



ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 42.

An Act for inclosing Lands in the Manor and Parish
of *Haddiscoe*, in the County of *Norfolk*.
[16th May 1804.]

WHEREAS within the Manor and Parish of *Haddiscoe*, in the County of *Norfolk*, there are several Pieces or Parcels of Common or Waste Ground, lying dispersed in different Places, containing together One hundred and eighty Acres, or thereabouts: And whereas *George Grimmer*, Gentleman, is Lord of the Manor of *Haddiscoe*, within the said Parish: And whereas the Provost and Scholars of King's College, *Cambridge*, are seised of the perpetual Advowson, Right of Patronage, and Presentation, of, in, and to the consolidated Rectory of *Haddiscoe*, with *Toft Monks* annexed, and the Reverend *Thomas Ellison* is the present Rector and Incumbent thereof, and as such is entitled to certain Glebe Lands lying within the said Parish of *Haddiscoe*: And whereas the said *George Grimmer*, *John Grimmer*, Gentleman, and divers other Persons, are Owners and Proprietors of all the Commonable Messuages, Cottages, Tofts, Lands, and Hereditaments, situate, lying, and being, within the said Parish of *Haddiscoe*, and interested in the said Commons and Waste Grounds; and it would be of great Advantage to them, and they are desirous that the same may be divided and inclosed, and that specific Shares thereof may be assigned and allotted to and amongst the several Persons interested therein, in Severalty, in lieu of such their Rights and Interests respectively: But although such Division and Inclosure would be a manifest Advantage to all Persons concerned, and would tend to the Improvement

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Improvement of their respective Estates, yet the same cannot be accomplished and effectually established without the Aid and Authority of Parliament: 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*: 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 the said Commons and Waste Grounds shall be set out, divided, allotted, and inclosed, in Manner herein-after mentioned, and that *Henry Jermyn*, of *Sibton* in the County of *Suffolk*, Esquire, *Robert Boyden*, of *North Cove* in the said County of *Suffolk*, and *William Cole*, of *Loddon* in the County of *Norfolk*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing, the said Commons and Waste Grounds, and for putting this Act in Execution, in the Manner, and subject to the Rules, Orders, and Directions, herein contained, and also subject to the Powers and Provisions of the said recited Act, except where the same are hereby varied and altered.

Commissioners.

Two Commissioners may act.

II. Provided always, and be it further enacted, That all Powers, Authorities, Directions, Acts, Matters, and Things, thereby or hereby vested in them, or authorized or directed to be done or executed by or before the said Commissioners, may be done and executed by or before any Two of them, and the same shall be as valid and effectual as if done and executed by or before all the said Commissioners.

For electing new Commissioners.

III. And be it further enacted, That if any of the said Commissioners shall refuse or become incapable to act in the Execution of the Powers hereby vested in him or them, or shall die, before all the Powers and Authorities reposed in the said Commissioners shall have been fully executed and performed, it shall be lawful for the remaining or surviving Commissioners or Commissioner, and they and he are and is hereby required, by Writing under their Hands and Seals or his Hand and Seal, from Time to Time within the Space of Thirty Days next after the Refusal, Incapacity, or Death, of any such Commissioner or Commissioners, to appoint another Person, not interested in the said intended Division, Allotment, and Inclosure, to be a Commissioner in the room of every such Commissioner so refusing or becoming incapable to act, or dying; and every such Commissioner so to be appointed, shall have the like Power and Authority to execute this Act and the said recited Act, as the Commissioner whom he shall succeed was vested with.

Commissioners Allowance.

IV. And be it further enacted, That out of the Monies that shall be raised for defraying the Expences of obtaining this Act, and of carrying the same and the said recited Act into Execution, there shall be paid to each of the said Commissioners, as a Recompence for his Pains and Trouble, the Sum of Two Pounds Two Shillings, for every Day he shall be employed in travelling to, returning from, and attending at the Meetings to be held for the Execution of this Act, and the said recited Act,

over

over and besides their reasonable travelling Expences, and all other Expences occasioned by their Attendance at such Meetings.

V. And be it further enacted, That all Notices and Advertisements necessary or requisite to be made and given by the said Commissioners, and not herein-after or by the said recited Act otherwise directed, shall be so made and given by Advertisement in *The Norwich Mercury*, or in some other publick Newspaper to be circulated in the said County of *Norfolk*.

Advertisements in Newspapers.

