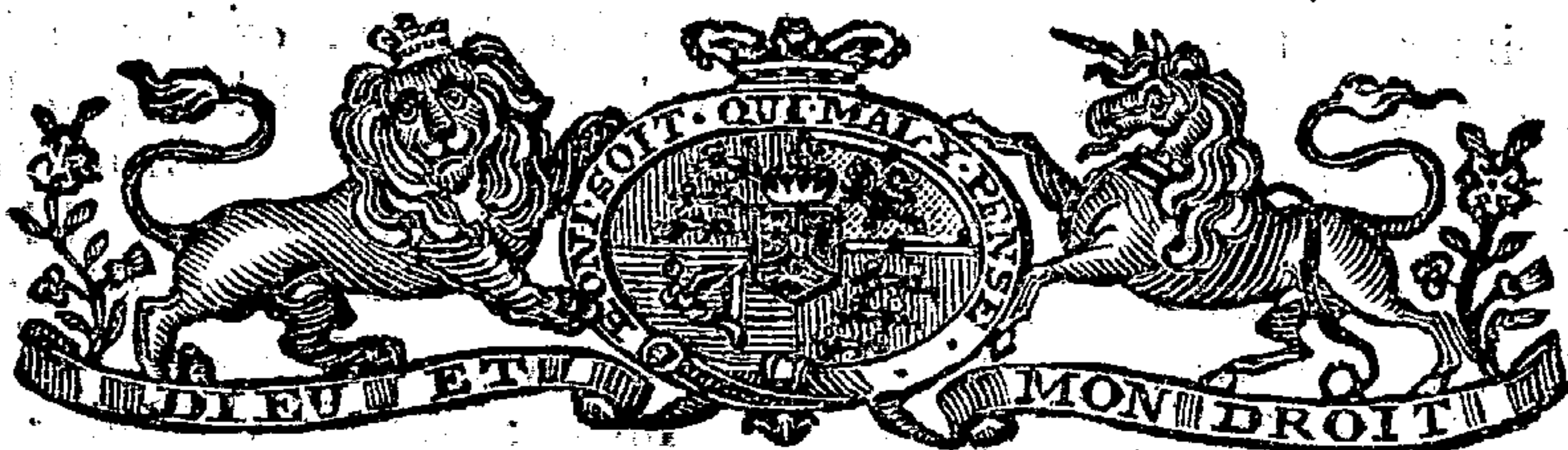




ANNO QUINQUAGESIMO TERTIO

GEORGI III. REGIS.

Cap. 57.

An Act for inclosing Lands in the Parish of *Stow Bedon*, in the County of *Norfolk*.

[15th April 1813.]

WHEREAS there are within the Parish of *Stow Bedon*, in the County of *Norfolk*, certain Open Fields, Half Year or Shack Lands, Heaths, Commons and Waste Grounds: And whereas *Thornhagh Philip Gurdon* Esquire is Lord of the Manors of *Stow Bedon* and *Stow Beckerton*, and as such is or claims to be entitled to the Soil of the said Heaths, Commons and Waste Grounds: And whereas the Reverend *Charles Eade* is Patron of the Vicarage of *Stow Bedon*; of which the Reverend *Peter Eade* Clerk, is the present Vicar: And whereas the said *Thornhagh Philip Gurdon*, *Dionefs Fowle*, *William Jones*, and several other Persons, are the Owners and Proprietors of all the Meiluges, Cottages, Lands and Tenements, within the said Parish of *Stow Bedon*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Open Fields, Half Year or Shack Lands, Heaths, Commons and Waste Grounds, are subject to certain Rights of Sheep Walk, Shackage and Common; and the said Heaths, Commons and Waste Grounds, in their present State and Condition, yield very little Profit to the Persons interested therein; and the said Open Fields and Half Year

41G.3.c.109.

Advantage to inclose.

[Loc. & Per.]

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or

Appointment
of Commis-
sioners.

or Shack Lands are inconveniently situated for the respective Owners and Proprietors thereof; and it would be greatly advantageous to the several Persons interested in the Premises, if the said Rights of Sheep Walk, Shackage and Common were extinguished, and if the said Open Fields, Half Year or Shack Lands, Heaths, Commons and Waste Grounds were divided, and specific Parts or Shares thereof allotted to the several Persons interested therein, according to their respective Shares, Estates, Rights and Interests in, over or upon the same; but as such Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Samuel Mitchell* of the City of *Norwich*, Gentleman, *Robert Boyden* of *North Cove*, in the County of *Suffolk*, Gentleman, and *Edward Harvey Grigson* of *Watton*, in the said County of *Norfolk*, Gentleman, and their Successors to be appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting and inclosing the said Open Fields, Half Year or Shack Lands, Heaths, Commons and Waste Grounds, and for carrying this Act and the said recited Act into Execution, under and subject to such of the Regulations, Directions and Restrictions contained in the said recited Act, as are not altered, varied or controuled by, or repugnant to the Powers and Provisions of this Act; and that all Acts, Matters and Things authorized or necessary to be done and executed by the said Commissioners in pursuance of this Act and the said recited Act, may be done and executed by any Two of them, and the same being so done shall be as valid and effectual, and shall have the same Force and Effect as if such Acts, Matters and Things had been done and executed by all the Commissioners herein named or to be appointed in Manner herein-after mentioned.

For appoint-
ing new Com-
missioners.

II. And be it further enacted, That if any of the Commissioners herein named or to be appointed by virtue of this Act, shall before the Execution of all the Powers and Authorities hereby vested in them, die or refuse or become incapable to act in the Execution of this Act, then and in every such Case if such Commissioner so dying or refusing or becoming incapable to act, shall be the said *Samuel Mitchell*, or any Commissioner to be appointed in his Stead as herein-after mentioned, it shall be lawful for the Lord or Lady of the said Manors of *Stow Bedon* and *Stow Beckerton* for the Time being, and he or she is hereby required by Writing under his or her Hand and Seal to nominate and appoint another Person (not interested in the said Division and Inclosure) to be a Commissioner in the Place and Stead of the said *Samuel Mitchell*; and in case such Commissioner so dying or refusing or becoming incapable to act, shall be the said *Robert Boyden* or any Commissioner to be appointed in his Stead as herein-after mentioned, it shall be lawful for the said *Dioness Fowle* and the Owner of her Estate in *Stow Bedon* for the Time being, by Writing under her or his Hand and Seal, to nominate and appoint another Person (not interested in the said Division and Inclosure) to be a Commissioner in the Place and Stead of the said *Robert Boyden*; and in case such Commissioner so dying or refusing or becoming incapable to act, shall be the said *Edward Harvey Grigson*, or any Commissioner to be appointed in his Stead as herein-after mentioned, it shall be lawful for the major Part in Value (such Value to be ascertained

