



ANNO QUADRAGESIMO OCTAVO

# GEORGI II. REGIS.

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## Cap. 39.

An Act for inclosing Lands in the Parishes of *Great Walsingham, Little Walsingham, and Houghton next Walsingham*, in the County of *Norfolk*.

[27th May 1808.]

**W**HEREAS an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure; and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas there are within the Parishes of *Great Walsingham, Little Walsingham, and Houghton next Walsingham*, in the County of *Norfolk*, divers Whole Year Lands, Common Fields, Half-year or Shack Lands, Commons, and Waste Grounds: And whereas *Daniel Henry Lee Warner* Esquire, is Lord of the several Manors of *Great Walsingham* late the *Queen's*, *Granges* in *Great Walsingham* otherwise *Walsingham ad Grangias*, *Binham* in *Great Walsingham*, *Botts, Fens, Marches, and Hatchows* in *Great Walsingham*, *Collinghams* and *Powers* in *Great Walsingham*, *Little Walsingham* late the *Queen's*, *Granges* in *Little Walsingham* otherwise *Walsingham ad Grangias*, *Houghton Roos* otherwise *Sydneys, Gauntshall and Gurneys* in *Houghton*, and *Houghton Lexhams*, in the said County, and claims to be entitled to the Soil of all the said Commons and Waste Grounds: And whereas *Thomas William Coke* Esquire, in right or in respect of the Lordship or Manor of *Great Walsingham*, with the Leet and View of Frankpledge or otherwise, claims to be entitled to the Soil of all the Commons and Waste Grounds

[Loc. & Per.]

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within

41 G. 3. c. 109.



within the Parish of *Great Walsingham* aforesaid : And whereas the said *Daniel Henry Lee Warner* is seized of the Improprate Rectories of *Great Walsingham* and *Little Walsingham* aforesaid, and is entitled to the Tythes arising from divers Lands in *Great Walsingham* and *Little Walsingham* aforesaid : And whereas the said *Daniel Henry Lee Warner* is Patron of the Donatives or Perpetual Curacies of the Parish Churches of *Great Walsingham* and *Little Walsingham* aforesaid, and the Reverend *James Lee Warner* Clerk is the present Curate thereof, nominated and appointed by the said *Daniel Henry Lee Warner*, and in that Capacity is entitled to certain Lands belonging thereto : And whereas the said *Daniel Henry Lee Warner* is seized of the Improprate Rectory of *Houghton next Walsingham* aforesaid, and is entitled to all the Great Tythes arising within the Parish of *Houghton next Walsingham* aforesaid ; and the said *Daniel Henry Lee Warner* is Patron of the Vicarage of *Houghton next Walsingham* aforesaid, and the said *James Lee Warner* is the present Vicar or Incumbent of the said Vicarage, and in that Capacity is entitled to the Parsonage House and Glebe Lands belonging thereto : And whereas the said *Daniel Henry Lee Warner*, *James Lee Warner*, and divers other Persons respectively, are Owners and Proprietors of all the Messuages, Lands, and Tenements situate, lying, and being within the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton next Walsingham* aforesaid : And whereas the said Common Fields, Half-year or Shack Lands, Commons, and Waste Grounds, are subject to certain Rights of Sheepwalk, Shackage, and Common of Pasture, or other Commonable Rights, and great Part of the said Whole-year Lands, Common Fields, and Half-year or Shack Lands, are inconveniently situated for the respective Owners and Proprietors thereof : And whereas it would be advantageous to the several Persons entitled to and interested in the Premises if the said Rights of Sheepwalk, Shackage, and Common were extinguished, and the said Whole-year Lands, Common Fields, Half-year, or Shack Lands, Commons, and Waste Grounds were divided, and specific Parts or Shares thereof allotted to the several Persons entitled to and interested in the same, according to their respective Estates, Rights, and Interests, under the Directions and Limitations in this Act contained ; but such Divisions and Allotments 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 *Henry Bell* of *Wallington*, in the said County of *Norfolk*, Esquire, and *John Dugmore* of *Swaffham* in the said County of *Norfolk*, Gentleman, shall be and they are hereby appointed Commissioners for dividing and allotting the said Whole-year Lands, Common Fields, Half-year or Shack Lands, Commons and Waste Grounds, and for carrying this Act into Execution, subject to such Powers, Authorities, Directions, Regulations, Restrictions, and Provisions contained in the said recited Act, as are not altered, varied, or otherwise provided for by this Act.

Commissioners.

For appointing new Commissioners.

II. And be it further enacted, That if the said *Henry Bell* shall refuse or become incapable to act as a Commissioner in the Execution of the said recited Act and this Act, or shall die, before all the Powers, Authorities, and Trusts reposed and vested in the said Commissioners shall be fully executed and performed, the said *Daniel Henry Lee Warner*, or the Lord



or Lady of the said Manor of *Great Walsingham* late the *Queen's*, for the Time being, shall and may at any Time within Forty Days next after his or her Knowledge of such Death, Refusal, or Incapacity to act, by Writing under his or her Hand, appoint any other Person (not being interested in the Premises, and not being the Attorney or Agent of the said *Daniel Henry Lee Warner*, or of the Lord or Lady of the last-mentioned Manor) to be a Commissioner for the Purposes of the said recited Act and this Act, in the Place of the said *Henry Bell*; and also to make the like Appointment, when and so often as any Person to be appointed a Commissioner in the Place of the said *Henry Bell* shall die, or refuse or become incapable to act as aforesaid; and in case the said *John Dugmore* shall refuse or become incapable to act as a Commissioner in the Execution of the said recited Act and this Act, or shall die before all the Powers, Authorities, and Trusts, reposed and vested in the said Commissioners, shall be fully executed, the several Owners and Proprietors of Messuages, Lands, and Hereditaments, in the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid (save and except the said *Daniel Henry Lee Warner*, and the Lord or Lady for the Time being of the said respective Manors, now belonging to the said *Daniel Henry Lee Warner*), or the major Part of them in Value, according to the Land Tax Assessments, who shall be present in Person, or by their respective Attornies or Agents, at a Meeting to be held for that Purpose, within Forty Days after such last-mentioned Death, Refusal, or Incapacity to act (of which Meeting Notice shall be given by any Two or more of such Owners and Proprietors, or their respective Attornies or Agents, or by the other Commissioner for putting this Act into Execution, by affixing such Notice on the Doors of the Parish Churches of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid, and causing the same to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or some other Newspaper then printed or circulated in the said County of *Norfolk*, Eight Days at least before such Meeting,) shall and may, by Writing under their Hands, nominate and appoint a proper Person (not being interested in the Premises, and not being the Attorney or Agent of any Person interested therein), to be a Commissioner in the Place and Stead of the said *John Dugmore*, and to make the like Appointment when and so often as any Person so to be appointed a Commissioner in the Place of the said *John Dugmore* shall die, or refuse, or become incapable to act as aforesaid; but if the said respective Parties shall neglect to make such Appointment or Appointments as aforesaid, then and in every such Case the surviving or remaining Commissioner shall, and he is hereby required forthwith by Writing under his Hand, to appoint another Person (not interested in the Premises, and not being the Attorney or Agent of any Person interested therein) to be a Commissioner in the Place and Stead of the Commissioner so dying or refusing to act, or becoming incapable of acting as aforesaid; and every Person so to be appointed a Commissioner as aforesaid, shall take and subscribe the Oath or Affirmation prescribed in the said recited Act, and shall thereupon have such and the like Powers and Authorities, in all Respects, for putting the said recited Act and this Act into Execution, as if he had been named and appointed a Commissioner in and by this Act.

III. And be it further enacted, That if any Difference of Opinion shall arise between the said Commissioners touching or concerning any Matter

For appoint-  
ing an Umpire  
in case the  
or



Commissioners differ in Opinion.

or Thing to be done by them, by virtue or in Execution of the said recited Act or this Act, the said Commissioners from Time to Time, and when and so often as such Difference of Opinion shall arise, shall, by Writing under their Hands, appoint some Person (not being interested in the Premises) to be an Umpire between them, and the Matter upon which such Difference of Opinion shall or may arise shall be settled and determined by such Umpire, whose Determination in Writing shall be binding and conclusive upon the said Commissioners; and for the Purpose aforesaid, but not for any other Purpose, such Umpire shall have, and he is hereby vested with the same Powers and Authorities, as by the said recited Act and this Act are given to or vested in the said Commissioners.

Umpire to take an Oath.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as an Umpire as aforesaid until he shall have taken and subscribed an Oath in the Form or to the Effect following; (that is to say,)

‘ I Do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute and perform the several Powers and Authorities vested and reposed in me as an Umpire, by virtue of an Act passed in the Forty-eighth Year of the Reign of King George the Third, intituled, *An Act for inclosing Lands in the Parishes of Great Walsingham, Little Walsingham, and Houghton next Walsingham, in the County of Norfolk*, according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

‘ So help me GOD.’

Which Oath the said Commissioners, or either of them, are and is hereby empowered to administer; and such Oath, and also the Writing appointing such Umpire, shall be annexed to the Award of the said Commissioners.

Notice of Commissioners Meetings.

One Commissioner may adjourn.

V. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice in Writing of the Time and Place of their first and of every other Meeting for the Execution of this Act, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed or circulated within the said County of *Norfolk*, Eight Days at least before every such Meeting (Meetings by Adjournment excepted); and if only One 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 Commissioner to adjourn such Meeting to such Place within the Parish of *Little Walsingham* aforesaid, or within Eight Miles thereof, as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioner.

Other Notices how to be given.

VI. Provided always, That all other Notices necessary or requisite to be given by the said Commissioners in pursuance of the said recited Act or this Act, shall be so given by Advertisement in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed or circulated within the said County of *Norfolk*.