VI. And be it further enacted, That the said Commissioners shall and they are hereby required to give or cause to be given publick Notice in the Parish Church of *Haddiscoe* aforesaid, upon some *Sunday* immediately after the Time of Divine Service, or by Advertisement to be inserted in *The Norwich Mercury*, or some other publick Newspaper to be circulated in the said County of *Norfolk*, of the Time and Place of their First and every other Meeting for executing the Powers hereby vested in them, Ten Days at the least before every such Meeting (Meetings by Adjournment only excepted); and that it shall be lawful for the said Commissioners, at any of their Meetings to be holden in pursuance of this Act, from Time to Time as they shall find it convenient, to continue such Meeting by Adjournment; provided, that if at any Meeting appointed to be holden as aforesaid, it shall happen that only One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to any future Day he shall see most convenient, giving due Notice to the others or other of the said Commissioners, and so on from Time to Time as often as there shall be Occasion, until Two or more of the said Commissioners shall be present.

Notice of Meetings.

VII. And be it further enacted, That all Meetings of the said Commissioners for putting this Act into Execution, shall be held at *Haddiscoe* aforesaid, or within the Distance of Eight Miles from the said Parish; and that the Proprietors interested in the said Commons and Waste Grounds, and all Persons claiming to be interested therein, shall pay their own Expences, and the Charges and Expences of their Agents and Attornies, when they shall attend the said Commissioners at any of their said Meetings.

Where Meetings to be held.

Proprietors to pay their own Expences.

VIII. And be it further enacted, That after the said Commissioners shall have perambulated, set out, ascertained, and fixed, the Boundaries of the said Commons and Waste Grounds, and also the general Boundaries between the said Parish of *Haddiscoe* and the several Parishes to the same adjoining, under the Powers and Regulations, and in conformity to the Act herein-before mentioned, it shall and may be lawful for the said Commissioners, and they are hereby empowered, if they see fit, to shorten and vary the said Boundaries, in such Manner as to them the said Commissioners shall appear most advantageous to all Parties.

For altering the Boundaries.

IX. And be it further enacted, That it shall not be lawful for any Person or Persons whomsoever, from and after the passing of this Act, until the Execution of the Award of the said Commissioners, to cut, dig, pare, grave, break up, flay, or carry away, the Turf, Flags, or Soil, upon or from the said Commons and Waste Grounds, or any Part thereof, or to fell,

To prevent breaking Soil of Commons without Leave.

fell, lop, top, cut down, take or carry away any Trees, Shrubs, Bushes, Thorns, Ling, Furze, or Whins, growing thereon, without the Licence or Consent of the said Commissioners in Writing under their Hands, first had and obtained (which Licence or Consent 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, and before the Execution of the said Award, cut, dig, pare, grave, break up, flay, or carry away, any Turf, Flags, or Soil, from any Part of the said Commons and Waste Grounds, or fell, lop, top, cut down, take, or carry away, any Trees, Shrubs, Bushes, Thorns, Ling, Furze, or Whins, growing or being in or upon the same, without such Licence or Consent as aforesaid, or having obtained such Licence and Consent shall act in any Manner contrary thereto, or to the Rules, Orders, Regulations, and Restrictions, therein contained, every such Person being convicted thereof, either by his, her, or their own Confession, or upon the Oath of One or more credible Witnesses or Witnessess, before any Justice of the Peace for the said County of *Norfolk*, not being interested in the said Commons and Waste Grounds (which Oath such Justice is hereby authorized to administer, and to summon the Person complained of, and examine such Witness or Witnessess relating to the said Complaint) shall for every Offence forfeit and pay such Sum of Money as the said Justice shall direct, not exceeding Five Pounds, nor less than Forty Shillings; and it shall be lawful for such Justice, by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause the said Penalty to be raised and levied by Distress and Sale of the Goods and Chattels of the Person or Persons offending, (Demand having been first made thereof), rendering the Overplus, (if any), after deducting the Charges of such Distress and Sale, to the Owner of such Goods and Chattels; and such Penalty, when paid or levied, shall be applied by the said Commissioners for the Purposes of this Act.

Commissioners to settle Disputes ;

and to assess Costs.

