



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 35.

An Act for inclosing Lands in the Parishes of *Gaywood* and *Mintlyn*, in the County of *Norfolk*.

[14th April 1808.]

WHEREAS there are divers Open Field, Half Year, or Shack Lands, Warrens or reputed Warrens, Heaths, Severals, Commons, and Waste Grounds, within the respective Parishes of *Gaywood* and *Mintlyn*, in the County of *Norfolk*: And whereas *William Bagge* Esquire is or claims to be Lord or Owner of the Manor of *Gaywood*, and as such claims to be entitled to the Soil of such of the Warrens or reputed Warrens, Heaths, Commons, and Waste Grounds which lie within the said Parish of *Gaywood*, as now belong to or are Parcel of the said Manor; and Sir *Martin Browne Folkes* Baronet is or claims to be entitled to the Soil of certain Lands or Tracts, Part of the Warrens, Commons, and Waste Grounds lying in *Gaywood* aforesaid, anciently called *Riffley*, but now commonly called or known by the several Names of *Riffley Wood*, *Riffley Common*, and *Riffley Fen*, as not now belonging to nor being Parcel of the said Manor; and the said Sir *Martin Browne Folkes* also is or claims to be entitled to the Trees, Underwood, Thorns, and Brakes growing on the last mentioned Lands or Tracts, and to a Right of Warren therein: And whereas the said *William Bagge* is or claims to be Lord or Owner of the Manor or reputed Manor of *Havellesse* in *Mintlyn*, and as such claims to be entitled to the Soil of the Heaths, Commons, and Waste Grounds which lie within the said Parish of *Mintlyn*: And whereas the said *William Bagge* and Sir *Martin Browne Folkes* and divers

[Loc. & Per.] 6 M other

Appointment
of Commis-
sioners.

other Persons respectively are the Owners of all the Messuages, Cottages, Lands, and Tenements within the said Parish of *Gaywood*: And whereas the said *William Bagge* is or is considered as the sole Owner of all the Messuages, Cottages, and Lands within the said Parish of *Mintlyn*. And whereas an Act of Parliament was passed in the Forty-first Year of the Reign of His present Majesty King George the Third, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas it would be advantageous to the several Parties entitled to or interested in the said Open Field, Half Year, or Shack Lands, Warrens or reputed Warrens, Heaths, Severals, Commons, and Waste Grounds, if the several Rights of Shackage and of Sheepwalk or Foldcourse, and of Common, to which the same are now subject, were extinguished, and if the said Lands and Grounds, except those called *Riffley*, were divided, and specifick Parts or Shares thereof allotted to the respective Persons entitled to or interested in the same, according to their respective Estates, Rights, and Interests; but as such Extinguishment, Division, and Allotment cannot be effectually made and established without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Samuel Heyboe Le Neve Gilman* of *Hingham* in the said County of *Norfolk* Gentleman, *John Dugmore* of *Swaffham* in the said County Gentleman, and *Heriot Standbanks* of *North Wootton* in the said County Gentleman, and their Successors, to be elected in the Manner herein-after provided, shall be and they are hereby appointed Commissioners for dividing and allotting the Open Field, Half Year, or Shack Lands, Warrens or reputed Warrens, Heaths, Severals, Commons, and Waste Grounds within the said Parishes of *Gaywood* and *Mintlyn* respectively, and for carrying into Execution this Act, and such of the Powers, Directions, Regulations, and Provisions contained in the said recited Act as are not expressly altered, varied, or otherwise provided for and enacted by this Act; and that all Acts, Matters, and Things authorized or necessary to be done or executed by the said Commissioners, or their Successors as aforesaid, in pursuance of this and of the said recited Act respectively, may be done and executed by any Two of them, and shall be as good, valid, and effectual, and have the same Force and Effect as if such Acts, Matters, and Things had been done and executed by all the said Commissioners herein-before named, or to be appointed in Manner herein expressed.

Provisions for
the Appoint-
ment of New
Commission-
ers.

II. And be it further enacted, That if any One or more of the Commissioners herein named, or to be appointed as herein-after expressed, shall die or refuse to act, or become incapable of acting as a Commissioner or Commissioners in the Execution of this and the said recited Act, before all the Powers, Authorities, and Trusts hereby vested in such Commissioners shall have been fully executed and performed, then and in every such Case it shall be lawful for the surviving or remaining Commissioners or Commissioner, and they and he are and is hereby required, at any Time within Forty Days next after such Death, Refusal, or Incapacity shall be known to them or him, by Writing under their or his Hands or Hand, to appoint another Person (not being interested in the intended Division

Division and Inclosure) to be a Commissioner for the Purposes of this and the said recited Act, in the Place or Stead of each Commissioner so dying or refusing to act, or becoming incapable of acting; and every Commissioner so to be appointed as aforesaid, shall, after taking or subscribing the Oath or Affirmation prescribed in that Behalf, have the like Powers and Authorities for carrying the said recited Act and this Act into Execution in all respects as if he had been named and appointed a Commissioner in and by this Act.

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

Allowance
to Commis-
sioners.

IV. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice in Writing of the Time and Place of their First and every other Meeting for the Execution of this Act, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper published or circulated in the said County of *Norfolk*, Eight Days at least before every such Meeting (Meetings by Adjournment excepted); and if One only of the said Commissioners shall be present at the Time and Place to be appointed for any such Meeting, then and in such Case and so often as the same shall happen, it shall be lawful for such One or single Commissioner to adjourn such Meeting to some Place within the said Parish of *Gaywood*, or within Eight Miles thereof, which he shall think convenient, giving Notice of such Adjournment to the absent Commissioners: Provided always, that all other Notices necessary or requisite to be made and given by the said Commissioners in pursuance of the said recited Act or of this Act shall be so made and given by Writing, to be fixed upon the principal outer Door of the Parish Church of *Gaywood* aforesaid, or by Advertisement in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper published or circulated in the said County of *Norfolk*.

Notice of
Commission-
ers Meetings.

V. And be it further enacted, That in order to shorten the Boundary or Boundaries between the Lands and Grounds hereby intended to be divided, allotted, and inclosed or discharged, and the adjoining Parish or Parishes respectively, it shall be lawful for the said Commissioners, with the Consent in Writing of the major Part in value of the Land Owners of such adjoining Parish or Parishes respectively, or such or so many of them as shall attend at a Meeting to be for that Purpose called, and also under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors in such adjoining Parish or Parishes respectively, and of the Owner or Owners of the Land upon which such Boundary or Boundaries shall or may be intended to be made as hereafter mentioned, to set out, ascertain, and determine the Boundary Fences to be made between the Lands and Grounds hereby intended to be divided, allotted, and inclosed or discharged, and the Lands lying in such adjoining Parish or Parishes,

For shorten-
ing Boundary
Fences.

Parishes, as they the said Commissioners shall judge proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined, the same shall be inclosed and fenced or not by such Person or Persons respectively, and in such Manner and at such Time or Times as the said Commissioners shall by their Award direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the said Parishes of *Gaywood* and *Mintlyn* respectively, or between both or either of those Parishes respectively, and such adjoining Parish or Parishes respectively as aforesaid; any Law, Usage, or Custom to the contrary notwithstanding.

Respecting
Encroach-
ments.

VI. And be it further enacted, That all Encroachments which have at any Time within Twenty Years now last past been made upon the said Warrens or reputed Warrens, Heaths, Severals, Commons, and Waste Grounds, by this Act directed to be divided and allotted, or discharged from Rights of Common, shall be deemed to be Part of the Warrens or reputed Warrens, Heaths, Severals, Commons, and Waste Grounds to be so divided and allotted or discharged (except in such Cases as hereafter mentioned); and in case any Dispute or Difference shall arise touching any such Encroachment or Encroachments, or the Extent thereof respectively, or respecting the Construction or Application of the Term Encroachment under this Act, such Dispute or Difference shall be finally determined by the said Commissioners: Provided that nothing in this Act contained shall extend to any Encroachment or Inclosure upon or of any Part or Parts of the said Warrens or reputed Warrens, Severals, Commons, and Waste Grounds lying within the said Parish of *Gaywood*, and now belonging to or Parcel of the said Manor of *Gaywood*, made with the Consent of the Lord or Lords of the said Manor of *Gaywood*, and entered or recorded in the Court Books, or upon the Rolls of the said Manor of *Gaywood*, or which, having been made with or without such Consent, but not so entered or recorded, shall be accurately delineated or described on Paper, and shall be so entered or recorded at any Time before the last Meeting of the said Commissioners for receiving Claims, with the previous Consent in Writing of the Lord of the said Manor of *Gaywood*; and the Steward of the said Manor of *Gaywood* for the Time being is hereby required to enter or record the Delineation or Description of such Encroachment or Inclosure, when offered to him with such previous Consent as aforesaid, in the Court Books or on the Rolls of the said Manor of *Gaywood*; but no Person or Persons possessing or enjoying any Encroachment or Inclosure, entered or recorded or to be entered or recorded as aforesaid, shall, in respect thereof, be entitled to any Allotment out of any of the Lands or Grounds to be divided and allotted by virtue of this Act.