VII. And



VII. And be it further enacted, That if any Map, Plan, Survey, and Admeasurement of the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid, or any or either of them, shall be produced to the said Commissioners, and the same shall be in their Judgment and to their Satisfaction a just and true Map, Plan, Survey, and Admeasurement, and proper for the Purpose of carrying the said recited Act and this Act into Execution, it shall be lawful for the said Commissioners to contract for and purchase the same at or for such Sum of Money as they shall think reasonable, and the Purchase Money shall be considered as Part of the Costs, Charges, and Expences of executing the said recited Act and this Act, and shall be raised, levied, and paid accordingly, and after such Contract and Purchase the said Commissioners and the Surveyor to be appointed by them are hereby authorized and required to use any such Map, Plan, Survey, and Admeasurement, so contracted for and purchased as aforesaid for the Purpose of carrying the said recited Act and this Act into Execution, without causing any new Map, Plan, Survey, and Admeasurement to be made of the Lands and Tenements comprized therein.

Old Surveys  
may be used.

VIII. And be it further enacted, That the said Commissioners shall, with all convenient Speed after the passing of this Act, cause Notice of their Intention to perambulate the Boundaries of the said Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* respectively, to be inserted in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County of *Norfolk*, Eight Days at least before the Time of such Perambulation, and after the Expiration of the Time to be specified in such Notice, they the said Commissioners are hereby authorized and required to perambulate, enquire into, set out, ascertain, fix, and determine, the Boundaries of the said Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* respectively, and a Description of the said Boundaries shall, within Forty Days afterwards, be inserted in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County of *Norfolk*.

For ascertain-  
ing Bounda-  
ries.

IX. Provided always, That if any of the Proprietors of Estates or Inhabitants of any Parish or Parishes adjoining to the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid, or either of them, shall be dissatisfied with the Determination of the said Commissioners, respecting the said Boundaries, such Proprietors or Inhabitants, or any of them, may appeal to the Justices of the Peace acting in and for the County of *Norfolk*, at any General Quarter Session of the Peace to be held within Four Calendar Months next after the aforesaid Publication of the said Boundaries, on giving to the said Commissioners Fourteen Days Notice in Writing, of such Appeal, and of the Matter thereof, and the Decision of the said Justices therein, shall be final and conclusive.

Appeal to  
Sessions  
against Bounda-  
ries.

X. And be it further enacted, That if the said Commissioners shall deem it expedient or proper to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted in the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively, and any Parish or Parishes adjoining thereto, or to make the same Boundary Fences respectively regular, it shall be lawful for the said Commissioners, (with the Consent, in Writing, under the

For shortening  
the Boundary  
Fences against  
adjoining Pa-  
rishes.

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Hand or Hands of the Lord or Lords of the Manor or Manors in which the Land is situate, or of the Owner or Owners of the Land upon which any Fence or Fences shall or may be intended to be made,) to set out the Boundary between the Lands and Grounds by this Act directed to be divided and allotted in the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively; and any adjoining Parish or Parishes, in such Manner as they shall judge proper for the Purpose aforesaid; and after such Boundaries shall be so set out as aforesaid, the same shall be fenced by such Person or Persons in such Manner, and at such Time or Times, as the said Commissioners shall direct, and shall for ever hereafter be deemed and taken to be the Boundaries between the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively, and such adjoining Parish or Parishes respectively; any Law, Usage, or Custom to the contrary notwithstanding.

Objections to be delivered to the Parties whose Claims are objected to.

XI. And be it further enacted, That if any of the Parties interested in the Premises shall have any Objection or Objections to any of the Accounts or Claims which shall be delivered to the said Commissioners by virtue of the said recited Act or this Act, such Objection or Objections shall be reduced into Writing, and Two Parts thereof shall be signed by the Party or Parties making the same, or by some Person or Persons on his, her, or their Behalf, and One Part thereof shall be delivered to the said Commissioners, and the other Part thereof shall be delivered to the Party or Parties whose Claim or Account shall be objected to, or to his, her, or their Agent, or left at his, her, or their last or usual Place of Abode, at such Time or Times as the said Commissioners shall appoint for that Purpose, and no Objection to any of the said Accounts or Claims shall be afterwards received by the said Commissioners, unless for some legal Disability or special Cause to be allowed by them.

Commissioners to settle Differences.

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

Commissioners to summon Witnesses.

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



before them upon Oath (which Oath One of the said Commissioners is hereby empowered to administer) shall, and they are hereby authorized by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause any Sum of Money, not exceeding Ten Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to appear and give Evidence, rendering the Overplus (if any) upon Demand to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale, and the Money so to be levied as aforesaid, shall be applied towards defraying the Costs and Expences of obtaining this Act, and carrying the said recited Act, and this Act into Execution.

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

Commissioners to assess Costs.

XV. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning any Claim or Objection which shall be delivered to the said Commissioners in pursuance of the said recited Act or this Act, or touching or concerning any Property, Right, or Interest, intended to be affected by such Determination, and shall within One Calendar Month next after such Determination cause Notice in Writing of such Dissatisfaction to be delivered to or left at the usual Place of Abode of the said Commissioners, and of the Party or Parties in whose favour such Determination shall have been made, or his, her, or their Agent, it shall be lawful for such Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, giving such Notice as aforesaid, to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire, at the then next Assizes to be held for the said County of *Norfolk*, unless such Assizes shall happen

Power to try Rights by an Issue at Law.



happen within Three Calendar Months next after the Determination of the said Commissioners or Umpire, and in that Case at the Second Assizes to be held for the said County next after such Determination, and for that Purpose the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, giving such Notice as aforesaid, shall within Two Calendar Months next after such Determination cause an Action to be brought in one of His Majesty's Courts of Record at *Westminster*, upon a feigned Issue, against the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, in whose favour 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, and the Property, Right, or Interest thereby insisted upon may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action shall be commenced, in case the Parties shall differ about the same, and the Verdict which shall be given upon the Trial of such Action shall be binding, final, and conclusive, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had therein, which it shall and may be lawful for the said Court to do in case the said Court shall think proper, and that after such Verdict shall be obtained and not set aside, the said Commissioners shall, and they are hereby required to act, in conformity thereto, and to allow or disallow of the Claim Property, Right, or Interest thereby determined according to the Event of such Trial or Trials.

If no Action brought, or not proceeded in, the Determination of the Commissioners or Umpire to be final.

XVI. Provided always, That if no such Notice shall be given, or if any such Notice shall be given and such Action at Law shall not be commenced as aforesaid, or if any such Action shall be commenced and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioners or Umpire shall be final, binding and conclusive to all Intents and Purposes whatsoever: Provided also, that if any of the Parties in any such Action to be commenced as aforesaid shall die before the Determination thereof, such Action shall not abate by reason thereof but shall be proceeded in as if no such Event had happened.

In Cases of Deaths of Parties before Actions brought, the same to be carried on and defended in their Names.

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



Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

Persons in Possession not to be molested without due course of Law.

XIX. And be it further enacted, That it shall not be lawful for any Person, from and after the passing of this Act, to cut, dig, pare, grave, flay, or carry away, any Turf, Flags, Whins, or Furze, in, upon, or from the said Commons and Waste Grounds, or any Part thereof, without the Licence of the said Commissioners first had and obtained, in Writing, for that Purpose, (which Licence the said Commissioners are hereby empowered to grant under such Regulations and Restrictions as they shall think proper to insert therein); and if any Person shall cut, dig, pare, grave, flay, or carry away, any Turf, Flags, Whins, or Furze, in, upon, or from the said Commons and Waste Grounds, or any Part thereof, without such Licence as aforesaid, or having obtained such Licence, shall act in any Manner contrary to the same, the said Commissioners, or any Justice of the Peace acting in and for the said County, upon due Proof thereof made before the said Commissioners, or Justice, upon Oath, (which Oath either of the said Commissioners or such Justice is hereby empowered to administer), shall by their or his Warrant, directed to any Person whomsoever, cause any Sum of Money, not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the 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 this Act, and carrying the said recited Act and this Act into Execution.

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

XX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, at any Time before the Execution of the Award to be made by them in pursuance of the said recited Act and this Act, by any Writing under their Hands to be affixed upon the Doors of the respective Churches of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid, to order and direct all or any Rights of Sheep Walk, Shackage, or Common, in, over, and upon the said Common Fields, Half-year or Shack Lands, Commons, and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended 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 extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such

For extinguishing or suspending Rights of Common before the Award.

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Writing



Writing on the said Church Doors respectively, or any other Time to be appointed by the Commissioners in or by such Writing, cease, determine, and be extinguished, or the Exercise thereof shall be suspended accordingly; any Law, Usage, or Custom to the contrary notwithstanding.

Commissioners to direct the Course of Husbandry.

XXI. And be it further enacted, That, from and after the passing of this Act, until the Execution of the said Award, no Part of the Meadow or Pasture Lands within the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively, shall be ploughed or converted into Tillage without the Consent of the said Commissioners first had and obtained, in Writing, for that Purpose, and that all the Lands hereby directed to be awarded and allotted shall, during that Time be used and managed in such Manner, and shall be subject and liable to such Directions and Regulations as the said Commissioners shall from Time to Time by Writing under their Hands to be affixed upon the Doors of the Churches of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid, respectively appoint, as well with regard to the stocking as to the draining, ploughing, folding, manuring, tilling, sowing, and laying down the same, and also as to the cutting of Thorns or Bushes thereon; and that it shall be lawful for the said Commissioners, by any Writing under their Hands, to order and direct such Sum or Sums of Money in respect thereof, to be paid by any Person interested in the said Lands, or any Part thereof, or his or her Tenant to any other Person in like Manner interested therein, or his or her Tenant, as the said Commissioners shall think reasonable; and in case any Person who shall be directed to pay any such Sum or Sums of Money shall neglect or refuse to pay the same on Demand, 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 the Costs, Charges, and Expences of obtaining this Act, and executing the said recited Act and this Act, can or may be raised and levied.