X. And be it further enacted, That if any Claim of Right of Common, or other Right or Interest, in or to the said Commons and Waste Grounds, intended to be divided, allotted, and inclosed, by virtue of this Act, shall, by Writing to be delivered to the said Commissioners, at such Time as shall be by them appointed for that Purpose, in pursuance of the said herein-before recited Act, be objected to by any Person or Persons claiming to be interested in the said Commons and Waste Grounds, and the Party or Parties making such Claim shall persist therein, then the said Commissioners shall and they are hereby required, at a Meeting to be by them held for that Purpose, of which they shall give publick Notice at least Ten Days before the Time of holding the same, to hear and determine the Matter of every such Claim so made and objected to, and persisted in as aforesaid; and the said Commissioners shall and they are hereby empowered and required to assess such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whole Favour any such Determination shall be made, by the Party or Parties against whom the same shall be made, and the same shall be paid within such Time as the said Commissioners shall appoint; and if any Person or Persons shall neglect or refuse to pay such Costs and Charges, within Ten Days next after Demand thereof made, the same shall and may be levied by Distress

Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing, by Warrant under the Hands and Seals of the said Commissioners, which Warrant the said Commissioners are hereby empowered and required to grant, upon Proof on Oath of such Neglect or Refusal, and of such Demand as aforesaid; and the Overplus (if any) after the Charges of levying the same shall have been deducted, shall be returned on Demand to the Owners of such Goods and Chattels.

XI. Provided always, and be it further enacted, That in case any Person or Persons, Bodies Politick or Corporate, interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any such Claim or Claims of Common, or other Rights or Interests, in, to, over, or upon the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, then and in every such Case it shall and may be lawful to and for such Person or Persons, Bodies Politick or Corporate, to try all such Claims at Law at the next or at the following Assizes to be holden for the said County of *Norfolk*, upon a feigned Issue, and for that Purpose the Person or Persons, Bodies Politick or Corporate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months after such Determination of the said Commissioners; and the Defendant or Defendants in such Action is and are hereby required forthwith to appear to such Action, accept a Declaration, and plead to Issue (such Issue to be settled by the proper Officer of the Court in which the said Action shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive, upon all and every Person and Persons whomsoever, Body and Bodies Politick, Corporate, or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and that 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: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Tenements, whatsoever.

Allowing Parties to try their Rights by an Issue at Law.

Commissioners not to determine Titles.

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

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

XIII. Provided always, and be it further enacted, That all such Orders and Determinations of the said Commissioners as shall have been made as aforesaid, with respect to such Claims, touching which no such Action at Law shall be brought or commenced, and proceeded in within the Time aforesaid, shall be final, binding, and conclusive, upon all Persons whomsoever; any Thing in this Act contained to the contrary notwithstanding.

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

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XIV. And

Respecting
Encroach-
ments.

XIV. And be it further enacted, That all Encroachments which have been made upon the said several Commons and Waste Grounds, hereby intended to be divided and inclosed, at any Time since the Year One thousand seven hundred and eighty-four, shall be deemed Part of the Lands to be divided and allotted by virtue of this Act, save and except such Parts thereof as have been inclosed by virtue of a Licence in Writing under the Hand of the Lord or Lady of the said Manor of *Haddiscoe*, duly entered or inrolled in the Court Books or Rolls of such Manor; but no Person or Persons in Possession of any Land which has been so inclosed from the said Commons and Waste Grounds within the Time aforesaid, shall be entitled to any Allotment in respect thereof under or by virtue of this Act; and in case any Dispute or Disputes shall arise touching any such Encroachment or Encroachments, or the Extent or Duration thereof, such Dispute or Disputes shall be settled and finally determined by the said Commissioners.

Cattle not to
be grazed on
the Roads for
Seven Years.

XV. And be it further enacted, That no Person or Persons shall graze or keep any Sort of Cattle whatsoever, in or upon any of the publick Roads or Ways which the said Commissioners shall order and direct to be set out and fenced on both Sides, for the Space of Seven Years next after the making and executing of their Award, under a Penalty not exceeding Forty Shillings nor less than Ten Shillings for every such Beast, Horse, Ass, Sheep, or Lamb, which shall be found therein, to be paid to the Person or Persons who shall take and impound the same; and every Proprietor or Occupier of Lands and Tenements within the said Parish, and their and every of their Servants and Labourers, is and are hereby empowered to take and impound every such Beast, Horse, Ass, Sheep, or Lamb, which shall be so found grazing as aforesaid, at any Time or Times after any Quicksets shall be planted next the said Roads or Ways so fenced off as aforesaid, before the Expiration of the said Term of Seven Years.

Allotment for
Gravel Pits.