ascertained by the Land Tax Assessment) of the Proprietors of Estates in the said Parish of *Stow Bedon*, who shall assemble at such Meeting as herein-after mentioned (other than and except the said *Thornbagh Philip Gurdon* and *Dionefs Fowle*, and the Owners of their Estates in *Stow Bedon* for the Time being) to elect, and by Writing under their Hands to nominate and appoint another Person (not interested in the said Division and Inclosure) to be a Commissioner in the Place and Stead of the said *Edward Harvey Grigson*; and that for the Purpose of such Nomination and Appointment as last mentioned, the surviving or remaining Commissioners or Commissioner shall by Writing under their or his Hands or Hand, within Twenty-eight Days next after such last-mentioned Death, Refusal or Incapacity shall be known to them or him, appoint a Meeting of the said Proprietors to be held in the Vestry of the Parish Church of *Stow Bedon* aforesaid, and that Notice of such Meeting shall be given in the same Manner as other Notices are required to be given by this Act: Provided always, that if in any Case Default shall be made in appointing any such Commissioner or Commissioners as aforesaid, for the Space of One Calendar Month next after the Person or Persons having the Appointment shall be required to make the same, then it shall be lawful for the surviving or remaining Commissioners or Commissioner, and they and he are and is hereby required within Fourteen Days next after any such Default shall be so made, by Writing under their or his Hands or Hand to appoint such Commissioner or Commissioners as aforesaid, and so *toties quoties*, as often as Occasion shall require, provided that no Person interested in the said intended Division and Inclosure shall be capable of being appointed a Commissioner; and every Commissioner so to be appointed shall, after taking the Oath prescribed in that Behalf, have the like Powers and Authorities for carrying this Act and the said recited Act into Execution, in all Respects, as if he had been originally named and appointed a Commissioner in and by this Act.

III. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice of the Time and Place of their First and every other Meeting for the Execution of this Act, to be inserted in *The Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper generally circulated within the said County of *Norfolk*, Eight Days at least before every such Meeting; (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners, it shall happen that only One of such Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time and Place within the said Parish of *Stow Bedon*, or within Eight Miles thereof, as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioners; and that all Meetings of the said Commissioners in the Execution of this Act or the said recited Act, shall be held within the said Parish of *Stow Bedon*, or within Eight Miles thereof.

Notice of Meetings.

IV. And be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners in pursuance of this Act or the said recited Act, for any Purpose whatever (except such Notices as are hereby directed to be given in any other Manner) shall be so made and given by Advertisement in *The Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper published or circulated in the said County of *Norfolk*.

Other Notices how to be given.

V. And

Commis-
sioners to set-
tle Differ-
ences.

V. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment and Inclosure, touching or concerning the respective Shares, Rights and Interests which they or any of them shall claim to have of and in the Lands and Grounds hereby directed to be divided, allotted and inclosed, or touching or concerning any other Matter or Thing relating to the said Division, Allotment and Inclosure, it shall and may be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear and determine the same.

Commis-
sioners not to
determine
Titles, nor
molest Pos-
session.

VI. And be it further enacted, That nothing in this Act contained shall extend to authorize or enable the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any of such Parties (except in Cases of Encroachments) but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment, or other due Course of Law.

Commis-
sioners to
assess Costs.

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

Objections to
Claims to be
delivered to
Parties.

such Manner and at such Time or Times as the said Commissioners shall direct or appoint for that Purpose.

VIII. 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 Allotments, Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims of any Rights of Soil, Sheep Walk, Shackage and Common, or of any other Rights or Interests in, over and upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, it shall and may be lawful to and for such Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next or at the following Assizes to be holden for the said County of *Norfolk*, and for that Purpose the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought 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, within One Calendar Month after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall name, and he, she or they is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues whereby such Claim or Claims and the Right or Rights thereby insisted on may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive upon all and every Person and Persons, Body and Bodies Politic, Corporate and Collegiate, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts and order a new Trial to be had therein, which it shall be lawful for the Court to do in case the said Court shall think proper, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, the same not being set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials.

Power to try
Rights by an
Issue at Law.

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

Determina-
tion of Com-
missioners not
objected to,
or after Trial,
to be final.

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

Deaths of
Parties not to
abate Pro-
ceedings, &c.

[Loc. & Per.]

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Favour

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

Disputes
about Titles
not to impede
the Proceed-
ings, or delay
the Execution
of this Act.

XI. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in or to any Messuages, Lands or Tenements in the said Parish of *Stow Bedon*, such Suit or Suits shall not impede, delay or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act, but the said Division and Allotment shall be proceeded in notwithstanding such Suit or Suits; and the Allotment or Allotments to which any such Suit shall relate may be had or taken by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who upon the Determination of such Suit or Suits shall become entitled to the same.

For extin-
guishing or
suspending
Rights of
Common be-
fore the Exe-
cution of the
Award.

XII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered at any Time or Times before the Execution of the Award directed to be made by them by the said recited Act, by Notice in Writing under their Hands, to be affixed on the principal Door of the Parish Church of *Stow Bedon* aforesaid, to order and direct all or any Part of the Right of Sheep Walk and Shackage, Rights of Common or other Rights whatsoever, in, over and upon the said Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time or Times as shall be expressed in such Notice; and that all such Rights as the said Commissioners shall by such Notice order and direct to be extinguished or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such Notice cease, determine and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage or Custom to the contrary thereof notwithstanding.

No Turf,
Flags, Whins
or Furze, to
be cut with-
out Leave of
the Commis-
sioners.