And to make Drains, &c.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners to cause any Ditches, Fences, Drains, Brooks or Watercourses, within the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively, to be cleansed, opened, scoured, widened, deepened, or enlarged, and also to cause any new Ditches, Fences, Bridges, Drains, Brooks or Watercourses to be made within the same Parishes respectively, and to make such Orders for maintaining such Ditches, Fences, Drains, Brooks or Watercourses in repair as they shall think proper: Provided that no such Works shall be made upon any inclosed Land without the previous Consent of the Owner or Owners thereof, testified by Writing under his, her, or their Hands, and that no such Brook or Watercourse shall be diverted or turned without the Consent in Writing of the Owner or Owners of any inclosed Land from which any such Brook or Watercourse shall be diverted or turned, or into which the same shall be intended to be carried or conveyed.

Old Roads to be continued until the new Roads are made.

XXIII. And be it further enacted, That none of the present Public Highways or Roads within the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively, shall be shut up or discontinued until the Roads



Roads intended to be and remain Public Highways within the same Parishes respectively, shall be set out according to the Directions of the said recited Act, and until the same shall be properly formed, and made safe and convenient for Horses, Cattle, and Carriages.

XXIV. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the Surveyors of the Highways within the Parish of *Little Walsingham* aforesaid for the Time being, such Part of the Lands within the same Parish as the said Commissioners shall think proper, (the annual Value of such Allotment or Allotments not exceeding the annual Average Value of Two Fifteenth Parts of all the Commons and Waste Lands in the same Parish;) and it shall be lawful for the Surveyors of the Highways, and the Proprietors of Lands and Estates within the Parish of *Little Walsingham* aforesaid, and their Tenants for the Time being respectively, to use such Allotment or Allotments as and for public Watering Places for Cattle, and as and for public Sand, Gravel, Clay, Stone, Marl, and Chalk Pits, in such Manner and under such Rules and Regulations as the Lord or Lords, Lady or Ladies of the said Manor of *Little Walsingham* late the *Queen's*, the Curate and the Churchwardens and Overseers of the Poor, and the Surveyors of the Highways of *Little Walsingham* aforesaid for the Time being, or the major Part of them, shall from Time to Time direct or appoint; and the Grass and Herbage of the said Allotment or Allotments shall be from Time to Time let by the Surveyors of the Highways in *Little Walsingham* aforesaid for the Time being, at and for the best Rent that can be obtained for the same, and such Rent shall be applied towards the Repair of the public Roads in the same Parish.

Allotment for  
Public Sand  
and Gravel  
Pits in Little  
Walsingham.

XXV. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the Lord or Lords, Lady or Ladies of the said Manor of *Little Walsingham*, late the *Queen's*, and the Curate, Churchwardens and Overseers of the Poor of *Little Walsingham* aforesaid for the Time being, such Part or Parts of the Lands in *Little Walsingham* aforesaid, as the said Commissioners shall think proper (the Annual Value of such Allotment or Allotments being equal to the Annual Value of the Remainder of the said Commons and Waste Grounds in *Little Walsingham* aforesaid), and the last mentioned Allotment or Allotments shall be vested in the Lord or Lords, Lady or Ladies of the last-mentioned Manor, and the Curate, Churchwardens, and Overseers of the Poor of *Little Walsingham* aforesaid for the Time being, as Trustees for the poor Inhabitants of the same Parish for ever, and shall be ploughed, sown, tilled, cultivated, improved, let, demised or otherwise held, used, managed or disposed of, and the Produce, Rents, and Profits thereof shall be received and applied by the Trustees of the same Allotment or Allotments respectively for the Time being, or the major Part of them for the Use and Benefit of such poor Inhabitants of the Parish of *Little Walsingham* aforesaid, who shall be legally settled therein, and shall not respectively occupy Lands or Tenements of more than the Yearly Value of Three Pounds, in such Manner and under such Rules and Regulations as the said Trustees for the Time being or the major Part of them shall appoint and prescribe, and not otherwise.

Allotment for  
the Poor of  
Little Wal-  
ingham.

XXVI. And be it further enacted, That the said Commissioners shall assign, set out, and allot, unto the Surveyors of the Highways within the Parish

Allotment for  
Public Sand  
of



and Gravel  
Pits in Great  
Walsingham.

of *Great Walsingham* aforesaid, any Part of the Lands in the same Parish not exceeding Three Acres, as and for public watering Places for Cattle, and as and for public Sand, Gravel, Stone, Cláy, Marl, and Chalk Pits; and it shall be lawful for the Surveyors of the Highways, and the Proprietors of Lands and Estates within the same Parish, and their Tenants for the Time being respectively, to use such Allotment or Allotments for the Purposes aforesaid, in such Manner, and under such Rules and Regulations as the Lord or Lords, Lady or Ladies of the said Manor of *Great Walsingham* late the *Queen's*, and the Curate, Churchwardens, and Overseers of the Poor, and the Surveyors of the Highways of *Great Walsingham* aforesaid for the Time being, or the major Part of them, shall from Time to Time direct or appoint; and the Grass and Herbage of the last-mentioned Allotment or Allotments shall be from Time to Time let by the Surveyors of the Highways in *Great Walsingham* aforesaid for the Time being, at and for the best Rent that can be obtained for the same, and such Rent shall be applied towards the Repair of the public Roads in the same Parish.

Allotment for  
the Poor of  
Great Wal-  
singham.

XXVII. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the Lord or Lords, Lady or Ladies of the said Manor of *Great Walsingham* late the *Queen's*, and the Curate, Churchwardens, and Overseers of the Poor of *Great Walsingham* aforesaid, for the Time being, such Part or Parts of the Lands in *Great Walsingham* aforesaid, as the said Commissioners shall think proper (the annual Value of such Allotment or Allotments not exceeding the annual average Value of Fifteen Acres of the Whole of the said Commons and Waste Grounds in *Great Walsingham* aforesaid); and such Allotment or Allotments shall be vested in the Lord or Lords, Lady or Ladies of the last-mentioned Manor, and the Curate Churchwardens, and Overseers of the Poor of the Parish of *Great Walsingham* aforesaid for the Time being, as Trustees for the poor Inhabitants of the same Parish for ever, and shall be ploughed, sown, tilled, cultivated, improved, let, demised, or otherwise held, used, managed, or disposed of, and the Rents, Produce, and Profits thereof, shall be received and applied by the Trustees of the same Allotment or Allotments respectively, for the Time being, or the major Part of them, for the Use and Benefit of such Poor Inhabitants of the Parish of *Great Walsingham* aforesaid, who shall be legally settled therein, and shall not respectively occupy Lands or Tenements of more than the yearly Value of Three Pounds, in such Manner and under such Rules and Regulations, as the Trustees of the same Allotment or Allotments respectively for the Time being, or the major Part of them, shall appoint and prescribe, and not otherwise.

The Public  
and Charitable  
Allotments to  
be freed from  
Tithes and  
Parochial  
Charges.

XXVIII. And be it further enacted, That the Lands herein-before directed to be allotted to the Surveyors of the Highways, and in Trust for the Poor Inhabitants of *Great Walsingham* and *Little Walsingham* aforesaid respectively, shall from and after the Execution of the said Award be for ever freed, exonerated, and discharged of and from the Payment of all Tythes, and of and from all Parochial Taxes, Rates, Charges, Assessments, Burthens, or Impositions whatsoever.

Allotment for  
Right of Soil  
in Great Wal-  
singham.

XXIX. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the Lord or Lords, Lady or Ladies of the said Manors of *Great Walsingham* late the *Queen's*, Granges in *Great Walsingham*



ham otherwise *Walsingham ad Grangias*, *Binham* in *Great Walsingham*, *Botts*, *Fens*, *Marches*, and *Hatchows* in *Great Walsingham*, *Collinghams* and *Powers* in *Great Walsingham*, *Little Walsingham* late the *Queen's*; and *Granges* in *Little Walsingham* otherwise *Walsingham ad Grangias*, for the Time being, and unto the Lord or Lords, Lady or Ladies of the said Lordship or Manor of *Great Walsingham*, with the Leet and View of Frankpledge for the Time being, or unto any other Person or Persons being Lord or Lords, Lady or Ladies of any Manor or Manors within the Parish of *Great Walsingham* aforesaid, or to such of them as is, are, or shall, in the Judgment of the said Commissioners, be entitled to the Soil of the said Commons and Waste Grounds in *Great Walsingham* aforesaid, or any Part thereof, such Part or Parts of the Lands in *Great Walsingham* aforesaid, as shall in the Judgment of the said Commissioners be equal in Value to One Twentieth Part of the said Commons and Waste Grounds in the last-mentioned Parish; and such Allotment or Allotments shall be a full Compensation and Recompence to such Lord or Lords, Lady or Ladies, for his, her, or their Right in and to the Soil of such Commons and Waste Grounds.