XVI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required, in the first place, to set out and allot such Parts or Parcels of the Lands and Grounds hereby intended to be divided and inclosed, as they shall think proper, as and for publick Clay, Gravel, and Sand Pits, with convenient Roads to and from the same, to be used by the Proprietors of Lands and Estates in the said Parish, and their respective Tenants, as well for their own necessary Uses within the said Parish only, in such Manner and under such Rules and Regulations, as the said Commissioners shall by their Award direct or appoint, as in common for the Repairs of the publick and private Roads within the same Parish, and that such Allotments shall be vested in the Surveyors of the Highways of the said Parish, in Trust for the Purposes aforesaid, and shall and may be by them the said Surveyors from Time to Time let (subject to such Right of taking Clay, Gravel, and Sand, therefrom) for the best Rents that can be gotten for the same, to be applied towards the Repairs of the publick Roads and Ways within the said Parish.

Allotment to
the Lord of
the Manor.

XVII. And be it further enacted, That the said Commissioners shall, in the next place, assign, set out, and allot, unto the said *George Grimmer*, Lord of the aforementioned Manor, or unto such other Person or Persons being Lord or Lords, Lady or Ladies, of any Manor or Manors within

within the said Parish of *Haddiscoe*, and as such entitled to the Soil of the said Commons and Waste Grounds, or any Part thereof, so much and such Part or Parts, of the said Commons and Waste Grounds as the said Commissioners shall judge to be a Recompence and Compensation for his, her, or their Rights to such Soil: Provided always, that such Allotment or Allotments shall not exceed in the Whole, in the Judgement of the said Commissioners, the Value of One-sixteenth Part of the said Commons and Waste Grounds.

XVIII. And be it further enacted, That the said Commissioners shall also assign, set out, and allot, unto the said *George Grimmer*, his Heirs and Assigns, being Lord or Lords, Lady or Ladies, of the said Manor of *Haddiscoe*, and to the Rector, Churchwardens, and Overseers of the Poor of the said Parish for the Time being, and to their respective Successors, for the Use and Benefit of the poor Persons residing within the said Parish, such Part or Parts of the said Commons and Waste Grounds, hereby intended to be divided, allotted, and inclosed, as the said Commissioners shall think fit; which Allotments, when set out, shall be, and the same shall be deemed to be, vested in the Lord or Lords, Lady or Ladies, of the said Manor, and the Rector, Churchwardens, and Overseers of the Poor of the said Parish for the Time being for ever, upon Trust that they the said Lord or Lords, Lady or Ladies, Rector, Churchwardens, and Overseers of the Poor of the said Parish, and their Successors for the Time being, or the major Part of them, shall, and they, or the major Part of them, are hereby authorized, empowered, and required, by any Deeds or Writings under their respective Hands and Seals, or otherwise, from Time to Time to demise and let by publick Auction the said Lands so to be allotted to them respectively as aforesaid, or such Part and Parts thereof as the said Commissioners in their Award shall order and direct to be let, and publick Notice of such Auction shall be given upon a *Sunday* in the Parish Church of the said Parish immediately after Divine Service, for any Term not exceeding Fourteen Years, as they shall think proper, for the best or most improved Rent that can be reasonably gotten for the same, without taking any Income, Fine, Premium, or Foregift, in Consideration of any such Lease, and under and subject to such Covenants and Agreements as they shall think proper; and all such Deeds and Writings shall be good and valid in the Law; and the Rents and Profits arising from such Lands, shall from Time to Time be paid to the Rector, Churchwardens, and Overseers of the Poor of the said Parish for the Time being, and be by them applied for the Use and Benefit of such poor Persons, in the Purchase of Coals or other Fuel, to be distributed to them at such Times and in such Manner as the said Lord or Lords, Lady or Ladies, Rector, Churchwardens and Overseers of the said Parish, or the major Part of them, for the Time being, shall think most beneficial; and as to such Part and Parts of the said Lands as shall not be by the said Commissioners directed to be so let, it shall be lawful for the said Lord or Lords, Lady or Ladies, Rector, Churchwardens, and Overseers of the said Parish for the Time being, or the major Part of them, and they are hereby empowered from Time to Time, and at any Time when they shall think fit, to appropriate such Part of the Lands so to be allotted to them as aforesaid, and not by the said Commissioners directed to be let, or any Part or Parts thereof, for the growing of Whins, Broom, Ling, or Heath, or for the digging or cutting