Commission-
ers to settle
Disputes.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotment or Discharge, touching or concerning any Right of Manor, Soil, Warren, Several, Shackage, Sheepwalk, Foldcourse, or Common, or any other Right or Interest which they, or any of them, shall claim to have of or in any of the Lands or Grounds hereby directed to be divided and allotted or discharged as aforesaid; or touching or concerning their respective Shares or Proportions of or in the same respectively; or concerning any Allowance claimed or to be made

made for plowing, sowing Turnips or Corn, laying down with Grass Seeds, manuring or improving the said Lands or Grounds, or any Part thereof, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, or Discharge, it shall be lawful for the said Commissioners, and they are hereby required, as well by the Examination, Information, or Evidence of Witnesses upon Oath, as upon any other proper and sufficient Enquiry or Evidence, to examine into, hear, and determine the same: Provided that nothing in this Act contained shall empower the said Commissioners to determine the Title to any Manors, Messuages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners not to determine Titles.

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

Commissioners to assess Costs.

IX. Provided always, and be it further enacted, That in case any Person or Persons, or any Body or Bodies Politick, Corporate or Collegiate, who shall deliver to the said Commissioners any Claim in Writing of any Right or Interest in, upon, or over the Lands or Grounds hereby directed to be divided or allotted, or discharged as aforesaid, or in, upon, or over any Part thereof, or who shall deliver to the said Commissioners any Objection in Writing to any such Claim of any other Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any such Claim or Objection, or shall be desirous of having the Matter of such Claim or Objection decided by the Verdict of a Jury, and shall, within Two Calendar Months next after such Determination, cause Notice in Writing of such Dissatisfaction or Desire to be delivered to or left at the last or usual Place of Abode of such Commissioners, it shall be lawful for such Person or Persons, or Body or Bodies Politick, Corporate or Collegiate (having given such Notice as aforesaid), to proceed to a Trial

Power to try Rights by an Issue at Law.

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at Law of the Matter so determined by the said Commissioners at the then next or at the following Assizes to be held for the said County of *Norfolk*; and for that Purpose the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, having given such Notice as aforesaid, shall, within Three Calendar Months after such Determination, cause an Action to be commenced in One of His Majesty's Courts of Record at *Westminster* upon a feigned Issue, against the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, in whose Favour such Determination shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights, Interest or Interests thereby insisted upon, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties shall differ about the same); and all Proceedings in such Action or Actions shall be subject to the Rules or Orders of the Court in which such Action or Actions shall be brought, and the Verdict or Verdicts which shall be given upon the Trial of such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons, and Body or 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 said Court to do in case the said Court shall think proper; and that after such Verdict or Verdicts shall be obtained, and not set aside by the said Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that if no such Notice shall be given, or if any such Notice shall be given, and such Action at Law shall not be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then and in every such Case the Determination of the said Commissioners shall be final, binding, and conclusive to all Intents and Purposes whatsoever: Provided also, that if any of the Parties in any such Action to be brought or commenced as aforesaid shall die before the Determination thereof, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; provided further, that no such Action, Verdict, or new Trial, shall impede or delay the said Commissioners in the Execution of the Powers hereby vested in them, but the Division and Inclosure hereby directed to be made shall be proceeded in, in such and the same Manner as if no such Action or Suit were pending.

Commissioners may stop up old Roads.

X. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, with the Concurrence and Order of Two Justices of the Peace for the said County of *Norfolk*, acting in and for the Division in which the Road or Roads, Footpath or Footpaths herein-after mentioned, shall be situate, and who shall not be interested in the Repair of such Road or Roads, Footpath or Footpaths, to stop up and to direct to be discontinued any publick Road or Roads, Footpath or Footpaths, within the said Parishes of *Gaywood* and *Mintlyn*, or either of them, or any private Road or Roads, Footpath or Footpaths, through any Part or Parts of the Lands or Grounds inclosed or

uninclosed within the said respective Parishes or either of them, which to the said Commissioners shall appear useless or unnecessary: Provided always, that such Order so to be made shall be made in Manner and subject to Appeal to the Quarter Sessions of the Peace as in the said recited Act is expressed: Provided also, that none of the present Roads or publick Highways within the said respective Parishes of *Gaywood* and *Mintlyn*, or either of them, shall be shut or stopped up or discontinued until the several Roads, intended to remain or be the publick Roads or Highways within those respective Parishes, shall be set out according to the Directions of the said recited Act, and shall be properly formed and made safe and convenient for Horses, Cattle, and Carriages; provided further, that it shall not be lawful for the Surveyor or Surveyors of Roads, to be appointed by the said Commissioners under the Power contained in the said recited Act, to put into Repair, by or out of any of the Money to be raised by virtue of this Act, any old or present publick Roads or Highways within the said respective Parishes, or any publick Roads or Highways there made previously to the passing of this Act, which shall be set out or appointed by the said Commissioners, to remain or be in future publick Roads or Highways within those Parishes respectively, or any Part or Parts which shall be so set out or appointed of such publick Roads or Highways; but that all such old or present publick Roads or Highways, or publick Roads or Highways made previously to the passing of this Act, as shall be so set out and appointed, and every Part which shall be so set out or appointed of the same publick Roads or Highways, shall be first put into Repair by such Persons, and in like Manner as such Roads and Highways are or ought by Law to be afterwards supported and kept in Repair.

None of the present Roads to be stopped up until others shall have been set out.

XI. Provided always, and be it further enacted, That for and notwithstanding any Thing herein-before contained to the contrary thereof, they the said Commissioners shall and they are hereby required to set out and provide upon and over a certain Place called *Saer's Marsh*, Part of the said Commons and Waste Grounds in *Gaywood* aforesaid, directed to be divided and allotted as aforesaid, One private Carriage Road of the Width of Eighteen Feet at the least in the Clear, the same to extend in a South East Direction from the South End of a Lane called *Gaywood Lane* otherwise *Gaywood Hospital Lane*, to a Bridge over a publick Drain opening into certain Lands or Grounds situate in the Parish of *South Lynn All Saints*, in the said County of *Norfolk*, formerly the Estate of *John Exton* Esquire, deceased, afterwards belonging to *Martha Prior*, and now vested in the Trustees of *Mary Foster*, and *George Edward Graham* Esquire, and *Mary* his Wife; and also to set out and provide another private Carriage Road of the like Width, to extend in a South or South-West Direction from the aforesaid South End of the said Lane to the aforesaid Drain or a Continuation thereof, passing on the North or North-East Side of other Pieces or Parcels of the same Lands opposite to a Fence that now separates or divides certain Pieces or Parcels of those Lands, and now in the respective Occupations of *William Creek* and *Isagney Hadley*, and of *Harvey Goodwin*, or *Joseph Wales* his Under-Tenant: So that the said respective Carriage Roads shall and may at all Times for ever hereafter be used and enjoyed by the respective Owners and Occupiers of the aforesaid Lands respectively, in lieu of the present Roads or Ways claimed and exercised by them upon and over the said Marsh called *Saer's Marsh*; they the Owners and Occupiers of the said Pieces or Parcels of Land erecting at their

For making private Roads to South Lynn Lands.

their own Expence the Bridge that shall be thrown over the said Drain in the Place last mentioned, and for ever hereafter keeping and maintaining the same in Repair.

For Discharge
of Rights on
Riffley.