XIII. And be it further enacted, That no Person or Persons shall after the passing of this Act, cut, dig, pare, grave, flay, take or carry away any Reeds, Rushes, Fodder, Turf, Flags, Whins or Furze, in, upon or from the said Heaths, Commons and Waste Grounds hereby directed to be divided and allotted, or any Part thereof, without or contrary to the Licence

Licence of the said Commissioners first had and obtained in Writing for that Purpose; (which Licence the said Commissioners are hereby empowered to grant under such Rules, Orders, Regulations and Restrictions as they shall think proper to insert therein;) and if any Person shall offend herein, then and in every such Case the said Commissioners upon due Proof thereof made before them upon Oath, shall and they are hereby required by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Five Pounds to be levied by Distress and Sale of the Goods and Chattels of every Person so offending in the Premises, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

XIV. 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 Parish of *Stow Bedon*, to be inserted in *The 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 Parish of *Stow Bedon*; and a Description of the said Boundaries shall within Forty Days after the same shall be so set out, ascertained, fixed and determined, be inserted in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed or circulated within the said County of *Norfolk*; and in case any Dispute or Doubt shall arise concerning the Boundaries of the said Parish of *Stow Bedon*, and any adjoining Parish, Hamlet or District, it shall be lawful for the said Commissioners, after having enquired into such Dispute or Doubt, pursuant to the Directions of the said recited Act, if the Evidence on each Side shall in the Opinion of the said Commissioners be equal as to the Lines of Boundary claimed respectively, to ascertain, set out, and fix such intermediate Line of Boundary between the claimed Lines as the said Commissioners shall think proper: Provided always, that if any of the Proprietors of Estates, or Inhabitants of the said Parish of *Stow Bedon*, or of any Parish or Parishes adjoining to the said Parish of *Stow Bedon* aforesaid, 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 Sessions 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.

XV. And be it further enacted, That it shall and may be lawful for the said Commissioners, in case they shall deem it expedient or proper for the Purpose of shortening and making regular the Boundary Fences between the Lands and Grounds by this Act directed to be

For ascertaining Boundaries.

For shortening Boundary Fences.

be divided and allotted, and the Land lying in any adjoining Parish or Parishes, with the Consent in Writing under the Hand or Hands of the major Part in Value (according to the Land Tax Assessment) of the Land Owners in any Parish or Parishes adjoining to the Lands and Grounds hereby directed to be divided and allotted, and also under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors in such adjoining Parish or Parishes, or under the Hands of the Owner or Owners of the Lands upon which such Fence or Fences shall or may be intended to be made, to set out, determine and fix the Boundary between the Lands hereby directed to be divided and allotted, and the Lands in such adjoining Parish or Parishes, in such Manner as they the said Commissioners shall judge proper for the Purposes aforesaid; and after such Boundary shall be so set out and fixed 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 thereafter be deemed and taken to be the Boundaries between the said Parish of *Stow Bedon*, and such adjoining Parish or Parishes respectively; any Law, Usage or Custom to the contrary notwithstanding.

Carriage
Roads to be
set out.

XVI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required in the first Place, before they shall proceed to make any of the Divisions and Allotments directed by this Act, to set out and appoint all and every the public Carriage Roads and Highways in, through and over the Lands and Grounds hereby directed to be divided and allotted; and to divert, turn or stop up any of the present Roads in or Footpaths through or over any Part of the said Parish of *Stow Bedon*, as the said Commissioners shall judge necessary, so as the Roads and Highways to be set out and appointed by the said Commissioners shall be and remain Thirty Feet wide at the least, and be set out in such Directions as shall upon the Whole appear to them most commodious to the Public; and the said Commissioners are further required to ascertain the same by Marks and Bounds, and to prepare and sign a Map in which such intended Roads shall be accurately laid down and described, and to cause the same when so signed to be deposited with their Clerk for the Inspection of all Persons concerned; and as soon as may be afterwards, the said Commissioners shall give Notice in One of the public Newspapers then published or circulated in the County of *Norfolk*, and also in and by Writing affixed upon the principal Door of the Parish Church of *Stow Bedon* aforesaid, of their having so set out such Roads, and deposited such Map as aforesaid, and also of the general Lines of such intended Carriage Roads; and shall also appoint in and by the same Notice, a Meeting to be held by the said Commissioners, at some convenient Place in *Stow Bedon* aforesaid, or within Eight Miles thereof, and not sooner than Fourteen Days from the Date and Publication of such Notice; and if any Person or Persons who may be injured or aggrieved by the setting out of such Roads shall attend at such Meeting, and object to the setting out of the same, then such Commissioners, together with any Justice or Justices of the Peace acting in and for the Division in which the said Parish of *Stow Bedon* is situate, and not being interested in the said Division and Allotment, shall hear and determine such Objection, and the Objections of any other such Person or Persons to any Alteration that the said Commissioners, with any such Justice or Justices, may in consequence propose to make; and the said Commissioners, together with such Justice or Justices as aforesaid, shall and they are

are hereby required according to the best of their Judgment upon the Whole, to order and finally direct how such Carriage Roads shall be set out, and either to confirm the said Map or make such Alterations therein as the Case may require; and all Roads, Ways and Paths in, through and over the said Parish of *Stow Bedon*, or any Part thereof, which shall not be set out or finally ordered and directed as aforesaid, shall be for ever stopped up and extinguished, and shall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and shall be divided and allotted accordingly: Provided always, that none of the present Roads within the said Parish of *Stow Bedon* shall be shut up and discontinued until the Roads which shall be intended to remain or be the public Roads in future, shall be set out in the Manner by this Act directed, and until the same shall be properly formed and made safe and convenient for Horses, Carts and Carriages.

All Roads not set out to be allotted.

Present Roads not to be stopped till new Roads made.

XVII. And be it further enacted, That no Person or Persons shall graze or keep any Sort of Cattle whatever in or upon any of the public Roads or Ways which the said Commissioners shall order and direct to be set out and fenced on both Sides, for the Space of Ten Years next after the Execution of their Award; and every Proprietor or Occupier of Lands and Tenements within the said Parish, and his or her Servants and Labourers, is and are hereby empowered to take and impound every Horse, Ass, Bullock, Cow, Sheep, Lamb or other Beast which shall be found grazing as aforesaid, at any Time or Times after any Quicksets shall be planted next the Roads or Ways so fenced off as aforesaid, before the Expiration of the said Term of Ten Years.

For preserving Fences of public Roads.