cutting of Peat, Turf, or Flag, or for raising of any Vegetables, or for any other Uses or Purposes whatsoever, which they the said Lord or Lords, Lady or Ladies, Rector, Churchwardens, and Overseers of the said Parish for the Time being, or the major Part of them, shall think most needful and beneficial for such poor Persons respectively as aforesaid, and in such Shares and Proportions and under and subject to such Rules, Orders, and Regulations, as they the said Lord or Lords, Lady or Ladies, Rector, Churchwardens, and Overseers of the said Parish for the Time being, or the major Part of them, shall from Time to Time think fit and proper, and which they are hereby authorized and empowered to make and alter for that Purpose, when and as often as they shall think necessary: Provided nevertheless, that no Person or Persons who shall occupy Lands and Tenements in the said Parish of *Haddiscoe*, of more than the yearly Rent or Value of Five Pounds, shall be entitled to receive any Coals or other Fuel to be purchased as aforesaid, or to have, cut, or take, any Turf or Firing, so to be set out as aforesaid for the Poor of the said Parish.

Allotment of
the Residue.

XIX. And be it further enacted, That after all the Allotments hereinbefore mentioned shall be made, the said Commissioners shall then assign, set out, and allot, all the Residue and Remainder of the said Commons and Waste Grounds, unto and amongst the said *George Grimmer*, *John Grimmer*, and all other Persons interested therein at the Time of such Division, Allotment, and Inclosure, in proportion and according to their respective Rights of Common, and other Rights and Interests, in, to, and over the said Commons and Waste Grounds, so to be divided and inclosed as aforesaid (other than and except such Rights and Interests for which a Compensation is hereinbefore directed to be made as aforesaid) and in proportion to the real yearly Value of the several Messuages, Cottages, and Tofts, with the Lands, Tenements, and Appurtenances thereto respectively belonging, in right of which such Allotment or Allotments shall be made, save and except such small Owners whose Property in Messuages, Cottages, or Tofts, with the Lands, Tenements, and Appurtenances thereto respectively belonging within the said Parish, shall, at the Time of passing this Act, be assessed to the Land Tax for the said Parish at any Sum or Sums of Money not amounting in the Whole to the Sum of Five Pounds, to whom the said Commissioners shall and they are hereby required to assign, set out, and allot, such Quantity of the said Commons and Waste Grounds as they shall think proper, not exceeding a double Quantity in Value, in proportion to the Allotment or Allotments made to other Proprietors, whose Property in Messuages, Cottages, or Tofts, with the Lands, Tenements, and Appurtenances thereto respectively belonging, within the said Parish, shall, at the Time of passing this Act, be assessed to the Land Tax for the said Parish at or above the Sum of Five Pounds.

Commissioners
to settle Differences.

XX. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties, touching the respective Shares and Proportions of the said Commons and Waste Grounds, hereby intended to be divided, allotted, and inclosed, which they or any of them ought to have in lieu of their Rights of Common, or other Rights or Interests, in, over, and upon the same, or touching any Timber, Wood, or Bushes, growing upon the said Lands or Grounds, or touching or concerning any

any Encroachment which shall have been committed thereon, or touching or concerning any other Matter or Thing relating thereto, it shall be lawful for the said Commissioners to examine into, hear, and determine the same, in like Manner, and by the like Ways or Means, as they are herein-before authorized and empowered to hear and determine any Claims which shall be delivered to them in Writing, and objected to by any Person or Persons claiming to be interested in the said Commons and Waste Grounds: Provided always, that when the said Commissioners shall have adjudged and declared the respective Shares, Rights, and Interests, to be allotted to the said Owners and Proprietors respectively, of and in the said Commons and Waste Grounds to be divided by virtue of this Act, they the said Commissioners shall give Notice in such Manner as is herein-before directed with respect to their Meetings, of some convenient Time and Place when and where all Persons interested may peruse a Schedule of such intended Allotments, and may take a Copy of such Schedule, or any Part thereof; and in regard that some Person or Persons may be dissatisfied with their intended Allotments, the said Commissioners shall give Notice as aforesaid of a Meeting to be held by them for receiving Complaints or Objections to such intended Allotments, and for hearing and determining such Complaints and Objections.

Commissioners to exhibit a Schedule of the intended Allotment.

