



ANNO SEXTO

GEORGIIV. REGIS.

Cap. clxxxvi.

An Act for inclosing Lands in the Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*, in the County of *Norfolk*. [22d June 1825.]

WHEREAS there are within the Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*, in the County of *Norfolk*, certain Heaths, Severals, Commons, and Waste Grounds: And whereas *William Windham* Esquire, a Rear Admiral in His Majesty's Royal Navy, claims to be Lord of the several Manors of *Felbrigg, Aylmerton, Metton, Parnow Hall, Hales Hall* in *Metton*, and *Sustead late Dams*; and *Mary Repton* Widow claims to be Lady of the Manor of *Gresham and Aylmerton*; and the said *William Windham*, in right of the said Manors of *Felbrigg, Aylmerton, Metton, Parnow Hall, Hales Hall* in *Metton*, and *Sustead late Dams*, claims to be entitled to the Soil of the Commons and Waste Grounds in the said Parishes of *Felbrigg, Aylmerton, Metton, and Sustead*; and the said *Mary Repton*, in right of the said Manor of *Gresham and Aylmerton*, claims to be entitled to the Soil of the Commons and Waste Grounds in the said Parish of *Gresham*: And whereas the said *William Windham, Philip Wynell Mayow* Esquire, *Charles Clarke*, and several other Persons, are the Owners and Proprietors of all the Messuages, Cottages, Lands, and Tenements within the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*: And whereas an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for consolidating in*

[Local.]

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41G.3.e.109.

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Appointment
of Commis-
sioners.

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 another Act was passed in the Second Year of the Reign of His present Majesty, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England:* And whereas some of the Lands in the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham* are intermixed and otherwise inconveniently situated for the respective Owners and Occupiers thereof, and the said Heaths, Severals, Commons, and Waste Grounds are subject to certain Rights of Common, and in their present State and Condition yield but little Profit to the several Persons interested therein: And whereas it would be advantageous to the several Persons entitled to and interested in the Premises if the said Rights of Common were extinguished, and if the said Heaths, Severals, Commons, and Waste Grounds, and all other the Lands and Grounds within the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*, were divided, and specific Parts or Shares thereof allotted to the several Persons entitled thereto and interested therein, according to their respective Estates, Rights, and Interests; but such Extinguishment, Division, and Allotment cannot be effected 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 *William Unthank*, of *Heigham* in the County of the City of *Norwich*, Gentleman, and *Robert Copeman*, of *Aylsham* in the said County of *Norfolk*, Gentleman, and their Successors, to be elected and appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Heaths, Severals, Commons, and Waste Grounds, and all other the Lands and Grounds within the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*, and for carrying into Execution this Act and the said recited Acts, save and except such Parts of the said recited Acts as are hereby varied or altered.

Appointment
of new Com-
missioner on
Death of
William
Unthank.

II. Provided always, and be it further enacted, That if the said *William Unthank*, or any Commissioner to be hereafter appointed in his Stead, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, or refuse, neglect, or become incapable to act in the Execution of this Act and of the said recited Acts, then and in every such Case it shall be lawful to and for the Lord or Lords, Lady or Ladies for the Time being of the several Manors of *Felbrigg, Aylmerton, Metton, Parnow Hall, and Hales Hall* in *Metton*, to nominate, elect, and appoint, by any Instrument in Writing under his, her, or their Hand or Hands, from Time to Time, some fit and proper Person (not interested in the said Division and Allotment) to be a Commissioner in the Room or Stead of the said *William Unthank*, or of any other Commissioner to be hereafter appointed in his Stead, so dying, or refusing, neglecting, or becoming incapable to act as aforesaid; and every such Commissioner, when elected, nominated, and appointed in manner aforesaid, shall, after taking and subscribing the Oath prescribed in that Behalf, have the same Powers and Authorities in all respects for carrying this Act and the said recited Acts into Execution, and shall be subject to the same Rules, Orders, and Regulations,

Regulations; as if he had been originally named and appointed a Commissioner in and by this Act.

