Highways of the said Parishes for the Time being, for or in respect of any Allotment or Allotments hereby directed to be made to them as such Surveyors as aforesaid), in such Shares and Proportions, at such Time or Times, either before or after the Execution of the said Award, and to such Person or Persons as the said Commissioners shall appoint. Directions for defraying the Expences of this Act.

XL. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees or Attornies, of any of the Owners or Proprietors of any of the Lands or Grounds which shall be allotted by virtue of the said recited Act and of this Act, being under Coverture, Minors, Power enabling Tenants for Life to charge Estates with Expences,

nors, Lunatics, beyond the Seas, or under any other Disability, and for any of the said Owners or Proprietors being Tenants in Tail, or for Life or Lives, or for Years determinable on any Life or Lives, or on any other Contingency, or Tenants by the Courtesy of *England*, or otherwise interested in the said Lands or Grounds, to charge such Lands and Grounds with any Sum or Sums of Money which the said Commissioners shall by their said Award, or by Writing under their Hands, either before or after the Execution of such Award, adjudge to be chargeable on such Owners and Proprietors respectively, under the Provisions of this Act, for or towards Payment of any Part, or his, her, or their proportionate Share or Shares of any Part of the Costs, Charges and Expences of obtaining this Act, and of carrying the same into Execution, and of dividing, draining, and fencing, his, her, or their Allotment or respective Allotments, and of being admitted or re-admitted, as the Case may be, to the Copyhold Parts of the same, with lawful Interest for the same, so that the Principal Money to be charged, shall not in any Case exceed the Rate of Five Pounds for every Acre of the Lands charged, and to grant Mortgage, Lease or Demise, or otherwise subject the Lands and Grounds to the Person or Persons who shall advance and lend the same respectively, his, her, or their Executors, Administrators or Assigns, for any Term or Number of Years; or in case any Person in Possession, who shall or may be liable to and charged with a Share of the Expences as aforesaid, or enabled by this Act to charge such Lands and Grounds with the same, shall choose to advance, pay and discharge, such Sum or Sums of Money, then it shall be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, lease, or demise, or otherwise subject such Lands and Grounds to such Person or Persons respectively, paying and discharging such Sum or Sums of Money, his, her, or their Executors, Administrators and Assigns, for any Term or Number of Years, to and for the Payment of such Sum or Sums of Money so advanced, paid and discharged by him, her, or them, with lawful Interest for the same, so that such last-mentioned Principal Money so to be charged, shall not in any Case exceed the Rate of Five Pounds for every Acre of the Lands charged, to commence on the Termination of his, her, or their Right in the Premises; provided that every such Grant, Mortgage, Lease or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or reassigned, when the Sum or Sums of Money thereby to be secured shall be fully paid and satisfied; and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed of or entitled to any such Lands or Grounds, shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced; and that every such Charge, Grant, Mortgage, Lease or Demise, shall be good, valid and effectual in Law, for the Purposes thereby intended.

Directions for charging Copyhold Lands with Expences.

XLI. Provided always, and be it further enacted, That when and so often as it shall be necessary to charge any Lands or Grounds which shall be allotted or exchanged by virtue of the said recited Act or of this Act, and which shall be or become Copyhold, with any Sum or Sums of Money by way of Mortgage, for defraying any Share or Shares of the Costs, Charges,

Charges and Expences, of obtaining and executing this Act, or of any Part of such Costs, Charges and Expences, then and in every such Case such Copyhold Lands or Grounds shall be surrendered to the Use of the Person or Persons who shall advance and lend such Sum or Sums of Money and his, her, or their Heirs and Assigns, by way of Mortgage, according to the Custom of the Manor or Manors whereof the same shall be holden by Copy of Court Roll, for securing the said Sum or Sums of Money, with Interest for the same, instead of being mortgaged or surrendered to such Person or Persons, his, her, or their Executors, Administrators or Assigns, for a Term of Years, as mentioned in this and the said recited Act respectively.

Vicar's Allotments may be sold to defray Expences.