XVIII. 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 said Parish of *Stow Bedon*, to be cleansed, opened, scoured, widened, deepened or enlarged, and to stop up and discontinue any Ditches, Fences, Drains or Watercourses which may appear to the said Commissioners to be unnecessary, and also to cause any new Ditches, Fences, Bridges, Banks, Sluices, Tunnels, Drains, Brooks or Watercourses to be made within the same Parish, and to make such Orders for maintaining such Ditches, Fences, Bridges, Drains, Brooks or Watercourses in Repair, as they shall think proper, provided that no such Works shall be made upon any inclosed Lands without the previous Consent of the Owner or Owners thereof, testified by Writing under his, her or their Hand or Hands; and that no such Brook, Drain or Watercourse shall be diverted or turned from its present Course in, through, from or over any inclosed Land, without the Consent in Writing of the Owner or Owners of any inclosed Lands from which any such Drain, Brook or Watercourse shall be intended to be diverted or turned, or into which the same shall be intended to be carried or conveyed.

Commissioners to make Ditches, &c.

XIX. And be it further enacted, That all Encroachments which shall have been made within Thirty Years now last past, upon the Heaths, Commons and Waste Grounds by this Act directed to be divided and allotted, without any Licence or Grant in Writing from the Lord of the said Manors of *Stow Bedon* and *Stow Beckerton*, duly entered or enrolled in the Court

Certain Encroachments to be allowable.

[Loc. & Per.]

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Books

Books thereof, or One of them, shall be deemed Part of such Heaths, Commons and Waste Grounds, and divided and allotted accordingly; but that no such Encroachments which shall have been made within Thirty Years, with such Licence or Grant as aforesaid, or which shall have been made more than Thirty Years, shall be liable to the Claim of any other Person against the present Possessor, on the Ground of such Encroachments having heretofore been Part of the said Heaths, Commons and Waste Grounds; and in case any Dispute shall arise touching any such Encroachments or the Extent thereof, such Disputes shall be determined by the said Commissioners.

Lands to be
sold for Pay-
ment of Ex-
pences.

XX. And be it further enacted, That the said Commissioners shall mark and set out so much of the Great Heath hereby directed to be divided and allotted (Part of which Heath lies next the Parishes of *Tottington* and *Thompson*) as they shall think proper, and as will in their Judgment by the Sale thereof produce a Sum of Money sufficient to defray and discharge the Costs, Charges and Expences incident to, and attending the obtaining and passing of this Act, and of carrying the same and the said recited Act into Execution, and also the Expences of raising and making all such Boundary Drains and Fences as the said Commissioners may deem necessary to be raised and made between the said Parish of *Stow Bedon* and any adjoining Parish or Parishes, and also all Fences to be raised and made by the Direction of the said Commissioners adjoining public Roads within the said Parish of *Stow Bedon*, and also of inclosing on the Outside thereof all such Allotments as shall be made to the Vicar of the said Parish of *Stow Bedon*, in respect of his said Vicarage, and the Allotments hereby directed to be made to the Trustees of the Poor, and the Surveyors of the Highways within the said Parish of *Stow Bedon*; and the said Commissioners shall and they are hereby required to sell the Lands and Grounds so marked and set out, in such Allotment or Allotments as to them shall seem right and proper, to any Person or Persons, for the best Price or Prices that can be gotten for the same, by private Contract, or by public Auction or Auctions to be holden for that Purpose, of which Auction (if any) Three Weeks previous Notice shall be given; and the Person or Persons so purchasing the same shall immediately pay (by way of Deposit) into the Hands of the said Commissioners, or such Person or Persons as they shall direct and appoint, One-tenth Part of his, her or their Purchase Money, and shall pay the Remainder thereof within Three Calendar Months next after, or at such other Time as the said Commissioners shall appoint; and in default thereof the Money so deposited shall be forfeited, and shall be applied in carrying this and the said recited Act into Execution, and the Allotment or Allotments for which the Whole of such Purchase Money shall not have been so paid, or for which there shall be no Bidding at such Auction, may be again put up to Sale by public Auction, and sold in Manner aforesaid, for the best Price or Prices that can be gotten for the same, or may be sold by the said Commissioners by private Contract, for any Sum or Sums not less than the remaining Nine-tenths of the Price or respective Prices for which the same was or were respectively before sold; and upon the Receipt of the Whole Purchase Money for any Allotment or Allotments which shall be so sold as aforesaid, the said Commissioners shall and they are hereby authorized and required to grant and convey, by Indenture of Grant or Bargain and Sale, or by some other Instrument in Writing under their Hands and Seals, all the Fee Simple and Inheritance

of such Allotment or Allotments, to such Person or Persons, and for such Use and Uses as the respective Purchaser or Purchasers thereof shall appoint; and immediately after the Execution of such Indenture of Grant or Bargain and Sale, or of such other Instrument in Writing as aforesaid, all and every Allotment or Allotments therein described to be thereby granted and conveyed, shall be absolutely discharged of and from all other Rights thereon or therein, and be thenceforth held in Severalty by and vested in Fee Simple in the Purchaser or Purchasers thereof respectively, as his, her or their private or absolute Property, and shall be allotted accordingly by the said Commissioners in their Award to be made under the Authority of this Act and of the said recited Act; and the Receipt and Receipts of the said Commissioners shall be a full and sufficient Discharge for all and every Sum and Sums of Money so to be paid to the said Commissioners as aforesaid; and such Purchase Money, when so received by the said Commissioners, shall be by them applied in defraying such Costs, Charges and Expences as aforesaid, and the Overplus of such Purchase Money (if any) after defraying such Costs, Charges and Expences, shall be equally distributed amongst the several Persons interested in the said Lands and Grounds by this Act directed to be divided and allotted, in Proportion to their several and respective Rights and Interests therein, and shall be paid and disposed of in Manner following, (that is to say;) where any Person or Persons shall be seised of or entitled in Fee Simple to his, her or their several Allotments, then he, she or they shall be entitled to and shall be forthwith paid his, her or their proportionate Share of the aforesaid overplus Monies; but in case any such Person or Persons shall not be seised of or entitled in Fee Simple to his, her or their respective Allotments, then his, her or their proportionate Share or Shares of the aforesaid overplus Monies shall be applied and disposed of by the said Commissioners in like Manner (according to the Amount of such Shares respectively) as is directed by the said recited Act, whenever any Sum of Money is to be paid for the Purchase or Exchange of any Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money, when paid, ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses: Provided always, that the Purchaser of such Lot or Lots to be sold as aforesaid, shall be subject to the Performance of all Orders, Regulations and Directions which shall be made by the said Commissioners, and inserted in their Award for inclosing, fencing and draining such Lands, and for maintaining and keeping the Drains and Fences thereto belonging in good Repair.

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

XXII. And

Allotments
for public
Watering
Places, Gra-
vel Pits, &c.