III. Provided also, and be it further enacted, That if the said *Robert Copeman*, or any Commissioner to be hereafter appointed in his Stead, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, or refuse, neglect, or become incapable to act in the Execution of this Act and of the said recited Acts, then and in every such Case it shall be lawful to and for the major Part in Value of the several Proprietors of Estates in the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*, exclusive of the Proprietor or Proprietors for the Time being of Estates now belonging to the said *William Windham*, lying and being in the said several Parishes, such Value to be ascertained according to the Rate or Assessment made for the Relief and Maintenance of the Poor of the same Parishes for that Year, who shall attend by themselves or their Agents or Attornies, at a Meeting to be holden for that Purpose, of which Meeting, and of the Purpose thereof, and of the Place of holding the same, within One of the said several Parishes, or within Eight Miles of One of them, Ten Days Notice at least shall be given by Advertisement (signed with the Name or Names of any One or more of the said Proprietors) in the *Norfolk Chronicle*, or *Norwich Mercury*, or some other Newspaper published in the City of *Norwich*, to nominate, elect, and appoint, by any Instrument in Writing under their Hands, or under the Hands of their Agents or Attornies, from Time to Time, some fit and proper Person (not interested in the said Division and Allotment) to be a Commissioner in the Room or Stead of the said *Robert Copeman*, or of any other Commissioner to be hereafter appointed in his Stead, so dying, or refusing, neglecting, or becoming incapable to act as aforesaid; and every such Commissioner, when elected, nominated, and appointed in manner aforesaid, shall, after taking and subscribing the Oath prescribed in that Behalf, have the same Powers and Authorities in all respects for carrying this Act and the said recited Acts into Execution, and shall be subject to the same Rules, Orders, and Regulations, as if he had been originally named and appointed a Commissioner in and by this Act.

Appointment
of new Com-
missioner on
Death of
Robert
Copeman.

IV. And be it further enacted, That whenever the said Commissioners shall disagree or differ in Opinion touching or concerning any Matter or Thing to be by them done and performed in pursuance and by virtue of this Act or of the said recited Acts, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, with all convenient Speed after any such Disagreement or Difference in Opinion shall happen, to refer the Matter thereof to such disinterested Person as the said Commissioners shall think proper to appoint for that Purpose as Umpire, whose Judgment and Determination thereupon respectively shall be deemed and considered to be the Judgment and Determination of the said Commissioners.

Umpire to be
appointed.

V. Provided always, and be it enacted, That no Person shall be capable of acting as Umpire in the Execution of the Powers given by this or the said recited Acts, until he shall have taken and subscribed the Oath or Affirmation following; (*videlicet*),

Umpire to
take the fol-
lowing Oath.

‘ I do swear [or being one of the People called Quakers,
 ‘ do solemnly affirm], That I will faithfully, impartially, and honestly,
 ‘ according to the best of my Skill and Ability, execute and perform the
 ‘ several Trusts, Powers, and Authorities vested and reposed in me as an
 ‘ Umpire by virtue of an Act for inclosing Lands in the Parishes of
 ‘ *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*, in the County of
 ‘ *Norfolk*, according to Equity and good Conscience, and without Favour
 ‘ or Affection, Prejudice or Partiality to any Person or Persons whomso-
 ‘ ever. So help me GOD.’

Which Oath or Affirmation it shall be lawful for the said Commissioners or either of them to administer; and the said Oath or Affirmation so taken and subscribed by such Umpire shall be annexed to and enrolled with the Award of the said Commissioners, and a Copy of the Enrolment thereof shall be admitted as legal Evidence.

Notice of Meetings.

VI. And be it further enacted, That the said Commissioners shall cause and they are hereby required to cause Notice in Writing of the Time and Place of their First and every other Meeting for the Execution of this Act to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or some other Newspaper published in the said City of *Norwich*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners it shall happen that no more than One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time and Place within One of the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*, or within Ten Miles of One of them, as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioner; and that every Meeting of the said Commissioners in the Execution of this or of the said recited Acts shall be held within some One of the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*, or within Eight Miles of One of the same.

Place of Meetings.

Other Notices how to be given.

VII. And be it further enacted, That all Notices necessary or requisite to be given by the said Commissioners in pursuance of this Act or the said recited Acts, for any Purpose whatsoever (except such Notices as are in and by this Act authorized or particularly directed to be given in any other Manner), shall be so made and given by Advertisement in the *Norfolk Chronicle* or *Norwich Mercury*, or some other Newspaper published in the said City of *Norwich*; and all such Notices so given shall be deemed to be well and sufficiently published and given, and full and sufficient Notice to all Parties concerned, respecting all the Matters and Things to which such Notices respectively shall relate; any thing in the said recited Acts contained to the contrary thereof in anywise notwithstanding.

Commissioners to settle Differences.

VIII. 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, Allotment, and Inclosure, touching or concerning the respective Rights, Interests, Shares, or Proportions which they or any of them shall claim to have of and in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or touching or concerning any Timber, Wood, Underwood, Bushes, Thorns, Whins, or Furze growing thereon, or concerning any Allowance for folding, ploughing, sowing with Corn, Grain, Pulse, or Turnips, laying down with
 Grass

Grass Seeds, manuring or improving, feeding or forbearing to feed, the said Lands and Grounds, or any Part thereof, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, as well by Examination of Witnesses upon Oath as upon any other proper and sufficient Inquiry, Evidence, and Satisfaction, to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

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

Commissioners to assess Costs.