XII. And be it further enacted, That as soon as conveniently may be after the said Commissioners shall have received, considered, and determined upon the Claims of the respective Persons claiming Rights of Common or other Rights in, over, or upon the said Lands or Tracts called *Riffley*, otherwise *Riffley Wood*, *Riffley Common*, and *Riffley Fen*, the said Commissioners shall estimate and ascertain what Sum of Money ought to be paid as and for the Value of or as a Compensation and Satisfaction for or in lieu of such Rights of Common or other Rights as shall be allowed by them, or for the Discharge or Exoneration of the same Lands or Tracts from such Rights, and shall award and direct the same Money to be paid accordingly; which Sum so to be awarded and directed to be paid shall be paid by the said Sir *Martin Browne Folkes*, or the Owner or Proprietor, Owners or Proprietors of the Soil of the same Lands or Tracts called *Riffley*, otherwise *Riffley Wood*, *Riffley Common*, and *Riffley Fen*, unto the said Commissioners or as they shall direct to be by them applied in Manner herein-after mentioned: And upon and from and after such Payment, all and every such Rights of Common and other Rights in, over, or upon the said Lands or Tracts called *Riffley*, otherwise *Riffley Wood*, *Riffley Common*, and *Riffley Fen*, in respect of which such Payment shall be so made, shall cease, determine, and be for ever extinguished; and in case the said Sir *Martin Browne Folkes*, or the Owner or Proprietor, Owners or Proprietors of the said Lands or Tracts called *Riffley*, otherwise *Riffley Wood*, *Riffley Common*, and *Riffley Fen*, shall refuse, or for the Space of Two Calendar Months shall neglect to pay the Sum so to be awarded and directed to be paid according to the Award and Direction of the said Commissioners, the said Lands or Tracts called *Riffley*, otherwise *Riffley Wood*, *Riffley Common*, and *Riffley Fen*, shall be considered as Part of the Commons and Waste Grounds within the said Parish of *Gaywood*, to be appropriated for Sale, or divided and allotted respectively according to the other Directions and Provisions of this and the said recited Act.

Allotment
for Common
Right Owners
in South
Wootton.

XIII. And be it further enacted, That the said Commissioners shall when they shall have received the Sum or Sums of Money for the Discharge or Exoneration, or Extinguishment of the Rights of Common and other Rights and Interests in, over, or upon the said Lands or Tracts called *Riffley*, otherwise *Riffley Wood*, *Riffley Common*, and *Riffley Fen*, fix and ascertain the just Proportion of the Money so received, which shall be a Satisfaction for or be paid for or in respect of such of the said Rights or Interests as may belong to the Owners of Common Right Messuages, and Cottages situate in *South Wootton* in the County aforesaid, and according to the Amount or Value of that Proportion of Money to allot such Part or Parts of the Commons and Waste Grounds to be divided and allotted under this Act, unto and amongst the Owners of Common Right Messuages, and Cottages situate in *South Wootton* aforesaid, according to their respective Rights and Interests, as shall in the Judgement of the said Commissioners be equal to that Amount or Value, the proportionate Part of the Expences of passing and executing this Act chargeable on those Owners being first deducted.

XIV. And

XIV. And, with regard to the Open Field, Half Year, or Shack Lands within the said Parish of *Gaywood*, be it further enacted, That the said Commissioners shall (after having set out and appointed such publick Carriage Roads and Highways through, over, and upon the said Open Field Lands as they shall judge necessary) assign, set out, and allot the said Open Field, Half Year, or Shack Lands unto and amongst the several Owners and Proprietors thereof, and unto and amongst the several other Persons, and Body or Bodies Politick, Corporate or Collegiate, having any Right or Interest in, to, upon, or over the same, or any Part thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionate to the Value of and a full Compensation and Satisfaction to such Owners and Proprietors, and Person or Persons, Body or Bodies respectively for his, her, and their respective Parts and Shares of and in such Lands, and for his, her, and their respective Rights and Interests in, to, upon, and over the same respectively.

Allotment
of the Open
Field Lands
in Gaywood.

XV. And, with regard to the said Warrens or reputed Warrens, Severals, Commons, and Waste Grounds within the said Parish of *Gaywood*, other than and except the said Lands or Tracts called *Riffley*, be it further enacted, That the said Commissioners shall, in the first Place, assign, set out, and allot unto the Lord or Lady for the Time being of the said Manor of *Gaywood*, so much and such Part or Part of the aforesaid Warrens, Commons, and Waste Grounds, hereby directed to be allotted within the said Parish of *Gaywood*, as shall in the Judgement of the said Commissioners be equal in Value to One-eighteenth Part of those Warrens, or reputed Warrens, Commons, and Waste Grounds, by Way of Compensation and in full Satisfaction for the Right of such Lord and Lady respectively of, in, and to the Soil of the said Warrens, Commons, and Waste Grounds.

Allotment for
Right of Soil
in Gaywood.

XVI. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot unto all and every Person and Persons, and Body and Bodies Politick, Corporate or Collegiate, having any Right or Rights of Warren for Rabbits, or Right or Rights of Sheepwalk or Foldcourse in, upon, or over all or any Part or Parts of the said Warrens or reputed Warrens, Open Field, Half Year or Shack Lands, Commons, and Waste Grounds respectively within the said Parish of *Gaywood*, other than and except the said Lands or Tracts called *Riffley*, such Parts and Parcels of the same Warrens or reputed Warrens, Field, Half Year or Shack Lands, Commons, and Waste Grounds respectively within that Parish, other than and except as aforesaid, as shall in the Judgement of the said Commissioners be an adequate Compensation for and fully equal in Value to such his, her, or their several and respective Right or Rights of Warren, and Right or Rights of Sheepwalk or Foldcourse as aforesaid.

Allotment for
Rights of
Warren,
Sheepwalk,
&c. in Gay-
wood.

XVII. And be it further enacted, That the said Commissioners shall also appropriate and set out by Stakes, Landmarks, or other descriptive Bounds, such Part or Parcel or Parts or Parcels of the Warrens or reputed Warrens, Severals, Commons, and Waste Grounds lying within the said Parish of *Gaywood*, other than and except the said Lands or Tracts called *Riffley*, as will in the Judgement of the said Commissioners produce, by Sale thereof respectively, so much Money as, with the Sum to be paid for the Discharge or Exoneration of the said Lands or Tracts called *Riffley*

Part of the
Commons
and Waste
Grounds in
Gaywood to
be sold for
raising 1000l.

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from Common and other Rights as aforesaid, will amount unto the Sum of One thousand Pounds, in case the Sum so to be paid for such Discharge or Exoneration shall be less than the Sum of One thousand Pounds; and such Lands so appropriated and set out shall be sold, and the Money arising by Sale thereof, together with the Sum to be received for such Discharge or Exoneration of the said Lands or Tracts called *Riffley* as aforesaid, shall be applied in Manner and for the Purposes herein-after mentioned.

Allotment to
Trustees for
the Poor of
Gaywood.

XVIII. And be it further enacted, That the said Commissioners shall then assign, set out, and allot unto the Lord or Lady of the Manor of *Gaywood* aforesaid, the Rector of the Rectory of *Gaywood* aforesaid, and the Churchwardens and Overseers of the Poor of the said Parish of *Gaywood* for the Time being, and to their Successors for ever, as Trustees for the poor Inhabitants of the said Parish of *Gaywood* legally settled therein, such Part or Parts of the Severals, Commons, and Waste Grounds within that Parish, other than and except as aforesaid, as the said Commissioners shall think most proper and judge reasonable for the Purposes herein-after mentioned; and such Allotment or Allotments shall, on the Execution of the Award of the said Commissioners, be vested in the Lord or Lady of the said Manor of *Gaywood*, the Rector of the said Rectory, and the Churchwardens and Overseers of the Poor of the said Parish of *Gaywood* for the Time being, for ever, as Trustees for the poor Inhabitants of the said Parish of *Gaywood* legally settled therein; to the Intent that the said Trustees for the Time being do and shall permit and suffer such of the poor Inhabitants of the said Parish of *Gaywood* who shall be legally settled therein, as shall not occupy Lands or Tenements of more than the yearly Value of Ten Pounds, to cut, take, and use Whins, Furze, Turf, Flags, Peat and Fuel (if any there be), on such Part or Parts of the said Allotment or Allotments, in such Quantities, and at such Time or Times in each and every Year, and under such Regulations and Restrictions as the said Trustees for the Time being, or the major Part of them shall from Time to Time direct or appoint, and not otherwise; and the said Trustees for the Time being, or the major Part of them, are also hereby empowered from Time to Time, by Writing under their Hands and Seals, to lease or demise the Whole or any Part or Parts of the said Allotment or Allotments which shall not produce Whins, Furze, Turf, Flags, Peat or Fuel, or which shall not be appropriated by the said Trustees for that Purpose, or the Grass Feed and Herbage to grow, renew and arise from such Allotment or Allotments respectively, as the said Trustees for the Time being, or the major Part of them shall from Time to Time think proper, to any Person or Persons whomsoever, for any Term of Years not exceeding Fourteen Years, to commence in Possession and not in Reversion; so that in every such Lease there be reserved and made payable to the said Trustees for the Time being, by Quarterly or Half-yearly Payments in every Year, the best or most improved yearly Rent or Rents that can be obtained for the same, without taking any Income, Fine, Premium, or Foregift in Consideration of granting such Lease or Leases; and that in all such Leases there be contained the usual Covenants and Stipulations between Lessors and Lessees, and such other Covenants and Stipulations, and such Security for the Performance of the same, as the said Trustees, or the major Part of them, shall think most proper to be inserted therein; and the Rents and Profits arising from the said Allotment or Allotments