XXI. And be it further enacted, That all such Parts of the said Commons and Waste Grounds as shall be assigned or allotted unto any Person or Persons by virtue of this Act, for or in respect of any Messuages, Cottages, or Tofts, Lands, Tenements, and Hereditaments, which are holden by Copy of Court Roll of the said Manor of *Haddiscoe*, or of any other Manor or Manors, shall be deemed and taken to be Copyhold of the said Manor or Manors respectively (save and except such Allotments to be made in respect of any such Copyhold as aforesaid, which shall contain in the Whole less than One Rood), and shall be subject and liable to, and the Proprietors thereof respectively for the Time being shall pay to the Lord or Lords, Lady or Ladies, of the said several Manors respectively for ever, a Yearly Quit Rent, at and after the Rate of One Penny for every Acre of the said Lands and Grounds, which shall be allotted in respect of such Copyhold Messuages, Cottages, or Tofts, Lands, Tenements, and Hereditaments, and so in proportion for any less Quantity than an Acre; and the several Persons to whom such Copyhold Allotments shall be made as aforesaid, shall, within the Space of Six Calendar Months next after the Execution of the Award of the said Commissioners, or at the first General Court Baron to be holden for the said several Manors respectively next after the Expiration thereof, be admitted Tenants to the same Allotments respectively, without paying any Fines or other Charges to the Lord or Lords, Lady or Ladies, or to the Stewards of any of the said several Manors, (save and except the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the Stewards of the said Manors respectively, as the said Commissioners shall in and by their said Award order and direct); but in case any Person or Persons, his, her, or their Heirs or Assigns, to whom any such Copyhold Allotment or Allotments shall be made, shall neglect or refuse to be admitted Tenant thereto within the said Six Calendar Months, or at the first General Court Baron to be holden for the said several Manors next after the Expiration thereof, then it shall and may be lawful to and for the Lord or Lords, Lady or Ladies, of the said several Manors respectively for the Time being, to take and

Allotments to be of the same Tenure.

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use all such Measures for compelling such Admission or Admissions to the said Allotment or Allotments respectively, as the Lord or Lords, Lady or Ladies, of any Manor or Manors, is or are now by Law and according to the Customs of the said Manor or Manors empowered to take and use, for want of a Tenant to any Lands, Tenements, and Hereditaments, holden by Copy of Court Roll of the said Manor or Manors, and in such Case the same Fines, Fees, and other Payments, shall be due and payable on such Admission or Admissions respectively, as the Lord or Lords, Lady or Ladies, and Stewards of the said Manor or Manors, are now by Law and the Customs of the same Manor or Manors entitled to take and receive, upon Admissions to any Lands, Tenements, or Hereditaments, holden by Copy of Court Roll of the said several Manors respectively; and that, from and after the first Admission, all the said Copyhold Allotments shall for ever thereafter be held under and subject to the same Fines and Services as the said Copyhold Lands and Tenements respectively, in respect whereof such Allotments shall be made are now subject and liable to, together with the said Quit Rent, at and after the Rate of One Penny *per Acre* Yearly; and that all other Parts of the said Commons and Waste Grounds, which shall be assigned or allotted unto any Person or Persons by virtue of this Act, for and in respect of any Freehold or Leasehold Messuages, Cottages, or Tofts, Lands, Tenements, and Hereditaments, shall be deemed and taken to be Freehold and Leasehold, and shall be held and enjoyed as such accordingly, subject nevertheless to such Rents, Payments, Customs, and Services, as the respective Lands and Tenements, in respect whereof the same shall be assigned or allotted, are now subject and liable to.

For allowing
Exchanges
to be made.

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

of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments, so to be exchanged shall lie and be situate: Provided always, that all Costs, Charges, and Expences, attending the making any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportion as the said Commissioners shall by their said Award order and direct.

XXIII. 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 Lands or Grounds to be divided, allotted, and inclosed as aforesaid, or any Part or Parts thereof respectively; but that each and every Proprietor shall stand and be seised of the Allotment and Allotments to be assigned and made to him, her, or them, as aforesaid, or which shall be given or taken in exchange, or of which Partition shall or may be made in pursuance of the before recited Act, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Limitations, Trusts, Charges, and Incumbrances, and no other, as the same Messuages, Lands, Tenements, and Hereditaments, for or in respect whereof such Allotments, Exchanges, or Partitions, shall be made, would have been subject or liable to be charged with or affected by in case the same had remained uninclosed, unexchanged, or no Partition had been made as aforesaid.

Wills and Settlements not to be affected.