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

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

XI. And be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners or the said Umpire, touching or concerning any Claim or Claims of any Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall

Trial at Law.

[Local.]

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and

and may be lawful to and for such Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied with such Determination, to cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners or Umpire shall have been notified in Writing to the Party or Parties interested therein, or to his, her, or their known Agent or Attorney; and the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied as aforesaid, shall proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire, at the then next or at the following Assizes to be holden for the said County of *Norfolk* after such Action shall have been so commenced; and the Defendant or Defendants in such Action or Actions shall name, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto and file common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Party or Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial or new Trials to be had therein, which it shall be lawful for the Court to do; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials.

Determinations of Commissioners not over-ruled by the Event of an Action to be final.

XII. Provided always, and be it further enacted, That the Determination of the said Commissioners or Umpire touching the Rights and Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, which shall not be over-ruled by the Event of any such Trial as aforesaid, and the several Allotments to be made by the said Commissioners of the said Lands and Grounds for or in respect of such Rights and Interests, shall be final and conclusive upon all Parties.

Proceedings not to abate by the Death of Parties.

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

In case of Death of Parties before Action brought.

XIV. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions

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

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

Rights of Persons not to be determined by the Commissioners contrary to the Possession.

XVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, at any Time or Times before the Execution of the Award directed to be made by them by the said first-recited Act, by a Notice in Writing under their Hands, to be affixed on the principal Doors of the Parish Churches of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham* aforesaid, to order and direct all or any Rights of Sheepwalk and Common, in, over, and upon the said Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time or Times as shall be expressed in such Notice; and that all such Rights as the said Commissioners shall by such Notice order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such Notice cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage, or Custom to the contrary thereof notwithstanding.

For extinguishing or suspending Rights of Common before the Execution of the Commissioners Award.

XVII. And be it further enacted, That it shall not be lawful for any Person or Persons, from and after the passing of this Act, to cut, dig, pare, grave, flay, or carry away any Reeds, Rushes, Fodder, Turf, Flags, Ling, Whins, or Furze, in, upon, or from the Heaths, Severals, Commons, and Waste Grounds hereby directed to be divided and allotted, or any Part thereof, without or contrary to the Licence of the said Commissioners first had and obtained in Writing for that Purpose (which Licence the said Commissioners are hereby empowered to grant under such Rules, Orders, Regulations, and Restrictions as they shall think proper to insert therein); and if any Person or Persons shall, after the passing of this Act, cut, dig, pare, grave, flay, or carry away any Reeds, Rushes, Fodder, Turf, Flags, Ling, Whins, or Furze, in, upon, or from the said Heaths, Severals, Commons, and Waste Grounds, or any Part thereof, without or contrary to such Licence as aforesaid, then and in every such Case the said Commissioners,

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

sioners, or any Justice of the Peace acting in and for the County of *Norfolk*, upon due Proof thereof made before them or him upon Oath (which Oath the said Commissioners or any such Justice are and is hereby authorized to administer), shall and they or 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 every Person so offending in the Premises, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale, and the Money so to be levied as aforesaid shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

For ascer-
taining
Boundaries.

XVIII. And be it further enacted, That the said Commissioners shall with all convenient Speed after the passing of this Act cause Notice of their Intention to perambulate the Boundaries of the said Parishes of *Felbrigg*, *Aylmerton*, *Metton*, *Sustead*, and *Gresham*, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or some other Newspaper published in the City of *Norwich*, Eight Days at least before the Time of such Perambulation, and after the Expiration of the Time to be specified in such Notice the said Commissioners are hereby authorized and required to inquire into, ascertain, fix, determine, and set out the Boundaries of the said Parishes of *Felbrigg*, *Aylmerton*, *Metton*, *Sustead*, and *Gresham*; and a Description of the said Boundaries shall, within Forty Days after the same shall be so ascertained, fixed, determined, and set out, be inserted in the *Norfolk Chronicle*, or *Norwich Mercury*, or some other Newspaper published in the said City of *Norwich*: Provided always, that if any Person or Persons interested in the Decision of the said Commissioners respecting the said Boundaries shall be dissatisfied therewith, such Person or Persons may appeal to the Justices of the Peace acting in and for the County of *Norfolk*, at any General Quarter Sessions of the Peace to be holden in and for the said County within Four Calendar Months next after the aforesaid Publication of the said Boundaries, on giving to the said Commissioners Fourteen Days Notice in Writing of such Appeal and of the Matter thereof, and the Decision of the said Justices therein shall be final and conclusive.

Appeal
against
Boundaries.

Encroach-
ments made
on Commons
within Twen-
ty Years to
be deemed
Part of the
Commons.