so let or demised, shall from Time to Time be laid out in the Purchase of Fuel, and such Fuel shall be distributed amongst such poor Inhabitants as aforesaid, of the said Parish of *Gaywood*, as shall be legally settled therein, and delivered at their respective Dwelling Houses there in such Proportions and Quantities, in such Manner, at such Times in every Year, and according to such Rules and Orders, as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise; and the Remainder, if any, of the Allotment or Allotments which shall not be appropriated for taking Whins, Furze, Turf, Flags, Peat, and Fuel as aforesaid, nor shall be so let or demised as aforesaid, shall be used and enjoyed solely and exclusively by such poor Inhabitants of the said Parish of *Gaywood* as shall be legally settled therein, and shall not occupy Lands or Tenements of more than the yearly Value of Ten Pounds, as a Common of Pasture for all Geese, Stock, and Cattle which shall really and *bonâ fide* be the Property of such poor Inhabitants, in such Manner, and at such Time or Times, and according to such Rules and Regulations, as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise: Provided always, that in case the Rents and Profits of such Allotment or Allotments shall at any Time or Times be more than sufficient to answer the Purposes for which the same is or are hereby directed to be set out, then and in every such Case the said Trustees for the Time being, or the major Part of them, shall and they are hereby required to apply and dispose of the Overplus of such Rents and Profits for the Relief of the Poor for whose Benefit such Allotment or Allotments shall be so set out, in such Manner as the said Trustees, or the major Part of them, shall think proper; provided that the Expence of Carriage of any Fuel which may be purchased for the Relief or Benefit of the poor Inhabitants aforesaid shall be borne and paid out of the General Poor's Rate of the said Parish of *Gaywood*: Provided also, that it shall be lawful for the Lord or Lady of the said Manor of *Gaywood*, and the Rector of the said Rectory for the Time being respectively, to act in the Execution of the Trusts hereby reposed in them as aforesaid by their respective Agents or Proxies, such Agents or Proxies respectively being or having been appointed by Writing under the Hands of the said Lord, Lady, and Rector respectively, and producing their respective Appointments at the Time of their acting by virtue thereof, if required so to do; but no Person shall act as Agent or Proxy for more than One Trustee at the same Time.

Application
of Overplus
Rents of Poor's
Allotments.

XIX. And be it further enacted, That the said Commissioners shall, if they shall think fit, assign, set out, and allot unto the Surveyors of the Highways for the Time being within the said Parish of *Gaywood*, and to their respective Successors for ever, such Part and Parcel, or Parts and Parcels of the Commons and Waste Grounds hereby directed to be divided and allotted within that Parish, as the said Commissioners shall think necessary and most convenient for publick Watering Places for Cattle, and for publick Gravel Pits; and such Allotment or Allotments shall be inclosed and fenced in such Manner as the said Commissioners shall direct, and when set out shall for ever thereafter be used by the Surveyors for the Time being of the Highways, and by the respective Proprietors of Lands and Estates within the said Parish of *Gaywood*, and their respective Tenants for the Time being, in such Manner and under such Rules and Regulations as the Churchwardens and Overseers of the Poor, and the respective Surveyors

Allotments
for Gravel
Pits, and for
Watering
Places in *Gaywood*.

of the Highways for the Time being of and within the said Parish of *Gaywood*, or the major Part of them, shall order, direct, and appoint, and not otherwise.

Allotment of
the Value of
Three Acres
to each Com-
mon Right
Messuage in
Gaywood.

XX. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the several Owners of Messuages or Cottages in the said Parish of *Gaywood*, having in respect thereof Right of Common upon the Commons and Waste Grounds in that Parish or any Part thereof, such Part or Portion, Parts or Portions of the Lands hereby directed to be divided and allotted, lying within the Parish of *Gaywood* aforesaid, as the said Commissioners shall adjudge to be equal in Value *per Annum* to the annual average Value of Three Acres of the said Commons and Waste Grounds, for each and every such Messuage or Cottage, over and above the Allotment or Allotments to which the Owner or Owners of each such Messuage or Cottage respectively may, in respect or in Right thereof, and of the Lands thereto respectively belonging or appurtenant, be or become entitled to have in the Division and Allotment of the Residue of the said Commons and Waste Lands, under the Directions next herein-after contained.

Allotment of
the Residue
in *Gaywood*.

XXI. And be it further enacted, That the said Commissioners shall then assign, set out, and allot all the Residue and Remainder of the said Warrens or reputed Warrens, Severals, Commons, and Waste Grounds lying within the said Parish of *Gaywood*, other than and except the said Lands or Tracts called *Riffley*, unto and among the several Owners and Proprietors thereof, and unto and among the several other Persons, and Body or Bodies Politick, Corporate or Collegiate, having any Right or Interest in, to, upon or over the same Warrens or reputed Warrens, Severals, Commons, and Waste Grounds respectively, except as aforesaid, or any Part thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionate to the Value of and a full Compensation and Satisfaction to such Owners and Proprietors and Body or Bodies respectively, for his, her, and their respective Parts and Shares of such Warrens or reputed Warrens, Severals, Commons, and Waste Grounds, and for his, her, and their respective Rights and Interests in, to, upon, and over the same respectively.

Allotment of
Lands in
Mintlyn.

XXII. And, with regard to the Warrens or reputed Warrens, Heaths, Commons, and Waste Grounds within the said Parish of *Mintlyn*, be it further enacted, That the said Commissioners shall, after having set out and appointed, according to the Directions of the said recited Act, such publick Carriage Roads and Highways upon, through, and over the said Warrens or reputed Warrens, Heaths, Commons, and Waste Grounds, as they shall judge necessary to be or remain publick Carriage Roads and Highways, assign, set out, and allot all the Residue and Remainder of the said Warrens or reputed Warrens, Heaths, Commons, and Waste Grounds within the said Parish of *Mintlyn*, unto the Lord for the Time being of the herein-before mentioned Manor or reputed Manor of *Havellasse* in *Mintlyn*, for or in respect of such Right or Interest as he shall appear to have in or to the Soil of the said Warrens or reputed Warrens, Heaths, Commons, and Waste Grounds, or any Part thereof, and unto the Owner or Proprietor, or several Owners or Proprietors, as the Case may be, of the same Warrens or reputed Warrens, Heaths, Commons, and

and Waste Grounds, and the several other Persons, and Body or Bodies Politick, Corporate or Collegiate, having any Right of Common, Sheep-walk, or Foldcourse, or any other such Right or Interest in, to, upon, or over the same respectively, or any Part thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionate to the Value of and a full Compensation or Satisfaction to such Lord, Owner, and Proprietor, Owners and Proprietors, and Body and Bodies respectively, for his, her, and their respective Parts and Shares of such Warrens or reputed Warrens, Heaths, Commons, and Waste Grounds, and for his, her, and their respective Rights and Interests in, to, upon, and over the same respectively.

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

XXIV. Provided always, and be it further enacted, That if any Person or Persons hath or have sold, or contracted or agreed to sell, or shall, at any Time within Three Calendar Months before the Execution of the Award of the said Commissioners, sell or contract, or agree to sell his, her, or their Right, Interest, and Property in the said Lands or Grounds hereby directed to be divided and allotted, or any Part thereof, to any other Person or Persons, and shall, within Two Calendar Months before the Execution of such Award, deposit with the said Commissioners or their Clerk a written Agreement or Contract stating such Sale, and signed by the respective Parties to such Agreement or Contract, or a Copy thereof, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser mentioned in such respective Sale, Contract, or Agreement; or to his or her Heirs or Assigns, for and in respect of such Right, Interest, and Property so sold, or contracted or agreed to be sold, as aforesaid; and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them as aforesaid, in the same Manner to all Intents and Purposes as the Vender in every such Sale, Contract, or Agreement, might, could, or ought to have held and enjoyed the same, in case such Sale, Contract, or Agreement had not been made, or such Right, Interest, or Property were or had been vested in such Vender at

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the Time of making such Allotment as aforesaid: Provided further, that every such written Agreement or Contract, if relating to any Right, Interest, or Property appurtenant to or claimed in respect of any Messuage, Cottage, or Land holden by Copy of Court Roll of any Manor, shall, to give it complete Effect as aforesaid, be first inrolled or entered in the Court Books, or on the Rolls of such Manor; and when so inrolled or entered, or delivered to the Steward for Inrollment or Entry, shall have the Effect of a Surrender to the Use of such Vendee or Purchaser, and his or her Heirs and Assigns, according to the Custom of the Manor; but nothing herein contained shall extend to prejudice, defeat, or diminish the Right of the Lord of the Manor to such Fines and customary Payment as may be due or payable to him upon the Change of the Tenant.