Allotment
for Right of
Soil.

XXII. And be it further enacted, That the said Commissioners shall in the next Place, assign, set out, and allot unto the Lord of the several Manors herein-before mentioned, and to the Lords or Ladies of any other Manor or Manors, or to such of them as shall in the Judgment of the said Commissioners be entitled to the Soil of the said Heaths, Commons and Waste Grounds in *Stow Bedon* afore said, so much and such Part or Parts of the said Heaths, Commons and Waste Grounds, as shall in the Judgment of the said Commissioners be equal in Value to One-eighteenth Part thereof, as a Compensation and full Satisfaction of and for the Right or Rights of such Lord or Lords, Lady or Ladies respectively, of, in, and to the Soil of the same Heaths, Commons and Waste Grounds, according to the sole Right of any such Lord or Lady, or in Proportion to the several Parts, Shares and Interests of the said Lords and Ladies respectively therein, and over and besides the Allotments herein-after directed to be made to such Lord or Lords, Lady or Ladies respectively, for or in respect of his, her or their other Property in *Stow Bedon* afore said.

Allotment for
the Poor.

XXIII. And be it further enacted, That the said Commissioners shall in the next Place, assign, set out and allot unto the Lord of the Manors of *Stow Bedon* and *Stow Beckerton*, the Vicar of the said Vicarage of *Stow Bedon*, and the Churchwardens and Overseers of the Poor of the said Parish of *Stow Bedon* for the Time being, such Part of the Commons and Waste Grounds lying near the Windmill on the said Great Heath in *Stow Bedon* afore said, as they the said Commissioners shall think proper, for the Benefit of the Poor of the said Parish, not exceeding Thirty Acres in the Whole; and such Allotment shall from and after the Execution of the said Award, be vested in the said Lord, Vicar, Churchwardens and Overseers for the Time being for ever, as Trustees for the Poor of the said Parish of *Stow Bedon*, and shall be used as a Common by such Poor Inhabitants of the same Parish as shall be legally settled therein, and shall not take Relief or occupy Lands and Tenements of more than the yearly Value of Five Pounds, for the Purpose of cutting Fuel and Firing, at such Times of the Year, in such Manner, and subject to such Rules, Orders and Regulations as the Trustees for the same, for the Time being, or the major Part of them shall from Time to Time nominate, direct and appoint or prescribe; and if there shall be any Grass or Feed on such Allotment proper for letting, the same shall be let by the said Trustees or the major Part of them, in such Manner as they shall deem most advisable, and the Rents and Profits therefrom arising shall from Time to Time be laid out by them in purchasing Fuel, to be distributed among such Poor as afore said, as they shall think proper, and not otherwise: Provided always, that no Cottage hereafter to be built in the said Parish of *Stow Bedon*, shall entitle the Occupiers thereof to any Right of cutting such Fuel or Firing, or to any other Benefit arising from such Poor Allotment: Provided also, that it shall be lawful for the Lords of the said Manors, and the said Vicar respectively for the Time being, to act in the Execution of the Trusts hereby reposed in them as afore said, by their Agents or Proxies respectively to be appointed by Writing under their respective Hands.

Lords of
Manors and
Vicar to act
by Proxy.

Allotments
for Rights of
Sheepwalk.

XXIV. And be it further enacted, That the said Commissioners shall in the next Place, assign, set out and allot unto the said *Thornbagh Philip*
Gurdon,

Gurdon, and all and every other Person or Persons entitled to any Right or Rights of Sheepwalk, Shackage or Feed for Sheep, in, over and upon the Lands and Grounds hereby directed to be divided and allotted, or any Part or Parts thereof, so much and such Parts of the said Lands and Grounds as in the Judgment of the said Commissioners shall be equal in Value to, and a full Compensation to him, her or them for the same Rights respectively: Provided always, that the Allotments to be made to the said *Thornbagh Philip Gurdon*, for and in respect of his Right of Sheepwalk and Shackage, in, over and upon the Open Fields hereby directed to be divided and inclosed, shall be situate in the same Open Fields or some or one of them; and that the Allotments to be made to him and such other Person or Persons as aforesaid, for and in respect of his and their Right or Rights of Sheepwalk in, over and upon the said Heaths, Commons and Waste Grounds, shall be situate in some Part or Parts thereof where such last-mentioned Right or Rights of Sheepwalk have been used, exercised and enjoyed, and not elsewhere, unless with the express Consent in Writing of the Parties interested.

XXV. And be it further enacted, That the said Commissioners shall in the next Place, assign, set out and allot unto the several Owners and Proprietors of Messuages, Cottages or Dwelling Houses in the said Parish of *Stow Bedon*, under the Annual Rent or Value of Five Pounds, which have been erected and built Thirty Years at least before the passing of this Act, or built upon the Scite of any ancient Messuages, Cottages or Dwelling Houses that may have been burnt, dilapidated or pulled down, so much and such Part or Parts of the said Heaths, Commons and Waste Grounds in the said Parish hereby directed to be divided, allotted and inclosed, as they the said Commissioners shall adjudge and determine to be equal to the average Value of One Acre of the said Heaths, Commons and Waste Grounds when inclosed, to and for each and every such Messuage, Cottage, or Dwelling House.

XXVI. And be it further enacted, That the said Commissioners shall then assign, set out and allot all the Residue and Remainder of the Lands and Grounds hereby directed to be divided, allotted and inclosed, unto and amongst all and every Person and Persons, and Body or Bodies Politic, Corporate or Collegiate, being the Owner or Owners of, or having any Rights of Common or other Rights or Interests in, over or upon the same, or any Part or Parts thereof, in such Parts and Shares as the said Commissioners shall adjudge and determine to be proportionate to the Value of and a full Compensation and Satisfaction to him, her and them respectively, for his, her and their respective Shares, Rights of Common or other Rights or Interests in, over or upon the said Lands and Grounds, or any Part or Parts thereof: Provided always, that all Owners of Arable Lands, Meadow and Pasture Grounds within the said Parish of *Stow Bedon* (except such as have been inclosed within Thirty Years now last past) who shall deliver in their Accounts or Claims in Manner prescribed by the said recited Act, shall be deemed to be entitled to and to have had and enjoyed a Right of Common of Pasture upon the said Heaths, Commons and Waste Grounds, (except upon a certain Drift Way or Piece of Heath Ground in *Stow Bedon* aforesaid, containing by Estimation Sixty Acres or thereabouts, leading from the Farmhouse of the said *Thornbagh Philip Gurdon*, in the Occupation of *Henry Eldred*, to a certain Common called *Flies Common*;

[Loc. & Per.]