XXX. And be it further enacted, That the said Commissioners shall, with all convenient Speed after the passing of this Act, ascertain the Lands which are subject to the Payment of Tythes to the said *Daniel Henry Lee Warner*, as Owner of the said Improprate Rectories of *Great Walsingham* and *Little Walsingham* aforesaid respectively, and shall then set out and allot unto the said *Daniel Henry Lee Warner*, or the Owner of the said Improprate Rectories of *Great Walsingham* and *Little Walsingham* aforesaid, for the Time being respectively, such Part of the Lands in the Parishes of *Great Walsingham* and *Little Walsingham* aforesaid respectively, as shall in the Judgment of the said Commissioners be equal in Value to such Tythes; and such Allotment or Allotments shall be accepted by the said *Daniel Henry Lee Warner*, or the Owner of the said Improprate Rectories of *Great Walsingham* and *Little Walsingham* aforesaid respectively for the Time being, in lieu of and as a full Recompence and Satisfaction for such Tythes, and shall be deducted in due Proportions out of and from the Lands belonging, or to be allotted to the Person or Persons whose Lands shall be so ascertained to be subject to the Payment of such Tythes as aforesaid.

Lands subject to the Payment of Tythes to the Improprator of Great and Little Walsingham, to be ascertained, and Allotments to be made in lieu thereof.

XXXI. Provided always, that in case any Proprietor or Proprietors, of Lands in the Parishes of *Great Walsingham* and *Little Walsingham* aforesaid, or either of them, which are subject to the Payment of Tythes as aforesaid, shall be desirous of making a pecuniary Satisfaction for the same, and shall by Writing under his, her, or their Hand or Hands, signify such Desire to the said Commissioners at any Time within Six Calendar Months next after the passing of this Act, then and in such Case the said Commissioners shall make a Valuation of such Tythes, and the Proprietor or respective Proprietors of the Lands so subject to the Payment of Tythes as aforesaid, shall pay or cause to be paid to the said Commissioners, or to such Person or Persons, and at such Time or Times as the said Commissioners shall appoint, such Sum or Sums of Money as the said Commissioners shall adjudge and determine to be the Value of and a full Compensation and Satisfaction for such Tythes; and it shall be lawful for the said Commissioners to order and direct that such Money so to be paid as aforesaid

But such Tythes may be commuted for by Money.

[Loc. & Per.]

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shall



shall be applied in or towards defraying the Part, Share, or Proportion of the Costs and Expences of obtaining and passing this Act, and of executing the said recited Act and this Act, which shall be charged upon or payable by the said *Daniel Henry Lee Warner*, or the Owner or Owners of the Lands, Tenements, and Hereditaments, of him the said *Daniel Henry Lee Warner* in *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid for the Time being, in respect of the Allotments to be made to him or them by virtue of this Act; and in case any such Order or Direction shall be made by the said Commissioners, and any Surplus of such Money shall remain after the Performance of such Order or Direction, then such Surplus, or in case no such Order or Direction shall be made then all such Money, shall be paid into the Bank of *England*, according to the Directions of the said recited Act, with respect to Money which is thereby directed to be paid into the Bank of *England*, for the Purchase or Exchange of Lands, Tenements, or Hereditaments, to be setled to the same Uses, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, as therein mentioned.

Lands subject to the Payment of Tithes, &c. to the Curate of *Great and Little Walsingham* to be ascertained, and Allotments to be made in lieu thereof.

XXXII. And be it further enacted, That the said Commissioners shall also ascertain the Lands, which are subject to the Payment of Tythes or any Modus, Composition, Pension, Stipend, or Sum of Money to the said *James Lee Warner*, as Curate of the said Parishes of *Great Walsingham* and *Little Walsingham* aforesaid respectively, and shall then set out and allot unto the said *James Lee Warner*, or the Curate of the last mentioned Parishes respectively for the Time being such Part of the Lands in *Great Walsingham* and *Little Walsingham* aforesaid respectively, as shall in the Judgment of the said Commissioners be equal in Value to such Tythes, or to such Modus, Composition, Pension, Stipend, or Sum of Money payable to the said *James Lee Warner*, as Curate as aforesaid, and such Allotment or Allotments shall be accepted by the said *James Lee Warner*, or the Curate of the last mentioned Parishes respectively for the Time being, in lieu of and as a full Recompence and Satisfaction for such Tythes, or for such Modus, Composition, Pension, Stipend, or Sum of Money, so payable to the said *James Lee Warner*, as Curate as aforesaid, and shall be deducted in due Proportions out of and from the Lands belonging or to be allotted to the Person or Persons whose Lands shall be so ascertained to be subject to the Payment of such Tythes, or such Modus, Composition, Pension, Stipend, or Sum of Money as aforesaid.

Commissioners, in making a Valuation of Tythes to have regard to Rights of Common in *Great Walsingham* appurtenant to Titheable Lands.

XXXIII. Provided always, and be it enacted, That in case the Owner or Owners of any Lands in *Great Walsingham* aforesaid, which shall be ascertained by the said Commissioners to be subject to the Payment of Tythes as aforesaid, shall be entitled to any Allotment or Allotments for or in respect of any Right of Sheep Walk, Common of Pasture, or other Commonable Right or Interest appurtenant or appendant to such Lands, the said Commissioners, in making a Valuation of such Tythes, shall take into their Consideration the Allotment or Allotments to which the Owner or Owners of such Lands shall be entitled as aforesaid, in respect of the Right of Sheep Walk, Common of Pasture, or other commonable Right or Interest appurtenant or appendant thereto, and the Tythes to be yearly arising, growing, or renewing out of or from the same Allotment or Allotments.



Allotments respectively, and shall make a Compensation for such Tithes accordingly.

XXXIV. Provided also, and be it enacted, That in making Compensation for the Great and Small Tithes within the said Parish of *Great Walsingham*, the said Commissioners shall have due regard to all and every Exemption and Exemptions from the Payment of Tithes in Kind, and to any Modus, Composition, Pension, Stipend, or Sum of Money, due or payable for or in lieu or in respect of any Tithes or Titheable Matters arising, growing, or renewing within the same Parish; and that in making such Compensation as aforesaid, all and every the Lands within the same Parish which shall be assigned and allotted to any Person or Persons for and in respect of any Right of Sheep Walk, Common of Pasture, or other Commonable Right or Interest appendant, appurtenant, or in anywise belonging to any Lands within the same Parish which are freed, exempted, or discharged from the Payment of Tithes either Great or Small, shall be in like Manner deemed to be Tithe free, and shall be so considered by the said Commissioners in making Compensation for the said Great and Small Tithes within the said Parish of *Great Walsingham*.

and to Moduses and Tithe-free Lands in *Great Walsingham*.

XXXV. And be it further enacted, That for better enabling the said Commissioners to ascertain the Lands which are subject to the Payment of Tythes, or any Modus, Composition, Pension, Stipend, or Sum of Money as aforesaid, all and every Person and Persons who shall claim to be entitled to any Lands exempted from the Payment of Tithes in Kind, shall, at the First or Second Meeting of the said Commissioners, deliver to them a Schedule, in Writing, of the Lands claimed to be wholly exempted from the Payment of Tithes, and of the Lands claimed to be subject to the Payment of any Modus, Composition, Pension, Stipend, or Sum of Money as aforesaid, together with an Account of every such Modus, Composition, Pension, Stipend, or Sum of Money, and to whom and for what Tithes, or on what Account the same is claimed to be payable; and the said Commissioners shall, with all convenient Speed after the Receipt of every such Schedule and Account, cause a Copy thereof to be delivered to the Impropiator of the Rectories of *Great Walsingham* and *Little Walsingham* aforesaid, and the Curate of the said Donatives or Perpetual Curacies for the Time being respectively.

An Account of Lands claimed to be Tithe-free to be delivered to Commissioners.

XXXVI. Provided always, and be it enacted, That until Compensation shall be made pursuant to this Act for such Tithes, Modus or Moduses, Composition or Compositions, Pension or Pensions, Stipend or Stipends, or Sum or Sums of Money as shall be due and payable to the said *Daniel Henry Lee Warner*, or the Impropiator of the Rectories of *Great Walsingham* and *Little Walsingham* aforesaid respectively, for the Time being, and to the said *James Lee Warner*, or the Curate of the said Donatives, or Perpetual Curacies respectively for the Time being, such Tithes, Modus or Moduses, Composition or Compositions, Pension or Pensions, Stipend or Stipends, or Sum or Sums of Money, shall be payable and paid in the same Manner as if this Act had not been passed.

Tithes, &c. to be paid till Compensation made.

XXXVII. Provided also, That nothing in the said recited Act or this Act, contained, shall prejudice, lessen, defeat, or in any Manner affect the Right or Title of the said *James Lee Warner*, or the Curate of the said Donatives,

Curate's Right to Easter Offerings, &c. not to be affected by this Act.



or Perpetual Curacies respectively, for the Time being, to any Mortuaries, Easter Offerings, or Surplice Fees, arising or becoming due to him or them respectively, but that such Mortuaries, Easter Offerings, or Surplice Fees, shall be payable and paid at all Times hereafter in the same Manner as if this Act had not been passed.

Allotment to the Value of One Acre to the Owner of each Commonable House in Great Walsingham.

XXXVIII. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the several Owners of Messuages or Cottages in *Great Walsingham* aforesaid, having in respect thereof any Right of Common upon the said Commons and Waste Grounds in the last mentioned Parish, such Part of the Lands in *Great Walsingham* aforesaid as the said Commissioners shall deem and consider to be equal in Value *per Annum* to the annual Average Value of One Acre of the said Commons and Waste Grounds in the same Parish, for each and every such Messuage or Cottage respectively over and above the Allotment or Allotments to which the Owners of such Messuages or Cottages respectively shall be entitled by virtue of this Act.

Allotment of the Residue in Great and Little Walsingham.

XXXIX. And be it further enacted, That the said Commissioners shall assign, set out, and allot the Residue and Remainder of the Lands in *Great Walsingham* and *Little Walsingham* aforesaid, unto and among the several Owners and Proprietors thereof, and all and every Person or Persons, and Body or Bodies Politic, Corporate, or Collegiate, having any Right or Interest in, to, over, or upon 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 Satisfaction and Compensation to him, her, or them respectively, for his, her, or their respective Parts and Shares of such Lands, and his, her, or their respective Rights and Interests therein; save and except the Owners of Messuages, Cottages, Lands and Tenements in *Little Walsingham* aforesaid respectively, in respect of his, her, or their Rights and Interests in, over, or upon the said Commons and Waste Lands in the same Parish.