For extinguishing or suspending Rights of Common before the Award.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, at any Time before the Execution of their Award, by Writing under their Hands to be affixed upon the principal outer Door of the Church of *Gaywood* aforesaid, to order and direct all or any Rights of Sheepwalk or Foldcourse, and of Shackage or Common in, over, and upon the said Open Field, Half Year or Shack Lands, Warrens, Heaths, Commons, and Waste Grounds, or any Part thereof, to be extinguished wholly or in Part, or the Exercise thereof to be suspended wholly or in Part, for and during such Time as shall be expressed in such Writing; and that all such Rights as the said Commissioners shall by such Writing order and direct to be so extinguished, or the Exercise thereof to be so suspended as aforesaid, shall, from the Time of affixing such Writing on the said Church Door, cease, determine, and be extinguished; or the Exercise thereof be suspended accordingly; any Law, Usage, or Custom to the contrary notwithstanding.

No Turf or Flags to be cut after the passing of this Act, without Leave of the Commissioners.

XXVI. And be it further enacted, That it shall not be lawful for any Person whomsoever, from and after the passing of this Act, to cut, dig, pare, grave, flay, or carry away any Turf, Flags, or Whins in, upon, or from the said Warrens, Heaths, Severals, Commons, and Waste Grounds, or any Part thereof, without 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, so far as regards the Warrens, Heaths, Commons, and Waste Grounds lying in *Gaywood* aforesaid, but not those in *Minthyn*, under such Rules, Orders, Regulations, and Restrictions as they shall think proper to insert in any such Licence); and if any Person shall, after the passing of this Act, cut, dig, pare, grave, flay, or carry away any Turf, Flags, or Whins, in, upon, or from the said Warrens, Heaths, Severals, Commons, and Waste Grounds, or any Part thereof, without or contrary to such Licence as aforesaid, the said Commissioners, or any Justice of the Peace for the said County of *Norfolk*, upon due Proof thereof made before them or him respectively upon Oath (which Oath any One of the said Commissioners or any such Justice is hereby empowered to administer), shall and they or he are or is hereby required, by Warrant under Hand and Seal directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Five Pounds to be levied by Distress and Sale of the Goods and Chattels of any Person offending in the Premises, rendering the Overplus (if any) upon Demand to the Person 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.

XXVII. 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 (if any) hereby directed to be divided and allotted shall be plowed up or converted into Tillage, without the Consent of the said Commissioners first had and obtained in Writing for that Purpose; and that all the Open Field and Arable Lands hereby directed to be divided and allotted, shall during that Time 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 plowing, folding, tilling, sowing, and laying down the same; and that it shall be lawful for the said Commissioners to order and direct such Sum and Sums of Money in respect thereof to be paid by any Person interested in the said Open Field or Arable Lands respectively, or any Part thereof, or by his or her Tenant, to any other Person in like Manner 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 or Sums of Money on any of the Accounts aforesaid, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as any of the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

Commissioners to direct the Course of Husbandry.

XXVIII. Provided always, and be it further enacted, That convenient Gaps and Openings shall be left in the Fences and Inclosures to be made in pursuance of this Act, for the Space of Six Calendar Months next after the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages into and through the same, unless the several Parties interested therein shall agree that the same may be sooner stopped up and inclosed.

For leaving Gaps.

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

No Sheep to be kept in the new Inclosures for Seven Years.

XXX. And

Satisfaction
for unequal
fencing.

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

Allotments
to be of the
same Tenure
as the Lands
for which
they are al-
lotted.

XXXI. And be it further enacted, That all the Lands and Grounds which shall be allotted by virtue of the said recited Act or of this Act respectively, to any Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, for or in lieu or in respect of any Messuages, Cottages, or Lands holden by Copy of Court Roll of any Manor or Manors, or for or in lieu or in respect of any Leasehold Messuages, Lands, or Tenements, or for or in respect of any Right of Shackage or Sheepwalk or Foldcourse, or of Common or other Right or Interest appurtenant or appendant to any such Copyhold or Leasehold Premises, shall, from and for ever after the Execution of the said Award, be deemed and taken to be Copyhold or Leasehold respectively, 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, or Lands respectively, for or in lieu or in respect whereof such Allotments shall be made, are now holden; and that all and every Person or Persons to whom any such Copyhold Lands or Grounds 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 said Manor or Manors respectively (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 Stewards of the said Manors as the said Commissioners shall by their said Award order and direct); but in case the Person or Persons to whom such Lands or Grounds shall be allotted shall die or alienate by Sale without Admission within the said Six Calendar Months, or claim as a Vendee or Purchaser under an Agreement or Contract as herein-before provided, then the Customary Fines, Fees, and other Payments shall be due and payable on the Admission or Admissions of the Person or Persons then entitled to such Lands and Premises; and after every such first Admission, the Copyhold Lands and Premises which shall have been so allotted as aforesaid shall at all Times be holden under and subject to the same Tenure, Fines, and other Payments as the present Copyhold Messuages, Cottages, or Lands, in respect whereof such Lands or Grounds so allotted, are now respectively holden under and are subject to; and the said Commissioners are hereby required to determine and to describe and abut in and by

by their said Award, and in and by the Map or Plan to be thereto annexed, all the Lands and Grounds so allotted which are to be and remain Copyhold or Leasehold, and all other Lands and Grounds to be allotted by virtue of the said recited Act or this Act (except what shall be so ascertained by the said Commissioners in their said Award to be Copyhold or Leasehold) shall from thenceforth be deemed, taken, and enjoyed as Freehold Lands and Grounds respectively, subject nevertheless to such Free Rents and Services or other reserved Rents as are now payable out of the respective Premises, for or in respect whereof the same Lands and Grounds respectively shall or may have been so allotted.

XXXII. And be it further enacted, That all Leases and other Agreements at Rack or extended Rent which are now subsisting or relate to all or any Part of the Messuages, Buildings, Lands, Tenements, or Hereditaments within the said respective Parishes of *Gaywood* and *Mintlyn*, or either of them, either alone or together with any other Messuages, Lands, Tenements, or Hereditaments in any adjoining Parish or Parishes, shall, so far only as such Leases or Agreements relate to or affect any of the Lands or Grounds to be divided, allotted, or exchanged under this or the said recited Act respectively, cease, determine, and be void immediately after the Execution of the said Award, or within such further Time as the said Commissioners shall appoint; and the respective Tenants or Lessees of the same Premises shall receive from the respective Owners and Proprietors thereof such Sums of Money as the said Commissioners shall ascertain as reasonable to be paid to such Tenant or Tenants as an Equivalent for the same; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Ten Days after Demand made thereof, it shall be lawful for the said Commissioners, and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as any of the Costs, Charges, and Expences of obtaining and executing this Act or any Part thereof, can or may be raised or levied: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in either of the said respective Parishes of *Gaywood* and *Mintlyn*, and Part in any adjoining Parish, all and every such Lease and Leases upon Rack Rent now subsisting may be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease and wholly situate in an adjoining Parish, the Lease of such last mentioned Land shall not be vacated.

XXXIII. Provided always, and be it further enacted, That nothing herein contained shall vacate, annul, or determine, or be construed to vacate, annul, or determine the present subsisting Indenture of Lease, bearing Date the Fourth Day of *December* in the Year One thousand eight hundred and four, made between the Reverend the Dean and Chapter of the Cathedral Church of *Norwich* (as Lessors) of the One Part, and *Daniel Lack* of *Gaywood* aforesaid, Gentleman, (as Lessee) of the other Part, of a certain Foldcourse and Lands therewith demised in *Gaywood* aforesaid; but that the said Indenture of Lease shall be, remain, and continue in full Force, and the said *Daniel Lack*, his Executors, Administrators, and Assigns, shall hold and enjoy the Lands and Grounds which shall by virtue of this Act be allotted to the said Dean and Chapter, or to the said *Daniel Lack* as their Lessee, for or in lieu or in respect of any

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62

Lands

Leases and other Agreements to be void, on making Tenants Satisfaction;

Saving Lease of the Dean and Chapter of *Norwich* to *Daniel Lack*.