XIX. And be it further enacted, That all Encroachments which at any Time within Twenty Years before the passing of this Act have been made upon the Commons and Waste Grounds hereby directed to be divided and allotted, shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute shall arise touching any such Encroachment or Encroachments, or the Extent thereof, such Dispute shall be determined by the said Commissioners: Provided always, that nothing in this Act contained shall extend so as to prejudice or diminish the Right of any Person or Persons to any Encroachment upon or from any Part or Parts of the Commons and Waste Grounds within the said Parish of *Gresham* which shall have been made and enclosed, or shall be held and enjoyed by virtue of any Licence or Consent in Writing under the Hand or Hands of the Lord or Lady for the Time being of the said Manor of *Gresham* and *Aylmerton*, or by virtue of any Licence or Authority entered or enrolled in the Court Books or Rolls of the same Manor, but no Person

Person or Persons shall be entitled to any Right of Common for or in respect of any Encroachment which may have been Part of the said Commons or Waste Grounds.

XX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required in the first Place, before they shall proceed to make any of the Divisions and Allotments directed by this Act, to set out and appoint all such public Carriage Roads and Highways, in, through, and over the Lands and Grounds hereby directed to be divided and allotted, as the said Commissioners shall judge necessary, so as such Roads and Highways shall be and remain Thirty Feet wide at the least, and be set out in such Directions as shall upon the whole appear to the said Commissioners to be most commodious for the Public; and the said Commissioners are further required to ascertain the same by Marks and Bounds, and to prepare and sign a Map in which such intended Roads shall be accurately laid down and described, and to cause the same when so signed to be deposited with their Clerk for the Inspection of all Persons concerned; and as soon as may be afterwards, the said Commissioners shall give Notice in the *Norfolk Chronicle* or *Norwich Mercury*, or some other Newspaper published in the City of *Norwich*, and also in and by Writing to be affixed upon the principal Doors of the Parish Churches of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham* aforesaid, of their having so set out such Roads, and deposited such Map as aforesaid, and also of the general Lines of such intended Carriage Roads, and shall also appoint in and by the same Notice a Meeting of the said Commissioners at some convenient Place in One of the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham* aforesaid, or within Eight Miles of One of them, and not sooner than Fourteen Days from the Date and Publication of such Notice; and if any Person who may be injured or aggrieved by the setting out of such Roads shall attend at such Meeting, and object to the setting out of the same, then the said Commissioners (together with any Justice or Justices of the Peace acting in and for the Division in which the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham* are situate, and not being interested in the said Division and Allotment,) shall hear and determine such Objection, and the Objections of any other Person or Persons, to any Alteration that the said Commissioners with any such Justice or Justices may in consequence propose to make; and the said Commissioners (with the Concurrence of such Justice or Justices) shall and they are hereby required, according to the best of their Judgment upon the whole, to order and finally direct how such Carriage Roads shall be set out, and either to confirm the said Map, or make such Alteration therein as the Case may require; and all Roads, Ways, and Paths, in, through, and over the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*, or any of them, which shall not be set out or finally ordered and directed as aforesaid, shall be for ever stopped up and extinguished, and shall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and shall be divided and allotted accordingly: Provided also, that none of the present Roads within the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*, or any of them, shall be shut up and discontinued, until the Roads which shall be intended to remain or be the public Roads in future shall be set out in the Manner by this Act directed, and until

[Local.]

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the

Carriage
Roads to be
set out.

All Roads
not set out
to be allotted.

Present
Roads not
to be stopped
until new
Roads made.

the same shall be properly formed, and made safe and convenient for Horses, Carts, and Carriages.

Allotments
for public
Watering
Places, Gravel
Pits, &c.

XXI. And be it further enacted, That the said Commissioners shall assign, set out, and allot, unto the respective Surveyors of the Highways within the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*, such Parts of the Commons and Waste Grounds hereby directed to be divided and allotted as the said Commissioners shall think necessary; as and for public Watering Places for Cattle, and as and for public Sand, Gravel, Clay, Chalk, and Marl Pits, or any of them; and the same Allotment or Allotments, when so set out, shall for ever thereafter be used by the respective Surveyors of the Highways, and by the Proprietors of Lands and Estates within the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham* respectively, and their Tenants for the Time being, in such Manner and under such Rules and Regulations as the said Commissioners shall by their Award direct or appoint, and not otherwise.

Allotments
for Right of
Soil.