XLII. And be it further enacted, That in case the Reverend *Morden Carthew* Clerk, Vicar of the Vicarage and Parochial Church of *Great Mattishall*, with the Rectory or Free Chapel of *Pasley* annexed, in the said County of *Norfolk*, or his Successors, Vicars of the said Vicarage and Rectory or Free Chapel annexed, for the Time being, shall be minded or desirous of selling any Part or Parts of the Lands which shall be allotted to him or them by virtue of this Act, for the Purpose of defraying the Proportion of the Costs, Charges and Expences, of obtaining and passing this Act, and executing the said recited Act, and which shall be charged upon or payable by him or them respectively, and of fencing, inclosing and subdividing his or their Allotment or Allotments, and of making and completing such Sale, and shall by Writing under his or their Hands (with the Consent and Approbation of the Lord Bishop of *Norwich*, and the Master and Fellows of *Gonville* and *Caius* College in the University of *Cambridge*, the Patrons of the said Vicarage and Parochial Church, with the Rectory and Chapel annexed, first obtained) make an Application to the said Commissioners for that Purpose, it shall be lawful for the said Commissioners, and they are hereby required to appropriate and set out by Stakes or Landmarks, such Part or Parts of the Lands to be allotted to the said *Morden Carthew*, or his Successors, Vicars of the said Vicarage, as will in the Judgment of the said Commissioners produce by Sale thereof a Sum of Money sufficient to answer the Purpose aforesaid, not exceeding the Rate of Five Pounds *per* Acre upon the Land to be allotted to the said Vicar by virtue of this Act; and the said Commissioners shall appoint a Time and Place for the Sale of such Land, of which Sale Twenty-one Days previous Notice shall be inserted in the *Norfolk Chronicle* and *Norwich Mercury*, or one of them, or in some other Newspaper printed or circulated in the said County of *Norfolk*, and such Land, either together or in separate Lots or Parcels, shall be offered to Sale before the said Commissioners, at the Time and Place appointed for that Purpose, and the Person or Persons who shall offer or propose to pay the largest Sum of Money for such Land, or any Lot or Parcel thereof respectively, shall be the Purchaser or Purchasers thereof, he, she, or they immediately paying One-fifth Part of his, her, or their Purchase Money, as and for a Deposit, and paying the Residue of such Purchase Money within Three Calendar Months afterwards, into the Hands of the said Commissioners or one of them, or of such Person as they shall appoint, whose Receipt shall sufficiently discharge such Purchaser or Purchasers from any Concern in, or Necessity of seeing to the Application or Misapplication thereof; and the said Commissioners shall thereupon, at the Costs and Charges of such Purchaser or Purchasers, convey the said Land so sold as aforesaid, unto the Use of or in Trust for

ſuch Purchaſer or Purchaſers, and his, her, and their reſpective Heirs and Aſſigns, or otherwiſe as ſuch Purchaſer or Purchaſers ſhall direct, by Indentures of Leaſe and Releaſe, to be ſigned, ſealed, and delivered by the ſaid Commiſſioners for that Purpoſe; and the Land ſo to be ſold and conveyed as aforeſaid, ſhall from thenceforth be held and enjoyed as Freehold Land, freed and diſcharged from all Rights of Sheepwalk, Common and Shackage, and all Charges and Incumbrances whatſoever, and the ſaid Commiſſioners ſhall by their ſaid Award aſſign and allot the ſame Land accordingly; but in caſe ſuch Purchaſer or Purchaſers ſhall refuſe or neglect to pay the Reſidue of his, her or their Purchaſe Money, within the Time herein for that Purpoſe appointed for the Payment thereof, then the Money ſo to be depoſited as aforeſaid ſhall be forfeited, and the Land for the Purchaſe whereof ſuch Money was depoſited, or which ſhall not be ſold at the Time and Place aforeſaid, ſhall again be offered to Sale in Manner aforeſaid, and ſo *toties quoties*, until the ſame ſhall be ſold and conveyed, and the whole Purchaſe Money paid for the ſame; and when ſuch Sale or Sales ſhall be completed, the Monies ariſing therefrom, and alſo the Monies which ſhall or may be forfeited as aforeſaid, ſhall be applied by the ſaid Commiſſioners in defraying the ſaid Coſts, Charges and Expences, which ſhall be charged upon or payable by the ſaid *Morden Carthew* and his Succeſſors, Vicars as aforeſaid; and if any Surplus of the Monies ariſing from any ſuch Sale or Sales, after Payment and Satisfaction of ſuch Coſts, Charges and Expences, ſhall remain, then ſuch Surplus Money ſhall be paid, applied and diſpoſed of according to the Directions which are contained in the ſaid recited Act, with reſpect to Money thereby directed to be paid into the Bank of *England*, for the Purchaſe or Exchange of Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments, as therein mentioned: Provided always, that the Purchaſer or Purchaſers of the Lands ſo to be ſold and conveyed as aforeſaid, ſhall be ſubject to all Orders, Regulations and Directions, which ſhall be made by the ſaid Commiſſioners, and inſerted in their ſaid Award, for incloſing and fencing ſuch Lands, and for maintaining the Fences and Drains belonging thereto in good and ſufficient Repair; and ſuch Purchaſer and Purchaſers, and his, her, or their Heirs or Aſſigns, ſhall be entitled to the ſame Rights and Benefits in reſpect of the ſaid Land to be ſold and conveyed as aforeſaid, as the ſeveral other Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act are, ſhall, or may be entitled to in reſpect thereof.