Lands comprized in the said Indenture of Lease, or as a Compensation or in Satisfaction for any such Rights or Interests comprized in the said Lease as are intended to be extinguished by this Act for the same Term of Years, under the same Rents, and in the same Manner as he or they might or could have held and enjoyed the Lands, Rights, and Interests respectively comprized in the said Indenture of Lease in case this Act had not been made.

Wills and
Settlements
not to be
affected.

XXIV. Provided also, 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, whether only ambulatory, or in actual Operation, by the Death of the Testator or Devisor, or any Deed 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, or exchanged by virtue of the said recited Act or of this Act, or any Part thereof respectively (except by a Lease or by Leases at Rack Rent); but that each and every Proprietor shall stand and be seised of the several Lands and Grounds to be allotted and given in Exchange to him or her by virtue of this Act and the said recited Act, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the several Messuages, Buildings, and Lands whereof such Proprietor was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioners; or for which, or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been made.

Distinct
Allotments
to be made
for Lands
holden for
different
Estates, &c.

XXXV. And be it further enacted, That in case the Proprietor or Proprietors of any Messuages, Lands, or other Hereditaments hereby or by the said recited Act authorized to be divided; allotted, or exchanged, shall hold his, her, or their respective Messuages, Lands, or Hereditaments by different Tenures, or for different Estates, or under different Titles, the said Commissioners shall, upon the Request of such Proprietor or Proprietors in Writing under his, her, or their Hand or Hands, ascertain and distinguish the Messuages, Lands, or other Hereditaments held by each of such Tenures, for each of such Estates, and under each of such Titles respectively, and shall accordingly in their said Award set out distinct and separate Allotments for such respective Messuages, Lands, or other Hereditaments; and where, from the Want of the necessary Information before the said Commissioners, or from any other Cause, they shall have omitted in their Award to ascertain and distinguish as herein-before is required, such different Tenures, different Estates, and different Titles, and after the making of the said Award, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do every Thing necessary for supplying such Omission, and so far as that Purpose shall require, to examine Witnesses, and in every other Respect to proceed and act as if their Award had not been made; and when they shall have obtained what they shall think sufficient Information, they are hereby also authorized by Deed or Instrument in Writing under their Hands and Seals, by Way or in the Nature of a Supplemental Award,

Award, to ascertain and distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make distinct and several Allotments in the same Manner as is hereby required for making the Distinction or Discrimination in the original Award; and a Copy, signed and attested by the said Commissioners, of every such Deed or Instrument shall be deposited with the Clerk of the Peace for the Time being for the said County of *Norfolk*, with the Copy of the original Award; and every such separate Deed or Instrument shall, from and immediately after the Execution thereof by the said Commissioners, have the same Effect to all Intents and Purposes as if the Contents thereof had been inserted in their original Award; and the same Deed or Instrument shall, when executed, be delivered to the Person or Persons at whose Request any such Omission shall have been supplied, or to the Person or Persons to whom the Custody of the Deeds and Writing concerning the Title to the Premises in Question shall, in the Opinion of the said Commissioners, most properly belong; and all the Expences which shall have been reasonably incurred in or about such separate Deed or Instrument and Copy respectively, shall be payable and paid by the Person or Persons who shall have so requested the said Commissioners to supply such Omission as aforesaid, his, her, or their Heirs, Executors, or Administrators; and the said Deed or Instrument and Copy, or any Copy thereof attested by the said Commissioners, or by the Clerk of the Peace or his Deputy, shall be Evidence in all Courts whatever, in the same Manner as hereby provided with respect to the original Award and Copies thereof respectively.

XXXVI. And be it further enacted, That the said Commissioners shall and may scour out, deepen, and widen, or cause to be scoured out, deepened, and widened respectively, all or any and such of the ancient or present Rivulets, Brooks, Streams, Ditches, Drains, and Watercourses, Tunnels, and Bridges within the said Parishes of *Gaywood* and *Mintlyn*, or either of them, as they shall think proper; and also let out, appoint, and make such new Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges; as well through and over the said Warrens, Heaths, Several, Commons, and Waste Grounds, as in, over, and through any ancient Inclosures within the said respective Parishes or either of them (making such Satisfaction to the Proprietors of such ancient Inclosures for the Damage done thereby as they shall think reasonable), and of such Depth and Width and in such Directions as they the said Commissioners shall also think proper; and the said Commissioners shall and may and they are hereby authorized and required, in and by their Award, to order and direct by whom and at whose Expence, and at what Time and in what Manner any such new Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges respectively shall be made and afterwards cleansed, scoured, repaired, and maintained: Provided always, that no Brook or Stream of Water shall be diverted or turned without the Consent of the Owner or Proprietor, Owners or Proprietors of the Lands and Grounds from which any such Brook or Stream shall be diverted, and into which any such Brook or Stream shall be turned: Provided also, that it shall not be lawful for the said Commissioners to divert, turn, or vary the Course of that Part of *Gaywood* River which lies between a Place or Bridge in *Gaywood* aforesaid called *Double Bridge*, and the Town of *King's Lynn* in the said County, nor to divert, turn, or alter the said River in any Part of it, so as to impede or obstruct the regular and full Flow of

Powers for
Commissioners
to improve
Drains, &c.
&c.

Water

Water to the Publick Works established at and near the Town of *King's Lynn* aforesaid, for the Purpose of supplying the Inhabitants of that Town with fresh Water.

Directions
respecting
the Sale of
Lands set
apart for Sale
towards
defraying
certain
Expences.

XXXVII. And be it further enacted, That the said Commissioners shall with all convenient Speed, after the passing of this Act, appoint a Time and Place for Sale of the Land which shall have been by them appropriated and set out for Sale as herein-before directed, of which Time and Place Six Weeks previous Notice shall be inserted in the *Norfolk Chronicle* and *Norwich Mercury*, or One of them, or in some other Newspaper published or circulated in the said County of *Norfolk*; and such Land, either together or in separate Lots or Parcels, shall be offered to Sale before the said Commissioners at the Time and Place appointed for that Purpose; and the Person or Persons who shall then and there offer the largest Sum of Money for such Land, or any Lot or Parcel thereof, shall be the Purchaser or Purchasers thereof, he, she, or they immediately paying (by Way of Deposit), One-fifth Part of his, her, or their Purchase Money, and paying the Residue of such Purchase Money within Two Calendar Months afterwards, or at such other Time as the said Commissioners shall appoint, unto them the said Commissioners or One of them, whose Receipt shall sufficiently discharge such Purchaser or Purchasers from any Concern in or Necessity of seeing to the Application thereof; and the said Commissioners shall thereupon, at the Costs and Charges of such Purchaser or respective Purchasers, convey the said Land so sold as aforesaid to him, her, or them respectively, and his, her, or their respective Heirs, Appointees, or Assigns by Indenture of Grant, or of Bargain and Sale, or by some other Instrument in Writing to be signed, sealed, and delivered by them the said Commissioners for that Purpose; and such Purchaser or Purchasers shall, from and immediately after the full Payment of his, her, or their Purchase Money, and the Execution of such Indenture of Grant, or of Bargain and Sale, or of such other Instrument in Writing, be absolutely seised of or entitled to the Land so by him, her, or them, purchased as Freehold Land in Fee Simple, freed and discharged from all Charges and Incumbrances whatsoever; and the said Commissioners shall, by their said Award, assign and allot the same Land accordingly; but in case such Purchaser or Purchasers shall refuse or neglect to pay the Residue of his, her, or their Purchase Money within the Time herein for that Purpose appointed, then the Money so to be deposited as aforesaid shall be forfeited as stated, or liquidated Damages, and be applied in Manner and for such Purposes as the whole Purchase Money is hereby made applicable; and the Land for the Purchase whereof such Money had been so deposited shall again be put up to Sale in Manner aforesaid, and so *toties quoties* until the same shall be sold and conveyed, and the whole Purchase Money for the same fully paid to the said Commissioners or One of them, in Manner and for the Purposes herein-mentioned: Provided always, that the said Commissioners shall and they are hereby required to make such reasonable Compensation to the Lord of the said Manor of *Gaywood*, either by Increase of his Allotment for or in respect of his Right of Soil, or by Deduction from his Proportion of Expence in the Execution of this Act, or otherwise, as the said Commissioners shall judge expedient, for or on Account of his Loss in the Fruits of Tenure, on Account of the Land so sold, being all sold and conveyed as Freehold, great Part of which, if left to Division and Allotment among the Owners

or Proprietors thereof respectively under the other Provisions contained in this Act, would be of Copyhold Tenure, and liable to Fines, Suits, and Services accordingly: Provided also, that the Purchaser or Purchasers of the Land so to be sold and conveyed as aforesaid, shall be subject and liable to the Performance of all Orders, Regulations, and Directions which shall be made and given by the said Commissioners for inclosing, fencing, and draining such Land, and for maintaining the Fences and Drains belonging thereto in good and sufficient Repair; and such Purchaser or Purchasers respectively, and his, her, or their Heirs or Assigns, shall be entitled to the same Rights and Benefits in respect to the said Land so to be sold and conveyed as aforesaid, as the several other Persons, to whom any Allotment or Allotments shall be made by virtue of this Act, are, shall, or may be entitled to have or enjoy in respect thereof.