XXII. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot, unto the Owner or Owners of the Soil of the said Commons and Waste Grounds, so much of the same as in the Judgment of the said Commissioners shall be equal in Value to One-sixteenth Part of the Value of all the said Commons and Waste Grounds, as a full Recompence and Compensation for the Right in and to the Soil of the said Commons and Waste Grounds: Provided always, that the Owner or Owners of the Soil of the said Commons and Waste Grounds shall not be prevented from claiming a Right or Rights of Sheepwalk or Common in, over, or upon the same, in respect of any Messuages, Lands, or Tenements belonging to him or them in the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham* respectively; but that he, she, or they shall be deemed and considered to be entitled to such Right or Rights of Sheepwalk and Common in, over, or upon the said Commons and Waste Grounds, or any Part or Parts thereof, as shall have been exercised in respect of any Messuages, Lands, or Tenements belonging to him, her, or them, in the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham* respectively, and to which, in the Judgment of the said Commissioners, he, she, or they would be entitled, if he, she, or they were not the Owner or Owners of the Soil of the said Commons and Waste Grounds.

Allotment of
Residue.

XXIII. And be it further enacted, That the said Commissioners shall then assign, set out, and allot all the Residue and Remainder of the Lands and Grounds hereby directed to be divided and allotted unto and amongst all and every Person and Persons, and Body and Bodies Politic, Corporate, or Collegiate, being the Owner or Owners of, or having any Rights of Sheepwalk or Common, or other Rights or Interests, in, over, or upon the same Lands and Grounds, or any Part or Parts thereof, (save and except the Rights for which Compensation is hereby directed to be made as aforesaid), in such Parts and Shares as the said Commissioners shall adjudge and determine to be proportionate to the Value of, and a full Satisfaction and Compensation to him, her, and them respectively, for his, her, and their respective Shares, Rights of Sheepwalk or Common, or other

other Rights or Interests in, over, or upon the said Lands and Grounds, or any Part or Parts thereof.

XXIV. And be it further enacted, That the Lands and Grounds hereby directed to be divided and allotted shall be inclosed, hedged, ditched, and fenced by such Persons, and Body or Bodies Politic, Corporate, or Collegiate, (save and except the Rectors of the Rectories of *Felbrigg, Aylmerton, Metton, and Gresham*, for the Time being, in respect of any Allotments to be made to them in Right of the said Rectories, and save and except the said Surveyors of the Highways for or in respect of the Allotments hereby directed to be made to them as aforesaid), within such Time and in such Manner as the said Commissioners shall in and by their Award, or in and by any Writing or Writings under their Hands before the Execution of their said Award, order, direct, and appoint; and the Hedges, Ditches, Drains, and Fences which shall be made pursuant to the said Award, or such Writing or Writings, shall at all Times be maintained and kept in repair and cleansed by such Persons, and Body or Bodies Politic, Corporate, or Collegiate, as the said Commissioners shall by their said Award order and direct.

For fencing Allotments.

XXV. And be it further enacted, That the said Commissioners, after they shall have ascertained the Rights and Interests in the Lands and Grounds hereby directed to be divided and allotted, shall cause the Allotments proposed to be made by them to be distinctly laid down and delineated upon a Map or Plan, or Maps or Plans, which shall be produced at a convenient Time and Place, to be appointed by the said Commissioners, and published in the before-mentioned Newspapers, or One of them, for the Inspection and Examination of the several Parties interested in the said Allotments; and in case any Objection or Objections shall be made to the proposed Allotments, or any of them, the Party or Parties making the same shall sign and deliver a Statement thereof in Writing to the said Commissioners at such Time and Place as they shall appoint; and the said Commissioners shall immediately, or within a convenient Time afterwards, take the same into their Consideration, and determine the Matter thereof, and the Determination of the said Commissioners with respect to such Allotments shall be final and conclusive.

Allotments to be marked upon a Plan, and shown to the Proprietors.

XXVI. And be it further enacted, That if any Person or Persons (save and except the Rectors of the said Rectories) hath or have sold, or shall at any Time before the Execution of the Award of the said Commissioners, directed to be made by the said first-recited Act, sell his, her, or their Right, Interest, and Property in the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to any other Person or Persons, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, upon Notice in Writing delivered to them of any such Sale, to make an Allotment of Land unto the Vendee or Purchaser mentioned in every such Sale, or to his or her Heirs and Assigns, for and in respect of such Right, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, and his or her Heirs and Assigns, shall or may, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to him, her, or them as aforesaid, in the same Manner to all Intents and Purposes as the Vendor in every such Sale might, could, or

In case any Person shall sell his Right, the Allotment to be made to the Purchaser.

ought

ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

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

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

For allowing Exchanges to be made.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments within the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*, or any of them, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the said Parishes or any of them, or within any adjoining Parish, Hamlet, Township, or Place, provided

provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Curtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Incapacity, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself; such Consent to be testified in Writing under the Common Seal or Seals of the Body or Bodies Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate: Provided also, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held by any Person or Persons for Years determinable on any Life or Lives, without the Consent in Writing of the Person or Persons presumptively entitled to the Reversion of such Lands, Tenements, or Hereditaments expectant on the Determination of such Life or Lives: Provided also, that all Costs, Charges, and Expences attending the making of any Exchanges or Partitions under the Powers or Authorities in this Act and the said recited Act or either of them contained, shall be paid and borne by the several Persons, and Bodies Politic, Corporate, or Collegiate, making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall by their said Award order and direct.