Particular Allotment to Wm. Brooke.

XL. Provided always, and be it enacted, That the Allotments to be made by virtue of this Act to the said *William Brooke* shall comprehend such Part of the Land lying in the North Field of *Great Walsingham* aforesaid, as shall in the Judgment of the said Commissioners be equal in Value to the Lands of the said *William Brooke* now lying in the same Field.

Allotment for Public Sand and Gravel Pits in Houghton.

XLI. And be it further enacted, That the said Commissioners shall assign, set out and allot unto the Surveyors of the Highways in the Parish of *Houghton* aforesaid, any Part of the Lands lying in the same Parish not exceeding Three Acres, as and for public Watering Places, for Cattle, and as and for public Sand, Gravel, Stone, Clay, Mail, and Chalk Pits, and such Allotment or Allotments shall from and after the Execution of the said Award be for ever freed, exonerated and discharged from the Payment of all Tythes, and from all Parochial Taxes, Rates, Charges, Burthens, Assessments, or Impositions whatsoever; and it shall and may be lawful for the Surveyors of the Highways, and the Proprietors of Lands and Estates within the Parish of *Houghton* aforesaid, and their Tenants for the Time being respectively, to use such Allotment or Allotments for the Purposes aforesaid, in such Manner and under such Rules and Regulations



as the Lord or Lords, Lady or Ladies of the said Manors in *Houghton* aforesaid, the Vicar, and the Churchwardens and Overseers of the Poor, and Surveyors of the Highways in *Houghton* aforesaid, for the Time being, or the major Part of them, shall from Time to Time direct and appoint; and the Grass and Herbage of the last mentioned Allotment or Allotments shall be from Time to Time let by the Surveyors of the Highways in *Houghton* aforesaid, for the Time being, at and for the best Rent that can be obtained for the same; and such Rent shall be applied towards the Repairs of the Public and Private Roads in *Houghton* aforesaid.

XLII. Provided always, That it shall and may be lawful for the Lord or Lords, Lady or Ladies of the said Manors of *Great Walsingham* late the *Queen's* and *Little Walsingham* late the *Queen's* respectively, the Curate of the Parishes of *Great Walsingham* and *Little Walsingham* aforesaid respectively, and the Vicar of the said Vicarage for the Time being, to act in the Execution of the Trusts, Powers, and Authorities hereby reposed and vested in them respectively by his, her, or their respective Agents or Proxies to be appointed by Writing under his, her, or their Hand or respective Hands; such Agents or Proxies respectively producing their Appointment or respective Appointments at the Time of their respectively acting by virtue thereof.

Lords of Manors, Curate, and Vicar, to act by Proxy.

XLIII. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the Lord or Lords, Lady or Ladies of the said Manor of *Houghton Regis* otherwise *Sydneys* for the Time being, such Part or Parts of the Lands in *Houghton* aforesaid, as shall in the Judgment of the said Commissioners be equal in Value to one Twentieth Part of the said Commons and Waste Grounds in *Houghton* aforesaid, and the said Allotment or Allotments shall be a full Compensation and Recompence to such Lord or Lords, Lady or Ladies, for his, her, or their Right in and to the Soil of such Commons and Waste Grounds.

Allotment for Right of Soil in *Houghton*.

XLIV. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the several Owners of Messuages or Cottages in *Houghton* aforesaid, having in respect thereof any Right of Common upon the Commons and Waste Grounds in the last mentioned Parish, such Part or Parts of the Lands in *Houghton* aforesaid, as the said Commissioners shall deem and consider to be equal in Value *per Annum* to the annual average Value of Two Acres of the said Commons and Waste Grounds in the same Parish, for each and every such Messuage or Cottage respectively, over and above the Allotment or Allotments to which the Owners of such Messuages or Cottages respectively shall be entitled by virtue of this Act.

Allotment out of the Commons and Waste Grounds in *Houghton* to the Value of Two Acres to the Owner of each Commonable House.

XLV. And be it further enacted, That the said Commissioners shall assign, set out, and allot the Residue and Remainder of the Lands in *Houghton* aforesaid, unto and among the several Owners and Proprietors thereof, and all and every Person or Persons, and Body or Bodies Politic, Corporate, or Collegiate, having any Right or Interest, in, to, over, or upon 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 Satisfaction and Compensation to him, her, or them respectively;

Allotment of the Residue in *Houghton*.

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tively;



tively, for his, her, or their respective Parts and Shares of such Lands, and his, her, or their respective Rights and Interests therein.

Directions as  
to Allotments  
of Meadow  
Land.

XLVI. Provided always, That in making the said Allotments, the said Commissioners shall have Regard to the Quantity and Quality of the Meadow Land belonging to the said Proprietors respectively, and shall allot to them respectively, so much Meadow Land in the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively, as shall in the Judgment of the said Commissioners be equal in Value, or as nearly equal in Value as Circumstances will permit, to the Meadow Land which belonged to such Proprietors respectively, at or immediately before the Time of making the said Allotments.

For fencing  
the Public and  
Charitable,  
and the Cu-  
rates and  
Vicars Allot-  
ments.

XLVII. And be it further enacted, That the Allotments which shall be made to the Surveyors of the Highways and Trustees for the Poor, and to the Curate of the Parishes of *Great Walsingham* and *Little Walsingham* aforesaid, in right of the said Curacies respectively, and to the Vicar of the said Vicarage of *Houghton* aforesaid, in right of the said Vicarage, shall be inclosed and fenced on the Outside of such Allotments respectively, and such Fences shall be maintained and kept in repair by such Person or Persons, and in such Manner as the said Commissioners shall by their Award, or by any other Writing under their Hands, direct and appoint.

If any Person  
sells his Com-  
mon Right, the  
Allotment is  
to be made to  
the Purchaser.

XLVIII. Provided always, That if any Person, (except the Curate of the Parishes of *Great Walsingham* and *Little Walsingham* aforesaid for the Time being, in respect of the said Curacies respectively, or the Vicar of the Vicarage of *Houghton* aforesaid for the Time being, in respect of the said Vicarage,) hath sold or contracted or agreed to sell, or shall at any Time before the Execution of the said Award sell or contract, or agree to sell his or her Right, Interest, and Property in, to, over, or upon the Lands hereby directed to be divided and allotted, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, upon receiving Notice of any such Contract, Sale, or Agreement, to make an Allotment of Land unto the Vendee or Purchaser, in every such 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 as the Vendor in 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 had been vested in such Vendor at the Time of making such Allotment as aforesaid.

Separate Al-  
lotments to be  
made for  
Estates held  
under different  
Titles.

XLIX. And be it further enacted, That in case any Proprietor or Proprietors of any Messuages, Lands, or Tenements, within the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively, shall hold the same by different Tenures, or for different Estates, or in different Rights, or under different Titles, the said Commissioners shall upon the Request of any such Proprietor or Proprietors, ascertain and distinguish the Messuages, Lands, and Tenements held  
by



by each of such Tenures for each of such Estates, and under each of such Rights or Titles respectively, and shall accordingly in their said Award assign, set out and allot distinct and several Allotments by distinct and several Descriptions, for such respective Messuages, Lands, or Tenements, and shall declare in Right of what Estate or Estates such Allotments respectively shall have been made; and in case the said Commissioners, from Want of necessary Information, or from any other Cause, shall not discriminate and distinguish such different Rights or Titles, different Estates, and different Tenures in their Award, it shall be lawful for them at any Time afterwards, upon the Request in Writing of any Person or Persons interested, to do or cause to be done all proper and necessary Acts for the Purposes of enabling them to make such Discrimination and Distinction as aforesaid, in the same Manner as they might or could have done by their said Award, and when and so soon as the said Commissioners shall have obtained sufficient Information for the Purpose by any Deed or Instrument in Writing under their Hands and Seals, to ascertain and distinguish the Difference of such Tenures, Estates, Rights, and Titles respectively, and shall make distinct and several Allotments in the same Manner as they are hereby authorized to do by their said Award; and every such Deed or Instrument shall have the same Force and Effect as if the same was contained in the said Award, and shall be delivered to the Person or Persons upon whose Request the same shall have been executed, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question shall, in the Opinion of the said Commissioners properly belong for the Time being; and all the Costs, Charges and Expences, which shall be occasioned by the Proceedings of the said Commissioners, in making such Discrimination, Distinction, and Allotment or Allotments, and of preparing and executing any such Deed or Instrument, or in anywise relating thereto, shall be ascertained and settled by the said Commissioners, and shall be paid by the Person or Persons who shall make such Request as aforesaid, or by his, her, or their Heirs, Executors, or Administrators to such Person and at such Time and Place as the said Commissioners shall by Writing under their Hands, appoint; and in case such Costs, Charges, and Expences shall not be so paid, it shall be lawful for the said Commissioners, and they are hereby required to raise and levy the same by such Ways and Means as the Costs, Charges, and Expences of obtaining this Act and executing the said recited Act and this Act, can or may be raised and levied.