XXIV. And be it further enacted, That the several Allotments of the said Commons and Waste Grounds, which may be made to the Rector of the said Parish of *Haddiscoe* in pursuance of this Act, for or in respect of any Messuages or Glebe Lands belonging to the Church of the said Parish, and the said Allotments herein-before directed to be made to the said Surveyors of the Highways, and for the Benefit of the poor Persons of *Haddiscoe* as aforesaid, shall be inclosed and fenced in with such Ditches, Hedges, Mounds, or other Fences, as the said Commissioners shall think proper, and the several Expences thereof raised and paid in like Manner as the Expences of obtaining this Act, and of carrying the same into Execution, are herein-after directed to be raised and paid; and that all such Hedges, Ditches, Mounds, and Fences, when made, shall for ever thereafter be maintained and supported by and at the Expence of the Rector of the said Parish for the Time being, and with and out of the Profits and Produce of the said respective Allotments which may be made to the said Surveyors, and the Trustees or the Poor of the said Parish; and that all the other Allotments of the said Commons and Waste Grounds hereby intended to be divided and allotted, shall be inclosed and fenced with proper Ditches, Hedges, Mounds, or other Fences, to be made, and at all Times thereafter repaired, by and at the Expence of the several Persons to or for whom the same shall be respectively allotted, within such Time and in such Manner as the said Commissioners shall, in and by their Award, or by any Writing under their Hands previous thereto, direct or appoint: Provided always, that in case it shall happen that any Person or Persons, to whom any Allotment or Allotments of the said Commons and Waste

Allotments to the Rector, for Gravel Pits, and for the Poor, to be fenced at the general Expence.

Expence of fencing other Allotments, how to be paid;

and to be made equal.

Waste Grounds shall be made under this Act, shall have more than an equal and proportionable Share of Boundary Fences to make and raise to inclose the same, it shall be lawful for the said Commissioners, where they shall judge it proper, having due Regard to the Quantity and Value of each and every Allotment, and to the necessary Subdivisions to be made thereon, to ascertain and appoint such Sum of Money to every such Proprietor, towards making such Fences, by such other of the said Proprietors, who under the said Regulations may have less than an equal Proportion of Fencing allotted to them, or otherwise to make such Allowance out of the publick or general Expences to be raised by virtue of this Act, as they shall think reasonable, in order that the said Boundary Fences may be brought as near as may be to a just and equal Proportion.

Payments for Great and Small Tythes for the first Six Years, to be settled by the Commissioners.

XXV. And be it further enacted, That the said *Thomas Ellison*, Rector of the said Parish of *Haddiscoe* aforesaid, and his Successors, Rectors of the said Parish for the Time being, shall be, and he and they is and are hereby respectively empowered to ask, demand, sue for, recover, and receive, of and from every Occupier, Owner, or Proprietor, of the several Allotments to be made by virtue of this Act, from which he or they shall be respectively entitled to receive Tythes, for, in lieu, and full Satisfaction of all the Great and Small Tythes, which shall yearly arise, renew, increase, or be produced in and upon such Allotments respectively, in the first Six Years next after the same shall be inclosed, or the Award of the said Commissioners shall be made, such Sum and Sums of Money annually and no more, as the said Commissioners shall, in and by their said Award, or some other Instrument or Schedule under their Hands, order, direct, or appoint, to be paid for or in respect of such Tythes respectively; and from and after the Expiration of the said Six Years, the said Rector for the Time being shall be entitled to receive and take in Kind all and all Manner of Great and Small Tythes, arising or coming, or which shall arise or come, off or from the same Allotments from which he shall be respectively entitled to receive Tythes as aforesaid, and every or any of them.

Lessees of Lands may hold Allotments.

XXVI. And be it further enacted, That it shall and may be lawful for all and every Lessee or Lessees of any Lands, Tenements, or Hereditaments, entitled to Right of Common upon the said Commons and Waste Grounds, by virtue of any Lease or Leases, or other Agreement, for any Time or Times therein, to hold and enjoy such Allotment or Allotments as shall be made in respect of such Lands, Tenements, or Hereditaments, by him, her, or them, so held or enjoyed, for and during all such Time and Term as he, she, or they, shall or may have to come and unexpired of such former holding, upon paying such further or advanced Rent or Rents to their respective Lessors or Landlords, and under and subject to such Orders and Regulations respecting the Tillage and Management thereof, as shall be ascertained and determined by the said Commissioners, and be specified in and by some Instrument or Instruments in Writing under their Hands, to be made at the Expence of such Lessee or Lessees respectively, which Rent or Rents shall be paid at such Time or Times, and in such Manner, as the said Commissioners shall by such Instrument or Instruments respectively appoint; and such Lessor or Lessors, Landlord or Landlords, shall have such Powers and Remedies for the recovering and obtaining such additional Rent, as he, she, or they had, or was or were entitled to have had, for obtaining and recovering the original Rent reserved by such Lease