XXIX. And be it further enacted, That all Leases and Agreements for Leases at Rack or extended Rent now subsisting of any Messuages, Buildings, Lands, Grounds, or other Hereditaments within the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham* respectively, shall cease, determine, and be void from and immediately after the Execution of the Award of the said Commissioners, or at such other Time or Times as the said Commissioners shall in and by their Award, or by any Writing or Writings under their Hands before the Execution of the said Award, direct or appoint; and the said Messuages, Buildings, Lands, Grounds, and Hereditaments shall be freed and discharged from all the Right and Interest which otherwise might be claimed in or to the same by the respective Lessees or Occupiers thereof, by virtue of such Leases or Agreements: Provided nevertheless, that the respective Lessees or Occupiers of the Premises comprised in such Leases or Agreements shall be entitled to, and shall receive from the respective Owners and Proprietors of such Premises, such Sum or Sums of Money as the said Com-

Leases to be void.

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missioners

missioners shall ascertain and declare to be reasonable to be paid to such Lessees or Occupiers respectively as a Recompence, Satisfaction, full Compensation and Equivalent for the Loss which such Lessees or Occupiers shall respectively sustain by the vacating of their respective Leases or Agreements; and if the Money so to be ascertained as aforesaid shall not be paid by such Owners and Proprietors respectively to their respective Tenants or Lessees who shall be entitled to receive the same, within Fourteen Days after Demand shall be made thereof, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Tenants and Lessees respectively entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act may be raised and levied; and from and immediately after the Execution of the 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 all such Messuages, Buildings, Lands, Grounds, and Hereditaments 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 allotted or exchanged as aforesaid, or to whom the same shall belong: Provided always, that if there shall be any Lease or any Agreement for a Lease of Lands, Part of which shall lie in the said Parishes of *Felbrigg, Aylmerton, Metton, Sustead, and Gresham*, or any of them, and Part in any adjoining Parish, such Lease or Agreement for a Lease upon Rack Rent now subsisting may be vacated as to the Whole of the Premises comprised therein; but where any Lands shall be taken in Exchange, which Lands shall be under Lease, and be wholly situated in any adjoining Parish, the Lease of such last-mentioned Lands shall not be vacated.

Wills and Settlements not to be affected.

XXX. 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, Rent, Debt, or Incumbrance, out of, upon, or affecting any of the Messuages, Buildings, Lands, Grounds, or Hereditaments to be divided, allotted, inclosed, or exchanged by virtue of this Act or the said recited Acts, or any Part or Parts thereof respectively, but that each and every Proprietor shall stand and be seised of the several Messuages, Buildings, Lands, and Grounds, to be allotted to or exchanged with him or her as aforesaid, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Tenures, Rents, Charges, and Incumbrances, and no other, as the Messuages, Buildings, Lands, Grounds, and Hereditaments whereof such Proprietor shall be seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, held under, charged with, or affected by, in case this Act had not been made.

Commissioners to direct Course of Husbandry.

XXXI. 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 Lands by this Act directed to be divided

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 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 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 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 or levied.

XXXII. And be it further enacted, That if any Sheep shall be kept in or upon any of the Allotments to be made by virtue of this Act, whereon any new Fence shall be raised, during the Term of Seven Years, to be computed from the Date of the Award of the said Commissioners, the Owner or Owners, or Occupier or Occupiers for the Time being of the Allotment or Allotments upon which Sheep shall be kept as aforesaid, shall, during so long Time as any Sheep shall be kept thereon, effectually guard the Fences belonging or adjoining to such Allotment or Allotments with Hurdles proper for that Purpose; and in case such Fences shall not be so guarded, it shall be lawful for the Owner or Owners, or Occupier or Occupiers of any adjoining Allotment or Allotments, to enter upon the Allotment or Allotments where such Sheep shall be kept, and take, drive away, and impound the same.

XXXIII. And be it further enacted, That the Costs, Charges, and Expences of inclosing the Lands or Grounds which shall by virtue of this Act be allotted to the Rectors of the said Rectories of *Felbrigg*, *Aylmerton*, *Metton*, and *Gresham*, in respect of the said Rectories, and to the Surveyors of the Highways within the said Parishes of *Felbrigg*, *Aylmerton*, *Metton*, *Sustead*, and *Gresham*, and all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands, Grounds, and Premises hereby directed to be divided, allotted, and inclosed, and of preparing and depositing the said Award and the Copy thereof, and all the Charges and Expences of the said Commissioners, their Umpire, Assistants, and Servants, and all other necessary Charges and Expences of the several Persons to be employed by the said Commissioners in and about the Premises, either before or after the Execution of the said Award, and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways to be set out and appointed by the said Commissioners, and all other Expences of carrying this Act and the said recited Act into Execution, shall be borne and defrayed

Fences of Lands on which Sheep shall be kept during Seven Years from the Date of the Award to be guarded with Hurdles.