11 O

and

Allotments
for Houses.

Allotment of
the Residue.

Proprietors
admitted to
have a Right
of Common.

and nearly surrounded by the old Inclosures of the said *Thornbagh Philip Gurdon*) at all Times of the Year, for all their great and commonable Cattle levant and couchant upon their respective Lands and Grounds, in Proportion to the annual Value of such Arable Lands, Meadows and Pasture Grounds, and shall have Allotments made to them for the same accordingly out of the said Residue and Remainder of the said Heaths, Commons and Waste Grounds (except as aforesaid) over and above and besides the Allotments which shall be made to any of such Owners and Proprietors, for or in respect of the other Rights herein-before particularly mentioned and provided for.

Fencing Allotments.

XXVII. And be it further enacted, That the Lands and Grounds hereby directed to be divided and allotted shall be inclosed, hedged, ditched and fenced by such Persons, and Body or Bodies Politic, Corporate and Collegiate respectively, (save and except the Vicar of the Vicarage of *Stow Bedon* for the Time being, in respect of any Allotment to be made to him in right of the said Vicarage, and save and except the Trustees for the Poor and the Surveyors of the Highways, for or in respect of the Allotments hereby directed to be made to them respectively as aforesaid), within such Time and in such Manner as the said Commissioners shall in and by their Award order, direct and appoint; and the Hedges, Ditches, Drains and Fences which shall be made pursuant to the said Award, shall at all Times thereafter be maintained and kept in Repair and cleansed by such Person or Persons, and Body or Bodies Politic, Corporate or Collegiate, as the said Commissioners shall by their said Award order and direct.

If any Persons sell their Common Rights, Allotments to be made to the Purchasers.

XXVIII. And be it further enacted, That if any Person or Persons (save and except the Vicar of the said Vicarage of *Stow Bedon*) hath or have sold or shall at any Time before the Execution of the Award of the said Commissioners sell his, her or their Right, Interest and Property in, over or upon the said Heaths, Commons and Waste Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, to any Person or Persons; then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to make an Allotment of the Land unto the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns, for and in respect of such Right, Interest and Property so sold; and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her or them as aforesaid, in the same Manner to all Intents and Purposes as the Vendor in every such Sale might, could or ought to have held and enjoyed the same in case such Sale had not been made, or such Rights, Interest or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

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

XXIX. And be it further enacted, That all the Lands and Grounds which shall be allotted to any Person or Persons by virtue of this Act, for or in respect of any Messuages, Buildings, Lands and Grounds held of any Manor or Manors by Copy of Court Roll, or for or in respect of any Leasehold Messuages, Lands or Tenements, or for or in respect of any Right of Common or any other Right or Interest appurtenant or appendant to any such Copyhold or Leasehold Premises, shall from and after the Execution of the

the Award of the said Commissioners be deemed and taken to be Copyhold or Leasehold, and shall be held as such by and under the same Tenures, Rents, Payments, Fines, Customs and Services as the Copyhold and Leasehold Messuages, Buildings, Lands or Tenements respectively, for or in respect whereof such Allotments shall be made are now holden; and that for such Parts of the said Heaths, Commons and Waste Grounds as shall become Copyhold as aforesaid, a yearly Quit Rent of One Penny an Acre shall be paid for the same by the Owner or Owners thereof to the Lord or Lady of the Manor or Manors of which the same are holden; the First Payment thereof to be made on the Twenty-ninth Day of *September* which shall happen next after the Execution of the said Award; and that all and every Person and Persons to whom any Copyhold Lands and Premises shall be 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 to the Lord or Lords, Lady or Ladies, or to the Steward or Stewards of the said Manor or Manors (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the respective Steward or Stewards of the said Manor or Manors as the said Commissioners shall by their said Award order and direct;) but in case any Person or Persons to whom such Lands and Premises shall be allotted, shall be the Purchaser or Purchasers of the same, or if any Person or Persons to whom such Lands and Premises shall be allotted shall die without Admission within the said Six Calendar Months, then the Customary Fines and other Payments shall be due and payable on the Admission of the Person or Persons then entitled to such Lands and Premises; and after every such First Admission as aforesaid, the Copyhold Premises to be allotted as aforesaid, shall at all Times be held under and subject to the same Tenure, Fines and other Payments as the said Copyhold Messuages, Cottages, Lands or Tenements in respect whereof such Lands and Grounds shall be allotted are now held under and subject to, together with the said additional Rent of One Penny an Acre as aforesaid; and the said Commissioners shall by their said Award, and by the Map or Plan to be annexed thereto, determine, describe and abut the Lands and Grounds respectively which are to be and remain Copyhold or Leasehold; and all other Lands and Grounds to be allotted by virtue of this Act or the said recited Act (except what shall be ascertained by the said Commissioners to be Copyhold or Leasehold) shall be from thenceforth deemed, taken and enjoyed as Freehold Lands and Grounds, subject nevertheless to such Free Rents and Services as are now payable thereout.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Lands, Tenements or Hereditaments within the said Parish of *Stow Bedon*, in lieu of and in exchange for any other Lands, Tenements or Hereditaments within the said Parish or within any adjoining Parish, Hamlet, Township or Place; provided that all such Exchanges be ascertained, specified and declared, in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple, or for Life,

Exchanges
may be made.

Life, or in Fee Tail general or special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees or Attornies of or acting for any such Owner or Owners, Proprietor or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas or otherwise be disabled to act for themselves, himself or herself, such Consent to be testified in Writing, under the Common Seal or Seals of the Body or Bodies Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively, and all and every such Exchange and Exchanges so to be made, shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments, held in Right of any Church, Chapel or other Ecclesiastical Benefice, without the Consent testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements or Hereditaments, so to be exchanged, shall lie and be situate: Provided also, that all Costs, Charges and Expences attending the making and completing any such Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges and Partitions, in such Manner, and in such Proportions, as the said Commissioners shall by their Award order and direct.

Allotments to be made to the Landlords, and the Tenants to receive Compensation, notwithstanding Leases.