Lease of Leases, or other Agreements; and in case any such Lessee or Lessees who shall hold any such Lands, Tenements, or Hereditaments, at Rack Rent, shall not, within One Calendar Month next after the Date of such Instrument or Instruments as aforesaid, give Notice in Writing of his, her, or their Intention of holding the Allotment or Allotments so to be made in respect of the said Lands, Tenements, or Hereditaments, and thereby agree to pay for the same such Rent or Rents as the said Commissioners shall have so appointed to be paid to the Lessor or Lessors, Landlord or Landlords thereof (such Notice to be left at his, her, or their last or most usual Place or Places of Abode), that then and in such Case the Allotment or Allotments so to be made in Right of the said Lands, Tenements, and Hereditaments, respectively, leased to or agreed to be held by such Lessee or Lessees so neglecting or refusing to give Notice as aforesaid, shall go and remain unto, and be held and enjoyed by his, her, or their respective Lessors or Landlords, freed and discharged of and from all Right and Interest of such respective Lessees.

XXVII. And be it further enacted, That the several Sums of Money herein-before directed to be paid to the said Commissioners for their Trouble and Attendance in the Execution of this Act, over and besides their reasonable and necessary Expences, and to the Surveyor or Surveyors to be appointed by them for surveying and admeasuring, planning and mapping, the said Commons and Waste Grounds to be divided, allotted, and inclosed, by virtue of this Act, and the Lands, Tenements, and Hereditaments, in respect whereof a Right of Common, or other Right or Interest thereon or therein shall be claimed; and also the Costs and Charges in any way occasioned by, incident to, and attending the obtaining and passing this Act, and of valuing, dividing, and allotting, the said Commons and Waste Grounds, and of preparing and inrolling the Award of the said Commissioners, and all other necessary Expences of the several Persons employed by the said Commissioners in and about the Premises, and of all publick Works, and all other Costs, Charges, and Expences, of carrying this Act into Execution, shall be borne and defrayed by the several Persons to whom Allotments shall be made by virtue of this Act (other than and except the Rector, and the Surveyors of the Highways of the said Parish of *Huddislee*, for and in respect of the Allotments to be made to them, and the several Persons to whom the said Allotment for the Benefit of the said poor Persons shall be made as aforesaid, who are not to bear or pay any Part thereof in respect of such Allotments) in proportion to the Value of the Lands to be allotted to them respectively, to be ascertained by the said Commissioners, and shall be paid by them the said Proprietors respectively, at such Time or Times as they the said Commissioners shall think proper, and in and by their Award mention and appoint for that Purpose.

Expences of
the Act, how
to be paid.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum or Sums of Money as shall from Time to Time be necessary for defraying the Charges and Expences of passing this Act, and carrying the same into Execution; and that the Money which shall be so advanced for the Purposes aforesaid, shall be repaid, with lawful Interest, to such Person or Persons, out of the first

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first Monies which shall be raised from the several Proprietors, as herein before mentioned and directed for defraying the Expences of obtaining and executing this Act.

Commissioners to lay their Accounts before Two Justices, Once in every Year.

XXIX. And be it further enacted, That Once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before Two Justices of the Peace in and for the said County of *Norfolk*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk of the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by such Justices.

Allowing an Appeal to the Quarter Sessions.

XXX. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves, aggrieved by any Thing done in pursuance of this Act (other than and except such Orders and Determinations of the said Commissioners as are directed to be final, binding, and conclusive, and except in such Cases wherein an Issue at Law shall be tried, as herein-before mentioned) then and in every such Case he, she, or they, may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Norfolk*, at the Shire Hall of the City of *Norwich* aforesaid, within Four Calendar Months next after the said Cause of Complaint shall have arisen, on giving the said Commissioners, or the Party or Parties intended to be appealed against, Ten Days Notice of such Appeal, and of the Matter thereof; and the Justices in their said General Quarter Sessions, are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and to levy, by their Order or Warrant, 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 Distress and Sale; which Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous or without Foundation, then the said Justices shall award such Costs, to be paid by the Appellant or Appellants, as to them the said Justices in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

General Saving.

XXXI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest (other than and

and except such as are meant and expressed to be barred, destroyed, and extinguished, by this Act) of, in, to, or out of, the said Lands and Grounds hereby intended to be divided, allotted, and inclosed, as they, every, or any of them, could or ought to have had and enjoyed in case this Act had not been made.

XXXII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and when so printed may be given in Evidence in all Courts of Justice, and before all Judges and Justices whomsoever, who shall take judicial Notice thereof, in like Manner as if the same had been declared to be a Publick Act.

For printing
the Act by
the King's
Printer.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1804.