The Purchaser
of Land to
fence the same.

XXXVIII. And be it further enacted, That the Money which shall be paid for the Discharge and Exoneration of the said Lands and Tracts called *Riffley*, otherwise *Riffley Wood*, *Riffley Common*, and *Riffley Fen*, from Common and other Rights as aforesaid, and the Money which shall arise by Sale of the Land hereby directed to be sold as aforesaid, if any shall be raised by such Sale as aforesaid, shall, after Payment of the Expences of the Sale, be appropriated and applied by the said Commissioners in or towards the Payment and Discharge of the Costs and Expences incident to and attending the obtaining and passing this Act, and of inclosing the Land which shall by virtue of this Act be allotted to the said Trustees for the Poor of the said Parish of *Gaywood*, and to the Surveyors of the Highways in the said Parish of *Gaywood*, and of the Costs and Expences of surveying, measuring, planning, valuing, dividing, and allotting such of the Commons and Waste Grounds hereby directed to be divided and allotted, as lie in *Gaywood* aforesaid, and of preparing and ingrossing the said Award and the Copies thereof, and of the Charges and Expences which the said Commissioners shall or may be put unto in respect of any Appeal or Appeals against any of their Determinations, or of any Suit or Suits at Law or in Equity which may be instituted against them as Commissioners in the Execution of this Act, and of the Charges and Expences of the said Commissioners, their Clerks, Assistants, and Servants, and of all other necessary Expences of the several Persons to be employed by the said Commissioners in and about the Premises, and of all the Expences of forming, completing, and repairing such new publick Carriage Roads and Highways as shall be set out and appointed by the said Commissioners within the said Parish of *Gaywood*, and of all other Expences of carrying the said recited Act and this Act into Execution, so far only as the said Commissioners shall fix and ascertain, to be the Part or Proportion of Expence which ought to be borne and paid by those respective Owners or Proprietors who shall receive any Allotment under this Act, for or in respect of any Right or Interest in, upon, or over the Commons and Waste Grounds in *Gaywood* aforesaid, or in, upon, or over any Part or Parts of the same respectively; and if there shall remain any Surplus of the Money to be produced by such Discharge and Exoneration and Sale, or either of them (after Payment and Satisfaction of that Part or Proportion of the said Costs, Charges, and Expences to which such Money is hereby made applicable as aforesaid), then such Surplus Money shall be paid by the said Commissioners unto such of the Owners

Purchase
Money to
be applied
towards cer-
tain Expences.

Directions
for the Ap-
plication of
Surplus (if
any).

[Loc. & Per.]

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or

or Proprietors lastly mentioned or referred to as shall be seized thereof in Fee Simple, and in such Shares and Proportions as the said Commissioners shall appoint, or otherwise such Surplus Money shall be paid into the Bank of *England*, according to the Directions of the said recited Act, whenever any Money is to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Directions
for defraying
the Expences
of the Act.

XXXIX. And be it further enacted, That all the Costs, Charges, and Expences of inclosing the Land which shall by virtue of this Act be allotted to the Rector of *Gaywood* aforesaid in respect of his Rectory, to the Vicar of *South Wootton* aforesaid in respect of his Vicarage, to the said Trustees for the Poor of the said Parish of *Gaywood*, and to the Surveyors of the Highways within that Parish, and all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of surveying, measuring, planning, valuing, dividing, and allotting the Lands and Grounds to be divided and allotted by virtue of this Act, and of preparing the said Award and the Copies thereof, and all the Charges and Expences which the said Commissioners shall or may be put unto in respect of any Appeal or Appeals against any of their Determinations, or of any Suit or Suits at Law or in Equity which may be instituted against them as Commissioners in the Execution of this Act, and all the Charges and Expences of the said Commissioners, their Clerks, Assistants, and Servants, and all other necessary 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 such new publick Carriage Roads and Highways as shall be set out and appointed by the said Commissioners within the respective Parishes of *Gaywood* and *Mintlyn* aforesaid, and all other Expences of carrying the said recited Act and this Act respectively into Execution, so far as the Money to arise by such Discharge and Exoneration and Sale, or either of them, shall not be applicable to defray the same, or if applicable shall be insufficient, shall be borne, defrayed, and paid by the several Persons and Body or Bodies Politick, Corporate or Collegiate, to whom any Allotment or Allotments shall be made by virtue of this Act (save and except the Purchaser and Purchasers of the Land hereby directed to be sold and conveyed as aforesaid, and save and except the Rector for the Time being of *Gaywood* aforesaid, for or in respect of any Allotment which shall be made to him in respect of his Rectory, and save and except the Vicar for the Time being of *South Wootton* aforesaid for or in respect of any Allotment which shall be made to him in respect of his Vicarage; and also save and except the said Trustees for the Poor, and Surveyors of the Highways for the Time being within the said Parish of *Gaywood*, for or in respect of the Allotments hereby directed to be made to them respectively as aforesaid), in such Shares and Proportions, at such Time or Times, and unto such Person or Persons as the said Commissioners shall by their Award ascertain, settle, order, and direct, or as they shall either before or after the Execution of such their Award, order and direct by Notice in Writing to be affixed on the principal outer Door of the said Parish Church of *Gaywood*, or published in the *Norfolk Chronicle* or *Norwich Mercury*, or

some

some other Newspaper published or circulated in the said County, such Notice to be affixed or published Ten Days at least before the Time appointed for Payment; provided that the said Commissioners shall not be hereby empowered to make or form any Estimate of such Costs, Charges, and Expences, and to raise the Amount of any such Estimate or Estimates before the Allotments shall have been staked out and confirmed by them the said Commissioners: And in case any of the Persons aforesaid shall refuse or neglect to pay his or their Share or Shares of such Costs, Charges, and Expences, or any Part thereof, within the Time or at the respective Time or Times so to be limited as aforesaid, unto the said Commissioners, or unto the Person or Persons whom they shall appoint to receive the same respectively, then the same shall be levied and recovered in the Manner directed by the said recited Act: Provided always, that the said Commissioners shall compute and ascertain the Part or Proportion of the Costs, Charges, and Expences of preparing and passing this Act, and of carrying the same and the aforesaid recited Act into Execution, so far as relates to the said Parish of *Mintlyn*, and that such Part or Proportion shall be borne or defrayed by the Owner or Owners for the Time being of the Lands, Tenements, and Hereditaments lying and being within the said Parish of *Mintlyn*, in such Proportions between those Owners, if more than One, who shall be deemed liable in that Behalf, and at such Time and Place or respective Times and Places as the said Commissioners shall for that Purpose order and direct: Provided also, that nothing herein contained shall extend to subject or charge any Body or Bodies Politick, Corporate or Collegiate, to or with any Share or Proportion of the Costs, Charges, or Expences of preparing, obtaining, and passing this Act, or of carrying the same into Execution for or in respect of any Lands or other Hereditaments in the said Parish of *Gaywood*, granted by any such Body or Bodies, by or upon any Lease for Life or Lives, or for a Term of Years where a Fine or Premium was Part of the Consideration for the Lease or Grant, or for or in respect of any Allotment or Allotments which shall be made to such Body or Bodies Politick, Corporate or Collegiate, and to its or their Lessee or Lessees for or in lieu or in respect of any such Lands or other Hereditaments by virtue of this Act, but that the Whole of such Share or Proportion of Costs, Charges, and Expences shall be paid and borne by such Lessee or Lessees respectively, his, her, or their Heirs, Executors, Administrators, or Assigns, according to the Nature and Quality of the Estate or Interest granted by or under such Lease or Leases respectively.

Costs as to
Mintlyn.

The Expences
of Bodies
granting bene-
ficial Leases to
be paid by
their Lessee.