Satisfaction to be made for unequal Shares of Fencing.

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

dered, directed, and appointed to be paid, shall be raised, levied, and recovered in such and the same Manner, as the Expences of this Act are herein ordered and directed to be levied and recovered: Provided always, that convenient Gaps or Openings shall be left in the Fences and Inclosures to be made by virtue of this or the said recited Act, for the Space of Six Calendar Months next after the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages, into and through the same, unless all the several Persons interested therein shall agree that the same may be sooner stopped up and inclosed.

For leaving Gaps.

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

Allowance to Commissioners.

XLV. And be it further enacted, That if any of the Proprietors or Persons interested in the Lands or Grounds by this Act directed to be divided and allotted, or any other Person or Persons whosoever, shall advance any Money in Discharge of the Fees or other Expences of obtaining this Act, and of executing the same and the said recited Act, the Money which shall be so advanced shall be repaid and satisfied by Direction of the said Commissioners, together with lawful Interest for the same.

Money advanced by Proprietors to be repaid with Interest.

XLVI. And be it further enacted, That at least Once in every Year during the Execution of this Act, and until the Commissioners Accounts hereafter mentioned shall be finally allowed, (such Year to be computed from the Day of passing of this Act), the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Monies by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act, and that such Statement or Account when made, shall, together with the Vouchers relating to the same, be laid before *William Stokes* of *Fakenham*, in the said County of *Norfolk*, Esquire, or in case of his Death or Incapacity, before some Justice of the Peace for the said County, not interested in the said Division or Allotment, to be by the said *William Stokes* or by such Justice, as the Case may be, examined and balanced, and such Balance shall be by the said *William Stokes* or by the said Justice, as the Case may be, stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall have been duly allowed by the said *William Stokes*, or in case of his Death or Incapacity, by such Justice as aforesaid.

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

XLVII. And be it further enacted, That as soon as conveniently can be after the Division and Allotment of the Lands and Grounds hereby directed to be divided and allotted, shall be finished, pursuant to the Directions of this and the said recited Act, the said Commissioners shall form

Award to be made, and attested Copies delivered.

form and draw up, or cauſe to be formed and drawn up, an Award in Writing, which ſhall expreſs the Quantity of Acres, Roods, and Perches, in Statute Meaſure, contained in the ſaid Lands and Grounds, and the Quantity of each and every Part and Parcel thereof, which ſhall be ſo allotted, aſſigned, or exchanged, and the Situations and Deſcriptions of the ſame reſpectively, and ſhall alſo contain a Deſcription of the Roads, Ways, Footpaths, Watercourſes, Watering Places, Quarries, Bridges, Fences, and Land Marks, ſet out and appointed by the ſaid Commiſſioners as aforeſaid, and all ſuch other Rules, Orders, Agreements, Regulations, Directions, and Determinations, as the ſaid Commiſſioners ſhall think neceſſary, proper, or beneficial, which ſaid Award fairly engroſſed or written on Parchment, with a reduced Map or Plan of the ſaid Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft* thereto annexed, ſhall be ſigned by the ſaid Commiſſioners, and Copies of the ſaid Award, or ſo much thereof as ſhall relate to each of the aforeſaid Pariſhes of *Wyſingset* otherwiſe *Whiſſonſett*, *Stanfield*, and *Horningtoft* reſpectively, written on Parchment, examined and atteſted by the ſaid Commiſſioners to be a true Copy of the ſame Award, ſo far as the ſame relates to each of the aforeſaid Pariſhes, with a reduced Map or Plan of ſuch of the aforeſaid Pariſhes to which ſuch Copies or Parts thereof ſhall reſpectively relate, to be annexed, ſhall within Two Calendar Months next after the Execution of the ſaid Award, be depoſited and kept as herein-after mentioned; (that is to ſay), the Copy, or ſo much thereof as ſhall relate to the ſaid Pariſh of *Wyſingset* otherwiſe *Whiſſonſett*, with the Map thereof annexed, ſhall be depoſited and kept in the Pariſh Church of *Wyſingset*, otherwiſe *Whiſſonſett* aforeſaid, for the Inſpection of the ſeveral Perſons intereſted therein; and the Copy, or ſo much thereof as ſhall relate to the ſaid Pariſh of *Stanfield*, with a Map thereof annexed, ſhall be depoſited and kept in the Pariſh Church of *Stanfield* aforeſaid, for the Inſpection of the ſeveral Perſons intereſted therein; and the Copy, or ſo much thereof as ſhall relate to the ſaid Pariſh of *Horningtoft*, with the Map thereof annexed, ſhall be depoſited and kept in the Pariſh Church of *Horningtoft* aforeſaid, for the Inſpection of the ſeveral Perſons intereſted therein; and the ſaid Award, with ſuch reduced Map as aforeſaid, ſhall, within Twelve Calendar Months next after the Execution thereof, be depoſited with the Clerk of the Peace for the ſaid County of *Norfolk*, ſo that Recourſe may be had thereto by any Perſon or Perſons intereſted in the ſaid Premiſes, for the Reception whereof the Fee of Five Pounds and Five Shillings ſhall be paid, and for the Inſpection and Peruſal whereof the Sum of One Shilling and no more ſhall be paid; and the ſaid Award and Copies thereof or any Part thereof, atteſted by the ſaid Clerk of the Peace or his Deputy, for which Copies no more ſhall be paid than Four-pence *per* Sheet, each Sheet containing Seventy-two Words, ſhall from Time to Time and at all Times thereafter, as well as the Copies of the aforeſaid Award or any Part thereof, to be atteſted by the ſaid Commiſſioners as aforeſaid, be admitted and allowed as legal Evidence of the Matters and Things contained therein, in all Courts whatſoever; and the ſaid Award and the ſeveral Allotments, Partitions, Orders, Directions, Matters, and Things therein contained, ſhall be and are hereby declared to be binding and concluſive unto, and upon, all and every Perſon and Perſons intereſted in, and entitled unto the ſeveral and reſpective Premiſes ſo to be divided and allotted as aforeſaid, or whoſe Rights and Intereſts are meant or intended to be hereby concluded or affected.