L. And whereas the Lord or Lords, Lady or Ladies, of the Manors herein-before mentioned or some or One of them, or of some other Manor or Manors within or extending into the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid, or some or one of them, may be willing to manumise and enfranchise the Messuages, Lands, or Tenements, held of the said Manors respectively by Copy of Court Roll, and also to release and extinguish all Fines, Heriots, Chief Rents, Quit Rents, Customs, and Services, which are or shall be due and payable to them respectively out of and for or in respect of such Copyhold Messuages, Lands, or Tenements, and all Rents and Reliefs which are or shall be due, and payable to them respectively out of and for or in respect of any Freehold Hereditaments; and the several Owners and Proprietors of such Freehold and Copyhold Hereditaments may be desirous of procuring such Manu-

Power to enfranchise with the Consent of the Lords and Tenants for Lands.



mission and Enfranchisement, Release and Extinguishment; be it therefore enacted, That it shall be lawful for the said Commissioners, with the Consent in Writing of the Lord or Lords, Lady or Ladies, of any such Manor or Manors respectively, and of the Owner or Owners of any such Messuages, Lands, and Tenements respectively, to assign, set out, and allot, unto such Lord or Lords, Lady or Ladies respectively, any Messuages, Lands, or Tenements, within the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively, as shall in the Judgment of the said Commissioners be a full Equivalent, Satisfaction, and Compensation to such Lord or Lords, Lady or Ladies respectively, for all Fines, Heriots, Chief Rents, Quit Rents, Reliefs, Customs, and Services, which are or shall be due and payable to them respectively, out of and for and in respect of any such Freehold or Copyhold Hereditaments, which shall by any such Consent in Writing as aforesaid be agreed to be released and extinguished, and that the Premises so to be allotted as last aforesaid shall be deducted out of the Allotment or Allotments, to which such Owner or Owners of such Freehold or Copyhold Hereditaments respectively shall be entitled by virtue of this Act; and all such Copyhold Hereditaments shall from and after the Execution of the said Award be held and enjoyed by the Person or Persons entitled thereto, freed and discharged of and from all Fines, Heriots, Chief Rents, Quit Rents, Customs and Services whatsoever now due and payable as aforesaid, and shall pass by Deed or Will, and be descendible as Freehold Estates of Inheritance; and every such Enfranchisement of Copyhold or Customary Messuages, Lands, and Tenements, and every such Release and Extinguishment of any Rents or Reliefs issuing out of any such Freehold Lands, and Hereditaments shall be mentioned and described in the said Award: Provided always, that the Lands, which shall be assigned, set out, and allotted to the Lord or Lords, Lady or Ladies of such Manor or Manors, as last aforesaid, shall stand limited and settled, and shall be vested in and be held and enjoyed by him, her, or them respectively, in such Manner and to, for, and upon such Estates, Uses, Trusts, Intents, and Purposes, as the same Manor or respective Manors shall be held and enjoyed by him, her, or them respectively, at the Time of making such Allotment or Allotments.

Power to enfranchise for Money.

LI. Provided also, and be it enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of the respective Manors hereinbefore mentioned, or any other Manor or Manors within or extending into the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively, at any Time before the Execution of the said Award, in consideration of a competent Sum of Money, to contract and agree with any of the Proprietors of Messuages, Lands, and Tenements, in *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively, or any adjoining Parish or Parishes held of such Manors, or any of them, by Copy of Court Roll, for the absolute and perpetual Manumission and Enfranchisement of such Messuages, Lands, or Tenements, from such Copyhold Tenure, and for the Release and Extinguishment of all Fines, Heriots, Chief Rents, Quit Rents, Customs, and Services, which are or shall be due and payable in respect of such Copyhold Premises, and of all Rents and Reliefs which are or shall be due and payable in respect of any Freehold Hereditaments, to such Lord or Lords, Lady or Ladies respectively; and all and every such Contracts or Agreements being reduced into Writing, and signed by  
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the Parties thereto respectively, shall be produced to the said Commissioners; and in case they shall approve of any such Contracts or Agreements it shall be lawful for the said Commissioners, by any Writing under their Hands, to ratify and confirm the same respectively; and every such Contract and Agreement so ratified and confirmed, shall be good, valid, and effectual in Law for the Purposes thereof, and the Money thereby agreed to be paid to any Lord or Lords, Lady or Ladies of the said Manors respectively shall be paid to the said Commissioners, or to such Person or Persons as they shall appoint; and if such Money shall not be paid accordingly, the said Commissioners shall cause the same to be raised and levied by such Ways and Means as the Costs, Charges, and Expences of obtaining this Act, and executing the said recited Act and this Act, can or may be raised and levied; and all and every such Contracts and Agreements so approved, ratified, and confirmed as aforesaid, or the Substance thereof, shall be inserted or set forth in the said Award, and the Messuages, Lands, and Tenements therein described and specified, shall, from and after the Execution of the said Award, be and for ever remain manumised and enfranchised, and shall be for ever exonerated, freed, released, and discharged, of and from all Fines, Heriots, Chief Rents, Quit Rents, Reliefs, Customs, and Services, which shall or may be due and payable in respect thereof, to such Lord or Lords, Lady or Ladies respectively as aforesaid, and the same Premises shall be held and enjoyed as Freehold Estates of Inheritance.

LII. Provided also, and be it enacted, That in case any Contract or Agreement for such Manumission, Enfranchisement, Release and Extinction shall be made by any Lord or Lords, Lady or Ladies of any such Manor or Manors, who shall not be seised of or entitled to such Manor or Manors in Fee Simple in Possession, then and in such Case it shall be lawful for the said Commissioners to order and direct that the Money which shall by any such Contract or Agreement be agreed to be paid to such Lord or Lords, Lady or Ladies respectively, shall be applied in or towards defraying the Part, Share, or Proportion, and Parts, Shares, or Proportions of the Costs and Expences of obtaining and passing this Act, and of executing the said recited Act and this Act, which shall be charged upon or payable by such Lord or Lords, Lady or Ladies respectively, in respect of the Allotments to be made to him, her, or them respectively by virtue of this Act; and in case any such Order or Direction shall be made by the said Commissioners, and any Surplus of such Money shall remain after the Performance thereof, then such Surplus, or in case no such Order or Direction shall be made, then all such Money shall be paid into the Bank of *England* according to the Directions contained in the said recited Act, with respect to Money which is thereby directed to be paid into the Bank of *England* for the Purchase or Exchange of any Lands, Tenements, or Hereditaments to be settled to the same Uses, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments as therein mentioned.

Directing the Application of the Money paid for such Enfranchisement.

LIII. And be it further enacted, That the said Commissioners when and so soon as they shall have ascertained the Rights and Interests of the several Parties entitled to, and interested in the Lands hereby directed to be divided and allotted, shall cause the several Allotments proposed to be

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

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made by them to be distinctly laid down and delineated upon a Map or Plan for the Inspection and Examination of the several Parties interested in the said Allotments; and in case any Objection or Objections shall be made to the proposed Allotments, the Party or Parties making the same shall sign and deliver a Statement thereof in Writing to the said Commissioners, who shall immediately, or within a convenient Time afterwards, take the same into their Consideration, and determine the Matter thereof, and the Determination of the said Commissioners therein shall be final, binding, and conclusive.

For allowing  
Exchanges to  
be made.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Messuages, Buildings, Lands, Tenements, or Hereditaments whatsoever, within the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid, or either of them, in lieu of and in exchange for any other Messuages, Buildings, Lands, Tenements, or Hereditaments, within the same Parishes respectively, or within any adjoining Parish, Hamlet, Township, or Place, provided that all such Exchanges shall be ascertained, specified, and declared in the said Award, and be made with the Consent of the Proprietor or Proprietors of the Premises which shall be so exchanged, whether such Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail general or special, or by the Courtesey of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, or Feoffees for charitable, parochial, or other Uses, Husbards, Committees, or Attornies of or acting for any such Proprietor or Proprietors, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Idiots, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, (such Consent to be testified in Writing under the common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively,) and all and every such Exchange and Exchanges so made shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Messuages, Buildings, Lands, Tenements, or Hereditaments, held in Right of any Ecclesiastical Benefice, without the Consent testified as aforesaid, of the Lord Bishop of the Diocese in which such Messuages, Buildings, Lands, Tenements, or Hereditaments, shall be situate, and of the Patron of such Ecclesiastical Benefice.

Directions as  
to the Award.

LV. And be it further enacted, That a true Copy of the said Award wrote upon Parchment, and signed and attested by the said Commissioners to be a true Copy thereof, together with a proper Map or Plan of each of the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid, thereto annexed, shall, within Twelve Calendar Months after the Execution of the said Award, be delivered to the Clerk of the Peace for the said County of *Norfolk*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Five Guineas shall be paid and no more, and for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and the said Award shall from and after the Delivery of such

Copy



Copy thereof, so signed and attested as aforesaid, 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 a Copy of such Part of the said Award as shall relate to the Parish of *Great Walsingham* aforesaid fairly transcribed in a Book with a proper Map or Plan of the last mentioned Parish shall within the Time aforesaid be deposited in the Parish Church of *Great Walsingham* aforesaid, and there kept in a Tin Box to be provided for that Purpose; and a Copy of such Part of the said Award as shall relate to the Parish of *Little Walsingham* aforesaid, fairly transcribed in a Book with a proper Map or Plan of the last mentioned Parish, shall within the Time aforesaid be deposited in the Parish Church of *Little Walsingham* aforesaid, and there kept in a Tin Box to be provided for that Purpose; and a Copy of such Part of the said Award as shall relate to the Parish of *Houghton* aforesaid, fairly transcribed in a Book with a proper Map or Plan of the last mentioned Parish, shall within the Time aforesaid be deposited in the Parish Church of *Houghton* aforesaid, and there kept in a Tin Box to be provided for that Purpose; and the original Award with a proper Map or Plan of each of the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid, thereto annexed, shall be delivered to the said *Daniel Henry Lee Warner*, his Heirs or Assigns; and the said Award and Copies thereof and any other Copy of the said Award, or of the Copy thereof delivered to the said Clerk of the Peace as aforesaid, or any Part or Parts thereof, attested by the said Clerk of the Peace or his Deputy, (for every Sheet of which Copy containing Seventy-two Words, Four-pence and no more shall be paid,) shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever, and the several Allotments, Partitions, Orders, Directions, Provisions, Matters, and Things contained in the said Award, shall be binding and conclusive upon all and every the Parties interested in the Premises; and all Rights of Sheep walk and Shackage, and all Commonable Rights and Interests whatsoever, in, over, or upon the Lands in *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively, shall from and after the Execution of the said Award, cease, determine, and be for ever extinguished; and the said Lands in *Great Walsingham* and *Little Walsingham* aforesaid respectively shall for ever thereafter be freed, discharged, and exonerated of and from the Payment of all Tythes, and all Moduses, Compositions, Penfions, Stipends, and Sums of Money, for or in lieu or in respect of Tythes to any Person or Persons whomsoever.