For defraying the Costs, Charges, and Expences of obtaining and executing Act.

frayed by the several Persons, and Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made by virtue of this Act, (save and except the Rectors of the said Rectories for the Time being, for and in respect of any Allotment or Allotments which shall be made to them in right of the said Rectories, and also save and except the Surveyors of the Highways within the said Parishes, and also save and except such Persons whose Property in Lands or Tenements shall not exceed the yearly Value of Five Pounds, and who shall not be possessed of Personal Property to the Amount of Fifty Pounds at the Time of making the said Allotments, in the Judgment of the said Commissioners); which said Costs, Charges, and Expences; together with the Shares and Proportions thereof to be paid by the several Persons, and Body or Bodies Politic, Corporate, or Collegiate, hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioners, and shall be paid at such Time and Place, to such Person or Persons, and in such Manner as the said Commissioners shall direct and appoint, and shall and may be recovered in manner directed by the said first-recited Act.

Directions
for charging
Copyholds
with Ex-
pences.

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

Proprietors
and Agents
to pay their
own Expences.

XXXV. Provided also, and be it further enacted, That the several Proprietors, their Attornies or Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of the Meetings to be holden in pursuance of this Act or the said recited Act.

Money ad-
vanced to be
repaid with
Interest.

XXXVI. Provided also, and be it further enacted, That if any Person or Persons shall advance and pay any Money in discharge of the Fees or other Expences of obtaining and executing this Act, or of executing the said recited Act, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same.

Commis-
sioners to be
paid for their
Trouble and

XXXVII. And be it further enacted, That each of the Commissioners acting from Time to Time in the Execution of this Act shall be paid the Sum of Four Pounds and Four Shillings, and no more, for each and every Day

Day he shall be employed in travelling to, returning from, and attending at the Meetings to be holden for the Execution of this Act or the said recited Acts, in satisfaction of the Expence and Trouble to be incurred by him in the Execution of the Powers hereby or by the said recited Acts given.

Expences
Four Guineas
per Diem.

XXXVIII. And be it further enacted, That it shall be lawful for the Rectors of the Rectories of *Felbrigg, Aylmerton, Metton, and Gresham* aforesaid, for the Time being, by Indenture or Indentures under their respective Hands and Seals, with the Consent and Approbation of the Bishop of the Diocese, and of the Patrons of the said Rectories respectively, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to such respective Rectors by virtue of this Act, to any Person or Persons whomsoever, for any Term or Terms not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the passing of this Act, so that the Rent or respective Rents for the same shall be thereby reserved and made payable to the said respective Rectors for the Time being by Four equal Quarterly Payments in every Year, and so that there be also reserved and made payable to such respective Rectors the best and most improved Rent or Rents that can be reasonably had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for the making or granting any such Lease or Demise, and so that no such Lessee by any such Lease or Demise be made dispunishable for Waste by any express Words to be therein contained, and so that there be inserted in any such Lease a Power of Re-entry on Nonpayment of the Rent or Rents to be thereby reserved within a reasonable Time to be therein limited after the same shall have become due, and so that a Counterpart of each and every such Lease be duly executed by the Lessee or Lessees to whom such Lease or Leases shall be so made as aforesaid; and every such Lease shall be valid and effectual, any thing in the said recited Acts, or any Law or Usage, to the contrary notwithstanding: Provided always, that whenever any Lease or Leases so to be granted by any such Rector shall by any Means become forfeited or void, or be surrendered before the Expiration by Effluxion of Time of the Term or Terms thereby granted, then and in such Case, and as often as the same shall so happen, it shall and may be lawful for the Rectors for the Time being of the said Rectories, by and with the Consent of the Bishop of the Diocese and of the Patrons of the said Rectories, to grant a new Lease of the Lands so demised for such Term or Terms of Years as shall at the Time or Times of such Avoidance be then to come and unexpired of the original Term or Terms granted by such original Lease or Leases, subject nevertheless to the Provisions and Conditions contained in such original Lease or Leases, and then remaining unperformed and capable of taking Effect.

Power for
the Rectors
to grant
Leases.

XXXIX. And be it further enacted, That the Commissioners acting from Time to Time in the Execution of this Act and the said recited Acts shall make out an Account, containing a true Statement of all Sum and Sums of Money by them received or expended, or due to them for their own Trouble and Expences, and that such Account shall at least once in every Year from the Date of the passing of this Act, until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by any One Justice of the Peace acting for the

Commis-
sioners Ac-
counts to be
examined
yearly.