XXXI. And be it further enacted, That all Leases and Agreements at Rack or extended Rent which are now subsisting, or respect all or any Part of the Messuages, Lands, Tenements, Sheepwalk or other Hereditaments within the said Parish of *Stow Bedon*, either alone or together with any other Lands, Tenements or Hereditaments, shall, as far as such Leases or Agreements affect or concern any Allotment or Allotments to be made in respect of any such Messuages, Lands, Tenements, Sheepwalk or Hereditaments comprised in such Leases or Agreements respectively be, and the same are hereby declared to be null and void as to such Allotment and Allotments; and such Allotment and Allotments shall be made and assigned unto the Landlord or Landlords and not to the Tenant or Tenants, Lessee or Lessees; and such Allotment and Allotments shall be freed and discharged from all the Right and Interest which may or otherwise might be claimed in or to the same by virtue of such Leases or Agreements; and the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, to whom the Messuages, Lands, Tenements, Sheepwalk or other Hereditaments comprised in such Leases or Agreements shall belong, as Landlord or Landlords, shall make such Compensation to the Person or Persons entitled to the same under such Leases or Agreements as the said Commissioners shall by Writing under their Hands direct, for the Right of Sheepwalk, Common or any other Rights or Interests, in, over or upon the said Heaths, Commons and Waste Grounds, or any Part thereof appendant or appurtenant to such Messuages, Lands or Tenements, or otherwise, and which shall be extinguished by this Act; and if any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, shall refuse or neglect to make such Compensation to the Person or Persons entitled thereto on Demand, then and in such Case, it shall be lawful for the said Commissioners, and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by Distress and Sale of the

the Goods and Chattels of the Person or Persons who ought to pay the same as aforesaid.

XXXII. And be it further enacted, That every Tenant and Occupier under any Lease or Agreement for any Term of Years at Rack or extended Rent now subsisting of any Lands, Tenements or Hereditaments which shall be allotted or exchanged by virtue of this Act, shall immediately after signing of the Award of the said Commissioners, or within such further Time as the said Commissioners shall appoint, deliver up the full and peaceable Possession of such allotted or exchanged Lands, Tenements or Hereditaments, to the Person or Persons to or with whom the same shall be allotted or exchanged; but the Tenants or Occupiers of such allotted or exchanged Lands, Tenements or Hereditaments, shall receive from the respective Owners and Proprietors thereof such Satisfaction as the said Commissioners shall ascertain, order, direct or appoint to be paid to such Tenants respectively, as an Equivalent for the Loss or Losses they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Ten Days after Demand thereof, it shall and may be lawful to and for the said Commissioners, and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by Distress and Sale of the Goods and Chattels of the Person or Persons who ought to pay the same as aforesaid: Provided nevertheless, that if any Agreements shall subsist between the Parties, touching the Allowance or Compensation to be made, for the Loss of such Sheepwalk, Common Rights, allotted Lands, or exchanged Lands or Hereditaments as aforesaid, the said Commissioners shall have due regard thereto, and shall not make any greater Allowance or Compensation than shall appear to have been the Intention of the Parties to such Agreements: Provided also, that if there shall be any Lease or Leases of Lands, Part of which shall lie in the said Parish of *Stow Bedon* and Part in any adjoining Parish, all and every such Lease or Leases at Rack Rent now subsisting may be vacated, but where any Land shall be taken in Exchange, which Land shall be under Lease and wholly situate in any adjoining Parish, the Lease of such last-mentioned Lands shall not be vacated.

Tenants to give up allotted and exchanged Lands, receiving Compensation.

Agreements respecting such Compensations to be attended to.

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

Wills or Settlements not to be affected by this Act.

Money to be
paid in lieu of
Tythes in
Kind for the
first Five
Years.

XXXIV. And be it further enacted, That no Tythes in Kind shall be paid to, or rendered to the Vicar of the said Vicarage of *Stow Bedon*, for or in respect of the Heaths, Commons and Waste Grounds hereby directed to be divided and allotted, or any Part thereof, during the Term of Five Years, to be computed from the Time of setting out the Allotments thereof; but that the respective Tenants or Occupiers of the Allotments of the said Heaths, Commons and Waste Grounds shall pay to the said Vicar yearly and every Year during the said Term of Five Years, as a full Compensation and Satisfaction for the Great and Small Tythes to arise from the same, such Sum or Sums of Money as the said Commissioners shall fix and determine; which Sums of Money so to be paid as a Compensation and Satisfaction for the Tythes of the said Heaths, Commons and Waste Grounds, may be recovered by an Action or Actions in any of His Majesty's Courts of Record at *Westminster*, or by such other Means as Compositions for Tythes are recoverable by Law.

Course of
Husbandry
prescribed.

XXXV. And be it further enacted, That from and after the passing of this Act, until the Execution of the said Award, all the Arable Lands hereby directed to be divided and allotted shall be subject and liable to such Directions and Regulations as the said Commissioners shall from Time to Time by Writing under their Hands appoint, as well with regard to the stocking, as to the ploughing, folding, tilling, sowing, and laying down the same; and it shall be lawful for the said Commissioners to order and direct such Sum or Sums of Money in respect thereof to be paid by any Person or Persons interested in the said Arable Lands or any Part thereof, or his, her or their Tenant or Tenants, to any other Person or Persons in like Manner interested therein, or his or their Tenant or Tenants, as they the said Commissioners shall think reasonable; and in case any Person or Persons who shall be directed to pay any such Sum or Sums of Money, on any of the Accounts aforesaid, shall neglect or refuse to pay the same on Demand, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by Distress and Sale of the Goods and Chattels of the Person or Persons who ought to pay the same as aforesaid: Provided always, that where any Money is by this Act directed to be raised and levied by Distress and Sale, and the same or any Part thereof cannot be so raised and levied, it shall be lawful for the Person or Persons entitled to such Money, to proceed for the Recovery thereof by Action of Debt, or other due Course of Law.

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

XXXVI. And be it further enacted, That if any Sheep shall be kept upon the Heaths, Commons and Waste Grounds hereby directed to be divided and allotted, or any Part thereof, during the Term of Seven Years, to be computed from the Date of the Award of the said Commissioners, the Owner or Owners or Occupier or Occupiers for the Time being, of the Allotment or Allotments upon which Sheep shall be kept as aforesaid, shall during so long Time as any Sheep shall be kept thereon, effectually guard the Fences belonging or adjoining to such Allotment or Allotments with Hurdles proper for that Purpose.