LVI. And be it further enacted, That all the Lands which shall be allotted by virtue of the said recited Act or this Act, to any Person or Persons for or in lieu or in respect of any Buildings or Lands holden of any Manor or Manors by Copy of Court Roll, or for or in respect of any Leasehold Buildings or Lands, or for or in respect of any Right of Sheep Walk, Shackage or other Right or Interest appurtenant or appendant to any such Copyhold or Leasehold Premises, shall, from and after the Execution of the said Award, be deemed and taken to be Copyhold or Leasehold, and shall be held as such by and under the same Tenure, and subject to such Rents, Payments, Fines, and Services, as the Copyhold or Leasehold Buildings or Lands respectively, in respect whereof such Allotments shall be made, are now held; and that all and every Person and Persons to whom such Copyhold Premises shall be allotted as aforesaid,

shall

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



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 (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 Steward or Stewards of the said Manor or Manors as the said Commissioners shall, by their said Award, order and direct, to be paid on such Admissions respectively); but in case the Person or Persons to whom such Copyhold Premises shall be allotted, shall not have been admitted to the Copyhold Hereditaments, in lieu or in respect whereof such Allotment or Allotments shall be made, or shall die without having been admitted to the Lands allotted in lieu or in respect of such Copyhold Hereditaments, then the customary Fines and other Payments shall be due and payable on the Admission of the Person or Persons entitled to such Lands so allotted as last aforesaid; and after every such First Admission the Copyhold Premises so to be allotted as last aforesaid shall at all Times be held under and subject to the same Tenures, Fines, Payments, and Services, as the Copyhold Buildings or Lands in respect whereof such Premises were allotted, are now held under and subject to, and the said Commissioners shall, by their said Award determine, describe, and about the Buildings and Lands respectively, which are to be and remain Copyhold or Leasehold, and all other Buildings and Lands in the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid (except what shall be so ascertained by the said Commissioners to be Copyhold or Leasehold), shall be deemed, taken, and enjoyed as Freehold, subject nevertheless to such Free Rents and Services as are now due or payable out of the Premises, for or in lieu or in respect whereof the same shall be allotted as aforesaid.

Wills and Settlements not to be affected.

LVII. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to revoke, make void, alter, or annul, any Will, Settlement, or Surrender, 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 Buildings or Lands in the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively, or any adjoining Parish or Parishes which shall be allotted or exchanged by virtue of the said recited Act or this Act, but that each and every Proprietor shall stand and be seised of the Premises to be allotted to him or her as aforesaid, to such and the same Uses, for such and the same Estates, and subject to such and the same Wills, Deeds, Settlements, Surrenders, Debts, Charges, Rents and Incumbrances, and no other, as the Buildings and Lands whereof such Proprietor or Proprietors was or were seised or possessed, at or immediately before the Execution of the said Award, or for which, or in respect whereof, such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been passed.

Former Proprietors may enter upon Allotments and take away Trees, &c.

LVIII. And be it further enacted, That in case any Lands hereby directed to be divided and allotted, upon which any Underwood, Bushes, Whins, Furze or Shrubs, Gates, Gate Posts, Stiles, Posts, Pales or Rails, shall be growing or standing, shall by virtue of this Act be allotted to any Person or Persons other than such Person or Persons as was or were the Owner or Owners thereof at or immediately before the making such Allotments respectively, then and in every such



Case it shall and may be lawful for the Owner or Owners of such Underwood, Bushes, Whins, Furze or Shrubs, Gates, Gate Posts, Stiles, Posts, Pales or Rails, at all seasonable Times within the Space of Twelve Calendar Months after the Execution of the said Award, or within any shorter Space of Time, to be appointed by the said Commissioners, by Writing under their Hands, to enter into and upon such Lands and Grounds whereon such Underwood, Bushes, Whins, Furze or Shrubs, Gates, Gate Posts, Stiles, Posts, Pales or Rails, shall be so standing or growing, and to fell, cut down, stub up, and with Workmen, Servants, Cattle, and Carriages, or otherwise, to take and carry away the same, to and for his, her, and their own Use and Benefit, under such Regulations and Restrictions as the said Commissioners shall direct and appoint.

LIX. Provided always, 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 or her 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 Fences be made or set by the Owner or Occupier of such Allotment or Allotments, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto) and in case any Person shall turn 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 Occupier of any adjoining Allotment or Allotments, to enter thereon, and to take, drive away, and impound the same Sheep or Lambs; and in case any Sheep, Cattle, or Swine, shall trespass upon any inclosed Land, or shall stray or go at large, or be found in any Street, Lane, Road or Highway, within the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid respectively, it shall be lawful for the Constable, Pindar, or any other Person, to take, drive away, and impound such Sheep, Cattle, or Swine, and to demand and receive of the Owner or Owners thereof, the Sum of One Shilling for every Horse, Mare, Afs, or other Neat Stock or Cattle, and Sixpence for every Sheep, Lamb, Swine, or other Cattle, and to detain such Sheep, Cattle and Swine, in Pound, until such Money shall be paid and satisfied.

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

Power to impound Cattle straying.

LX. And be it further enacted, That all Leases or other Agreements at Rack Rent or Extended Rent, which are now subsisting, or respect all or any Part of the Messuages, Buildings, and Lands, within the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid, respectively, either alone or together, with any other Lands, Tenements, or Hereditaments, in any adjoining Parish or Parishes, shall cease, determine, and be void, immediately after the Execution of the said Award, the respective Tenants or Lessees of the same Premises receiving from the respective Owners and Proprietors thereof such Sum of Money as the said Commissioners shall, by any Writing under their Hands, 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, at the Time and Place which the said Commissioners shall by such Writing appoint for the Payment thereof,

Leases and Agreements at Rack Rents to be void on making Tenants a Satisfaction.

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it shall be lawful for the said Commissioners, and they are hereby required, notwithstanding the Execution of the said Award, to raise and levy such Money, by such Ways and Means as the Costs, Charges, and Expences of obtaining this Act, and executing the said recited Act and this Act, or any Part thereof can or may be raised, and levied, and to pay the same Money accordingly: Provided always, That if there shall be any Lease or Leases of Lands, Part of which shall lie within the Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* afore said, or either of them, and Part in any adjoining Parish or Parishes, all and every such Lease or Leases at Rack Rent or extended Rent now subsisting, may and shall be vacated, but where any Lands shall have been taken in Exchange, which Lands shall be under Lease, and wholly situate in any adjoining Parish or Parishes, the Lease or Leases of such last-mentioned Lands shall not be vacated.

Except certain Leases granted by Thomas William Coke, Esq. and an Agreement made by the Trustees for the Poor of Little Walsingham.

LXI. Provided always, That nothing herein contained shall extend or be construed to extend to make void or annul a certain Indenture of Lease, bearing Date on the Eleventh Day of *October* in the Year One thousand seven hundred and ninety-three, and made between the said *Thomas William Coke*, of the one Part, and *Robert Beeston*, since deceased, of the other Part; or a certain Indenture of Lease bearing Date on the Twelfth Day of *October* in the Year One thousand eight hundred and three, and made between the said *Thomas William Coke* of the one Part, and *John Reeve*, of the other Part; or a certain Agreement, bearing Date on the Tenth Day of *June* in the Year One thousand eight hundred and five, and made between the Feoffees or Trustees for the Poor of the Parish of *Little Walsingham* afore said of the one Part, and *Benjamin Kittmer* of the other Part, (save and except only as to such Lands which shall by virtue of the said recited Act and this Act be assigned, set out, and allotted, to any other Person or Persons, other than and except the said *Thomas William Coke* and the said Feoffees or Trustees respectively); and that it shall be lawful for the said Lessees or Tenants, in the said Leases and Agreements respectively, their Executors, Administrators, or Assigns, upon or immediately after the Execution of the said Award, to enter upon and take Possession of such Lands respectively as shall by virtue of the said recited Act and this Act be assigned, set out, and allotted to the said *Thomas William Coke* and the said Feoffees or Trustees respectively, in lieu and in respect of any Lands comprized in the said Leases or Agreement respectively, which shall be assigned, set out, and allotted to any other Person or Persons, and to hold and enjoy such Lands respectively, during the then Remainder of the Term of Years mentioned in the said Leases and Agreement respectively, in the same Manner as if the same Lands had been demised or let by or comprized therein respectively.

Directions for defraying the Expences of this Act.