[*Local.*]

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said

said County of *Norfolk*, not interested in the said Division and Inclosure, and the Amount or Balance thereof shall be by such Justice stated in the Book of Accounts by the said first-recited Act required to be kept in the Office of the Clerk of such Commissioners, as therein mentioned; and that no Charge or Items in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by such Justice.

For depositing the Award, and making Copies thereof.

XL. And be it further enacted, That the Award which by the said recited Act is directed to be made by the said Commissioners shall be read and executed by the said Commissioners in the Presence of the Proprietors who may attend at a special Meeting to be held for that Purpose, and of which Meeting Ten Days Notice shall be given in the *Norfolk Chronicle* or *Norwich Mercury*, or some other Newspaper published in the said City of *Norwich*; and the Execution of the said Award shall be proclaimed upon the then next or some subsequent *Sunday* or *Sundays* in the Churches of the said Parishes of *Felbrigg*, *Aylmerton*, *Metton*, *Sustead*, and *Gresham* respectively, from the Time of the last of which Proclamations only, and not before, such Award shall be considered as complete; and within Twelve Calendar Months after the said Commissioners shall have made and executed their said Award, they shall cause the same, and the reduced Map or Plan, or reduced Maps or Plans thereto annexed, to be deposited in the Office of the Clerk of the Peace for the said County of *Norfolk*, who is hereby required, upon Payment of the Sum of Two Guineas, to receive and deposit the same with the Records of the said County, to the end that Recourse may be had thereto by any Person or Persons interested therein, for the Inspection or Perusal whereof the Sum of One Shilling, and no more, shall be paid; and the said Award shall, from and after the Delivery of the same to the said Clerk of the Peace, be deemed and taken to be enrolled according to the Directions and within the Meaning of the said first-recited Act; and the said Award, and such Map or Plan, Maps or Plans, thereto annexed, or any Copy thereof or of any Part thereof, signed by the said Commissioners, or by the said Clerk of the Peace or his Deputy, certifying the same to be a true Copy, shall at all Times be admitted and allowed in all Courts whatsoever as legal Evidence of the Matters and Things therein contained; and the said Clerk of the Peace and his Deputy for the Time being is and are hereby required, upon the Request of any Person or Persons interested or claiming to be interested therein, to make and deliver to such Person or Persons requiring the same, a true Copy of the said Award, or of any Part or Parts thereof, and to sign and certify the same to be a true Copy, for which Copy no more shall be paid than Sixpence *per* Sheet, each Sheet containing One hundred Words; 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, final, and conclusive upon all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, interested in the Premises; and all Rights of Common and Sheepwalk, and all other commonable Rights and Interests whatever, in, over, or upon all the Lands and Grounds hereby directed to be divided and allotted, shall, from and immediately after the Execution of the said Award (unless sooner extinguished by a previous Order of the said Commissioners made in pursuance of this Act), cease, determine, and be for ever extinguished, and the same Lands and Grounds

Grounds shall for ever thereafter be held and enjoyed in Severalty by the respective Owners and Proprietors thereof.

XLI. And be it further enacted, That a Copy of the said Award signed by the said Commissioners shall, together with a Map or Plan or Maps or Plans thereunto annexed, be deposited in the Parish Church of *Felbrigg* aforesaid.

Copy of Award to be deposited in Felbrigg Church.

XLII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any thing done or omitted to be done by the said Commissioners in pursuance of this Act or of the said recited Acts, or by any Rule, Order, or Determination made by the said Commissioners previous to the Execution of the said Award, (other than and except as to such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, settled, tried, or determined by the Verdict of a Jury, or where by any of the Provisions or Clauses of the said recited Acts or of this Act the Determinations, Orders, Acts, or Proceedings of the said Commissioners are declared or directed to be final and conclusive), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Norfolk* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned, Fourteen Days Notice in Writing of such Appeal, and of the Cause or Matter thereof; and the Justices (not interested in the Premises) at their said General Quarter Sessions are hereby authorized and required to examine into, 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 Damages, Costs, and Charges 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) upon Demand 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 on 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 sufficient Foundation, then the said Justices may award such Costs to be paid by the Appellant or Appellants as to the said Justices in their Discretion shall seem reasonable, and to be levied in manner as aforesaid.

Persons aggrieved may appeal to the Quarter Sessions.

XLIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, and Body or Bodies Politic, Corporate, or Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons, and Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of the said recited Acts or this Act, for or in respect of such Rights or Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them or in Remainder after them), all such Right, Estate, Title, and Interest as they, every or any of them,

General Saving.

them, could or ought to have had and enjoyed of, in, to, or in respect of the Lands hereby directed to be divided, allotted, and inclosed, in case this Act had not been passed.

Public Act. XLIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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