Distinct Allotments for Lands holden by different Tenures.

XLVIII. And be it further enacted, That in case the Proprietor or Proprietors of any Messuages, Lands, or other Hereditaments, by this or the said recited Act authorized to be divided or allotted, or to be exchanged, shall hold his, her, or their respective Messuages, Lands, or Hereditaments, by different Tenures, or for different Estates, or under different Titles, the said Commissioners shall, upon the Request of such Proprietor or Proprietors in Writing, under his, her, or their Hand or Hands, ascertain or distinguish the Messuages, Lands, or other Hereditaments, held by each of such Tenures, for each of such Estates, and under each of such Titles respectively, and shall accordingly in their said Award discriminate and set out distinct and separate Allotments for such respective Messuages, Lands, or other Hereditaments; and that where from want of the necessary Information before the said Commissioners, or from any other Cause, they shall have omitted in their said Award to ascertain and distinguish such different Tenures, different Estates, or different Titles, as herein-before is required, and within Twelve Calendar Months next after the Execution of the said Award, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case, the said Commissioners are hereby authorized to do every Thing necessary for supplying such Omission, and so far as that Purpose shall require, to examine Witnesses, and in every other Respect to proceed and act as if their Award had not been made; and that when they shall have obtained what they shall think sufficient Information, they the said Commissioners are hereby also authorized, by Deed or Instrument in Writing under their Hands and Seals, by Way or in the Nature of a supplemental Award, to ascertain and discriminate, or distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make distinct and several Allotments, in such Manner as is herein-before required for making the Distinction or Discrimination in the original Award; and that a Copy signed and attested by the said Commissioners, of every such Deed or Instrument, shall be deposited with the Clerk of the Peace for the Time being for the said County of *Norfolk*, with a Copy of the original Award; and that every such separate Deed or Instrument shall, from and immediately after the Execution thereof by the said Commissioners, have the same Effect, to all Intents and Purposes, as if the Contents thereof had been contained in the original Award; and that the same Deed or Instrument shall, when executed, be delivered to the Person or Persons at whose Request any such Omission shall have been supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question shall, in the Opinion of the said Commissioners most properly belong; and that all the Expences which shall have been reasonably incurred in or about such separate Deed or Instrument, and Copy respectively, shall be payable and paid by the Person or Persons who shall have requested the said Commissioners to supply such Omission as aforesaid, his, her, or their Heirs, Executors, or Administrators, or Successors in Title; and that the said Deed or Instrument, and Copy, or any Copy thereof respectively, attested by the said Commissioners, or by the Clerk of the Peace or his Deputy, shall be Evidence in all Courts whatsoever, in the same Manner as is by this Act provided with regard to the original Award, and the Copies thereof respectively.

Persons aggrieved may appeal to the Quarter Sessions.

XLIX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done in pursuance of this or the said recited Act, (other than and except such Orders or Determinations of the said Commissioners as are herein or by the said recited Act directed to be final and conclusive, and except in such Cases as are herein directed or authorized to be tried, settled, or determined by an Issue at Law, as herein-before mentioned), then and in every such Case he, she, or they may appeal to the Justices at the General Quarter Sessions of the Peace which shall be held for the said County of *Norfolk*, within Four Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned, Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) in their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without 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.

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

Act to be printed by the King's Printer.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1812.