LXII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the passing of this Act, and the Survey, Valuation, Division, and Allotments of the Lands hereby directed to be divided and allotted, and the Costs, Charges, and Expences of inclosing the Allotment or Allotments, which shall by virtue of this Act be made to the Curate of the Parishes of *Great Walsingham* and *Little Walsingham* afore said respectively, in Right of the said Curacies respectively, and of inclosing the Allotment or Allotments which shall by virtue of this Act be made to the Vicar of the Vicarage of *Houghton* afore said, in Right of the said Vicarage, and of inclosing the Allotments hereby directed to be made to the Surveyors of the Highways within the Parishes of *Great Walsingham*,



*singham, Little Walsingham, and Houghton* aforesaid respectively, for the public Purposes herein-before mentioned, and of inclosing the Allotments hereby directed to be made, in Trust, as herein-before mentioned; and of forming and making the Public Roads and Ways which shall be set out and appointed by the said Commissioners, to be first formed and made in pursuance of the said recited Act, and of preparing the said Award, and the Copies thereof; and all the Charges and Expences of the said Commissioners, their Assistants and Servants, and other Persons employed by the said Commissioners in and about the Premises, and all other Expences of carrying the said recited Act and this Act into Execution, shall be borne, defrayed, and paid by the Person and Persons and Body and Bodies Politic, Corporate, and Collegiate, to whom any Allotment or Allotments shall be made by virtue of the said recited Act or this Act, (save and except the Surveyors of the Highways in *Great Walsingham, Little Walsingham, and Houghton* aforesaid, for the Time being, in respect of the Allotments hereby directed to be made to them as aforesaid, and also save and except the Trustees of the Allotments hereby directed to be made in Trust for the Poor Inhabitants of the Parishes of *Great Walsingham and Little Walsingham* aforesaid, in respect of such Allotments respectively; and also save and except the Curate of the Parishes of *Great Walsingham and Little Walsingham* aforesaid respectively, for the Time being, in respect of the Allotment or Allotments which shall be made to such Curate in Right of the said Donatives or Perpetual Curacies respectively; and also save and except the Vicar of the Vicarage of *Houghton* aforesaid, for the Time being, in respect of any Allotment or Allotments which shall be made to him in Right of the said Vicarage; and also save and except the respective Owners of Messuages or Lands in *Little Walsingham* aforesaid, in respect of the Allotment or Allotments to be made to him, her, or them respectively, within the last-mentioned Parish, which shall not contain by Measure Two Acres of Land; and also save and except such Person or Persons whose Real Property within the Parishes of *Great Walsingham, Little Walsingham, and Houghton* aforesaid, or elsewhere, at the Time of making the said Division and Allotments shall not, in the Judgment of the said Commissioners, exceed the yearly Value of Seven Pounds, or whose Personal Property shall not in the Judgment of the said Commissioners exceed the Sum of One hundred and Forty Pounds,) in such Shares and Proportions as the said Commissioners shall by their said Award, or by any other Writing under their Hands, order, direct, and appoint; and if any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall refuse or neglect to pay his, her, or their Share or Proportion of the said Costs, Charges, and Expences to the Person or Persons authorized to receive the same, at the Time and Place which shall be appointed by the said Commissioners for the Payment thereof, then and in such Case the said Commissioners shall cause the same to be raised, levied, and recovered in Manner directed by the said recited Act.

LXIII. Provided always, That all the Costs, Charges and Expences, attending any Exchange or Partition, or any Enfranchisement of Copyhold Land, or any Release or Extinguishment of Fines, Heriots, Quit Rents, Free Rents, Reliefs and Services, as herein-before mentioned, or any Agreement, Matter or Thing, relating thereto, shall be borne and defrayed by the several Parties making or interested in any such Exchange, Partition, Enfranchisement, or Release, or any Agreement relating thereto,

How Expences of Exchanges, etc. are to be paid



in such Manner and in such Proportions, and at such Time and Place, as the said Commissioners shall by their said Award, or any other Writing, under their Hands, order and direct; and in case such Costs, Charges, and Expences, shall not be paid according to such Order and Direction, it shall be lawful for the said Commissioners, and they are hereby required to cause the same to be raised and levied by such Ways and Means, and in such Manner, as the Costs, Charges and Expences, of obtaining and passing this Act, and executing the said recited Act, and this Act, can and may be raised and levied.

Directions for charging Copyhold Lands with Expences.

LXIV. 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 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 passing this Act, and executing the said recited Act and this Act, then, and in such Case, such Copyhold Premises 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 or Assigns, according to the Custom of the Manor or Manors whereof the same shall be holden, by Way of Mortgage for securing such Sum or Sums of Money, and Interest for the same, instead of being mortgaged and surrendered to such Person or Persons, and his, her, or their Executors, Administrators or Assigns, for a Term of Years, as mentioned in the said recited Act.

Power for certain Persons to sell their Allotments.

LXV. And be it further enacted, That it shall be lawful for the said Commissioners, on Application being made to them in Writing by any of the Husbands, Guardians, Trustees, Committees, or Attornies, of or for any of the said Proprietors or Persons interested in the Premises, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies respectively, or by any of the said Proprietors of the Lands hereby directed to be divided and allotted, or any Part thereof, who are or shall be Tenant or Tenants in Tail, or for any Life or Lives, or on any other Contingency, (save and except the said Curate and Vicar for the Time being), or by any Trustees or Feoffees for any charitable, parochial, or other Uses, or a competent Number of such Trustees or Feoffees, or the major Part of them respectively, or by the Churchwardens and Overseers of the Poor of the respective Parishes of *Great Walsingham*, *Little Walsingham*, and *Houghton* aforesaid, for the Time being, in respect of any Land held by them respectively, upon Trust, for any charitable, parochial, or other Uses, to sell any Part of the Allotment or Allotments, to be made by virtue of this Act, to such incapacitated Proprietor or Proprietors, or other Person or Persons by whom or on whose Behalf any such Application shall be made as aforesaid, for the Purpose of raising a Sum of Money sufficient to defray the respective Shares and Proportions of the Costs, Charges, and Expences of obtaining and passing this Act, and executing the said recited Act and this Act, which shall be charged upon or payable by such incapacitated Proprietors or other Person or Persons respectively, and of fencing, inclosing, and subdividing his, her, or their Allotment or Allotments, and of making and completing such Sale; and such Sale shall be made by the said Commissioners, in such and the like



like Manner, and subject to such and the like Rules and Regulations, as are mentioned and prescribed in and by the said recited Act, in respect to the Sale of any Lands authorized to be sold for paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting, and inclosing any Lands and Grounds; and each and every Allotment for which the full Purchase Money shall be paid shall be conveyed by the said Commissioners at the Expence of such Purchaser or Purchasers unto and to the Use of or in Trust for such Purchaser or Purchasers, and his, her or their Heirs respectively, or as he, she, or they shall appoint, and shall be inclosed and held by such Purchaser or Purchasers respectively in Severalty; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to such Purchaser or Purchasers for the said Purchase Money, which shall be applied by the said Commissioners in or towards defraying such last mentioned Costs, Charges, and Expences; and if any Surplus shall remain in the Hands of the said Commissioners, the same shall be applied and disposed of by them, in Manner directed by the said recited Act with respect to Money which is thereby directed to be paid into the Bank of *England* for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, to be settled to the same Uses, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements, and Hereditaments as therein mentioned: Provided always, that it shall not be lawful to raise by such Sale any further or greater Sum of Money than the Person or Persons Part of whose Allotment or Allotments shall be sold as aforesaid, would have been empowered or authorized to borrow or charge upon his, her, or their Estate or Estates, under or by virtue of the said recited Act.

LXVI. Provided always, That nothing in the said recited Act or this Act contained shall prejudice, lessen, defeat, or in anywise affect the Right, Title, or Interest of the said *Daniel Henry Lee Warner*, or the Owner of the said Improprate Rectory of *Houghton* aforesaid, for the Time being, and the said *James Lee Warner*, or the Vicar of the Vicarage of *Houghton* aforesaid, for the Time being, in or to any Tithes, Mortuaries, *Easter Offerings*, and Surplus Fees, arising or renewing out of or payable in respect of any Lands or Tenements within the Parish of *Houghton* aforesaid, but that such Tithes, Mortuaries, *Easter Offerings*, and Surplice Fees, shall be payable and paid at all Times hereafter, in the same Manner as if this Act had not been passed, (save and except as to the Tithes of the Land which shall be allotted in pursuance of this Act to the Surveyors of the Highways in *Houghton* aforesaid for the Public Purposes herein-before mentioned.)

LXVII. 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 the said recited Act and this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any One or more of His Majesty's Justices of the Peace for the said County of *Norfolk*, to be by him or them examined and balanced; and such Balance shall be by such Justice or Justices

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stated in the Book of Accounts to be kept in the Office of the Clerk to 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 or Justices.

Proprietors  
and their  
Agents to pay  
their own  
Expences.

LXVIII. Provided always, 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 this Act.

Money ad-  
vanced to be  
repaid with  
Interest.

LXIX. Provided also, That if any Person or Persons hath advanced or shall advance any Money in Discharge of the Fees or other Expences of obtaining this Act, or of executing the said recited Act or 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.

Appeal to the  
Sessions.

LXX. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, shall think himself, herself, or themselves, aggrieved by any Thing done or omitted to be done in pursuance of the the said recited Act or this Act, (other than and except as to such Claims, Matters, and Things, which shall be ascertained, settled, tried, or determined by the Verdict of a Jury, under the Power and Authority herein-before contained, or where by any of the Provisions or Clauses of the said recited Act or this Act, the Determinations, Orders, Acts, or Proceedings of the said Commissioners or Umpire are 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 Complaint shall have arisen, on giving to the said Commissioners or either of them, and to the Party or Parties concerned, Ten 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) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale, and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable 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 the said Justices in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

General  
Saving.

LXXI. Saving alway to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person or Persons, and Body or Bodies Politic, Corporate or Collegiate, and his, her, and their Heirs, Successors, Executors and Administrators, (except the several Persons, and  
Body



Body or Bodies Politic, Corporate or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of the said recited Act or 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.

LXXII. 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. Public Act.

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