For Payment
of any further

XXXVII. And be it further enacted, That in case after the Allotments are staked out and made to the Proprietors and Persons interested in the said

said Division, Allotment and Inclosure, it shall appear that the Money arising by Sale of the Lands hereby directed to be sold as aforesaid, shall not be sufficient to defray and discharge such Costs, Charges and Expences as herein-before particularly mentioned, and for Payment whereof such Sale is directed to be made, then and in such Case the Deficiency shall be made good, paid and borne by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act, (save and except the Vicar, the Trustees for the Poor, and the Surveyors of the Highways, in respect of the Allotments to be made to them respectively, and save and except the Purchaser and Purchasers of the Land so directed to be sold as aforesaid) in such Proportions, at such Time and Place, and in such Manner as the said Commissioners shall either before or after the Execution of their said Award direct or appoint; and that it shall be lawful for the Husbands, Guardians, Trustees, Committees or Attornies of any of the Owners or Proprietors who shall be directed or liable to pay any Proportion of such Deficiency as aforesaid, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, and for any of the said Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or for Years determinable on any Life or Lives, or on any other Contingency, or Tenants by the Courtesy of *England*, or otherwise interested in such Lands and Grounds, with the Consent of the said Commissioners, to charge such Lands and Grounds with their respective Proportions of such Deficiency as aforesaid, and also with the Expence of ditching, draining and fencing his, her or their respective Allotments, and of being admitted to the Copyhold Parts thereof, so that the Sum or Sums of Money so to be charged, shall not exceed the Sum of Five Pounds for every Acre of the Lands and Grounds which shall be so allotted, and to grant, mortgage, surrender, lease or demise, or otherwise subject the Lands, Tenements and Hereditaments so to be charged, to such Person or Persons who shall advance and lend the same respectively, his, her or their Executors, Administrators and Assigns, for any Term or Number of Years; or in case any Person in Possession, who shall or may be liable to and charged with a Share of such Costs, Charges and Expences as aforesaid, or enabled by this Act to charge such Lands and Grounds with the same, shall choose to advance, pay and discharge such Sum or Sums of Money, then it shall be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, surrender, lease or demise, or otherwise subject such Lands and Grounds to such Person or Persons respectively paying and discharging such Sum or Sums of Money, his, her or their Executors, Administrators and Assigns, for any Term or Number of Years, to and for the Payment of such Sum or Sums of Money so advanced, paid and discharged by him, her or them, with lawful Interest for the same, to commence on the Termination of his, her or their Right in the Premises; so that every such Grant, Mortgage, Surrender, Lease or Demise be made with a proviso or Condition to cease and be void, or with an express Trust to be surrendered or reassigned, when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied; and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed of or entitled to any such Lands and Grounds shall be liable to pay any further or larger Arrear of Interest than for Twelve Calendar Months preceding the Time when the Title to such Possession shall have commenced; and that every such Charge, Grant, Mortgage,

Expences not
before pro-
vided for.

Mortgage, Surrender, Lease or Demise shall be good, valid and effectual in the Law, for the Purposes thereby intended.

Directions
for charging
Copyhold
Lands with
Expences.

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

Persons ad-
vancing
Money to be
repaid with
Interest.

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

Commission-
ers Allow-
ance.

XL. And be it further enacted, That each of the said Commissioners who shall act in the Execution of the Powers and Authorities hereby and by the said recited Act vested in them, shall be paid the Sum of Four Pounds and Four Shillings for each Day he shall be employed therein, including the necessary Days in travelling to and from the said Meetings; and which said Sum is to be in full Satisfaction for all the Trouble and Expences which every such Commissioner shall be put unto at or on every such Meeting, for the Purpose of executing this and the said recited Act.

Commis-
sioners to
account.

XLI. Provided always, and be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing of this Act) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this or the said recited Act; and such Statement of Account when so made, together with the Vouchers relating to the same, shall be by them laid before any One or more Justice or 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 him or them stated in the Book of Accounts by the said recited Act required to be kept at the Office of the Clerk to the said Commissioners, and no Charge or Item in such Account shall be binding on the Parties concerned, or be valid in the Law, unless the same shall be duly allowed by such Justice or Justices as aforesaid.

For enrolling
and depositing
the Award.

XLII. And be it further enacted, That within the Time which is by the said recited Act limited for the Inrolment of the Award thereby directed to

be made by the said Commissioners, a true Copy of the said Award, written upon Parchment, and signed and attested by the said Commissioners to be a true Copy thereof, with a Map or Plan thereto annexed, shall 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 Two Pounds and Two Shillings shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and the said Award shall from and after the Delivery of such Copy thereof, so signed and attested as aforesaid, to the said Clerk of the Peace, be deemed and taken to be enrolled according to the Directions and within the Meaning of the said recited Act, and the said Copy so delivered to the said Clerk of the Peace, shall be deemed to be the Enrolment or Record thereof; and the said Award, and the said Copy thereof, or any other Copy thereof, or of any Part thereof, attested by the said Commissioners, or by the said Clerk of the Peace or his Deputy (for which Copy no more shall be paid than Four-pence *per* Sheet, each Sheet containing Seventy-two Words) shall from Time to Time and at all Times be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever; and the original Award, together with a Plan annexed, shall be deposited and kept with the Parish Registers in the Parish Church of *Stow Bedon* aforesaid.

XLIII. 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 this or the said recited Act (other than and except such Orders and Determinations of the said Commissioners as are by the said recited Act or this Act declared to be final and conclusive, and except in such Cases wherein an Issue at Law shall be tried as herein-before mentioned) then and in every such Case he, she, or they may appeal to the Justices at the General Quarter Sessions of the Peace which shall be holden for the said County of *Norfolk*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned (in case the Appeal shall be made against any Act or Determination of the said Commissioners) Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices not interested in the Premises, at their said General Quarter Sessions, or at any future Sessions to which such Appeal may be adjourned, 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 and Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed 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 any such Appeal shall appear to the said Justices to be frivolous, vexatious or without Foundation, then and in every such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in

Appeal to
the Quarter
Sessions.

[*Loc. & Per.*]

II 2

their

their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid.

General
Saving.

XLIV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person, and Persons, Body and Bodies Politic, Corporate, or Collegiate, his, her and their Heirs, Successors, Executors, and Administrators, (except the several Persons and Body or Bodies Politic, Corporate or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of this Act, and of the said recited 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 Estate, Right, Title and Interest, as he, 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.

Act made
Evidence.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1813.