XL. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Messuages, Lands, Tenements, or Hereditaments whatsoever within the said respective Parishes of *Gaywood* and *Mintlyn*, in lieu of and in Exchange for any other Messuages, Lands, Tenements, or Hereditaments whatsoever within the said respective Parishes, or within any adjoining Parish, Hamlet, Township, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the previous Consent of the Owner or Owners, Proprietor or Proprietors, of the Messuages, Lands, Tenements, or Hereditaments which shall be so exchanged (whether such Owner or Owners, Proprietor or Proprietors, shall be seised or possessed in his, her, or their natural Capacity or Capacities

For making
Exchanges.

as

as Tenant or Tenants in Fee Simple, in Fee Tail, General or Special or for Life, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or be a Body or Bodies Politick, Corporate or Collegiate), or with the previous Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owner or Owners, Proprietor or Proprietors, so seised or possessed as aforesaid, who at the Time of making or proposing 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 himself, or herself, or themselves respectively, such Consent to be testified in Writing from the consenting Parties respectively; and every such Consent or Agreement for Exchange, when ascertained, specified, and declared in and by the Award of the said Commissioners, shall be deemed and considered as a good, valid, and effectual Exchange in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made under this or the said recited Act of any Lands, Tenements, or Hereditaments, held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent in Writing of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate, and of the Patron of such Church, Chapel, or other Ecclesiastical Benefice, for the Time being respectively.

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

XLI. And whereas some of the Proprietors of Messuages, Cottages, Tenements, or Lands in the said respective Parishes of *Gaywood* and *Mintlyn*, may be seised thereof or entitled thereto in joint Tenancy, or as Coparceners, or Tenants in Common, and cannot, by reason of Coverture, Infancy, or other Incapacity, or of Settlement, or of Absence beyond Seas, make an effectual Division or Partition thereof, be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered (upon the Request in Writing of any One or either of such joint Tenants or Coparceners, or Tenants in Common, or of the Husband, Guardian, Trustee, Committee, or Attorney of any One or either of such joint Tenants, Coparceners, or Tenants in Common, who may be under Coverture, a Minor, Lunatick, or under any Incapacity as aforesaid, or be absent beyond Seas), to make Partition and Division of all or any of the Messuages, Cottages, Tenements, Lands, and Hereditaments in the respective Parishes of *Gaywood* and *Mintlyn* aforesaid, so held in joint Tenancy, Coparcenary, or in Common (as well of those Messuages, Cottages, Tenements, Lands, and Hereditaments which are not subject to Division and Inclosure under this Act as of those which are), and also of all or any Part or Parts of the Open Field, Half Year, or Shack Lands, Warrens or reputed Warrens, Heaths, Severals, Commons, or Waste Grounds, to be set out or allotted under this Act, between such Owners or Proprietors so entitled as joint Tenants, Coparceners, or Tenants in Common, and to allot the same accordingly to such Owners and Proprietors in Severalty; and from and immediately after the said Partitions or Divisions and Allotments, respectively in Severalty shall be so made and declared, the same shall be holden and enjoyed by the Person or Persons to whom the same shall be allotted in Severalty, in such and the same Manner, and subject to such and the same Uses as the undivided Parts or Shares of such Messuages, Cottages, Tenements, Lands, Hereditaments, and Allotments of Common or Waste Ground

Ground would have been held or have been subject to in case such Partition, Division, and Allotment in Severalty had not been made.

XLII. And be it further enacted, That all the Costs, Charges, and Expences attending the making, completing, or recording any Exchange or Partition as herein-before mentioned, or any Agreement relating thereto, which shall be made under or by virtue of the said recited Act or this Act, shall be borne and defrayed by the several Parties making or interested in any such Exchange or Partition, in such Manner and in such Proportions as the said Commissioners shall by their said Award, or by any previous or subsequent Writing under their Hands, order and direct.

For Payment
of Expences
of Exchanges
and Partitions.

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

Directions for
charging
Copyhold
Lands with
Expences.

XLIV. And be it further enacted, That Once at least in every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Monies by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before One of His Majesty's Justices of the Peace for the said County of *Norfolk*, not interested in the said Division and Allotment, to be by him examined and balanced; and such Balance shall be by such Justice 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 Justice.

Commissioners
to lay their
Accounts be-
fore a Justice
Once in every
Year.

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

Money
advanced by
Proprietors
to be repaid
with Interest.

[*Loc. & Per.*]

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XLVI. And

Proprietors
and Agents
to pay their
own Ex-
pences.

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

Award to be
made and
attested;
Copy to be
deposited.

XLVII. And be it further enacted, That within Twelve Calendar Months next after the Execution of the Award by the said recited Act directed to be made by the said Commissioners, a true Copy of the said Award written upon Parchment, and signed and attested by the said Commissioners to be a true Copy thereof, together with a Map or Plan thereto annexed, shall be delivered to the Clerk of the Peace for the said County of *Norfolk*, and he is hereby required to receive the same, and deposit and keep it among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises; and for the Receipt of such Copy so signed and attested, the Fee of Three Pounds and Three Shillings shall be paid to the said Clerk of the Peace, and for the Inspection and Perusal thereof the Sum of One Shilling and no more shall be paid; and the said Award shall, from and after the Delivery of such Copy thereof to the said Clerk of the Peace, be deemed and taken to be inrolled according to the Directions, and within the Meaning of the said recited Act, and another like Copy of the said Award written on Parchment, and signed and attested by the said Commissioners to be a true Copy thereof, with a proper Map or Plan thereto also annexed, shall, within the Time aforesaid, be deposited and kept in the Parish Church of *Gaywood* aforesaid, and the said original Award shall be delivered to or deposited with the Lord of the said Manor of *Gaywood*; and the said original Award and the said respective Copies thereof so deposited as aforesaid, and any other Copy thereof signed and attested by the said Commissioners, as also any Copy of that so deposited with the said Clerk of the Peace, and signed and attested by the Clerk of the Peace for the Time being or his Deputy, or any Copy (so attested) of any Part of the said original Award or deposited Copies respectively (for which Copy or Copies no more shall be paid than Sixpence *per* Sheet, each Sheet containing Seventy-two Words), shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained, in all Courts whatsoever; and the several Allotments, Exchanges, Partitions, Orders, Directions, Matters, and Things contained in the said Award, shall be and are hereby declared to be binding, final, and conclusive upon all and every Person and Persons, Body and Bodies Politick, Corporate or Collegiate, interested in the Premises; and all Rights of Common, Shackage, Sheepwalk, or Foldcourse, and all other Commonable Rights and Interests whatsoever in, upon, or over the Lands and Grounds hereby directed to be divided and allotted as aforesaid, or any Part thereof, shall, from and immediately after the Execution of the said Award, unless sooner extinguished by previous Order of the said Commissioners, as in this Act provided, cease, determine, and be for ever extinguished; and the same Lands and Grounds shall for ever thereafter be held and enjoyed by the respective Owners and Proprietors thereof in Severalty.

Persons ag-
grieved may
appeal to the

XLVIII. And be it further enacted, That if any Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, shall think himself, herself,

herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, other than and except as to such Claims, Matters, and Things as are herein-before or by the said recited Act directed or authorized to be ascertained, settled, tried, or determined by the Verdict of a Jury, and other than and except as to such Orders, Determinations, and Proceedings of the said Commissioners as are herein or by the said recited Act declared or directed to be final and conclusive, then and in every such Case he, she, or they may appeal to the Justices at the General Quarter Session of the Peace which shall be held for the said County of *Norfolk*, within Four Calendar Months next after the Cause of the Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) in their said General Quarter Session are hereby required to hear and determine the Matter of every such Appeal; and to make such Order, and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, such last-mentioned Costs to be levied in Manner aforesaid.

Quarter
Sessions.

XLIX. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, lessen, alter, or take away any of the Rights, Powers, and Authorities vested or to be vested in any Person or Persons whomsoever by virtue of any present or future Commission or Commissions of Sewers for the County of *Norfolk*, but all such Rights, Powers, and Authorities shall be and continue in as full Force and Effect to all Intents and Purposes as if this Act had not been passed.

Saving the
Rights of
Sewers.

L. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, and Body and Bodies Politick, Corporate or Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators (except the several Persons and Body or Bodies Politick, Corporate or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of the said recited Act or of this Act, for and 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 could or ought to have had and enjoyed of, in, to, or in respect of the Lands hereby directed to be divided and allotted in case this Act had not been passed.

General
Saving.

LI. And

Act to be
printed by
the King's
Printer.

LI. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty; and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1808.